

PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Zoning Administration

- Chap. 1105. Purpose and Interpretation.
- Chap. 1107. Definitions.
- Chap. 1109. Administration and Enforcement.
- Chap. 1111. Board of Zoning Appeals.
- Chap. 1113. Amendments.

TITLE THREE - Zoning Districts and Regulations

- Chap. 1121. Zoning Districts and Map.
- Chap. 1123. Public Facilities District.
- Chap. 1125. Agricultural District.
- Chap. 1129. Residential Districts.
- Chap. 1133. Business Districts.
- Chap. 1137. Commercial Districts.
- Chap. 1139. Manufacturing Districts.

TITLE FIVE - Additional Zoning Requirements

- Chap. 1141. Sexually Oriented Businesses.
- Chap. 1143. Sign Regulations.
- Chap. 1145. Supplemental Areas and Height Regulations.
- Chap. 1147. Manufactured Homes.
- Chap. 1149. Site Plan Review and Off-Street Parking.
- Chap. 1151. Nonconforming Structures and Uses.
- Chap. 1153. Wind Energy Conversion Systems.
- Chap. 1154. Outdoor Telephone Pay Stations.
- Chap. 1155. Planned Unit Development.
- Chap. 1157. Flood Damage Reduction.
- Chap. 1159. Community Entertainment District.
- Chap. 1161. Landmark Preservation.

APPENDICES - Amendments, Waivers and Variances

TITLE SEVEN - Subdivision Regulations

- Chap. 1175. Title, Jurisdiction, and Purpose.
- Chap. 1177. Definitions.
- Chap. 1179. Subdivision Procedures.
- Chap. 1181. Plat Requirements.
- Chap. 1183. Required Improvements and Design Criteria.
- Chap. 1185. Agreements and Guarantees.
- Chap. 1187. Administration and Enforcement.

**CODIFIED ORDINANCES OF SANDUSKY
PART ELEVEN - PLANNING AND ZONING CODE
TITLE ONE - Zoning Administration**

- Chap. 1105. Purpose and Interpretation
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**CHAPTER 1105
Purpose and Interpretation**

- 1105.01 Title.**
- 1105.02 Purposes.**
- 1105.03 Intent.**
- 1105.04 Compliance.**
- 1105.05 Relation to other regulations.**
- 1105.06 Building under construction.**

CROSS REFERENCES

Interpretation and construction generally - see ADM. Ch. 101

1105.01 TITLE.

Chapters 1105 through 1187 shall be known as the Zoning Code of the City of Sandusky.

(Ord. 03-071. Passed 3-10-03.)

1105.02 PURPOSES.

This Zoning Code is adopted to promote and protect the health, safety, convenience, and the general welfare of the community by regulating the use of buildings or other structures, and land for residence, trade, industry, public or other purposes; by regulating the area and dimensions of land, yards, and other open spaces; by regulating and restricting the bulk, height, design, percent of lot occupancy, and location of buildings; by regulating and limiting population density; and, to divide the City into districts as may be deemed best suited to carry out these regulations.

(Ord. 03-071. Passed 3-10-03.)

1105.03 INTENT.

This Zoning Code is intended, among other purposes:

- (a) To protect the character and values of residential, business, commercial, manufacturing, institutional, and public uses, and to insure their orderly and beneficial development;
- (b) To provide adequate open spaces for light and air; to prevent overcrowding of the land; to prevent excessive concentration of population; and, on the other hand, to prevent sparse and uncoordinated development;
- (c) To locate buildings and uses in relation to streets, according to City plans, in a way that will cause the least interference with, and be damaged least by traffic movements, and will lessen street congestion and improve public safety;
- (d) To establish zoning patterns that insure economical extensions for sewers, water supply, and other public utilities as well as developments for recreation, schools, and other public facilities;
- (e) To guide the future development of the City so as to bring about the gradual conformity of land and building uses in accordance with a comprehensive plan;
- (f) To accomplish the intents and goals set forth in the introduction to the respective districts or groups of districts.

(Ord. 03-071. Passed 3-10-03.)

1105.04 COMPLIANCE.

All public officials of the City, vested with the duty and authority to issue legal documents, shall not issue permits or certificates for any building or use that would result in conflict with provisions of this Zoning Code.

(Ord. 03-071. Passed 3-10-03.)

1105.05 RELATION TO OTHER REGULATIONS.

(a) The provisions of this Zoning Code shall not annul existing deed or plat restrictions, codes, laws, rules, regulations, or permits previously adopted or issued.

(b) Where this Zoning Code is more restrictive as to the use of buildings or land, or limits the height or bulk of buildings, or requires larger areas and yards than are required by other deed or plat restrictions, codes, laws, ordinances, rules, or regulations, this Zoning Code shall govern; and conversely, other regulations shall govern where they are more restrictive in nature than this Zoning Code.

(c) This Zoning Code shall not be construed as removing or rendering inoperative, any deed or land restriction formerly established by restrictive covenants that run with land easements, or other agreements between parties.

(Ord. 03-071. Passed 3-10-03.)

1105.06 BUILDING UNDER CONSTRUCTION.

Buildings for which permits have been issued as of the effective date of this Zoning Code may be completed if construction is commenced within 90 days after the effective date and if completed with reasonable diligence, notwithstanding the fact that construction may not in all respects be in compliance with the provisions hereof.

(Ord. 03-071. Passed 3-10-03.)

CHAPTER 1107 Definitions

1107.01 Definitions.

CROSS REFERENCES

General definitions - see ADM. 101.02

Land use intensity definitions - see P. & Z. 1153.03

Flood control definitions - see P. & Z. 1157.03

1107.01 DEFINITIONS.

For purposes of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

(a) Areas.

(1) "Area of buildings" means the area at the ground level of the main building and all accessory buildings (excluding unenclosed porches, terraces and steps), measured from the outside surface of exterior wall.

(2) "Area of lot" means the total horizontal area within the lot boundary line of a zoning lot.

(b) Automotive; Garages, Parking Areas, Service Stations.

(1) "Private garage" means an accessory building or part of the main building, used for the parking or temporary storage of occupants' (of one- or two- family dwellings) passenger automobiles, and in which no occupation, business or service may be conducted for remuneration.

(2) "Storage garage" means an accessory building or part of the main building, other than a private garage, used for the parking or temporary storage of passenger automobiles, and in which no occupation, business, or service, except home occupations, may be conducted for remuneration.

(3) "Repair garage" means a main or accessory building in which general repair work is performed or which is designed to be used for performance of work on motor vehicles.

(4) "Service garage" means a repair garage accessory to an automobile salesroom.

(5) "Accessory parking area" means an open or enclosed area (other than a street or driveway), accessory to a dwelling or other building, and used for the parking of passenger automobiles for occupants, their guests, or customers, of the building.

(6) "Public parking area" means an open or enclosed area (other than an accessory parking area) used for passenger automobile parking, with or without a fee.

(7) "Sales lot" means an open area used for the display, sales, or rental of new or used motor vehicles, in which no repair work (except minor and then only incidental to items sold) is performed.

(8) "Service station" means a building and land including pumps, tanks, and grease racks, used for the retail sale of gasoline, lubricants, batteries, tires, and other automobile accessories, and limited to performing minor services and repairs.

(c) "Block" means an area of land bounded by streets, public parks, railroad rights of way, bulkheads, or shore lines, or by other definite limits.

(d) "Board" means the Board of Zoning Appeals.

(e) "Brewpub" means an establishment where the majority of beer, wine, spirituous liquor, or other alcoholic beverages is manufactured onsite for mainly on premise consumption or is either hand bottled or individually capped in sealed containers to be sold directly to the customer.

(f) Buildings and Structures.

(1) "Structure" means that which is constructed, located more or less permanently on the ground or permanently attached to something located on the ground.

A. Including: buildings, barriers, bridges, bulkheads, coal bunkers, fences, outdoor seating facilities, platforms, pools, poles, tanks, tents, towers, roadside stands, sheds, signs, and walls;

B. Excluding: trailers and other vehicles whether on wheels or other supports.

(2) "Building" means a structure which is permanently affixed to the land, having one or more floors and a roof, being bounded by either open spaces or lot lines, and used as a shelter or enclosure for persons, animals, or property. "Building" shall be used synonymously with "structure" unless otherwise noted, and shall be construed as if followed by the words "part or parts thereof."

(3) "Main building" means the building occupied by the chief use or activity on, or intended for the premises, all parts of which building are connected in a substantial manner by common walls or a continuous roof.

(4) "Accessory building" means a subordinate building detached from, but located on the same zoning lot as the main building, the use of which is customarily incident to that of the main building or use.

(5) "Building line" (synonymous with "setback line") means a line established by this Code, generally parallel with and measured from a lot line, defining the limits of a yard in which no building or structure above ground may be located, except as otherwise provided herein.

(6) "Completely enclosed building" means a building separated on all sides from the adjacent open space or from other buildings, by a permanent roof and by exterior walls or party walls, pierced only by windows, and entrance or exit doors.

(7) "Detached building" means a building surrounded by open space.

(8) "Shed" shall be a non-residential one-story accessory building with a floor area less than 120 square feet and a residential one-story accessory building with a floor area less than 200 square feet.

(g) "Commission" means the City Planning Commission.

(Ord. 15-201. Passed 12-28-15.)

(h) Dwellings and other living accommodations.

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

(2) "Dwelling" means a building occupied exclusively for non-transient residential use (including one-family, two-family, or multi-family buildings).

(3) "One-family dwelling" means a building consisting of one dwelling unit only, detached or separated from other

dwelling units by open spaces.

- (4) "Two-family dwelling" means a building consisting of 2 dwelling units which are either attached side by side or one above the other, and each unit having either a separate or combined entrance or entrances (including duplex and flats).
- (5) "Multi-family dwelling" means a building consisting of 3 or more dwelling units with varying arrangements of entrances and party walls (including apartment house, apartment hotel, and row house).
 - A. "Row house" means a multi-family dwelling comprising dwelling units attached in a row or group, having party walls, and each unit having at least one separate outside entrance.
 - B. "Apartment building" means a multi-family dwelling comprising 3 or more dwelling units (apartments), arranged side by side or one above the other, and each unit having a separate entrance or entrances connected to a common outside entrance or entrances.
 - C. "Apartment hotel" means a unit similar to an apartment house, except that the unit may be used for more or less transient occupancy.
- (6) "Accessory living accommodations" means a building, or part thereof, used solely as accommodations for occupants, personal guests, or persons employed on the premises, or nonpaying transients, and in which no cooking or similar housekeeping equipment is provide.
- (7) "Rooming house" means a building operated by a resident family, accommodating for compensation 3 through 10 persons.
- (8) "Tourist house" means a one-family dwelling, operated by a resident family, in which only overnight guests are lodged for compensation.
- (9) "Hotel" means a building containing living and sleeping accommodations (excluding cooking facilities within the rental unit) for transient occupancy, and having a common entrance or entrances.
- (10) "Motel" means a building or buildings (detached or semidetached) having separate outside entrance or entrances, and containing accommodations for compensation for automobile travelers and vacationers.
- (11) "Transient occupancy" means to use, occupy or possess, or the use, occupancy, or possession of a dwelling or other living accommodation for a period of 30 consecutive calendar days or less.
(Ord. 17-088. Passed 5-8-17.)
 - (i) "Family" means either an individual, 2, or more persons who live together in one dwelling unit, and maintain a common household, related by blood, marriage, or adoption; or not more than 3 persons not related by blood, marriage, or adoption.
 - (j) "Fence" means an artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.
- (k) Grades.
 - (1) "Established street grade" means the elevation established by the City, at the roadway center line or curb in front of the lot.
 - (2) "Natural Grade" means the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.
 - (3) "Finished grade" means the elevation of the finished surface of the ground adjoining the building after final grading and normal settlement.
- (l) "Height of building" means the vertical distance measured from the highest point of the coping of a flat roof, or the distance measured from the mean level between the eaves and ridge of a pitched roof, each of which is measured to the average finished grade across the front of the building.
- (m) Home occupations and professional offices.
 - (1) "Home occupation" means a gainful occupation generally accepted as incidental and secondary to the use of the dwelling for residential purposes, conducted wholly within a dwelling, or in a building accessory thereto, and only by members of the resident family.
 - (2) "Home professional office" means a secondary office, accessory to and located in the dwelling occupied by a person practicing in any of the recognized professions as set forth in Section 1129.06(b).
- (n) "Junk or wrecking yard" means land used to dismantle more than one motor vehicle or trailer, or land used to store, sell, or dump partly dismantled, obsolete, or wrecked vehicles or their parts, second-hand building materials, junk, paper, containers, or other salvaged materials.
- (o) "Large Brewery" means an establishment where beer, wine, spirituous liquor, or other alcoholic beverage is manufactured on the premises for distribution, retail, or wholesale, on or off premise at a production ration of more than 15,000 barrels per year. The development may include other uses such as tasting room, taproom, or table service restaurant.
- (p) "Legislative body" means the City Commission.
- (q) "Loading space" means an open or enclosed space (other than a street), used for the temporary parking of a

commercial vehicle while its goods are being loaded or unloaded.

- (r) Lot.
 - (1) "Lot of record" means land designated as a separate parcel on a plat, map, or deed in the records of Erie County, Ohio.
 - (2) "Zoning lot" means a single tract of land abutting a street, occupied or intended to be occupied by a use, building, or group of buildings and their accessory uses and buildings as a unit, together with open spaces as are required by the Zoning Code, which may or may not coincide with a lot of record. Unless the context clearly indicates the contrary, "lot" is used synonymously with "zoning lot" throughout the Zoning Code.
 - (3) "Corner lot" means a lot abutting on 2 streets at their intersections, where the interior angle of intersections is not more than 135 degrees.
 - (4) "Interior lot" means a lot other than a corner lot or through lot.
 - (5) "Through lot" means a lot which has 2 street lines opposite each other, and which are parallel, or within 45 degrees of being parallel to each other.
 - (6) "Lot line" means the boundary of a lot separating it from adjoining public or private land, including a public street.
 - (7) "Front lot line" means the lot line separating an interior lot from the street upon which it abuts; or the shortest lot line of a corner lot which abuts upon a street, except when lot lines abutting streets are of equal length, the front lot line shall be considered on the street having the longest frontage within same block.
 - (8) "Rear lot line" mean a lot line parallel or within 45 degrees of being parallel to the front lot line.
 - (9) "Side lot line" means a lot line which is neither a front nor rear lot line.
 - (10) "Lot depth" means the mean horizontal distance of a lot measured between the front and rear lot lines.
 - (11) "Lot width" means the horizontal distance of a lot measured along the building line at right angles to the mean lot depth line.
- (s) "Microbrewery" means an establishment where beer, wine, spirituous liquor, or other alcoholic beverage is manufactured on the premises for distribution, retail, or wholesale, on or off premise. The brewery may produce up to 15,000 barrels per year, beer, wine, spirituous liquor, or other alcoholic beverage annually.
- (t) Nonconforming building and use.
 - (1) "Nonconforming building" means a building existing lawfully at the time this Zoning Code, or an amendment thereto, became effective, but which does not conform to the area, yard, height, or off-street parking regulations of the district in which it is located.
 - (2) "Nonconforming use" means the use of a building or land existing lawfully at the time this Zoning Code, or an amendment thereto, became effective, but which does not conform to the use regulations of the district in which it is located.
- (u) "Occupancy certificate" means an official statement asserting that a given building, other structure, or parcel of land, is in compliance with the provisions of this Zoning Code, and hence may be used lawfully for the purposes designated thereon.
- (v) "Paved surface" means a ground surface covered with poured concrete with or without decorative surface materials, blacktop, pavers, or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel shall not be considered a paved surface.
- (w) "Shall" is mandatory and not directory; "may" is permissive.
- (x) Signs. (EDITOR'S NOTE: Former subsection (t) was repealed by Ordinance 03-112, passed July 14, 2003. Sign regulations are now codified in new Chapter 1143.)
- (y) "Street" means an existing public way shown upon a plat heretofore approved by official action and duly filed and recorded and affording the principal means of access to abutting property.
- (z) Trailers.
 - (1) "House trailer" means a self-propelled or nonself-propelled vehicle so designed, constructed, or added to by means of accessories in such manner as will permit the use and occupancy therein for human habitation, whether resting on wheels, jacks, or other foundations, and used or so constructed as to permit its being used as a conveyance upon the public highways.
 - (2) "Trailer park" mean any premise occupied by, or designed to be occupied by, more than one family in house trailers, tents, camp cars, or similar facilities, and shall include the roadway, structure, vehicle, or enclosure used or intended for use as a part of the facilities of a house trailer park.
- (aa) "Trucking depots" means a building or premise in which freight, brought by motor truck, is assembled, sorted, or reloaded for shipment by motor truck.
- (bb) Use.

- (1) "Use" means any purpose for which buildings, other structures, or land may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity, or operation carried on in a building or other structure, or on land.
 - (2) "Main use" means the principal purpose of, or activity in a building, other structure, or land.
 - (3) "Accessory use" means a use, located on the same zoning lot with the main use of building or land, but incidental to the main use of the main building or land.
 - (4) "Conditional use" means an uncommon or infrequent use which may be permitted in specific districts, subject to the compliance with certain standards and explicit conditions, and the granting of a conditional use permit.
- (cc) "Used for," includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (dd) "Variance" means a modification of the Zoning Code, permitted in instances where a literal application of these provisions would result in undue hardship as a result of some peculiar or unique condition or circumstance pertaining only to the zoning lot in question.
- (ee) Yards and courts.
- (1) "Yard" means that portion of the open area on a zoning lot extending between a building and the nearest lot line, open and unobstructed from the ground upward, except for projections as permitted in the Zoning Code.
 - (2) "Front yard" means the yard extending from the front wall of the building to the front lot line across the full width of the lot.
 - (3) "Rear yard" means the yard extending from the rear wall of the building to the rear lot line across the full width of the lot.
 - (4) "Side yard" includes:
 - A. "Interior lot": The yard extending between a side lot line and the nearest wall of the building and from the front yard to the rear yard.
 - B. "Corner lot": The yard extending between a side lot line and the nearest wall of the building and from the front yard to the rear lot line on the street side.
 - (5) "Required yard" means the minimum yard required between a lot line and a line or a building, to comply with the regulations of the district in which the zoning lot is located.
 - (6) "Court" means an open space, other than a yard, bounded on 2 or more sides by exterior walls of the building, or bounded by exterior walls of a building and lot lines.
- (Ord. 15-201. Passed 12-28-15.)

CHAPTER 1109

Administration and Enforcement

- 1109.01 Intent.**
- 1109.02 General procedures.**
- 1109.03 Zoning clearance, zoning permits and building permits required.**
- 1109.04 Permits may be withheld.**
- 1109.05 Required drawings.**
- 1109.06 Review of applications.**
- 1109.07 Inspection and stop work order.**
- 1109.08 Establishment of Planning Commission.**
- 1109.09 Appeals from the Planning Commission.**
- 1109.10 Conditional use permits.**
- 1109.11 Determination of other similar uses.**
- 1109.99 Penalty.**

CROSS REFERENCES

Violation of zoning ordinances - see Ohio R.C. 713.13

Planning Commission - see ADM. Ch. 161

Building Administration - see BLDG. Ch. 1305

1109.01 INTENT.

(a) Administrative procedures are established for the application, enforcement, interpretation, appeal, and amendment of this Zoning Code.

(b) In order to promote the purposes and intent set forth in the preamble to each chapter of this Zoning Code, these provisions shall be regarded as minimum requirements.

(c) Where 2 or more specific provisions of this Zoning Code apply to the same subject, those restrictions shall govern which impose the higher standards; it is not intended, however, that where one or more specific provisions and an exception apply to the same subject, that the exception may not be applied because it may be less restrictive.

(Ord. 03-071. Passed 3-10-03.)

1109.02 GENERAL PROCEDURES.

(a) Compliance with the provisions of this Zoning Code shall be obtained by:

- (1) Zoning Clearance, Zoning Permit and Building Permit;
 - A. Planning Commission Approval (when applicable);
 - B. Board of Zoning Code Appeals Approval (when applicable);
 - C. City Commission Approval (when applicable).
- (2) Certificate of Occupancy upon completion (when applicable).

(b) Enforcement of the provisions of this Zoning Code shall be obtained by:

- (1) Inspection and order for removal of violations;
- (2) An injunction;
- (3) Liability for failure to comply.

(c) Fees in connection with this Zoning Code shall be established by the Department of Community Development and published in the Index of Fees maintained by the Department of Community Development unless they are otherwise specifically set forth in the Codified Ordinances. (Ord. 03-071. Passed 3-10-03.)

1109.03 ZONING CLEARANCE, ZONING PERMITS AND BUILDING PERMITS REQUIRED.

(a) No excavation or site improvements shall be started, or no buildings or structures erected, altered, or moved until zoning clearance and a building permit have been applied for and approved by the Division of Planning and Division of Building respectively.

(b) Clearance shall be issued by Planning Officials only if the work described in the application clearly complies with all provisions of this and other municipal codes.

(c) A building permit for any of the buildings or uses requiring Planning Commission, City Commission or Board of Zoning Appeals approval shall not be issued until clearance has been granted by the appropriate body.

(d) A zoning permit shall be required for the erection of fences, sheds and portable signs. (Ord. 05-159. Passed 11-14-05.)

1109.04 PERMITS MAY BE WITHHELD.

When a lot does not comply, zoning clearance shall not be granted for a structure unless:

- (a) The lot shall abut upon a public or private street, and
- (b) All improvements (e.g. utilities, pavements) as required by other codes shall be constructed, or their construction assured, and
- (c) The lot shall be located in a duly recorded subdivision or resubdivision, or a lot of record and complies with the requirements of this Zoning Code.

(Ord. 03-071. Passed 3-10-03.)

1109.05 REQUIRED DRAWINGS.

Applications for zoning clearance shall be accompanied by:

- (a) A plat showing the dimensions of the lot to be developed, the lot number, information as to any unusual natural or topographic features, and evidence that the lot has been surveyed and properly located;
- (b) A plot plan drawn to scale showing the location of proposed and existing buildings; driveways and parking areas; the dimensions, locations, and uses of adjacent buildings on adjoining lots within ten (10) feet of the property lines; and proposed finished grades; and
- (c) Other drawings and information as may be required by other departments, the Planning Commission, Board of Zoning Appeals, or City Commission for a building permit or zoning clearance.

(Ord. 03-071. Passed 3-10-03.)

1109.06 REVIEW OF APPLICATIONS.

(a) Application for building permits and zoning clearance and accompanying drawings shall be submitted to the Division of Building and Division of Planning. The applications and accompanying materials shall be submitted to the Planning Commission or Board of Zoning Appeals when required by this and other City codes.

(b) Within forty-five (45) days after a completed application is submitted, except in cases where prior approval of the Commission is required, a decision shall be made by the Division of Planning. If the application and all accompanying documents comply with this Zoning Code and other codes of the City, zoning clearance shall be issued.

(c) If the Division of Planning, Planning Commission, Board of Zoning Appeals, or the Division of Building does not recommend approval of the application, they shall suggest changes in the drawings as may be necessary to accomplish the purpose of this Zoning Code. In such instances, conferences with applicants may be held.

(Ord. 03-071. Passed 3-10-03.)

1109.07 INSPECTION AND STOP WORK ORDER.

(a) The Division of Building and Division of Planning are authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this chapter. Prior to seeking entry to any property or structure, there must be an attempt to obtain permission from the owner or occupant. If such permission is denied or cannot be obtained, the City shall secure a valid search warrant prior

to entry.

(b) Upon determination that work is being done contrary to this Zoning Ordinance, the City shall issue a stop work order or order for removal of violation, and post said order on the premises involved. Removal of or disobeying, a stop work order, except by the order of the City, shall constitute a violation of this Zoning Ordinance. After an order to remedy such a violation is served or posted on the premises, no work, except to correct the violation or comply with the order, shall proceed on any building or tract of land included in the violation.

(Ord. 03-071. Passed 3-10-03.)

1109.08 ESTABLISHMENT OF PLANNING COMMISSION.

(a) The City Commission, by Section 161.01 of the Codified Ordinances of the City of Sandusky, establishes a Planning Commission. The Planning Commission shall consist of seven (7) members; the President of the City Commission or another member of the City Commission designated by the President and confirmed by the City Commission to serve in his/her place, and six (6) citizens of the City each of whom shall serve without compensation and shall be appointed by the City Commission for a term of six (6) years.

(b) Powers and Duties by Section 161.02 of the Codified Ordinances of the City of Sandusky. The powers and duties of the Planning Commission shall be conferred in Part Eleven of the Planning and Zoning Code as are now in effect and as may be subsequently amended; the Planning Commission shall also have such powers and duties as conferred by Ohio R.C. 713.02, as now in effect and as may be subsequently amended by the General Assembly.

(c) General Duties: General duties of the Planning Commission include: decision on site plan and off-street parking proposals, lot combinations, minor and major subdivisions and recommendations on Zoning Map and Zoning Code amendments, right-of-way vacations, and planned unit developments.

(Ord. 03-071. Passed 3-10-03.)

1109.09 APPEALS FROM THE PLANNING COMMISSION.

Appeals from any decisions by the Planning Commission not governed by the procedure set forth in the Ohio Revised Code Section 713.02, must be filed with the Clerk of the City Commission within thirty (30) days from the Planning Commission hearing at which the decision was rendered. (Ord. 03-071. Passed 3-10-03.)

1109.10 CONDITIONAL USE PERMITS.

Conditional use permits shall be required for the uncommon and infrequent uses, uses that require extraordinary safeguards, and uses which may be permitted in more restrictive districts than the districts in which the uses are permitted by right. Enumerated throughout this Zoning Code are such uses and the districts in which they may be permitted, provided the following standards are fulfilled: all conditions set by the Planning Commission for specific uses, and a permit is granted by the Planning Commission.

(a) Application for permits shall be made to the Planning Commission. The Commission shall hold an adjudication hearing on the application. The Planning Commission shall schedule a hearing open to the public. Notice of the time, place, and purpose of the hearing shall be given by the following method:

A printed notice, not less than ten (10) days prior to the date of the hearing, sent to owners of all property as shown upon the records of the County Recorder, within 300 feet of the property which the conditional use permit has been requested.

(b) Standards for evaluating conditional use permits. An application for a conditional use permit shall not be approved unless it conforms with the intent of the City of Sandusky Comprehensive Plan and complies with the following conditions and standards:

(1) Residential District.

A. That the proposed use is properly located in relation to any adopted land use plan or major thoroughfare plan, secondary and local streets, and pedestrian circulation in the surrounding area;

B. That the proposed use when located on a local residential street is such as to generate a minimum of vehicular traffic through residential neighborhoods;

C. That the location, design, and operation of the use will not discourage the appropriate development, or impair the value of the surrounding residential district.

(2) Business, Commercial and Manufacturing Districts.

A. That the proposed use is necessary to serve community needs, and existing similar facilities located in a more remote district in which the use is permitted by right, are inadequate;

B. That the proposed use is not closer than appropriate in the particular situation to schools, churches, and other places of assembly.

C. That location size, intensity, and site plan of the proposed use shall be such that its operation will not be objectionable to nearby dwellings by reason of noise, smoke, dust, odors, fumes, vibrations, or glare more than is normal, or as permitted by the performance standards of the district.

D. That the proposed use will form a harmonious part of the business, commercial, or manufacturing district, taking into account, among others, convenience of access and relationship of one use to another.

E. That the proposed use should be permitted in the next less restrictive district because of its limited nature, modern

devices, equipment, or improvements;

F. That the hours of operation and concentration of vehicles in connection with the proposed use will not be more hazardous or dangerous than the normal traffic of the district.

(3) In addition to the above general standards set forth in subsections (b)(1) and (2) hereof, appropriate specific safeguards, applying to a particular application may also be specified in the permit.

(Ord. 03-071. Passed 3-10-03.)

1109.11 DETERMINATION OF OTHER SIMILAR USES.

Upon application for a use not specifically listed in the use classifications of that district, a similar main use may be determined by the Commission, which is in compliance with the following standards:

(a) The 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 classification to which it is to be added;

(b) The use does not create traffic to a greater extent than other uses listed in the classification to which is to be added;

(c) In addition to the above general standards, appropriate specific safeguards, applying to a particular application, may also be specified in the permit;

(d) The Planning Commission may revoke the similar main use permit if the property is not maintained in the manner that would conform to the required standards.

(Ord. 03-071. Passed 3-10-03.)

1109.99 PENALTY.

(a) A person or a corporation shall be guilty of a misdemeanor of the fourth degree where: any violation of any of the provisions of this Zoning Code, exists in any building or tract of land, and a stop work order or notice of zoning violation has been served on the owner agent, lessee or tenant of the building or tract of land, or part thereof, or upon the architect, builder, contractor or any person who commits or assists in any violation, and the person fails to comply with such order within 72 hours of a receipt of a stop work order or written notice.

(b) Any person who fails to comply within the specified time shall be guilty of a misdemeanor of the fourth degree with each day the violation continues being a separate offense.

(c) Filing an appropriate appeal to any order issued pursuant to the provisions of 1109.07 shall toll the time for compliance with such order until the appeal is ruled upon.

(d) Injunction. In the event any building or structure is being erected, constructed, altered, repaired or maintained in violation of provisions of this Zoning Code, or there is an imminent threat of violation, the City or the owner of any contiguous or neighboring property who would be especially damaged by the violation may institute and maintain, in addition to any other remedies provided by law, a suit in the Court of Common Pleas of Erie County, for injunction to terminate or prevent the violation as a public nuisance.

(Ord. 03-071. Passed 3-10-03.)

CHAPTER 1111

Board of Zoning Appeals

1111.01 Organization and procedure.

1111.02 Application for appeal.

1111.03 Hearings and notification.

1111.04 Decisions of the Board.

1111.05 Withdrawal of application; rehearing if withdrawn or denied.

1111.06 Powers of the Board of Zoning Appeals.

1111.07 Appeals.

CROSS REFERENCES

Appeals from zoning decisions - see Ohio R.C. 713.11;
Ch. 2506

Open meetings - see ADM. 113.03 et seq.

Zoning map interpretation - see P. & Z. 1121.04(d)

1111.01 ORGANIZATION AND PROCEDURE.

(a) Appointment. The Board shall consist of five members who shall be residents of the City and be appointed by the City Commission. Each member shall serve a term of three (3) years. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other cause, by the City Commission, upon written charges having been filed with the Clerk of the City Commission and charges having been served upon the member so charged at least ten days prior to the hearing, either personally or by certified mail, or by leaving same at their usual place of residence.

The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the City Commission and shall be for the unexpired term.

(b) Organization and Procedure. The Board shall organize and adopt rules for its own government not inconsistent with law or with any other ordinance of the City. Meetings of the Board shall be held monthly, unless determined otherwise, and at the call of the Chairman and at such other times as the Board may determine. The Chairman or in his absence, the acting chairman, may administer oaths and the Board may request the attendance of witnesses. All meetings of the Board shall be adjudication hearings and shall be open to the public. Factual evidence may be offered by affected parties. The Board shall keep minutes of its examinations and other official actions, all of which shall be filed in the Department of Community Development upon approval and shall be public record.

(1) Three members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of any Administrative Officer, to decide in favor of an applicant in any matter of which the Board has original jurisdiction under this Zoning Ordinance or to grant any variance from the requirements stipulated in this zoning ordinance.

(2) The Board may call upon the City Departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

(Ord. 17-029. Passed 2-27-17.)

1111.02 APPLICATION FOR APPEAL.

(a) Applications. An application, in cases in which the Board of Zoning Appeals has original jurisdiction under the provisions of this zoning ordinance, may be taken by any property owner, including a tenant, or by a governmental officer, department, board, or bureau. Such application shall be filed with the Division of Planning who shall transmit the application to the Board.

(b) Appeals.

(1) An appeal to the Board may be taken by any person aggrieved or affected by a decision of the Division of Planning, by filing an application with the Division of Planning. The application shall specify the grounds for appeal. The Planner shall transmit to the Board all the papers constituting the records upon which the action was taken.

(2) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Planner shall certify to the Board after the notice of appeal has been filed with it that by reason of facts, a stay, in the opinion of the Planner, would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by an injunction which may be granted by the Court of Common Pleas, after notice to the officer from which the appeal is taken and on due cause shown.

(3) The Board may reverse or affirm, wholly or in part or may modify the order, requirements, decisions or determination in its decision.

(Ord. 03-071. Passed 3-10-03.)

1111.03 HEARINGS AND NOTIFICATION.

(a) The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal. Notice of the time and place of hearings shall be mailed, by first class mail, at least ten (10) days prior to the hearing, to the property owners within three hundred (300) feet of the property requesting the variance. The notice shall be sent to the property owner listed on the current tax roll, list, or duplicate of the County and the address of the property if the address is a tax service. Each application or notice of appeal shall be accompanied by a fee as set forth by the City Manager and approved by the City Commission. At this hearing, the party shall appear in person or shall have authorized representation.

(b) The hearings of the Board shall be public. However, the Board may go into executive session for discussion but not for vote on any case before it.

(c) Upon the day for hearing of any application or appeal, the board may adjourn the hearing in order to permit gathering of additional information. In the case of an adjourned hearing, person previously notified and persons already heard need not be notified of the time of resumption of such hearing unless the Board so decides.

(Ord. 03-071. Passed 3-10-03.)

1111.04 DECISIONS OF THE BOARD.

(a) The Board of Zoning Appeals shall decide all applications for appeals within a reasonable period of time and shall declare their finding at the final hearing.

(b) A certified copy of the Board's decision shall be transmitted to the applicant and the Building Inspector by the Planner. Such decision shall be binding upon the Building Inspector and Planner and observed by him or her and shall incorporate the terms and conditions of same in the permit.

(Ord. 03-071. Passed 3-10-03.)

1111.05 WITHDRAWAL OF APPLICATION; REHEARING IF WITHDRAWN OR DENIED.

An application for a variance may be withdrawn at any time, but if withdrawn after the Board has convened the hearing at which it was to be considered, or if denied by the Board, substantially the same application shall not be considered within 24 months from date of withdrawal or denial.

(Ord. 03-071. Passed 3-10-03.)

1111.06 POWERS OF THE BOARD OF ZONING APPEALS.

(a) Interpretation. The Board shall have the power to interpret the Zoning Code in such a way as to carry out the intent and objective of the Code.

(b) Administrative Review. The Board shall have the power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Planner or other administrative official except the Planning Commission, in the interpretation of the provisions of the Zoning Code.

(c) Variances. The Board shall have the power to authorize upon appeal in specific cases, variances from the provisions or requirements of this Zoning Code. Variances shall be granted only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Zoning Code would cause an undue hardship or practical difficulty and where the variance will not cause harm to adjoining property owners.

Finding for a variance. When considering a request for a variance, the Board shall be subject to the powers and limitations previously set forth and further subject to the required findings set forth in subsections (c)(1) and (2) hereof depending on the specific type of variance.

(1) Lot area and setback variance. No variance to the provisions or requirements of the Zoning Code, pertaining to lot area or setback shall be granted by the Board unless the Board has determined that a practical difficulty does exist or will result from the literal enforcement of the Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner, seeking an area or setback variance, has proved practical difficulty include:

- A. Whether the variance is substantial;
- B. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property would suffer a substantial detriment as a result of the variance;
- C. Whether the variance would adversely affect the delivery of government services (i.e. water, sewer, garbage, fire, police or other);
- D. Whether the property owner purchased the property with the knowledge of the zoning restriction;
- E. Whether the property owner's predicament can be resolved through some method other than a variance;
- F. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance;
- G. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without a variance; and
- H. Whether the granting of the variance will be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City.

(2) Other variances. The Board may authorize a variance, other than a lot area or setback variance, in specific cases, from the strict application of the Zoning Code; provided that it has considered the factors enumerated in subsections (c) (1)A. through H. hereof and further provided that all the conditions enumerated subsections (c)(2)A. through E. hereof have been met:

- A. That the variance requested arises from such a condition which is unique and which is not ordinarily found in the same zoning district; and is created by the Zoning Code and not be an action or actions of the property owner or the applicant;
- B. That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents;
- C. That the strict application of the Zoning Code of which the variance is requested will constitute unnecessary hardship upon the property owner or the applicant;
- D. That the variance desired will not adversely affect the public health, safety, morals or general welfare; and
- E. That the granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.

(d) General.

(1) In exercising its power, the Board may, in conformity with the provisions of the statute and of this chapter, reverse or affirm wholly or in part and may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all powers of the office from whom the appeal is taken.

(2) In authorizing a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use, as it may deem necessary in the interest of this chapter and all other City Codes. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary to ensure that the conditions attached are being and will be complied with.

(Ord. 03-071. Passed 3-10-03.)

1111.07 APPEALS.

Appeals from a decision of the Board of Zoning Appeals shall be in accordance with the laws of the State of Ohio.

(Ord. 03-071. Passed 3-10-03.)

CHAPTER 1113
Amendments

- 1113.01 Intent.**
- 1113.02 Initiation of change.**
- 1113.03 Action by Planning Commission.**
- 1113.04 Action by legislative body.**
- 1113.05 Application for text amendments.**
- 1113.06 Application for Map amendments.**
- 1113.07 Effective date and referendum.**

CROSS REFERENCES

Zoning amendments - see Ohio R.C. 713.10

1113.01 INTENT.

(a) This Zoning Code and the Zone Map may be amended periodically in order to keep it abreast of new zoning techniques, as well as when the following general conditions arise:

- (1) Whenever a general hardship prevails throughout a given district; and
- (2) Whenever a change occurs in land use, transportation, or other sociological trends, either within or surrounding the community; and
- (3) Whenever extensive developments are proposed that do not comply but would be in the public interest.

(b) Such amendments shall be made in accordance with the legislative procedures set forth below.

(Ord. 03-071. Passed 3-10-03.)

1113.02 INITIATION OF CHANGE.

Whenever the public necessity, general welfare, or good zoning practice require, the Planning Commission may propose by motion to amend, supplement, or change these regulations or the zoning district of property within the City. A proposed change of the Zoning Code or the Zone Map may be initiated by the Planning Commission, the legislative body, or the owner or agent of an owner of the property to which the change would apply. If the application is made by a person other than the owner, it shall be accompanied by a verified statement by the owner that the person making the application is authorized to make the application. If initiated by the legislative body, the owner, or agent of the owner, the amendment shall be referred to the Commission before action is taken by the legislative body.

(Ord. 03-071. Passed 3-10-03.)

1113.03 ACTION BY PLANNING COMMISSION.

The Planning Commission may at its discretion hold a public hearing. However, at this level, a public hearing is not required because the Planning Commission's approval or denial is to be made solely on the facts and not testimony. Whether a hearing is held or not, the Planning Commission is required to make its recommendation and report to the City Commission within thirty (30) days after the first regular meeting subsequent to the receipt of the application. If a hearing is held, notice of the time, place, and purpose of the hearing shall be given by both of the following methods:

- (a) Publication at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the date of the hearing;
- (b) A printed notice, not less than ten (10) days prior to the date of the hearing, sent to the owners of all property as shown upon the records of the County Recorder, within three hundred (300) feet of the area proposed to be changed.
- (c) The Planning Commission may approve or disapprove the amendment, either in whole or in part, and then submit a recommendation to the legislative body. In the event the Planning Commission shall fail to act within a thirty (30) day period, unless time is extended by the legislative body, then lack of action shall constitute Commission approval of the amendment.

(Ord. 03-071. Passed 3-10-03.)

1113.04 ACTION BY LEGISLATIVE BODY.

(a) After receiving the above recommendation, or after the thirty (30) day period of inaction, the City Commission shall set a date for a public hearing. In a newspaper of general circulation in the City, notice of the time and place of the meeting shall be given at least thirty (30) days prior to the meeting. During the thirty (30) day period, the text or copy of the text of the ordinance, measure, or regulation, and the maps, plans, and reports submitted by the Planning Commission shall be on file, for public examination, in the office of the Clerk of the Planning Commission.

(b) After the hearing, the legislative body may approve in whole or in part by majority vote of its entire membership, the recommendations submitted by the Planning Commission. The legislative body may disapprove or modify the recommendations by the Planning Commission by a vote of not less than three-fourths of its entire membership.

(Ord. 03-071. Passed 3-10-03.)

1113.05 APPLICATION FOR TEXT AMENDMENTS.

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

- (a) The name, address, and phone number of the applicant;
- (b) The proposed amending Ordinance;
- (c) A statement of the reason(s) for the proposed amendment;
- (d) A statement explaining the ways in which the proposed amendment relates to the comprehensive plan;
- (e) The established fee as determined by the City Commission.

(Ord. 03-071. Passed 3-10-03.)

1113.06 APPLICATION FOR MAP AMENDMENTS.

Applications for amendments to the official Zoning Map adopted as part of this Zoning Ordinance shall contain at least the following information:

- (a) Name, address, and phone number of the applicant;
- (b) Survey and legal description;
- (c) Statement of the reason(s) for the proposed amendment;
- (d) Proposed land use;
- (e) Proposed zoning district;
- (f) A vicinity map at scale approved by the Planner showing property lines, structures, thoroughfares, existing and proposed zoning, and such other items as the Planner and Planning Commission may require; and
- (g) The established fee as determined by the City Commission.

(Ord. 03-071. Passed 3-10-03.)

1113.07 EFFECTIVE DATE AND REFERENDUM.

Such amendment adopted by the City Commission shall become effective thirty (30) days after the date of such adoption unless a referendum petition against the ordinance shall be filed in accordance with the provisions of Ohio R.C. 731.29-731.41.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Election that the amendment has been approved by the voters, it shall take immediate effect.

(Ord. 03-071. Passed 3-10-03.)

TITLE THREE - Zoning Districts and Regulations

- Chap. 1121. Zoning Districts and Map.
- Chap. 1123. Public Facilities District.
- Chap. 1125. Agricultural District.
- Chap. 1129. Residential Districts.
- Chap. 1133. Business Districts.
- Chap. 1137. Commercial Districts.
- Chap. 1139. Manufacturing Districts.

**CHAPTER 1121
Zoning Districts and Map**

- 1121.01 Establishment of districts.**
- 1121.02 Establishment of regulations.**
- 1121.03 Establishment of Zone Map.**
- 1121.04 District boundary lines.**
- 1121.05 Zoning lot divided by district boundary.**
- 1121.06 Annexed territory.**
- 1121.07 Building lines.**

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10

1121.01 ESTABLISHMENT OF DISTRICTS.

- (a) In order to carry out the purpose of this Zoning Code, the City is divided into the following districts:

	<u>Title</u>	<u>Abbreviation</u>
(1)	Public Facilities	PF
(2)	Agricultural	Ag
	<u>Residential Districts</u>	
(3)	Suburban	RS

(4)	One-Family-75	R1-75
(5)	One-Family-60	R1-60
(6)	One-Family-50	R1-50
(7)	One-Family-40	R1-40
(8)	Two-Family	R2F
(9)	Multi-Family	RMF
(10)	Residential-Business	R-RB

Business Districts

(11)	Automobile Parking	P
(12)	Local Business	LB
(13)	Roadside Business	RB
(14)	General Business	GB
(15)	Downtown Business	DB

Commercial Districts

(16)	Commercial Recreation	CR
(17)	Commercial Amusement	CA
(18)	Commercial Services	CS

Manufacturing Districts

(19)	Limited Manufacturing	LM
(20)	General Manufacturing	GM

(b) Whenever abbreviated terms such as PF, RS, and R1-75 are used in the Zoning Code, they shall be construed as referring to their corresponding district titles.

(Ord. 04-057. Passed 1-12-04.)

1121.02 ESTABLISHMENT OF REGULATIONS.

(a) Any building and any tract of land may be used; and the use of any building and any tract of land may be changed or extended; and any existing building may be altered, converted, enlarged, reconstructed, moved, or maintained, for any use permitted or required by the regulations for the district in which the building or tract of land is located, or for the uses set forth in another district if specifically permitted in the district in which the building or tract of land is located, or for the uses set forth in another district if specifically permitted in the district in which the building or tract of land is located, and for no other use.

(b) The use, change, extension, alteration, conversion, enlargement, reconstruction, relocation, or maintenance shall be subject to all area, yard, height, and all other regulations set forth or referred to for the district in which the building or tract of land is located, and to all other applicable regulations of the Zoning Code.

(1980 Code 150.11)

1121.03 ESTABLISHMENT OF ZONE MAP.

The aforesaid districts are designated by symbols, and the location and boundaries of the districts are established on a map entitled "Zone Map of the City of Sandusky" and the same being referred to as Zone Map No. 96-01. The Zone Map comprising five sections, a composite, and all notations, schedules, and other information shown thereon, and all amendments thereto are made a part of this Zoning Code, and it may be amended in the same manner as any other part of this Code.

(Ord. 96-056. Passed 2-12-96.)

1121.04 DISTRICT BOUNDARY LINES.

The district boundary lines of the Zone Map enclose an area of a designated district, and generally follow the center lines of streets or alleys, lot lines, or their extension, provided, however:

(a) Where a boundary line is shown by dimension or relationship as being located a specific distance from and parallel to a street line, this distance shall control, or

- (b) Where a boundary line is shown as adjoining a railroad, it shall, unless otherwise fixed, be construed to coincide with the nearest boundary line of the railroad right of way, or
- (c) Where a boundary line is shown along a shore line, it shall be construed to coincide with the pierhead line, except that where no pierhead line has been established, the shore line shall control. Any fill, accretion, or island outside of a shore or pierhead line shall, unless otherwise designated, be construed to be in the same zone as the nearest adjoining district, however,
- (d) Where a boundary line does not coincide with any of the aforesaid lines, and where it is not located by dimensions shown on the Map, it shall be determined by use of the scale appearing thereon. In cases of uncertainty, the Board of Zoning Appeals shall determine the exact location.

(1980 Code 150.13)

1121.05 ZONING LOT DIVIDED BY DISTRICT BOUNDARY.

Where any parcel is partly in one district and partly in another district with different regulations, the part of the zoning lot within each district shall conform to the regulations of that district. (1980 Code 150.14)

1121.06 ANNEXED TERRITORY.

All territory which may hereafter be annexed to the City, if already zoned, shall be continued in its existing zone classification, unless thereafter amended in conformity with the procedures outlined in this Zoning Code. (1980 Code 150.15)

1121.07 BUILDING LINES.

A building line, which is synonymous with a setback line, as defined in this chapter, may be established, or an existing one amended by making a proper notation thereof on the Zone Map, and the building line shall be the building line for the property involved and to which it applies. If there is a conflict between the building line established for a district and one properly noted on the Zone Map, the latter shall prevail. (1980 Code 150.16)

**CHAPTER 1123
Public Facilities District**

- 1123.01 Intent.**
- 1123.02 Use regulations.**
- 1123.03 Area regulations.**
- 1123.04 Yard regulations.**
- 1123.05 Height regulations.**
- 1123.06 Approval; design standards.**

CROSS REFERENCES

District established - see P. & Z. 1121.01

1123.01 INTENT.

Public Facilities Districts and regulations are established in order to achieve, among others, the following purposes:

- (a) To provide governmental, civic, educational, religious, welfare, recreational, and transportation facilities in locations for the general safety, convenience, comfort, and welfare, and
- (b) To protect these public and semipublic facilities and institutions from the encroachment of other uses and to protect adjoining residential uses from injurious effects, and
- (c) To provide an environment for the proper functioning of public facilities in relation to a well-considered community plan. (1980 Code 151.01)

1123.02 USE REGULATIONS.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained only for the following:

Schedule of Permitted Buildings and Uses for Public Facilities District

<p><u>Main Buildings and Uses</u></p> <p>(a) Governmental: municipal, county, state buildings, and uses for administrative functions.</p>	<p><u>Accessory Buildings and Uses</u></p> <p>Public parking areas or storage garage.</p>
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(b) Civic: art galleries, libraries, museums, places for public assembly, memorials, monuments, cemeteries. Parish houses and residences for custodians or guards.

(c) Education: primary and secondary schools, colleges, universities (excluding business-colleges.) Refreshment stands designed and located to attract primarily persons using the public facility.

(d) Religious: churches, parochial schools. Maintenance and heating facilities.

(e) Welfare: general, mental, or special hospitals, health centers or clinics, nursing or convalescing homes, institutions for children and for the aged. Bulletin boards as hereinafter regulated.

(f) Recreational: public parks and play-grounds, public harbors, beaches, pools, and golf courses. Recreational area in connection with schools.

(g) Transportation: railroad and bus passenger stations, airports. Airport hangars.

(1980 Code 151.02)

1123.03 AREA REGULATIONS.

The minimum lot area for a public facility shall be not less than required to provide a proper site for the main and accessory buildings, off-street parking, and other accessory uses, and sufficient yards and open spaces to maintain the character of the neighborhood.

(1980 Code 151.03)

1123.04 YARD REGULATIONS.

(a) Front Yards. The front yards shall be not less than required for the street in which the district is located.

(b) Side and Rear Yards. The side and rear yards shall be determined for each development; however, in general, the yards shall be not less than:

	<u>Minimum</u>	<u>Yard</u>	<u>Maximum</u>
	<u>Side</u>	<u>and Rear</u>	<u>Coverage</u> by
	<u>(ft.)</u>		<u>Building</u>
Civic and governmental	40		45%
Churches	50		40%
Educational (except nursery schools)	75		30%
Welfare - general hospitals, mental and special hospitals	200		25%
home for children and aged	50		40%

(c) Lighting. Floodlighting and other lighting of playfields, buildings, or parking areas shall be located and designed so as to shield the light source from adjoining residences.

(d) Driveways. Driveways and parking areas shall be located not less than 6 feet from a lot line of an abutting residence or other public facility. (1980 Code 151.04)

(e) Bulletin Boards and Announcement Signs. (EDITOR'S NOTE: Former subsection (e) was repealed by Ordinance 03-112, passed July 14, 2003. Sign regulations are now codified in new Chapter 1143.)

1123.05 HEIGHT REGULATIONS.

Public and semipublic institutional buildings may be erected to a height not exceeding 60 feet, provided the yard shall be not less than the height of the building wall abutting on the yard, except that flagpoles, antennas, towers, and mechanical appurtenances located upon and designed in connection with the building may be erected above the height limit, but not to exceed 100 feet from the finished grade. (1980 Code 151.05)

1123.06 APPROVAL; DESIGN STANDARDS.

Drawings of proposed public buildings and land uses shall be submitted to the Commission for review, and a public hearing may be held thereon. Drawings shall include a plan of the lot showing buildings on the same or adjoining lots, and preliminary site and building plans of the proposed developments. Standards for evaluating public facility developments shall be:

- (a) That the proposed building or use is properly located in relation to any adopted general plan including the vicinity, that it could not serve the neighborhood as satisfactorily if located elsewhere in a less restricted district;
- (b) That the proposed building or use is properly located in relation to any adopted thoroughfare plan or street patterns, preferably located on major or secondary streets (except schools on local streets) so as to generate a minimum of traffic on local streets;
- (c) That the location, design, and operation of the building or use will not adversely affect the surrounding residential neighborhood. After approval of preliminary design, final plans may be prepared, and they shall be submitted to the Commission, and a building permit shall not be issued until the development plans are approved by it. In addition to the above requirements, appropriate conditions, applying to the particular situation, may also be specified in the approval and permit.

(1980 Code 151.06)

**CHAPTER 1125
Agricultural District**

1125.01 Intent.

1125.02 Permitted buildings and uses.

1125.03 Area and yard regulations.

1125.04 Signage. (Repealed)

CROSS REFERENCES

Regulations pertaining to animals - see GEN. OFF. Ch. 505

1125.01 INTENT.

The Agricultural District and its regulations are established to preserve quality farmland in order to protect a nonrenewable resource and to encourage agricultural related operations.

(1980 Code 151.07)

1125.02 PERMITTED BUILDINGS AND USES.

- (a) Main Buildings and Uses.

- (1) One-family dwelling, nonfarm related;
- (2) Farming: General agricultural uses which are not obnoxious to the public welfare including farm buildings, field crop gardening, nurseries, orchards, kennels, wineries, vineyards and fruit, vegetable, flower, wine and farm product sales outlets.

(b) Accessory Buildings and Uses.

Accessory uses and buildings incidental to the above principal permitted uses may be permitted.

(1980 Code 151.07.1)

1125.03 AREA AND YARD REGULATIONS.

(a) The area for every parcel for an agricultural operation shall be not less than necessary to provide the required yards and off-street parking and not more than ten percent (10%) of the lot area shall be covered with buildings.

(b) The minimum lot size for a one-family dwelling which is nonfarm related shall be one acre with a minimum frontage of 100 feet.

(c) Agricultural use shall require a minimum lot area of five acres with a minimum frontage of 400 feet.

(d) Front yard setback: There shall be a minimum setback of not less than sixty feet in depth unless shown otherwise on the Zone Map.

(e) Rear yard setback: There shall be a minimum setback of not less than 100 feet.

(f) Side yard setback: The setback of the total of the two side yards shall be a minimum of 100 feet with one side yard at least forty feet. (1980 Code 151.07.2)

1125.04 SIGNAGE.

(EDITOR'S NOTE: Former Section 1125.04 was repealed by Ordinance 03-112, passed July 14, 2003. Sign regulations are now codified in new Chapter 1143.)

**CHAPTER 1129
Residential Districts**

- 1129.01 Intent.**
- 1129.02 Use regulations.**
- 1129.03 Schedule of permitted buildings and uses.**
- 1129.04 Additional conditional uses permitted.**
- 1129.05 Conditional uses permitted in R-RB Districts.**
- 1129.06 Accessory uses.**
- 1129.07 Additional home occupations permitted in Residential Single-Family Districts.**
- 1129.08 Signs; residential districts. (Repealed)**
- 1129.09 Temporary living space.**
- 1129.10 Temporary buildings.**
- 1129.11 Removal of soil.**
- 1129.12 Access to less restrictive uses.**
- 1129.13 Area, yard, and height regulations.**
- 1129.14 Schedule of area, yard, and height requirements.**

CROSS REFERENCES

Dwelling unit area requirements - see P. & Z. 1145.06

Yards - see P. & Z. 1145.07 et seq.

1129.01 INTENT.

Residential districts and their regulations are established in order to achieve, among others, the following purposes:

- (a) Regulation of the bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy, and usable open spaces on each zoning lot, as is appropriate for each district;
- (b) Protection from noxious fumes, odors, dust, excessive noises, invasion of abnormal vehicular traffic, and other objectionable influences;
- (c) Provision for the proper location of community facilities so as to increase the general convenience, safety, and amenities;
- (d) Regulation of the density and distribution of population in scale with community services, and to avoid further congestion;
- (e) Promotion of the most desirable and beneficial use of the land, promotion of stability, protection of the character of existing residential development, enhancement of land value, and conservation of the values of buildings, and bringing about the eventual conformity with a well-considered community plan. (1980 Code 151.10)

1129.02 USE REGULATIONS.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved, or maintained in residential districts only for the uses set forth in the schedules and use regulations of the Zoning Code.

- (a) Main buildings and uses, set forth in Section 1129.03, shall be permitted as the principal building, use, or activity of a zoning lot located only in a district in which it is specifically permitted.
- (b) Conditional uses are certain types of main uses, so classified in the Zoning Code because of their uncommon characteristics, infrequency of occurrence, large land area requirements, or because they should not be permitted in certain locations as a right without special requirements. Such uses, because of their nature, require approval by the Commission as to the proper location in relation to adjacent developments and with respect to the entire community. Procedures for evaluating and approving conditional use permits are set forth and found in Sections 1123.06, 1129.05, and Chapter 1155.
- (c) Accessory buildings and uses set forth in Section 1129.03 shall be permitted as a subordinate building or for subordinate use, which is clearly incident to and located on the same zoning lot as the main building or use, and shall be located only in a district in which it is specifically permitted.

(Ord. 08-038. Passed 4-28-08.)

1129.03 SCHEDULE OF PERMITTED BUILDINGS AND USES.

District	<u>Main Buildings and Uses</u>	<u>Accessory Buildings and Uses</u>
		Private garages or

RS	One-family dwellings	parking area; storage of boats
	Public facilities as a conditional use: governmental, civic, educational, religious, welfare, recreational, and transportation as set forth in Section 1123.02.	Private garden and recreation uses, structures, pools, fences, walls.
	Public utility substations as a conditional use.	Home offices, group A and home occupations, group A.
		Renting of rooms, accessory living accommodations.
		Accessory uses for public facilities, Section 1123.02.
		Agricultural uses as set forth in Section 1129.06(f).
R1-75	Uses permitted in RS District.	Accessory uses permitted in RS District, except agricultural uses.
R1-60	Uses permitted in R1-75 District.	Accessory uses permitted in R1-75 District, and rental of one garage space.
R1-50		
R1-40	Manufactured homes.	
R2F	Uses permitted in RS District.	Accessory uses permitted in R1-60 District.
	Two-family dwellings	
	Manufactured homes.	Home offices, group A & B, and home occupations, group A & B
		Rooms for tourists.
		Storage garages and parking areas

accessory to two-family and multi-family dwellings.

RMF Uses permitted in R2F District.
Apartments and row houses.

Accessory uses permitted in R2F District.

RRB Uses permitted in RMF District.

Accessory uses permitted in RMF District.

All home offices and occupations.

Accessory (without fee) off-street parking areas.

Apartment hotels, rooming houses.

Stores and services as a conditional use:

Accessory uses clearly incident to the main uses.

Local retail stores to serve the immediate neighborhood to the following extent, for the sale of:

Confectionery drugs.

Delicatessen, baked goods, dairy products, groceries, fruits, meats, vegetables, excluding supermarkets.

Florists, gifts, periodicals, books.

Services to the following limited extent:

Beauty and barber shops.

Cabinet-making, locksmith, repair of appliances, radios, and televisions.

Dry cleaning or laundry agency, clothes pressing, shoe and hat repair.

Art school, music conservatory.

Business college, trade school.

Funeral homes.

(Ord. 03-112. Passed 7-14-03.)

1129.04 ADDITIONAL CONDITIONAL USES PERMITTED.

Professional classifications such as accounting, architecture, art, engineering and law may be permitted in Residential Two-family, Residential Multi-Family and Residential-Business Districts as a conditional use in accordance with applicable procedures and standards set forth in Section 1109.10, after a public hearing by the Planning Commission. (1980 Code 151.12.1)

1129.05 CONDITIONAL USES PERMITTED IN R-RB DISTRICTS.

- The main buildings and uses listed in Section 1129.03 may be permitted in a Residential- Business District, provided:
- (a) The proposed use shall be located on the same lot, on an adjoining lot, or not more than 75 feet from a lot which is occupied by a retail store or service permitted in an R-RB District or adjoining a nonconforming use;
 - (b) The proposed use and all operations shall be within an enclosure, and shall not create any dust, noise, odors, glare, vibrations, or electrical disturbances that cannot be effectively confined to the lot;
 - (c) The proposed use will not generate traffic and parking needs that will further congest the streets, or cause inconvenience to the opposite or adjoining premises;
 - (d) All other applicable regulations of this Zoning Code are complied with, and a conditional use permit is approved.
- (1980 Code 151.13)

1129.06 ACCESSORY USES.

- (a) Vehicles in Residential Districts.
 - (1) Provision of parking facilities. Private or storage garages or open off-street parking areas are required for all residential types, in accordance with the standards set forth in Chapter 1149 .
 - (2) Placement, parking, or storing of motor vehicles and trailers. The placement, parking, or storage of motor vehicles, trailers or other vehicles as defined in Chapter 301 of the Traffic Code shall be subject to the following restrictions on residentially zoned property:
 - A. Vehicles or trailers of any kind without current license plates or current validation stickers on their rear license plates thereof or inoperable vehicles (i.e. vehicles unable to move under their own power) shall not be stored on residentially zoned property except in a completely enclosed garage or other completely enclosed permanent structure.
 - B. Recreational vehicles including campers, motor homes, boats and boat trailers, personal watercraft and personal watercraft trailers, and buses converted for recreational use shall not be parked between the right of way and the front of the main structure on residentially zoned property. On corner lots, recreational vehicles shall also not be parked in the side yard adjacent to the right of way. A minimum setback of three feet in width shall be maintained between recreational vehicles and the lot line of any side yard or rear yard.
 - C. Buses as defined in Chapter 301 shall not be parked, stored, or placed on residentially zoned property.

D. Not more than one commercial vehicle as defined in Chapter 301 per dwelling unit may be parked on a residentially zoned property. No commercial vehicle having a net total weight of greater than 5,050 pounds shall be parked on a residentially zoned property.

E. The selling of new, used or previously owned vehicles on residentially zoned property is permitted and subject to the following restrictions:

1. The maximum number of vehicles for sale permitted during a twelve month period is four;
2. Vehicles for sale must be titled to the current resident for the property upon which vehicles for sale are displayed;
3. Only one vehicle for sale may be continuously displayed at any one time for a maximum duration of 14 calendar days;
4. No vehicle displayed for sale shall be located on any landscaped area or within the legal right of way. Vehicles must be parked or stored in conformance with Chapter 351; and
5. Vehicles on display for sale shall be properly licensed and operable.

(3) Placement, parking or storing of construction equipment. The placement, parking, or storing of construction equipment including but not limited to road rollers, traction engines, power shovels, tractors, power cranes and other equipment used in construction work including those designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, and ditch-digging machinery is not permitted on residentially zoned property except for the parking, placement or storage of construction equipment being used for the construction of a residential unit or permitted accessory building provided that a building permit has been issued for such a project and that the building permit has not expired.

(4) Placement, parking or storing of farm machinery. The placement, parking, or storing of farm machinery including but not limited to trailers used to transport agricultural produce or agricultural production materials, threshing machinery, haybaling machinery, agricultural tractors, and machinery used in the production of horticultural, floricultural, agricultural and vegetable products is not permitted on residentially zoned property except for the parking, placement, or storage of farm machinery being utilized for the following agricultural uses: field crops, gardening, the raising of nursery stock, orchards, and vineyards and located on lots with a minimum area of two acres.

(Ord: 96-057. Passed 2-12-96.)

(b) Home offices.

- (1) Group A home professions are classified as accounting, architecture, art, engineering, and law;
- (2) Group B home professions are classified as music and medicine;
- (3) Such home professions may be permitted in the homes of members practicing the profession in the residential districts as set forth in Section 1129.03, provided:
 - A. Not more than one assistant, other than members of the resident family, work therein;
 - B. The residential character of the dwelling exterior is not changed;
 - C. No mechanical equipment is used which will create any dust, noise, odors, glare, vibrations, or electrical disturbances beyond the zoning lot;
 - D. All automobiles used by clients can be parked in the driveway or along the street curb abutting the premise.

(c) Home Occupations.

- (1) Group A home occupations are classified as dressmakers, millinery, selling and taking orders for insurance, merchandise, real estate;
- (2) Group B home occupations are classified as home baking, home laundry, interior decorating, beauty shop; repairing furniture, radios, television; sharpening tools; printing; headquarters for plumbing, furnace, and painting work;
- (3) Members of a family residing within the dwelling may conduct the gainful home occupation as permitted in the residential districts as set forth in Section 1129.03, provided:
 - A. Not more than one assistant, other than members of the resident family, work therein, the occupation is conducted wholly within a building, and does not occupy more than 25% of the area of the existing dwelling;
 - B. No merchandise is sold or processed except that which is produced or incidental to the services rendered on the premises;
 - C. No mechanical equipment is used which will create any dust, noise, odors, glare, vibrations, or electrical disturbances beyond the zoning lot;
 - D. The residential character of the dwelling exterior is not changed;
 - E. Trucks or other mobile equipment shall not be parked overnight in open yards, and all automobiles used by the customers can be parked in the driveway, or along the street curb abutting the premises.

(d) Renting of Rooms. The renting from a resident family of not more than 2 rooms to not more than 2 persons is permitted in residential districts, provided that:

- (1) No advertising signs are displayed;
- (2) The exterior character of the dwelling is not changed;
- (3) Off-street parking is provided as set forth in Chapter 1149.

(e) Tourists' Rooms. The renting, from a resident family of not more than 3 rooms is permitted in residential districts

on the lots abutting a state highway provided that:

- (1) The exterior character of the dwelling is not changed; and
- (2) Any advertising sign does not exceed 5 square feet and is located not less than 10 feet from any lot line; and
- (3) Off-street parking is provided as set forth in Chapter 1149.

(f) Agricultural Uses. The raising for use or sale of fruits, vegetables or nursery stock, and the keeping of dogs are permitted in residential districts, provided, that more than 4 dogs more than 3 months old may be kept only in structures or enclosures not less than 50 feet from any adjoining residential lot, and on a lot not less than 12,000 square feet in area.

(1980 Code 151.14)

(g) Transient Occupancy Overlay District. The renting from a resident family to other individuals for the purpose of transient occupancy is permitted within an approved Transient Occupancy Overlay District.

(1) Establishment of a Transient Occupancy Overlay District.

A. Initiation of change: Whenever deemed appropriate and in the interest of the general welfare of the city, the City Commission or Planning Commission may initiate a Transient Occupancy Overlay District. The overlay district shall be created to spur investment in a declining geographic area with the goal of increasing property values and maintenance of homes in areas that are close in proximity to commercial and retail areas.

B. Action of Planning Commission: The Planning Commission shall hold a public hearing. The time, place, and purpose of the hearing shall be given by both of the following methods:

1. Publication at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the date of the hearing.
2. A printed notice, not less than ten (10) days prior to the date of the hearing, sent to the owners of all property as shown upon the records of the County Recorder within three hundred (300) feet of the area proposed to be changed; and
3. The Planning Commission shall forward their recommendation to the legislative body.

C. Action by the Legislative Body:

1. After the above recommendation is received, the City Commission shall set a date for a public hearing. In a newspaper of general circulation in the City, notice of the time and place of the meeting shall be given at least (30) days prior to the meeting. During the thirty (30) day period, the text or copy of the text of the ordinance, map of the proposed district boundaries and report submitted by the Planning Commission shall be on file, for public examination, in the office of the Clerk of the Planning Commission.
2. After the hearing, the legislative body may approve in whole or in part by majority vote of its entire membership the recommendation submitted by the Planning Commission. The legislative body may disapprove or modify the recommendations by Planning Commission by a vote of not less than three-fourths of its entire membership.

(Ord. 17-088. Passed 5-8-17.)

1129.07 ADDITIONAL HOME OCCUPATIONS PERMITTED IN RESIDENTIAL SINGLE-FAMILY DISTRICTS.

Certain Group B home occupations including but not limited to a beauty parlor, barber shop and other home occupation which generates little or no traffic in volumes greater than those which would be expected in a residential neighborhood may be permitted in Residential Single- Family Districts as a conditional use, if after a public hearing, the Planning Commission finds that the following standards shall be met:

- (a) No one other than one occupant of the residence shall work therein;
- (b) The occupation is conducted wholly within a building and does not occupy more than twenty-five percent (25%) of the area of the existing dwelling; for a beauty parlor or barber shop not more than one chair;
- (c) No merchandise is sold or processed except that which is produced or incidental to the service rendered on the premises;
- (d) No mechanical equipment is used which shall create any dust, noise, odors, glare, vibrations or electrical disturbances on adjacent properties or beyond;
- (e) The residential character of the dwelling exterior is not changed;
- (f) No traffic shall be generated by such home occupation in greater volumes than would be expected in the residential neighborhood;
- (g) Trucks or other mobile equipment other than private vehicles of the resident household shall not be used in the conduct of the home occupation; and
- (h) Parking regulations outlined in Chapter 1149 shall strictly be adhered to.

(1980 Code 151.14.1)

1129.08 SIGNS; RESIDENTIAL DISTRICTS.

(EDITOR'S NOTE: Former Section 1129.08 was repealed by Ordinance 03-112, passed July 14, 2003. Sign regulations are now codified in new Chapter 1143.)

1129.09 TEMPORARY LIVING SPACE.

(a) Temporary living spaces or those spaces used until the main dwelling is completed, and generally located in basements, garages, or nonstructures such as house trailers, shall not be permitted in any of the residential districts.

(b) A dwelling, however, may be temporarily occupied on or above the ground floor, provided:

- (1) The exterior of the dwelling is enclosed, excavations backfilled, and the yard rough graded;
- (2) The plumbing, heating, and electrical wiring is installed and safely enclosed;
- (3) The walls and ceiling of the occupied rooms are covered with the basic wall material;
- (4) A temporary certificate of occupancy is obtained for a period not to exceed 6 months.

(1980 Code 151.16)

1129.10 TEMPORARY BUILDINGS.

Temporary offices, storage, and other structures of contractors or builders are permitted in any of the residential districts, provided such uses are deemed necessary to the development of the premises, and provided a building permit has been obtained for the principal work. These structures shall be removed within 30 days after completion of work on the premises, or if construction is not pursued diligently. (1980 Code 151.17)

1129.11 REMOVAL OF SOIL.

Soil, sand, or gravel shall not be stripped, or removed in a residential district, except excess soil, sand, or gravel resulting from excavations or grading in connection with the construction or alteration of a building, or the improvements of the grounds.

(1980 Code 151.18)

1129.12 ACCESS TO LESS RESTRICTIVE USES.

Driveways, walks, or other accessways to any use which is not permitted in the district shall be prohibited.

(1980 Code 151.19)

1129.13 AREA, YARD, AND HEIGHT REGULATIONS.

Land and buildings shall be used in accordance with the lot area regulations; and buildings shall be designed, erected, altered, moved, or maintained in accordance with the yard and building height regulations set forth in the following sections.

(a) The area of a zoning lot shall be not less than the area in square feet required for each unit as set forth in the schedule in Section 1129.14, multiplied by the number of units in the building. In an RRB District, the minimum area per unit in the aforesaid schedule may include one dwelling unit with a retail store or service unit on the same lot.

(b) The width of a zoning lot shall be not less than the width at building line as set forth in Section 1129.14, for the type of dwelling or other building permitted in the district in which the lot is located. Each zoning lot shall abut upon a street, and on curved streets, the width of a lot on the front line may be less but shall be at least 60% of the width required at the building line.

(c) The front yard of a zoning lot shall be not less than the front depth set forth in Section 1129.14, for the type of dwelling or the building permitted in the district in which it is located, where less than 50% of the street frontage between 2 successive intersecting streets was built up prior to the effective date of the Zoning Code; except for the front yard setbacks on main streets and other locations that may be shown on the Zone Map. (1980 Code 151.20)

(d) (1) Two side yards shall be provided for every dwelling and for the stores and services permitted on the zoning lot in an RRB District. The width of either side yard of a lot shall be not less than the width for a single yard, as set forth in Section 1129.14, and the width of both side yards shall be not less than the total width as set forth in Section 1129.14 for the district in which it is located; except that any side yard containing a driveway shall be not less than 10 feet wide, and the other side yard of the lot shall be not less than the minimum yard width designated.

152. Passed 10-14-03.)

(2) Supplementary regulations for side yards are: insufficient side yards, Section 1145.09; corner lots, Section 1145.10; unit development, Section 1145.11; and multifamily developments, Section 1145.12.

(e) The rear yard of a zoning lot for main buildings shall be not less than 30% of the depth of lot or the depth set forth in Section 1129.14, for the district in which it is located, whichever is the lesser. The lot area occupied by a detached accessory building shall not exceed 30% of the area of the rear yard, and the accessory building shall be located in accord with yard regulations, as set forth in Section 1145.15 hereof.

(f) The height of a main building permitted on a zoning lot shall not exceed the number of stories or height in feet, whichever is the lesser, as set forth in Section 1129.14, for the district in which it is located, except as modified in Section 1145.18. The height of permitted accessory buildings and store or service shops shall not exceed 1 story or 15 feet in height.

(1980 Code 151.20)

1129.14 SCHEDULE OF AREA, YARD, AND HEIGHT REQUIREMENTS.

		Minimum lot size		Minimum yard dimensions			Max. Height		
		Area per unit (sq. ft.)	Width at Front building depth line		Side Width		Rear Depth	Main Building	
District	Dwelling or building type		(ft.)	(ft.)	Single (ft.)	Total (ft.)	30% or (ft.)	Story	Ft.
RS	1 Fam. Dw.	20,000	100	45	10	25	50	2	30
R1-75	1 Fam. Dw.	12,000	75	35	5	15	50	2	30
R1-60	1 Fam. Dw.	7,500	60	30	4	12	40	2	30
R1-50	1 Fam. Dw.	6,000	50	30	3	11	40	2	30
R1-40	1 Fam. Dw.	4,800	40	25	3	10	40	2	30
R2F	1 Fam. Dw.	4,300	33	25	3	10	40	2	30
	2 Fam. Dw.	2,750	40	25	3	10	40	2	30
	1 Fam.	4,300	33	25	3	10	40	2	30

RMF	Dw. 2 Fam.	2,500	33	25	3	10	40	2	30
	Dw. Row House	2,250	66	25	**	**	40	2	30
	Apartment	2,000	66	25	**	**	40	6	75

Dwellings Same as for RMF above

RRB	Local Stores and Services	5,200	40	10	3	10	40	1	15
	Funeral Homes	22,000	132	40	20	40	50	1	30

**CHAPTER 1133
Business Districts**

- 1133.01 Intent.**
- 1133.02 Use regulations.**
- 1133.03 Permitted buildings and uses; Automobile Parking District.**
- 1133.04 Permitted buildings and uses; Local Business District.**
- 1133.05 Permitted buildings and uses; Roadside Business District.**
- 1133.06 Permitted building and uses; General Business District.**
- 1133.07 Downtown Business District; intent.**
- 1133.08 Permitted buildings and uses; Downtown Business District.**
- 1133.09 Arcades.**
- 1133.10 Area regulations; business districts.**
- 1133.11 Yard regulations; business districts.**
- 1133.12 Height regulations; all business districts.**
- 1133.13 Planned shopping center. (Repealed)**
- 1133.14 Fence regulations.**

CROSS REFERENCES

Off-street parking schedule - see P. & Z. 1149.05

1133.01 INTENT.

Automobile Parking, Local Business, Roadside Business, General Business, and Downtown Business Districts and their regulations are established in order to achieve among others, the following purposes:

- (a) To provide in appropriate and convenient districts, sufficient areas for business activities, and the exchange of goods and services;
- (b) To provide automobile parking districts for expansion of off-street parking where needed, to provide a transitional use wherein open land uses would be more appropriate than building developments;
- (c) To provide local business districts in close proximity, and serving the ordinary shopping needs of the immediate neighborhood;
- (d) To provide roadside business districts to serve the motorist, and locations for drive-ins and other establishments, which are associated with large volumes of traffic;
- (e) To provide general business districts which require larger storage space, are open in evenings, or generate large volumes of traffic, serving the extraordinary needs of the entire community;
- (f) To protect adjacent residential developments by restricting the types of business uses, particularly at the

- common boundaries, which would create hazards, noise, odors, or other objectionable influences;
- (g) To protect both residential and business developments from congestion by requiring off- street parking and loading facilities;
 - (h) To encourage the tendency of business to group in centers and with sufficient depth from the street to satisfy the needs of modern developments to the mutual advantage of customers and merchants; and
 - (i) To promote the most desirable land uses in accordance with a well-considered plan, to stabilize residential and business developments, and to enhance values.

(Ord. 04-057. Passed 1-12-04.)

1133.02 USE REGULATIONS.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved, or maintained in whole or in part in business districts only for the uses set forth in the following schedules and regulations. (Ord. 04-057. Passed 1-12-04.)

1133.03 PERMITTED BUILDINGS AND USES; AUTOMOBILE PARKING DISTRICT.

- (a) Parking areas and accessways for passenger automobiles, and storage garages provided the areas:
 - (1) Are accessory and adjacent to two-family, multifamily, or business or commercial-manufacturing uses;
 - (2) A publicly owned parking lot;
 - (3) Are not used for selling, dead storage, repairing, or servicing vehicles of any kind.
- (b) Dwellings, of the type permitted and as regulated in the least restrictive contiguous district.

(Ord. 04-057. Passed 1-12-04.)

1133.04 PERMITTED BUILDINGS AND USES; LOCAL BUSINESS DISTRICT.

(a) Main Buildings and Uses.

- (1) Dwellings, of the type permitted and as regulated in the least restrictive contiguous district;
- (2) Retail stores and services conducted wholly within enclosed buildings, and devoted to supplying neighborhood needs to the following limited extent:
 - A. The sale of baked goods, confectionery, groceries, meats, fruits, vegetables, and dairy products.
 - B. The sale, serving, and consumption of soft drinks, juices, ice cream, beer, and wine, at such places as lunchrooms and tea rooms;
 - C. The sale of drugs, gifts, antique and art goods, flowers, periodicals, musical instruments and supplies (provided no loudspeaker broadcasts onto the street), tobacco, and sporting and athletic goods;
 - D. The sale of tools, paint, seed, garden supplies, and household appliances;
 - E. Personal services, such as beauty and barber shops, laundry agencies, laundromats, shoe and hat repair, radio and television repair, interior decorating, tailor, pressing and dry cleaning shops in which only nonexplosive and nonflammable solvents are used, provided that not more than one pressing or cleaning machine shall be used, or not more than 2 persons are engaged in such work, and no work shall be done on the premises for retail outlets elsewhere;
 - F. Automotive service stations; the sale of gasoline and oil, and the parking of automobiles are permitted in open areas. Services are limited to lubrication and minor repairing services, and only where performed wholly within an enclosed building;
 - G. Principal offices for dentists, doctors, and similar professions, financial institutions, and principal offices of real estate and similar businesses.

(3) Brewpub.

(b) Similar Main Uses. Any other retail neighborhood store, shop, service, or office not listed above, or in any subsequent use classification, and determined as similar by the Commission according to standards set forth in Section 1109.11. Main uses set forth in the General Business District may be permitted in a Local Business District if a conditional use permit is granted.

(c) Accessory Buildings or Uses.

- (1) Accessory off-street parking and loading facilities as required and as set forth in Chapter 1149;
- (2) Any accessory use such as the storage of goods and processing operations clearly incident to the conduct of a retail business or personal service establishment permitted as main uses, provided such a use has no injurious effect on adjoining residential districts.

(Ord. 15-201. Passed 12-28-15.)

1133.05 PERMITTED BUILDINGS AND USES; ROADSIDE BUSINESS DISTRICT.

(a) Main Buildings and Uses.

- (1) All stores, services, dwellings, and other uses permitted in Local Business Districts;
- (2) Additional retail business stores and services conducted wholly within enclosed buildings, or adjoining and operated in connection with an establishment in an enclosed building to the following extent:
 - A. The sale and serving of all beverages, and eating places of all types permitting dancing and live

entertainment. Conditional use permits shall be obtained by places selling or serving alcoholic beverages, and by all drive-in establishments;

B. Motels, hotels; fraternal and social clubs, and labor union halls;

C. Automotive services, repair or service garages, and buildings for the sale of new and second-hand motor vehicles. The parking of vehicles with or without a fee, the sale of gasoline and oil, and the sale of motor vehicles may be permitted on an open lot, providing all requirements for front yards in the Business District as set forth in the Zoning Code are met;

D. The sale of boats and other marine supplies; motorcycles, bicycle shops; sports and athletic equipment; pet shops;

E. Amusement and recreational services, such as assembly and meeting halls, billiard halls, bowling alleys, dance halls, indoor theaters, skating rinks, and other social, sports, or recreation establishments, provided the services are conducted within a building, sufficiently sound-insulated to confine the noise to the premises;

F. Nursery stock, monuments, garden equipment, supplies, and garden furniture may be sold on an open lot, provided the operation is in connection with an established related business conducted within a building not more than 150 feet therefrom, and provided goods are not sold, displayed, or stored in a required yard;

(3) Microbrewery.

(4) Transient Occupancy.

(b) Similar Main Uses. Any other business store, shop, or service not listed above or in any subsequent use classification, and determined as similar by the Commission.

(c) Accessory Buildings or Uses.

(1) Accessory off-street parking and loading facilities as required and set forth in Chapter 1149;

(2) Any accessory use, such as the storage of goods and processing operations clearly incident to the conduct of a retail business or service establishment permitted as main uses, provided the use has no injurious effect on adjoining residential districts.

(Ord. 17-088. Passed 5-8-17.)

1133.06 PERMITTED BUILDINGS AND USES; GENERAL BUSINESS DISTRICT.

(a) Main Buildings and Uses.

(1) All stores, services, dwellings, and other uses permitted in Roadside Business Districts;

(2) Additional retail business stores and services conducted wholly within enclosed buildings, and devoted to supplying all community needs to the following extent:

A. The sale of all food; frozen food lockers; state liquor stores;

B. The sale of general merchandise; dry goods, wearing apparel, shoes, hats, variety, and department stores;

C. The sale of all hardware, appliances, china, furniture, floor and wall covering, business equipment, music, radios and televisions, provided no loudspeakers broadcast onto the street;

D. Shops for custom work, and all personal service establishments without limitation on the number of persons engaged in work, provided the services rendered and articles produced are to be sold only at retail, and only on the premises;

E. Photographic developing, blueprinting, letter and small job printing shops, medical and dental laboratories, radio and television broadcasting stations, transmittal towers, telephone exchanges, and transformer stations;

F. Railroad and bus passenger stations, taxi stations;

G. Offices such as banks, travel bureaus, public utility, insurance, and all types of business and professional offices;

H. Wholesale offices and showrooms.

(b) Similar Main Uses. Any other general business store, shop, or service not listed above or in any subsequent use classification and determined as similar by the Commission.

(c) Accessory Buildings or Uses.

(1) Accessory off-street parking and loading facilities as required and set forth in Chapter 1149;

(2) Any accessory use, such as the storage of goods or processing operations clearly incident to the conduct of a retail business, service establishment or office permitted as a main use, providing the use has no injurious effect on adjoining residential districts.

(Ord. 04-057. Passed 1-12-04.)

1133.07 DOWNTOWN BUSINESS DISTRICT; INTENT.

The purpose of this district is to allow for a variety of mixed uses including business, commercial, and residential. This district was created to specifically address downtown, water-related, residential and mixed-use activities. This district shall promote density of uses and the increase of tourism related activities in the downtown area in general. The goal of

these regulations is to maintain continuity in the development of the land and implementation of the goals of the Port Development Plan, while preserving the character of downtown.

(Ord. 04-057. Passed 1-12-04.)

1133.08 PERMITTED BUILDINGS AND USES; DOWNTOWN BUSINESS DISTRICT.

(a) Main Buildings and Uses.

- (1) Single, two and multi-family residential uses above the first floor.
- (2) All stores and services permitted in the General Business District;
- (3) Public uses as follows and as defined in Section 1123.02: governmental, civic, education, religious, recreational and transportation.
- (4) Transient Occupancy.

(b) Similar Main Uses. Any other business, service or recreation activity not listed above or in any subsequent use classification and determined as similar by the Commission.

(c) Conditional Uses Permitted: Outdoor recreational facilities such as beaches, waterparks, amphitheatres, marinas, swimming pools, etc.

(d) Accessory Buildings or Uses:

- (1) Accessory off-street parking and loading facilities as required and set forth in Chapter 1149;
- (2) Any accessory use and building clearly incident to the conduct of a permitted main use, providing the use has no injurious effect on adjoining residential districts.

(Ord. 17-088. Passed 5-8-17.)

1133.09 ARCADES.

(a) Definition. "Arcade" means any individual premises where five or more electronic, mechanical, or other such machines or devices for amusement are operated for gain or compensation for their owner, but does not include premises licensed by the Ohio Department of Liquor Control or a premises that is the location of a business subject to the City's hotel-motel tax.

(b) Permitted. Any language in this chapter to the contrary notwithstanding, an arcade shall be a permitted main or accessory use in only General Business or Commercial Amusement Districts. (Ord. 04-057. Passed 1-12-04.)

1133.10 AREA REGULATIONS; BUSINESS DISTRICTS.

In Automobile Parking, Local Business, Roadside Business, General Business, and Downtown Business Districts, lot area requirements established for multifamily districts by this Zoning Code shall apply to the buildings used exclusively for dwelling purposes. Motels shall have a lot area of not less than 900 square feet per rental unit.

(Ord. 04-057. Passed 1-12-04.)

1133.11 YARD REGULATIONS; BUSINESS DISTRICTS.

For every main or accessory building in business districts, the following minimum yards shall be provided:

- (a) Dwellings. The yard requirements established by this Zoning Code for multifamily districts shall apply to the buildings used exclusively for dwelling purposes.
- (b) Front Yards.
 - (1) Automobile Parking Districts. There shall be a setback of not less than 5 feet in depth for all uses unless shown otherwise on the Zone Map.
 - (2) Local Business and Roadside Business District. In a Local Business District, a unit development which abuts 75 feet or more on a street shall be set back at least 10 feet, a development which abuts less than 75 feet upon a street shall be set back to conform with adjacent buildings, unless shown otherwise on the Zone Map. In a Roadside Business District, a unit development which abuts 125 feet or more on a street shall be set back at least 25 feet, a development which abuts less than 125 feet on a street shall be set back to conform with adjacent buildings unless shown otherwise on the Zone Map. Front yards may be used for parking, but not within 5 feet of the front property line if the site plan showing the parking location is approved by the Commission.
 - (3) General Business District, Downtown Business District. Buildings may be located on the front lot line, unless shown otherwise on the Zone Map. If a front yard is provided, it may be used for parking, but not within 5 feet of the front property line if the site plan showing the parking location is approved by the Commission.
 - (4) All Business Districts.
 - A. If a business building is located on a lot abutting a side street and adjoins a residential district, the building or parking area shall have a setback from a side street line of not less than 5 feet, unless shown otherwise on the Zone Map, or determined otherwise by the Commission.
 - B. No structure shall be erected or merchandise displayed in front of a building line or closer than 5 feet to the street line if there is no building line, except that gasoline pumps constituting part of a service station or garage may be erected in front of a building line, but not less than 15 feet from a street lot line, provided all driveways, platforms, and curbs of the service stations are designed to service vehicles standing only within the premises.

C. Where parking is provided in front yards, a curb or other attractive barrier shall be erected to prevent vehicles projecting over an established setback line, and the front yards between the barrier and sidewalk shall be landscaped and maintained attractively.

(c) Side Yards.

(1) Local Business, Roadside Business, General Business Districts.

- A. Business buildings, when located on a lot adjoining a residential district, shall have a side yard of not less than 12 feet on the adjoining side; a wall or solid fence, approximately 5-1/2 feet high, may be required by the Commission on the side yard line of the business lot.
- B. Business buildings shall either have no side yard, or be located not less than 5 feet from the nearest business building.

(2) Downtown Business District. Buildings when located on a lot adjoining a residentially zoned district, shall have a side yard of not less than fifteen (15) feet on the adjoining side. For every story above the first, an additional two (2) feet of setback shall be required. If the lot is not adjoining a residentially zoned district, the building shall not be closer than five (5) feet from the nearest building.

Properties north of Shoreline Drive Extended:

- A. There shall be a minimum setback of thirty (30) feet between buildings. Setbacks between buildings located east to west shall maintain a clear and unobstructed view of the water from the street.
- B. There shall be a 400' maximum building frontage parallel to waterfront.

(d) Rear Yards.

Local Business, Roadside Business, General Business, Downtown Business Districts.

Main and accessory business buildings shall have a rear yard of not less than 20 feet when adjoining a residential district. A wall or solid fence, approximately 5-1/2 feet high, may be required by the Commission on the rear yard line of a business lot adjoining a residential district. Properties north of Shoreline Drive Extended: buildings must maintain a 20' setback from the water.

(Ord. 04-057. Passed 1-12-04.)

1133.12 HEIGHT REGULATIONS; ALL BUSINESS DISTRICTS.

The height of any main or accessory building shall not exceed 2 stories or 35 feet, in Automobile Parking, Local or Roadside Business Districts, and not exceed 125 feet in General Business and Downtown Business Districts; except chimneys, church spires, flagpoles, radio towers, water tanks, and other permitted mechanical appurtenances located upon or designed in connection with the main building, may be erected above the height limit.

Properties north of Shoreline Drive Extended: maximum height of 45' except that chimneys, flagpoles, towers, water tanks, and other mechanical appurtenances located upon or constructed in the connection with a building may be erected above maximum height specified; if a variance to the maximum height is granted, then for every 15 feet above the maximum, an additional 30' of setback shall be required between buildings. The height shall be measured from the established street grade, as defined in Chapter 1107, to the highest point of the building.

(Ord. 04-057. Passed 1-12-04.)

1133.13 PLANNED SHOPPING CENTER. (REPEALED)

(EDITOR'S NOTE: Former Section 1133.13 was repealed by Ordinance 08-038, passed April 28, 2008.)

1133.14 FENCE REGULATIONS.

(a) Fences in business districts shall be limited to a height of six feet and be of sturdy construction, of uniform design, painted and otherwise well maintained.

(b) Front yard corner lot: Fences and landscape features may be located within a triangle by lines drawn between points on the front line and the side lot line of a corner lot twenty-five feet from their intersection, providing the normal "sight lines" within a vertical height band of two and one-half feet to six feet above curb level are not substantially obstructed.

(c) The use of barbed wire on fences in the business district shall only be permitted with the approval of the Commission.

(d) Fences shall require a zoning permit prior to erection.

(Ord. 05-159. Passed 11-14-05.)

CHAPTER 1137
Commercial Districts

1137.01 Intent.

1137.02 Use regulations.

1137.03 Permitted buildings and uses; Commercial Recreation Districts.

1137.04 Permitted buildings and uses; Commercial Amusement District.

1137.05 Permitted main buildings and uses; Commercial Services District.

1137.06 Performance standards; Commercial Services District.

1137.07 Area regulations.

1137.08 Yard regulations.

1137.09 Height regulations.

1137.10 Sign regulations. (Repealed)

CROSS REFERENCES

Off-street parking schedule - see P. & Z. 1149.05

1137.01 INTENT.

Commercial Recreation, Commercial Amusement, and Commercial Service Districts and their regulations are established in order to achieve, among others, the following purposes:

- (a) To provide in appropriate and convenient districts sufficient areas for commercial activities, services, and distribution of goods to serve the community and promote employment;
- (b) To provide commercial recreational districts in appropriate locations to encourage the development of the waterfront and the recreational facilities of the community;
- (c) To provide commercial amusement districts in appropriate locations for amusement park activities;
- (d) To provide commercial service districts in appropriate and convenient areas for business and transportation services, and limited types of production;
- (e) To protect adjacent residential neighborhoods by restricting the types of uses in surrounding districts to only those not creating offensive or objectionable influences beyond their district boundaries;
- (f) To protect further the adjacent residential neighborhoods by separating and insulating them from the most intense commercial activity;
- (g) To promote the most desirable use of land in accordance with a well-considered plan, and to stabilize and enhance property values.

(1980 Code 151.61)

1137.02 USE REGULATIONS.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved, or maintained in whole or in part, in commercial districts only for the uses set forth in the following schedules and regulations. (1980 Code 151.62)

1137.03 PERMITTED BUILDINGS AND USES, COMMERCIAL RECREATION DISTRICTS.

(a) Main Buildings and Uses.

- (1) One- and two-family dwellings, boathouses, motels;
- (2) The following amusement establishments, whether open or enclosed:
 - A. Beaches and swimming pools, with accessory bath houses and locker rooms;
 - B. Manufacturing, rental, repair, and storage of boats, marinas; sale of live bait for fishing;
 - C. Hunting and fishing clubs, shooting ranges;
 - D. Arenas, auditoriums;
 - E. Golf courses, driving ranges;
 - F. Riding academies, stables, race tracks;
 - G. Assembly and meeting halls, bowling alleys, dance halls, skating rinks.
 - H. All retail stores, services and offices as permitted in General Business Districts.
 - I. Transient Occupancy.

(b) Similar Main Uses. Any other recreational use not listed above or in any other use classification, and if determined as similar by the commission.

(c) Accessory Buildings or Uses.

- (1) Accessory off-street parking facilities as regulated and set forth in Chapter 1149;
- (2) Eating places, sales of equipment or accessories, living quarters, maintenance facilities for caretakers, and any accessory use customarily incident to a permitted main use, provided the use has no injurious effect on adjoining residential districts.

(Ord. 17-088. Passed 5-8-17.)

1137.04 PERMITTED BUILDINGS AND USES, COMMERCIAL AMUSEMENT DISTRICT.

(a) Main Buildings and Uses.

- (1) All buildings and uses permitted in and as regulated in Commercial Recreation Districts; provided, however, that no residential units shall be constructed or maintained except as may be clearly secondary or incidental to the principal uses contemplated and permitted under this section;
- (2) The following amusement establishments, whether open or enclosed:
 - A. Ferris wheels, roller coasters, whips, merry-go-rounds, and other similar open midway attractions;
 - B. Freak shows, wax museums, dodgem scooters, and other semi- enclosed or enclosed midway attractions;
 - C. Open booths with games of skill or chance, including shooting galleries, penny arcades;
 - D. Public dance halls, skating rinks, indoor theaters;

(3) The following businesses and services, open or enclosed:

- A. Hotels, motels, taverns, eating places; the sale, serving, and consumption of soft drinks and alcoholic beverages;
- B. The sale of foods, drugs, gifts, sports equipment.

(4) Transient Occupancy.

(b) Similar Main Uses. Any other amusement not listed above or in any other use classification, and determined as similar by the Commission.

(c) Accessory Buildings and Uses.

(1) Accessory off-street parking facilities as regulated and set forth in Chapter 1149;

(2) Living quarters for caretakers, maintenance facilities, and other accessory uses customarily incident to a permitted main use, providing the uses have no injurious effect on adjoining residential districts.

(Ord. 17-088. Passed 5-8-17.)

1137.05 PERMITTED MAIN BUILDINGS AND USES; COMMERCIAL SERVICES DISTRICT.

(a) Main Buildings and Uses.

(1) All buildings and uses permitted in and as regulated in the Commercial Recreation District;

(2) Wholesale businesses, services and storage establishments as follows:

A. Cleaning establishments. Laundries, dyeing, carpet cleaning, dry cleaning, towel supply; auto-wash provided the waiting-line area is maintained entirely within premises;

B. Food and drink preparation. Baking, cake ornaments, canning, dehydrating, freezing, grinding, mixing, pasteurizing, refining, and roasting processes, meat processing, ice manufacturing, bottling works, breweries, wineries;

C. Laboratories; research, experimental, and testing;

D. Print and publishing establishment, stationary products;

E. Boat building and repair, fisheries, shipping docks;

F. Poultry packing and dressing;

G. Repair establishments for automotive motors, body and paint, tire vulcanizing, electrical and household appliances;

H. Other shops. Contractors, carpentry, plumbing, heating, painting, glazing, ornamental iron, roofing and sheet metal, packing and crating;

I. Warehouses, storage and wholesale establishments, freight yards and stations, excluding storage of explosive and flammable gases, solids, or liquids;

J. Yards for storage of coal, lumber, and other building materials, monument works;

K. Yards for public utility materials, equipment, and vehicles;

L. Animal hospitals, veterinarians' offices, kennels, stables for horses;

M. Commercial greenhouses.

(3) Manufacturing uses, limited to the following products and processes.

A. Advertising signs, sign painting;

B. Awnings, blinds, shades, brushes, brooms;

C. Cameras, clocks, jewelry, cutlery, kitchen utensils;

D. Clothing and leather goods;

E. Cosmetics and toiletries, compounding of pharmaceutical products;

F. Electrical equipment. Fans, irons, toasters; radios, televisions, and other electronic equipment; assembly of lighting fixtures;

G. Furniture, boxes, crates, patterns, and similar small wood products;

H. Hand tools and hardware, dies and similar small metal products;

I. Instruments and equipment for athletic, engineering, medical, musical purposes;

J. Mattresses and upholstery;

K. Metal finishing, grinding, plating, polishing, sharpening, welding;

L. Assembly and fabrication of machine tools; processing and machining of castings; assembly, fabrication, machining, processing, painting, plating and rustproofing of metal and nonmetal parts and accessories, including screw machine parts.

(4) Multi-family residences as a conditional use in structures listed on the National Register of Historic Places as published from time to time by the Secretary of the United States Department of the Interior.

(b) Similar Main Uses. Any other service, storage, or manufacturing establishment not listed above or in subsequent use classifications, and determined as similar by the Commission.

(c) Accessory Buildings or Uses.

(1) Accessory off-street parking and loading facilities as regulated and set forth in Chapter 1149.

(2) Any accessory use customarily incident to a permitted main use.

(1980 Code 151.65)

1137.06 PERFORMANCE STANDARDS; COMMERCIAL SERVICES DISTRICT.

Main and accessory buildings and uses enumerated in the Commercial Service District shall comply with the following

performance standards as a condition precedent to their occupancy and use:

- (a) All service and manufacturing operations shall be conducted wholly within an enclosed structure, and all raw materials, fuel, machinery, and equipment, including trucks, used in the operations shall be enclosed within a structure or screened by a substantially solid wall or fence of such nature and height as to conceal all operations and materials therein from the view of any observer standing at the grade level at the nearest residential district line or a public street;
- (b) The storage, handling, and use of flammable liquids and gases shall comply with the relevant provisions of the state law. Storage of all other materials in yards or structures shall comply with all fire protective laws of the City, and all parts shall be accessible to firefighting equipment;
- (c) Solid waste resulting from all aforesaid operations shall be either disposed of, stored in buildings, or enclosed within a wall or fence;
- (d) Liquid wastes shall not be discharged into an open reservoir, stream, or other open body of water or sewer, unless treated so that the amount of solid substances, oils, grease, acids, alkalines, and other chemicals shall not exceed the amounts allowed by other codes of the City.
- (e) Noxious, toxic or corrosive fumes or gases, smoke, dust, or fly ash shall not be emitted which shall be injurious to the property, vegetation, or health of the people residing in any residential district; odorous gases or other odorous matter shall not be emitted in such quantities as to be offensive at the adjacent residential district line;
- (f) Glare or heat from any process shall not be visible at the nearest residential district.
- (g) Vibrations shall not be discernible to the human sense of feeling more than 2 minutes per hour at the nearest residential district;
- (h) (EDITOR'S NOTE: Former subsection (h) was repealed by Ordinance 03-089, passed April 14, 2003.)

(i) Fences.

- (1) Fences in business districts shall be limited to a height of six feet and be of sturdy construction, of uniform design, painted and otherwise well maintained.
- (2) Front yard, corner lot: Fences and landscape features may be located within a triangle formed by lines drawn between points on the front lot line and the side lot line of a corner lot twenty-five feet from their intersection, providing the normal "sight lines" within a vertical height band of two and one-half feet to six feet above curb level are not substantially obstructed.
- (3) The use of barbed wire on fences in the Commercial District shall only be permitted with the approval of the Commission.
- (4) Fences shall require a zoning permit prior to erection.
(Ord. 05-159. Passed 11-14-05.)

1137.07 AREA REGULATIONS.

- (a) Every main business, or commercial or manufacturing building in a commercial district shall be located on a lot not less than 66 feet wide, of sufficient area to provide the required yards and off-street parking, and not more than 50% of the lot area shall be covered with buildings.
- (b) Provided, however, for a main business, or commercial or manufacturing building in a commercial district of which at least 75% was constructed prior to October 15, 1956, the Commission may by a conditional use permit allow the lot area covered by buildings to be increased to 65% if it determines that:
 - (1) No additional land can be readily acquired to maintain a 50% yard area after the construction of additional buildings, and
 - (2) The construction of additional buildings will not create additional fire, explosion, or other hazards, and
 - (3) Every reasonable effort has been made by the applicant to create sufficient off-street parking, and loading and unloading facilities, or
 - (4) The nature of the business conducted is such that coverage of area by buildings is great in comparison to the needed employee or customer parking or loading and unloading facilities, or
 - (5) The nature of the business conducted is such that much of the storage of goods or vehicles is in buildings.

(1980 Code 151.67)

1137.08 YARD REGULATIONS.

For every main or accessory building in a commercial district, the following minimum yard shall be provided:

- (a) Front Yards. There shall be a setback of not less than 30 feet in depth, and on corner lots, the setback shall be not less than 10 feet on a secondary street, unless shown otherwise on the Zone Map.
- (b) Side and Rear Yards. Where side yards are provided, the total width of the 2 side yards on a lot or between buildings on adjacent lots shall be not less than 15 feet. Where a building in this district is located on a lot adjoining a side or rear lot line of a residential district, the yard shall be not less than 40 feet in width.
- (c) All Required Yards. The above required front, side, and rear yards may be used for off-street parking facilities, but not within 10 feet of a residential district line or street line, and a fence or landscaping may be required by the Commission.

(1980 Code 151.68)

1137.09 HEIGHT REGULATIONS.

The height of any main or accessory building in a commercial district shall not exceed 2 stories or 40 feet in height, except that chimneys, flagpoles, towers, water tanks, and other mechanical appurtenances located upon or constructed in connection with a building may be erected above maximum height specified.

(1980 Code 151.69)

1137.10 SIGN REGULATIONS.

(EDITOR'S NOTE: Former Section 1137.10 was repealed by Ordinance 03-112, passed July 14, 2003. Sign regulations are now codified in new Chapter 1143.)

CHAPTER 1139 Manufacturing Districts

1139.01 Intent.

1139.02 Use regulations.

1139.03 Permitted buildings and uses; Limited Manufacturing Districts.

1139.04 Conditional use permit.

1139.05 Permitted buildings and uses; General Manufacturing District.

1139.06 Performance standards.

1139.07 Area regulations.

1139.08 Yard regulations.

1139.09 Height regulations.

1139.10 Sign regulations. (Repealed)

1139.01 INTENT.

Limited Manufacturing and General Manufacturing Districts and their regulations are established in order to achieve, among others, the following purposes:

- (a) To provide in an appropriate and convenient district sufficient areas for manufacturing to promote employment and strengthen the economy of the community;
- (b) To provide limited manufacturing districts for those products and processes in which dust, smoke, fumes, glare, odors, or other objectionable influences can be controlled, and which normally require a large amount of motor vehicle trucking for transportation of their raw materials and finished products;
- (c) To provide general manufacturing districts for those products and processes which involve some dust, smoke, fumes, glare, odors, or other objectionable influences, but do not create any dangers to the health and safety of the surrounding neighborhoods, and which normally require access to rail or water for transportation, as well as motor truck routes;
- (d) To improve the general environment by prohibiting dwellings, institutions, and public facilities in manufacturing districts, and by the same act, make land more readily accessible for industry;
- (e) To protect adjacent residential districts by restricting the types of manufacturing uses in the surrounding areas to only those not creating objectionable influences beyond their district boundaries, by separating and insulating them from the most intense manufacturing activities;
- (f) To promote the most desirable use of land in accordance with a well-considered plan, and to stabilize and enhance property values.

(1980 Code 151.71)

1139.02 USE REGULATIONS.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved, or maintained, in whole or in part, in manufacturing districts only for the uses set forth in the following schedules and regulations.

(1980 Code 151.72)

1139.03 PERMITTED BUILDINGS AND USES; LIMITED MANUFACTURING DISTRICTS.

(a) Main Buildings and Uses.

- (1) Living accommodations for watchmen and other personnel required to live in close proximity to their operation and their families;
- (2) Retail stores and services as permitted in the General Business District;
- (3) Offices, research and development parks and facilities;
- (4) Wholesale business, services, and storage and manufacturing uses as permitted in Commercial Service Districts;
- (5) Manufacturing limited to the following products and processes:
 - A. Aircraft and automobiles, trucks, trailers, motors, bodies, parts, supplies.
 - B. Building materials. Sash, doors, insulation, wallboards, partitions, prefabricated house panels;
 - C. Ceramic products. Pottery and glazed tiles; crayons;

- D. Chemicals. Blending and packaging of disinfectants, insecticides, fungicides, ink, detergents, and related household and industrial chemical compounds;
- E. Electrical supplies; miscellaneous manufacturing and assembly;
- F. Glass products from previously manufactured glass;
- G. Machinery and light equipment such as air conditioning, firearms, refrigerators, stoves, heaters, washing machines;
- H. Machine tools such as metal lathes, presses, stamping machines, woodworking machines;
- I. Metal alloys; miscellaneous products; brass, bronze, pewter, tin, lead;
- J. Metal processes. Cleaning, enameling, galvanizing, japanning, lacquering, heat treatment, rust-proofing;
- K. Metal products. Miscellaneous fabrication and assembly, cabinets, doors, fencing, furniture, small castings;
- L. Paper products. Shipping containers, boxes, crates, newsprint;
- M. Plastic products. Kitchenware, buttons, wallboards;
- N. Porcelain products. Kitchen and bathroom equipment;
- O. Rubber products. Gloves, footwear, bathing caps, tires, tubes, hose.

(6) Storage, limited to the following establishments and products:

- A. Coal, and gas in tanks, in open yard;
- B. Scrap metal, paper, rags, within an enclosed structure;
- C. Materials used in, or goods produced by, permitted manufacturing uses in an enclosed structure.

(7) Miscellaneous uses, as follows:

- A. Incinerators, sewage disposal plants;
- B. Sand and gravel pits, quarries;
- C. Trucking terminals, motor freight stations.

(8) Large brewery.

(b) Similar Main Uses. Any other manufacturing use not listed above or in subsequent use classifications and determined as similar by the Commission. Main uses set forth in the General Manufacturing District may be permitted in the Limited Manufacturing District if a conditional use permit is granted.

(c) Accessory Buildings or Uses.

- (1) Accessory off-street parking and loading facilities as regulated and set forth in Chapter 1149.
- (2) Any accessory use customarily incident to a permitted main use.

(Ord. 15-201. Passed 12-28-15.)

1139.04 CONDITIONAL USE PERMIT.

(a) Existing dwellings and accessory buildings in a manufacturing district may be expanded or improved by a conditional use permit, providing the dwellings and accessory buildings, when expanded or improved, are of the type permitted and as regulated in the least restrictive contiguous district, and otherwise comply with the terms and provisions of this Zoning Code.

(b) New dwellings and accessory buildings may be constructed on a vacant lot in a manufacturing district by a conditional use permit, providing the dwelling and accessory buildings are of the type permitted and as regulated in a Residential One-Family-40 District, including area and yard requirements, otherwise comply with the terms and provisions of this Zoning Code, and provided further that the lot for which a conditional use permit is sought is not further than one zoning lot away from a lot being devoted to residential use, or more than 50% of the lots on the same side of the street for a distance of 200 feet from it in either direction are devoted to residential use.

(c) In addition to other standards set forth in the Code, it must be also determined that the proposed expansion or improvement to an existing dwelling or accessory building, or the construction of a new dwelling or accessory building, will not unduly interfere with the assembly of land for industrial development.

(1980 Code 151.74)

1139.05 PERMITTED BUILDINGS AND USES; GENERAL MANUFACTURING DISTRICT.

(a) Main Buildings and Uses.

- (1) All main buildings and uses permitted in a Limited Manufacturing District;
- (2) Additional manufacturing limited to the following products and processes:
 - A. Cement products. Concrete mixing and proportioning plants;
 - B. Chemicals. Acetylene, acids, adhesives, aniline dyes, bleaching products, ammonia, carbide, caustic soda, cleaning and polishing preparations, gelatin, glue, size, exterminating agents, industrial alcohol, nitrates, potash, plastic materials and resins, rayon and other synthetic fibers;
 - C. Clay products. Structural, brick, tile, pipe;
 - D. Fertilizer;

- E. Flour, feed, grain; milling and processing;
- F. Glass manufacturing and large glass products;
- G. Graphite and graphite products;
- H. Leather; fur tanning, curing, finishing;
- I. Linoleum and oil cloth, asphalt tile;
- J. Machinery, heavy. Agricultural, constructional, electrical, mining;
- K. Metal castings and foundry products, including magnesium;
- L. Metal ores; reduction, refining, smelting, alloying;
- M. Paint, varnish;
- N. Petroleum products; refining;
- O. Rubber products; natural or synthetic, processing or manufacturing;
- P. Soaps, starch, detergents;
- Q. Stockyards, slaughterhouses, meat processing.

(3) Storage, open or enclosed, limited to the following products and establishments:

- A. Dumps and slag piles;
- B. Grain elevators;
- C. Petroleum and petroleum products;
- D. Materials used in, or goods produced by, permitted manufacturing uses;
- E. Dead storage, wrecking, salvaging of vehicles, equipment, lumber, metals, or rubber, may be permitted in an open yard if all materials and operations are enclosed on all sides with a chain link or similar fence at least 6 feet high set back at least 40 feet from any public thoroughfare or adjoining residential district.

(b) Similar Uses. Any other manufacturing or storage use not listed above, and determined as similar by the Commission.

(c) Accessory Buildings and Uses.

- (1) Accessory off-street parking and loading facilities as regulated and set forth in Chapter 1149 ;
- (2) Any accessory use customarily incident to a permitted main use.
(1980 Code 151.75.)

1139.06 PERFORMANCE STANDARDS.

Main and accessory buildings and uses enumerated in a manufacturing district shall comply to the following performance standards, as a condition precedent to their occupancy and use:

- (a) All manufacturing operations shall be conducted within an enclosed structure, and all raw materials, fuel, machinery, and equipment shall be enclosed within a structure or by a chain link fence;
- (b) The storage, handling, and use of flammable liquids and gases shall comply with the relevant provisions of the state law. Storage of all other materials in yards or structures shall comply with all fire protection laws of the City, and all parts shall be accessible to firefighting equipment;
- (c) Liquid wastes shall not be discharged into an open reservoir, stream, or other open body of water or a sewer, unless treated so that the amount of solid substances, oils, grease, acids, alkalines, and other chemicals shall not exceed the amounts allowed by other laws of the City;
- (d) Noxious, toxic, or corrosive fumes, gases, smoke, dust, or fly ash shall not be emitted which shall be injurious to the property, vegetation, or health of the people residing in the nearest residential district; odorous gases or other odorous matter shall not be emitted in such quantities as to be offensive at the adjacent residential district line;
- (e) Glare and heat from any process shall not be visible at the nearest residential district line;
- (f) Vibrations shall not be discernible to the human sense of feeling more than 3 minutes during any hour at the nearest residential district line;
- (g) (EDITOR'S NOTE: Former subsection (g) was repealed by Ordinance 03-089, passed April 14, 2003.)
- (h) Flammable liquids and gases shall not be stored above ground in tanks if located less than 150 feet from the property line.

- (i) (1) Fences in manufacturing Districts shall be limited to a height of six feet and be of sturdy construction, of uniform design, painted and otherwise well maintained.
- (2) Front yard, corner lot: Fences and landscape features may be located within a triangle formed by lines drawn between points on the front line and the side lot line of a corner lot twenty-five feet from their intersection, providing the normal "sight lines" within a vertical height band of two and one-half feet to six feet above curb level are not substantially obstructed.
- (3) Barbed wire may be used on security fencing in manufacturing districts, but shall be limited to three strands; shall not project beyond the property line and may not be used less than six feet from grade. The use of razor ribbon on fencing and the use of barbed wire less than six feet above grade shall be permitted with approval of the Commission.
- (4) Fences shall require a zoning permit prior to erection.
(Ord. 05-159. Passed 11-14-05.)

1139.07 AREA REGULATIONS.

(a) The area for every parcel for a manufacturing operation shall be not less than necessary to provide the required yards and off-street parking, and not more than 50% of the lot area shall be covered with buildings.

(b) Provided, however, for a manufacturing operation of which at least 75% of the buildings were constructed prior to October 15, 1956, the Commission may by a conditional use permit allow the lot area covered by buildings to be increased to 65% if it determines that:

(1) No additional land can be readily acquired to maintain a 50% yard area after the construction of additional buildings, and the construction of additional buildings will not create additional fire, explosion, or other hazards, and every reasonable effort has been made by the applicant to create sufficient off-street parking, and loading and unloading facilities, or

(2) The nature of the manufacturing operation is such that coverage of the area by buildings is great in comparison to the needed employee or customer parking facilities, or loading and unloading facilities, or

(3) The nature of the manufacturing operation is such that much of the storage of goods or vehicles is in buildings.

(1980 Code 151.77)

1139.08 YARD REGULATIONS.

For every main or accessory building, the following minimum yards shall be provided:

(a) Front Yard. There shall be a setback of not less than 30 feet in depth, unless shown otherwise on the Zone Map;

(b) Side and Rear Yards. There shall be a yard not less than 50 feet where a building adjoins a side or rear lot line of a residential district;

(c) All Required Yards. The above front, side, and rear yards may be used for off-street parking, but not within 15 feet of a residential district line, and a fence or landscaping may be required by the Commission.

(1980 Code 151.78)

1139.09 HEIGHT REGULATIONS.

The height of buildings is not regulated in manufacturing districts. (1980 Code 151.79)

1139.10 SIGN REGULATIONS.

(EDITOR'S NOTE: Former Section 1139.10 was repealed by Ordinance 03-112, passed July 14, 2003. Sign regulations are now codified in new Chapter 1143.)

TITLE FIVE - Additional Zoning Requirements

Chap. 1141. Sexually Oriented Businesses.

Chap. 1143. Sign Regulations.

Chap. 1145. Supplemental Areas and Height Regulations.

Chap. 1147. Manufactured Homes.

Chap. 1149. Site Plan Review and Off-Street Parking.

Chap. 1151. Nonconforming Structures and Uses.

Chap. 1153. Wind Energy Conversion Systems.

Chap. 1154. Outdoor Telephone Pay Stations.

Chap. 1155. Planned Unit Development.

Chap. 1157. Flood Damage Reduction.

Chap. 1159. Community Entertainment District.

Chap. 1161. Landmark Preservation.

APPENDICES - Amendments, Waivers and Variances

CHAPTER 1141

Sexually Oriented Businesses

1141.01 Definitions.

1141.02 Classification.

1141.03 License required.

1141.04 Issuance of license.

1141.05 Fees.

1141.06 Inspection.

1141.07 Expiration of license.

1141.08 Suspension.

1141.09 Revocation.

1141.10 Transfer of license.

1141.11 Location of sexually oriented businesses.

1141.12 Additional regulations for adult motels.

1141.13 Deposit and use of fees.

1141.99 Penalty.

CROSS REFERENCES

Obscenity and sex offenses - see GEN. OFF. Ch. 533

1141.01 DEFINITIONS.

For purposes of this chapter, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

- (a) "Adult Arcade" means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
- (b) "Adult Bookstore," "Adult Novelty Store" or "Adult Video Store" means a commercial establishment which utilizes twenty-five percent (25%) or more of its retail selling area for the purpose of offering for sale or rental for any form of consideration any one or more of the following:
- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
 - (2) Instruments, devices, or paraphernalia, which are designed for, use in connection with "specified sexual activities."
- (c) "Adult Cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
- (1) Persons who appear in a state of nudity; or
 - (2) Live performances which are characterized by the exposure of "specified sexual activities"; or
 - (3) Film, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (d) "Adult Motel" means a hotel, motel or similar commercial establishment which:
- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions; or
 - (2) Offers a sleeping room for rent for a period of time that is less than ten hours; or
 - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- (e) "Adult Motion Picture Theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (f) "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- (g) "Employee" means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
- (h) "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (i) "Escort Agency" means a person or business association which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (j) "Nude Motel Studio" means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- (k) "Nudity" or a "State of Nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
- (l) "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- (m) "Semi-Nude" or in a "Semi-Nude Condition" means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other

wearing apparel provided the areola is not exposed in whole or in part.

(n) "Sexual Encounter Center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(o) "Sexually Oriented Business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, adult entertainment out-call service in the form of nude dancing or exhibition, or any combination of such businesses.

(p) "Specified Anatomical Areas" means:

- (1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (2) Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

(q) "Specified criminal activity" means any unlawful, lewd, indecent, or immoral criminal conduct.

(r) "Specified Sexual Activities" means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (r)(1) through (3) hereof.

(Ord. 00-165. Passed 4-24-00.)

1141.02 CLASSIFICATION.

Sexually oriented businesses are classified as follows:

- (a) Adult arcades;
- (b) Adult bookstores, adult novelty stores, or adult video stores;
- (c) Adult cabarets;
- (d) Adult motels;
- (e) Adult motion picture theaters;
- (f) Adult theaters;
- (g) Escort agencies;
- (h) Nude or semi-nude model studios;
- (i) Sexual encounter establishments or centers;
- (j) Adult entertainment out-call service in the form of semi-nude dancing or exhibition; and
- (k) Any combination of the classifications set forth in subsections (a) through (j) hereof.

(Ord. 00-165. Passed 4-24-00.)

1141.03 LICENSE REQUIRED.

(a) It is unlawful:

- (1) For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the City pursuant to this chapter.
- (2) For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the City pursuant to this chapter.
- (3) For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this chapter.

(b) An application for a license must be made on a form provided by the City.

(c) All applicants must be qualified according to the provisions of this chapter. The application may request and the applicant shall provide such information (including fingerprints) as to enable the City to determine whether the applicant meets the qualifications established in this chapter.

(d) If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a twenty percent (20%) or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following Section and each applicant shall be considered a licensee if a license is granted.

(e) The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:

- (1) If the applicant is:
 - A. An individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is eighteen years of age;
 - B. A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - C. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.
- (2) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state:
 - A. The sexually oriented business's fictitious name, and
 - B. Submit the required registration documents.
- (3) Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this chapter, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.
- (4) Whether the applicant, or a person residing with the applicant, has had a previous license under this chapter or other similar sexually oriented business ordinances from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
- (5) Whether the applicant or a person residing with the applicant holds any other licenses under this chapter or other similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses.
- (6) The single classification of license for which the applicant is filing.
- (7) The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.
- (8) The applicant's mailing address and residential address.
- (9) A recent photograph of the applicant(s).
- (10) The applicant's driver's license number, Social Security number, and/or his/her state or federally issued tax identification number.

(11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

(12) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented business within 1000 feet of the property to be certified; the property lines of any established religious institution/synagogue, school, or public park or recreation area within 1000 feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time of the application submitted.

(13) If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which depicts specified sexual activities or specified anatomical areas, then the applicant shall comply with the following application requirements:

A. All requirements set forth in subsection (e)(11) hereof;

B. The City may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared;

C. The application shall be sworn to be true and correct by the applicant.

(f) Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the City the following information:

(1) The applicant's name or any other name (including "stage" names) or aliases used by the individual;

(2) Age, date, and place of birth;

(3) Height, weight, hair and eye color;

(4) Present residence address and telephone number;

(5) Present business address and telephone number;

(6) Date, issuing state and number of driver's permit or other identification card information;

(7) Social Security number; and

(8) Proof that the individual is at least eighteen (18) years of age.

(g) Attached to the application form for a sexually oriented business employee license as provided above, shall be the following:

- (1) A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the Police Department. Any fees for the photographs and fingerprints shall be paid by the applicant.
- (2) A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, state, or country or has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.
- (3) A statement whether the applicant has been convicted of a specified criminal activity as defined in this chapter and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

(Ord. 00-165. Passed 4-24-00.)

1141.04 ISSUANCE OF LICENSE.

(a) Upon the filing of said application for a sexually oriented business employee license, the City shall issue a temporary license to said applicant. The application shall then be referred to the appropriate City departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within thirty (30) days from the date the completed application is filed. After the investigation, the City shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

- (1) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
- (2) The applicant is under the age of eighteen (18) years;
- (3) The applicant has been convicted of a "specified criminal activity" as defined in this chapter;
- (4) The sexually oriented business employee license is to be used for employment in a business prohibited by local or state laws, statute, rule or regulation, or prohibited by a particular provision of this chapter; or
- (5) The applicant has had a sexually oriented business employee license revoked by the City within two (2) years of the date of the current application. If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in Section 1141.09.

(b) A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the City that the applicant has not been convicted of any specified criminal activity as defined in this chapter or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in Section 1141.05.

(c) Within 30 days after receipt of a completed sexually oriented business application, the City shall approve or deny the issuance of a license to an applicant. The City shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence

that one or more of the following findings is true:

(1) An applicant is under eighteen (18) years of age.

(2) An applicant or a person with whom applicant is residing is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business.

(3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(4) An applicant or a person with whom the applicant is residing has been denied a license by the City to operate a sexually oriented business within the preceding twelve (12) months or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.

(5) An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this chapter.

(6) The premises to be used for the sexually oriented business have not been approved by the Health Department, Fire Department, and the Building Official as being in compliance with applicable laws and ordinances.

(7) The license fee required by this chapter has not been paid.

(8) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.

(d) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued pursuant to Section 1141.02. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.

(e) The Health Department, Fire Department, and the Building Official shall complete their certification that the premises is in compliance or not in compliance within twenty (20) days of receipt of the application by the City.

(f) A sexually oriented business license shall issue for only one classification as found in Section 1141.02.

(Ord. 00-165. Passed 4-24-00.)

1141.05 FEES.

(a) Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a \$500.00 non-refundable application and investigation fee.

(b) In addition to the application and investigation fee required above, every sexually oriented business that is granted a license (new or renewal) shall pay to the City an annual non-refundable license fee of two hundred and fifty dollars (\$250.00) within thirty (30) days of license issuance or renewal.

(c) Every application for a sexually oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual \$150.00 non-refundable application, investigation and license fee.

(d) All license applications and fees shall be submitted to the Department of Community Development of the City.
(Ord. 00-165. Passed 4-24-00.)

1141.06 INSPECTION .

(a) An applicant or licensee shall permit representatives of the Police Department, Health Department, Fire Department, Zoning Department, or other City departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

(b) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is open for business.
(Ord. 00-165. Passed 4-24-00.)

1141.07 EXPIRATION OF LICENSE.

(a) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 1141.03. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.

(b) When the City denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final.
(Ord. 00-165. Passed 4-24-00.)

1141.08 SUSPENSION.

The City shall suspend a license for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee has:

(a) Violated or is not in compliance with any section of this chapter;

(b) Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter.

(Ord. 00-165. Passed 4-24-00.)

1141.09 REVOCATION.

(a) The City shall revoke a license if a cause of suspension in Section 1141.08 occurs and the license has been suspended within the preceding twelve (12) months.

(b) The City shall revoke a license if it determines that:

- (1) A licensee gave false or misleading information in the material submitted during the application process;
- (2) A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (3) A licensee has knowingly allowed prostitution on the premises;
- (4) A licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
- (5) Except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or
- (6) A licensee is delinquent in payment to the City, County, or State for any taxes or fees past due.

(c) When the City revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented business license for one (1) year from the date the revocation became effective. If, subsequent to revocation, the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

(d) After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

(Ord. 00-165. Passed 4-24-00.)

1141.10 TRANSFER OF LICENSE.

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

(Ord. 00-165. Passed 4-24-00.)

1141.11 LOCATION OF SEXUALLY ORIENTED BUSINESSES.

(a) A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than light manufacturing or general manufacturing, as defined and described in Chapter 1139.

(b) The establishment and/or operation of a sexually oriented business is strictly prohibited in the Central Business District as defined in Section 1149.04(f) and in any zoning district except light manufacturing or general manufacturing as indicated in subsection (a) hereof. A person commits a misdemeanor if the person attempts or operates or causes to be operated a sexually oriented business within a 750 foot radius of:

(1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

(2) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergarten, elementary schools, private schools, intermediate school, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; "school" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

(3) A boundary of a residential district as defined in the Zoning Ordinance;

(4) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City Park and Recreation authorities;

(5) The property line of a lot devoted to a residential use as defined in the Zoning Ordinance;

(6) An entertainment business which is oriented primarily towards children or family entertainment; or

(7) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State.

(8) Late night businesses such as a laundromat, movie theater, bars or taverns.

(c) A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1000 feet of another sexually oriented business.

(d) A person commits a misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

(e) For the purpose of subsection (b) hereof, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (b) hereof. Presence of a City, County or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(f) For purposes of subsection (c) hereof, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

(g) Any sexually oriented business lawfully operating on September 13, 1999, that is in violation of subsections (a) through (f) hereof shall be deemed a nonconforming use. The nonconforming use will be permitted to continue unless sooner terminated for any reason or voluntarily discontinued for a period of one (1) year or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is/are nonconforming.

(Ord. 00-165. Passed 4-24-00.)

1141.12 ADDITIONAL REGULATIONS FOR ADULT MOTELS.

(a) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

(b) A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented license, he rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room again.

(c) For purposes of subsection (b) hereof, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

(Ord. 00-165. Passed 4-24-00.)

1141.13 DEPOSIT AND USE OF FEES.

All fees collected by the City of Sandusky for permits and licenses under the regulations shall be deposited in the General Fund to be first applied to the cost of administering and enforcing these regulations.

(Ord. 00-165. Passed 4-24-00.)

1141.99 PENALTY.

A violation of any portion of this chapter shall be a misdemeanor of the first degree.

(Ord. 00-165. Passed 4-24-00.)

CHAPTER 1143 Sign Regulations

1143.01 Purpose.

1143.02 Definitions.

1143.03 General provisions.

1143.04 Downtown design review.

1143.05 Exempt signs.

1143.06 Prohibited signs.

1143.07 Zoning clearance, zoning permit and building permit required.

1143.08 Allowable signage.

1143.09 Specific sign requirements.

1143.10 Failure to comply.

CROSS REFERENCES

Zoning authority regulation of devices - see Ohio R.C. 5516.11

Abandoned signs and billboards - see Sandusky B.C. 1365

Nonconforming signs - see P. & Z. 1151.06

1143.01 PURPOSE.

The purpose of this chapter is to protect the safety and orderly development of the community through the regulation of signs and sign structures. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and to provide an environment for the proper functioning of public facilities in relation to the Comprehensive Plan.

(Ord. 03-112. Passed 7-14-03.)

1143.02 DEFINITIONS.

Abandoned Sign. Defined and regulated in the Sandusky Building Code Section 1365.03.

Air Activated Device: Any pennant, streamers, balloon, blimp, or "pinwheel / whirly-gig" including displays which are inducted with forced air from a fan or other source, or movement caused by ambient or compressed air.

Animated Sign. A sign employing actual motion or the illusion of motion, or flashing.

Awning Sign. A sign displayed on or attached flat against the surface or surfaces of an awning.

Banner. A flexible substrate on which copy or graphics may be displayed.

Billboard. A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale of or lease of, the property on which it is displayed.

Building or Structure Murals. Any decorative pictorial that is painted on a wall surface of a building or structure.

Cabinet Sign. A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Changeable Sign. A sign with the capability of content change by means of manual input.

Development Complex Sign. A freestanding sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord.

Development Sign. A sign indicating such things as the names of the architects, engineers, landscape architects, contractors and similar individuals or firms having a role or interest with respect to the development, structure or project.

Directional Sign. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Double-Faced Sign. A sign with two faces, back to back, or with 2 faces, which cannot be viewed from one point simultaneously.

Downtown Design Review District: Boundaries: Sandusky Bay on the north; Hancock Street on the east; Washington Street on the south; and Decatur Street on the west. All properties within such boundaries and all properties fronting on the opposite side of Washington, Hancock and Decatur Streets are subject to the regulations of this district.

Electronic Message Sign or Center. An electrically activated changeable sign whose variable message capability can be electronically programmed.

FreeStanding Sign. A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.

Illuminated Sign. A sign characterized by the use of artificial light, either projecting through its surface(s) or reflecting off its surface(s).

Marquee. A multi-sided or rounded overhead structure or architectural projection supported by attachments to a building. Text may be mounted on the structure.

Mass Factor. A multiplication factor to be multiplied by the building frontage, to equal allowable square footage for signage.

Monument Sign: A freestanding sign which is less than 8½ feet above grade at the highest horizontal member.

Multiple-Faced Sign. A sign containing three or more faces.

Political Sign. A temporary sign intended to advance a political statement, cause or candidate for office.

Portable Sign. Any sign not permanently attached to the ground or to a building or building surface but usually anchored or secured to a trailer, vehicle (where primary purpose is to advertise) or frame capable of being moved from place to place and constructed to weather the elements.

Projecting Sign. A sign, other than a wall sign, that is attached to or projects more than 12 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

Pylon Sign. A freestanding sign where the lowest horizontal member is more than 8½ feet above grade.

Real Estate Sign. A sign advertising the sale, lease or rental of the property or premises upon which it is located.

Roof Sign. A sign erected upon or above a roof or parapet of a building or structure.

Sign. Any writing, pictorial representation, illustration, emblem, symbol, design, or other figure or similar character that is a structure or a part thereof, or is attached to or in any manner represented on a building, vehicle, or other structure, and is visible from any public right-of-way or any other lot or parcel, and is used for purposes of advertisement, announcement, declaration, demonstration, identification or expression.

Sign Area/Face. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. For double or multiple faced signs, the area shall be the largest area visible at any one time.

. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.

. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

Sign Structure: Any structure supporting a sign.

Temporary Sign. Any sign, banner, flag, pennant, or other display of cloth, canvas, wallboard, board, plastic or other such material, designed to be displayed for a limited period of time and not constructed to weather the elements.

Vehicular Sign. Any sign attached, painted or applied to a vehicle of any type, which is strategically located to primarily identify, advertise or promote a business. This definition excludes ordinary work vehicles with the name or logo of the business displayed.

Wall Sign. A sign that is in any manner affixed to any exterior wall of a building or structure that projects not more than 12 inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.

Window Sign. A sign affixed to the surface of a window either internally or externally or located internally within 24" of a window surface.

(Ord. 03-112. Passed 7-14-03.)

1143.03 GENERAL PROVISIONS.

(a) Conformance to Codes. Any sign hereafter erected shall conform to the provisions of this chapter and the provisions of the Sandusky Building Code. Nothing in this chapter shall supercede the rules and regulations of the Ohio Building Code, whereby the requirements would be less restrictive than the Ohio Building Code.

(b) Signs Located in Rights-of-Way. No sign other than an official traffic or similar sign shall be erected within or overhang a City right-of-way unless specifically authorized by the City Engineer or as described below.

Projections over public walkways. Signs projecting over public walkways shall be permitted to do so only when a building structure abuts a public way, and the sign will not directly hamper a motorist line of sight or the flow of traffic, subject to a minimum height of 8½ feet from grade level to the bottom of the sign, and shall not project more than six (6) feet over the public walkway.

(c) Computation of Frontage.

(1) Wall signage: If a premises contains building walls facing more than one public right-of-way, the sign area(s) for each building wall shall be computed separately for each building wall. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall.

(2) Freestanding signage: If a premises contains building walls facing more than one public right-of-way, the sign area for a freestanding sign shall be based off the calculation of the average of the frontage of the building walls facing the right-of-way. Where two freestanding signs are permitted, each may have a maximum area as calculated by the applicable mass factor.

(3) The amount of allowable signage shall be determined by multiplying the applicable mass factor by the building frontage.

(d) Point of Reference for Measuring Required Setbacks. All setbacks shall be measured from the portion of the sign that is closest to the property line.

(e) Maintenance, Repair, Abandonment and Removal. Shall be regulated by the Sandusky Building Code Chapter 1365.

(Ord. 03-112. Passed 7-14-03.)

(f) Nonconforming Signs. A sign legally existing at the time of the passage of this chapter that does not conform in use, location, height or size with the regulations of the zone in which such sign is located, may be allowed to remain and may be maintained and its structural parts and sign face repaired and replaced.

(Ord. 04-207. Passed 12-27-04.)

(g) Illumination: All permanent signs in non-residential zoning districts may be illuminated. If signs are illuminated, their light sources shall not be of excessive brightness, or cause a glare hazardous to pedestrians or auto drivers or objectionable in an adjacent residential district. (Ord. 03-112. Passed 7-14-03.)

1143.04 DOWNTOWN DESIGN REVIEW.

All new signs and sign faces shall conform and be subject to Chapter 1359 of the City of Sandusky Codified Ordinances.

(Ord. 03-112. Passed 7-14-03.)

1143.05 EXEMPT SIGNS.

The following signs shall be exempt from the provisions of this chapter.

(a) Directional, warning or information signs authorized by federal, state or municipal governments.

(b) Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.

(c) The flag of a government, or noncommercial institution, such as a school.

(d) Religious symbols and seasonal decorations within the appropriate public holiday season.

(e) Street address signs and combination nameplate and street address signs, which do not exceed 3 square feet.

(f) Public banners approved by the City.

(g) Private traffic and on-site directional signs.

(h) ATM's limited to 8 square feet in area.

(i) Signs which are an integral part of the historic character of a structure as determined by an agency or body of

the governments of the United States, State of Ohio, Erie County or City of Sandusky.

(Ord. 03-112. Passed 7-14-03.)

1143.06 PROHIBITED SIGNS.

- (a) Vehicular signs.
- (b) Search lights, laser lights.
- (c) Flashing lights, projected images or animated signs unless with a conditional use permit.
- (d) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- (e) Signs encroaching upon or overhanging a public right-of-way unless specifically authorized by the City Engineer.
- (f) Signs attached to utility poles, light poles, street trees or other public facility located within the public right-of-way.
- (g) Air activated devices, i.e. balloons, streamers, pinwheels, etc. unless granted zoning clearance as temporarily displayed (no more than 60 days) in a one (1) year period.
- (h) Wall signs located above the ground floor, unless a conditional use permit is granted. (Ord. 03-112. Passed 7-14-03.)

1143.07 ZONING CLEARANCE, ZONING PERMIT, AND BUILDING PERMIT REQUIRED.

- (a) Unless specifically exempted, zoning clearance shall be obtained from the Division of Planning for all signs exceeding nine (9) square feet in total area, before they are erected or altered. Zoning clearance is necessary to verify that the sign meets all zoning requirements prior to the issuance of a Building Permit.
- (b) When applying for zoning clearance, the following must be submitted.
 - (1) A dimensioned site plan showing the location and size of proposed sign(s) and on-site buildings or other structures.
 - (2) For free-standing signs, scaled elevation drawings shall be required.
 - (3) Temporary and Air Activated Devices. Before zoning clearance can be granted for the items mentioned, a rough drawn site plan and a set duration for the signs, not to exceed sixty (60) days in a one (1) year period, (start date and ending date) must be presented to zoning along with application for permit.
- (c) A Zoning Permit shall be required for all portable signs regardless of size. The fee for the permit shall be in accordance with the schedule of fees maintained in the Department of Community Development.
- (d) Upon receipt of a complete and accurate application for zoning clearance or Zoning Permit, the Division of Planning shall grant or deny zoning clearance or permit within ten (10) working days after the day the application is submitted.
- (e) Failure of the Division of Planning to issue a permit or give reason for denial within the required ten (10) working days shall be construed to be an issuance of zoning clearance or permit.
- (f) All appeals to this chapter shall be heard by the Board of Zoning Appeals.
- (g) Building Permits shall be required for signs as determined by the Sandusky Division of Building.
- (h) Changes to Signs. No sign shall be structurally altered, enlarged or relocated except in conformance with the provisions of this chapter, nor until zoning clearance and a proper permit, if required, has been secured.
- (i) Permit Fees. There shall be no fee for zoning clearance approval. Zoning Permit Fees and Building Permit fees shall be in accordance with the fee schedule kept on record with the respective department.
- (j) Revoking Zoning Clearance or Permit. The Director of Community Development may revoke zoning clearance or a Zoning Permit where there has been a violation of the provisions of this chapter.

(Ord. 03-112. Passed 7-14-03.)

1143.08 ALLOWABLE SIGNAGE.

- (a) Public Facilities Districts.
 - (1) For any permitted use in a public facilities district, with the exception of hospitals or health clinics, forty (40) square feet of signage shall be permitted.
 - A. Any freestanding sign permitted for the above shall not exceed eight and one half (8½) feet in overall height (monument style).
 - (2) For hospitals or health clinics, signage shall be determined based upon the development due to the necessity for increased signage to facilitate persons in emergency situations.
- (b) Residential Districts.
 - (1) One (1) subdivision development sign per entrance to subdivision. Sign can be located at the entrance to subdivision only, and cannot exceed thirty-two square feet.
 - (2) A single-family residential subdivision or multiple-family residential complex may be permitted one monument sign per entrance not to exceed thirty-two square feet per sign.
 - (3) Any freestanding sign permitted in a residential zoning district shall not exceed eight and one half feet in overall height (monument style).
 - (4) Signage, other than the above mentioned, exceeding nine (9) square feet shall require a conditional use

permit.

(c) Business and Commercial Districts.

(1) Wall signage per building wall facing a public right-of-way based on the following chart:

Speed limit on street	Mass factor
25 mph	1.00
35 mph, single lane	1.65
35 mph, multi lane or 45 mph single lane	1.75
45 mph, multi lane or single lane greater than 45 mph	2.00
Downtown Design Review District	1.00

For shopping centers, planned industrial parks or other multiple occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy to determine the allowed signage.

(2) One (1) freestanding or projecting sign to be determined based on the following chart:

Speed limit on street	Mass factor
25 mph	1.00
35 mph, single lane	1.25
35 mph, multi lane or 45 mph single lane	1.25
45 mph, multi lane or single lane greater than 45 mph	1.56
Downtown Design Review District	.25

- A. For shopping centers, planned industrial parks or other multiple occupancy nonresidential buildings, or multiple building structures, to calculate the allowable size of a freestanding sign, the mass factor shall be multiplied by the aggregate building frontage.
- B. No freestanding sign shall exceed 215 square feet on a single side per sign, in a business or commercial district.
- C. Regardless of the number of businesses or structures on a single parcel, one freestanding sign shall be permitted if the lot frontage is less than 500 feet. If the lot frontage is 500 feet or more, two freestanding signs shall be permitted provided the signs are at least 250 feet apart.

(c) Manufacturing Districts.

(1) Wall signage per building wall facing a public right-of-way based on the following chart:

Speed limit on street	Mass factor
25 mph	1.00
35 mph, single lane	1.25
35 mph, multi lane or	

45 mph single lane	1.50
45 mph, multi lane or single lane greater than 45 mph	1.75
Downtown Design Review District	1.00

For shopping centers, planned industrial parks or other multiple occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy to determine the allowed signage.

(2) One (1) freestanding or projecting sign to be determined based on the following chart:

Speed limit on street	Mass factor
25 mph	.80
35 mph, single lane	1.00
35 mph, multi lane or 45 mph single lane	1.00
45 mph, multi lane or single lane greater than 45 mph	1.25
Downtown Design Review District	.25

A. For shopping centers, planned industrial parks or other multiple occupancy nonresidential buildings, or multiple building structures, to calculate the allowable size of a freestanding sign, the mass factor shall be multiplied by the aggregate building frontage.

B. No freestanding sign shall exceed 180 square feet on a single side per sign, in a manufacturing district.

C. Regardless of the number of businesses or structures on a single parcel, one freestanding sign shall be permitted if the lot frontage is less than 500 feet. If the lot frontage is 500 feet or more, two freestanding signs shall be permitted provided the signs are at least 250 feet apart.

(3) Signs shall not be permitted within fifty (50) feet of a residential district.

(Ord. 03-112. Passed 7-14-03.)

1143.09 SPECIFIC SIGN REQUIREMENTS.

(a) Awning Signs, Canopy Signs, Marquee Signs.

(1) The copy area of these signs shall not exceed an area equal to 25 percent of the background area of the surface to which the sign is affixed to or applied, or the permitted area for wall, whichever is less.

(2) Neither the background color, nor any graphic treatment or embellishment such as striping, patterns or color bands shall be included in the computation of sign copy area.

(3) These signs shall be assessed against the sign area permitted for other sign types.

(b) Billboards.

(1) Billboards are permitted in Manufacturing Districts with a conditional use permit. All new billboards must meet the following criteria:

(2) If the billboard is illuminated, its light source shall not be of excessive brightness, or cause a glare hazardous to pedestrians or automobile drivers or objectionable in an adjacent residential district. Flashing, moving, or intermittent illumination shall be prohibited.

(3) No more than one billboard shall be located per lot.

(4) Billboards utilizing rotating panels, in order to display various sign faces, shall conform to the following:

A. No more than three sign faces shall be installed.

B. Not more than one side of the panel shall show within a ten second time frame.

- (5) Landscaping shall be required and a plan shall be submitted and approved by the Planning Commission.
 - (6) There shall be a thirty-foot minimum setback from the front property line.
 - (7) There shall be a minimum thirty-foot side yard setback.
 - (8) The maximum square footage of a billboard face, visible at one time, shall not exceed three hundred square feet.
 - (9) There shall be a minimum setback of 200 feet from a park, playground, public building or residence.
- (c) Development and Construction Signs. Development and construction signs shall not require zoning clearance or a building permit. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, and engineers shall be permitted in all zoning districts subject to the following restrictions:
- (1) On a residential lot, development and construction signs shall not exceed six square feet in total area and shall be located not less than five feet from any front or side lot line.
 - (2) For an undeveloped subdivision, there may be one sign per entrance to the subdivision and each sign shall be no greater than thirty-two square feet and located not less than ten feet from any front or side lot line.
 - (3) For business, commercial or manufacturing lots, there may be no more than one sign per street front not to exceed sixty-four square feet and located not less than ten feet from any front or side lot line.
 - (4) Development and construction signs must be removed within two weeks following completion of the construction or conform to the permanent sign regulations for the district in which they are located.
- (d) Monument Signs.
- (1) May be located within the required front yard but not closer than fifteen feet or one-half the required front yard setback, whichever is greater.
 - (2) Shall not be located within ten feet from a building on an adjacent lot and not less than thirty feet from another sign.
 - (3) Shall not be more than eight and one-half feet above grade.
 - (4) Shall not interfere with the line of sight for any vehicle.
- (e) Political Signs. Political signs shall be permitted in all zoning districts and shall not require zoning clearance or permit and be subject to the following limitations:
- (1) The political sign, poster or like device shall legibly bear the name of the party responsible for placement of the sign and shall not exceed thirty-two square feet per side, with no single dimension greater than eight feet; except the above restrictions shall not apply to political advertisements using billboards located in conformity with applicable provisions of the Zoning Code.
 - (2) Only one double-sided political sign per individual candidate or individual issue shall be placed per site (ground level street address) except as to corner lots, two such signs per individual candidate or individual issue may be placed at a site so as to front on each intersecting street.
 - (3) The owner or person in control of the property upon which the political sign, poster or like device is displayed, shall consent to the placement of same.
 - (4) No political sign, poster or like device shall be erected on, in or infringe in any way into the right-of-way of any street, road or other public way, nor be attached to any utility facility located within such right-of-way.
 - (5) No political sign, poster or like device shall be erected near the intersection of any street, road, alley, other public way or private drive in such a manner as to be hazardous to the vision of pedestrians or drivers of vehicles.
 - (6) The provisions of this section shall not operate to restrict the placement of political signs at polling places on an election day contrary to applicable State and Federal laws.
 - (7) Political signs shall be removed or replaced within forty-five (45) days from initial erection.
- (f) Portable Signs.
- (1) A zoning permit is required for all portable signs.
 - (2) No portable sign shall flash, be animated, rotate, or have the appearance of moving.
 - (3) All wiring that serves and is part of a portable sign shall be inspected and shall meet the provisions of the City Electrical Code.
 - (4) Portable signs shall not be permitted in residential districts.
 - (5) The maximum allowable size for a portable sign shall be thirty-two (32) square feet.
 - (6) A property shall have no more than one portable sign erected for no more than four months cumulative in any one year.
- (g) Pylon Signs.
- (1) Shall not be located closer than fifteen feet to any right-of-way.
 - (2) Shall have a minimum clearance of 8½ feet above grade.
 - (3) Shall not be over thirty (30) feet in height.

(h) Real Estate Signs.

- (1) Temporary real estate signs shall not require zoning clearance or a permit. Real estate signs shall be permitted in all zoning districts. Real estate signs shall be removed immediately following the sale or lease of the property. Real estate signs six (6) square feet or less shall meet the following regulations:

Shall be limited to one sign per street frontage and shall be located not less than five feet from any front or side lot line or closer than the building line, whichever is the lesser.

- (2) Real estate signs exceeding six (6) square feet shall meet the following regulations:

- A. Located within an undeveloped subdivision - shall be limited to one sign per entrance to the subdivision, and each sign shall be no greater than sixty-four (64) square feet and not located less than ten (10) feet from any front or side lot line. All signs shall be removed within ten days after the sale of the last original lot.
- B. For non-residential properties, one sign is permitted limited to a maximum of thirty-two square feet.
- C. Off-premises real estate signs are prohibited except the use of "Open House" signs displayed for not more than a 48-hour period, and which do not directly hamper a motorist line of sight or the flow of traffic.

(i) Roof Signs. Roof signs shall only be permitted with a Conditional Use Permit. The Planning Commission shall take into consideration the necessity of the roof sign in evaluating the application.

(j) Temporary signs shall require zoning clearance and be subject to the following regulations, unless otherwise specifically exempted elsewhere in this chapter:

- (1) No temporary sign shall exceed four feet in any one of its dimensions unless it's a banner, in which case it can't exceed eight feet in any one dimension.
- (2) Limit of one sign per street frontage.
- (3) Such signs may be displayed for not more than 60 days in any calendar year.

(k) Wall Signs.

- (1) Wall signs may not project more than 12" from the building, or wall, and must be installed parallel to the structure it is attached to.
- (2) The allowable square footage for a wall sign shall be figured separately for each building wall.
- (3) A wall sign pertaining to a legal non-conforming use shall be permitted, provided the area of such sign does not exceed twelve (12) square feet.

(l) Window Signs. Window signs shall not require zoning clearance or a building permit. Window signs shall be permitted in any district subject to the following limitations:

- (1) Any sign, graphic or neon located within 24" of a window surface will be considered a window sign.
- (2) The aggregate area of all such signs shall not exceed twenty-five percent of the window area on which such signs are displayed.
- (3) Window signs shall not be assessed against the sign area permitted for other sign types.

(Ord. 03-112. Passed 7-14-03.)

1143.10 FAILURE TO COMPLY.

Failure of an owner to comply with the provisions listed above shall be cause for the inspecting official to order the Building Permit or zoning clearance issued for the sign void, and either the Building Official or Director of Community Development may order the sign to be removed and fines issued to property owners when citations have been issued by the Building Department.

(Ord. 03-112. Passed 7-14-03.)

CHAPTER 1145

Supplemental Area and Height Regulations

1145.01 Buildings permitted on zoning lot.

1145.02 Required lot area to be maintained.

1145.03 Lots of record of insufficient size.

1145.04 Lots along the waterfront.

1145.05 Lot area for group developments.

1145.06 Dwelling unit area requirements.

1145.07 Required yards to be maintained.

1145.08 Front yards of partially built-up blocks.

1145.09 Side yards, insufficient.

1145.10 Yards on corner lots.

1145.11 Yard regulations; unit development of one- or two-family dwellings.

1145.12 Yard regulations; multifamily dwellings.

- 1145.13 Yard regulations for irregular lots.**
- 1145.14 Yards for institutions.**
- 1145.15 Yards for accessory buildings.**
- 1145.16 Projections into yards.**
- 1145.17 Landscape features and yard structures.**
- 1145.18 Structures permitted above height limit.**

CROSS REFERENCES

Area, height and yard requirements - see P. & Z. 1129.13

1145.01 BUILDINGS PERMITTED ON ZONING LOT.

(a) There shall not be more than 1 one-family or 1 two-family dwelling located on a zoning lot; however, there may be more than one row house or apartment building on a zoning lot. No dwelling shall be erected to the rear of any building on the same lot, except in RMF or RRB Districts.

(b) In addition, there may be one or more accessory buildings on the same zoning lot with a main building in any residential district, provided the accessory building is constructed subsequent to the main building.

(1980 Code 151.22)

1145.02 REQUIRED LOT AREA TO BE MAINTAINED.

(a) A lot or parcel of land may be divided into 2 or more zoning lots, provided, all lots resulting from the division shall conform to all lot area and width regulations of the district in which it is located. A lot of record (land designated as a separate parcel on a plat, map, or deed in the records of Erie County, Ohio), whether vacant or occupied by a building, which was owned separately from adjoining lots on the effective date of the Zoning Code, and which has an area or width equal to or less than required by these regulations, shall not be further reduced in any manner, except by its entire conveyance to an adjacent owner. The required lot area which is provided for a dwelling or other use shall not be considered as providing the required lot area for another dwelling or use.

(b) If 2 or more lots, or combinations of a lot and a portion of a lot or lots, in single ownership, are of record at the time of passage or amendment of Chapter 1129 and this chapter, and do not meet the requirements for lot width and area as established by Chapter 1129 and this chapter, except when considered as a unit, the land involved shall be considered to be an undivided parcel or unit for the purposes of Chapter 1129 and this chapter, and no portion of the parcel shall be used or transferred which does not meet lot width and area requirements established by Chapter 1129 and this chapter, nor shall any division of the parcel be made which leaves remaining any lot or parcel of land with width or area below the requirements stated in Chapter 1129 and this chapter. Provided, however, that a portion of the parcel may be transferred to the owner of property abutting the parcel for the purpose of enlarging the property of the abutting owner. In such event, the portion of the parcel being transferred to the abutting property need not meet the lot width and area requirements established by Chapter 1129 and this chapter, but the portion of the parcel being retained must meet the minimum lot width and area requirements established by Chapter 1129 and this chapter.

(1980 Code 151.23)

1145.03 LOTS OF RECORD OF INSUFFICIENT SIZE.

A lot of record, or a lot in a subdivision of which the preliminary plan has been approved, which does not comply with the area or width of lot regulations of the district in which it is located on the effective date of the Zoning Code, or any amendment thereto, making the lot nonconforming, may be used as follows:

(a) If occupied by a building, the building may be maintained, repaired, modernized, or altered, provided, however, that the building may not be enlarged in floor area or converted to another use, unless the enlarged or converted areas comply with the yard regulations.

(b) If vacant, the lot may be used as a site for a one-family dwelling, provided that all regulations of the Zoning Code, except the lot area and lot width regulations, shall be complied with.

(1980 Code 151.24)

1145.04 LOTS ALONG THE WATERFRONT.

Variations from the lot area, width, and yard requirements for the various districts may be permitted by the Planning Commission, provided the lot or subdivision is located upon, or in close proximity to, the waters of Lake Erie or Sandusky Bay, or their connecting and tributary waters, and provided the primary attraction of the subdivision is the proximity to these waters, but requirements as to lot areas or widths may not be decreased more than 25% from the regulations of the district in which the lot or subdivision is located.

(1980 Code 151.25)

1145.05 LOT AREA FOR GROUP DEVELOPMENTS.

For computation of the number of dwelling units permitted on a parcel for a group development of multifamily dwellings, large recreational areas, unbuildable areas because of irregular topography, and areas that are dedicated or to be used for street purposes shall be excluded from the gross site area.

(1980 Code 151.26)

1145.06 DWELLING UNIT AREA REQUIREMENTS.

In order to promote healthful living conditions, and to preserve the value and character of residential neighborhoods, dwellings shall be erected, altered, moved, maintained, modernized, or used only in accordance with the following standards:

(a) Area of Dwelling Unit. The sum of the gross floor areas above the basement level, including those rooms and closets having a minimum ceiling height of 7 feet, and having the natural light and ventilation as required by the building code; rooms above the first floor may be included which are directly connected by a permanent stairs and hall, and spaces under pitched roofs having a minimum knee-wall height of 4 feet if 2/3 of the room area has a minimum ceiling height of 7 feet. The area shall be measured from the interior face of the enclosure walls at the first floor line, and the interior face of the walls of those rooms which may be included under a pitched roof for one-family dwellings, and measured from the center line of party walls where applicable for two-family or multifamily dwellings. There shall be excluded all areas within garages and porches for all dwellings; utility and general storage rooms in basementless dwellings; and public halls, and utility and general storage rooms in multifamily dwellings.

(b) Minimum Area. The minimum area of a dwelling unit, as defined in this section, shall be not less than set forth in the following schedule:

Dwelling Type	District	Minimum Area Per Dwelling Unit (sq. ft.)
1-family	RS R1-75 R1-60	900
1-family	R1-50	700
1-family	R1-40	575
1-family 2-family	R2F	550 450
1-family 2-family Multifamily	RMF	550 450 400

(c) Utility and General Storage Area. In addition to the above minimum area requirements, at least 100 square feet of utility and general storage space shall be provided in a room or rooms having a minimum 7 feet ceiling height, if similar space is not provided in a basement of each one-family dwelling, and at least 75 square feet of the space shall be provided for each two-family and multifamily dwelling unit.

(1980 Code 151.27)

1145.07 REQUIRED YARDS TO BE MAINTAINED.

The required yards surrounding an existing building shall not be separated in ownership from that portion of the lot upon which the building is located, and no part shall be considered as providing a yard for any other existing building on the same or an adjacent lot. A yard shall not be reduced to less than the required dimensions for that district in which it

is located by enlarging an existing building, and a yard of less than the required dimensions shall not be further reduced. Every required yard shall be open and unobstructed from the ground upward, except for accessory buildings as set forth in Section 1145.15, and permitted projections as set forth in Section 1145.16.

(1980 Code 151.28)

1145.08 FRONT YARDS OF PARTIALLY BUILT-UP BLOCKS.

Where a building line has not been established, and where 50% or more of the aggregate street frontage between 2 successive intersecting streets is occupied by buildings of the type and use permitted in the district before the effective date of the Zoning Code, the average setback distance of conforming buildings located within 100 feet on either side of a given lot shall be the minimum front yard setback for that lot; provided, however, the depth of the front yard resulting therefrom shall be not less than one-half of the dimensions set forth in Sections 1129.13 and 1129.14.

(1980 Code 151.29)

1145.09 SIDE YARDS, INSUFFICIENT.

Where side yards are narrower than required for the district in which the building and lot are located, and which was owned separately from all other tracts of land on the effective date of the Zoning Code, and is still so owned, the building may be maintained, repaired, modernized, or altered, but may not be enlarged in ground floor area unless the enlarged part complies with the yard regulations for residence districts.

(1980 Code 151.30)

1145.10 YARDS ON CORNER LOTS.

The depth of the front yard on a corner lot shall be not less than the required setback from the front lot line as defined in Section 1107.01. The width of the side yard on the side street shall be not less than one-half of the depth of the front yard required from the adjoining lot which abuts on the side street; except, for lots of record, the side yard along the side street may be not less than one-fourth of the depth required for the adjoining front yards, unless shown otherwise on the Zone Map. The interior side yard shall be not less than the minimum width required for a single side yard of an interior lot.

(1980 Code 151.31)

1145.11 YARD REGULATIONS; UNIT DEVELOPMENT OF ONE- OR TWO-FAMILY DWELLINGS.

(a) Intent. In order to encourage greater attractiveness, flexibility, and fuller utilization of yard spaces, when a group of 3 or more contiguous one- or two-family dwellings is designed and developed as a unit, the following planned variations to the yard regulations may be permitted.

(b) Front Yard. The depth of front yards may be varied by increasing or decreasing the setback, provided the setback is decreased not more than 10 feet from the established building line, and the average depth of the front yards for the entire unit development is not less than the minimum depth required for front yards in the district in which they are located.

(c) Side Yards. The width of side yards may be varied by locating the "service" side of 2 dwellings (kitchens, garages, utility rooms) opposite each other on adjacent lots, providing the "living" sides (living, sleeping rooms) are located opposite each other on other adjacent lots. Then the total yard width for the 2 "service" side yards shall be not less than the total of 2 minimum side yards, and the width for the other 2 "living" side yards shall be not less than the total of the larger side yards; provided, however, the total width of the 2 side yards on each lot is not less than that required for the district.

(d) Approval. Development plans showing the location of buildings, yards, driveways, and other site improvements for the entire "unit development" shall be submitted to the Commission, and until approved by it, building permits shall not be issued.

(1980 Code 151.32)

1145.12 YARD REGULATIONS; MULTIFAMILY DWELLINGS.

(a) Intent. In order to encourage greater flexibility and more attractive arrangements of buildings, and greater utilization of open spaces, yard regulations for multifamily dwellings are established for "single development" (one M-F building on a lot), and yard regulations are established for locating several buildings in relation to each other within the interior of a lot of a "group development" (2 or more M-F buildings on a parcel), not subdivided into the usual street and lot pattern.

(b) Definitions. The following terms are used in this section since the terms "front," "side," and "rear elevations of buildings" are not appropriate.

(1) "Main wall" means any exterior wall, generally the longitudinal, containing all required windows of one or more habitable rooms.

(2) "End wall" means other exterior walls, generally the transverse, not containing all the required windows of a habitable room, but which may contain one such window.

(3) "Overlapping walls" means that portion of the walls of 2 buildings which are directly opposing when 2 buildings, parallel, or within 30 degrees of parallel, face each other across an open space.

(c) Yard Regulations for Single Development.

- (1) Side yard width, from a side lot line to a main wall, shall be not less than 20 feet for a one-story building.
- (2) Side yard width, from a side lot line to an end wall, shall be not less than 10 feet for a one-story building.
- (3) Increased height. The width of side yards in each of the preceding relationships shall be increased 5 feet for each additional story height.
- (4) Front and rear yard depth shall be not less than set forth in the schedule in Section 1129.14.

(d) Yard Regulations for Group Development.

- (1) Main wall relationship. The yard, or distance between the main walls of buildings, if only one story high, facing each other across an open space or court, shall be not less than 40 feet, and where the walls overlap more than 40 feet, the distance shall be increased 4 inches for each additional foot opposing main walls overlap.
- (2) Main and end wall relationship. The yard, or distance between an end wall and a main wall of 2 buildings, if only one story high, facing each other across an open space, shall be not less than 30 feet.
- (3) End and end wall relationship. The yard, or distance between an end wall and an end wall of 2 buildings, if only one story high, facing each other across an open space, shall be not less than 20 feet.
- (4) Walls not overlapping. Where walls of 2 buildings, if only one story high, do not directly face each other or overlap, the yard, or distance between their nearest corners, shall be not less than 20 feet.
- (5) Increased story height. Distances between buildings in each of the preceding relationships shall be increased 2-1/2 feet for each story each of the buildings exceeds one story.
- (6) Lot lines and building relationship. The width of side yards at the boundary of a group development shall be not less than the required side yards for a single development, subsections (c)(1) and (2) hereof, and the depth of front and rear yards shall be not less than set forth in Section 1129.14.
- (7) Uses of yards. The above required yards shall be landscaped, and may be used for pedestrian walks and passive recreational areas. If, however, yards between buildings are used for parking areas, driveways, or playgrounds, distances between buildings shall be increased by the total width of these intermediary facilities. The site shall be designed so that entrances to all buildings shall be located not more than 200 feet from any access drive, the distance to be measured along a pedestrian walk.

(e) Approval. Development plans showing the locations of buildings, yards, driveways, parking areas, recreation areas, and other site improvements for "group developments" shall be submitted to the Commission, and until found to comply with the Zoning Code and approved by it, building permits shall not be issued.

(1980 Code 151.33)

1145.13 YARD REGULATIONS FOR IRREGULAR LOTS.

The aforesaid yard regulations may be modified as determined by the Board of Appeals in accordance with standards set forth in Section 1111.09, in instances where the regulations cannot be complied with reasonably as a result of peculiar shape of lot or for topographical reasons. (1980 Code 151.34)

1145.14 YARDS FOR INSTITUTIONS.

Front yards shall be provided for institutional buildings as permitted in certain residential districts in accordance with requirements set forth in Section 1129.14, or as set forth on the Zone Map; side and rear yards shall be provided in accordance with the requirements set forth in Section 1123.04. (1980 Code 151.35)

1145.15 YARDS FOR ACCESSORY BUILDINGS.

(a) Sheds permitted in a residential district shall not project into a front or side yard; shall be located not less than three feet from a rear or side lot line, except where abutting an alley and shall be located not less than fifteen feet from any dwelling on an adjacent lot.

In addition to the above regulations, accessory buildings not classified as sheds must not cover more than thirty percent (30%) of the rear yard of a lot and shall be located no less than ten feet from the main structure.

(b) On a corner lot, an accessory building shall be set back from the side street line not less than required for the adjacent main building on the butt lot, plus an additional five feet.

(Ord. 05-158. Passed 11-14-05.)

1145.16 PROJECTIONS INTO YARDS.

(a) Intent. A projection is the part or feature of a building that extends outside of the enclosing surfaces into a yard. It is desirable that such features extend into yards in order to make the enclosed space more usable; however, it is intended that these projections into required yards shall be regulated so that they will not substantially interfere with an adjacent building's reception of sun, light, and air. Required front, side, or rear yards shall be open and unobstructed from the ground to the sky except for the following:

(b) Architectural Features. A belt course, balcony, bay window, cornice, gutter, chimney, or solid overhang may project not more than 3-1/2 feet into a required front yard, and not more than 2-1/2 feet into a required side yard, provided the projection is not less than 2 feet from any side lot line, and the minimum distance from the side lot line shall be increased 2 inches for each foot that the feature exceeds 10 feet in width.

(c) Entrance Features.

(1) A platform landing, steps, terrace, or other features not extending above the first floor level of a building, may

project not more than 8 feet into a required front yard, and not more than 3 feet into a required side yard, provided the projection is at least 2 feet from any side lot line.

(2) A fire escape or enclosed stairway and landing leading to the second floor of a converted building may project 4 feet into a required side yard or rear yard, provided the projection is at least 3 feet from any side lot line, and provided it is approved by the Commission.

(d) Shelters.

(1) An enclosed entry, not exceeding 10 feet in width or one story in height, may project not more than 5 feet into a required front yard. A roofed, but unenclosed, porch or entrance hood may project into a required front yard not more than 8 feet, and if not exceeding 6 feet in width, may project into a required side yard not more than 3 feet, provided the projection is at least 2 feet from any side lot line.

(2) An enclosed porch, carport, and other similar structure or part thereof, shall not project into a required yard; except that an unenclosed porch lawfully in existence on January 1, 1957, may be enclosed, even though it does project into the required yard.

(e) Shading Devices.

(1) A metal or plastic awning which is not removed seasonally, may project into a required front or side yard, providing such projection is at least 2 feet from any side lot line.

(2) A trellis, louvers, and similar horizontal, open, shading devices may project into a required front yard not more than 8 feet, and may project into a side yard provided the projection is at least 2 feet from any side lot line.

(1980 Code 151.37)

1145.17 LANDSCAPE FEATURES AND YARD STRUCTURES.

(a) Intent. Landscape features, such as hedges, trees, shrubs, and yard structures, such as fences, trellises, walls, pools, and outdoor fireplaces, may be permitted in a required front, side, or rear yard as follows:

(b) Front Yards; Interior Lot. Hedges shall be permitted along a side lot line in the front yard to a height of not more than 4 feet above the contour of the ground.

(c) Front Yard; Corner Lot. Landscape features may be located within a triangle formed by lines drawn between points on the front lot line and the side lot line of a corner lot 25 feet from their intersection, providing the normal "sight lines" within a vertical height band of 2- 1/2 feet to 6 feet above curb level are not substantially obstructed.

(d) Side and Rear yards.

(1) All landscape features and yard structures enumerated above are permitted in a rear yard. Tool sheds and other enclosed structures shall conform to the yard regulations for accessory buildings, set forth in Section 1145.15 . Fences, walls, or hedges may be permitted along the lines of a side yard to a height of not more than 4 feet above grade, and along the lines of a rear yard to a height of not more than 6 feet above grade, provided that any fence shall be of uniform design, painted, and otherwise well maintained.

(2) Outdoor pools as regulated and defined by the Sandusky Building Code shall not be located in a front yard and must be located a minimum of three feet from a side or rear lot line.

(Ord. 05-137. Passed 9-12-05.)

(e) Driveways to a garage or parking area shall be permitted in any required yard that is not less than 10 feet wide and all new driveways shall be constructed of a paved surface.

(Ord. 02-096. Passed 4-22-02.)

(f) Other Structures. Floodlights, search lights, loudspeakers, or similar structures shall not be erected or used in a residential district in any manner that will cause hazards or annoyance to the public generally, or to the occupants of neighboring property.

(g) Fences and Walls.

(1) Fences and walls may be permitted along the lines of a side yard to a height of not more than four feet above grade and along the lines of a rear yard to a height of not more than six feet above grade, provided that any fence shall be of uniform design, painted and otherwise well maintained. Fences located adjacent to alleys or public rights of way shall be approved by the Director of Planning.

(2) No barbed wire, spike tips or electrically charged fences shall be permitted in any residential district except where required for public uses.

(3) On all corner lots, fences and walls proposed for construction within any setback adjacent to a public street shall be submitted to the Director of Planning for approval.

(4) Where adjacent property lines, due to the configuration of the lots, have different provisions regulating the construction of fencing or walls, the most restrictive provisions shall apply where the fence would interfere with visibility from a driveway.

(5) Fences shall be permitted in the front yard only as a decorative feature or along a side lot line when adjoining a less restrictive use with approval of the Commission.

(6) Permanent swimming pools over three feet in depth require a building permit and pool areas or yards shall be

fenced to a height of not less than four feet according to the requirements of Section 1305.08 of the Building Code.
(7) Notwithstanding subsection (g)(1) hereof, the regulations for fences in the Residential Business District may be altered with the approval of the Commission when these properties are developed for commercial or business purposes when in the opinion of the Commission, the fence will not adversely affect the adjacent properties.

(8) Fences shall require a zoning permit prior to erection.

(Ord. 05-159. Passed 11-14-05.)

1145.18 STRUCTURES PERMITTED ABOVE HEIGHT LIMIT.

Main or accessory buildings shall be erected, altered, moved, or maintained in accordance with the maximum height of a building as established in Section 1129.14, except that the following structures may be permitted above the aforesaid limitations:

(a) Institutional Buildings. Only chimneys, church spires, cupolas, domes, towers, flag poles, penthouses, water tanks, radio or television antennas, monuments, and other permitted mechanical appurtenances located upon or constituted as an integral part of a main institutional building may be erected above the height limit specified.

(b) Residential Buildings. Only chimneys, and radio or television antennas, located upon and constituted as an integral part of a main residential building, may be erected above the height limit specified, but are limited to a height not exceeding 75 feet above the finished grade.

(1980 Code 151.39)

CHAPTER 1147 Manufactured Homes

1147.01 Definitions.

1147.02 Design criteria.

CROSS REFERENCES

Manufactured home parks - see Ohio R.C. Ch. 3733

Flood plain requirements - see P. & Z. 1157.17

1147.01 DEFINITIONS.

"Manufactured home" means a factory-built structure that is manufactured or constructed under the authority of 42 United States Code Section 540 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. For the purpose of this Zoning Code, a "mobile home" is not considered to be a "manufactured home."

(1980 Code 151.40)

1147.02 DESIGN CRITERIA.

Manufactured homes shall comply with the following minimum standards:

(a) Exterior Siding. Exterior siding shall be made of nonreflective and nonmetallic materials unless approved by the City Engineer. Acceptable siding materials include: vinyl, wood, stucco, brick, stone or other masonry materials, or any combination of these materials or any material that the City Engineer deems to meet the intent of this Zoning Code.

(b) Color/Texture. Color and texture of exterior materials shall be compatible with the adjacent single-family structures.

(c) Roof Structure. Except for authorized deck areas, all roof structures shall be sloped and provide an eave projection of no less than six inches and no greater than thirty inches.

(d) Roofing Material. All roofing material shall consist of one of the following categories: wood, shingle, wood shake, synthetic composite shingle, concrete tile or any other material that the City Engineer deems to meet the intent of this Zoning Code. Metallic roofing surfaces shall not be permitted on a residential structure or on any garage or carport unless approved by the City Engineer.

(e) Minimum Floor Area. The minimum floor area for every dwelling located on a lot in an R Zoning District, which is not a part of a mobile home subdivision, shall be 800 square feet, excluding the area of the garage or carport.

(f) Minimum Width. The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be twenty feet.

(g) Foundations. All manufactured homes shall be placed on a permanent foundation that meets applicable Building Code requirements of the City, such that the floor elevation of the proposed dwelling is reasonably compatible with the floor elevations of surrounding dwelling units.

(1980 Code 151.41)

CHAPTER 1149 Site Plan Review and Off-Street Parking

1149.01 Intent.

1149.02 Accessory parking facilities required.

1149.03 Continuation of parking facilities.

1149.04 Measurement standards.

- 1149.05 Schedule of required off-street parking.**
- 1149.06 Separate or combined use of facilities.**
- 1149.07 Location of parking facilities.**
- 1149.08 Accessways to parking areas.**
- 1149.09 Surface improvements of parking areas.**
- 1149.10 Illumination of parking areas.**
- 1149.11 Off-street loading space.**
- 1149.12 Approval.**
- 1149.13 Off-street parking chart.**

CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.

1149.01 INTENT.

Site plan review and parking regulations are established in order to achieve among others, the following purposes:

- (a) To ensure orderly development or redevelopment throughout the City, particularly with respect to internal site function and appearance, as well as coordination of new development with its surrounding area;
- (b) To relieve congestion on streets so that they can be utilized more fully for movement of traffic;
- (c) To promote the safety and convenience of pedestrians and shoppers by locating parking areas so as to lessen car movement in the vicinity of automobile and pedestrian congestion;
- (d) To protect neighborhoods from vehicular traffic congestion in adjacent non-resident districts of intense car concentration;
- (e) To promote the general convenience, welfare and prosperity of residential, business, commercial and manufacturing development which depend upon off-street parking facilities.

(1980 Code 151.81)

1149.02 ACCESSORY PARKING FACILITIES REQUIRED.

Accessory off-street parking facilities (including access driveways) shall be provided in accordance with Section 1149.06 as a condition precedent to the occupancy of a residential, institutional, business, commercial and manufacturing use, except in the Central Business District, Section 1149.05, in conformance with the provisions of this chapter:

- (a) Whenever a building is constructed or new use established;
- (b) Whenever an existing building is altered and there is an increase in the number of dwelling units, seating capacity or floor areas of building;
- (c) Whenever the use of an existing building is changed to a use requiring more off-street parking facilities, except as provided in Section 1149.06.

(1980 Code 151.82)

1149.03 CONTINUATION OF PARKING FACILITIES.

All existing off-street parking facilities, or those required as accessory to a use of a proposed or altered building shall continue unobstructed in operation, shall not be used for automobile service or repair, and shall not be reduced below the required size as long as the main use remains, unless an equivalent number of spaces is provided for the use in another approved location.

(1980 Code 151.83)

1149.04 MEASUREMENT STANDARDS.

For the purpose of determining accessory off-street parking requirements definitions and standards shall be as follows:

(a) Accessory Parking Space. An open or enclosed area accessible from a street for the parking of motor vehicles of owners, occupants, employees, customers or tenants of the main building. Except for "attendant" parking lots and areas for one- and two-family dwellings, each space shall be not less than 180 square feet, exclusive of all drives and turning space, and determined from an accurate plan of the area;

(b) Employees. The maximum number of employees on any two successive shifts;

(1980 Code 151.84)

(c) Floor Area. The total area of all the floors measured from the exterior faces of the building (except the floor, or part thereof, used for the storage or warehousing may be waived with administrative approval and if not approved by the administration, the Planning Commission may approve the waiver), or where set forth in the following schedule, only the floor area used by specific use.

(Ord. 04-206. Passed 12-27-04.)

(d) Fractional Unit. Where the computation results in a fractional unit, one additional off-street parking space shall be provided;

(e) Seat. The number of seating units installed or indicated, or each twenty-four lineal inches of benches, pews or space for loose chairs or similar seating facilities; spacing of rows shall be assumed at thirty inches on center.

(f) Central Business District. Boundaries, north, Sandusky Bay; east, Hancock Street; south, Adams Street; west, Decatur Street. Parking is not required in the C.B.D.

(1980 Code 151.84)

1149.05 SCHEDULE OF REQUIRED OFF-STREET PARKING.

<u>Building or Use</u>	<u>Required Minimum Parking Space</u>
(a) <u>Residential</u>	
(1) One-family dwelling	2 spaces/dwelling unit
(2) Two-family dwelling	2 spaces/dwelling unit
(3) Rooming house, rented rooms	1 space per roomer plus space for the resident family
(4) Row dwelling or apartment	1-1/2 spaces per dwelling unit
(5) Hotels, motels, tourist homes	1 space per guest room or suite plus parking for restaurant if any
(6) Group homes	1 space per two rooms, plus 1 space per staff person
(7) Physician's office in private residence	Minimum 3 spaces

(8) Manufactured homes 2 spaces/dwelling unit

(b) Institutions.

(1) Hospitals 1 space per 5 beds

(2) Libraries 1 space per 400 sq. ft. of floor area

(3) Places of worship in auditorium assembly room 1 space per each 4 seats

(4) Public buildings, municipal and education Number of spaces to be determined based on site development

(5) Sanitariums, homes for the aged, nursing homes and similar uses 1 space per 2 beds.

(c) Amusement and Assembly.

(1) Theaters, lodge halls, auditoriums, arenas, stadiums and other places of assembly 1 space per 4 seats in building

(2) Dance halls, skating rinks, swimming pools and arcades 1 space per 50 sq. ft. of area used for dancing, skating or swimming

(3) Bowling alleys 7 spaces per alley

(4) Mortuaries 1 space per 40 sq. ft. of assembly room, or 1 space for each 4 seats, whichever requires the greater

(5) Outdoor amusements 1 space per 1,000 sq. ft. of lot area used for amusement purposes

(d) Business.

(1) Gasoline service stations 1 space per 2 gas pumps plus 2 spaces per bay

- | | | |
|-----|--|---|
| (2) | Medical and dental offices and clinics | 1 space per 200 sq. ft. floor area |
| (3) | Retail stores, banks, other office buildings, service establishments and auto repair shops | 1 space per 250 square feet gross floor area of ground floor; 1 space per 300 sq. ft. of other floors |
| (4) | Eating places, bars, taverns | 1 space per 100 square feet gross floor area |
| (5) | Marinas | 2 spaces per 3 boat slips |

(e) Commercial and Manufacturing

- | | | |
|-----|---|---|
| (1) | Commercial services, laboratories, storage machine shops and similar establishments | 1 space per 650 square feet of gross floor area |
| (2) | Manufacturing plants as permitted in LM and GM Districts | 1 space per 1,300 square feet of gross floor space |
| (3) | Central Business District | Off-street parking not required. Parking to be provided only where feasible |
| (4) | Daycare | 2 spaces per classroom but not less than 6 spaces |

(f) Other Buildings or Uses.

For a specific building or use not scheduled above, the Commission shall apply the unit of measure of the above schedule deemed to be most similar to the proposed building or use.

(1980 Code 151.85)

1149.06 SEPARATE OR COMBINED USE OF FACILITIES.

(a) A building containing one use shall provide the off-street parking spaces as required for the specific use. A building, or group of buildings, containing two or more uses, operating normally during the same hours, and which have different off-street parking requirements, shall provide spaces for not less than the sum of the spaces required for each use, or the spaces required for a "large unit of development" of business buildings.

(b) Institutions, places of amusement or assembly may assume that up to but not more than fifty percent (50%) of their requirements may be shared in adjacent parking areas which are accessory to business establishments, and

which normally have different hours of operation.

(c) Provided, however, where there is a sharing of facilities by different owners, there shall be a contract covering a period of time as may be required by the Commission, and provided further that, should any of the uses be changed or the facilities discontinued, then the required spaces for the use or uses remaining shall be provided elsewhere as a condition precedent to the continued use of the building.

(d) Where private or public parking lots, or on-street parking are available and adequate within the walking distances, as limited herein, the Commission may modify the requirements set forth in Section 1149.05.

(1980 Code 151.86)

1149.07 LOCATION OF PARKING FACILITIES.

(a) Residential Uses. Enclosed or open parking facilities shall be located on the same lot as the dwelling served, or within the same block if combined facilities are provided for several dwellings. Open parking shall be behind the front of the dwelling served.

(b) Institutional, Amusement, and Assembly Uses. Accessory parking facilities shall be provided on the same lot as the institution or place of amusement or assembly served; however, where no adjacent land is available, then the nearest point of the parking lot shall be located within a walking distance of 100 feet of the entrance of the building.

(c) Business Uses. Accessory parking facilities shall be located on the same lot or adjacent to the business served in a Business or Automobile Parking District; however, where no adjacent land is available, the nearest point of the parking lot shall be located within a walking distance of 400 feet of the building.

(d) Commercial and Manufacturing Uses. Accessory parking facilities shall be located on the same lot as the main use served in a Commercial or Manufacturing District; however, where no adjacent land is available, the nearest point of the parking lot shall be located within a walking distance of 400 feet of the use.

(1980 Code 151.87)

1149.08 ACCESSWAYS TO PARKING AREAS.

(a) The location and width of entrance and exit driveways to accessory parking facilities (except for one-family and two-family dwelling) shall be planned in such a manner as to interfere as little as possible with the use of adjacent streets. The center line of an access drive to parking areas having ten or more spaces shall be more than thirty-five feet from a street intersection right-of-way line. Parking areas of twenty-four spaces or less shall have a driveway not less than ten feet wide, those having twenty-five or more spaces shall have one or two driveways not less than a total width of twenty feet.

(b) The aforesaid location and width regulations shall also apply to driveways for "drive-in" roadside business.

(1980 Code 151.88)

1149.09 SURFACE IMPROVEMENTS OF PARKING AREAS.

(a) All parking areas and access driveways shall be a paved surface unless otherwise approved by the Planning Commission. These surfaces shall have adequate drainage so as not to negatively effect adjoining properties. Water shall not drain across public roads or walkways. Appropriate bumper guards or curbs shall be provided, to prevent the location of vehicles within required setbacks or right-of-ways.

(b) Landscaping shall be required for all surface parking lots along the sides immediately adjacent and parallel to streets, sidewalks, alleys, lawns, and adjoining surface parking lots. Landscape shall include a combination of hardy canopy trees, shrubbery, and ground cover as follows:

(1) Shrubby shall have a minimum height of 12 inches and shall extend the entire length of the landscaped strip, excluding driveways, alleys, sidewalks, pedestrian access points and other approved means of landscaping. The landscaped strip shall not extend into a public right-of-way.

(2) Canopy trees of at least 2-inch caliper shall not be set apart less than 30-feet on center. Canopy trees may be located within a public right-of-way with City permission. The species of canopy tree shall be approved by the Department of Horticultural Services.

(3) Any area within the landscaped strip not occupied by trees or shrubbery shall consist of ground cover. Ground cover within a public right-of-way shall only consist of grass.

(4) Each landscaped strip shall be at least 3-feet in width.

(c) All surface parking lots containing 25 or more parking spaces shall contain one landscaped island measuring at least 100 square feet for each 25 parking spaces provided or fraction thereof. Each landscaped island shall contain the following:

(1) At least one hardy deciduous 2-inch minimum caliper canopy tree.

(2) The area of the island not occupied by trees shall consist of ground cover, grass and/or shrubbery.

(3) The island shall be contained within a poured-in place or pre-cast 6-inch high concrete curb.

(d) Landscaping shall be well maintained at all times. In the case that a tree, shrub, or plant dies, the owner of the property shall have six months to replace the tree, shrub, or plant.

60°	9.0	19.0	12.1	10.4	21.0	18.8	17.0	15.0	2.6	12.0	59.0
	9.5	19.0	12.3	11.0	21.3	18.9	15.5	15.0	2.8	11.5	58.1
90°	10.0	19.0	12.4	11.5	21.5	19.0	14.0	15.0	2.0	11.0	57.0
	9.5	19.0	0.0	9.5	19.0	19.0	24.0	20.0	0.0	0.0	62.0
	10.0	19.0	0.0	10.0	19.0	19.0	23.0	20.0	0.0	0.0	61.0

Note: O Parking angle

S Parking space width

P Parking space length

B Curb length of parking space width

A Curb length of parking space depth

C Perpendicular Length of Stall (against wall)

D Perpendicular length of stall (overlap)

E Aisle width

F Turnaround aisle width

G Overhang of curb length at periphery

H Setback

J Wall to Wall dimension

(1980 Code 151.93)

CHAPTER 1151

Nonconforming Structures and Uses

1151.01 Purpose.

1151.02 Nonconforming uses.

1151.03 Special residential occupancy permit.

1151.04 Nonconforming lots of record.

1151.05 Nonconforming structures.

1151.06 Nonconforming signs.

1151.07 Nonconforming parking facilities.

1151.08 Certificates of nonconformity.

1151.09 Burden of proof.

CROSS REFERENCES

Nonconforming uses - see Ohio R.C. 713.15

Nonconforming building and use defined - see

P. & Z. 1107.01

1151.01 PURPOSE.

These regulations are intended to permit nonconforming uses and structures to continue, but not to encourage their perpetuation. The regulation of non-conforming development is intended to bring development into conformance with the Sandusky Planning and Zoning Code and the Comprehensive Plan.

(a) All nonconforming uses, structures, and lots shall be regulated according to the provisions of Chapter 1151, except as otherwise provided in the Sandusky Planning and Zoning Code.

(b) Any lawful uses of buildings or land existing at the effective date of this Zoning Code may be continued, even though such use does not conform to the provisions hereof.

(c) Whenever the use of a building or land becomes nonconforming through an amendment to this Zoning Code or Map, such use may be continued.

(d) The existence of a nonconforming use or structure shall not be grounds for the establishment of additional structures or uses not otherwise permitted in the district.

(e) In order to avoid hardship, nothing in this Code shall be deemed to require a change in plans, construction, or designated use of any building or upon which actual substantial construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently. Construction is considered to have started if excavation, demolition, or removal of an existing building has begun in preparation of rebuilding, and a building permit has been issued, prior to the effective date of adoption or amendment of this Code.

(Ord. 02-191. Passed 12-9-02.)

1151.02 NONCONFORMING USES.

(a) Discontinuance of Use. Whenever a nonconforming use is discontinued for more than one (1) year, further use

shall be in conformity with the provisions of this Code. "Discontinued" shall mean voluntary nonuse regardless of the intent to resume the nonconforming use.

(b) Nonexpansion of Use. A nonconforming use of a building shall not be expanded. A nonconforming use of a building shall not be extended to any other portion of the building.

(c) Substitution of Uses. A nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification, as determined by the Planning Commission. Notification shall be provided to property owners within three hundred feet (300') of the subject property.

(d) Nonconforming Use of Land. A nonconforming use of land (where no building or structure is involved), existing lawfully at the time this Zoning Code became effective, shall not be expanded or extended in any way, but may continue for a period of not more than 2 years from the effective date, at the end of which time the use shall be discontinued or changed to a conforming use.

(Ord. 16-158. Passed 9-26-16.)

1151.03 SPECIAL RESIDENTIAL OCCUPANCY PERMIT.

Only for a legal nonconforming residential use, may a special residential occupancy permit be granted to allow for the re-establishment of a residential, nonconforming use where a prior legal nonconforming residential use has expired and the structure still remains. The expired legal nonconforming residential use may be reinstated provided the following standards are fulfilled and the Planning Commission grants a permit.

(a) The proposed residential use shall be harmonious and in accordance with the intent of the residential district in which it is to be located and other objectives of this Zoning Code and the Comprehensive Plan.

(b) The proposed residential use shall 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 shall not change the essential character of the same area.

(c) The proposed residential use shall not be in conflict with existing or future neighboring uses.

(d) The proposed residential use shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer services; or the person or agencies responsible for the establishment of the proposed use shall be able to provide any service adequately.

(e) The proposed re-institution of the nonconforming residential use shall not be detrimental to any existing uses, activities, processes, materials, equipment or conditions in the neighborhood.

(f) The cost of improvements to the existing nonconforming building to bring such structure up the standards established by the City Building Code shall not be greater than sixty percent (60%) of the value of the building structure. The Building Official may require that the value of the building be established by an appraisal submitted by a qualified appraiser.

(g) The Planning Commission may revoke the special residential use permit if the property is not maintained in a manner that would conform to the policies detailed above.

(h) The initial application shall have a processing fee established by the City Manager and approved by the City Commission and published in the Index of Fees maintained by the Community Development Department.

(i) It is required that the Special Residential Occupancy Permit be annually renewed. No fee is required for the annual renewal.

(Ord. 02-191. Passed 12-9-02.)

1151.04 NONCONFORMING LOTS OF RECORD.

For any district which permits the use of the proposed structure, the structure may be built on a lot of record. The minimum lot area and width requirements shall not apply to these lots, however, all required yards shall be provided. A variance to the required yards may be granted through the action of the Board of Zoning Appeals.

(Ord. 02-191. Passed 12-9-02.)

1151.05 NONCONFORMING STRUCTURES.

Where, at the time of adoption of the Zoning Code and designation of zoning districts, a lawful structure exists which does not meet the requirements imposed by the existing Zoning Code, such structure may be continued so long as the structure meets the following conditions:

(a) A nonconforming structure may continue to be used, maintained, repaired and structural parts replaced when required to restore to a safe condition. A residential nonconforming building may be modernized to improve interior livability.

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

(c) Should such structure be moved for any reason or distance, it shall thereafter conform to the regulations for the district in which it is located;

(d) A nonconforming structure may be added to, provided the additions are made to conform to the yard and height regulations of the district in which it is located;

(e) Restoration of Damaged Structures:

(1) Any structure on a lot existing on or before the effective date of this Code and which does not conform to the provisions of this Code for the district in which it is located, and which has been or may hereafter be damaged by fire or other causes to the extent of less than sixty percent (60%) of its replacement value at the time of damage may be restored, provided that such structure, when completed, will not differ in location or size from the previously existing structure (except to the extent that such difference may be in greater conformity with this Code) and provided such repairs or reconstruction are completed within one (1) year of the date of the damage. However, when the damage or destruction to the structure is to the extent of sixty percent (60%) or more of its replacement value at the time of destruction or damage, it shall not be restored except in conformity with the regulations of the district in which the structure is situated.

(2) Determination of the replacement value shall be made by three (3) practicing building construction contractors, one to be appointed by the owner, one to be appointed by the City, and the third to be selected by mutual consent of the two (2) parties.

(Ord. 02-191. Passed 12-9-02.)

1151.06 NONCONFORMING SIGNS.

A sign legally existing at the time of the passage of this section that does not conform in use, location, height or size with the regulations of the zone in which such sign is located, may be allowed to remain and may be maintained and its structural parts and sign face repaired and replaced.

(Ord. 04-207. Passed 12-27-04.)

1151.07 NONCONFORMING PARKING FACILITIES.

A building, existing lawfully at the time this Zoning Code became effective, but which does not conform with the existing off-street parking or loading regulations, may be occupied by the existing use or use determined to be similar to the most recent use, without the parking facilities being made available. However, any new parking spaces that may be provided shall be in accord with the development standards set forth in Chapter 1149 and, if the existing building is altered so that there is an increase of the number of dwelling units, seating capacity, or floor area, or if the use is changed to a use requiring more off-street parking spaces, then off-street parking and loading facilities shall be provided at least equal to the number of spaces required for the entire building or use in accordance with Chapter 1149.

(Ord. 02-191. Passed 12-9-02.)

1151.08 CERTIFICATES OF NONCONFORMITY.

Division of Planning shall issue a certificate of nonconformity for legally nonconforming uses and structures if the nonconformity is included in an inventory of nonconformities created by the City or upon application by the owner, if the owner can document in detail the extent of nonconforming land uses, structures, signs, and/or lots or parcels at the time the nonconformity was established.

(2) The inventory of nonconformities shall contain the detailed information that must be contained in a certificate. If there is no inventory, an owner of a nonconformity can obtain a certificate if he or she can establish the extent and nature of the nonconformity at the time it was established. The nonconformity must be in existence at the time the relevant ordinance(s) were adopted or amended. A nonconformity can be established through photographs, maps and drawings, and written statements describing the nonconforming use at the time it became nonconforming. In the case of a transient occupancy use, annual nonconformity must be proven through the following methods: documentation of the previous years' Federal tax return and State tax return showing income from the property providing transient occupancy and executed rental agreements from the previous year.

(b) A certificate of nonconformity shall describe the nonconforming land uses, structures, signs, and/or lots or parcels in sufficient detail so that a reasonable person can determine how the nonconformity is not in compliance with present or previous land development regulations. A map with drawings, with the location, height and size of structures and signs, and the area of the nonconformity shall be attached to the certificate.

(c) The City may rely on the description and/or map of a nonconformity in a certificate of nonconformity in determining whether a nonconformity has been discontinued, destroyed, changed or expanded.

(d) A Certificate of Nonconformity shall not entitle a property owner the re-establishment of a nonconforming use or reconstruction of a nonconforming structure. However, it shall serve as a base line record of the nonconformity when a property owner is requesting to reconstruct or re-establish a nonconformity.

(Ord. 17-088. Passed 5-8-17.)

1151.09 BURDEN OF PROOF.

The burden of establishing that any nonconformity is a legal nonconformity as defined in this chapter shall, in all cases, be upon the owner of such nonconformity and not upon the City.

(Ord. 02-191. Passed 12-9-02.)

CHAPTER 1153 Wind Energy Conversion Systems

1153.01 Purpose.

1153.02 Definitions.

1153.03 Applicability.

1153.04 Conditional use.

1153.05 Permit requirement.

1153.06 Small wind energy conversion system requirements.

1153.07 Commercial wind energy conversion system requirements.

1153.08 Non-use.

1153.01 PURPOSE.

The purpose of this Chapter is to preserve and protect the public health and safety and to promote the orderly land use and development of the City of Sandusky by the implementation of standards and procedures by which the installation and operation of Wind Energy Conversion Systems (WECS) shall be governed as a conditional use.

(Ord. 09-006. Passed 1-26-09.)

1153.02 DEFINITIONS.

(a) A wind energy conversion system (WECS) includes any or all of the following components:

- (1) A turbine with propeller-style blades, or
- (2) A vertical rotor, or
- (3) Other means of capturing the energy in moving air;
- (4) A tower or
- (5) A mounting structure;
- (6) An electrical power generator with
- (7) Associated electrical power transmission circuitry;
- (8) A battery or
- (9) Other means of storing energy;
- (10) Other means of transmitting energy (hydraulic, mechanical, etc.);
- (11) Mechanical control mechanisms;
- (12) Electrical/electronic/computer control circuitry;
- (13) A foundation;
- (14) Enclosures.

(b) Total Height means the distance measured from ground level to the highest point that any part of the WECS can reach.

(c) Small WECS means a WECS that will be used primarily to reduce on-site consumption of electrical power.

(d) Wind Turbine Rotor means that portion of a wind turbine that includes the blades or scoops, hub and shaft.

(e) Tower means an elevating structure intended to raise the rotor, turbine and accessory equipment above either the ground surface or the top of a building.

(f) Commercial WECS means a WECS consisting of more than one wind turbine and tower, or a WECS that will be used primarily for off-site consumption of electrical power.

(g) Wind Turbine means a WECS that converts wind energy into another form of energy by means of rotary motion driven by the passage of air through the WECS. The definition includes a WECS designed to mount directly on the roof of existing buildings including residences.

(h) Applicant means the person or entity filing an application for a conditional use permit under this Chapter.

(Ord. 09-006. Passed 1-26-09.)

1153.03 APPLICABILITY.

(a) This Chapter applies to all Wind Energy Conversion Systems (WECS), small and commercial, and Wind Turbines as defined in Section 1153.02 of this Chapter proposed to be constructed or located after the effective date of this Chapter.

(b) Any WECS constructed or located prior to the effective date of this Chapter shall not be required to meet the provisions of this Chapter provided that any physical modification to such pre-existing WECS that materially alters the size, type and number of any such WECS shall require compliance with this Chapter. If any pre-existing WECS is destroyed or damaged to the extent of more than 50 percent of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this Chapter.

(Ord. 09-006. Passed 1-26-09.)

1153.04 CONDITIONAL USE.

A WECS shall be considered a conditional use in any zoning district.

(Ord. 09-006. Passed 1-26-09.)

1153.05 PERMIT REQUIREMENT.

(a) No WECS, small or commercial, shall be constructed or located within the City of Sandusky unless a conditional use permit has been issued to the applicant.

(b) The conditional use permit application shall be made in compliance with this Chapter and Chapter 1109 of the

Codified Ordinances and be accompanied with a fee in the amount of one hundred dollars (\$100.00).

(c) Any physical modification to an existing and permitted WECS that materially alters the size, type and number of such WECS shall require a permit modification under this Chapter. Like-kind replacements shall not require a permit modification.

(d) An applicant who proposes to construct or locate a WECS, as defined in this Chapter, on the roof of an existing structure shall be required to apply for a conditional use permit and request a waiver by the Planning Commission from those requirements of this Chapter that the Planning Commission finds are not applicable.

(Ord. 09-006. Passed 1-26-09.)

1153.06 SMALL WIND ENERGY CONVERSION SYSTEM REQUIREMENTS.

(a) Permitted Locations. A small WECS is permitted in any zoning district.

(b) Setbacks.

(1) Property lines. The vertical part of a small WECS shall be set back from the nearest property line, public road right-of-way and communication and electrical line not less than 1.1 to 1.0 times its total height.

(c) Design Standards.

(1) Tower Design. The design of the small WECS tower, if any, shall be a single enclosed pole, which is freestanding, without guy wires. Open lattice towers shall not be employed.

(2) Minimum Blade Height. The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 30 feet above any structure or obstacle within 30 feet horizontally from any part of the arc of the turbine blades.

(3) Access. No tower shall have a climbing apparatus within 15 feet of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked.

(4) Noise. No small WECS shall generate sounds exceeding 60 dBA as measured 100 feet from the tower. Noise generated by any small WECS shall also comply with existing City noise ordinances.

(5) Visual Appearance. Small wind energy conversion or tower systems shall be finished in a corrosion-resistant, non-obtrusive finish and color that is non-reflective. No small WECS or tower shall be lighted unless required by the FAA. No flags, streamers, decorations, advertising signs of any kind or nature whatsoever shall be permitted on any small WECS.

(6) Electrical Interconnections. All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.

(7) Signal Interference. Efforts shall be made to site small WECS or towers to reduce the likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small WECS or tower owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small WECS or tower shall cause permanent and material interference with television or other communication signals.

(d) Permit Applications. Application for a small WECS and/or tower shall include the following information:

(1) Site plan (map view) to scale showing the location of all of the components of the proposed small WECS and the locations of all existing buildings, structures and property lines, along with distances; and

(2) Elevation (side view) drawings of the site to scale showing the height, design and configuration of the small WECS and the height and distance to all existing structures, buildings, electrical lines and property lines; and

(3) Structural drawings and engineering analyses of the WECS tower and/or supporting structure, demonstrating adequate weight and lateral stress capacity; and

(4) A standard foundation and anchor design demonstrating adequate vertical and lateral support capacity for the soil conditions at the site; and

(5) Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of all parts of the WECS; including the name and address of the component manufacturers, model and serial numbers of all WECS components; and

(6) Emergency and normal shutdown procedures; and

(7) An electrical one-line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes; and

(8) Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator; unless the system will not be connected to the electricity grid.

(Ord. 09-006. Passed 1-26-09.)

1153.07 COMMERCIAL WIND ENERGY CONVERSION SYSTEM REQUIREMENTS.

(a) Permissible Locations. A commercial WECS may be permitted as a conditional use (special exception) in a non-Residential District.

(b) Setbacks.

(1) Property Lines. A commercial WECS shall be set back from the nearest property line and public road right-of-

way not less than 1.0 times the total height of the system.

(2) Other Uses. No commercial WECS shall be located within 1,000 feet of a platted subdivision, park, church, school or playground.

(3) Inhabited Structures. A commercial WECS shall be set back from the nearest inhabited building, power line or communication line, not less than 1.0 times its total height.

(c) Design Standards. A commercial WECS shall comply with the design standards set forth in Section 1153.06, including all of its subsections.

(d) Permit Applications. A commercial WECS shall comply with the permit application requirements set forth in Section 1153.06, including all of its subsections.

(e) Multiple WECS. Multiple WECS shall not be permitted without approval by the Planning Commission. (Ord. 09-006. Passed 1-26-09.)

1153.08 NON-USE.

(a) Any small WECS, commercial WECS or tower which complies with the terms of this chapter which is not used for two (2) years, excluding repairs; shall be removed within the following six (6) months. Failure to remove the system shall be deemed a violation of this chapter.

(b) Any small WECS or commercial WECS which is non-conforming and which is not used for one (1) year, excluding repairs, shall be removed within the following six (6) months. Failure to remove the system shall be deemed a violation of this chapter.

(Ord. 09-006. Passed 1-26-09.)

CHAPTER 1154

Outdoor Telephone Pay Stations

1154.01 Permit required for installation; notarized statement; filing fee.

1154.02 General requirements.

1154.03 Maintenance; compliance with regulations.

1154.04 Permit guidelines.

1154.05 Removal; permit revocation; violations; appeal.

CROSS REFERENCES

Telephone harassment - see GEN. OFF. 537.10

Threatening telephone calls - see GEN. OFF. 537.11

1154.01 PERMIT REQUIRED FOR INSTALLATION; NOTARIZED STATEMENT; FILING FEE.

No freestanding telephone structure, nor any telephone structure which is attached to a building exterior, shall be installed until such time as the applicant has filed the proper application for a permit, and the same has been granted. Such application shall be filed with the office of the City Engineer and shall contain a signed notarized statement from the property owner granting the applicant permission to have such telephone structure installed together with a filing fee in the amount of eighty dollars (\$80.00) payable in cash or by certified check to the City.

(Ord. 99-289. Passed 11-8-99.)

1154.02 GENERAL REQUIREMENTS.

Prior to the permit being issued, the City Engineer or his designated representative, shall:

(a) Determine that the proposed structure does not impede the flow of vehicular or pedestrian traffic;

(b) Determine that the proposed structure does not present any hazardous situation;

(c) Determine that the proposed structure does not, in any way, infringe upon the rights of affected residents or property owners by creating excessive bitering and/or illegal activity. In making this determination, the City Engineer shall contact the Department of Community Development, the Department of Public Services and the Sandusky Police Department who shall provide the Engineer with comments concerning the proposed location based upon their contact with residents and/or property owners in the area; and

(d) Present the proposal to the Planning Commission for review and obtain the approval of said Commission.

(Ord. 99-289. Passed 11-8-99.)

1154.03 MAINTENANCE; COMPLIANCE WITH REGULATIONS.

The telephone company supplying the service shall be responsible for the proper maintenance of the structure and maintaining the equipment in working condition. The applicant shall keep the area free of litter and debris.

The telephone company supplying the equipment and its installation shall insure compliance with all existing federal, state and local laws and regulations including those regarding accessibility by the handicapped and hearing impaired.

(Ord. 99-289. Passed 11-8-99.)

1154.04 PERMIT GUIDELINES.

For purposes of granting or denying the required permit, the following guidelines shall be observed:

(a) Where possible, any freestanding structure shall be at least five feet from the side yard of any lot.

(b) The structure's location shall provide the user with easy access and safety and shall not impede any vehicular traffic flow on the property or to and from said property.

- (c) The structure shall not obstruct any existing sign and shall not eliminate any off- street parking space required by the Zoning Code of the City.
- (d) Illumination shall be adequate, but in no case, pose an inconvenience to adjacent residences or businesses.
- (e) Adequate parking shall be provided.
- (f) The number and location of existing outdoor telephone pay stations in the general area will be considered.
- (g) All electric service for the lighting and telephone wiring to an outdoor telephone pay station shall be appropriately installed either overhead, underground, or a combination thereof.
- (h) Appropriate landscaping shall be provided.

(Ord. 99-289. Passed 11-8-99.)

1154.05 REMOVAL; PERMIT REVOCATION; VIOLATIONS; APPEAL.

(a) The office of the City Engineer shall cause to be removed any outdoor telephone pay station within the City, whether or not a permit has been obtained; revoke said permit, pursuant to this section, if it is determined that:

- (1) The structure impedes the flow of vehicular or pedestrian traffic.
- (2) The structure presents a hazardous situation endangering public safety.
- (3) The structure infringes on the rights of residents and/or property owners in the area.
- (4) Any of the guidelines contained in Section 1154.04 are not being satisfied.
- (5) The structure is identified as a source of activity, proscribed in Section 1154.02(c).

(b) The office of the City Engineer shall prepare a notice which shall contain the violation or violations and which shall state that if the outdoor telephone pay station is not removed within ten days, the outdoor telephone pay station shall be removed by the City pursuant to this chapter. This notice shall be sent by certified mail, return receipt requested, to the applicant and/or the telephone company supplying the service.

(c) The cost of removal of any such telephone equipment shall be considered a debt owed to the City by the applicant and/or the telephone company supplying the service.

(d) If within ten days of receipt of the notice of violation or violations, the property owner, the applicant (if different from the property owner), and the telephone company supplying the service file an appeal from the determination of the office of the City Engineer together with the required filing fee for such appeal, which shall not be waived, with the Clerk of the Planning Commission, a hearing on the determination made by the office of the City Engineer and the appeal shall be scheduled within forty-five working days from the date of the filing of said appeal with the Clerk.

(Ord. 99-289. Passed 11-8-99.)

**CHAPTER 1155
Planned Unit Development**

- 1155.01 Purpose.**
- 1155.02 Relation to Zoning Ordinance.**
- 1155.03 Permitted uses.**
- 1155.04 Accessory buildings and uses.**
- 1155.05 Minimum project area.**
- 1155.06 Common open space.**
- 1155.07 Utility requirements.**
- 1155.08 Minimum lot size and maximum height regulations.**
- 1155.09 Parking.**
- 1155.10 Arrangement of commercial uses.**
- 1155.11 Maintenance of undeveloped areas.**
- 1155.12 Procedure for approval of a PUD District.**
- 1155.13 Pre-application meeting.**
- 1155.14 Application contents; preliminary plan.**
- 1155.15 Preliminary plan approval.**
- 1155.16 Submission of final development plan.**
- 1155.17 Application contents; final development plan.**
- 1155.18 Approval by Planning Commission.**
- 1155.19 Major and minor modifications to a Planed Unit Development.**

CROSS REFERENCES

Planned shopping center - see P. & Z. 1133.11

1155.01 PURPOSE.

The PUD District is established to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:

- (a) A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and reductions in lot dimensions, yards, building setbacks, and area requirements;

- (b) A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;
- (c) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
- (d) A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;
- (e) A development pattern in harmony with the land use, transportation, and other objectives of the City of Sandusky Comprehensive Plan;
- (f) The City is prepared to accept a greater population density in undeveloped areas than that reflected by conventional zoning, provided the developer can demonstrate that any increment of public cost attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

(Ord. 08-038. Passed 4-28-08.)

1155.02 RELATION TO ZONING ORDINANCE.

Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Chapter and those of the other Chapters of this Zoning Ordinance or other Ordinances of the City of Sandusky, the provisions of this chapter shall prevail. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in this Zoning Ordinance.

(Ord. 08-038. Passed 4-28-08.)

1155.03 PERMITTED USES.

Compatible residential, commercial, public and quasi-public uses may be combined in the PUD District, provided the City Planning Commission and the City Commission find that the proposed location of the commercial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare.

(Ord. 08-038. Passed 4-28-08.)

1155.04 ACCESSORY BUILDINGS AND USES.

(a) Accessory buildings and uses are permitted provided that such buildings and uses are customary and incidental to the principal use and are situated on the same lot as the principal building.

(b) For the purpose of regulating accessory buildings and uses, all residential uses in PUD Districts shall conform to the Residential District regulations of the Zoning Code in Chapter 1129. (Ord. 08-038. Passed 4-28-08.)

1155.05 MINIMUM PROJECT AREA.

There is no minimum project area requirement for a PUD District.

(Ord. 08-038. Passed 4-28-08.)

1155.06 COMMON OPEN SPACE.

(a) A minimum of twenty percent (20%) of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.

(b) At the discretion of the Planning Commission, the required amount of common open space land reserved under a planned unit development shall either:

(1) Be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development; or

(2) Be acceptable to the City for dedication as common open space for parks, recreation, and related uses.

All land dedicated to the City must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the City unless such land or rights-of-way are usable as a trail or other similar purpose and approved by the Planning Commission. The legal responsibility and method of the maintenance of all open spaces shall be specified by the developer before approval of the Preliminary Development Plan.

(c) Landscaping of open spaces shall be sufficient to provide a park-like environment and reduce the harshness of bare structures and land. Planted species shall be of types and sizes to assure a park atmosphere and permanent survival.

(Ord. 08-038. Passed 4-28-08.)

1155.07 UTILITY REQUIREMENTS.

Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. The City encourages the location of utility lines in alleys or easements behind buildings instead of in street rights-of-way whenever possible. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

(Ord. 08-038. Passed 4-28-08.)

1155.08 MINIMUM LOT SIZE AND MAXIMUM HEIGHT REGULATIONS.

(a) The following minimum and maximum requirements shall be observed:

			Maximum Height	
Land Use	Minimum Lot Area (Square Feet)	Density (Not to exceed units / residential acre)	Number of Stories	Height (feet)
Single family	4,200	6	2-1/2	30
Two family	2,100 per family	10	2-1/2	30
Garden, Townhouse, Apartments	1,200 per family	16	3	40
Multi-family	1,200 per family	16	10	120

A diversification of lot sizes is encouraged. Lot widths and setbacks may be varied to allow for a variety of structural designs. Clustering of dwellings is encouraged. Maintaining waterfront views/vistas for projects close to Sandusky Bay and Lake Erie is also encouraged.

(b) For determining density as shown in the above table, the term "residential acre" does not include street rights-of-way or common open space.

(c) Notwithstanding the provisions of this section, every building abutting the perimeter of the planned unit development shall maintain a building setback of at least twenty-five (25) feet.

(d) Where townhouses are used, there shall be no more than eight townhouse units in any contiguous group. (Ord. 08-038. Passed 4-28-08.)

1155.09 PARKING.

Off-street parking, loading and service areas shall be provided in accordance with Chapter 1149 of this Zoning Ordinance.

(Ord. 08-038. Passed 4-28-08.)

1155.10 ARRANGEMENT OF COMMERCIAL USES.

When planned unit development districts include commercial uses, the amount of land which may be devoted to commercial use shall be approved by the Planning Commission and the City Commission. Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

(Ord. 08-038. Passed 4-28-08.)

1155.11 MAINTENANCE OF UNDEVELOPED AREAS.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped as approved by the Planning Commission and maintained in accordance with a landscape maintenance plan approved by the Planning Commission. Natural and scenic areas should be preserved wherever possible.

(Ord. 08-038. Passed 4-28-08.)

1155.12 PROCEDURE FOR APPROVAL OF A PUD DISTRICT.

Planned unit development districts shall be approved in accordance with the procedures in Section 1155.13 to 1155.19.

(Ord. 08-038. Passed 4-28-08.)

1155.13 PRE- APPLICATION MEETING.

The developer shall meet with the Chief Planner, City Engineer, and Traffic Engineer prior to the submission of the preliminary plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Zoning Ordinance and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan, major thoroughfare plan, the parks and public open space plan, the subdivision regulations, and the drainage, sewer, and water system of the City.

(Ord. 08-038. Passed 4-28-08.)

1155.14 APPLICATION CONTENTS; PRELIMINARY PLAN.

An application for zone change for a PUD District shall be accompanied by a preliminary plan and shall be filed with the Chairman of the Planning Commission by at least one owner or lessee of the property for which the planned unit development is proposed. At a minimum, the application shall contain the following information:

- (a) All information normally required for a zone change amendment under Chapter 1113 of this Zoning Ordinance;
- (b) Name, address and telephone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary plan;
- (c) A preliminary plan at a scale approved by the Chief Planner, showing topography at two foot intervals; location and type of residential and commercial uses; layout, dimensions, names of existing and proposed streets, rights-of-way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing utility lines and other items as the Planning Commission deems necessary;
- (d) Proposed schedule for the development of the site;
- (e) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within eighteen (18) months;
- (f) The application for planned unit development shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with the City's statement of objectives for planned unit developments in Section 1155.01;
- (g) A PUD filing fee and deposit as set by the City Commission. The number of copies of the application and preliminary plan required for submittal shall be set by the Planning Commission.

(Ord. 08-038. Passed 4-28-08.)

1155.15 PRELIMINARY PLAN APPROVAL.

(a) Review of Preliminary Plan. The Planning Commission shall review the preliminary plan and zone change request to determine if it is consistent with the objectives of this chapter; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits of combining various land uses justify the deviation from conventional district regulations.

(b) PUD Zone Change and Preliminary Plan Recommendations. After review, the Planning Commission shall recommend to the City Commission that the zone change request and the preliminary plan be approved as presented, approved with supplementary conditions, or disapproved. The City Commission will then follow normal zone change procedures specified in Chapter 1113.

(Ord. 08-038. Passed 4-28-08.)

1155.16 SUBMISSION OF FINAL DEVELOPMENT PLAN.

(a) Within eighteen (18) months of the City Commission's approval of the preliminary plan and zone change, the developer shall submit a final development plan to the Planning Commission. When a subdivision plat is required, the final development plan may be processed concurrently. The final development plan shall be in general conformance with the preliminary plan approved by the City Commission.

(b) If the final development plan has not been submitted to the Planning Commission within eighteen (18) months, notice shall be given to the applicant that the Planning Commission will recommend to the City Commission rezoning to the former zoning district of the subject property which existed prior to the PUD rezoning. The Planning Commission may grant the applicant an extension to the eighteen (18) month time limit if the applicant can show cause why an extension should be granted.

(Ord. 08-038. Passed 4-28-08.)

1155.17 APPLICATION CONTENTS; FINAL DEVELOPMENT PLAN.

An application for approval of the final development plan and subdivision plat shall be filed with the Planning Commission by at least one owner or lessee of property for which the planned unit development is proposed. The application shall contain the following information:

- (a) A survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, structures, street, easements, utility lines and land uses.

- (b) All the information required on the preliminary plan; the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity, and land use.
- (c) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population; anticipated timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development.
- (d) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, cable TV, and natural gas installations, waste disposal facilities, street improvements, and the nature and extent of earthwork required for site preparation and development.
- (e) Site Plan, showing building (s), various functional use areas, circulation and their relationship.
- (f) Preliminary building plans, including floor plans and exterior elevations.
- (g) Landscaping and landscaping maintenance plans.
- (h) Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- (i) A filing fee and deposit as set by the City Commission. The number of copies of the application, the final development plan and any required subdivision plat for submittal shall be set by the Planning Commission.

(Ord. 08-038. Passed 4-28-08.)

1155.18 APPROVAL BY PLANNING COMMISSION.

After review of the final development plan, the Planning Commission shall either approve as presented, approve with the supplementary conditions, or disapprove the final development plan. The Planning Commission, in its review of the final development plan, shall determine that the facts submitted with the application establish that:

- (a) The proposed development can be initiated within eighteen (18) months of the date of approval;
- (b) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect;
- (c) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development and the adopted policies of the Planning Commission and the City Commission;
- (d) Any proposed quasi-public development can be justified at the locations proposed;
- (e) Any deviation from district requirements of conventional Residential Districts is warranted by the design and other amenities incorporated in the final development plan;
- (f) The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- (g) The planned unit development is in general conformance with the comprehensive plan of the City;
- (h) The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

(Ord. 08-038. Passed 4-28-08.)

1155.19 MAJOR AND MINOR MODIFICATIONS TO A PLANNED UNIT DEVELOPMENT.

(a) Subsequent to the approval of the final development plan by the Planning Commission, the land included within the site area thereof shall not be developed or used in any manner whatsoever that is not in conformance with the approved plan, and no building permit or certificate of occupancy shall be issued for any building, structure or use on the lands except in conformance with the approved plan.

(b) Any change in an approved final development plan desired by the owner of the tract of land involved shall be submitted to the Planning Commission. The Commission shall determine whether the proposed revision is a minor or a major modification to the PUD and take the following action:

- (1) A minor modification is a change which does not substantially alter the overall concept of the planned unit development. Generally, such changes are limited to small site alterations such as realigning a street, shifting a setback or slight changes in building designs that do not result in the loss of open space. Increases of up to five percent (5%) of the total development density may be determined by the Planning Commission to be minor changes. Minor modifications shall not involve reductions in required improvements, such as open space, parking areas, pavement widths, etc. Minor modifications shall be approved by the Planning Commission but do not require a public hearing;
- (2) A major modification is a major change which will affect the general character and overall concept of the PUD, including substantial relocation or redesign of principal or accessory structures, parking, open space

areas and streets. A major change is involved in density increases in excess of five percent (5%) of the total development density and/or revisions affecting the land coverage by building, parking and open space areas. Major modifications require approval by the Planning Commission after a public hearing. Notice of the public hearing must be sent to property owners within 300 ft. of the tract of land involved in the PUD and must be published in the local newspaper of general circulation at least ten (10) days prior to the public hearing;

- (3) Upon approval of a revised final development plan as a minor or major modification, the original final plan shall be considered void and the revised final plan shall have the same force and effect as if it were the original plan.

(Ord. 08-038. Passed 4-28-08.)

CHAPTER 1157 Flood Damage Reduction

1157.01 General provisions.

1157.02 Definitions.

1157.03 Administration.

1157.04 Use and development standards for flood hazard reduction.

1157.05 Appeals and variances.

1157.06 Enforcement.

CROSS REFERENCES

Flood control bonds; public capital improvement - see Ohio Const., Art. VIII, Sec. 21; Ohio R.C. 129.70 et seq.

National Insurance Program Compliance - see Ohio R.C. 307.37

County Commission flood control aid to governmental units - see Ohio R.C. 307.77

Watercourse obstruction removal - see Ohio R.C. 521.05

Levees - see Ohio R.C. 717.01

Participation in National Flood Insurance Program - see Ohio R.C. 1506.04

Construction permits and prohibitions for dams, dikes and levees - see Ohio R.C. 1521.06

Reduction of assessed valuation for establishing reservoirs - see Ohio R.C. 1521.09

Flood plain management - see Ohio R.C. 1521.13

Marking flood areas - see Ohio R.C. 1521.14

Review of flood plain management ordinances - see Ohio R.C. 1521.18

Manufactured home parks - see Ohio R.C. 3733.02

Notification of flood - see Ohio R.C. 3733.024

Compliance with Flood Plain Management Rules - see Ohio R.C. 3733.05

Recreation vehicle parks - see Ohio R.C. 3733.023

Health, Safety and Sanitation - see GEN. OFF. 521.05, 521.08

1157.01 GENERAL PROVISIONS.

(a) Statutory Authorization. Article XVIII, Section 7, Home Rule and 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, the City Commission of Sandusky, State of Ohio, does ordain as follows:

(b) Findings of Fact. The City of Sandusky 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, floodproofed, 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, these regulations are adopted.

(c) Statement of Purpose. It is the purpose of these regulations 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.

(d) Methods of Reducing Flood Loss. In order to accomplish its purposes, these regulations include methods and provisions for:

- (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.

(e) Lands to Which These Regulations Apply. These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Sandusky as identified in Section 1157.01(f), including any additional areas of special flood hazard annexed by City of Sandusky.

(f) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and/or maps are adopted:

- (1) Flood Insurance Study Erie County, Ohio and Incorporated Areas and Flood Insurance Rate Map Erie County, Ohio and Incorporated Areas both effective August 28, 2008.
- (2) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- (3) 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 Sandusky as required by Section 1157.04(c) Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the office of the Director of Engineering Services 222 Meigs Street Sandusky, Ohio 44870.

(g) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, 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.

(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 these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

(i) Warning and Disclaimer of Liability. The degree of flood protection required by these regulations 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. These regulations 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. These regulations shall not create liability on the part of the City of Sandusky, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

(j) Severability. Should any section or provision of these regulations 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. 08-064. Passed 7-28-08.)

1157.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

- (a) Accessory Structure: A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

- (b) Appeal: A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.
- (c) Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.
- (d) Base (100-Year) Flood Elevation (BFE): The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).
- (e) Basement: Any area of the building having its floor subgrade (below ground level) on all sides.
- (f) Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (g) Enclosure Below the Lowest Floor: See "Lowest Floor."
- (h) Executive Order 11988 (Floodplain Management): Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- (i) Federal Emergency Management Agency (FEMA): The agency with the overall responsibility for administering the National Flood Insurance Program.
- (j) Fill: A deposit of earth material placed by artificial means.
- (k) Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (l) Flood Hazard Boundary Map (FHBM): Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (m) Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (n) Flood Insurance Risk Zones: Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
 - (1) Zone A: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
 - (2) Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
 - (3) Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
 - (4) Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
 - (5) Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
 - (6) Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
 - (7) Zone C and Zone X (unshaded): Areas determined to be outside the 500- year floodplain.
- (o) Flood Insurance Study (FIS): The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- (p) Flood Protection Elevation: The Flood Protection Elevation, or FPE, is the base flood elevation plus two (2) feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.
- (q) Floodway: A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more

than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

- (r) Freeboard: A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- (s) Historic structure: Any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
 - (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
 - (4) Individually listed on the inventory of historic places maintained by City of Sandusky's historic preservation program, which program is certified by the Ohio Historic Preservation Office.
- (t) Hydrologic and hydraulic engineering analysis: An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.
- (u) Letter of Map Change (LOMC): A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:
 - (1) Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
 - (2) Letter of Map Revision (LOMR): A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
 - (3) Conditional Letter of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.
- (v) Lowest floor: The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.
- (w) Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.
- (x) Manufactured home park: As specified in the Ohio Administrative Code 3701-27- 01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.
- (y) National Flood Insurance Program (NFIP): The NFIP is a Federal program enabling property owners in

participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

- (z) New construction: Structures for which the "start of construction" commenced on or after the initial effective date of the City of Sandusky Flood Insurance Rate Map, July 5, 1977, and includes any subsequent improvements to such structures.
- (aa) Person: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.
- (bb) Recreational vehicle: A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (cc) Registered Professional Architect: A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.
- (dd) Registered Professional Engineer: A person registered as a professional engineer under Chapter 4733 of the Revised Code.
- (ee) Registered Professional Surveyor: A person registered as a professional surveyor under Chapter 4733 of the Revised Code.
- (ff) Special Flood Hazard Area: Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.
- (gg) Start of construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (hh) Structure: A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (ii) Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (jj) Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:
 - (1) Any improvement to a structure that is considered "new construction,"
 - (2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development

permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(3) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

(kk) Variance: A grant of relief from the standards of these regulations consistent with the variance conditions herein.

(ll) Violation: The failure of a structure or other development to be fully compliant with these regulations.

(Ord. 08-064. Passed 7-28-08.)

1157.03 ADMINISTRATION.

(a) Designation of the Floodplain Administrator. The Director of Engineering Services is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(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) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.

(4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.

(5) Make and permanently keep all records for public inspection necessary for the administration of these regulations 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 these regulations.

(6) Enforce the provisions of these regulations.

(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 these regulations.

(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 1157.01(f), 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 these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(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 these regulations.

(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. Floodproofing certification for non-residential floodproofed structure as required in Section 1157.04(e).

B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1157.04(d)(5) 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 1157.04(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 1157.04(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 1157.04(i)(1).
 - F. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1157.04(c).
- (6) A floodplain development permit application fee set by the schedule of fees adopted the City of Sandusky.
- (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 these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1157.03(d) has been received by the Floodplain Administrator.
 - 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.
 - (2) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.
- (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.
- (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 1157.03(j)(1), a Letter of Map Revision.
- (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 Appeals Board in accordance with Section 1157.05 of these regulations.
- (i) Exemption from Filing a Development Permit. An application for a floodplain development permit 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 these regulations.

(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 Sandusky's flood maps, studies and other data identified in

Section 1157.01(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 1157.04(c).
- B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1157.03(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.
- C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 1. Proposed floodway encroachments that increase the base flood elevation; and
 2. 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.
- D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1157.03(j)(1)(A).

(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 City Manager of Sandusky, and may be submitted at any time.

(3) Annexation / Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Sandusky 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 Sandusky Flood Insurance Rate Map accurately represent the City of Sandusky boundaries, include within such notification a copy of a map of the City of Sandusky suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Sandusky has assumed or relinquished floodplain management regulatory authority.

(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.
- (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.
- (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 these regulations.
 - 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.

(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 1157.05, Appeals and Variances.

(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.

(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. 08-064. Passed 7-28-08.)

1157.04 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 1157.01(f) or 1157.03(k)(1):

(a) Use Regulations.

(1) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of Sandusky are allowed provided they meet the provisions of these regulations.

(2) 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.

(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.

(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 1157.03(j)(1)A.4. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1157.04(c)(4)A.

(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 and construction materials

resistant to flood damage 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. Where no flood protection elevation data exists, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
 - (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 1157.04(d).
 - (8) In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- (e) Nonresidential Structures.
- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1157.04(d)(1-3 and 5-8).
 - (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 floodproofed 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 1157.04(e)(2)(A) and (B).
 - (3) Where no flood protection elevation data exists, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- (f) Accessory Structures. Relief to the elevation or dry floodproofing 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 floodproofed to or above the level of the flood protection elevation; and

- (6) They shall meet the opening requirements of Section 1157.04(d);
- (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 days, or
 - (2) They must be fully licensed and ready for highway use, or
 - (3) They must meet all standards of Section 1157.04(d)(5)C.
- (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.
- (i) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, 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 1157.03(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 City Manager of Sandusky and the Chief Executive Officer of any other communities impacted by the proposed actions.
 - (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 1157.04(i)(1)B.1. and 3,4,5).
 - (3) Alterations of a Watercourse. For the purpose of these regulations, 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 Sandusky 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 1157.03(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. 08-064. Passed 7-28-08.)

1157.05 APPEALS AND VARIANCES.

(a) Appeals Board Established.

- (1) The City of Sandusky Board of Zoning Appeals established under Chapter 1111 of the Codified Ordinances of the City of Sandusky is hereby appointed to serve as the Appeals Board for these regulations.
- (2) Records of the Appeals Board shall be maintained by the Clerk of the Board of Zoning Appeals. A copy of the records of any appeal regarding this Chapter 1157 shall also be maintained in the Office of the Floodplain Administrator.

(b) Powers and Duties.

- (1) The Appeals Board 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 these regulations.
- (2) Authorize variances in accordance with Section 1157.05(d) of these regulations.

(c) Appeal From Any Notice and Order, or Other Official Action of the Floodplain Administrator.

- (1) Any person adversely affected by any notice, order or other official action of the Floodplain Administrator may request a hearing on the matter before the Appeals Board provided that such person shall file, within 21 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 a report including any and all necessary pertinent information on which the Floodplain Administrator's decision was made to the Clerk of the Appeals Board.
- (2) Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal hearing, give notice in writing to parties in interest, and decide the appeal within a reasonable time after the hearing.

(d) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, 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 these regulations would result in unnecessary hardship.

(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 application for a variance shall transmit it to the Clerk of the Appeals Board.
- 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. All applications for variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the City of Sandusky.

(2) Public Hearing for a Variance. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board 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:

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed facility to the community.
- E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion

damage.

F. The necessity to the facility of a waterfront location, where applicable.

G. The compatibility of the proposed use with existing and anticipated development.

H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

I. The safety of access to the property in times of flood for ordinary and emergency vehicles.

J. 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.

K. 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.

Variances shall only be issued upon:

A. A showing of good and sufficient cause.

B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.

D. A determination that the structure or other development is protected by methods to minimize flood damages.

E. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

(3) 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 5.4(B)(1) to (11) 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.

(e) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Erie County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code. (Ord. 08-064. Passed 7-28-08.)

1157.06 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 these regulations 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 1157.03(i).

(2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1157.06(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 these regulations and punishable in accordance with Section 1157.06(c).

(b) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he or she shall give notice of such violation to the person responsible therefore and order compliance with these regulations 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 these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- (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.

(c) Violations and Penalties. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a first degree misdemeanor. Any person who violates these regulations 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 Sandusky. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Sandusky from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Sandusky shall prosecute any violation of these regulations in accordance with the penalties stated herein.

(Ord. 08-064. Passed 7-28-08.)

CHAPTER 1159

Community Entertainment District

1159.01 Definitions.

1159.02 Application.

1159.03 Application submission and processing.

1159.04 Prohibited uses.

1159.05 Removal of Community Entertainment designation.

1159.01 DEFINITIONS.

As used in this chapter, "Community Entertainment District" means a bounded area that includes or will include a combination of entertainment, retail, educational, sporting, social, cultural or arts establishments within close proximity to some or all of the following types of establishments within the district, or other types of establishments similar to these:

- (a) Hotels;
- (b) Restaurants;
- (c) Retail sales establishments;
- (d) Enclosed shopping centers;
- (e) Museums;
- (f) Performing arts theaters;
- (g) Motion picture theaters;
- (h) Night clubs;
- (i) Convention facilities;
- (j) Sports facilities;
- (k) Entertainment facilities or complexes;
- (l) Any combination of the establishments described in subsections (a) through (k) hereof that provide similar services to the community.

(Ord. 05-090. Passed 5-9-05.)

1159.02 APPLICATION.

Any owner of property within the City seeking to have that property, or that property and surrounding property, designated as a Community Entertainment District shall file an application seeking this designation with the Mayor and the City Manager. An application to designate an area as a Community Entertainment District shall contain all of the following:

- (a) The applicant's name and address;
- (b) A map or survey of the proposed community entertainment district in sufficient detail to identify the boundaries of the district and the property owned by the applicant;
- (c) A general statement of the nature and types of establishments described in Ohio R.C. 4301.80(A) and Section 1159.01 that are or will be located within the proposed Community Entertainment District and any other establishments located in the proposed Community Entertainment District that are not described in Ohio R.C. 4301.80(A) or Section 1159.01;
- (d) If some or all of the establishments within the proposed Community Entertainment District have not yet been developed, the proposed time frame for completing the development of these establishments;
- (e) Evidence that the uses of land within the proposed Community Entertainment District are in accord with the Zone

Map of the City;

- (f) A certification from a surveyor or engineer licensed under Ohio R.C. Chapter 4733 indicating that the area encompassed by the proposed Community Entertainment District contains no less than twenty contiguous acres. Where parcels to be included in a Community Entertainment District are located across a public street from one another, the intervening portion of the public street will be part of the Community Entertainment District;
- (g) An application fee of three hundred dollars (\$300.00) shall accompany the application, to cover administrative costs, processing and legal advertisements.

(Ord. 05-090. Passed 5-9-05.)

1159.03 APPLICATION SUBMISSION AND PROCESSING.

(a) Submission and Action by Mayor. The application shall be addressed and submitted to the Mayor and the City Manager. The Mayor, within thirty days after receiving the application, shall submit the application with the Mayor's recommendation to the Sandusky City Commission. The application is a public record for purposes of Ohio R.C. 149.43 upon its receipt by the Mayor.

(b) Public Notice by City Commission. Within thirty days after the City Commission receives the application and the Mayor's recommendations relating to the application, the Clerk of the City Commission shall, by notice published once a week for two consecutive weeks in at least one newspaper of general circulation in the City, notify the public that the application is on file in the office of the Clerk of the City Commission and is available for inspection by the public during regular business hours. The notice shall also indicate the date and time of any public hearing to be conducted by the Sandusky City Commission.

(c) Action by City Commission. Within seventy-five days after the date the application is filed with the Mayor, the City Commission by ordinance or resolution shall approve or disapprove the application based on whether the proposed Community Entertainment District does or will substantially contribute to entertainment, retail, educational, sporting, social, cultural or arts opportunities for the community. Any approval of an application shall be by an affirmative majority vote of the City Commission. In the event that the City Commission fails to act within seventy-five days, the application shall be deemed to be disapproved and the application fee shall be returned to the applicant, minus any advertising fees.

(d) Revision and Re-Submission. If the City Commission disapproves the application, the applicant may make changes in the application to secure its approval by the Commission. Any area contained in an application that is approved by the City Commission constitutes a Community Entertainment District and a local option election may be conducted in the District, as a type of community facility, under Ohio R.C. 4301.356.

(Ord. 05-090. Passed 5-9-05.)

1159.04 PROHIBITED USES.

(a) Notwithstanding any other provisions of the Codified Ordinances, which may be applicable to existing or planned uses within a Community Entertainment District, sexually oriented businesses as defined in Section 1141.01 shall be prohibited.

(b) The possession and consumption of alcohol shall be prohibited in any City park which is either partially or wholly located within a Community Entertainment District as provided in Section 529.07.

(c) Designation of an area as a Community Entertainment District pursuant to Ohio R.C. 4301.80 and this chapter shall not preclude nor prevent the City from enforcing any law, ordinance or resolution relating to public nuisances or violations of public health, safety and welfare within the Community Entertainment District including but not necessarily limited to Chapter 519, Noise Control.

(d) Property and facilities within a Community Entertainment District shall be developed, constructed, and maintained at all times in accordance with all applicable federal, state and local laws, ordinances, rules and regulations.

(Ord. 05-090. Passed 5-9-05.)

1159.05 REMOVAL OF COMMUNITY ENTERTAINMENT DESIGNATION.

All or part of an area designated as a Community Entertainment District may lose this designation as provided in Ohio R.C. 4301.80 and by this section. The City Commission after giving notice of its proposed action by publication once a week for two consecutive weeks in at least one newspaper of general circulation in the City, may determine by ordinance or resolution, that all or part of the area fails to meet the standards described in Ohio R.C. 4301.80 and in this chapter for designation of an area as a Community Entertainment District. If the City Commission so determines, the area designated in the ordinance or resolution shall no longer constitute a Community Entertainment District.

(Ord. 05-090. Passed 5-9-05.)

CHAPTER 1161 Landmark Preservation

1161.01 Intent.

1161.02 Definitions.

1161.03 Establishment of Landmark Commission.

1161.04 Powers and duties of Landmark Commission.

1161.05 Approval process for designation of landmarks.

1161.06 Criteria for designation of landmarks.

1161.07 Certificate of appropriateness.

1161.08 National register process.

1161.09 Enforcement and penalties.

1161.10 Appeals procedures.

1161.11 Minimum maintenance requirements.

1161.01 INTENT.

The intent of this Chapter is to: (1) to designate, preserve, protect, and enhance current and future Landmark properties within the City of Sandusky; (2) to foster civic pride in and consistent with established long term goals and policies of the City; (3) to stabilize or improve the aesthetic and economic vitality and values of Landmark sites; (4) to protect and enhance the City's attraction to tourist and visitors; and (5) to promote the use of these sites for the improvements and objects for the education, invigoration, and welfare of the people of the City.

(Ord. 15-161. Passed 11-23-15.)

1161.02 DEFINITIONS.

(a) "Alteration" means any act or process that changes one or more of the exterior architecture features of a building or structure; including, but not limited to, the erection, construction, reconstruction, or removal of the building or structure.

(b) "Addition" means any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure.

(c) "Archaeological/Historic Landmark Site" means a single site, including the associated buildings, structures, and plant life, which is considered to have historic and/ or prehistoric significance due to its association with past events of historical, cultural, architectural, and/or archeological value.

(d) "Building" means a structure which is permanently affixed to the land, having one or more floors and a roof, being bounded by either open spaces or lot lines, and used as a shelter or enclosure for persons, animals, or property. "Building" shall be used synonymously with "structure" unless otherwise noted and shall be construed as if followed by the words "part or parts thereof".

(e) "Landmark Certificate of Appropriateness" means a certificate issued by the Sandusky Landmark Commission indicating that a proposed change, alteration, or demolition of a historic building or structure within a historic site, district, or on the National Registry of historic buildings is in accordance with the provisions of this Chapter and local design guidelines.

(f) "Change" means any exterior alteration, demolition, removal or construction involving any property subject to the provisions of this Chapter.

(g) "Construction" means the act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

(h) "Demolition" means any act or process that destroys in part or in whole any building or structure

(i) "Historic District" means any area designated by ordinance of the City Commission which may contain within definable geographic boundaries, buildings, structures or sites of historic, architectural or archaeological significance.

(j) "Landmark Commission" means the Commission established under the provisions of the enabling legislation.

(k) "Historic Structure" means any building or structure which has historic, architectural or archaeological significance and has been so designated according to the provisions of this Chapter. The significance of a property to the history, architecture, archaeology, engineering, or culture of a community, state, or the nation may be achieved in several ways:

- (1) Association with broad pattern of our history, events, activities, or patterns;
- (2) Association with important persons;
- (3) Distinctive physical characteristics of design, construction, or form;
- (4) Potential to yield information important in history or prehistory (archaeology);

(l) "Landmark" means any building, structure or archaeological site that has been designated as a "landmark" by ordinance of the City or Commission, pursuant to procedures proscribed herein, that is worthy of preservation, restoration or rehabilitation because of its historic, architectural or archaeological significance.

(m) "Owner" means the owner or owners of record.

(n) "Preservation" means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property.

(o) "Reconstruction" means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

(p) "Rehabilitation" means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.

(q) "Restoration" means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

(Ord. 15-161. Passed 11-23-15.)

1161.03 ESTABLISHMENT OF LANDMARK COMMISSION.

(a) The hereby established City of Sandusky Landmark Commission shall consist of seven (7) members; the President of the City Commission or another member of the City Commission designated by the President and confirmed by the City Commission to serve in his place, and six (6) citizens of the City each of whom shall serve without compensation and shall be appointed by the City Commission for a term of three (3) years. The terms of the citizen members shall be so arranged that the term of two members will expire each year.

(b) The Sandusky Landmark Commission shall meet as needed.

(c) The Sandusky Landmark Commission meetings shall comply with Federal and State laws dealing with public meetings and meeting notices.

(d) The Sandusky Landmark Commission members shall be subject to the provisions of the City Charter and these Codified Ordinances regarding conflict of interest and ethics. In addition, The Sandusky Landmark Commission members shall be subject to related provisions of the Ohio Revised Code.

(e) The Sandusky Landmark Commission, designated City Staff, or others shall prepare a written report at least once a year, for submission to the City Manager and City Commission that summarizes the Sandusky Landmark Commission activities, cases, and recommendations. Such reports shall be available for public inspections.

(f) At a minimum two members shall be professionals or expertise in the following disciplines need to be represented: architecture, history, planning, archaeology, or related disciplines, to the extent available within the community.

(g) To the extent possible, the Sandusky Landmark Commission should regularly complete annual training regarding historic preservation provided by Staff.

(h) The Sandusky Landmark Commission shall meet at least 4 times per year, meetings shall be held in a public place, advertised, and open to the public.

(Ord. 17-053. Passed 3-13-17.)

1161.04 POWERS AND DUTIES OF LANDMARK COMMISSION.

(a) To recommend to City Commission legislation for designation of individual properties and historic districts that would serve to beautify, protect, preserve, restore, and develop the City.

(b) To study problems and determine the needs of the City in restoring and preserving historic landmarks, areas, and neighborhoods.

(c) To review and act on all applications for Certificates of Appropriateness as required and utilize Roberts Rules of Order for this action.

(d) Review applications for renovations for existing landmark buildings within the City.

(e) Work to erect historic markers to denote landmark buildings within the City.

(f) Act as a liaison on behalf of the City of Sandusky to individuals and organizations concerned with historic preservation; educate citizens regarding historic preservation issues and concerns.

(g) The Sandusky Landmark Commission and City Planning Staff shall maintain a surveyed inventory for historic and cultural resources within the City. The inventory will detail designated districts, sites, and/or structures. This inventory will be submitted to the State Historic Preservation Office and open to the public. The inventory shall be updated periodically to reflect changes, alterations, and demolitions.

(Ord. 15-161. Passed 11-23-15.)

1161.05 APPROVAL PROCESS FOR DESIGNATION OF LANDMARKS.

The Sandusky Landmark Commission shall review all landmark designation applications and make a recommendation of approval or denial based on the Criteria for Designation of Landmark found in section 1161.06. Sandusky City Commission shall have final approval on the application. All applications shall be reviewed by Sandusky Landmark Commission within forty-five (45) days after a completed application is submitted. Applications must include owners or majority of owners consent in order to be considered complete. All meetings shall be available to the public, and agendas shall be publically advertised. A written notification of the Sandusky Landmark Commission's recommendation will also be sent to each applicant by regular mail. Detailed minutes of the meeting and decision rendered by the Sandusky Landmark Commission shall be kept on file and available for public inspection.

(Ord. 15-161. Passed 11-23-15.)

1161.06 CRITERIA FOR DESIGNATION OF LANDMARKS.

An object, site or building, which is at least fifty (50) years old, may be designated for preservation as a landmark site or landmark district if it has significant character, interest or value as part of the development, heritage, or cultural

characteristics of the City, state, or nation, if it has integrity, or the ability to convey its significance, and if it falls into one of the following categories:

- (a) It is in the location of, or is associated in a significant way with, a historic event with a significant effect upon the community, city, state, or nation; or
- (b) It is associated in a significant way with the life of a person important in the history of the city, state, or nation; or
- (c) It is associated in a significant way with a significant aspect of the cultural, political, or economic heritage of the community, city, state or nation; or
- (d) It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction; or
- (e) It is an outstanding work of a designer or builder; or
- (f) Because of its prominence of spatial location, contrasts of siting, age, or scale it is an easily identifiable visual feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or the City.
- (g) The Secretary of Interior Standards for Rehabilitation shall be utilized when applications for Certificates of Appropriateness.
- (h) The property owner shall indicate consent for the Landmark designation.
- (i) Sixty percent of the affected property owners must consent to proposed Landmark designation. (Ord. 15-161. Passed 11-23-15.)

1161.07 CERTIFICATE OF APPROPRIATENESS.

- (a) Certificate of Appropriateness shall be required for all renovations, alterations, and demolition to existing landmark buildings.
- (b) The Sandusky Landmark Commission shall prepare an application form and a list of the procedures necessary for obtaining Certificates of Appropriateness, which shall be made available to the general public. All applicants must submit applications to the Sandusky Planning Department.
- (c) All applications shall be reviewed by Landmark Commission within forty-five (45) days after a completed application is submitted. The applicant shall be given written notice of the meeting at which his or her application will be considered. All Certificate of Appropriateness applications shall be reviewed utilizing the preservation design guidelines on file at the Department of Community Development which are the Secretary of Interior Standards for Rehabilitation. A written notification of the Sandusky Landmark Commission's decision will also be sent to each applicant by regular mail. (Ord. 15-161. Passed 11-23-15.)

1161.08 NATIONAL REGISTER PROCESS.

In accordance with the National Historic Preservation Amendments Act of 1980, the Landmark Commission shall submit a report to the State Historic Preservation Office (SHPO) regarding the eligibility of each property or District proposed for nomination to the National Register within the City. This report shall include the recommendation of the Historic Preservation Commission and the majority of City Commission. A copy of the report prepared by the Commission for SHPO shall be made available for public inspection.

The Landmark Commission will be involved in the National Register process in the following manner:

- (a) The SHPO will forward a copy of completed National Register nominations with a staff review sheet to the Sandusky Landmark Commission for all properties within the City prior to the preliminary review of the nomination unless the Commission itself has initiated or reviewed the nomination prior to submission to the SHPO.
- (b) Following the initial review by Ohio Historic Site Preservation Advisory Board (OHSPAB), the State Review Board, and prior to the final review of the nomination, the Sandusky Landmark Commission shall inform the SHPO and the property owner(s) as to their opinion regarding the eligibility of the property.
- (c) If the City Commission recommends that a property not be nominated, the SHPO will so inform the property owner(s), the State Review Board, and the property will not be nominated unless an appeal is filed with the State Historical Preservation Officer under the regulations established for the appeals process which is outlined in 36 CFR (Code of Federal Regulations), Part 60.
- (d) If either or both the Sandusky Landmark Commission and the majority of City Commission agree that the property should be nominated, the nomination will be scheduled for final review by the Ohio Historic Site Preservation Advisory Board. If no report is submitted, the nomination will be reviewed within sixty days. The opinion or opinions of the Sandusky Landmark Commission and the majority of City Commission will be presented to OHSPAB for its consideration.
- (e) The Ohio Historic Site Preservation Advisory Board after considering all opinions shall make its recommendation to the State Historic Preservation Officer. Either the Sandusky Landmark Commission or the majority of City Commission may appeal the final decision of the SHPO under the aforementioned appeals procedure.
- (f) If necessary, the Sandusky Landmark Commission shall seek assistance of academics or others from professional

disciplines when considering a National Register nomination.

(Ord. 15-161. Passed 11-23-15.)

1161.09 ENFORCEMENT AND PENALTIES.

(a) If it is found that any of the provisions of these standards are being violated, a person or a corporation shall be guilty of a misdemeanor of the fourth degree where: any violation of any of the provisions of this zoning code exists in a building or tract of land, and a stop work order or notice of zoning violation has been served on the owner agent, lessee, or tenant of the building or tract of land, or part thereof, or upon the architect, builder, contractor, or any person who commits or assists in any violation, and the person fails to comply with such order within 72 hours of receipt of a stop work order or written notice.

(b) Any persons who fails to comply within the specified time shall be guilty of a misdemeanor of the fourth degree with each day the violation continues being a separate offense.

(c) Filing an appropriate appeal to any order issued pursuant to the provision of 1109.07 shall toll the time for compliance with such order until the appeal is ruled upon.

(Ord. 15-161. Passed 11-23-15.)

1161.10 APPEALS PROCEDURES.

(a) Decisions by the Sandusky Landmark Commission may be appealed in writing to the City Commission within ten (10) days of the Sandusky Landmark Commission hearing. No building permit or other permit required for the activity applied for shall be issued during the ten-day period or while an appeal is pending.

(b) The City Commission shall consider an appeal within thirty (30) days of receipt and shall utilize the written findings of the Sandusky Landmark Commission in rendering their decision. A simple majority vote of the City Commission membership shall be required to overturn or modify a decision of the Sandusky Landmark Commission.

(Ord. 15-161. Passed 11-23-15.)

1161.11 MINIMUM MAINTENANCE REQUIREMENTS.

No owner of a building or structure in the historic district shall by willful action or willful neglect, fail to provide sufficient and reasonable care in the maintenance and upkeep to assure such building's perpetuation and to prevent its destruction by deterioration. The owner of a protected property shall provide sufficient maintenance to ensure its protection from hazards and to prevent deterioration or destruction.

(Ord. 15-161. Passed 11-23-15.)

APPENDIX I ZONE MAP AMENDMENTS

<u>Date</u>	<u>Ord.No.</u>	<u>Description</u>
4-24-61	5919-C	R1-60 to RB (Outlot 3 of Darling's Survey east of Sycamore Line)
6-5-61	5928-C	CR1-40 to RB (Lots 145, 147, and 149, Sherman Street)
6-19-61	5938-C	R1-40 to RB (Lots 250 and 252 Columbus Avenue)
6-26-61	5940-C	R1-40 to CS (Lots 42 through 47 Mills Street)
7-31-61	5945-C	R-2F to R-RB (Lots 13 and 15 Central Avenue)
9-18-61	5962-C	R1-60 to RMF (Lot 20 of John W. Upps subdivision)
11-6-61	5973-C	R-2F to RMF (Lot 33 east Washington Street)
1-15-62	5985-C	R-RB to LB (Lot 16 on Tiffin Avenue etc.)
3-5-62	5995-C	R1-40 to LB (Lot 542 Putnam Street)
11-12-62	6070-C	LM to GM (Various lots on Fulton, Decatur, Water, Lawrence, and McDonough Streets)
4-15-63	6104-C	R1-75 to CA (northwest part of Cedar Point Peninsula)
4-15-63	6106-C	CR to CS (Certain lands in First Ward, lying east of Meigs Street and south of Washington Street)
11-25-63	6152-C	GB to CS (Near Milan Road and McKelvey Street)
1-13-64	6167-C	R-2F to RMF (Lots C, B, and E on east side of Fulton Street)
2-3-64	6171-C	R1-60 to CS (Musson Farm property)
2-24-64	6182-C	CR to RMF (part of Lots 10 and 11 in Darling's Survey east of Pipe Creek)
2-24-64	6183-C	R1-50 to RMF (Lots 1 through 14 Biscayne Drive and Lots 15, 16, and 17 Venetian Drive)
5-4-64	6208-C	Setback line reduced from 30 feet to 15 feet on north side of Perkins Avenue from Sadler Street to Camp Street
7-27-64	6237-C	Setback lines reduced or deleted on certain portions of Farwell Street
8-3-64	6238-C	Setback line amended on property at southwest corner of Sycamore Line and McKelvey Street
8-17-64	6245-C	R1-40 to GB (Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, and 19 on Cowdery Street, Lots 2 and 4 on Caldwell Street and Lots 6 and 8 on Smith Street)
8-24-64	6246-C	R-2F to RMF (part of Lots 32 and 34 on Hancock Street and part of Lots 35 and 37 on Wayne Street)
8-31-64	6255-C	LM to GM (property owned by Philco Division of the Ford Motor Company on south side of W.

Monroe Street)

8-31-64 6256-C R1-60 to RMF (Lot 266 on Milan Road, Lot 264 on Forty Second Street, and Lot 2121 Milan Road)

9-14-64 6262-C LM to GM (Cellulose Company property)

10-5-64 6267-C R1-50 to R-2F (part of Mills, 175 acre tract)

12-14-64 6287-C R1-40 to P (part of Lots 109, 111, and 113 on Sadler Street)

3-1-65 6306-C R-2F to RMF (Lot 132, 130, and part of 128 Columbus Avenue)

3-15-65 6307-C R-2F to P (Lot 37 on Jackson Street)

3-15-65 6311-C R1-75 to P (34 acres of Cedar Point Improvement Company's second subdivision)

4-12-65 6325-C R1-40 to CS (Lots 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, and 36 on Grant Street, and Lots 146, 148, and 150 on Thomas Street)

4-12-65 6326-C R1-40 to GB (Lots 1, 3, 5, 7, 9, and 11 on Knapp Street and part of outlot 77)

4-12-65 6327-C PF to GB (property bounded by Thomas Street, Novelty Street and outlots 66 and 67)

4-12-65 6328-C GB to PF (Lot 12 on Novelty Street and part of Lot 10 on Novelty Street)

6-1-65 6346-C R1-60 to RMF (2 acres of outlot 3 in Darling's Survey east of Sycamore Line)

6-28-65 6353-C R1-60 to RMF (2 acres of original Lot 17 east of Sycamore Line near Milan Road)

7-26-65 6365-C R-2F to CS (222 West Boalt Street)

8-9-65 6369-C R1-40 to GB (Lots 5, 7, 9, and 11 on Smith Street)

8-9-65 6370-C R1-60 to R-2F (Lot 10 on Rohde Street)

8-23-65 6374-C LB to CS (Lots 55 and 61 on Franklin Street, Lot 77 and part of Lot 75 on Hancock Street)

1-31-66 6416-C R-2F to PF (Lot 47 on Decatur Street, part of Lot 117 on Hayes Avenue; and Lot 1 on Tyler Street)

1-31-66 6417-C R1-40 and R1-60 to P (part of Lot 218 and all of Lot 300 on Milan Road)

3-7-66 6423-C R-2F to LM (N.E. intersection of West Monroe Street and Huron Street)

4-4-66 6430-C R1-40 to R-RB (parts of Lots 106 and 108 on Hayes Avenue)

5-2-66 6438-C R-RB to LB (1602 Hayes Avenue)

7-11-66 6457-C Setback line reduced on both sides of Venice Road from Tiffin Avenue to the old corporation limits

8-29-66 6480-C GB to LM (2602 Venice Road)

8-29-66 6481-C R-2F to CS and R-2F to CB (vicinity of Finch Street and Franklin Street)

10-10-66 6490-C LB to PF (611 Tyler Street)

10-10-66 6491-C R-RB to LB (1603, 1607, 1613, 1621, and 1627 Hayes Avenue)

11-7-66 6502-C R-2F to LB (538 Huron Avenue)

12-12-66 6508-C R1-60 to RB (Lots 9, 10, and 11 in the subdivision of outlots 7 and 8 in Darling's Survey east of Sycamore Line)

12-12-66 6509-C LB to CS (1028 Hancock Street)

1-3-67 6518-C R1-60 to CS (422 Buchanan Street)

1-30-67 6525-C CS to RMF (Lots 43 to 50 on Water Street)

2-27-67 6532-C R1-40 to P (Lots 130, 132, 134, 136, 138, 140, 142, and 144 on Thomas Street)

5-1-67 6545-C R1-75 CR (vicinity of Cedar Point parking area and bridge No. 2)

9-5-67 6596-C R-2F to PF (Lots 3 and 6 on Tyler Street)

9-25-67 6601-C GB to CS (part of Lots 22 and 23, Scranton's Survey, south of Southwark)

10-30-67 6638-C R-2F to PF (part of Lots 3 and 5 on Tyler Street)

1-2-68 6660-C R1-50 to GB (vicinity of Johnson and Thomas Streets)

1-29-68 6672-C R-2F to LB (606, 612, and 614 West Madison Street, and 616 and 620 Poplar Street)

2-26-68 6679-C R-2F to PF (part of Lot 4 on Van Buren Street in Keech's Addition)

6-3-68 6721-C R-2F to PF (709 Tyler Street)

8-5-68 6748-C R-2F to RMF (parts of Lots 2, 4, 6, and 8 Perry Street)

8-12-68 6751-C GB to RMF (Lots 13, 14, 15, 22, and 23 Scranton's Survey on Sycamore Line)

10-14-68 6778-C R1-40 to R-2F (1503 Clinton Street)

10-21-68 6781-C R1-2F to PF (717 Tyler Street)

7-14-69 6865-C R1-40 to GB (Property on Sycamore Line)

7-14-69 6866-C RB to GB (Property on Cleveland Road)

8-18-69 6876-C R1-50 to LB and RMF (Clarence Wagner property on Cleveland Road)

9-29-69 6901-C Hayes, Pierce, Buchanan, McDonough Street area to public facilities

10-13-69 6907-C Clinton Street lots to RMF

10-13-69 6910-C 1806 First Street to P

11-10-69 6917-C 909 First Street to R2-F

11-10-69 6918-C 2325 Columbus Avenue to P

11-17-69 6925-C 1401 McKinley to RMF

12-29-69 6945-C 2121, 2207, 2227, 2307, and 2311 Cleveland Road to GB

2-23-70 6982-C 1924, 1950, 2016, and 2022 Milan Road to LM
 3-9-70 6985-C Cleveland Road lots to GB (2112, 2124, 2206, 2214, 2218, 2222, 2228, 2236, 2300, 2310 and 2350)
 4-13-70 6999-C 1020 and 1024 Hancock Street to CS
 5-11-70 7015-C Campbell, Johnson Sherman Street area to RMF
 5-25-70 7021-C Parish Street - Wayne Street area to R1-40
 5-25-70 7022-C Cleveland Road - Cowdery Street area to GB and R1-50
 6-8-70 7028-C Sunnyside Acres on north to R1-50
 6-29-70 7038-C McKelvey St. R/W - between Sycamore Line and Cleveland Road to PF
 6-29-70 7039-C 202 W. Madison Street to LB
 8-10-70 7052-C Sadler Street lots to GB
 8-10-70 7053-C 1113 Franklin Street to RMF
 10-12-70 7077-C Jefferson and Decatur to LB - Dr. Ernst
 11-30-70 7091-C Lot 35 on Jackson Street to LB
 12-21-70 7100-C Warren and Monroe to RB - A. J. Linz
 12-28-70 7102-C Lots on Sherman and Grant Streets to CS - Hurst
 1-25-71 7120-C Lawrence and Fulton Streets lots to GM - Sandusky Foundry
 3-22-71 7143-C Lots on First Street to R-2F
 3-29-71 7147-C 520-22 E. Market Street to RMF
 4-26-71 7154-C 1318 Tiffin Avenue to Roadside Business
 6-1-71 7172-C 316 Neil Street to P
 6-28-71 7182-C N 1/2 of lot 51 on Franklin Street to CS
 7-12-71 7192-C 1924 Cleveland Road to General Business
 8-9-71 7203-C 1001 Mills Street to R-2F
 10-4-71 7220-C 1317 and 1325 Hayes Avenue from LB to PF
 10-4-71 7222-C 1703 Cleveland Road
 12-13-71 7247-C Tyler Street lots R-2F to PF
 12-20-71 7257-C East of Sycamore line R1-60 to RMF
 1-24-72 7270-C 2001 Columbus Avenue CS to R-RB
 2-28-72 7283-C Lots Scranton's Survey, south of Southwark RMF to GB
 3-13-72 7291-C Butler and Parish Street lots - R1-40 to GB
 3-13-72 7292-C Jackson and Decatur Street lots - R-2F to PF
 3-27-72 7299-C 529 E. Adams Street R-2F to R-RB
 4-17-72 7310-C LaRiviera Motel 1021 Cleveland Road LB to GB
 4-24-72 7313-C 2054 Cleveland Road R1-60 to R-2F
 4-24-72 7314-C First Street lots R-2F to RMF
 4-24-72 7315-C Fulton and Monroe Street lots - R-2F to GB
 7-10-72 7342-C 208 Perry Street R-2F to RMF
 7-10-72 7343-C Venice Road Area GM To PF
 7-31-72 7351-C Putnam Street lots LB to RMF
 10-30-72 7371-C King Street lots R1-40 to P
 11-20-72 7381-C Second Street lots R1-40 to RMF
 11-27-72 7382-C Lot 23 Columbus Avenue from LB to PF
 12-11-72 7394-C 616 E. Market Street R-2F to RMF
 8-13-73 7489-C Perry Street lots - from R2-F and CS to RMF
 10-9-73 7523-C West of Camp Street R. Sallee - R-2F to RMF LUI Rating 3.81/18 units
 11-19-73 7531-C 1604 Hayes Avenue R-RB to LB
 2-25-74 7594-C Tyler Street lots R-2F to PF - Good Sam
 6-17-74 7660-C 1715 Columbus Avenue - Solid fence
 9-16-74 7691-C Lots on "C" Street and E. Perkins Avenue from R1-40 to GB
 12-30-74 7750-C RMF for property on McKinley and Fifth Street with LUI rating 4.0
 3-3-75 7765-C 432 E. Washington Street to RMF
 6-9-75 7815-C First and Second Street lots to CR
 7-7-75 7824-C Property at Hayes and Pierce Streets to PF (Providence Hospital)
 8-4-75 7847-C 1453 Huntington Avenue to GB
 8-18-75 7854-C Lot 1007 and 1008 Butler Street to RB
 8-25-75 7859-C Property on Milan Road - Schweinfurth to RMF with LUI 5.0
 12-15-75 7908-C Property on Perry and Warren Streets from Residential Two-Family (R-2F) to RMF
 12-29-75 7916-C Property on 1737 Tiffin Avenue from GB and LM to RMF

1-12-76 7925-C Property on 721 Tyler Street from R2-F to PF
 1-12-76 7926-C Property on 316, 320, 320 1/2, 322, 326, 330 Neil Street from P and R1-40 to CS
 4-26-76 7955-C Property on Bardshar Road from RS to PF Lutheran Home
 7-6-76 7977-C Portion of lots on Franklin from R1-40 to CS
 12-13-76 8033-C Property on First Street between Causeway Drive and Venetian Drive, and property between First and Fifth Streets from Causeway Drive to a point between lots 604 and 605 on First Street, from R1-40 and RMF to CR.
 6-20-77 8091-C Property, being part of original lot 22 in the annexation north of section 2, listed in subplot 45 1/2, from R1-75 to RMF.
 7-5-77 8096-C Lot 23 on Hancock Street and lot 13 on Huron Avenue, from R-2F to P.
 11-7-77 8151-C Parts of lots 4 and 6 on Van Buren Street, from R2-F to PF.
 11-7-77 8152-C Lots 10 and 12 on Tyler Street from R2-F to PF.
 1-8-79 8317-C Property bounded by First St., Causeway Dr., F St., and River Ave., from R1-40 to CR, except that property already zoned CR.
 8-27-79 8416-C Lots 24, 25, 26, 27, 28, 29, and 30 on South Depot Street from LM to PF.
 9-17-79 8421-C Parts of Lots 17 and 19 on Perry Street from R-2F to RRB.
 10-15-79 8432-C Lot 33 on Milan Road and property known as 1408 and 1410 Milan Road, from R1-40 to GB.
 1-21-80 80-005 Lots 250 and 252 on Columbus Avenue known as 2331 Columbus Avenue, from R-RB to GB.
 3-3-80 80-014 Property, commencing in the center of Milan Road and containing approximately 4.52 acres, from R1-60 to RMF.
 5-19-80 80-034 Property bounded by Williams Alley, Butler St., Wilson Alley, and an unnamed alley, from R1-40 to R-RB.
 11-10-80 80-085 Property adjacent to Lake Erie bounded on the south by a line parallel to the north line of lot 13 of Laguna Subdivision and 75 feet therefrom, on the west by the east line of Cedar Point's main parking lot, on the north by the former crossover road, known as Florence Drive Extended, and on the east by Lake Erie, from R1-75 to P.
 12-8-80 80-099 Parts of lots 22 and 24 on Jackson Street from R2F to PF.
 4-20-81 81-034 Parts of lots 17 and 19 of M.G. Mackey's Subdivision of original lot 56 west of Sycamore line from R1-60 to R2F.
 6-15-81 81-047 Property on 704 Bardshar Road from RS to R1-75.
 6-15-81 81-048 Lots 6, 8, 18, 20, 22, 24, 127, 129, 131, 133, 10, 12, 14, 16, 335, 336 in the Third Ward from R1-40 to PF.
 Lots 119, 121, 123, 218, 220 and part of lot 4 in the Third Ward from R1-40 to PF.
 Lot 26 located in the Fairlawn Subdivision from RMF to PF.
 7-20-81 81-063 Approximately 9.9 acres of property located north of the old Pier Track and west of the Remington Avenue extension from R1-60 to RMF.
 6-21-82 82-047 303 Finch St. and 1127 Franklin St. from Commercial Services (CS) and Local Business (LB) to Residential Multi-Family (RMF).
 6-21-82 82-048 1307 W. Monroe St. from Residential Multi-Family (RMF) to Residential Business (RRB).
 11-1-82 82-084 Two parcels in part of Lots 44, 46 and 48, Hancock St., and part of Lots 44 and 46, Hancock St., and part of Lots 47 and 49, Wayne St. (Southwark Addition) from Residential 2-Family to Local Business (LB).
 11-22-82 82-088 Sublots 784 to 792 and part of Fifth St. from Commercial Recreation (CR) to Roadside Business (RB).
 11-22-82 82-089 634 Perry St. and 607 E. Monroe St. from Residential 2-Family (R2F) to Local Business (LB).
 11-29-82 82-090 2024 Campbell St. from Residential 1-Family-40 (R140) to Local Business (LB).
 12-6-82 82-095 Waives Zoning Code provisions and allows for erection of sign at 919 W. Washington St.
 1-10-83 83-002 1417 E. Parish St. from Residential 1-Family-40 (R140) to General Business (GB).
 9-19-83 83-074 Property bordered by Sycamore Line, near Third St. from Public Facilities (PF) to Residential Multi-Family (RMF).
 10-3-83 83-082 301 Putnam St. from Residential 1-Family-40 (R140) to Commercial Services
 4-2-84 84-015 Part of Lots 10, 12, 14, and 16 and vacated alleys in John McKelvey and H.C. Huntington's Subdivision from Residential 1-Family-40 (R140) to Public Facilities (PF).
 5-29-84 84-041 Property bordered by Lot 23, Subdivision 32 West and Lot 33 from Residential Suburban (RS) to Commercial Services (CS).
 6-18-84 84-050 Property bordered by Water St., Franklin St. and Shoreline Dr. from Commercial Services (CS) to Local Business (LB).
 9-17-84 84-084 806 Warren St. from Residential 1-Family-40 (R140) to Residential 2-Family (R2F).
 11-26-84 84-103 Lots 545 and 547 Fair Grounds Allotment from Residential 1-Family-40 (R140) to Local Business (LB).

4-8-85 85-023 Property bordered by Franklin St. and Shoreline Dr. from Commercial Services (CS) to Local Business (LB).

5-28-85 85-040 North half of Lot 3 Milan Rd. and Burre Parcel from Residential 2-Family (R2-F) to Local Business (LB).

9-16-85 85-072 Lots 43 and 44 Lawrence St. from Residential Multi-Family (RMF) to Residential 2-Family (R2F).

10-7-85 85-080 1218, 1222, 1238, 1302 and 1306 Third St. from Residential 1-Family-40 (R140) to Residential 2-Family (R2F).

10-21-85 85-083 2320 Milan Rd. from Residential 1-Family-60 (R1-60) to Residential Multi-Family (RMF).

12-23-85 85-104 3005 W. Monroe St. from Residential Two-Family (R2-F) to Local Business (LB).

1-13-86 86-002 1302 Cleveland Rd. (except area already zoned General Business) from Commercial Services (CS) to General Business (GB).

5-12-86 86-049 Parts of Lots 37, 39 and 41, and parts of Lot 33 in Geo. H. DeWitt's Subdivision from Residential 1-Family-40 (R1-40) and Public Facilities (PF) to Local Business (LB).

6-30-86 86-065 Lots 43 and 45, parts of Lots 37, 39 and 41, and part of Lot 33 in Geo. H. DeWitt's Subdivision from Residential 1-Family-40 (R1-40) and Public Facilities (PF) to Local Business (LB).

11-10-86 86-116 Part of Lot 113, and parts of Lots 112 and 113 in O.L. 23, Heywood's Subdivision from Residential Suburban (RS) to Residential Multi-Family (RMF).

7-20-87 87-071 5.67 acres in the Cedar Point Penninsula, Lot 28, Section 3, Huron Twp. from Residential Single Family (R1-75) to Residential Multi-Family (RMF).

9-8-87 87-093 .4243 acres in pt. of Lot 66, Darling's Survey and Subdiv. of a 479-acre tract west of Mills Creek, Third Ward from Limited Manufacturing (LM) to Public Facilities (PF).

10-13-87 87-111 38.97 acres in pt. of Subdivs. 32, 33, 112 and 113, Heywoods Subdiv. of Original Lot 23 in the annexation to Margaretta Twp. from Residential Suburban (RS) to Agricultural (AG).

8-15-88 88-090 609 Tiffin Ave. (.1890 acres) from Public Facilities (PF) to Residential Business (R-RB).

10-31-88 88-135 1640 Cleveland Road from Residential 1-family-60 and Local Business to General Business District.

5-22-89 89-069 Two adjoining parcels of land on the northwesterly point of Cedar Point Penninsula from Public Facilities (PF) to Commercial Amusement (CA).

11-20-89 89-192 Lots 1, 3, 5, 7 and 9, Follett St. in William Schneider's Subdivision of Outlots 41 and 42 and the west part of Outlot 43 south of Southwark.

90-005 1-8-90 Property in the John McKelvey and H.C. Huntingtons subdivisions from Residential 1-Family-40 (R1-40) and Local Business (LB) to Public Facilities (PF) District.

2-25-91 91-020 Part of Parish Street vacated by Ord. 5288-C (Lot 21, Ransom's Amended Plat) from Residential 1-Family-50 (R1-50) to General Business (GB) District.

9-23-91 91-117 Original Lot 9, Darling's Survey east of Sycamore Line (0.1422 acres) from Residential 1-Family-60 to General Business (GB) District.

9-23-91 91-119 Parts of Lots 301 and 302 on Hayes Avenue in Frank P. Lester's Subdivision from Residential 1-Family-40 (R1-40) to Public Facility (PF) District.

9-23-91 91-120 Lot 14, Ransom's Amended Plat of part of Outlots 12, 23 and 24, Darling's Survey east of Sycamore Line from Residential 1-Family-50 (R1-50) to General Business (GB) District.

4-13-92 92-035 Part of Outlot 19, Darling's Survey, East of Sycamore Line, Second Ward from Public Facilities (PF) to General Business (GB) District.

4-27-92 92-046 Part of Outlots 19 and 22, Margaretta Annexation from Residential Suburban (RS) and Residential Multi-Family (RMF) to Public Facilities (PF), Residential 1-Family-75 and Residential Multi-Family (RMF) District.

11-9-92 92-127 Part of Lots 519 to 522, 524, 525 and all of Lots 526 to 529, Lockwood Subdivision from Residential 1-Family-40 (R1-40) and Commercial Recreation (CR) to Roadside Business (RB) District.

4-12-93 93-045 2 land parcels (414 and 428 Wayne St.) from Residential 2-Family to Local Business (LB) District.

10-25-93 93-144 3 land parcels (1232 and 1236 Monroe St.) from Residential 2-Family (R-2F) to Local Business (LB) District.

1-10-94 94-003 32 properties of various residential classifications rezoned to Business and Commercial classifications.

1-10-94 94-004 28 properties of various classifications rezoned Public Facility (PF) District.

3-14-94 94-026 1213-1319 First St. and property on Filmore/S. Depot St. from Limited Manufacturing (LM) and General Manufacturing (GM) to Commercial Recreation (CR), R1-40/One-Family Residential and Commercial Services (CS) Districts.

4-11-94 94-042 1607 Camp St. and 1400 Taylor St. from Commercial Services (CS) to Public Facilities (PF) Districts.

8-22-94 94-105 2218 Sherman St. from R1-40/Single-Family Residential to GB/General Business District.

8-22-94 94-106 7-block area in Fourth Ward from RMF/Multi-Family Residential to R2F/Two-Family Residential District.

8-29-94 94-107 Property on Second, Third and Fourth Sts. (Second Ward) from R1-40/Single-Family Residential to CR/Commercial Recreation District.

11-14-94 94-135 Lots 2, 4, 6 and 8, Sherman St. from R1-40/Single-Family Residential to GB/General Business

District.

12-12-94 94-153 Ransom Park from PF/Public Facilities to GB/General Business District.

1-23-95 95-011 12.8181 acres from R1-75/One-Family Residential to R1-60/One-Family Residential District; from RS/Residential Suburban to R1-75/One-Family Residential District.

3-11-96 96-071 708 Hancock St. from LB/Local Business to RMF/Multi-Family Residential District.

7-22-96 96-149 Property (.1010 acres) in Lot #42 on Hancock St. from R2F/Two-Family Residential to LB/Local Business District.

9-23-96 96-178 Lot Nos. 101, 103, 105 and 107 on Sadler St. from R1-40/Single Family to LB/Local Business District.

2-10-97 97-069 1338 and 1420 Tiffin Ave. from "CS"/Commercial Services to "PF"/Public Facilities District.

2-10-97 97-070 Parcel #60-00021, part of Lot 30, Venice Rd. from "GM"/General Manufacturing to "PF"/Public Facilities District.

4-28-97 97-110 0.2613 acres east of Hayes Ave. and north of 2228 Hayes Ave. from "PF"/Public Facilities to "GB"/General Business District.

7-28-97 97-166 (a) Several areas of "Southside Neighborhood" from R2F/Two-Family Residential to "R1-40"/One-Family Residential District.

(b) Property between Mills and Putnam Sts. from "CS"/Commercial Services to "R1-40"/One-Family Residential District.

(c) Lots 517-519 Clay St. from "R2F"/Two-Family Residential to "RMF"/Multi-Family Residential District.

(d) Lots 276 and 277 Camp St. from "LB"/Local Business to "R1-40"/One-Family Residential District.

10-14-97 97-215 Several properties on Warren St., E. Monroe St., and rear of E. Madison St. from "R/RB"/Residential Business, "RB"/Roadside Business and "R2F"/Two-Family Residential to "GB"/General Business District.

1-12-98 98-077 1432 Tiffin Ave. from "CS"/Commercial Services to "PF"/Public Facilities District.

11-9-98 98-249 Parcel #58-02170 (pt. of Outlots 68, 69 and 74), 2107 Hayes Ave. from "GB"/General Business to "PF"/Public Facilities District.

12-28-98 98-284 17.534 acres (pt. of Sublots 3 and 6 and W ½ of Sublot 4 of Original Lots 27 and 28 in annexation N of Margaretta Twp.) from "GM"/General Manufacturing to "PF"/Public Facilities District.

3-22-99 99-122 Lots 6 and 7 on 52nd St. (formerly Austin St.) in Flynn, Gilcher and Dewitt's Subdivision, except Lot 6 (westerly feet) from "R1-60"/One-Family Residential to "LB"/Local Business District.

6-28-99 99-188 Lots 43 and 45 of Hancock St. from "RMF"/Residential Multifamily to "P"/Automobile Parking District; Lots 47 and 49 of Hancock St. from "LB"/Local Business to "PF"/Public Facility District.

6-28-99 99-189 Parts of Outlots 25 and 26 and part of Sandusky Business Men's Association (Causeway Drive) from "R1-50" and "R1-60"/Single-Family Residential and "RB"/Roadside Business to "CR"/Commercial Recreation District.

11-22-99 99-311 Property at 513-701 Fremont Ave. from "R1-75", "RMF", "PF" and "RB" Districts to "RMF" Multi-Family Residential District.

12-13-99 99-319 Property at 1300 Butler St. (Lots 998-1006) from "R-RB" Residential to "GB" General Business District.

2-28-00 00-112 Property at 502-614 W. Market St. from "GB" General Business to "PF" Public Facilities District.

10-10-00 00-263 Lot 13 W. Adams St., Lot 17 Jackson St. and parts of Lots 14, 15, 10, 11 and 12 W. Adams St. from "GB" General Business to "PF" Public Facilities District.

10-10-00 00-264 Property at 1238 Second St. from "R1-40" Single Family Residential to "LM" Limited Manufacturing District.

11-13-00 00-228 Property at 714 and 718 Tyler St. from "R2F" Residential Two-Family to "PF" Public Facilities District.

6-29-01 01-154 Property at 408 Cooke St. and 1006, 1010, 1012, 1016, 1018 and 1102 Decatur St. from "R2F" Residential Two-Family to "PF" Public Facilities District.

6-25-01 01-166 Property at corner of Huron and W. Jefferson Sts. (Outlots 26-31, 50 and 51) from General Manufacturing (GM) to Residential Multi-Family (RMF) District.

4-22-02 02-097 Three zoning areas being part of Original Lots 26 and 27 Venice Road, as follows: 8.5721 acres, from "R1-75" Residential Single Family and "RS" Residential Suburban to "RMF" Residential Multi Family; 12.9048 acres from "RS" Residential Suburban to "RMF" Residential Multi-Family; 78.0563 acres with Zoning Area 1 and 2 excepted, which will leave 56.5794 acres to be rezoned from "RS" Residential Suburban to "R1-75" Single Family Residential.

5-28-02 02-116 7.0551 acres located south of Fifth Street and east of Farwell Street from Commercial Recreation (CR) to Commercial Services (CS).

1-12-04 04-058 Property beginning at point in westerly line of Sandusky Boat Ramp, with southerly line of Sandusky Bay zoned as "DB" Downtown Business District (from original zoning "LM" Limited Manufacturing, "PF" Public Facility, "GB" General Business, "CS" Commercial Service, "P" Automobile Parking, "RMF" Multi-Family Residential, and "R2F" Two-Family Residential Districts).

4-12-04 04-088 Property (.7896 acre) at 1319 Tiffin Ave. from "PF" Public Facility to "R-RB" Residential Business.

12-27-04	04-208	Land parcels between Hayes Ave. and Decatur St. from Commercial Services (CS) and Residential Two-Family to Public Facility (PF) District.
2-13-06	06-013	Three land parcels on Venice Rd. from "R1-75" Single Family Residential to "LB" Local Business District.
3-27-06	06-033	Two land parcels on Arthur St. and Campbell St. from "R1-40" Single Family Residential to "CS" Commercial Service District.
06-088	9-11-06	Two parcels located on Meigs Street from Commercial Recreation (CR) and Residential Two-Family (R2F) to Commercial Recreation (CR).
07-037	7-9-07	Two parcels on "C" Street from "R1-40" Single Family Residential District to "GB" General Business District.
08-043	5-29-08	Five parcels from "P" - Automobile Parking District, "R1-40" - Single Family Residential District and "R1-60" - Single Family Residential District to "LB" Local Business District.

ZONING WAIVERS AND VARIANCES

<u>Date</u>	<u>Ord.No.</u>	<u>Description</u>
7-17-61	5943-C	Waiver of setback provisions for Sandusky Foundry & Machine Co. property on West Market Street
3-26-62	6001-C	Waiver of setback provisions for Sandusky Foundry & Machine Co. property on West Water Street
4-30-62	6013-C	Waiver to Gertrude M. Baumann for property on Tyler Street
10-15-62	6061-C	Waiver of setback provisions for Sandusky Foundry & Machine Co. property on Water and Fulton Streets
11-26-62	6072-C	Waiver of setback provisions on C Street as they pertain to Lot 784 River Avenue
2-10-64	6173-C	Waiver to Towne Tavern Restaurant to allow pole sign in front of 913 West Washington Street
4-6-64	6191-C	Waiver of front yard requirements for Mack Iron Works Co. property at corner of Warren and Water Streets
9-14-64	6257-C	Waiver of front yard requirements for Industrial Nut Company's Tiffin Avenue Plant
10-19-64	6271-C	Waiver of front yard requirements for G. & C. Foundry Company property on West Monroe Street
11-9-64	6274-C	Waiver of front yard requirements for The Farrell Cheek Steel Company Plant on Lane Street
11-30-64	6280-C	Waiver for fence construction on property of Edna Knauer on the S. W. corner of First and Ogontz Streets
11-5-65	6319-C	Waiver for marquee construction over sidewalk at 1033 Camp Street
4-12-65	6320-C	Waiver to Peoples Savings and Loan Association at 1063 Columbus Avenue
4-26-65	6333-C	Waiver to owners of property at 913 W. Washington Street
6-21-65	6349-C	Waiver for marquee construction at 113 to 127 W. Market Street
6-21-65	6350-C	Waiver for fence construction at S. E. corner of Winnebago and W. Monroe Streets
7-26-65	6363-C	Waiver for marquee construction at 718 Hancock Street
8-9-65	6366-C	Waiver for marquee construction at 533 W. Perkins Street
8-9-65	6367-C	Waiver of front yard requirements at Industrial Nut Corp.'s plant on Tiffin Avenue
11-1-65	6388-C	Waiver for marquee construction at 513 E. Perkins Avenue
11-1-65	6389-C	Waiver for fence construction at 1913 Hayes Avenue
11-22-65	6393-C	Waiver for fence construction at S. W. corner of McDonough and W. Jefferson Streets
3-21-66	6426-C	Waiver for marquee construction at 1331 Camp Street
5-16-66	6440-C	Waiver of setback provision at 2602 Venice Road
5-23-66	6444-C	Waiver of side yard setback lines at 1602 Hayes Avenue
6-6-66	6449-C	Waiver of front yard requirements at Industrial Nut Corp.'s plant on Tiffin Avenue at Broadway
7-25-66	6460-C	Waiver of setback line at 420 Anderson Street (amended, see Ord. 6485-C)
7-25-66	6461-C	Waiver for marquee construction at N. W. corner of W. Water Street and Jackson Street
7-25-66	6462-C	Waiver of height requirements for erection of sign on property of O. & O. Rental, Inc. on Nantuckett Drive at First Street
8-5-66	6470-C	Waiver for improvements at 1513 Carr Street

APPENDIX II

ZONING WAIVERS AND VARIANCES

<u>Date</u>	<u>Ord.No.</u>	<u>Description</u>
8-5-66	6471-C	Waiver for construction of canopy over sidewalk at 241 Jackson Street
8-5-66	6473-C	Waiver of front yard setback line at 1001 Fremont Avenue
9-26-66	6485-C	Waiver of setback requirements at 420 Anderson Street (repealed Ord. 6460-C)
10-10-66	6488-C	Waiver of nonconforming use provisions as applicable to 536 E. Adams Street
10-24-66	6494-C	Waiver for sign construction by Cook Coffee Co. at 709 W. Perkins Avenue

11-21-66 6504-C Waiver of front yard requirements on Lane Street with reference to the Farrel Cheek Steel Co.
 12-27-66 6514-C Waiver of front yard requirements for Providence Hospital south of Pierce Street between McDonough and Central Avenue
 1-30-67 6523-C Waiver to Sandusky Bay Kiwanis Senior Citizens, Inc. for construction of multifamily housing unit for senior citizens on Water Street
 4-24-67 6543-C Waiver of side and rear lot requirements to O. P. Craft Co. on Lot 25 Warren Street
 4-24-67 6544-C Waiver of side and rear lot requirements to Lake Erie Welding at 524 Ogontz Street
 5-8-67 6551-C Waiver for sign construction at 144 through 152 through 156 Columbus Avenue, Cook Building
 5-15-67 6554-C Waiver to property of Sandusky Realty Co. at Pierce & Shelby Streets
 6-5-67 6563-C Waiver of side yard requirements on Monroe Street for building at 633 Hancock Street
 6-26-67 6574-C Waiver of front yard setback line at 1405 Sycamore Line
 1-8-68 6661-C Waiver to permit motel construction at 2428 Columbus Avenue
 1-15-68 6665-C Waiver to permit dental office at 1521 Columbus Avenue
 1-15-68 6666-C Waiver to M. H. D. Corp. to construct a Mobile Home Park
 1-22-68 6667-C Waiver to permit dental office at 334 Hancock Street
 3-4-68 6682-C Waiver to M. H. D. Corp. to construct a wild animal farm (repealed, see Ord. 6690-C)
 3-18-68 6685-C Waiver of side yard setback requirements on Poplar Street and rear yard requirements on Madison Street which pertain to the building at 621 Popular Street
 4-1-68 6688-C Waiver to permit Park Central Cleaners to construct addition to building at 1433 Camp Street
 4-1-68 6690-C Repeal of Ord. 6682-C relating to wild animal farm construction as a waiver of the zoning code
 4-8-68 6691-C Waiver to permit overhang over sidewalk at 135 through 139 through 145 Columbus Avenue
 5-6-68 6697-C Waiver to permit second floor addition to motel at 2214 Cleveland Road
 5-20-68 6708-C Waiver setback requirement on Scott Street at Hancock Street for building of Grill Meats, Inc.
 5-20-68 6710-C Waiver front yard requirements for office building at the corner of Hancock Street and East Market Place
 6-3-68 6720-C Waiver of setback requirements at 2206 Cleveland Road
 6-17-68 6723-C Waiver to M. H. D. Corp. for construction of travel trailer port and campsite
 8-12-68 6752-C Waiver of space between buildings requirement for property of Fraser Mortgage Company on Sycamore Line
 8-19-68 6753-C Waiver for overhang over sidewalk at 436 Decatur Street
 8-19-68 6754-C Waiver to allow construction of multi-family unit for Erie Metropolitan Housing Authority at Lot 2 Perry Street
 10-28-68 6782-C Waiver for erection of roof sign for Italian Gardens Restaurant at 1932 Cleveland Road
 12-2-68 6794-C Waiver to construct addition to existing building at Memorial Monumental Works, 2704 Milan Road
 12-16-68 6797-C Waiver to construct driveway at 3512 Venice Road
 3-17-69 6833-C Exempting certain property from terms and provisions of zoning code
 4-28-69 6839-C Waiver of 1129-C for Gas Station-Cleveland Road-Roosevelt
 5-19-69 6844-C Waiver to permit building at 1442 Camp Street as three-family
 8-4-69 6869-C Exemption for 1616 Cleveland Road for overhang
 11-17-69 6919-C Waiving rear yard setback for 1530 Willow Drive
 11-17-69 6920-C Waiving opening between buildings - G. J. Apel Lumber on McKinley Street
 1-19-70 6968-C Waiving front yard setback line for 1318 Cleveland Road
 8-17-70 7054-C Third National Bank - Permission to build canopy within side yard setback area
 6-29-70 7035-C Waiver on property of Sandusky Realty on Pierce Street
 11-9-70 7087-C Waiver granted for marquee at 148 E. Market Street over sidewalk and public R/W
 12-21-70 7099-C Waiver - Lots on Boalt Street for John Ceccoli
 1-25-71 7108-C Waiver for Sandusky Foundry for Fulton and Lawrence Street lots
 2-22-71 7132-C Waiver for signs for Third National at 127 Farwell Street
 3-1-71 7133-C Zoning Code and Map waived for mobile home park for Hartwigs on Venice Road
 4-5-71 7149-C Property at 1303 Hayes Avenue exempted for 2' overhang Foodland Store
 5-17-71 7168-C Waiver for Providence Hospital on setback line and area lot coverage - Buchanan and Pierce
 6-1-71 7173-C Waiver for 316 Neil Street: to permit parking of armory vehicles until July 1972
 6-28-71 7183-C 1013 Franklin Street rear yard setback waived from 40' to 20' (Amended, see Ord. 7201-C)
 8-2-71 7201-C 1013 Franklin Street rear yard setback waived from 40' to 20' (Amended Ord. 7183-C)
 8-30-71 7208-C Waiver of Zoning Code - premises at rear of 1533 Milan Road - Andres Tucker Funeral Service
 10-4-71 7221-C Waiver - First Christian Church, Hayes Avenue
 10-26-71 7227-C Exempting premises at 217 E. Water Street from Code - Building Cornice
 11-8-71 7236-C Waiver at 1742 Camp Street for storage building - H. W. Homberger

12-13-71 7244-C Waiver at 2130 Milan Road for daycare facility - R. Mitchell
 12-13-71 7245-C Residential Land Use and Density Regulations amendments
 12-27-71 7260-C Waiver - plans of Cedar Point for widening of causeway
 3-19-72 7293-C Waiver - St. Mary's School on total area coverage
 3-27-72 7296-C Waiver - Sandusky Aluminum Company Hancock Street - rear yard setback
 3-27-72 7297-C Waiver - Phase II - Bayshore Estates, Mobile Home Park
 5-15-72 7322-C Waiver - Lot No. on S. Depot Street to be divided in equal
 6-26-72 7338-C Waiver - 1102 W. Washington Street new rear setback line
 9-25-72 7366-C Waiver - A. L. Garber Company lot coverage - parking lot
 4-9-73 7437-C Waiver - 1535 Milan Road daycare center
 4-30-73 7449-C Waiver - 603 E. Water Street addition to existing building (Warren Johnson)
 6-4-73 7461-C Waiver - C. Wagner's Allotment and Springdale Allotment to construct cul-de-sacs
 9-4-73 7503-C Waiver - Grill Meats, 1031 Pierce Street for sign
 9-24-73 7516-C Exemption - 309 W. Water Street O. Schaefer/Marquee
 10-9-73 7520-C Waiver - N. W. corner of Osborne and Wayne Streets - fence Eugene E. Wittmer
 12-17-73 7549-C Waiver - Erie Metro Housing Remington Avenue - fence
 12-31-73 7565-C Directional signs on boulevard at 610 W. Washington
 2-4-74 7581-C Exemption - roof at 1602 Hayes Avenue - Sam Todaro
 2-4-74 7582-C Waiver joining 2 existing buildings at 1602 Hayes Avenue
 4-1-74 7612-C Waiver - Business-residential complex at E & K Winery 220 E. Water Street
 8-19-74 7680-C Waiver - A. Riesterer to convey 39' of premises at 1907 W. Jefferson Street to 429 Putnam
 9-23-74 7693-C Waived Zoning Code for property at 524 Ogontz Street to permit construction of building
 10-21-74 7708-C Waived for Assembly of God to permit former Western Security Bank building to be used as church
 10-21-74 7709-C Exemption for overhang at Jackson and Water Street - 121 Jackson Street
 10-21-74 7711-C Waiver for mobile home at rear of 527 Gartland Avenue
 11-4-74 7714-C Waiver for placement of mobile home at 527 Gartland Avenue
 11-25-74 7722-C Exemption for overhang at 305 E. Water Street
 3-17-75 7768-C Exemption for overhang at NE corner of W. Market and Decatur Streets
 3-24-75 7769-C Waiver on lot coverage at 432 E. Washington Street
 4-7-75 7783-C Exemption for overhang at SE corner of W. Monroe and Carr Streets
 6-23-75 7820-C Exemption for overhang at 908 Columbus Avenue
 9-8-75 7863-C Exemption for overhang at 142 Columbus Avenue
 10-6-75 7869-C Exemption for overhang at 910 Columbus Avenue
 11-10-75 7887-C Waiver for placement of mobile home at 3417 W. Monroe Street
 6-7-76 7971-C Waiver to permit construction of new cement block building at 1501 Milan Road
 6-21-76 7975-C Waiver to store and display cement blocks at 1621 Sycamore Line
 7-6-76 7978-C Waiver for Chef's Pantry relating to front yard setback line on parking at Neil and Franklin Streets
 8-9-76 7988-C Waiver for the Selected Meat Company relating to front yard setback line on boathouse property at 833 Curran Street
 10-25-76 8011-C Exemption for overhang at 224 East Water Street
 11-22-76 8023-C Waiver of rear and side yard setback lines at 2235 West Perkins Avenue
 1-24-77 8042-C Waiver for Millot Storage and Transfer Corporation for conditional use permit at 912 Maple Avenue
 2-22-77 8048-C Waiver of side and rear lot requirements at 414 Wayne Street
 4-25-77 8068-C Exemption for Group B Home Occupation at 1122 C Street
 5-9-77 8072-C Exemption to Sandusky Metal Products, Inc. to place four 1,000-gallon propane tanks on its property
 5-9-77 8073-C Waiver permitting used automotive parts business at 1820 West Jefferson Street
 6-20-77 8087-C Waiver permitting automobile parking on a 150-foot parcel of land on Roosevelt Street, abutting 1643 Cleveland Road
 7-5-77 8097-C Waiver of front yard setback at 2073 Cleveland Road, permitting an addition and parking spaces
 8-8-77 8111-C Waiver of automobile parking space requirements of a multifamily development on Milan Road
 8-22-77 8116-C Waiver as to frontage, area and yard requirements for lot 34 on Decatur Street
 10-31-77 8143-C Waiver at 132 and 134 McDonough Street for a fence
 3-6-78 8202-C Waiver permitting construction of high-rise apartment for low-income housing on property located at northwest corner of Market and Franklin Streets
 4-24-78 8212-C Waiver permitting division of lot 44 Hayes Avenue into 2 parts, one part being attached to lot 46 Hayes Avenue

- 5-8-78 8215-C Waiver permitting construction of multifamily dwelling on lots 7, 8, and 9 Baltimore Street
- 9-5-78 8268-C Waiver permitting construction of two-car garage at northwest corner of Ogontz St. and Fourth St.
- 12-11-78 8308-C Waiver permitting Sandusky Foundry and Machine Co. to store materials on part of Lots 1 and 2 Shalby St. and part of Lots 1 and 3 McDonough St.
- 12-26-78 8310-C Waiver permitting carryout sale of alcoholic beverages at 627 Tiffin Ave.
- 1-15-79 8320-C Waiver permitting automobile salvage and storage business at 2808 Venice Rd.
- 1-22-79 8323-C Waiver of area, yard, and height regulations at 502 Huron Ave., permitting remodeling, parking area, and overhang.
- 2-5-79 8327-C Waiver of front yard setback at 349 Tiffin Ave., permitting 6 parking spaces.
- 2-26-79 8341-C Waiver permitting carryout sale of alcoholic beverages at 1005 Camp St.
- 5-27-80 80-037 Waiver permitting the occupancy of the structure at 333 E. Washington St. as a three-unit dwelling.
- 6-16-80 80-042 Waiver permitting construction of 14 studio apartments at 2309 Milan Rd.
- 10-6-80 80-075 Waiver permitting subdivision of a parcel at 329-335 E. Adams Street.
- 12-8-80 80-100 Waiver of area lot coverage requirements permitting the expansion of St. Mary's school facilities.
- 6-22-81 81-050 Waiver permitting the installation of a security fence on the site of the Erie County Detention Home on Tiffin Avenue.
- 7-27-81 81-066 Waiver permitting the operation of a beauty parlor at 1429 Farwell Street.
- 8-24-81 81-076 Repeal of Ord. 8073-C relating to the operation of a used automobile parts business as a waiver of the zoning code.
- 1-4-82 82-003 Waiving provisions of Zoning Code to permit replacement of a billboard sign at Mantey Vineyards, Bardshar Rd.
- 3-22-82 82-013 Waiving provisions of Zoning Code and Map to permit occupancy of structure at 334 E. Washington St. for limited professional offices.
- 3-29-82 82-015 Waiving provisions of Zoning Code and Map to permit development/operation of Stage I, Phase III of Bayshore Estates (under Ord. 6519-C).
- 12-6-82 82-095 Waives Zoning Code provisions and allows for erection of sign at 919 W. Washington St.

TITLE SEVEN - Subdivision Regulations

- Chap. 1175. Title, Jurisdiction, and Purpose.
- Chap. 1177. Definitions.
- Chap. 1179. Subdivision Procedures.
- Chap. 1181. Plat Requirements.
- Chap. 1183. Required Improvements and Design Criteria.
- Chap. 1185. Agreements and Guarantees.
- Chap. 1187. Administration and Enforcement.

CHAPTER 1175

Title, Jurisdiction, and Purpose

1175.01 Title.

1175.02 Jurisdiction.

1175.03 Purpose.

CROSS REFERENCES

- Territorial jurisdiction - see Ohio R.C. 711.09
- Construction and interpretation - see ADM. Ch. 101

1175.01 TITLE.

The rules and regulations contained in Chapters 1175 to 1187 shall be known and may be cited and referred to as the "Subdivision Regulations".

(Ord. 02-176. Passed 10-28-02.)

1175.02 JURISDICTION.

The Subdivision Regulations governing plats and subdivision of land contained herein shall apply within the corporate limits of the City of Sandusky.

(Ord. 02-176. Passed 10-28-02.)

1175.03 PURPOSE.

The purpose of these regulations is to regulate and control the subdivision of land within the City of Sandusky. These regulations are intended to:

- (a) Promote the proper arrangement of streets and lots, safe and convenient vehicular traffic and pedestrian circulation, and adequate access for service and emergency vehicles;
- (b) Plan for the provision of adequate and convenient recreational and open space areas, school sites, and other public facilities;
- (c) Insure the adequate provision of water, drainage, and sanitary sewer facilities, and other health requirements;

- (d) Provide the orderly development of land to obtain an overall harmonious and stable community environment;
 - (e) Coordinate land development in accordance with the Zoning Ordinance, the Comprehensive Plan, and other regulations of the City of Sandusky;
 - (f) Manage the natural resource base for present and future use on a sustained basis.
- (Ord. 02-176. Passed 10-28-02.)

CHAPTER 1177

Definitions

1177.01 Meaning of words and phrases.

CROSS REFERENCES

General definitions - see ADM. 101.02

State law definitions - see Ohio R.C. 711.001

1177.01 MEANING OF WORDS AND PHRASES.

For the purposes of the Subdivision Regulations, the following words and terms shall be defined as follows in this Chapter.

- (1) **Alley.** "Alley" means a right-of-way, not exceeding thirty (30) feet in width, which affords secondary vehicular access to abutting property.
- (2) **Block.** "Block" means an area comprising the lots having frontage on that part of one side of a street, which is between two intersecting streets.
- (3) **Building setback line.** "Building setback line" means the line established by this Code, generally parallel with and measured from a lot line, indicating the minimum distance permitted between a new building and a right-of-way or lot line as regulated by the Zoning Ordinance.
- (4) **City.** "City" means the City of Sandusky, Ohio.
- (5) **City Commission.** "City Commission" means the City Commission of the City of Sandusky, Ohio.
- (6) **City Engineer.** "City Engineer" means the Director of Engineering Services of the City of Sandusky, Ohio.
- (7) **City Manager.** "City Manager" means the Chief Administrative Officer of the City of Sandusky, Ohio.
- (8) **City Law Director.** "City Law Director" means the Law Director of the City of Sandusky, Ohio.
- (9) **Comprehensive Plan.** "Comprehensive Plan" means the plan or plans made and adopted by the Planning Commission and City Commission of the City of Sandusky, Ohio indicating the intended location, extent, purpose, features or characteristics of public and private development, including land uses, structures, roads and other transportation, community facilities, housing, utilities, drainage facilities, services, and other aspects of the future development of the community, and including statements of goals, objectives, and recommendations therefor.
- (10) **Construction agreement.** "Construction agreement" means a legally binding document executed by the Subdivider and the City Manager which describes the commitments, responsibilities, and authorities of the Subdivider and the City in the design, approval, construction, inspection, finance, maintenance, and use of improvements constructed for a subdivision.
- (11) **Director of Community Development.** "Director of Community Development" means the Director of the Department of Community Development of the City of Sandusky, Ohio or such other person as the City Manager shall authorize to carry out the responsibilities and authorities assigned to the Director of Community Development by the Subdivision Regulations.
- (12) **Dwelling, Single-Family.** "Single-Family Dwelling" means a building designed for or occupied exclusively by one family.
- (13) **Easement.** "Easement" means a grant by a property owner of a specific use of the property owner's land.
- (14) **Engineering Design and Construction Standards.** "Engineering Design and Construction Standards" means the standards, specifications and policies, prepared by the City Engineering Department as kept on file with the Department of Engineering Services, for the proper design, documentation, inspecting, testing, maintenance, ownership, and operation of improvements.
- (15) **Engineer, professional.** "Professional engineer" means a person registered as a professional engineer by the Ohio State Board of Registration for Professional Engineers and Surveyors.
- (16) **Flood Control.** "Flood Control" shall refer to Chapter 1157 of the Planning and Zoning Code.
- (17) **Frontage.** "Frontage" means that portion of a lot abutting on a street and through which vehicular movement or access may be permitted from the lot onto such street. On a corner lot, for the purposes of enforcement of the regulations of this code, "frontage" shall be considered the shorter of the two dimensions of the lot that abuts a street. For through lots, "frontage" shall be the portion of the lot that fronts on the main street.
- (18) **Improvements.** "Improvements" means street pavements, curbs and gutters, sidewalks, water mains, sanitary and storm sewers, street trees and other forms of construction.
- (19) **Lot.** "Lot" means a parcel of land legally existing under the ordinances of the City of Sandusky, Ohio, intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
- (20) **Lot, corner.** "Corner lot" means a lot having frontage upon two (2) or more streets at their intersection.

- (21) **Lot, interior.** "Interior Lot" means a lot other than a corner lot or through lot.
- (22) **Lot, through.** "Through Lot" means a lot, which has 2 street lines opposite each other, and which are parallel, or within 45 degrees of being parallel to each other.
- (23) **Monument.** "Monument" means a visible mark or indication placed on an object, or a pin, marker, or other structure placed and marked to indicate the lines and boundaries of a survey.
- (24) **Planning Commission.** "Planning Commission" means the City Planning Commission of the City of Sandusky, Ohio.
- (25) **Plat.** "Plat" means a map upon which the subdivider's plan of the subdivision for lots, rights-of-way and other features is drawn and which is submitted for the approval of the Planning Commission. A plat shall be prepared by a professional surveyor or professional engineer.
- (26) **Reserve.** "Reserve" means a parcel of land within a subdivision that is specifically dedicated for future use or future subdivision.
- (27) **Right-of-way.** "Right-of-way" means an area of land, owned by the City, County of Erie, State of Ohio, or the federal government or over which one or more of the aforementioned governments have possession of rights for public passage, such area being occupied or intended to be occupied by a street, alley, crosswalk or other public improvement relating to public travel or access.
- (28) **Street, thoroughfare, road.** The full width between property lines bounding every dedicated travel way, with a part thereof to be used for vehicular traffic and designated as follows:
- A. Alley. See definition in subsection (1) hereof.
 - B. Arterial Street. A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route. Design speed is generally 55 miles per hour.
 - C. Collector Street. A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions. Design speed is generally 35 miles per hour.
 - D. Cul-de-sac. A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround. Design speed is generally 25 miles per hour.
 - E. Dead-end street. A street temporarily having only one outlet for vehicular traffic, which may or may not be intended to extend or continued in the future.
 - F. Local street. A street primarily for providing access to residential, commercial, or other abutting property. Design speed is generally 25 miles per hour.
 - G. Loop street. A type of local street each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than three thousand (3000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
 - H. Marginal access or frontage street. A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.
- (29) **Subdivide.** "Subdivide" means the act of dividing or assembling one or more existing lots of land into one or more new lots of land and or rights-of-way, in conformance with the requirements of the Subdivision Regulations.
- (30) **Subdivider.** "Subdivider" means any person who owns property proposed to be subdivided, or the duly authorized agent of such owner, who undertakes the subdivision of land.
- (31) **Subdivision.** "Subdivision" means:
- A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
 - B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities. (O.R.C. 711.011)
- (32) **Subdivision, major.** "Major subdivision" means a subdivision of land involving the opening, widening or extension of a street; or a subdivision of land involving the creation of more than five (5) lots from the original lot.
- (33) **Subdivision, minor.** "Minor subdivision" means a subdivision of land which, has frontage on an existing street; does not involve the opening, widening, or extension of a street; and involves the creation of not more than five (5) lots.
- (34) **Subdivision Regulations.** "Subdivision Regulations" means the rules and regulations contained in Chapters 1175 to 1187 of the Codified Ordinances of the City of Sandusky.
- (35) **Surveyor, professional.** "Professional surveyor" means a person registered as a professional surveyor by the

Ohio State Board of Registration for Professional Engineers and Surveyors.

(36) **Zoning Ordinance.** "Zoning Ordinance" means Part Eleven; Titles One, Three, Five and Seven of the Codified Ordinances of the City of Sandusky, Ohio.

(Ord. 02-176. Passed 10-28-02.)

CHAPTER 1179

Subdivision Procedures

1179.01 Pre-application.

1179.02 Special procedures for minor subdivision.

1179.03 Pre-application conference for a major subdivision.

1179.04 Preliminary plat procedures for a major subdivision.

1179.05 Final plat procedures for a major subdivision.

1179.06 Construction procedures.

1179.07 Acceptance of improvements.

1179.08 Appeals.

CROSS REFERENCES

Plat acknowledgement and recording - see Ohio R.C. 711.06

Fee of designated public land to vest when plat recorded - see Ohio R.C. 711.07, 711.11

Planning Commission approval - see Ohio R.C. 711.09

Planning authority approval without plat - see Ohio R.C. 711.131

Subdividing by an instrument of conveyance - see Ohio R.C. 711.40

1179.01 PRE-APPLICATION.

A person with the intention of executing a subdivision should consult with the Department of Community Development, prior to submitting any applications. This consultation will confirm the type of subdivision that should be requested and inform the subdivider of necessary submittals and expected timeframes involved in the process.

(Ord. 02-176. Passed 10-28-02.)

1179.02 SPECIAL PROCEDURES FOR MINOR SUBDIVISION.

(a) Whenever a subdivision of a parcel of land shown as a unit on the last preceding tax roll (duplicate) is proposed along an existing public street not involving the opening, widening or extension of any street or road and involving the creation of not more than five (5) lots after the original lot has been subdivided, the said subdivision shall be submitted to the Planning Commission for action without a plat. If the Planning Commission, acting through the Director of Community Development, is satisfied that such proposed subdivision is not contrary to applicable platting, subdivision or zoning regulations, it shall within seven (7) working days after submission approve such proposed subdivision. On presentation of a conveyance of said parcel, the same shall be stamped "Approved, City of Sandusky Planning Commission, No Plat Required" and signed by a member of the staff of the Department of Community Development.

(b) Submission Requirements.

(1) Obtain minor subdivision/lot split affidavit form from the City of Sandusky Department of Community Development, 222 Meigs Street, Sandusky, Ohio 44870.

(2) Have a survey prepared by a professional surveyor as outlined in the affidavit form. The survey shall depict the original platted lots and the proposed new lots. The proposed modifications and adjustments therein shall be superimposed thereon. The survey shall also include the following:

A. Locations, widths, centerlines and names of all existing and/or platted streets, railroad and utility rights-of-way, easements, location and size of all existing buildings, corporation lines and location of any on-site septic systems or sanitary water and storm sewer service connections.

B. Areas within 100-year floodplain and within floodway as determined by mapping provided by the Federal Emergency Management Agency shall also be shown on the survey plan.

C. Location of monuments and their descriptions.

D. Location of existing waterways and ordinary high watermark.

(3) Sign and notarize affidavit (property owner).

(4) Have the City of Sandusky Department of Community Development check lot for conformity with the City of Sandusky Zoning Ordinance and sign form, if approved.

(5) The County Engineer must approve the legal description and sign form, if approved.

(6) The City Engineer shall review the proposed lot split to ensure that sewer and water services can be provided to the subject site.

(7) A drainage plan may be required by the Planning Commission or the City Engineer. If easements are included in the drainage plan, this plan must be recorded with Erie County.

A. The City Engineer may require each parcel of land divided under this procedure to contain a permanent restriction shown on each of the lots for storm water drainage purposes. This area shall be used exclusively for a storm water drainage facility constructed at the time of the development of the lot and maintained by the benefiting property owners

included in this drainage plan.

B. All such facilities shall be constructed and maintained in accordance with general standards prepared by the City Engineer for storm water drainage. Such construction and maintenance shall be at the expense of the lot owners. This restriction shall be shown on the minor subdivision map and referenced in all subsequent deeds to the lot.

(8) The property owner shall submit a processing fee in the amount required by the ordinances of the City for each deed and the check should accompany the above-required documents at the time of submission.

(9) The property owner must bring the affidavit form, signed deed (completely executed) and two (2) copies of the survey to the Department of Community Development.

(Ord. 02-176. Passed 10-28-02.)

1179.03 PRE-APPLICATION CONFERENCE FOR A MAJOR SUBDIVISION.

A person with the intention of executing a major subdivision is encouraged to request a pre-application conference with the Director of Community Development, and the City Engineer, prior to submitting any plat for a major subdivision. The purpose of the conference shall be to present plans and data concerning the proposed subdivision, to review applicable regulations and procedures, and to obtain other information, which may be useful in preparing the required plats.

(Ord. 02-176. Passed 10-28-02.)

1179.04 PRELIMINARY PLAT PROCEDURES FOR A MAJOR SUBDIVISION.

The following process shall apply to the submittal, review and approval of a preliminary plat for major subdivision.

(a) Submittal. Every subdivider desiring to create a major subdivision as defined by the Subdivision Regulations shall prepare and submit to the Department of Community Development seventeen (17) copies of a preliminary plat, including all information required for a preliminary plat by the provisions of the Subdivision Regulations. At the time of filing of a preliminary plat for a major subdivision, the subdivider shall submit a fee in the amount required by the ordinances of the City.

(b) City Staff Review. The Department of Community Development shall distribute the preliminary plat to the Department of Engineering Services, Fire Prevention Bureau, Police Department and other City officials when applicable for review for compliance with all applicable requirements. The Department of Community Development shall make available the results of such reviews to the Planning Commission and to the subdivider.

(c) Planning Commission Review and Action. The Planning Commission shall review the preliminary plat and related materials and any reports submitted by City staff and shall take action within thirty (30) days after the preliminary plat is first submitted. The Planning Commission may approve the plat as submitted or modified, or conditionally approve the plat and stipulate the conditions of such approval, or disapprove the plat and express the reasons therefor. The action of the Planning Commission shall be noted on two (2) copies of the preliminary plat. One copy shall be returned to the subdivider and the other retained by the Department of Community Development.

(d) Effect of Planning Commission Approval. Approval of a preliminary plat shall not constitute approval of the final plat, but shall be deemed an expression of approval of the layout as a guide to preparation of the final plat. Preliminary plat approval shall be effective for twenty-four (24) months. The Planning Commission may grant extensions of the preliminary plat approval.

(Ord. 02-176. Passed 10-28-02.)

1179.05 FINAL PLAT PROCEDURES FOR A MAJOR SUBDIVISION.

Every subdivider desiring to create a major subdivision as defined by the Subdivision Regulations shall prepare and submit a final plat for a major subdivision in accordance with the Subdivision Regulations. The following process shall apply to the submittal, review, and approval of the final plat for a major subdivision.

(a) Submittal. The subdivider shall prepare and submit to the Department of Community Development seventeen (17) copies of a final plat and one (1) electronic version, improvement plans, a cost estimate for improvements, a title search report, and all other information required by these Subdivision Regulations.

The subdivider may submit a final plat for one or more phases of a subdivision, which is the subject of an approved preliminary plat. The nature and extent of such final plat for one or more phases shall be subject to the approval of the Planning Commission which may deny such final plat submittal with cause.

At the time of filing of a final plat for major subdivision, the subdivider shall submit a fee in the amount required by ordinance of the City.

(b) City Staff Review. The Department of Community Development shall distribute the final plat to the Department of Engineering Services, the Fire Prevention Bureau, and the Police Department and to other City officials as directed by the City Manager for review for compliance with all applicable requirements. The Department of Community Development shall make available the results of such reviews to the Planning Commission.

(c) Planning Commission Review and Action. The Planning Commission shall review the final plat and related materials and any reports submitted by City staff and shall take action within thirty (30) days after proposed final plat is submitted.

The action of the Planning Commission shall be to approve the plat as submitted or modified; or to conditionally approve the plat, stipulating the conditions of such approval (which conditions shall include the

submittal of the Construction Agreement and fees required for the construction of improvements); or disapprove the plat, expressing the reasons for disapproval.

The action of the Planning Commission shall be noted on three (3) copies of the final plat. One copy shall be returned to the subdivider, one copy shall be forwarded to the City Commission with the action of the Planning Commission, and one copy shall be retained by the Department of Community Development.

(d) Requirements Prior to Recording. Prior to filing the final plat for recording, the subdivider shall submit to the Department of Community Development the Construction Agreement in accordance with Section 1185.02, Performance Guarantee in accordance with Section 1185.03, Restoration Bond in accordance with Section 1185.04 (if applicable), and other materials required to ensure compliance with the Subdivision Regulations and with the conditions of approval.

Prior to execution of the Construction Agreement, the Department of Engineering Services shall review and approve or reject for amendment the estimate of construction costs submitted by the subdivider. The City Engineer shall use the approved estimate as a basis for determining the projected costs of inspection of all improvements. The subdivider shall submit to the City the inspection fees in the manner provided in the Construction Agreement.

Prior to execution of the Construction Agreement, the subdivider shall submit to the Department of Community Development one set of Improvement Plans, prepared in accordance with Section 1183.02, which have been corrected to reflect any modifications required by the approvals made by the Planning Commission and the City Engineer and which shall be the plans which shall guide the construction of the improvements.

Upon review, approval, and execution of all such items, the City Engineer, the Secretary of the Planning Commission and the President of the City Commission shall place their signatures on the final plat, constituting final approval of the subdivision and authorization to the subdivider to file the plat for recording.

(e) Recording. The subdivider shall submit the final plat to the Office of the Erie County Recorder and successfully complete all requirements for filing for record within six (6) months from the date of approval by the Planning Commission and subsequent to signing by all City officials. The subdivider shall provide to the Department of Community Development a copy of the final plat as recorded.

Approval of a final plat shall expire six (6) months after the approval is granted unless the plat is recorded in the Office of the Erie County Recorder prior to the date of expiration. The Planning Commission may grant extensions of final plat recording.

(f) Alternative Procedures for Improvements Prior to Recording. The subdivider may request authorization to install improvements described on the final plat prior to recording the final plat. Such request shall be made in writing at the time of submitting the final plat for review. The Planning Commission may authorize the City staff to delay the filing of the plat for record until such time as the improvements have been installed. The subdivider shall comply with all other applicable requirements of the Subdivision Regulations with regard to improvement plans, agreements and guarantees, inspections, fees and related provisions, except that the Performance Bond may not be required, subject to approval by the City Engineer. (Ord. 02-176. Passed 10-28-02.)

1179.06 CONSTRUCTION PROCEDURES.

(a) Submittal of Fees; Evidence of Insurance. Prior to receiving authorization to proceed with construction, the subdivider shall submit to the City Engineer the fees for inspection and testing and evidence of liability insurance as established by the Subdivision Regulations and by the Construction Agreement.

(b) Authorization to Proceed. Upon determining that the subdivider has met all conditions required prior to construction, the Director of Community Development and City Engineer shall issue written authorization to the subdivider to proceed with installation of improvements. Construction of improvements, clearing, grubbing or grading shall not be commenced prior to receipt of written approval from the Director of Community Development and the City Engineer.

(c) Installation of Improvements. The subdivider shall install all improvements required by the Subdivision Regulations and in accord with the terms of the approvals granted by the City and the terms of the Construction Agreement.

(d) Installation of Site Improvements by Assessment as an Alternate. In the event that the developer should desire to have the required site improvements installed by the City, and assessed against the benefited property, the developer may, after executing and filing the Performance Guarantee (unless waived by the City Commission), and with the approval of the City Commission, file a petition for the improvements in the City's standard form. The City may then install the site improvements, and when each separate lot has been improved by the erection of a building thereon, and the value of the lot as improved by the building and site improvements is at least equal to 300% of the amount to be assessed against it by the City for the site improvements, the City shall release that proportion of the total guarantee that the assessment for the site improvements for the lot bears to the total assessments for all site improvements.

(e) Supervision of Installation. The installation of all required improvements shall be supervised by a professional engineer employed by the subdivider.

(f) Inspections During Construction. The City shall make inspections during the installation of improvements to ensure conformity with the approved Improvement Plans and the Construction Agreement. Inspections shall also be made of all new streets that are not proposed to be public to confirm that they are being built to City's Engineering Design and Construction Standards. Such inspections shall be performed according to schedules and methodologies approved by the City, in conformance with the Engineering Design and Construction Standards, and as contained in the Construction Agreement.

(g) Modification of Improvement Plans. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the City Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the City Engineer may authorize such modifications upon written request of the subdivider, provided such modifications are within the spirit and intent of the Planning Commission's approval and do not amount to the waiver or substantial alteration of the function of any improvement required by the Planning Commission. The City Engineer shall issue such authorization in writing and shall transmit a copy to the Planning Commission.

(h) Maintenance Prior to Acceptance. During all times prior to acceptance of the improvements by the City, the subdivider shall be responsible for routine maintenance of all improvements (including snow removal, sweeping, cleaning of storm sewers, and other maintenance activities) and shall repair all failures due to faulty construction as soon as they become apparent.

(Ord. 02-176. Passed 10-28-02.)

1179.07 ACCEPTANCE OF IMPROVEMENTS.

(a) Final Payment for Inspections and Testing. Upon completion of the required inspections and testing, the City Engineer shall make a final and complete statement of the amount of the inspection and testing costs charged or to be charged to the subdivider and shall make a recommendation to the City Finance Director that the City require final payment or make refund to the subdivider consistent with the terms of the Construction Agreement.

(b) Certification of Improvements and As-built Plans. The professional engineer who supervised the installation of the improvements shall, after completion of installation, certify to the City Engineer that all improvements have been constructed as required by the Construction Agreement and as such requirements have been modified by the City during construction and shall provide to the City Engineer one set of plans in form acceptable to the City accurately describing all improvements as constructed.

(c) Waiver of Liens. The subdivider shall, prior to the acceptance of improvements by the City, provide waivers of liens executed by all material suppliers, laborers, contractors, and subcontractors who have provided materials or performed work related to the construction of improvements.

(d) Acceptance Before Recording. The subdivider shall advise the City Engineer in writing when all improvements have been completed and all requirements and conditions have been complied with. The City Engineer and the Director of Community Development shall evaluate the improvements to determine if all improvements have been completed and that all requirements and conditions have been complied with. After such evaluation, they shall make a recommendation to the City Commission to accept or deny the improvements for ownership, operation and maintenance. The City Commission shall accept the improvements by the adoption of a resolution or may deny the improvements with good reason. At the time of acceptance of the improvements, action shall be taken to release the Performance Guarantee, if any, and to establish the Maintenance Guarantee in accordance with Section 1185.07, if applicable.

(e) Conversion of Private Street to Public Street after Recording. Criteria for the acceptance of private streets as public streets after recording shall be as follows:

- (1) Right-of-way width.
- (2) Street width.
- (3) Curb and gutter.
- (4) Roadway typical section.
- (5) Pavement thickness and strength.
- (6) Sidewalk installation and placement.

(f) Procedure for Conversion of Private Street to Public Street after Recording.

- (1) An applicant seeking conversion of a private street to a public street shall first consult with the City Planning and Engineering staff.
- (2) The applicant shall submit core tests and certified "as built plans" from a professional engineer, as required by the City Engineer. The City Engineer shall review these submittals to determine if the street meets all City Engineering Design and Construction Standards.
- (3) The applicant shall then submit a written application upon a form acceptable to the City Planning and Engineering staff for staff's review and recommendation to the Planning Commission.
- (4) Upon review and approval of the Planning Commission, the Commission shall certify one copy of the approved application and meeting minutes to City Commission for approval or disapproval.
- (5) In the event of a disapproval recommendation by the Planning Commission, the applicant may submit this matter

for review by the City Commission. However, a two-thirds vote of the City Commission shall be necessary to override the recommendation of the Planning Commission.

(6) The decision of the City Commission as to approval or disapproval of the request for private to public street conversion shall be final.

(Ord. 02-176. Passed 10-28-02.)

1179.08 APPEALS.

Any person who believes he has been aggrieved by the actions of the Planning Commission in regard to any matter concerned with the subdividing or development of land or approval of a plat has the rights of appeal as set forth in Section 711.09 of the Ohio Revised Code or any other applicable section of the Ohio Revised Code.

(Ord. 02-176. Passed 10-28-02.)

CHAPTER 1181 Plat Requirements

1181.01 General requirements.

1181.02 Contents of preliminary plat for major subdivision.

1181.03 Contents of final plat for major subdivision.

CROSS REFERENCES

Plat and contents - see Ohio R.C. 711.01 et seq.

Lot numbering and revision - see Ohio R.C. 711.02, 711.06, 711.28 et seq.

Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.14

1181.01 GENERAL REQUIREMENTS.

(a) Plats shall be prepared by a professional surveyor or professional engineer.

(b) Where possible, the entire proposed subdivision shall be drawn on a single sheet.

(c) Final plats shall be drawn on media approved by the Department of Community Development and in compliance with any requirements of the Erie County Recorder's Office.

(Ord. 02-176. Passed 10-28-02.)

1181.02 CONTENTS OF PRELIMINARY PLAT FOR MAJOR SUBDIVISION.

A preliminary plat shall be prepared by a professional engineer or professional surveyor and shall include, as applicable and as determined by the Planning Commission, the following:

(a) A vicinity map drawn at a scale of not less than one inch equals four hundred feet (1" = 400') describing the vicinity of the property proposed to be subdivided and including the boundary lines of adjoining properties within an area bounded by the nearest arterial or collector streets or other natural boundaries; the current use of adjoining land; the current zoning districts of adjoining land; the ownership of adjoining land; and the alignments of existing streets.

(b) Location of the proposed subdivision by city, county, original lot or by other legal description.

(c) Name and address of the subdivider. If the subdivider is not the owner of the property, the subdivider shall submit evidence of authority to act in behalf of the owner in a form satisfactory to the Department of Community Development.

(d) The name and seal of the professional engineer or professional surveyor who prepared the preliminary plat, and the name of the designer of the plat.

(e) Proposed name of the subdivision.

(f) The plat shall be drawn at a scale not smaller than one inch equals one hundred feet (1" = 100'), unless otherwise allowed by the Planning Commission.

(g) North arrow and scale.

(h) Date of preparation.

(i) Total acreage within the proposed subdivision.

(j) Boundary line of the proposed subdivision.

(k) The current use and zoning district of the property to be subdivided.

(l) Preliminary delineation of the phases of the subdivision, that is, the parts of the subdivision proposed to be presented for one or more final plat approvals, their sequence and scheduling.

(m) Locations of or reference to locations of existing monuments or survey markers used in preparation of the survey and the grade elevation of each monument and marker.

(n) Topographic data including existing and proposed contours, at vertical intervals of not more than two (2) feet (topographic data shall refer to City of Sandusky datum), watercourses, marshes, rock outcrops, and other significant features including wetlands as defined by the standards of the U.S. Army Corps of Engineers and the Ohio Environmental Protection Agency.

(o) High water levels in vicinities of lakes, rivers and other natural bodies of water.

(p) Locations in floodplains, floodways and identification of other potentially hazardous areas.

(q) Layout, numbers and typical dimensions of lots to the nearest foot for each existing and proposed lot.

(r) Building setback lines and dimensions thereof.

- (s) Sites of proposed open space, parks or other community facilities. Indication of the proposed use of any lot not subdivided for building purposes and the proposed use of any lot not intended exclusively for single-family dwellings.
- (t) Locations, widths and names of all existing or previously platted streets or other rights-of-way, showing types of improvement, if any, railroad and utility rights-of-way and easements, parks and other public open spaces, existing permanent buildings and structures, including cellular towers, and existing lot, section, tract and corporate lines within the proposed subdivision and to a distance of two hundred (200) feet beyond the proposed subdivision.
- (u) Locations of proposed streets, alleys, pedestrian ways, and utility easements, indicating proposed dimensions and names.
- (v) Locations and sizes of existing sanitary and storm sewers, water mains, gas lines, electric lines, cable lines, culverts, above ground drainage facilities, other underground and above ground facilities within the proposed subdivision and to a distance of two hundred (200) feet beyond the subdivision, also indicating such data as grades, invert elevations and locations of catch basins, manholes and hydrants.
- (w) Preliminary layout for proposed systems and connections to existing water and sanitary sewer systems and for the collection and discharge of surface water drainage, including the locations and sizes of proposed facilities.

(Ord. 02-176. Passed 10-28-02.)

1181.03 CONTENTS OF FINAL PLAT FOR MAJOR SUBDIVISION.

(a) A final plat shall be prepared subsequent to and substantially in conformance with a previously approved preliminary plat. With the approval of the Planning Commission, a final plat may be submitted for a phase or portion, which is proposed for recording and construction. A final plat shall include, as applicable and as determined by the Planning Commission, the following:

- (1) Proposed name of the subdivision.
- (2) Location of the subdivision by city, county and by original lot or other legal description.
- (3) Name and address of the subdivider. If the subdivider is not the owner of the property, the subdivider shall submit evidence of authority to act in behalf of the owner in form satisfactory to the Department of Community Development.
- (4) The name and seal of the professional engineer or professional surveyor who prepared the final plat, and the name of the designer of the plat.
- (5) North arrow and scale.
- (6) Date of preparation.
- (7) Boundary line of the proposed subdivision.
- (8) Total acreage within the area of the subdivision or phase of subdivision.
- (9) Layout of streets showing right-of-way widths, pavement widths and street names.
- (10) Locations and widths of alleys, pedestrian ways and utility easements.
- (11) Accurate angular and lineal dimensions for all lines, angles, curvatures, and radii, with functions used to describe all boundaries, including perimeter survey of subdivision, streets, alleys, easements, areas to be reserved for public use and other important features. Error of closure of boundary line surveys shall not exceed one foot for each 10,000 feet of perimeter survey. Lot lines shall show dimensions in whole feet and hundredths of feet, and when an angle occurs in any lot line between lot corners, the measurements of the angle shall be shown.
- (12) An identification system for all lots and blocks.
- (13) True angles and distances to the nearest established street lines and official monuments (not less than three (3)), which shall be accurately described in the plat by location, size and elevation; municipal, township original lot lines, county or section lines accurately tied to the lines of the subdivision by distance and angles.
- (14) Accurate locations of all monuments.
- (15) Accurate outlines and legal descriptions of any areas, including streets, to be dedicated or reserved for public use, to be reserved for other purposes, or for the exclusive use of property owners within the subdivision with the purposes indicated thereon. (Statements signed by the owner setting forth the rights associated with the easements and reserve parcels shown on the plat.)
- (16) Required statements, acknowledgements, certifications, and approvals in form approved by the City including:
 - A. Owner's dedication to the City of all land for streets, parks, open space and utility easements;
 - B. Notary's certificate;
 - C. Surveyor's certificate;
 - D. Planning Commission approval;
 - E. Certificate as to improvements; and
 - F. Certificate as to street names.
- (17) A delineation of wetlands, prepared according to the standards established by the U.S. Army Corps of Engineers and the Ohio Environmental Protection Agency, evidence of compliance with the regulations thereof and evidence that any required permits have been obtained. If a Phase I assessment has been completed, it shall be submitted.
- (18) Locations in floodplains, floodways and identification or other potentially hazardous areas.
- (19) High water levels in vicinities of lakes, rivers and other natural bodies of water.

- (20) Minimum building setback lines on all lots and other sites displayed graphically with dimensions from street lines.
- (21) Protective Covenants. An outline of the protective covenants proposed to regulate and protect the development.
- (b) The following items shall also be submitted with the final plat, as required by the Planning Commission:
- (1) The Improvement Plans for the subdivision as required by the Subdivision Regulations, by the Engineering Design and Construction Standards, and by all other regulations of the City.
 - (2) Construction cost estimate, prepared by a professional engineer, of the projected costs of the proposed improvements based on reasonable and current prices.
 - (3) Construction Agreement, bonds, insurance, guarantees, and title search as may be required.
 - (4) A title search report as required in Section 1185.06 of the Subdivision Regulations.
- (Ord. 02-176. Passed 10-28-02.)

CHAPTER 1183

Required Improvements and Design Criteria

- 1183.01 General.**
- 1183.02 Standards for improvement plans.**
- 1183.03 Monuments.**
- 1183.04 Lots and blocks.**
- 1183.05 Easements.**
- 1183.06 Streets.**
- 1183.07 Pedestrian ways.**
- 1183.08 Parking.**
- 1183.09 Signs.**
- 1183.10 Water supply.**
- 1183.11 Sanitary sewer.**
- 1183.12 Storm drainage.**
- 1183.13 Other utility improvements.**
- 1183.14 Oversize and off-site improvements.**
- 1183.15 Erosion and sediment control; landscaping; trees.**
- 1183.16 Commercial and industrial areas.**
- 1183.17 Natural and historic features.**
- 1183.18 Reserves and public sites.**

CROSS REFERENCES

Construction of improvements - see Ohio R.C. 711.101

1183.01 GENERAL.

(a) Improvements Required. The subdivider shall, at the subdivider's expense, design, construct, and install the improvements required by the Subdivision Regulations. All improvements shall comply with the provisions of the Subdivision Regulations and with the City's Engineering Design and Construction Standards.

(b) Engineering Design and Construction Standards Adopted. Consistent with the intent and provisions of the Subdivision Regulations, the Department of Community Development and the Department of Engineering Services shall prepare and adopt such additional standards, specifications, and policies regarding the location and design of improvements as they deem necessary for the proper design, documentation, inspecting, testing, maintenance, ownership, and operation of such improvements. The Department of Engineering Services shall maintain a written record of such adopted standards, which shall be known as the "Engineering Design and Construction Standards" and shall make copies available to the subdivider.

(c) Conformance with Plans and Ordinances. Every subdivision shall be designed and constructed in a manner in conformance with the objectives of the Comprehensive Plan, in general compliance with the plan for the area in which it is located, and in conformance with the Zoning Ordinance of the City of Sandusky.

(d) Minimization of Impacts. Every subdivision shall be designed in a manner, which minimizes to the extent possible the creation of impacts such as traffic, storm runoff, sanitary waste, or water demand, which exceed the capacity of the improvements, planned for the area.

(Ord. 02-176. Passed 10-28-02.)

1183.02 STANDARDS FOR IMPROVEMENT PLANS.

(a) The subdivider shall prepare and submit complete Improvement Plans, which describe the improvements to be constructed. Such descriptions shall be known as the "Improvement Plans" and shall consist of such drawings, plans, reports, and other forms of information as the Department of Community Development and the Department of Engineering Services deem necessary to ensure compliance with the provisions of the Subdivision Regulations and with the Engineering Design and Construction Standards.

(b) Improvement Plans shall be clearly and legibly drawn. For each required submittal, the subdivider shall submit to the City Engineer three (3) reproducible sets of plans and three (3) complete electronic file copies. The City Engineer

shall establish standards for document sizes, drawing scales, electronic format, and other requirements for Improvement Plans.

(c) Improvement Plans shall be prepared under the direction of a professional engineer who shall sign the plans as evidence thereof.

(d) Improvement Plans shall include as applicable, but shall not be limited to, plans, profiles, and details for all monuments, lots and blocks, easements, streets, pedestrian ways, signs, water supply, sanitary sewer, storm water drainage, other utility improvements, landscaping, erosion and sediment control, trees and natural features, reserves and public sites, and other improvements which may be required by the Subdivision Regulations.

(e) The Department of Engineering Services may require revisions to the Improvement Plans.

(f) The final set of Improvement Plans shall be submitted to the City Engineer in the form of one reproducible set of plans and one complete electronic file copy.

(Ord. 02-176. Passed 10-28-02.)

1183.03 MONUMENTS.

Permanent monuments shall be set under the direction of a professional surveyor according to the Engineering Design and Construction Standards.

All U.S., State, County, City or other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

(Ord. 02-176. Passed 10-28-02.)

1183.04 LOTS AND BLOCKS.

(a) Lots.

(1) Every lot shall be of a shape and location and shall have topographic characteristics, which makes it suitable for use or construction of buildings in a manner in conformance with the Ordinances of the City.

(2) Side lot lines shall be substantially at right angles to or radial to the street line.

(3) Lots shall be as nearly rectangular as possible. The average depth of a lot shall not exceed three and one-half (3 1/2) times its average width unless approved by the Planning Commission.

(4) Every lot shall abut on an improved public street.

(5) Double frontage lots, being lots other than corner lots having frontage on more than one street, may be permitted by the Planning Commission if one frontage is on an arterial street and vehicular access from that street is prohibited; or topographic or other conditions render subdividing otherwise unreasonable. Irregularly shaped lots shall be avoided. The Planning Commission may require that lots containing or abutting a watercourse, drainage way, channel or stream be platted with additional depth or width to provide an acceptable building site and lot area suitable for its intended use.

(b) Blocks shall be designed in a manner that conforms to all requirements of this chapter and with the Zoning Ordinance, particularly with regard to requirements for streets, pedestrian ways, lot dimensions and uses of the land.

(Ord. 02-176. Passed 10-28-02.)

1183.05 EASEMENTS.

Easements shall be provided for any overhead or underground utility service, including storm water drainage, cellular towers and cable lines, where required by the Planning Commission or by the Engineering Design and Construction Standards.

Where utilities are located outside street right-of-way lines, easements at least twenty (20) feet in width centered along rear or side lot lines shall be provided. A utility easement shall be provided along the rear of every lot and along such other lot lines as required to provide a continuous and usable easement area. Additional easements may be required.

Where a subdivision is traversed by an open watercourse, drainageway, channel or stream, there shall be provided a drainage easement conforming substantially with the lines of such watercourse or floodplain and including an additional area at least twenty (20) feet wide beyond the floodplain. Where a subdivision is traversed by an enclosed storm sewer or by a sanitary sewer, an easement shall be provided conforming to the Engineering Design and Construction Standards for the purposes of operation, maintenance, repair, and replacement of such sewer.

(Ord. 02-176. Passed 10-28-02.)

1183.06 STREETS.

(a) General Criteria. The design and location of streets shall conform to the following general criteria:

(1) Streets shall be arranged to provide for the continuation of existing streets. Extensions shall be provided to adjoining properties for future access.

(2) Local residential streets shall be arranged to discourage through traffic while providing for interconnection of neighborhoods and reasonable access for safety and service vehicles.

(3) Street arrangement, dimensions, and materials shall be designed to accommodate present and future planned traffic without requiring excessive consumption of land or materials or creating unnecessary costs for original construction, maintenance, repair, or replacement.

(b) Street Rights-of-Way and Pavement Width. Streets shall be platted and constructed with the following minimum

widths in conformance with the plans and regulations of the City. The requirements of the Engineering Design and Construction Standards shall supersede all requirements listed below, when contradiction occurs.

Street Type
Minimum ROW Width
Minimum Pavement Width

Arterial
100 feet
As approved by the Planning Commission
Collector
80 feet
30 feet
Local
60 feet
27 feet
Cul-de-sac
120 feet
27 feet
Boulevard
80 feet
18 feet each lane
Alleys

Commercial or Industrial
22 feet

The minimum pavement widths stated above shall be required for all streets, except that the Planning Commission, with a recommendation from the City Engineer, shall have the authority to permit lesser pavement widths where on-street parking will be prohibited and the Commission determines that adequate off-street parking will be provided to meet the parking demand for the abutting land uses.

Right-of-way width shall be measured along a line perpendicular to the lines delineating the edges of the right-of-way and extending from one right-of-way line to the opposite right-of-way line.

Pavement width shall be measured along a line perpendicular to the edge of the pavement where it abuts the curb and extending from one such pavement and curb line to the opposite such line.

(c) Street Alignment.

- (1) Streets shall intersect as nearly as possible at an angle of ninety (90) degrees, but not at less than seventy-five (75) degrees or more than one hundred five (105) degrees.
- (2) Tangents at least fifty (50) feet long shall be introduced between reverse curves on collector streets.
- (3) Where there is a deflection in the street alignment in excess of ten (10) degrees, a curve shall be inserted with a radius of not less than two hundred (200) feet for minor streets and not less than five hundred (500) feet for all other streets.
- (4) Intersections shall be offset a minimum of two hundred ten (210) feet, measured from the intersections of the centerline of the streets. Intersections of more than two (2) streets shall be prohibited.
- (5) Curb corners shall be constructed with radii as approved by the City Engineer based on the width of the intersecting streets, the angle of intersection, the nature of vehicular and pedestrian traffic, and the Engineering Design and Construction Standards.
- (6) Horizontal and vertical alignments, including centerline radius, sight distance, minimum gradient, maximum gradient, and vertical curve length shall conform to the Engineering Design and Construction Standards.

(d) Cul-de-sac Streets. The maximum length of a cul-de-sac street shall be seven hundred fifty (750) feet measured along the centerline from the intersection with the centerline of the intersecting street to the center of the turnaround. The Planning Commission may approve a greater length. Each cul-de-sac shall have a circular turnaround with a minimum pavement diameter of one hundred (100) feet and a right-of-way diameter of one hundred twenty (120) feet. The Planning Commission may require a center island, provided that the subdivider must submit a plan for landscaping and perpetual maintenance for approval.

(e) Street Names and Designations. Street names shall be as approved by the Planning Commission. Names shall

be selected so as to minimize confusion with existing street names in the City of Sandusky or in Erie County.

(f) Alleys. Alleys may be approved in apartment, commercial and industrial districts. Alleys may be approved in one and two-family districts as extensions of existing alleys.

(g) Pavement. Pavements of asphalt with concrete curb and gutter, or concrete with integral curb, shall be installed in conformance with the Engineering Design and Construction Standards. Underdrains, curbs, subbase, storm water inlets, and other characteristics of street construction shall be in conformance with the Engineering Design and Construction Standards.

(h) Street Lighting. Streetlights shall be installed in conformance with the Engineering Design and Construction Standards.

(i) Culverts and Bridges. Culverts and bridges shall be installed in conformance with the Engineering Design and Construction Standards.

(j) Driveway Aprons. Driveway aprons shall be installed from the sidewalk or street line to the curb at all driveway locations in conformance with the Engineering Design and Construction Standards. (Ord. 02-176. Passed 10-28-02.)

1183.07 PEDESTRIAN WAYS.

(a) Pedestrian Circulation. Improvement Plans shall include such facilities as are deemed necessary by the Planning Commission for safe and convenient pedestrian circulation, bicycle circulation, and handicap or disabled traffic within the subdivision and between the subdivision and surrounding areas. Such facilities shall be in conformance with and made a part of any plans adopted by the City for pedestrian and bicycle circulation and with the Engineering Design and Construction Standards. It shall be the intent of this provision to ensure that all properties provide direct and safe access for pedestrians to the sidewalk system of the City.

(b) Sidewalks Required. In conformance with the adopted plans of the City and with the Engineering Design and Construction Standards, the subdivider shall install concrete sidewalks in the public right-of-way and parallel to the street frontage. On corner lots, the subdivider shall provide sidewalks on both frontages in addition to handicapped accessible crossing ramps. Such crossing ramps shall be designed and constructed in accordance with the applicable requirements of the Federal Americans with Disabilities Act. Sidewalks shall be at least four (4) feet in width, except that the Planning Commission may require that the sidewalks have greater width consistent with plans adopted by the City and with the Engineering Design and Construction Standards.

The Planning Commission may approve or require, in addition to or in place of sidewalks along the street, the construction of sidewalks along rear or side property lines where such alternative locations are appropriate to provide more safe, direct, or attractive access to the sidewalk system of the City or to provide walking access to schools, and other public buildings. Where approved by the Planning Commission, such sidewalks may be constructed of a material other than concrete. (Ord. 02-176. Passed 10-28-02.)

1183.08 PARKING.

All required parking in residential subdivisions shall be required to be located off-street. (Ord. 02-176. Passed 10-28-02.)

1183.09 SIGNS.

All street name signs, traffic and pedestrian way signs shall be installed by the subdivider and shall conform to the Engineering Design and Construction Standards and the Ohio Department of Transportation's Manual of Uniform Traffic Control Devices (OMUTCD).

(Ord. 02-176. Passed 10-28-02.)

1183.10 WATER SUPPLY.

(a) Water supply improvements shall be installed by the subdivider in conformance with the Engineering Design and Construction Standards.

(b) Water mains shall have a diameter of at least eight (8) inches.

(c) Service line connections shall be provided for each lot from the water line to the edge of the public right-of-way as approved by the Department of Engineering Services.

(d) Hydrants shall be installed by the subdivider in conformance with the Engineering Design and Construction Standards and as approved by the Department of Engineering Services and the Fire Department of the City of Sandusky.

(e) Water main extensions shall be installed by the subdivider to the farthest point of the last lot being served by such water main except that, when extending across a corner lot, the main shall be extended into or across the intersecting right-of-way or easement to a point determined by the Department of Engineering Services.

(f) Water mains shall be installed in a manner that will permit supplying all points from two (2) directions unless otherwise approved by the Department of Engineering Services.

(g) Valves shall be installed at intervals not exceeding one thousand (1,000) feet along water mains and at each leg of intersecting mains unless specified as otherwise in the Engineering Design and Construction Standards.

(h) The Department of Engineering Services may require that the subdivider install water mains larger than the adequate design required for the water demands of the subdivision itself, however, any such requirement and

agreement to pay for such additional requirement with City funds shall only be made with approval of the City Commission.

(Ord. 02-176. Passed 10-28-02.)

1183.11 SANITARY SEWER.

(a) Sanitary sewer improvements shall be installed by the subdivider in conformance with the Engineering Design and Construction Standards.

(b) Sanitary sewers shall have a minimum diameter of eight (8) inches.

(c) Lateral connections shall be provided for each lot or for each primary building on the lot from the sanitary sewer to the edge of the public right-of-way or as approved by the Department of Engineering Services.

(d) Sanitary sewage shall not be drained into storm sewers. Storm water, including yard drainage tile, footer drains and roof drainage tile, shall not be drained into a sanitary sewer.

(e) Grades of sanitary sewers shall be designed and installed to provide a minimum flow velocity of two (2) feet per second when the pipe is full.

(f) Sewage lift stations, sewage grinder pumps, or individual household sewage disposal systems shall only be permitted under circumstances of extreme hardship with the approval of the Director of Engineering Services.

(Ord. 02-176. Passed 10-28-02.)

1183.12 STORM DRAINAGE.

(a) The subdivider shall install storm water drainage facilities, including but not limited to ditches, storm sewers, catch basins, manholes, curb drains, and other drainage appurtenances as required by these provisions and by the Engineering Design and Construction Standards.

(b) Storm sewers shall be designed and installed in a manner approved by the City Engineer as adequate to handle the required design flows, but shall not be less than twelve (12) inches in diameter. Storm sewer grades shall be designed and installed to provide a minimum full pipe velocity flow of two (2) feet per second.

(c) Storm drainage facilities shall be separate and independent of the sanitary sewer system.

(d) A storm sewer lateral shall be installed for each lot from the storm sewer to the edge of the public right-of-way or as approved by the City Engineer.

(e) Open storm drainage facilities such as swales, ditches, retention basins, and culverts and alteration of existing natural watercourses may be approved by the Department of Engineering Services, when such improvements are determined to be necessary for consistency or compatibility with existing improvements which are being extended, for the protection of natural features and drainage patterns, to ensure the effective functioning of the drainage facilities in the subdivision and its surroundings, or for aesthetic benefits. Drainage shall not create a nuisance on public or private property and shall comply with all regulations of the Sandusky Building Code.

(f) Facilities for the detention of storm water shall be provided where necessary to control the impacts of increased storm water leaving the site and with the purposes of:

- (1) Permitting commercial, industrial, and residential development without increasing the flooding of other lands;
- (2) Limiting and/or reducing the adverse impacts on receiving streams, storm sewers, and other drainage facilities caused by accelerated runoff due to development; and
- (3) Providing a basis for design of storm drainage systems on land above or below undeveloped areas, which will preserve the rights and options of both contributing and receiving property owners and assure the long-term adequacy of storm drainage systems.

Storm water facilities shall be designed according to criteria established in the Engineering Design and Construction Standards. Such criteria shall be established to ensure that peak discharge flow rates are controlled in proportion to increased runoff volume, that the peak flow rate or runoff generated by the critical storm and more frequently occurring storms does not exceed the peak flow rate or pre-development conditions; and that storms of less frequent occurrence than the critical storm up to a one hundred year storm have peak runoff rates not greater than the peak flow runoff rates from the equivalent storms under pre-development conditions.

(g) All requirements of the Flood Control Chapter 1157 shall be met.

(Ord. 02-176. Passed 10-28-02.)

1183.13 OTHER UTILITY IMPROVEMENTS.

(a) Electric, cable television, natural gas and telephone service lines shall be provided within each subdivision.

(b) Telephone, natural gas, electric, and street lighting wires, conduits, and television cables shall be constructed underground except in cases where the Department of Engineering Services determine that topographic, bedrock, or underground water conditions would result in excessive costs to the subdivider or that long-term operational and maintenance costs will be excessive. All transformer boxes shall be located so as not to be unsightly or hazardous to the public and in locations approved by the Department of Engineering Services and Utility Company.

(c) All drainage and underground utility installations, which traverse privately owned property, shall be located in easements approved by the Department of Engineering Services.

(Ord. 02-176. Passed 10-28-02.)

1183.14 OVERSIZE AND OFF-SITE IMPROVEMENTS.

(a) Where determined by the Planning Commission, in accordance with the recommendation of the Department of Engineering Services, utilities, pavements, and other improvements required for the proposed subdivision shall be designed oversized and with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage areas.

The subdivider shall be required to pay for only that part of the construction costs for the arterial streets, sewers, or water lines, which serve the proposed subdivision. The City shall pay the difference between the cost of required improvements for the proposed subdivision and improvements required to service the surrounding areas in accordance with a schedule prepared by the City Engineer as indicated in subsection (b) set forth hereinafter.

Upgrade reimbursement shall be subject to availability of duly appropriated funds. If a subdivider chooses to proceed with construction of upgraded utility lines after having been advised by the City Finance Director of the unavailability of duly appropriated funds, the subdivider shall do so at the subdivider's risk and no reimbursement shall be due from the City. The decision of a subdivider to upgrade lines without certification from the City Finance Director that duly appropriated funds are available for reimbursement shall not commit the City Commission to any additional or future year appropriation.

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

(c) It is hereby determined by the City Commission that such reimbursements for oversizing and off-site improvements do not constitute a public works project of the City and, accordingly, are not subject to public bidding or other requirements or regulations applicable thereto. (Ord. 02-176. Passed 10-28-02.)

1183.15 EROSION AND SEDIMENT CONTROL; LANDSCAPING; TREES.

(a) Erosion and Sediment Control. Measures shall be taken to minimize erosion and its impacts during subdivision construction activity. Erosion control plans shall be designed to control erosion on-site and with the object of eliminating or minimizing erosion and sedimentation impacts off-site.

Detailed erosion control plans setting forth the techniques to be used both temporarily (during construction) and permanently, and a schedule for implementing or installing them shall be submitted with the Improvement Plans. All erosion control devices shall be in place at the start of construction and other measures implemented according to the approved schedule. Techniques, devices, or measures used shall be as approved by the Department of Engineering Services based on site conditions and the Engineering Design and Construction Standards.

(b) Landscaping. All areas of disturbed soil shall be restored in a manner approved by the Department of Community Development and the Department of Engineering Services. Restoration shall include shaping to approved grades and seeding or planting in a manner to control erosion and to be reasonably maintained. Any unpaved areas of rights-of-way or pedestrian ways shall be graded, seeded, and planted as approved by the Department of Community Development and the Department of Engineering Services. Such landscaping shall be described in the Improvement Plans. Use of innovative landscaping techniques is encouraged.

(c) Trees. The subdivider shall install trees in the public right-of-way in conformance with the Engineering Design and Construction Standards. Trees shall be planted in the curb lawn of each lot and in such a manner as not to impair visibility at any corner or corners. Species of trees shall be chosen and trees planted according to the requirements of the ordinances of the City of Sandusky. Tree installation shall be described in the Improvement Plans.

(Ord. 02-176. Passed 10-28-02.)

1183.16 COMMERCIAL AND INDUSTRIAL AREAS.

Streets constructed within subdivisions created for commercial and industrial districts shall be so located and designed as to minimize traffic impacts on local streets serving residential districts and to direct traffic generated by commercial and industrial activity away from such local residential streets.

(Ord. 02-176. Passed 10-28-02.)

1183.17 NATURAL AND HISTORIC FEATURES.

In subdividing any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots as listed on the National Register of Historic Places, wetlands or similar conditions. (Ord. 02-176. Passed 10-28-02.)

1183.18 RESERVES AND PUBLIC SITES.

(a) Each reserve established within a subdivision shall be so designated as to indicate its intended future use.

(b) Reserve strips controlling access to streets shall be prohibited unless dedicated to ownership by the City. Acceptance of dedications for open space shall be by resolution of the City Commission. (Ord. 02-176. Passed 10-28-02.)

CHAPTER 1185
Agreements and Guarantees

1185.01 Agreements and guarantees required.

1185.02 Construction agreement.

1185.03 Performance guarantee.

1185.04 Restoration bond.

1185.05 Liability insurance.

1185.06 Title search.

1185.07 Maintenance guarantee.

CROSS REFERENCES

Construction agreement defined - see P. & Z. 1177.01

Requirements prior to recording - see P. & Z. 1179.05(d)

1185.01 AGREEMENTS AND GUARANTEES REQUIRED.

Prior to approval of the final plat of any subdivision, the subdivider shall provide agreements, guarantees, bonds, insurance and other requirements as set forth in the Subdivision Regulations. (Ord. 02-176. Passed 10-28-02.)

1185.02 CONSTRUCTION AGREEMENT.

To assure construction and installation of improvements required by the Subdivision Regulations, the subdivider shall execute a Construction Agreement in form and substance satisfactory to the City Law Director. The Construction Agreement shall, at a minimum, provide that: the improvements shall be constructed and installed at the subdivider's expense, unless installed by the City to be later assessed, in compliance with the standards and specifications for each of the various types of improvements and according to the provisions of the Construction Agreement; the improvements shall be available to and for the benefit of the land within the subdivision; that the subdivider shall pay fees required for inspection and testing, and the schedule for such payments; and the improvements will be completed and installed by a specific stated date.

The Construction Agreement shall further provide (if approval of the final plat has been given before construction of improvements and a required performance guarantee has been provided) that if the improvements are not completed within the specified time, the City Commission, after issuing thirty (30) days written notice to the subdivider, may complete the improvements and recover full costs and expenses thereof from the subdivider and may appropriate such portion of money or bonds posted for faithful performance of such work.

The Construction Agreement shall further provide for the terms and conditions of the payment of inspection and testing costs.

(Ord. 02-176. Passed 10-28-02.)

1185.03 PERFORMANCE GUARANTEE.

The subdivider, in lieu of prior construction of required improvements, shall furnish (prior to final approval of the final plat) a performance bond or other guarantee acceptable to the City Law Director to guarantee completion of required improvements. The bond or guarantee shall be in one of the following forms:

(a) The subdivider may deposit a cash security or escrow with a bank acceptable to the City in the amount of one hundred percent (100%) of the estimated cost of the improvements. The security shall be in favor of the City of Sandusky who shall have sole control of disbursement. The bank shall be directed to pay out portions of the cash security toward the completion of the improvements only with the approval of the City Engineer who may require a balance to be maintained which the City Engineer determines sufficient to complete the improvements in accord with the approved plans and specifications. The City Engineer shall authorize the release of any balance to the subdivider only upon acceptance of the improvements by the City Commission.

In the event the improvements are not constructed within the time period designated in the Construction Agreement, the City Commission shall have the option, thirty (30) days after issuing written notice to the subdivider, to complete and maintain the improvements and to collect and receive from the bank any remaining balance of the security to be applied toward payment of costs and expenses of completing the improvements.

(b) The subdivider may furnish a corporate surety bond in the principal amount of the estimated cost of the improvements with surety to the satisfaction of the City Law Director and in a form approved by the City Law Director, guaranteeing completion and maintenance of the improvements in accord with the approved plans and specifications. The bond shall remain in effect until the improvements have been completed and maintained as provided in the Subdivision Regulations and until released by authority of the City Commission. The bond shall provide that, upon default of performance by the subdivider and thirty (30) days after issuing written notice to the subdivider, the City may complete the improvements.

(c) The subdivider may provide an irrevocable letter of credit from a bank or other financial institution acceptable to the City Finance Director guaranteeing funds in the amount of the estimated cost of the improvements, in a form approved by the City Law Director, guaranteeing completion and maintenance of the improvements to the same effect as (a) and

(b) above.

(Ord. 02-176. Passed 10-28-02.)

1185.04 RESTORATION BOND.

The City Engineer may, where conditions warrant, require a restoration bond. The bond shall insure repair of any damage done to existing curbs, gutters, sidewalks, driveways, street pavement, landscaping, or other items within the right-of-way adjacent to a subdivision or within areas or easements controlled by the City. The amount of the bond shall be as determined by the City Engineer based on the City Engineer's estimate of potential damage and shall be in a form approved by the City Law Director. The restoration bond shall be released when all damaged facilities, if any, have been restored to the satisfaction of the City Engineer.

(Ord. 02-176. Passed 10-28-02.)

1185.05 LIABILITY INSURANCE.

A policy of liability insurance, in amounts as approved by the City Law Director, protecting the City against any claims for damage to person or property resulting from or by reason of the construction of the subdivision improvements, shall be furnished to the City Engineer and maintained by the subdivider in full force and effect until all improvements are completed and maintained to the satisfaction of the Director of Community Development and the City Engineer.

(Ord. 02-176. Passed 10-28-02.)

1185.06 TITLE SEARCH.

A title search shall be performed by a qualified title company at the expense of the subdivider and prior to the final approval of the plat for recordation, verifying the title of the lands to be dedicated, and to determine that all taxes are paid on any streets or other lands dedicated to public use. The subdivider shall submit the title search report to the Director of Community Development.

(Ord. 02-176. Passed 10-28-02.)

1185.07 MAINTENANCE GUARANTEE.

At the time of acceptance of the improvements by the City Commission, a maintenance guarantee shall be posted by the subdivider with the City Engineer in the amount of ten percent (10%) of the cost of improvements and shall have a term of twelve (12) months from date of acceptance of improvements. Said guarantee shall be a cash deposit, irrevocable letter of credit or corporate surety bond in form approved by the City Law Director.

During the maintenance guarantee period, the subdivider shall make repairs resulting from erosion or abuse by private utility companies and shall repair all failures for all other reasons. The streets, street trees, monuments, and other improvements shall be in a condition acceptable to the City Engineer at the end of the maintenance period. If the subdivider fails to perform such maintenance to the complete satisfaction of the City, the City shall receive funds in the amount of such portion of the guarantee as is required to pay for the necessary repairs to the improvements.

(Ord. 02-176. Passed 10-28-02.)

CHAPTER 1187

Administration and Enforcement

1187.01 Exceptions for hardship.

1187.02 Modifications for planned unit developments.

1187.03 Severability.

1187.04 Plat adjustments.

1187.05 Vacation of plat.

1187.06 Fees.

1187.07 Violations and penalties.

CROSS REFERENCES

Violations of rules and regulations - see Ohio R.C. 711.102

Unlawful transfer of lots - see Ohio R.C. 711.13, 711.15

Vacating plats - see Ohio R.C. 711.17

1187.01 EXCEPTIONS FOR HARDSHIP.

A subdivider may file a written request to the Planning Commission for modifications to the provisions of the Subdivision Regulations, specifying the hardships imposed by the provisions and the nature of the modifications requested.

After considering the modification request by a subdivider, the Planning Commission may, where it finds that an extraordinary and unnecessary hardship may result from strict compliance with these regulations as a result of unusual topographical or other exceptional site conditions, vary or waive the provisions of the Subdivision Regulations so as to relieve the hardships provided that:

(a) The request is consistent with the intent of the Subdivision Regulations;

(b) The public interest will not be adversely affected; and

(c) The abutting property owners will not be adversely affected.

In granting such modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the provisions so modified.

(Ord. 02-176. Passed 10-28-02.)

1187.02 MODIFICATIONS FOR PLANNED UNIT DEVELOPMENTS.

In the review and approval of a plat for a planned unit development as defined and permitted by the Zoning Ordinance, the Planning Commission, after consideration of a recommendation by the City Engineer, may modify the application of the provisions of Chapter 1183 Required Improvements and Design Criteria of the Subdivision Regulations to the degree necessary to accomplish the objectives and standards required for a planned unit development under the Zoning Ordinance. Modifications or exemptions shall not be granted to exempt the subdivider from the requirements of Chapter 1179 Subdivision Procedures, Chapter 1181 Plat Requirements, or Chapter 1187 Administration and Enforcement.

(Ord. 02-176. Passed 10-28-02.)

1187.03 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of the Subdivision Regulations is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Subdivision Regulations.

(Ord. 02-176. Passed 10-28-02.)

1187.04 PLAT ADJUSTMENTS.

No changes, erasures, modifications, or revisions shall be made in any plat of any subdivision after approval has been given by the Planning Commission and an endorsement is made in writing on a plat, unless the plat is first resubmitted and the changes approved by the Planning Commission, except that minor technical adjustments or corrections which do not significantly change the plat as approved may be made with the approval of the Director of Community Development and the City Engineer.

(Ord. 02-176. Passed 10-28-02.)

1187.05 VACATION OF PLAT.

A plat or portion thereof may be vacated. The owner or owners of properties located within the area of the plat proposed to be vacated shall submit to the Planning Commission a document, which shall include a text and/or drawings in form approved by the City Law Director, declaring said plat or portion thereof vacated.

If the vacation does not involve the vacation of a public right-of-way, easement, or other public property, the Planning Commission shall take action to approve, approve with conditions, or disapprove such document of vacation. The action of the Planning Commission shall be final.

If the vacation involves the vacation of a public right-of-way, easement, or other public property, the Planning Commission shall make a recommendation to the City Commission. The City Commission may approve, approve with conditions, disapprove, or approve in part any such document.

Upon approval by the City Commission, said document shall be recorded in like manner as plats of subdivisions and shall operate to destroy the force and effect of the plat, or portion thereof, so vacated. (Ord. 02-176. Passed 10-28-02.)

1187.06 FEES.

(a) General. Fees, in an amount as required by ordinance of the City, shall be submitted with applications for plat review and for inspection and testing of improvements.

(b) The subdivider shall pay for all testing of concrete, water lines, sanitary sewers, and other materials and improvements required to demonstrate conformance with the Subdivision Regulations, with the Engineering Design and Construction Standards, and with the terms of the Construction Agreement. The Construction Agreement shall state the terms of such testing and payment therefor. (Ord. 02-176. Passed 10-28-02.)

1187.07 VIOLATIONS AND PENALTIES.

The following penalties shall apply to the violations of the Subdivision Regulations.

(a) Whoever violates any provision of the Regulations or fails to comply with any order pursuant thereto is creating a public nuisance. Whoever violates the Subdivision Regulations shall be charged with a misdemeanor of the first degree and on conviction be imprisoned for no more than six (6) months and fined not more than one thousand dollars (\$1,000.00).

(b) A county recorder who records a plat contrary to the provisions of these regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) to be recovered with costs in a civil action by the prosecuting attorney in the name and for the use of the City.

(c) Whoever, being the owner or agent of the owner of any land within the City, transfers any lot, parcel, or tract of land from or in accordance with a plat of a subdivision before the plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each lot, parcel or tract of land so sold to the City. This sum may be recovered in a civil action brought by the City Law Director in a Court of competent jurisdiction in the name of the City for the use of the street repair fund.

(d) In addition to or in lieu of any other remedy, the City Law Director is authorized to seek an injunction, abatement or other appropriate remedy to enforce the provisions of the Subdivision Regulations.

(Ord. 02-176. Passed 10-28-02.)

CODIFIED ORDINANCES OF SANDUSKY