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CHAPTER 1250 GENERAL PROVISIONS AND DEFINITIONS

Section 1250.01 Title

This Title Six of Part Twelve of these Codified Ordinances shall be known and may be cited and referred to as the Zoning Code of the City of Wapakoneta and shall be referred to throughout this Zoning Code as "this Zoning Code."

Section 1250.02 Purpose

This Zoning Code is enacted in accordance with a comprehensive plan for the purposes of:

- A. Promoting the public health, safety, comfort and general welfare through the division of the City into specific use districts;
- B. Encouraging the most appropriate uses of land;
- C. Conserving the values of property throughout the City;
- D. Facilitating the economical provision of water, sewerage, schools and other public improvements; and
- E. Lessening or avoiding congestion in public streets and highways.

Section 1250.03 Interpretation; Conflicts

In interpreting and applying the provisions of this Zoning Code, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Zoning Code to interfere with, abrogate or annul any ordinance, rule, regulation or permit previously adopted or issued, and not in conflict with any of the provisions of this Zoning Code, or which shall be adopted or issued pursuant to any law relating to the use of buildings or premises and likewise not in conflict with this Zoning Code, nor is it intended by this Zoning Code to interfere with, abrogate or annul any easement, covenant or other agreement between parties, provided, however, that where this Zoning Code imposes greater restrictions upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces or larger lot areas, than are imposed or required by such other ordinances or agreements, the provisions of this Zoning Code shall control.

Section 1250.04 Compliance Required

Except as hereinafter provided:

- A. No land shall be used except for a purpose permitted in the district in which it is located.
- B. No building shall be erected, converted, enlarged reconstructed, moved or structurally altered, nor shall any building or land be used, except for a purpose permitted in the district in which the building or land is located.
- C. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.

- D. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
- E. The minimum yards, parking spaces or open spaces, including lot area per family, required by this Zoning Code, for each and every building existing at the time of passage of this Zoning Code, or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of this Zoning Code, for the district in which such lot is located.
- F. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot.

Section 1250.05 Continuation of Existing Uses

Except as hereinafter provided, any legally existing use, building or structure existing at the time of the enactment of this Zoning Code may be continued even though such use, building or structure may not conform to the provisions of this Zoning Code for the district in which it is located. For the purposes of this Zoning Code, such use, building or structure shall be considered legally non-conforming and shall be subject to the provisions of Chapter 1288, Nonconforming Buildings and Uses.

Section 1250.06 Pending Projects

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure, or part thereof, for which official approvals and required building permits have been granted before the enactment of this Zoning Code, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Zoning Code and completion thereof carried on in a normal manner within the subsequent six-month period and not discontinued until completion, except for reasons beyond the builder's control.

Section 1250.07 Separability

If any section, subsection, paragraph, sentence or phrase of this Zoning Code is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Zoning Code.

Section 1250.08 Repealer

Any part of any ordinance of the City which is inconsistent or in conflict with any part of this Zoning Code, and all additions and amendments thereto, are hereby superseded by the adoption of this Zoning Code.

Section 1250.09 Effective Date

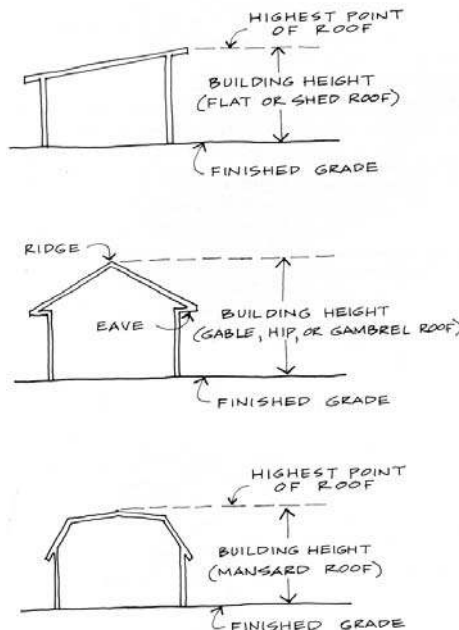
This Zoning Code shall become effective from and after the earliest date as provided by law.

Section 1250.10 Definitions

For the purposes of this Zoning Code, certain terms and words are herein defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure," and the word "shall" is mandatory and not directory. In addition, unless the context indicates a different meaning, the following words and terms shall be defined as used in this Zoning Code:

1. Accessory use. An accessory use is a use, building or structure that is subordinate or customarily incident to, and located on the same lot occupied by, the main use or building.
2. Administrative Officer. See Zoning Administrative Officer.
3. Agricultural Roadside Stand. See "Roadside Stand, Agricultural".
4. Agriculture. The use of land for agricultural purposes, including farming, dairy, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry and necessary accessory uses for parking, treating or storing the produce.
5. Alley or lane. A public or private way affording only secondary means of access to abutting property.
6. Animal hospital or veterinarian clinic. A building used for the medical treatment, housing or boarding of domestic animals such as dogs, cats, rabbits and birds and farm animals by a licensed veterinarian.
7. Apartment. See dwelling, multiple family.
8. Applicant. "Applicant" means the owner of real estate or an appointed agent of the owner, who makes application to the City of Wapakoneta for action by the Planning Commission or Board of Zoning Appeals.
9. Assisted living facility. A residential care facility, other than a licensed nursing home, that provides personal care for persons with impairments in performance of activities of daily living and has the capacity to meet unscheduled needs for assistance. Typical to this facility is that each residence is private occupancy, furnished by occupant, with food service, laundry and gathering areas shared in the facility.
10. Banquet facility. A facility or hall available for lease or rent for private parties for receptions or gatherings.
11. Bar or tavern. An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.
12. Barn or stable. A building or structure used exclusively for the storage of grain, hay and other farm products and/or the sheltering of livestock or farm equipment.
13. Basement. A story having part but not more than one-half of its height above grade and used for storage, for garages for use of the occupants of the building, for janitor or watchman quarters, or for other utilities common for the rest of the building. A basement used for the foregoing purposes shall not be counted as a story.

14. Bed and breakfast establishment (B&B). A converted, owner occupied, single-family dwelling operated and maintained by the owner occupant which allows for and accommodates no more than four rooms for overnight transient guests wherein lodging and breakfast only are provided such transient guests, and whereas signage, tax, fire, building and health requirements are met according to local zoning, County and State regulations. A bed and breakfast inn shall be subordinate to the principal use of a single-family dwelling.
15. Billboard or signboard. Any structure or portion thereof, situated on private premises, on which lettered figured or pictorial matter is displayed for advertising purposes, other than the name and occupation of the user of the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon, or any such structure or portion thereof the area of which, devoted to advertising purposes, exceeds 100 square feet. This definition shall not be held to include any board, sign or surface used to display any official notices issued by any court or public office, or posted by a public officer in the performance of a public duty, or bulletin boards used to display announcements of meetings to be held on the premises whereon such bulletin boards are located, nor shall it be held to include a real estate sign advertising for sale or rent the property upon which it stands.
16. Board. The Board of Zoning Appeals of Wapakoneta, Ohio.
17. Buffer or bufferyard. An area of healthy and viable vegetation, natural or planted, adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening and softening the effects of the land use.
18. Building. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unopened, continuous walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yards and requirements as hereinafter provided.
19. Building, height of. The vertical distance from the finished grade to the highest point of the coping of the roof, as measured at the front of the building.



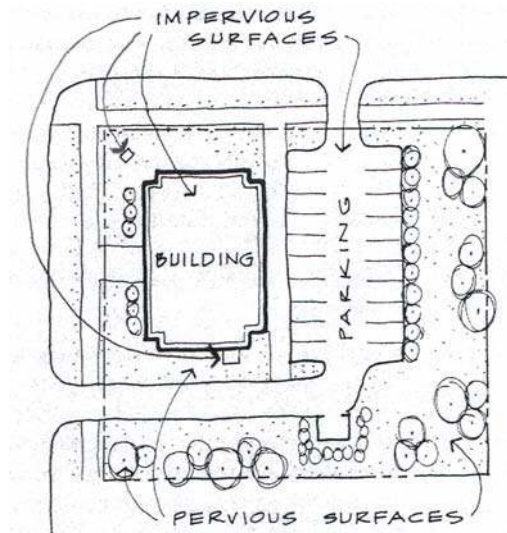
20. Building materials sales yard. Land or partially enclosed structures used for the storage and sale of building and construction materials including, but not limited to: lumber, roofing materials, brick, stone and windows.
21. Bulk storage or display. The storage or display of two or more items which are identical or nearly identical examples of which would include but are not limited to raw materials, firewood, mulch, fertilizer, building materials, building maintenance products, packaged food products, soft drinks, salt products, furniture and household goods, statuary and other manufactured concrete products, and like items.
22. Car wash. A building or structure where chain conveyors, blowers, steam cleaners, spray wands or hoses, and other mechanical devices are employed for the purpose of washing motor vehicles.
23. Cellar. A story the floor of which is more than one-half of its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story for the purpose of height regulations, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.
24. Cemetery. Land used or intended to be used for the burial of the human dead or animal dead and dedicated for internment purposes, including columbaria, crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.
25. Certificate. See Zoning Certificate.
26. Child care center. An establishment providing for the care, supervision and protection of children.
27. Clinic. A licensed medical or dental facility in the State of Ohio used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons who are not provided with board or room or kept overnight on the premises.
28. Club. A building or portion thereof or premises owned or operated by a corporation, association or other person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business. Clubs shall exclude religious places of worship or groups organized solely or primarily to render a service customarily carried on as a commercial enterprise.
29. Commission. The City Planning Commission of Wapakoneta, Ohio.
30. Commercial entertainment. A facility for any profit making activity which is generally related to spectator entertainment such as motion picture theaters, concert halls, stadiums, arenas and theaters for live performance.
31. Commercial recreation. Land or facilities, operated for profit and which is open to the general public for a fee that shall include, but is not limited to: water parks, rollerblade rental, billiard parlors, video amusement parks, arcades, pay-to-play athletic fields, golf courses, miniature golf courses, driving ranges, ice skating rinks, batting cages or swimming pools.
32. Community center. A building used for recreational, social, educational and cultural activities, open to the public, owned and/or operated by a public or non-profit group or agency.

33. Comprehensive Plan. The long-range plan for the desirable use of land in the City, as officially adopted and as amended from time to time by the Planning Commission. The purpose of such Plan is, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs in the subdivision and use of undeveloped land, and in the acquisition of rights of way or sites for public purposes, such as streets, parks, schools and public buildings.
34. Conditional use. A use which is permitted in a district only if a Conditional Use Permit is expressly authorized by the Planning Commission in accordance with Chapter 1252, Administration, Enforcement and Penalty.
35. Condominium. See dwelling, multiple family.
36. Conference center. A facility used for conferences and seminars, with accommodations for food preparation and eating, meeting rooms and resource facilities. Ancillary uses may include accommodations for sleeping, recreation and entertainment.
37. Contractor equipment storage yard. An unenclosed portion of a lot or parcel on which a construction contractor maintains its principal office or a permanent business office for the storage and maintenance of construction equipment and other materials customarily used in the trade carried on by the construction contractor.
38. Convalescent home. A building or group of buildings, public or private, which provides personal care or nursing to ill, physically infirm or aged persons who are not related by blood or marriage to the operator, after they leave the hospital but before they are released from observation and treatment.
39. Convenience retail. A business that customarily provides prepackaged food products, and beverages for consumption off premises, newspapers, magazines, limited groceries and household items or other small scale retail items for sale to the general public. See also "Retail Business".
40. Council. The City Council of Wapakoneta, Ohio.
41. Court. An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.
42. Country club. Land and buildings normally containing golf courses, recreational facilities, a club house and other accessory uses open only to members and their guests.
43. Crematorium. A building containing a furnace for the incineration of corpses.
44. Day care center. See "Child Care Center".
45. Density. The number of dwelling units or gross square footage per acre of land.
46. Dental clinic. See "Clinic".
47. Display room (also merchandise showroom or catalogue showroom). A building that displays merchandise for sale to the general public that is not stored at the same location as the display.
48. District. A portion of the territory of the City of Wapakoneta within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Zoning Code.

49. Drive-in or drive-through facility. Any portion of a building or structures from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.
50. Driveway. A private improved way providing access for vehicles from a road or alley to a garage, carport or dwelling that may also be used for off-street parking for vehicles for the dwelling occupants.
51. Dwelling. Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or trailer coach.
 - A. Dwelling group. A group of two or more detached dwellings located on a parcel of land under a single ownership and having any yard or court in common.
 - B. Dwelling, multi-family. A building or portion thereof designed for or used by three or more families or housekeeping units.
 - C. Dwelling, single family attached. A single family dwelling attached to two or more one family dwellings by common vertical walls, with each dwelling located on a separate lot. This type of use can include, but not be limited to: townhouses, row houses, condominiums, patio homes or other types of zero lot line dwellings.
 - D. Dwelling, single family detached. A building designed for or used exclusively for residence purposes by one family or housekeeping unit.
 - E. Dwelling, two-family. A building designed for or used exclusively by two families or housekeeping units.
 - F. Dwelling unit. One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.
52. Easement. A legally recorded document by a public entity or utility for use by the public entity or utility company to install, locate, operate and maintain utilities essential for public services including, but not limited to: wires, pipes and poles for the transmission of sewer, water, cable TV, telephone, electric and natural gas. Easements include both above and underground utilities.
53. Educational institution. A public or private facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools and technical, vocational and collegiate level courses. For the purposes of this Zoning Code, a home school is not considered an educational institution.
54. Essential services. The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, or collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies.

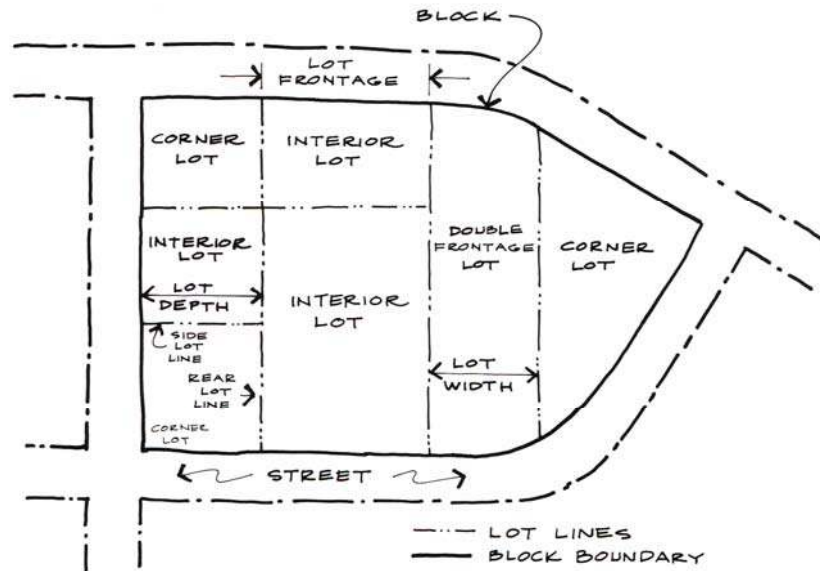
55. Family. One or more persons occupying a dwelling and living as a single housekeeping unit under a common housekeeping plan based on an intentionally structured relationship providing organization and stability, as distinguished from a group occupying a boarding house, or hotels, as herein defined.
56. Fence. A man made barrier, divider or vegetative hedge, intended to prevent escape or intrusion, to mark a boundary or to enclose an area. Such a barrier or divider usually consists of posts and wire or boards as its principal components when man made or a consisting of vertically dense woody vegetation when naturally grown.
57. Financial institution. A building, property or activity of which the principal use or purpose of which is the provision of financial services including but not limited to banks, facilities for automated teller machines (ATM's), credit unions, savings and loan institutions and mortgage companies that are FDIC or NCUA insured. For the purposes of this zoning code, check cashing, payday loan businesses or similar type facilities are not considered financial institutions.
58. Floor area. The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of party walls, including the floor area of accessory buildings and structures.
59. Forest. An area or stand of trees, the majority of which are greater than 12 inches caliper, covering an area greater than one-quarter acre or a grove of mature trees without regard to minimum area consisting of a substantial numbers of individual specimens.
60. Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or, if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
61. Garage, private. A detached accessory building or a portion of the principal building used only for the storage of motor vehicles or trailers or other personal property owned by the individuals residing upon the premises and provided, further, that, except on a farm, such garage shall not be used for the storage of more than one commercial vehicle of greater than one and one-half ton rated capacity per family residing upon the premises.
62. Garage, public. A structure or portion thereof, other than a private garage, used for the temporary storage.
63. Golf Course. Land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways and hazards which may include a clubhouse and/or shelter.
64. Grade. For the purposes of this zoning code, grade shall be defined as follows:
 - A. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
 - B. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.
 - C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
65. Grain elevator. A structure or group of structures used for the storage and distribution of grain.

- 66. Highway, major. A street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.
- 67. Home occupation. Any occupation which is customarily incidental to the principal use of the dwelling and is conducted by a resident occupant that does not alter the exterior of the property or affect the residential character of the neighborhood.
- 68. Hospital. A building or portion thereof used for the accommodation of sick, injured or infirm persons, and including related facilities such as laboratories, out-patient departments, training facilities, central service food and housekeeping facilities, and staff offices that are an integral part of the facilities.
- 69. Hotel. A building in which lodging is provided to the public for compensation and in which ingress to and egress from all rooms are made through an inside lobby or office supervised by a person in charge at all hours and where additional accessory services such as restaurants, meeting rooms and fitness facilities may be an integral part of the facility.
- 70. Impervious surface. Any hard-surfaced, man-made area that does not readily absorb or retain storm water, including but not limited to building roofs, traditionally paved parking and driveway areas and sidewalks.



- 71. Impervious surface ratio. A measure of the intensity of land use that is determined by dividing the total area of all impervious surfaces on the site by the total area of the site or lot.
- 72. Industrial use. The assembly, fabrication or processing of goods and materials; or any operation or facility including buildings, equipment structures, or stationary items used for industrial purposes.
- 73. Industrial use, heavy. The assembly, fabrication, or processing of goods and materials using processes that ordinarily create noise, smoke, fumes, odors, glare, or potential safety hazards (e.g. explosive materials or processes).

74. Industrial use, light. The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot which such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building.
75. Industry. Storage, repair, manufacture, preparation or treatment of any article, substance or commodity.
76. Institution. A building occupied by a non-profit corporation or a non-profit establishment for public or semi-public use.
77. Junk. Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use or disposition.
78. Junk Yard. Any lot or premises used for the storage, collection, processing, purchase, sale, salvage or disposal of junk.
79. Kennel. A commercial establishment in which dogs or other domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.
80. Land use plan. See "Comprehensive Plan".
81. Landfill. A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternate layers of specified depth and in accordance with a plan approved by the Ohio Environmental Protection Agency.
82. Laundromat. An establishment providing home-type washing, drying or ironing machines for hire, to be used by customers on the premises.
83. Loading space. An off-street space or berth on the same lot with a building it is providing service to, or contiguous to a group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
84. Lot. A parcel of land occupied or intended for occupancy by a use permitted in this Code, including one main building together with its accessory buildings, and the open spaces and parking spaces required by this Code, and having its principal frontage upon a street or upon an officially approved place.
 - A. Lot, corner. A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the "corner".
 - B. Lot, double frontage. A lot having a frontage on two nonintersecting streets as distinguished from a corner lot.
 - C. Lot, interior. A lot other than a corner lot.
 - D. Lot of record. A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder or Auditor of Auglaize County.



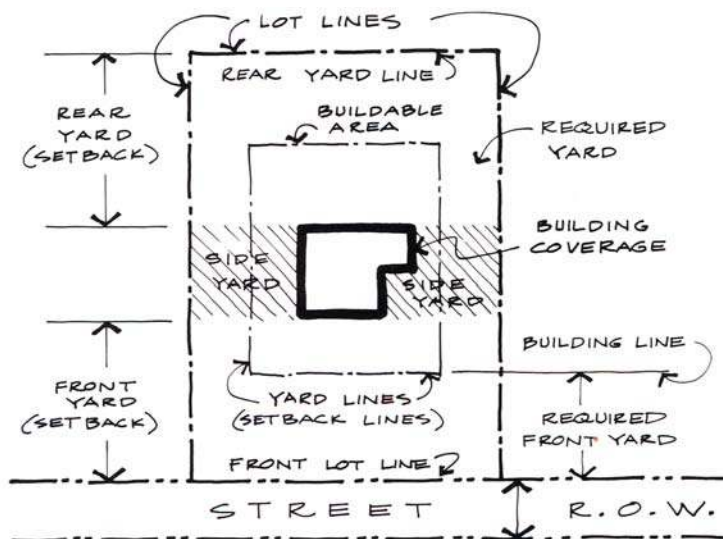
- 85. Lot, depth. The mean horizontal distance between the front and the rear lot lines.
- 86. Lot, minimum area of. The area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.
- 87. Lot area. The total area contained within the lot lines.
- 88. Lot line. The property lines bounding the lot.
 - A. Lot line, front. The line separating the lot from the street on which it fronts.
 - B. Lot line, rear. The lot line opposite and most distant from the front lot line.
 - C. Lot line, side. Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
- 89. Lot width. The mean width of the lot measured at right angles to its depth.
- 90. Manufacturing. See "Industrial".
- 91. Maximum Lot Coverage – The greatest amount of any hard-surfaced, man-made area that does not readily absorb or retain storm water, including but not limited to building roofs, parking and driveway areas and sidewalks, that is permitted by zoning district on an individual lot. Maximum lot coverage is expressed in percent therefore a maximum lot coverage of 70% means that 70% of the lot can be covered by a hard surface.
- 92. Medical clinic. See "Clinic".
- 93. Mobile home. Any vehicle or mobile structure on wheels, skids, rollers or blocks, designed to be pulled, pushed or carried by motor vehicles on a highway and used for living as a dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connection to utilities, and the like.

94. Mobile home park. A site containing spaces with required improvements and utilities that are leased for the long-term placement of mobile homes and that may include services and facilities for the residents.
95. Modular home. Factory-built housing certified as meeting the requirements of the Ohio Basic Building Code (OBBC), as the same are applicable to modular housing. Once certified by the State, modular homes shall be subject to the same zoning standards as site-built homes.
96. Motel. A building or group of buildings, comprising individual sleeping or living units attached in groups of three or more per building, for the accommodation of transient guests, not containing individual cooking or kitchen facilities, where rooms are accessed from the off-street parking area. Additional accessory services such as restaurants, meeting rooms and fitness facilities may be an integral part of the motel facility.
97. Motor vehicle, truck, trailer or farm implement sales and service. An open area, other than a street, used for the display, sale or rental of new or used automobiles, passenger trucks, recreational vehicles, motorcycles or trailers, semi-trucks, and farm equipment in operable condition and on which minor repair work may be done.
98. Motor vehicle repair, major. General repair, rebuilding or reconditioning of engines, motor vehicles, recreational vehicles, or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.
99. Motor vehicle repair, minor. Replacement of parts and motor service to passenger cars, trucks and recreational vehicles, not exceeding one and one-half tons capacity, but not including any operation named under "Automobile repair, major," or any other operation similar thereto.
100. Motor vehicle filling station. A place where gasoline, kerosene or any other motor fuel, or lubricating oil or grease, for operating motor vehicles, is offered for sale to the public and where deliveries are made directly into motor vehicles, including greasing and oiling on the premises. Convenience retail may or may not be a part of this type of use.
101. Nonconforming building. A building or structure legally existing and/or used at the time of adoption of this Zoning Code, or any amendment thereto, and which does not conform with the use regulations of the district in which it is located. Any such building, structure or premises conforming in respect to use but not in respect to height, area, yards, courts or distance requirements from more restricted districts or uses shall not be considered a nonconforming use.
102. Nonconforming lot. A lot or parcel of land which was lawfully created at the time of adoption of this Zoning Code, or any amendment thereto, which does not conform to the minimum requirements specified for the zone in which it is located.
103. Nonconforming use. A building, structure or premises legally existing and/or used at the time of adoption of this Zoning Code, or any amendment thereto, and which does not conform to the use regulations of the district in which it is located.
104. Nursery school. See Child care center.
105. Nursing home. A public or privately operated place of domicile or other facility, licensed by the State of Ohio, which offers skilled nursing and dietary care for persons who are ill or incapacitated, or service for the rehabilitation of persons who are convalescing from illness or incapacitation. See definition for Convalescent (rest home).

106. Office, professional, administrative or business. A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.
107. Open space. Land used for natural resource protection, recreation, amenity and/or buffers.
108. Outdoor storage. The keeping, in an unenclosed area, of personal or business property, goods, junk, wares, or merchandise that are not located in that specific spot for customer viewing or immediate sale, in the same place, for a period of more than 24 hours. See also "Bulk Storage or Display".
109. Overlay district. A district established by ordinance to prescribe special regulations to be applied to a site in combination with the underlying zoning district regulations.
110. Park. Any land owned by a public agency and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.
111. Parking lot, private. An open area for the same uses as a private garage.
112. Parking lot, public. An open area, other than a street or other public way, used for the parking of automobiles and available to the public, whether for a fee, free or as an accommodation for clients or customers.
113. Parking space. A permanently surfaced area, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.
114. Patio. An uncovered or covered area, permanently surfaced or constructed, the use of which is customarily incident to that of the main use of the land and which is located on the same lot with the main building or use.
115. Performance standards. Criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.
116. Personal service. Any for profit enterprise which primarily offers services to the general public such as a health club, day spa, nail salon, fitness facility, shoe repair, watch repair, barber shop, beauty parlor, laundromat, dry cleaner and similar activities. Personal services do not include sexually oriented business.
117. Place. An open, unoccupied space or a public or private thoroughfare, other than a street or alley, permanently reserved as the principal means of access to abutting property.
118. Playground. An active recreational area with a variety of facilities including equipment for children as well as court and field games.
119. Principal permitted use. A use which is permitted outright in a district for which a Zoning Certificate may be issued by the Zoning Administrative Official in accordance with Chapter 1252, Administration, Enforcement and Penalty.
120. Professional service. An occupation involving the dispensation of a licensed service that involves either some skill or knowledge, or that requires connections to other businesses not easily or readily available to the general public such as a funeral home, heating and cooling business, plumber or landscaping company.

121. Public facility and building. Any building, structure, facility, or complex used by the general public, whether constructed by any state, county or municipal government agency or agent thereof. This shall include, but not be limited to: government buildings, fire station, police station, post office, library, treatment plant, water tower, community or recreation center, or government maintenance facility.
122. Public utility. Any closely regulated governmental enterprise with a franchise for providing a utility service deemed necessary for the public health, safety and welfare.
123. Quarry. An open land area where rock, stone, ore, sand, soil and similar materials are excavated for sale or for off-site use.
124. Recreation center. A building designed and equipped for the conduct of sports and leisure time activities including, but not limited to, court sports, weightlifting room, activities rooms, gyms and swimming pools.
125. Recycling center. A lot or parcel, with or without buildings, where used materials are separated and processed for eventual reuse in new products.
126. Religious place of worship. A building or land for the assembly of a congregation of people regularly attending or holding religious services, meeting and other related secondary activities.
127. Research and development facility. An establishment in which scientific research, investigation, prototype development and process development, testing or experimentation is conducted, excluding the manufacturing or sale of products, except as incidental and accessory to the main purpose of the laboratory.
128. Residential floor area. The area of a dwelling devoted to living purposes, including stairways, halls and closets, but excluding porches and space used for a garage or carport.
129. Rest home. See Convalescent home.
130. Restaurant. An eating establishment where food is prepared and served at counters or tables for consumption on or off premise.
131. Restaurant, fast food. An establishment whose principal business is the sale of pre-prepared or rapidly prepared food, in disposable containers, directly to the customer in a ready-to-consume state for consumption either on or off-premises.
132. Retail business. Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. See also "Convenience Retail."
133. Riding stable. An establishment where horses are boarded and cared for and where instruction in riding, jumping and showing is offered and where horses may be hired for riding.
134. Roadside stand, Agricultural. A temporary structure less than 300 square feet, not permanently affixed to the ground, for the display and sale of agricultural products that may or may not be grown on premise.

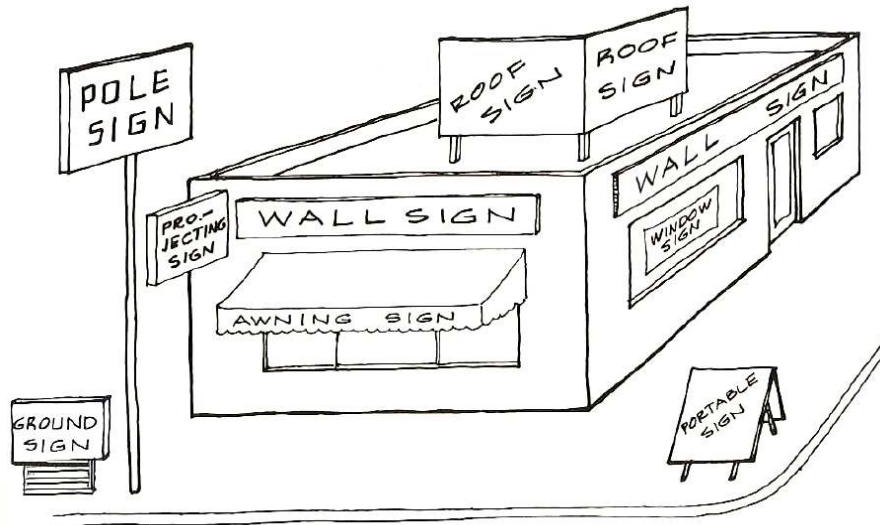
- 135. Salvage yard. A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for the storage of salvaged house wrecking and structural steel materials and equipment.
- 136. Setback. The line beyond which no building or part thereof shall project, except as otherwise provided by this Zoning Code. "Setback" shall include the front, side and rear yard setback lines.



- 137. Sexually Oriented Business. A facility having a significant portion of its function as adult entertainment which includes the following listed categories:
 - A. Adult Book Store. An adult book store means an establishment deriving a majority of its gross income from the sale or rental of, or having a majority of its stock in trade in, books, magazines or other periodicals, films or mechanical or non-mechanical devices, which constitute adult materials.
 - B. Adult Material. Adult material means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch and:
 - 1. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination; or
 - 2. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination.
 - C. Adult Motion Picture Theater. Adult motion picture theater means an enclosed motion picture theater or motion picture drive-in theater used for presenting, and deriving a majority of its gross income from adult material for observation by patrons therein.

D. Adults Only Entertainment Establishment. Adults only entertainment establishment means an establishment which features services which constituted adult material, or which features exhibitions of persons totally nude, or topless, bottomless, strippers, male or female impersonators, or similar entertainment which constitute adult material.

138. Sign. Any device, structure, fixture, painting or visual image designed to be seen from an outdoor location and using graphics, symbols, letters or numbers for the purpose of conveying a message or advertising or identifying any establishment, product, goods or services.



139. Sign, area of. The total exterior surface, computed in square feet, of a sign having only one exposed exterior surface, or one-half the total of the exposed exterior surface, computed in square feet, of sign having more than one surface.

140. Sign, awning. A sign painted, attached, embossed or affixed to a fixed or retractable awning. An awning shall be considered any roof like cover that projects from and is affixed to the side of a building for the purpose of shielding a window, door or patio from the elements.

141. Sign, banner. A sign of lightweight fabric, canvas, plastic or similar material that is temporarily mounted between or to a pole, building or fence.

142. Sign, billboard. A sign directing attention to a specific business, product, service, entertainment activity or other commercial activity offered, sold or conducted elsewhere than upon the lot on which the sign is located. Billboard signs are also referred to as Off-Premise Signs.

143. Sign, bulletin board. An on premise sign which is primarily intended to announce events that contain noncommercial messages.

144. Sign, canopy. A sign attached to the side, or underside of a canopy at a 90 degree angle to the street, intended for pedestrian visibility. A canopy shall be considered a roof like cover that is not attached to a building or wall and is fully supported by columns.

145. Sign, changeable copy. A sign or portion thereof where the message or graphic is not permanently affixed to the structure, framing or background and may be periodically replaced or covered over, manually or by electronic or mechanical devices.
146. Sign, directional. A sign indicating a direction or location to which pedestrian or vehicular traffic is requested to move.
147. Sign, freestanding. A sign which is supported wholly by a pole or poles and is designed so as to permit at least six feet of visibility under the sign face.
148. Sign, ground. A freestanding sign which has a supporting base designed as an integral part of the sign resting totally or primarily on the ground.
149. Sign, identification. A sign which is primarily intended to indicate the name, owner, manager and/or address of an existing building or business.
150. Sign, informational. A sign which presents miscellaneous information or instructions intended to serve the public, rather than to promote a business, product, political viewpoint or issue.
151. Sign, political. A temporary sign advocating action on a public issue, indicating a candidate for public office, or expressing an opinion or belief.
152. Sign, portable. A sign which is designed to be transported and is not physically attached to any part of a building or ground.
153. Sign, projecting. A sign erected on the outside wall of a building and which projects out at an angle greater than zero degrees there from.
154. Sign, real estate. A temporary sign directing attention to the promotion, development, construction, rental, sale or lease of a property on which it is located.
155. Sign, roof. Any sign erected upon and positioned completely or partially over the roof of any building.
156. Sign, temporary. A sign of any type, announcing special events or political activities, sales, to announce the sale, lease or rental of property and which is designed to be used for a specific period of time.
157. Sign, wall. A sign attached to or displayed or painted on an exterior wall and in a manner parallel with the wall surface.
158. Sign, window. A sign painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door, that is intended to be viewed from the outside of a building.
159. Site plan. A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.
160. Story. That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.
 - A. Story, first. The lowest story or the ground story of any building the floor of which is not more than twelve inches below the average contact ground level at the exterior walls of the building, except that any basement or cellar used for residence

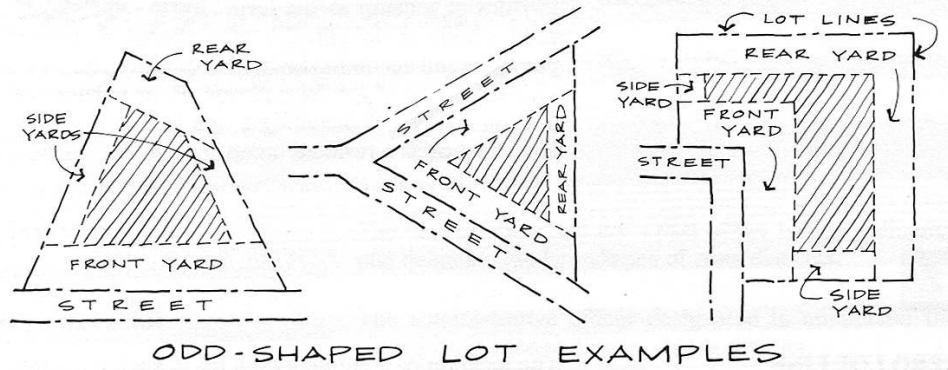
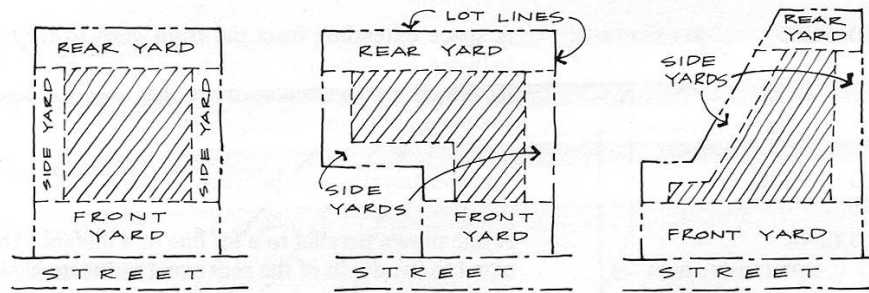
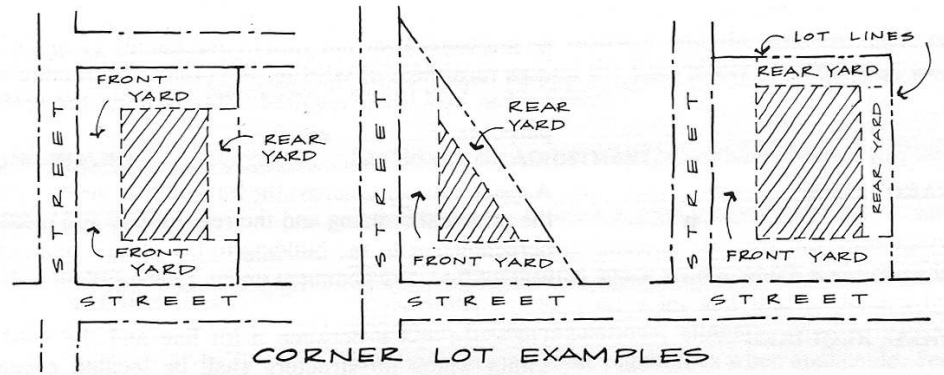
purposes, other than for a janitor or caretaker or his or her family, shall be deemed the first story.

B. Story, half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his or her family, or by a family occupying the floor immediately below it, shall be deemed a full story.

161. Street. A public or private thoroughfare which affords the principal means of access for motor vehicles to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.
162. Street line. A dividing line between a lot, tract or parcel of land and a contiguous street.
163. Structural alteration. Any change which would tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams or girders.
164. Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.
165. Swimming pool. A permanently constructed or portable water-filled enclosure, having a depth of more than 18 inches below the level of the surrounding land or an above surface enclosure having a depth of more than 30 inches, designed, used and maintained for swimming or bathing purposes.
166. Tavern. See "Bar or tavern".
167. Thoroughfare Plan. The official Major Thoroughfare Plan of the City, as adopted by the City Planning Commission establishing the location and official right-of-way widths of principal highways and streets in the City, on file in the office of the Clerk of Council and the City Planning Commission, together with all amendments thereto subsequently adopted.
168. Training center. "Training center" means a facility providing education and training involving job related skills, certification or licensure.
169. Truck Transfer Terminal. "Truck transfer terminal" means a facility where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.
170. Use. The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is or may be occupied or maintained.
171. Use first permitted in any district. A use which, in the sequence of successively less restricted districts, occurs as a permitted use for the first time in any district.
172. Variance. "Variance" means a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public health, safety, or welfare and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

- 173. Veterinary hospital. See “Animal Hospital”.
- 174. Warehouse. A building used primarily for the storage of goods and materials.
- 175. Wholesale facility. An establishment engaged in selling merchandise to retailers; industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
- 176. Wildlife Reservation. Land set aside, in its natural state, for animal habitats.
- 177. Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building or any projections thereof, other than the projections of the usual uncovered steps, uncovered balconies or uncovered porch, shall be used (see yard graphic next page).
 - A. Yard, front. A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street or place line and the main building of any projections thereof. On corner lots, the front yard shall be considered as parallel to the street or streets upon which the lot has its least dimensions.
 - B. Yard, rear. A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof. On all lots, the rear yard shall be opposite the front yard and primary entrance to the building.
 - C. Yard, side. A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard and being the minimum horizontal distance between a side lot line and the side of the main buildings and any projections thereof.

(See Required Yard Graphic, next page).



REQUIRED YARDS

 BUILDING (ZONING) ENVELOPE
(TWO DIMENSIONAL)

- 178. Zoning Administrative Officer. The Zoning Administrative Officer or his or her authorized representative appointed by the Director of Public Service and Safety of the City of Wapakoneta Ohio, also referred to herein as the Administrative Officer.
- 179. Zoning certificate. The document issued by the Zoning Administrative Officer authorizing buildings, structures or uses consistent with the terms of this Zoning Code and for the purpose of carrying out and enforcing its provisions.
- 180. Zoning District Map. The Zoning District Map or Maps of the City of Wapakoneta, together with all amendments subsequently adopted.

CHAPTER 1252 ADMINISTRATION, ENFORCEMENT AND PENALTY

Section 1252.01 Purpose

This Chapter sets both the powers and duties of the Zoning Administrative Officer, the Planning Commission, and City Council with respect to the administration of the provisions of this Zoning Code.

Section 1252.02 Zoning Administrative Officer

- A. It shall be the duty of the Zoning Administrative Officer, who shall be appointed by the Director of Public Service and Safety of Wapakoneta, to enforce this Code. The Zoning Administrative Officer from here forward shall be referred to as the Zoning Administrative Officer. It shall also be the duty of all officials and employees of the City, and especially of all members of the Police and Fire Departments, to assist the Zoning Administrative Officer by reporting to him or her upon new construction, reconstruction or land uses, or upon seeming violations.
- B. Appeals from decisions of the Zoning Administrative Officer may be made to the Board of Zoning Appeals, as provided in Chapter 1254.

Section 1252.03 Responsibilities of the Zoning Administrative Officer

The Zoning Administrative Officer shall have the following responsibilities and powers:

- A. Enforce the provisions of this Zoning Code and interpret the meaning and application of its provisions, including both map and text.
- B. Inspect properties within the City to determine compliance with regulations and to issue violation notices when necessary.
- C. Receive, review and make determinations on applications for Zoning Certificates.
- D. Issue Zoning Certificates as provided by this Code, and keep a record of same with notations of special conditions involved.
- E. Review and process plans pursuant to the provisions of this Code.
- F. Make determinations as to whether violations of this Code exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Code.
- G. Maintain permanent and current records required by this Code, including but not limited to: the Official Zoning Map, Zoning Certificates, inspection documents and records of all variances, amendments, planned unit developments and conditional uses. These records shall be made available for use of the City Council, Planning Commission, Board of Zoning Appeals and to the public.
- H. Initiate the revocation of a permit or approval issued contrary to this Code.

- I. Act upon all applications within thirty (30) days of their date of filing. A Zoning Certificate or written notification and explanation of refusal shall be issued to the applicant within said thirty (30) days. Failure to notify the applicant of such refusal within this period shall entitle the applicant to submit his request to the Board of Zoning Appeals.
- J. Examine and refer to the Planning Commission applications for a Zoning Certificate when site plan review is required as specified in this Chapter.
- K. Forward findings of fact as to alleged violations of this Code to the Law Director.

Section 1252.04 Zoning Certificates

- A. Certificate Required; Existing Buildings
 - 1. It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, altered, modified, converted or enlarged, wholly or partly, until a zoning certificate shall has been issued by the Zoning Administrative Officer. Such certificate shall show that such building or premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this Zoning Code. It shall be the duty of the Zoning Administrative Officer to issue a certificate, provided he or she is satisfied that the structure, building or premises, and the proposed use thereof, conform to all the requirements of this Zoning Code. No permit for excavation or construction shall be issued by the Zoning Administrative Officer unless the plans, specifications and intended use conform to the provisions of this Zoning Code.
 - 2. Upon written request from the owner or tenant, the Zoning Administrative Officer shall issue a zoning certificate for any building or premises existing at the time of enactment of this Zoning Code, certifying, after inspection, the extent and kind of use made of the building or premises, whether such use conforms to the provisions of this Zoning Code and after all other required permits have been obtained.

- B. Filing Plans

Every application for a zoning certificate shall be accompanied by plans in duplicate (2 copies), drawn to scale in black line or blueprint, including one electronic copy in PDF format, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; in the case of a proposed new building or structure, or proposed alteration of an existing building or structure as would substantially alter its appearance, drawings or sketches showing the front, side and rear elevations of the proposed building or structure or of the structure as this will appear after the work for which a permit is sought shall have been completed, the existing and intended use of each building or structure or part thereof, and the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of the present use and proposed use to be made on the lot and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Code. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrative Officer, together with such zoning certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon, shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground, and approved as staked, before construction is started.

C. Conditions Under Which Zoning Certificates are Required

A zoning certificate shall be required for any of the following, except as herein provided:

1. Construction or alteration of any building, including accessory buildings.
2. Change in use of an existing building or accessory building to a use of a different classification.
3. Occupancy and use of vacant land.
4. Change in the use of land to a use of a different classification.
5. Any change in the use of a nonconforming use.

D. Application for and Issuance of Zoning Certificate

1. Written application for a zoning certificate for the construction of a new building or for the alteration of an existing building shall be made at the same time as the application for a building permit. Said Zoning certificate shall be issued within ~~40~~ 30 calendar days after a complete application and fee for the same has been made to the Zoning Administrative Officer or his or her agent, provided such construction or alteration is in conformity with the provisions of this Zoning Code and copies of all other required permits are provided to the Zoning Administrative Officer or his or her agent.
2. Written application for a zoning certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use as herein provided, shall be made to the Zoning Administrative Officer. If the proposed use is in conformity with the provisions of this Zoning Code and all provisions of division (E)(1) have been met, the certificate therefore shall be issued within ~~45~~ 30 calendar days after a complete application and fee for same has been made.
3. At the time that an application for a zoning certificate is made, a fee, in an amount determined by Ordinance of Council, Chapter 1442.12, shall be paid to the City of Wapakoneta and shall be credited to the General Fund of the City.

E. Zoning Certificates for Nonconforming Uses

A zoning certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Zoning Code. Application for such certificate for a nonconforming use shall be filed with the Zoning Administrative Officer by the owner or lessee of the building or land occupied by such nonconforming use within two years of the effective date of this Zoning Code. It shall be the duty of the Zoning Administrative Officer to issue a certificate, at no charge, for a lawful nonconforming use, but failure to apply for such certificate for a nonconforming use, or refusal of the Zoning Administrative Officer to issue a certificate for such nonconforming use, shall not be evidence that said nonconforming use was either illegal or did not lawfully exist on the effective date of this Zoning Code.

F. Issuance Upon False Statement

Any zoning certificate issued upon a false statement by the applicant shall be void. Whenever the fact of such false statement shall be established, said zoning certificate shall be revoked by notice in writing to be delivered to the holder of the void certificate upon the premises concerned or in some conspicuous place upon said premises. Any person who shall proceed thereafter with work or use without having obtained a new zoning certificate, in accordance with this Zoning Code, shall be deemed guilty of violation thereof.

D. Failure to Commence Work

A Zoning Certificate which has been issued for which no work has commenced within six months after issuance thereof, may expire by limitation. In such case, the Zoning Administrative Officer shall review the progress of the applicant and may extend, without fee, the Zoning Certificate for an additional six months. Where work is commenced and then abandoned for one year, the Zoning Certificate may expire by limitation and the Zoning Administrative Officer or authorized representative may order the incomplete structure to be removed by the owner. If so ordered and upon failure of the owner to remove the same within one year, such owner shall be deemed guilty of violation and subject to the penalty contained in this Chapter.

Section 1252.05 Violations and Equitable Remedies

- A. No person shall locate, erect, construct, reconstruct, enlarge, change, alter, modify, maintain or use any building or land in violation of any provision of this Zoning Code adopted by Council.
- B. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Zoning Code, Council, the Law Director, the Zoning Administrative Officer or any neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, alteration, modification, maintenance or use.
- C. The Zoning Administrative Officer shall be empowered to issue a Stop Work order to any person or persons found in violation of this code. Said Stop Work Order will follow provisions of Section 1440.06.

Section 1252.06 Planning Commission

The Planning Commission shall be established as per Chapter 1220 of the City Codified Ordinances and shall have the following responsibilities and powers as they relate to this Zoning Code:

- A. Carry on a continuous review of the effectiveness and appropriateness of this Zoning Code and recommend such changes or amendments, to Council, as it feels would be appropriate.
- B. Hold public hearings as required by this Zoning Code, notice of which shall be given in accordance with Section 713.12 of the Ohio Revised Code.
- C. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Code where same will promote the best interest of the public in general through recommendation to Council.
- D. Review proposed zoning amendments and Planned Unit Development applications as filed by a property owner, providing recommendation to Council.
- E. Conduct Site Plan Review for projects requiring such approval.
- F. Review and approve/disapprove Conditional Use applications.
- G. Review and approve/disapprove requests for determinations of Similar Use.
- H. Function in any further capacity as required by the Ohio Revised Code or as may be directed by Council.

Section 1252.07 Conditional Uses

Conditional use permits shall be required for types of uses designated as *conditionally permitted* in a particular use district. Such particular use may be permitted and desirable in certain districts, but not without consideration in each case of the effect of the use upon neighboring land and the effect the neighboring land will have on the use. The application of the planning standards for determining the location and extent of such use is a planning function, and not in the nature of a variance or appeal. Conditional Use Permits shall run with the land and not the applicant/owner.

- A. Conditional Use Process
 - 1. The Planning Commission may hear and decide upon applications for a Conditional Use Permit in accordance with the provisions of these regulations.
 - 2. In considering an application for a Conditional Use Permit, the Planning Commission must make an affirmative finding that the proposed Conditional Use is to be located in a district wherein such use may be conditionally permitted, and that all conditions for approval of Conditional Uses have been met. The Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed Conditional Use and any potential nuisances.
 - 3. No public hearing need be held by the Planning Commission in considering an application for a Conditional Use Permit, except when the Commission deems such public hearing to be necessary in the public interest. Notice shall be given not less than ten days prior to the date of public hearing, both by posting notice on the parcel of land involved, at places which will be conspicuous to the neighboring properties and to the public, and by publishing notice in a newspaper of general circulation.

B. Conditional Use Application

An application for a Conditional Use Permit shall contain the following information:

1. Completion of the required application form and required fee.
2. The total area in the development in square feet and acres.
3. The existing zoning of the property in question and all abutting properties.
4. All right-of-way and any easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
5. Existing topography with a maximum of ten (10) foot contour intervals.
6. The proposed finished grade of the development shown by contours not larger than five (5) feet.
7. The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.
8. Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.
9. All sidewalks and other pedestrian systems.
10. Open areas; existing and proposed.
11. Location of all walls, fences, and buffer yards, including proposed wall, fence or buffer design or composition.
12. Location, size, height, colors, typeset, materials, lighting, and orientation of all signs.
13. Location of all existing and proposed streets, highways and alleys.
14. All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades.
15. The schedule of phasing of the project, if applicable.
16. Proposed plans for the exterior of the building, including building elevations, photographs and proposed finishes or materials.
17. A statement and supporting documentation describing how the applicant believes that the request conforms to the standards for conditional uses listed in Section 1254.08 C; and
18. Such other information as required by the Planning Commission to determine the conformance with this Code.

C. Standards for Conditional Use

The Planning Commission shall not grant a Conditional Use unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

1. The proposed Conditional Use is a permitted use and will comply with all applicable regulations of this Code, including lot size requirements, development standards and use limitations.
2. Adequate utility, drainage and other such necessary facilities have been or will be provided.
3. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion to public streets and alleys.
4. All necessary permits, and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits and licenses are obtainable for the proposed Conditional Use on the subject property.
5. All exterior lights for artificial open-air illuminations are so shaded as to avoid casting direct light upon any property located in a residential district and to prevent glare that may cause a nuisance to the public.

6. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets given access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 7. The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures,
 8. Evidence that the Conditional Use desired will not adversely affect the public health and safety.
- D. Conditions and Restrictions

In granting a Conditional Use Permit, the Planning Commission may impose such conditions, safeguards and restrictions upon the premises benefitted by the Conditional Use as may be necessary to comply with the standards set out in this Chapter to reduce or minimize potentially injurious affects of such Conditional Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Code.

- E. Period of Validity

A Conditional Use Permit granted by the Planning Commission may terminate at the end of one year from the date on which the Planning Commission grants the Conditional Use if within a one year period a building permit or conditional use certificate is not obtained, the proposed erection or alteration of a structure has not started, or the conditional use as approved has not commenced.

Section 1252.08 City Council

The powers and duties of City Council as they relate to this Zoning Code are as follows:

- A. Approve the appointment of a Zoning Administrative Officer, or his or her designee, to administer and enforce the provisions of these Regulations.
- B. Approve the appointment of members of Planning Commission as regulated by the Wapakoneta Code of Ordinances.
- C. Approve the appointment of a Board of Zoning Appeals in accordance with this Zoning Code.
- D. Initiate or act upon suggested amendments to the Zoning Code text or the Official Zoning District Map as per the procedures in Chapter 1256, Amendments.
- E. Determine fees for permits, application review and violations. Each written application for a Zoning Certificate, Zoning Amendment, Administrative Appeal, Conditional Use Permit, Similar Use, Special Permit, Site Plan Review or Variance shall be accompanied by filing fees.
- F. Provide for maintaining and keeping current the permanent records required by these regulations, including but not limited to the Official Zoning District Map, Zoning Certificate, inspections, and all official zoning actions of City Council. Such records shall be made available for use by City Council, Planning Commission, Board of Zoning Appeals, and the public.
- G. To hear and decide appeals to the decision of the Planning Commission regarding an application for site plan review.

Section 1252.99 Violation and Penalties

A. Violation

Any building that is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land that is or is proposed to be used in violation of this Code or any amendment or supplement thereto, the City Council, the City Solicitor, Zoning Administrative Officer, or any adjacent or neighboring property owner who would be specifically damaged by such violation may, initiate appropriate action to prevent such activity from proceeding in violation to this Code.

Whoever violates any provision of this Chapter, or any amendment thereof, shall be guilty of a minor misdemeanor and may be fined as may be identified in the Ohio Revised Code, Chapter 2929.28, Financial Sanctions - Misdemeanor. Each day an illegal erection, construction, reconstruction, enlargement, change, alteration, modification, maintenance or use continues shall constitute a separate offense.

B. Notice of Violation

The notice of any violation of the Zoning Code shall be as follows:

1. Whenever the Zoning Administrative Officer determines that there is a violation of any provision of this Zoning Code, a notice of such violation shall be issued. Such notice shall:
 - a. Be in writing;
 - b. Identify the violation;
 - c. Include a statement of the reason or reasons why the violation order is being issued and refer to the section of this Zoning Code being violated;
 - d. State the time by which the violation shall be corrected; and
 - e. Contain a statement of right of appeal or to request variance, if applicable.
2. Service of notice of the violation shall be as follows:
 - a. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of sixteen (16) years or older; **or**
 - b. By Certified Mail, and first class mail simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when the fact of the mailing is entered of record, provided that the First Class mail envelope is not returned by the Postal Authorities with an endorsement showing failure of delivery; **or**
 - c. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

C. Civil Remedies

The City of Wapakoneta, City Council on behalf of the City or any officer designated by City Council on behalf of the City may, in addition to the criminal remedies provided in this Zoning Code, file suit for injunction against any violation of this Zoning Code, or if the violation has caused damages to the City for a judgment for damages and any person, property owner or occupant of property who can show that the person, property owner or occupant of property has suffered harm or whose property has suffered harm as a result of violations of this Zoning Code may file suit for injunction or damages to the fullest extent provided by the law.

CHAPTER 1254 BOARD OF ZONING APPEALS

Section 1254.01 Establishment, Membership, Compensation, Terms, Removal and Vacancies

A Board of Zoning Appeals is hereby established.

- A. The Board shall consist of five members, to be appointed by the City Council.
- B. Members shall be residents of Wapakoneta, Ohio, and shall serve without compensation.
- C. Preferably one of the members shall be a member of the Planning Commission.
- D. The terms of all members shall be for three years and so arranged that the terms of at least one member shall expire on June 30 of each year. Each member shall serve until his or her successor is appointed and qualified.
- E. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other cause, by the City Council, upon written charges having been filed with the Council and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearings, either personally or by registered mail, or by leaving the same at his or her usual place of residence. The member shall be given an opportunity to be heard and to answer such charges. Vacancies shall be filled by the City Council and shall be for the unexpired term.

Section 1254.02 Organization; Rules; Meetings; Quorum and Voting

The Board of Zoning Appeals shall organize and adopt rules for its own government not inconsistent with law or with any ordinance of the City.

- A. Three members of the Board shall constitute a quorum. Meetings of the Board shall be held at the call of the Zoning Administrative Officer, the Secretary or the Chairperson, and at such other times as the Board may determine.
- B. The Chairperson, or in his or her absence, the Vice Chairperson, may administer oaths, and the Board may compel the attendance of witnesses.
- C. All meetings of the Board shall be open to the public.
- D. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Clerk of Council and be a public record.
- E. At the first meeting of each year, a Chairperson and Vice Chairperson shall be elected from among the members. At said meeting, a Secretary shall be appointed from either within the Board or from outside the Board.
- F. The Board shall act by resolution, and the concurring vote of three members of the Board shall be necessary to reverse any order or determination of the Administrative Officer, or to decide in favor of an applicant in any matter of which the Board has original jurisdiction under this Zoning Code, or to grant any variance from the requirements of this Zoning Code. The presiding officer shall vote if necessary to provide the third voting member or to break a tie vote.

Section 1254.03 Application and Appeals

A. Applications

An application, in cases in which the Board of Zoning Appeals has original jurisdiction under the provisions of this Zoning Code, 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 Zoning Administrative Officer who shall transmit the same to the Board. A fee in an amount determined by ordinance of Council shall be paid to the Zoning Administrative Officer at the time the notice of appeal is filed, which the Officer shall forthwith pay over to the credit of the General Fund of the City of Wapakoneta. There shall be no refunds or credits regardless of the approval or disapproval of the application by the Board, nor if the proceedings are stopped by the applicant at any time after the application is filed with the Zoning Administrative Officer.

B. Appeals

1. An appeal to the Board may be taken by any person aggrieved or by an officer of the City affected by any decision of the Zoning Administrative Officer. Such appeal shall be taken within thirty days after the decision by filing with the Zoning Administrative Officer and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrative Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
2. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrative Officer shall certify to the Board, after the notice of appeal shall have been filed with it, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted to the Board or by a court of equity after notice to the officer from whom the appeal is taken and on due cause shown.
3. The Board may, in conformity with the provisions of this chapter or State law, reverse or affirm, wholly or partly, or modify, the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all powers of the Zoning Administrative Officer from whom the appeal is taken.

C. Fee

The fee to be collected by the City's Engineering Department for any application or appeal to be heard by the Board of Zoning Appeals is as established by City Council. Said fee shall be nonrefundable.

D. Duration for Commencement and Completion

Upon approval of the Board of Zoning Appeals, the applicant(s) shall have six months to commence work on their project. In addition, the project must be completed and ready for final inspection by the City Engineering Department within six months of the approval date of the Board of Zoning Appeals. In the event that these time frames are not achieved, the Board of Zoning Appeal's action may be deemed void. Under special circumstances, the Board of Zoning Appeal may agree to give time extensions to these deadlines if deemed advisable.

Section 1254.04 Hearing

- A. The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal, give public notice thereof and at least ten days notice to parties in interest, and decide upon the appeal within a reasonable time after it is submitted. Each application or notice of appeal shall be accompanied by the fee referred to in Section 1254.03(C). At this hearing, any party may appear in person or by attorney.
- 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 any application or appeal the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be substantially interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

Section 1254.05 Decisions

- A. The Board of Zoning Appeals shall decide all applications and appeals within thirty days after the final hearing thereon.
- B. A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Administrative Officer and observed by him or her and he or she shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.
- C. A decision of the Board shall not become final until the expiration of five days from the date such decision is made, unless the Board shall find that the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

Section 1254.06 Special Exceptions

The Board of Zoning Appeals shall have the power to hear and decide, in accordance with the provisions of this Zoning Code, applications, filed as hereinbefore provided, for special exceptions or interpretation of the Zoning Map, or for decisions upon other special questions on which the Board is authorized by this Zoning Code to pass. In considering an application for a special exception or interpretation of the Zoning Map, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and in authorizing a special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Zoning Code, for the particular special exception, as the Board may deem necessary for the protection of adjacent properties and the public interest.

In addition to permitting special exceptions hereinbefore specified, the Board shall have the power to permit the following special exceptions, subject to such conditions as it may deem necessary:

- A. Nonconforming uses
 - 1. The substitution of a nonconforming use for a nonconforming use existing at the time of enactment of this Zoning Code.

2. The extension or expansion of a nonconforming use or building upon the lot occupied by such building or onto an adjoining lot.

B. Temporary structures and uses

The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Zoning Code for the district in which it is located, provided that such use is of a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

Section 1254.07 Interpretations of the Zoning Map

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board of Zoning Appeals, after notice to the owners of the property and after a public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of this Zoning Code. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by said Board.

Section 1254.08 Administrative Appeal and Variances

A. Administrative Appeal

The Board of Zoning Appeals shall have the power to hear and decide appeals, filed as hereinbefore provided, where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Administrative Officer in the interpretation of any of the provisions of this Zoning Code.

B. Variances

1. The Board shall have the power to authorize, upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this Zoning Code as will not be contrary to the public interest, but 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 undue and unnecessary hardship.
2. Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Zoning Code, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Zoning Code would involve practical difficulties or would cause undue hardship, unnecessary to carry out the spirit and purpose of this Zoning Code, the Board shall have power to authorize a variance from such strict application, so as to relieve such hardship, and so that the spirit and purpose of this Zoning Code shall be observed and substantial justice done. 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 furthering the purposes of this Zoning Code and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence, guarantee or bond as it may deem necessary to ensure that the conditions attached are being and will be complied with.

3. No such variance from the provisions or requirements of this Zoning Code shall be authorized by the Board unless the Board finds, beyond a reasonable doubt, that all of the following facts and conditions exist:
 - a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties or classes of uses in the same zoning district.
 - b. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
 - c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Zoning Code or the public interest.
 - d. No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property, or the intended use of said property for which the variance is sought, one or the other or in combination, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.
4. Every variance granted or denied by the Board of Zoning Appeals shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variance.
5. Any variance granted but not acted upon within one (1) year shall be cancelled.
6. Any party adversely affected by a decision of the Board may appeal to the County Court of Common Pleas on the grounds that such decision was unreasonable or unlawful. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal.
7. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the variance, give 10 days notice by first class mail to the parties in interest as well as to all property owners within 250 feet of the subject property.
8. The Board of Zoning Appeals shall decide the variance within 30 days after the hearing. This time period may be extended for a period not to exceed 30 days if agreed to by the Board of Zoning Appeals and the applicant.

Section 1254.09 Application for Administrative Appeal or Variance

An application for an Administrative Appeal or Variance shall contain the following information:

- A. Name, address and telephone number of the applicant.
- B. A brief narrative description of the existing use of the property and the proposed use.
- C. Statement of location of the property (subdivision, township, range, section number, lot number).
- D. A statement indicating the zoning of the property.
- E. A brief narrative description of the proposed appeal or variance being requested, citing the section of the Zoning Code from which the appeal or variance is being requested.
- F. Where applicable, a site plan, drawn at an appropriate scale, showing the following:
 1. Location of the property, indicating all existing and proposed structures and lot lines.
 2. Locations of the nearest public rights-of-way, and location of all access points to the site, existing or proposed.

3. Locations of any easements existing or proposed.
 4. Locations of any existing or proposed parking areas and driveways, showing intent to comply with all parking requirements specified by these regulations.
- G. Names and mailing addresses of owners of property within 250 feet of the subject property as recorded by the Auglaize County Auditor's Office.
- H. Such other information as may be required by the Board of Zoning Appeals to make an informed decision.

CHAPTER 1256 AMENDMENTS

Section 1256.01 Authority of Council and Planning Commission

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may, by ordinance, after receipt of a recommendation thereon from the Planning Commission, and subject to the procedure provided by law, amend, supplement or change these regulations, district boundaries or classifications or property, now or hereafter established by this Zoning Code or any amendment thereof. It shall be the duty of the Planning Commission to submit its recommendations regarding all applications or proposals for text or map amendments or supplements to City Council.

Section 1256.02 Initiation of a Map or Text Amendment

Amendments to the Zoning Map or Text may be initiated in one of the following ways:

1. By adoption of a motion by the Planning Commission;
2. By adoption of a motion by Council for consideration by the Planning Commission;
3. By application to the Planning Commission by a property owner of record.

Section 1256.03 Procedure

The procedure for amendments to the official zoning map or text of this zoning code shall be as follows:

A. Applications

Applications for any text amendment or change of district boundaries or classifications of property, as shown on the Official Zoning Map, shall be submitted to the Planning Commission at its public office. Applications shall be on a form as approved by the City and shall be accompanied by such data and information, as may be prescribed for that purpose by the Planning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application for a map amendment shall be verified by at least one of the property owners of record within the area proposed to be rezoned, attesting to the truth and correctness of all facts and information presented with the application. Applications for map or text amendments initiated by the Planning Commission shall be accompanied by the motion pertaining to the proposed amendment.

B. Names and Addresses of Adjacent Property Owners

Any owner of record desiring a change in the zoning classification of their property shall file, with the application for such change, a statement giving the names and addresses of the owners of all properties lying within 200 feet of any part of the property the zoning classification of which is proposed to be changed.

C. Public Hearing by Planning Commission

Before submitting its recommendations on a proposed amendment to the City Council, the Planning Commission shall hold a public hearing thereon, notice of which shall be given by one publication in a newspaper of general circulation in the City at least 30 days prior to the meeting date. The notice shall state the place or places and times at which the proposed amendment, including texts and maps, may be examined.

D. Notice to Property Owners

In addition to the published notice as hereinbefore specified, the Planning Commission shall give notice of the time, place and purpose of public hearings to be held by it on proposed amendments or supplements, by mailing a postal card or letter notice, not less than ten days prior to the date of the hearing, to the owners of all properties lying within 200 feet of any part of the property proposed to be changed. The failure to notify as provided in this section shall not invalidate any recommendation adopted hereunder, it being the intention of this section to provide, so far as may be possible, due notice to persons substantially interested in the proposed change that an application is pending before the Planning Commission, proposing to make a change in the Zoning Map or the regulations set forth in this Zoning Code.

E. Action of Planning Commission

The Planning Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application be denied. These recommendations shall then be certified to the City Council.

F. Public Hearing by City Council

After receiving the recommendation from the Planning Commission on the proposed amendment, and before adoption of such amendment, the City Council shall hold a public hearing thereon, at least 30 days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the City.

G. Action of City Council

After receiving the recommendation from the Planning Commission on the proposed amendment and after holding the public hearing as identified in 1256.02, Procedure, the City Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Zoning Code or on the Zoning Map. The City Council may overrule the recommendations of the Commission by a three-fourths vote of the full membership of the Council.

Section 1256.04 Fee

At the time that an application for a change of zoning districts is filed with the Planning Commission, as provided herein, there shall be deposited with the City Treasurer a fee in an amount determined by ordinance of Council, to cover an investigation, legal notices and other expenses incidental to the determination of the proposed amendment(s), such fee to be for one lot or part of one lot. Such sum so deposited shall be credited by the City Treasurer to the General Fund of the City. Application for a change of zoning districts shall be for one contiguous area. There shall be no refunds or credits regardless of approval or disapproval by either the Planning Commission or City Council, or if the proceedings are dropped any time after the application is filed with the City Planning Commission.

CHAPTER 1258 DISTRICTS GENERALLY AND MAP

Section 1258.01 Establishment of Districts

The incorporated territory of the City of Wapakoneta, Ohio, is hereby divided into the following zoning districts wherein regulations are uniform for each class or type of building or structure or use throughout each zoning district in order to:

- A. Better assist the City in the implementation of the goals, policies and strategies of the Wapakoneta Comprehensive Plan;
- B. Regulate and restrict the location and use of buildings and land for trade, industry, residence and other purposes;
- C. Regulate and restrict the height and size of buildings hereafter erected or structurally altered;
- D. Regulate the size of yards and other open spaces;
- E. Regulate the amount of parking spaces and the density of population; and
- F. Regulate the percentages of lot areas which may be covered by impervious surfaces.

Section 1258.02 Zoning Districts

The City of Wapakoneta is hereby divided into the following zoning districts:

- A-1 Agricultural District
- R-1 Suburban Residence District
- R-2 Single-Family and Two Family Residence District
- R-3 Single-Family and Two Family Residence District
- R-4 Multiple Family Dwelling District
- R-5 Mobile Home District
- B-1 Neighborhood Business District
- B-2 General Business District
- B-3 Central Business District
- M-1 Industrial District
- M-2 Industrial District
- M-3 Industrial District

Section 1258.03 District Boundaries

The following shall be applicable to zoning district boundaries in the City:

- A. The district boundary lines on the Zoning District Map are intended to follow either streets, alleys or lot lines, and where the districts designated on the Map are bounded approximately by such street, alley or lot lines, the street, alley or lot line shall be construed to be the boundary of the district unless such boundary is otherwise indicated on the Map. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.

- B. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- C. Within thirty days after annexation, the Planning Commission shall formulate and transmit to the City Council its recommendations as to permanent zoning for all newly annexed land, whereupon the City Council shall conduct at least one public hearing, giving 30 days prior public notice in a newspaper of general circulation.
- D. Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
- E. All areas within the corporate limits of the City which are under water and not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

Section 1258.04 Zoning District Map

The boundaries of the districts are shown upon a map which is made a part of this Zoning Code, which map is designated as the Official Zoning District Map and which is sometimes referred to as the Zoning Map. The Official Zoning District Map, and all the notations, references and other information shown thereupon, were all fully set forth or described herein, the original of which the Official Zoning District Map is properly attested and is on file with the Clerk of Council. The Official Zoning District Map is hereby adopted and confirmed as a part of this Zoning Code.

**CHAPTER 1260
“A-1” AGRICULTURAL DISTRICT**

Section 1260.01 Intent

The A-1 district is intended for areas of active agricultural use that are subject to future urban or suburban development. Permitted land uses include relatively low density uses such as farming activity and uses which require large sites and relatively limited investment in fixed structures.

Section 1260.02 Principal Permitted Uses

The following uses are permitted as of right in the “A-1” District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Single Family Detached Dwelling as permitted by the platting process of the subdivision regulations of the City. 	<ul style="list-style-type: none"> • Educational Institutions for 9-12 Education • Educational Institutions for Colleges, Universities and Vocational • Hospitals • Public Facilities and Governmental Buildings • Public Parks, Playgrounds, Recreational and Community Center Buildings and Grounds • Public or Private Forests and Wildlife Reservations • Public Utilities • Religious Places of Worship and Ancillary Uses 	<ul style="list-style-type: none"> • Agriculture • Animal Hospital and Veterinary Establishments Including Kennels • Agricultural Roadside Stands

Section 1260.03 Accessory Permitted Uses

In an “A-1” District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1292, Supplementary Regulations unless otherwise noted:

- A. Accessory Uses and Structures
- B. Barns and Stables
- C. Fences and Walls
- D. Garages, carports or other off-street parking spaces for the use of residents on the premises and their guests.
- E. Home Occupation
- F. Outdoor Storage
- G. Satellite Dishes subject to
- H. Swimming Pools
- I. Signs subject to Chapter 1286, Signs.

Section 1260.04 Conditional Permitted Uses

In an “A-1” District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with Chapter 1252, Administration, Enforcement and Penalty:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Child Day Care; Type B as regulated by Chapter 5104 of the ORC 	<ul style="list-style-type: none"> • Cemeteries and Crematoriums • Country Clubs, Golf Courses and Other Private Non-Commercial Recreation Facilities 	<ul style="list-style-type: none"> • Bed and Breakfast Establishment • Processing of Livestock or Poultry • Riding Stables

Section 1260.05 Lot Development Standards

The following development standards shall apply to lots located within the “A-1” District:

Minimum Lot Area	<ul style="list-style-type: none"> • Single Family Detached Dwelling - 21,780 square feet • All Other Non Residential Uses - 43,560 square feet
Maximum Lot Coverage	<ul style="list-style-type: none"> • 40% for all impervious surfaces for Single Family Detached Dwelling use • 70% for all impervious surfaces for all other uses
Minimum Lot Frontage	<ul style="list-style-type: none"> • 150 Feet
Minimum Front Yard Depth from the Building Line	<ul style="list-style-type: none"> • 40 Feet • For infill development, if three or more dwellings are within 500 feet of the infill lot, then the average front yard setback shall be observed
Minimum Side Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure - 15 Feet; 40 Feet Sum of Side Yard Widths
Minimum Rear Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure - 40 Feet
Maximum Building Height	<ul style="list-style-type: none"> • Principal Structures - 35 Feet • Accessory Structures - 35 Feet excluding Barns and Silos
Minimum Floor Area Per Family	<ul style="list-style-type: none"> • 1,000 Square Feet

Section 1260.06 Minimum Off-Street Parking and Loading Requirements

Off-Street parking requirements shall be as regulated in Chapter 1284, Off-Street Parking and Loading.

Section 1260.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1286, Signs.

Section 1260.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1294, Screening and Landscaping.

**CHAPTER 1262
“R-1” SUBURBAN RESIDENCE DISTRICT**

Section 1262.01 Intent

The R-1 district is intended to provide for, and maintain, residential areas characterized predominately by single family detached dwellings while protecting residential neighborhoods from the intrusion of incompatible non-residential land uses.

Section 1262.02 Principal Permitted Uses

The following uses are permitted as of right in the “R-1” District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Single Family Detached Dwelling as permitted by the platting process of the subdivision regulations of the City. 	<ul style="list-style-type: none"> • Public Utilities 	<ul style="list-style-type: none"> • None

Section 1262.03 Accessory Permitted Uses

In an “R-1” District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1292, Supplementary Regulations unless otherwise noted:

- A. Accessory Uses and Structures
- B. Fences and Walls
- C. Garages, carports or other off-street parking spaces for the use of residents on the premises and their guests.
- D. Home Occupation
- E. Outdoor Storage
- F. Satellite Dishes subject to
- G. Swimming Pools
- H. Signs subject to Chapter 1286, Signs.

Section 1262.04 Conditional Permitted Uses

In an “R-1” District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with Chapter 1252, Administration, Enforcement and Penalty:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Child Day Care; Type B as regulated by Chapter 5104 of the ORC 	<ul style="list-style-type: none"> • Public Parks, Playgrounds, Recreational and Community Center Buildings and Grounds • Public or Private Forests and Wildlife Reservations 	<ul style="list-style-type: none"> • Bed and Breakfast Establishment • Office or Studio in the Dwelling

Section 1262.05 Lot Development Standards

The following development standards shall apply to lots located within the “R-1” District:

Minimum Lot Area	<ul style="list-style-type: none"> • Single Family Detached Dwelling – 12,000 square feet • All Other Non Residential Uses - 43,560 square feet
Maximum Lot Coverage	<ul style="list-style-type: none"> • 50% for all impervious surfaces for Single Family Detached Dwelling uses • 70% for all impervious surfaces for all other uses
Minimum Lot Frontage	<ul style="list-style-type: none"> • 80 Feet
Minimum Front Yard Depth from the Building Line	<ul style="list-style-type: none"> • 35 Feet • For infill development, if three or more dwellings are within 500 feet of the infill lot, then the average front yard setback shall be observed
Minimum Side Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure - 10 Feet; 25 Feet Sum of Side Yard Widths • Accessory Structure – 5 Feet
Minimum Rear Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure - 10 Feet • Accessory Structure – 5 Feet
Maximum Building Height	<ul style="list-style-type: none"> • Principal Structures - 35 Feet • Accessory Structures - 15 Feet
Minimum Floor Area Per Family	<ul style="list-style-type: none"> • 1,200 Square Feet

Section 1262.06 Minimum Off-Street Parking and Loading Requirements

Off-Street parking requirements shall be as regulated in Chapter 1284, Off-Street Parking and Loading.

Section 1262.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1286, Signs.

Section 1262.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1294, Screening and Landscaping.

**CHAPTER 1264
“R-2” SINGLE AND TWO FAMILY RESIDENCE DISTRICT**

Section 1264.01 Intent

The R-2 district is intended to provide for, and maintain, residential areas characterized predominately by single family detached dwellings and two family dwellings while protecting residential neighborhoods from the intrusion of incompatible non-residential land uses.

Section 1264.02 Principal Permitted Uses

The following uses are permitted as of right in the “R-2” District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Single Family Detached Dwelling as permitted by the platting process of the subdivision regulations of the City. • Two Family Dwellings 	<ul style="list-style-type: none"> • Public Utilities 	<ul style="list-style-type: none"> • None

Section 1264.03 Accessory Permitted Uses

In an “R-2” District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1292, Supplementary Regulations unless otherwise noted:

- A. Accessory Uses and Structures
- B. Fences and Walls
- C. Garages, carports or other off-street parking spaces for the use of residents on the premises and their guests.
- D. Home Occupation
- E. Outdoor Storage
- F. Satellite Dishes subject to
- G. Swimming Pools
- H. Signs subject to Chapter 1286, Signs.

Section 1264.04 Conditional Permitted Uses

In an “R-2” District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with Chapter 1252, Administration, Enforcement and Penalty:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Child Day Care; Type B as regulated by Chapter 5104 of the ORC • Conversion of Single Family Dwellings into Two Family Dwellings 	<ul style="list-style-type: none"> • Public Parks, Playgrounds, Recreational and Community Center Buildings and Grounds • Public or Private Forests and Wildlife Reservations 	<ul style="list-style-type: none"> • Bed and Breakfast Establishment • Office or Studio in the Dwelling

Section 1264.05 Lot Development Standards

The following development standards shall apply to lots located within the “R-2” District:

Minimum Lot Area	<ul style="list-style-type: none"> • Single Family Detached Dwelling – 7,500 square feet • Two Family Dwellings – 6,000 square feet per dwelling • All Other Non Residential Uses - 43,560 square feet
Maximum Lot Coverage	<ul style="list-style-type: none"> • 60% for all impervious surfaces for Single Family Detached Dwelling uses • 70% for all impervious surfaces for all other uses
Minimum Lot Frontage	<ul style="list-style-type: none"> • 70 Feet
Minimum Front Yard Depth from the Building Line	<ul style="list-style-type: none"> • 35 Feet • For infill development, if three or more dwellings are within 500 feet of the infill lot, then the average front yard setback shall be observed
Minimum Side Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure - 8 Feet; 20 Feet Sum of Side Yard Widths • Accessory Structure – 5 Feet
Minimum Rear Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure - 8 Feet • Accessory Structure – 5 Feet
Maximum Building Height	<ul style="list-style-type: none"> • Principal Structures - 35 Feet • Accessory Structures - 15 Feet
Minimum Floor Area Per Family	<ul style="list-style-type: none"> • 1,000 Square Feet

Section 1264.06 Minimum Off-Street Parking and Loading Requirements

Off-Street parking requirements shall be as regulated in Chapter 1284, Off-Street Parking and Loading.

Section 1264.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1286, Signs.

Section 1264.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1292, Screening and Landscaping.

**CHAPTER 1266
“R-3” SINGLE AND TWO FAMILY RESIDENCE DISTRICT**

Section 1266.01 Intent

The R-3 district is intended to provide for, and maintain, residential areas characterized predominately by single family detached dwellings and two family dwellings while protecting residential neighborhoods from the intrusion of incompatible non-residential land uses. Increased densities are intended to provide for greater housing options for owners and renters while maintaining the basic qualities of a moderately dense residential neighborhood.

Section 1266.02 Principal Permitted Uses

The following uses are permitted as of right in the “R-3” District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Conversion of Single Family Dwellings into Two Family Dwellings • Single Family Detached Dwelling as permitted by the platting process of the subdivision regulations of the City. • Two Family Dwellings 	<ul style="list-style-type: none"> • Educational Institutions for Pre K – 8 Grades • Public Utilities • Religious Places of Worship 	<ul style="list-style-type: none"> • None

Section 1266.03 Accessory Permitted Uses

In an “R-3” District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1292, Supplementary Regulations unless otherwise noted:

- A. Accessory Uses and Structures
- B. Fences and Walls
- C. Garages, carports or other off-street parking spaces for the use of residents on the premises and their guests.
- D. Home Occupation
- E. Outdoor Storage
- F. Satellite Dishes subject to
- G. Swimming Pools
- H. Signs subject to Chapter 1286, Signs.

Section 1266.04 Conditional Permitted Uses

In an “R-3” District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with Chapter 1252, Administration, Enforcement and Penalty:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Child Day Care; Type B as regulated by Chapter 5104 of the ORC 	<ul style="list-style-type: none"> • Public Parks, Playgrounds, Recreational and Community Center Buildings and Grounds • Public or Private Forests and Wildlife Reservations 	<ul style="list-style-type: none"> • Bed and Breakfast Establishment • Office or Studio in the Dwelling

Section 1266.05 Lot Development Standards

The following development standards shall apply to lots located within the “R-3” District:

Minimum Lot Area	<ul style="list-style-type: none"> • Single Family Detached Dwelling – 7,500 square feet • Two Family Dwellings – 5,000 square feet per dwelling • All Other Non Residential Uses - 43,560 square feet
Maximum Lot Coverage	<ul style="list-style-type: none"> • 70% for all impervious surfaces for Single Family Detached Dwelling uses • 80% for all impervious surfaces for all other uses
Minimum Lot Frontage	<ul style="list-style-type: none"> • 50 Feet
Minimum Front Yard Depth from the Building Line	<ul style="list-style-type: none"> • 25 Feet • For infill development, if three or more dwellings are within 500 feet of the infill lot, then the average front yard setback shall be observed
Minimum Side Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure - 5 Feet; 10 Feet Sum of Side Yard Widths • Accessory Structure – 5 Feet
Minimum Rear Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure - 5 Feet • Accessory Structure – 5 Feet
Maximum Building Height	<ul style="list-style-type: none"> • Principal Structures - 35 Feet • Accessory Structures - 15 Feet
Minimum Floor Area Per Family	<ul style="list-style-type: none"> • 800 Square Feet

Section 1266.06 Minimum Off-Street Parking and Loading Requirements

Off-Street parking requirements shall be as regulated in Chapter 1284, Off-Street Parking and Loading.

Section 1266.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1286, Signs.

Section 1266.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1294, Screening and Landscaping.

**CHAPTER 1268
“R-4” MULTIPLE FAMILY RESIDENCE DISTRICT**

Section 1268.01 Intent

The R-4 district is intended to provide for, and maintain, residential areas characterized predominately by multiple family dwellings while maintaining the basic qualities of a dense residential neighborhood which may include other housing types and institutional and limited nonresidential uses.

Section 1268.02 Principal Permitted Uses

The following uses are permitted as of right in the “R-4” District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Conversion of Single Family Dwellings into Two Family Dwellings • Multi-Family Dwellings • Single Family Detached Dwelling as permitted by the platting process of the subdivision regulations of the City. • Two Family Dwellings 	<ul style="list-style-type: none"> • Educational Institutions for Pre K – 8 Grades • Public Utilities • Religious Places of Worship 	<ul style="list-style-type: none"> • None

Section 1268.03 Accessory Permitted Uses

In an “R-4” District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1292, Supplementary Regulations unless otherwise noted:

- A. Accessory Uses and Structures
- B. Fences and Walls
- C. Garages, carports or other off-street parking spaces for the use of residents on the premises and their guests.
- D. Home Occupation
- E. Outdoor Storage
- F. Satellite Dishes subject to
- G. Swimming Pools
- H. Signs subject to Chapter 1286, Signs.

Section 1268.04 Conditional Permitted Uses

In an “R-4” District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with Chapter 1252, Administration, Enforcement and Penalty:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Child Day Care; Type B as regulated by Chapter 5104 of the ORC • Rest Homes, Assisted Living Facilities, Nursing or Convalescent Homes 	<ul style="list-style-type: none"> • Clubs, Fraternities, Lodges and Other Similar Organizations • Nursery Schools and Child Care or Day Care Centers • Public Parks, Playgrounds, Recreational and Community Center Buildings and Grounds • Public or Private Forests and Wildlife Reservations 	<ul style="list-style-type: none"> • Bed and Breakfast Establishment • Office or Studio in the Dwelling

Section 1268.05 Lot Development Standards

The following development standards shall apply to lots located within the “R-4” District:

Minimum Lot Area	<ul style="list-style-type: none"> • Single Family Detached Dwelling – 7,500 square feet • Two Family Dwellings – 5,000 square feet per dwelling • Three or More Families – 2,500 square feet per dwelling • All Other Non Residential Uses - 43,560 square feet
Maximum Lot Coverage	<ul style="list-style-type: none"> • 70% for all impervious surfaces for Single Family Detached Dwelling uses • 80% for all impervious surfaces for all other uses
Minimum Lot Frontage	<ul style="list-style-type: none"> • 50 Feet
Minimum Front Yard Depth from the Building Line	<ul style="list-style-type: none"> • 25 Feet • For infill development, if three or more dwellings are within 500 feet of the infill lot, then the average front yard setback shall be observed
Minimum Side Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure - 5 Feet; 10 Feet Sum of Side Yard Widths • Accessory Structure – 5 Feet
Minimum Rear Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure - 5 Feet • Accessory Structure – 5 Feet
Maximum Building Height	<ul style="list-style-type: none"> • Principal Structures - 35 Feet • Accessory Structures - 15 Feet
Minimum Floor Area Per Family	<ul style="list-style-type: none"> • 500 Square Feet

Section 1268.06 Minimum Off-Street Parking and Loading Requirements

Off-Street parking requirements shall be as regulated in Chapter 1284, Off-Street Parking and Loading.

Section 1268.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1286, Signs.

Section 1268.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1294, Screening and Landscaping.

**CHAPTER 1270
“R-5” MOBILE HOME DISTRICT**

Section 1270.01 Intent

The R-5 district is intended to provide continuing regulations for existing mobile home sites for the placement of mobile home dwelling units as permanent residences both within Mobile Home Parks and on individual lots. For any new mobile home district, this district shall only be utilized as a part of the Planned Unit Development process.

Section 1270.02 Principal Permitted Uses

The following uses are permitted as of right in the “R-5” District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Conversion of Single Family Dwellings into Two Family Dwellings • Mobile Homes on Individually Owned Lots • Mobile Home Park • Multi-Family Dwellings • Single Family Detached Dwelling as permitted by the platting process of the subdivision regulations of the City. • Two Family Dwellings 	<ul style="list-style-type: none"> • Educational Institutions for Pre K – 8 Grades • Public Utilities • Religious Places of Worship 	<ul style="list-style-type: none"> • None

Section 1270.03 Accessory Permitted Uses

In an “R-5” District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1292, Supplementary Regulations unless otherwise noted:

- A. Accessory Uses and Structures
- B. Fences and Walls
- C. Garages, carports or other off-street parking spaces for the use of residents on the premises and their guests.
- D. Home Occupation
- E. Outdoor Storage
- F. Satellite Dishes subject to
- G. Swimming Pools
- H. Signs subject to Chapter 1286, Signs.

Section 1270.04 Conditional Permitted Uses

In an “R-5” District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with Chapter 1252, Administration, Enforcement and Penalty:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Public Parks, Playgrounds, Recreational and Community Center Buildings and Grounds • Public or Private Forests and Wildlife Reservations 	<ul style="list-style-type: none"> • None

Section 1270.05 Lot Development Standards

The following development standards shall apply to lots located within the “R-5” District:

Minimum Lot Area	<ul style="list-style-type: none"> • Residential Uses – 5,000 square feet per dwelling • All Other Non Residential Uses - 43,560 square feet
Maximum Lot Coverage	<ul style="list-style-type: none"> • 70% for all impervious surfaces for Single Family Detached Dwelling uses • 90% per lot for all impervious surfaces for Mobile Home Dwellings with a maximum impervious surface of 50% for the entire mobile home park. • 80% for all impervious surfaces for all other uses
Minimum Lot Frontage	<ul style="list-style-type: none"> • 50 Feet
Minimum Front Yard Depth from the Building Line	<ul style="list-style-type: none"> • 25 Feet
Minimum Side Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure - 5 Feet; 10 Feet Sum of Side Yard Widths • Accessory Structure – 5 Feet
Minimum Rear Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure - 5 Feet • Accessory Structure – 5 Feet
Maximum Building Height	<ul style="list-style-type: none"> • Principal Structures - 35 Feet • Accessory Structures - 15 Feet
Minimum Floor Area Per Family	<ul style="list-style-type: none"> • 500 Square Feet

Section 1270.06 Minimum Off-Street Parking and Loading Requirements

Off-Street parking requirements shall be as regulated in Chapter 1284, Off-Street Parking and Loading.

Section 1270.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1286, Signs.

Section 1270.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1294, Screening and Landscaping.

**CHAPTER 1272
“B-1” NEIGHBORHOOD BUSINESS DISTRICT**

Section 1272.01 Intent

The B-1 district is intended to provide for businesses and services that are enclosed in buildings and that are small in size; to provide convenience goods and services to local residents; and to identify businesses which can be located close to residential properties without being detrimental to the adjacent residential neighborhoods.

Section 1272.02 Principal Permitted Uses

The following uses are permitted as of right in the “B-1” District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Conversion of Single Family Dwellings into Two Family Dwellings • Multi-Family Dwellings • Single Family Detached Dwelling as permitted by the platting process of the subdivision regulations of the City. • Two Family Dwellings 	<ul style="list-style-type: none"> • Educational Institutions for Pre K – 8 Grades • Public Facilities and Buildings • Public Utilities • Religious Places of Worship 	<ul style="list-style-type: none"> • Convenience Retail • Financial Institutions • Medical or Dental Clinics • Office for Professional, Administrative or Businesses • Personal Services • Agricultural Roadside Stands

Section 1272.03 Accessory Permitted Uses

In an “B-1” District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1292, Supplementary Regulations unless otherwise noted:

- A. Accessory Uses and Structures
- B. Fences and Walls
- C. Garages, carports or other off-street parking spaces for the use of residents on the premises and their guests.
- D. Home Occupation
- E. Outdoor Storage
- F. Satellite Dishes subject to
- G. Swimming Pools
- H. Signs subject to Chapter 1286, Signs.

Section 1272.04 Conditional Permitted Uses

In an “B-1” District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with Chapter 1252, Administration, Enforcement and Penalty:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> Rest Homes, Assisted Living Facilities, Nursing or Convalescent Homes 	<ul style="list-style-type: none"> Clubs, Fraternities, Lodges and Other Similar Organizations Nursery Schools and Child Care or Day Care Centers Public Parks, Playgrounds, Recreational and Community Center Buildings and Grounds Public or Private Forests and Wildlife Reservations 	<ul style="list-style-type: none"> Mixed Use Building Excluding Residential Motor Vehicle Filling Station with or without Convenience Retail Motor Vehicle Minor Repair Off-Street Parking Lots Professional Services Restaurant Retail Business

Section 1272.05 Lot Development Standards

The following development standards shall apply to lots located within the “B-1” District:

Minimum Lot Area	<ul style="list-style-type: none"> Single Family Detached Dwelling – 7,500 square feet Two Family Dwellings – 5,000 square feet per dwelling Three or More Families – 2,500 square feet per dwelling All Other Non Residential Uses – None
Maximum Lot Coverage	<ul style="list-style-type: none"> 70% for all impervious surfaces for Single Family Detached Dwelling uses 80% for all impervious surfaces for all other uses
Minimum Lot Frontage	<ul style="list-style-type: none"> 50 Feet
Minimum Front Yard Depth from the Building Line	<ul style="list-style-type: none"> 25 Feet
Minimum Side Yard Setback from the Building Line	<ul style="list-style-type: none"> Principal Structure - None unless abutting a Residential District, then 10 Feet Accessory Structure – None unless abutting a Residential District, then 10 Feet
Minimum Rear Yard Setback from the Building Line	<ul style="list-style-type: none"> Principal Structure - None unless abutting a Residential District, then 10 Feet Accessory Structure – None unless abutting a Residential District, then 10 Feet
Maximum Building Height	<ul style="list-style-type: none"> Principal Structures - 35 Feet Accessory Structures - 15 Feet
Minimum Floor Area Per Family	<ul style="list-style-type: none"> 500 Square Feet

Section 1272.06 Minimum Off-Street Parking and Loading Requirements

Off-Street parking requirements shall be as regulated in Chapter 1284, Off-Street Parking and Loading.

Section 1272.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1286, Signs.

Section 1272.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1294, Screening and Landscaping.

**CHAPTER 1274
“B-2” GENERAL BUSINESS DISTRICT**

Section 1274.01 Intent

The B-2 district is intended to provide for businesses which serve city and regional markets; provide goods and services to consumers as well as other businesses; provide services to automobiles; and to serve the traveling public.

Section 1274.02 Principal Permitted Uses

The following uses are permitted as of right in the “B-2” District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Conversion of Single Family Dwellings into Two Family Dwellings • Multi-Family Dwellings • Two Family Dwellings 	<ul style="list-style-type: none"> • Educational Institutions for Pre K – 8 Grades • Educational Institutions for 9-12 Grades • Educational Institutions for Colleges, Universities and Vocational Schools • Hospitals • Nursery Schools and Child Care or Day Care Centers • Public Facilities and Buildings • Public Utilities • Religious Places of Worship 	<ul style="list-style-type: none"> • Agricultural Roadside Stands • Animal Hospital and Veterinary Establishments Including Dog Kennels • Bar or Tavern • Commercial Entertainment (excluding sexually oriented businesses) • Conference or Banquet Center • Convenience Retail • Display Room for Merchandise Sold at Wholesale and Stored Elsewhere • Financial Institutions • Hotels and Motels • Medical or Dental Clinics • Mixed Use Building Excluding Residential • Motor Vehicle Minor Repair • Office for Professional, Administrative or Businesses • Personal Services • Professional Services • Restaurant • Retail Business

Section 1274.03 Accessory Permitted Uses

In an “B-2” District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1292, Supplementary Regulations unless otherwise noted:

- A. Accessory Uses and Structures
- B. Fences and Walls
- C. Garages, carports or other off-street parking spaces for the use of residents on the premises and their guests.
- D. Home Occupation
- E. Outdoor Storage
- F. Satellite Dishes subject to
- G. Swimming Pools
- H. Signs subject to Chapter 1286, Signs.

Section 1274.04 Conditional Permitted Uses

In an “B-2” District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with Chapter 1252, Administration, Enforcement and Penalty:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Single Family Detached Dwelling as permitted by the platting process of the subdivision regulations of the City. 	<ul style="list-style-type: none"> • Clubs, Fraternities, Lodges and Other Similar Organizations • Public Parks, Playgrounds, Recreational and Community Center Buildings and Grounds • Public or Private Forests and Wildlife Reservations 	<ul style="list-style-type: none"> • Billboards and Outdoor Advertising Signs • Building Materials Sales Yard • Car Wash • Commercial Recreation • Contractors Equipment Storage Yard • Grain Elevators including the Drying, Milling, Mixing Purchase, Sale, Storage and Related Activities of Raw and Processed Agricultural Products • Motor Vehicle Filling Station with or without Convenience Retail • Motor Vehicle Major Repair • Motor Vehicle, Truck, Trailer and Farm Implement Sales and Service • Off-Street Parking Lots • Research and Development Facilities

Section 1274.05 Lot Development Standards

The following development standards shall apply to lots located within the “B-2” District:

Minimum Lot Area	<ul style="list-style-type: none"> • Single Family Detached Dwelling – 7,500 square feet • Two Family Dwellings – 5,000 square feet per dwelling • Three or More Families – 2,500 square feet per dwelling • All Other Non Residential Uses – None
Maximum Lot Coverage	<ul style="list-style-type: none"> • 90% for all impervious surfaces for Single Family Detached Dwelling uses • 80% for all impervious surfaces for all other uses
Minimum Lot Frontage	<ul style="list-style-type: none"> • 60 Feet
Minimum Front Yard Depth from the Building Line	<ul style="list-style-type: none"> • 40 Feet
Minimum Side Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure – 20 Feet; Sum of Side Yards 40 Feet • Accessory Structure – 10 Feet
Minimum Rear Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure – 20 Feet unless abutting a Residential District, then 40 Feet • Accessory Structure – None unless abutting a Residential District, then 10 Feet
Maximum Building Height	<ul style="list-style-type: none"> • Principal Structures - 45 Feet • Accessory Structures - 15 Feet
Minimum Floor Area Per Family	<ul style="list-style-type: none"> • 500 Square Feet

Section 1274.06 Minimum Off-Street Parking and Loading Requirements

Off-Street parking requirements shall be as regulated in Chapter 1252, Off-Street Parking and Loading.

Section 1274.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1286, Signs.

Section 1274.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1294, Screening and Landscaping.

**CHAPTER 1276
“B-3” CENTRAL BUSINESS DISTRICT**

Section 1276.01 Intent

The B-3 district is intended to provide a centrally located and readily accessible area which offers a wide variety of retail, service, financial, entertainment, residential and governmental uses. A broad range of uses is permitted to reflect downtown’s role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density, and buildings placed close together. Development is intended to be pedestrian oriented with a strong emphasis on a safe and attractive streetscape.

Section 1276.02 Principal Permitted Uses

The following uses are permitted as of right in the “B-3”District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Conversion of Single Family Dwellings into Two Family Dwellings • Multi-Family Dwellings (residential units not permitted at street level) • Two Family Dwellings 	<ul style="list-style-type: none"> • Educational Institutions for Pre K – 8 Grades • Educational Institutions for 9-12 Grades • Educational Institutions for Colleges, Universities and Vocational Schools • Hospitals • Nursery Schools and Child Care or Day Care Centers • Public Facilities and Buildings • Public Utilities • Religious Places of Worship 	<ul style="list-style-type: none"> • Agricultural Roadside Stands • Animal Hospital and Veterinary Establishments Including Dog Kennels • Bar or Tavern • Commercial Entertainment (excluding sexually oriented businesses) • Conference or Banquet Center • Convenience Retail • Display Room for Merchandise Sold at Wholesale and Stored Elsewhere • Financial Institutions • Hotels and Motels • Medical or Dental Clinics • Mixed Use Building Including Residential Units (Residential not Permitted at Street Level) • Motor Vehicle Minor Repair • Office for Professional, Administrative or Businesses • Personal Services • Professional Services • Restaurant • Retail Business

Section 1276.03 Accessory Permitted Uses

In an “B-3” District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1292, Supplementary Regulations unless otherwise noted:

- A. Accessory Uses and Structures
- B. Fences and Walls
- C. Garages, carports or other off-street parking spaces for the use of residents on the premises and their guests.
- D. Home Occupation
- E. Outdoor Storage
- F. Satellite Dishes subject to
- G. Swimming Pools
- H. Signs subject to Chapter 1286, Signs.

Section 1276.04 Conditional Permitted Uses

In an “B-3” District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with Chapter 1252, Administration, Enforcement and Penalty:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • Single Family Detached Dwelling as permitted by the platting process of the subdivision regulations of the City. 	<ul style="list-style-type: none"> • Clubs, Fraternities, Lodges and Other Similar Organizations • Public Parks, Playgrounds, Recreational and Community Center Buildings and Grounds • Public or Private Forests and Wildlife Reservations 	<ul style="list-style-type: none"> • Billboards and Outdoor Advertising Signs • Building Materials Sales Yard • Commercial Recreation • Contractors Equipment Storage Yard • Motor Vehicle Filling Station with or without Convenience Retail • Motor Vehicle, Truck, Trailer and Farm Implement Sales and Service • Off-Street Parking Lots • Research and Development Facilities

Section 1276.05 Lot Development Standards

The following development standards shall apply to lots located within the “B-3” District:

Minimum Lot Area	<ul style="list-style-type: none"> • Single Family Detached Dwelling – 7,500 square feet • Two Family Dwellings – 5,000 square feet per dwelling • Three or More Families – 2,500 square feet per dwelling • All Other Non Residential Uses – None
Maximum Lot Coverage	<ul style="list-style-type: none"> • 80% for all impervious surfaces for Single Family Detached Dwelling uses • 100% for all impervious surfaces for all other uses
Minimum Lot Frontage	<ul style="list-style-type: none"> • None
Minimum Front Yard Depth from the Building Line	<ul style="list-style-type: none"> • None
Minimum Side Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure – None Unless Abutting a Residential District, then 10 Feet • Accessory Structure – None Unless Abutting a Residential District, then 10 Feet
Minimum Rear Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure – None • Accessory Structure – None
Maximum Building Height	<ul style="list-style-type: none"> • Principal Structures - 75 Feet • Accessory Structures - 15 Feet
Minimum Floor Area Per Family	<ul style="list-style-type: none"> • 500 Square Feet

Section 1276.06 Minimum Off-Street Parking and Loading Requirements

Off-Street parking requirements shall be as regulated in Chapter 1284, Off-Street Parking and Loading.

Section 1276.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1286, Signs.

Section 1276.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1294, Screening and Landscaping.

CHAPTER 1278 “M-1” INDUSTRIAL DISTRICT

Section 1278.01 Intent

The M-1 district is primarily intended for clean, low environmental impact industrial uses on larger lots that are compatible with neighboring residential, office and commercial districts through limiting outdoor storage and providing adequate landscaping and screening for buildings, structures and off-street parking areas.

Section 1278.02 Principal Permitted Uses

The following uses are permitted as of right in the “M-1” District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Educational Institutions for 9-12 Grades • Educational Institutions for Colleges, Universities and Vocational Schools • Hospitals • Nursery Schools and Child Care or Day Care Centers • Public Facilities and Buildings • Public Utilities • Religious Places of Worship 	<ul style="list-style-type: none"> • Agriculture • Agricultural Roadside Stands • Animal Hospital and Veterinary Establishments Including Dog Kennels • Bar or Tavern • Building Materials Sales Yard • Conference or Banquet Center • Contractors Equipment Storage Yard • Convenience Retail • Display Room for Merchandise Sold at Wholesale and Stored Elsewhere • Financial Institutions • Grain Elevators including the Drying, Milling, Mixing Purchase, Sale, Storage and Related Activities of Raw and Processed Agricultural Products • Light Industrial and Manufacturing • Medical or Dental Clinics • Motor Vehicle Minor Repair • Motor Vehicle, Truck, Trailer and Farm Implement Sales and Service • Off-Street Parking Lots • Personal Services • Professional Services • Research and Development Facilities • Restaurant • Trucking, Carting, Express or Hauling Terminal or Transfer Establishments Including Vehicle Storage • Wholesale and Warehouse Establishments

Section 1278.03 Accessory Permitted Uses

In an “M-1” District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1292, Supplementary Regulations unless otherwise noted:

- A. Accessory Uses and Structures
- B. Fences and Walls
- C. Outdoor Storage
- D. Satellite Dishes subject to
- E. Signs subject to Chapter 1286, Signs.

Section 1278.04 Conditional Permitted Uses

In an “M-1” District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with Chapter 1252, Administration, Enforcement and Penalty:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Clubs, Fraternities, Lodges and Other Similar Organizations • Public Parks, Playgrounds, Recreational and Community Center Buildings and Grounds • Public or Private Forests and Wildlife Reservations 	<ul style="list-style-type: none"> • Billboards and Outdoor Advertising Signs • Car Wash • Commercial Recreation • Heavy Industrial and Manufacturing • Motor Vehicle Filling Station with or without Convenience Retail • Motor Vehicle Major Repair • Off-Street Parking Lots • Office for Professional, Administrative or Businesses • Retail Business • Salvage, Scrap and Wrecking Operations, Junk Yards, Landfills, Resource Recovery, Recycling Facilities, Incinerators Fueled only by On-Site Generated Waste • Sexually Oriented Business

Section 1278.05 Lot Development Standards

The following development standards shall apply to lots located within the “M-1” District:

Minimum Lot Area	<ul style="list-style-type: none"> • 21,780 square feet
Maximum Lot Coverage	<ul style="list-style-type: none"> • 90% for all impervious surfaces for any use
Minimum Lot Frontage	<ul style="list-style-type: none"> • 100 Feet
Minimum Front Yard Depth from the Building Line	<ul style="list-style-type: none"> • 40 Feet
Minimum Side Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure – 20 Feet; 50 Feet Sum of Side Yard Widths Unless Abutting a Residential District, then 40 Feet Residential Side • Accessory Structure – 10 Feet Unless Abutting a Residential District, then 10 Feet
Minimum Rear Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure – 20 Feet Unless Abutting a Residential District, then 40 Feet. • Accessory Structure – 20 Feet
Maximum Building Height	<ul style="list-style-type: none"> • Principal Structures - 75 Feet • Accessory Structures - 25 Feet

Section 1278.06 Minimum Off-Street Parking and Loading Requirements

Off-Street parking requirements shall be as regulated in Chapter 1284, Off-Street Parking and Loading.

Section 1278.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1286, Signs.

Section 1278.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1294, Screening and Landscaping.

**CHAPTER 1280
“M-2” INDUSTRIAL DISTRICT**

Section 1280.01 Intent

The M-2 district is primarily intended for clean, low environmental impact industrial uses, on smaller urban lots, that are compatible with the neighboring higher density residential, office and commercial districts and where little or no setbacks are required.

Section 1280.02 Principal Permitted Uses

The following uses are permitted as of right in the “M-2” District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Educational Institutions for 9-12 Grades • Educational Institutions for Colleges, Universities and Vocational Schools • Hospitals • Nursery Schools and Child Care or Day Care Centers • Public Facilities and Buildings • Public Utilities • Religious Places of Worship 	<ul style="list-style-type: none"> • Agriculture • Animal Hospital and Veterinary Establishments Including Dog Kennels • Bar or Tavern • Building Materials Sales Yard • Contractors Equipment Storage Yard • Convenience Retail • Display Room for Merchandise Sold at Wholesale and Stored Elsewhere • Financial Institutions • Grain Elevators including the Drying, Milling, Mixing Purchase, Sale, Storage and Related Activities of Raw and Processed Agricultural Products • Light Industrial and Manufacturing • Medical or Dental Clinics • Motor Vehicle Minor Repair • Motor Vehicle, Truck, Trailer and Farm Implement Sales and Service • Off-Street Parking Lots • Personal Services • Professional Services • Research and Development Facilities • Restaurant • Trucking, Carting, Express or Hauling Terminal or Transfer Establishments Including Vehicle Storage • Wholesale and Warehouse Establishments

Section 1280.03 Accessory Permitted Uses

In an “M-2” District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1292, Supplementary Regulations unless otherwise noted:

- A. Accessory Uses and Structures
- B. Fences and Walls
- C. Outdoor Storage
- D. Satellite Dishes subject to
- E. Signs subject to Chapter 1286, Signs.

Section 1280.04 Conditional Permitted Uses

In an “M-2” District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with Chapter 1252, Administration, Enforcement and Penalty:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Clubs, Fraternities, Lodges and Other Similar Organizations • Public Parks, Playgrounds, Recreational and Community Center Buildings and Grounds • Public or Private Forests and Wildlife Reservations 	<ul style="list-style-type: none"> • Billboards and Outdoor Advertising Signs • Commercial Recreation • Conference or Banquet Center • Mixed Use Building Including Residential Units (Residential not Permitted at Street Level) • Motor Vehicle Filling Station with or without Convenience Retail • Motor Vehicle Major Repair • Off-Street Parking Lots • Office for Professional, Administrative or Businesses • Retail Business • Salvage, Scrap and Wrecking Operations, Junk Yards, Landfills, Resource Recovery, Recycling Facilities, Incinerators Fueled only by On-Site Generated Waste

Section 1280.05 Lot Development Standards

The following development standards shall apply to lots located within the “M-2” District:

Minimum Lot Area	<ul style="list-style-type: none"> • None
Maximum Lot Coverage	<ul style="list-style-type: none"> • 100% for all impervious surfaces for any use
Minimum Lot Frontage	<ul style="list-style-type: none"> • 50 Feet
Minimum Front Yard Depth from the Building Line	<ul style="list-style-type: none"> • None
Minimum Side Yard Setback from the Building Line	<ul style="list-style-type: none"> • None
Minimum Rear Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure – None Unless Abutting a Residential District, then 40 Feet. • Accessory Structure – None
Maximum Building Height	<ul style="list-style-type: none"> • Principal Structures - 75 Feet • Accessory Structures - 25 Feet

Section 1280.06 Minimum Off-Street Parking and Loading Requirements

Off-Street parking requirements shall be as regulated in Chapter 1284, Off-Street Parking and Loading.

Section 1280.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1286, Signs.

Section 1280.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1294, Screening and Landscaping.

**CHAPTER 1282
“M-3” INDUSTRIAL DISTRICT**

Section 1282.01 Intent

The M-3 district is primarily reserved for intensive industrial uses that, because of their general nature, typically produce off-site impacts such as vibration, noise, odor or other impacts that may be objectionable or potentially hazardous to surrounding properties.

Section 1282.02 Principal Permitted Uses

The following uses are permitted as of right in the “M-3” District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Agriculture • Grain Elevators including the Drying, Milling, Mixing Purchase, Sale, Storage and Related Activities of Raw and Processed Agricultural Products • Heavy Industrial and Manufacturing • Light Industrial and Manufacturing • Motor Vehicle Major Repair • Motor Vehicle, Truck, Trailer and Farm Implement Sales and Service • Off-Street Parking Lots • Research and Development Facilities • Trucking, Carting, Express or Hauling Terminal or Transfer Establishments Including Vehicle Storage

Section 1282.03 Accessory Permitted Uses

In an “M-3” District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1292, Supplementary Regulations unless otherwise noted:

- A. Accessory Uses and Structures
- B. Fences and Walls
- C. Office for Professional, Administrative or Businesses
- D. Outdoor Storage
- E. Satellite Dishes subject to
- F. Signs subject to Chapter 1286, Signs.

Section 1282.04 Conditional Permitted Uses

In an “M-3” District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with Chapter 1252, Administration, Enforcement and Penalty:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Billboards and Outdoor Advertising Signs • Off-Street Parking Lots • Salvage, Scrap and Wrecking Operations, Junk Yards, Landfills, Resource Recovery, Recycling Facilities, Incinerators Fueled only by On-Site Generated Waste • Sexually Oriented Business

Section 1282.05 Lot Development Standards

The following development standards shall apply to lots located within the “M-2” District:

Minimum Lot Area	<ul style="list-style-type: none"> • 1 Acre
Maximum Lot Coverage	<ul style="list-style-type: none"> • 100%
Minimum Lot Frontage	<ul style="list-style-type: none"> • 100 Feet for all impervious surfaces for any use
Minimum Front Yard Depth from the Building Line	<ul style="list-style-type: none"> • 50 Feet
Minimum Side Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure – 50 Feet; 100 Feet Sum of Side Yard Widths Unless Abutting a Residential District, then 100 Feet Residential Side • Accessory Structure – 20 Feet Unless Abutting a Residential District, then 50 Feet
Minimum Rear Yard Setback from the Building Line	<ul style="list-style-type: none"> • Principal Structure – 50 Feet Unless Abutting a Residential District, then 100 Feet. • Accessory Structure – None
Maximum Building Height	<ul style="list-style-type: none"> • Principal Structures - 75 Feet • Accessory Structures - 25 Feet

Section 1282.06 Minimum Off-Street Parking and Loading Requirements

Off-Street parking requirements shall be as regulated in Chapter 1284, Off-Street Parking and Loading.

Section 1282.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1286, Signs.

Section 1282.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1294, Screening and Landscaping.

CHAPTER 1283 PLANNED UNIT DEVELOPMENT

Section 1283.01 Intent

It is the purpose of the Planned Unit Development District to permit an applicant, through consultation with the Planning Commission and Council, to develop a site according to a plan which may supersede normal zoning requirements of a particular zoning district(s). The uses approved within a Planned Unit Development must conform to the uses as specified in the current zoning code. Planned Unit Developments would permit more creative site planning through design and mix of uses that may not be normally possible under typical zoning and permit a developer to incorporate such amenities as common open space into the overall site design. The Council may approve Planned Unit Development (PUD) zoning based on the regulations, guidelines and procedures in this Chapter.

Section 1283.02 Planned Unit Development Projects

- A. The owner or owners of any tract of land comprising an area of not less than five acres may submit to the Planning Commission a plan for the use and development of entire tract of land for residential and nonresidential purposes based on the requirements and procedures of this Chapter. The development plan shall be studied and reviewed and a public hearing shall be held. Notice and publication of such public hearing shall conform to the procedures prescribed in Chapter 1256 for hearings on changes and amendments.
- B. A Planned Unit Development may be considered provided that the use(s) approved in the plan complies with those uses identified as permitted or conditionally permitted within the current zoning code.

Section 1283.03 Required Open Space

Open space shall be required in a Planned Unit Development based on the following:

- A. A minimum land area of twenty (20) percent of the overall tract for use as common open space shall be reserved. If the open space is proposed to be in more than one area in the Planned Unit Development, it shall be interconnected by walkways, paths or greenbelts.
- B. This open space may include such areas as: pedestrian walkways, parkland, woodland, open field areas, clubhouse, drainage ways, greenbelts, rain gardens and other lands of essentially open character which permits natural preservation, active or passive recreational pursuits. Preferred open space includes: woodland, stream corridors and other naturally preserved areas. Private yards on individual lots shall not be considered permissible as open space.
- C. Ownership of this common open space shall be transferred to a legally established Homeowners Association, or deeded with permanent restrictions for its preservation, or other method agreed upon by the City, and the proper legal documents necessary for such transfer be prepared by the owner(s).

Section 1283.04 Planned Unit Development Process

The following procedures shall be followed in applying for rezoning to a Planned Unit Development District:

A. Application Submission

An applicant shall submit a complete application requesting that the Zoning District Map be amended to rezone the subject property as a Planned Unit Development (PUD). Such applications shall be processed, noticed, and heard in a manner prescribed in this Chapter and Chapter 1256, Amendments.

B. Informal Consultation

Applicants are encouraged to engage in informal consultations with City Staff prior to preparing any plans. No statement or representation by staff, however, shall be binding.

C. Concept Plan

Concept Plan contents are established in Section 1283.05, Required Contents of the Concept Plan.

D. Preliminary and Final Development Plan

An applicant may submit a Preliminary Development Plan, and subsequently submit a Final Development Plan, for any or all portion of the approved Preliminary Development Plan that the applicant wishes to develop. The applicant may also submit a combined Preliminary and Final Development Plan as identified in Section 1283.09, Preliminary and Final Development Plan Requirements.

The Planning Commission or Council may determine that the review of the Planned Unit Development submission requires the assistance of engineers, architects, planners or attorneys to assist in its evaluation of the Preliminary or Final Development Plan. In such event, the Planning Commission or Council may require that the applicant pay the fees of such persons so retained to assist the City, Planning Commission or Council. By the submission of an application for Preliminary or Final Development Plan approval, the applicant agrees to pay such fees.

E. Zoning Certificate

No Zoning Certificate shall be issued for any property for which a rezoning is requested and no construction shall begin until the Final Development Plan is approved as per the requirements in this Chapter.

Section 1283.05 Required Contents of the Concept Plan

The submission of a Concept Plan is required as the initial process for the establishment of a Planned Unit Development. The applicant is encouraged to engage in informal consultations with the Planning Commission prior to preparing the Concept Plan, it being understood that no statement or representation by Planning Commission members shall be binding upon the Commission.

The applicant shall prepare a Concept Plan and shall submit the number of copies of this Concept Plan as specified by the Zoning Administrative Officer along with the Application for a rezoning to the Planning Commission for recommendation to Council for approval. One electronic copy in PDF format shall also be submitted by the applicant.

- A. The Concept Plan shall contain:
1. A base map of the property showing existing and proposed land use, general topography and physical features and the following information:
 - a. Property boundaries;
 - b. Adjacent roads, alleys and other access points;
 - c. Vehicular and pedestrian circulation;
 - d. Location and identification of different land use areas (e.g. single family detached residential, neighborhood commercial, office, etc.);
 - e. Approximate locations of proposed buildings;
 - f. Density levels of each area in dwellings per acre for residential and square footage for non-residential uses;
 - g. Location of schools, parks or other community facility sites;
 - h. Setback and height requirements;
 - i. Proposed general drainage pattern(s);
 - j. General utility plan;
 - k. Identification of general areas for off-street parking layout;
 - l. Proposed sign types; and
 - m. Other information as may be required by the City for review.
 2. Time schedule of projected development if construction is to extend beyond a two (2) year time period.
 3. All necessary legal documentation relating to the transfer of common open space, if proposed, to the legally established Homeowners Association or protection of common open space, or other mechanism approved by the City.

Section 1283.06 Conditions of Approval of the Concept Plan

Upon receipt of the report of the Planning Commission, Council shall study and review the proposed Concept Plan and shall approve or disapprove the application for rezoning on the basis of (1) all application submission requirements have been satisfied including the payment of fee for the amendment, and (2) finding that the following specific conditions are met:

- A. That each individual section or phase of 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.
- B. That the uses proposed will not be detrimental to present and future surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts in these regulations.
- C. That the internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic.
- D. That the minimum open space area has been reserved, a means has been established to maintain the area, and is either to be dedicated to the City, be transferred to a legally established Homeowner's Association or other legally established entity, or other mechanism approved by the City.
- E. That any part of a Planned Unit Development not used for structures, parking and loading areas or streets shall be landscaped or otherwise improved.
- F. That the Planned Unit Development is in conformance with the City Comprehensive Plan, as adopted at the time the application is being heard.

- G. The development will not impose an undue burden on public services and facilities such as fire and police protection.
- H. That the density of each individual phase of the Planned Unit Development, as well as the density of the entire project shall not exceed the maximum allowable density as permitted in the underlying districts, except as provided for in Section 1283.07, Increase in Density.

Section 1283.07 Increase in Density

An increase in density of fifteen (15) percent may be permitted over the maximum allowable density of the underlying zoning district(s) upon review and approval by the Planning Commission.

Section 1283.08 Planning Commission and Council Action on Concept Plan

The Planning Commission shall study the application and Concept Plan and shall hold a public hearing within thirty-five (35) days of the time of submission of a complete application as determined by the Zoning Administrative Officer. Following this public hearing, the Planning Commission shall make a report to the City Council within thirty-five (35) days recommending approval or disapproval and the reasons therefore. The Planning Commission may explicitly impose special conditions relating to the Planned Unit Development with regard to type and extent of public improvements, maintenance of common open space, and any other pertinent development characteristics as needed in making a determination. The time period for review may be extended if agreed to by the applicant.

Action on the Concept Plan by the Planning Commission and City Council shall be as follows:

- A. If from the facts presented, the Planning Commission or City Council is unable to make the necessary findings specified in Section 1283.06, Conditions of Approval of the Concept Plan, the application shall be denied or returned to the applicant for clarification. In taking action, the Planning Commission and/or Council may deny the Concept Plan or may recommend approval of said plan subject to specified amendments.

If the application is approved by the Planning Commission and City Council, the approval of the Concept Plan shall be limited to the general acceptability of the proposed land uses, density levels and their interrelationship, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility which are to be determined in subsequent preparation of Preliminary and Final Development Plans.

Approval of the Concept Plan shall constitute the approval of the rezoning of a separate "PUD" Planned Unit Development Zoning District which shall be subsequently numbered (e.g. PUD-1).

- B. At the time of adopting any Ordinance establishing a "PUD" District, City Council shall make appropriate arrangements with the applicant, which will ensure the accomplishment of the public improvements and reservation of common open space of the public improvements shown on the approved Concept Plan. The developer shall either:
 1. Post a bond in the amount determined by the City to ensure completion of the necessary improvements; or
 2. Receive Preliminary Plat Approval upon completion of the improvement.

Section 1283.09 Preliminary and Final Development Plan Submission Requirements

Once the Concept Plan has been approved by the Planning Commission and City Council, the Preliminary Development Plan shall be reviewed and approved by Planning Commission and City Council. The Final Development Plans for each section of the overall Planned Unit Development must be reviewed and approved by the Planning Commission only prior to the issuance of any Zoning Certificate by the Zoning Administrative Officer.

The Preliminary and Final Development Plans shall be in general accordance with the approved Concept Plan, shall be prepared for the applicant by a professionally competent engineer, architect and/or landscape architect, based on a survey prepared by a registered surveyor in the State of Ohio. Submissions shall be submitted in the number of copies specified by the Zoning Administrative Officer including one electronic copy in PDF format. Submission of the Preliminary and Final Development Plans shall include the following as a minimum:

A. Preliminary Development Plan

1. The general nature, location and objectives of the proposed development.
2. The boundaries of the project including a metes and bounds description of the parcel and the acreage therein.
3. The areas of the project to be used for each land use including residential (number of units, size and density), commercial, office, industrial, or other activities indicating the total square footage of each use.
4. An area map identifying adjacent property owners, existing land uses, and existing zoning within 200 feet of the subject parcel.
5. Existing contours at five (5) feet intervals or less, accompanied by the proposed grading plans.
6. Site plan indicating **existing**: lot lines, building outlines and locations, off-street parking and loading spaces, pedestrian walkways, utilities, easement locations, floodplains, existing vegetation and vehicular circulation.
7. A site plan showing **proposed**: lot lines, preliminary building plans, including floor plans, exterior elevations and material samples, land uses, off-street parking and loading spaces, utilities, easement locations, floodplains, vehicular circulation, proposed streets proposed sidewalks and pedestrian ways, and common open spaces
8. Landscaping and buffering plans.
9. A signage plan identifying the sizes and locations of all signage.
10. Evidence that the development will not impose an undue burden on public services and facilities such as fire and police protection.
11. Specific engineering plans, including site grading, street improvements, drainage and utility improvements and extensions as necessary.
12. A document describing the proposed phasing program for the project for all dwelling units, commercial or office structures, industrial, recreational and other common facilities, landscaping and other open space improvements.
13. Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development.
14. A traffic impact study, if determined necessary by the City.

B. Final Development Plan

1. The areas to be developed and the areas to be devoted to open space with accurate acreage for each use.
2. Final grading plans, indicating cubic footage of cuts and fills.

3. The interior roadway system, indicating existing and proposed rights-of-way and easements and cross sections of new or improved streets.
4. Site plans, floor plans and elevations for all buildings. Additional exterior detail drawings, materials specifications and paint colors may be required if deemed necessary to understand of the intent or scope of the plan.
5. Descriptions as to the type of buildings, square footages and use.
6. The proposed common open space system and areas to be in common ownership, if any.
7. A detailed landscaping plan for all areas, indicating all existing and proposed vegetation by species, size and caliper; dimensions and materials, irrigation, and special lighting fixtures.
8. Roadway, parking, and pedestrian lighting plans with lighting fixture types, heights and designs.
9. The location, size, height, material, lighting method (if any), message, and design layout of all signage.
10. The phasing plan for development, if any, as identified in the Preliminary development plan.
11. Any modification of the general plan data presented and approved for the PUD applications may be required by the Planning Commission.

Section 1283.10 Preliminary and Final Development Plan Approval Process

The following process shall be utilized to consider approval of the Preliminary and Final Development Plans for a Planned Unit Development:

A. Preliminary Development Plan Approval

1. Planning Commission Action

The following action shall be taken by the Planning Commission on the Preliminary Development Plan within 30 calendar days of receipt of the complete preliminary development plan package:

- a. The Planning Commission shall review the preliminary development plan and accompanying documents and may request such review and comment by the Zoning Administrative Official, City Engineer, Safety Service Director and other agencies, as may be necessary.
- b. The Planning Commission shall recommend to City Council approval, approval with conditions or denial of the Preliminary Development Plan as submitted. The Planning Commission shall have the opportunity to table the hearing to provide time for the applicant to resolve outstanding issues, if necessary.

At a minimum, the Planning Commission consideration for action shall include the following:

- a. Whether the plan is consistent with the intent and purpose of this Chapter;
- b. Whether the plan is consistent with the Concept Plan submitted and approved by the Planning Commission and City Council.
- c. The relationship, beneficial or adverse, of the proposed development to the adjacent properties and to the neighborhood in which it is proposed to be established; and
- d. Whether the overall development shall be adequately serviced by present or planned utilities, roadways, and other public services; and

Approval by the Planning Commission shall be formed as a recommendation, to City Council, for approval, denial, or approval with modifications and the reasons for such decision.

2. City Council Action

Upon receipt of the recommendation from the Planning Commission on the Preliminary Plan, City Council, within 30 calendar days of receipt of the recommendation, shall:

- a. Shall review the preliminary development plan and accompanying documents and recommendation as received from the Planning Commission.
- b. Approve, approve with conditions or deny the Preliminary Development Plan as submitted and recommended by the Planning Commission. City Council shall have the opportunity to table the hearing to provide time for the applicant to resolve outstanding issues, if necessary.

At a minimum, City Council consideration for action shall include the following:

- a. Whether the plan is consistent with the intent and purpose of this Chapter;
- b. Whether the plan is consistent with the Concept Plan submitted and approved by the Planning Commission and City Council.
- c. The relationship, beneficial or adverse, of the proposed development to the adjacent properties and to the neighborhood in which it is proposed to be established; and
- d. Whether the overall development shall be adequately serviced by present or planned utilities, roadways, and other public services; and

B. Final Development Plan Approval

1. Planning Commission Action

The Planning Commission shall review the Final Development Plan and approve, modify and approve, or deny the application for final approval and transmit notice thereof to the applicant within 30 calendar days of receipt of the complete final development plan package.

The Planning Commission shall give the final approval only upon finding that the following requirements are met:

- a. The design, size, and use are consistent with the Preliminary Development Plan and with other applicable plans adopted by the Planning Commission or Council, including the policies of the Wapakoneta Comprehensive Plan.
 - b. The location, design, size, and uses will be adequately served by existing or planned facilities and services.
 - c. The location, design, size and uses will result in an attractive, healthful, efficient and stable environment for commerce and/or residential development.
- 2. The approval of the Planning Commission shall be documented and entered into the plan for the area and become a permanent part of the Zoning Administrative Official's records.
 - 3. After approval of the Final Development Plan by the Planning Commission, submission and recording of appropriate subdivision plats with Auglaize County and building construction drawings shall be made. Building and construction permits and certificates of occupancy shall be conditioned upon adherence to the total

development plan including landscaping, design considerations, and the construction of necessary public improvements.

4. Construction must commence in accordance with the approved Final Development Plan within 12 months from Planning Commission approval of the Final Development Plan. If construction has not begun within the 12 month period, the PUD is voided and the zoning reverts back to the previous zoning classification unless good cause can be shown by the applicant and an extension of not more than six months is granted by the Planning Commission.

Section 1283.11 Amendments to an Approved Planned Unit Development

An approved Planned Unit Development Concept Plan, Preliminary or Final Development Plan may be amended by following the procedures described in this Chapter. However, minor adjustments in the Preliminary or Final Development Plans which become necessary because of field conditions, detailed engineering data, topography or critical design criteria pertaining to drives, curb cuts, retaining walls, swimming pools, tennis courts, fences, building locations and building configurations, parking area locations or other similar project particulars, may be authorized in writing by the Planning Commission. These minor adjustments may be permitted, provided that they do not increase density, decrease the number of parking spaces or allow buildings closer to residential property lines. Changes determined to be major shall require review and approval by the City Council.

Section 1283.12 Revocation

In the event of a failure to comply with the approved Final Development Plan or any condition of approval, including, but not limited to, failure to comply with the staged development schedule, the Zoning Administrative Official may, after notice, rescind, and revoke such plan approval. Violation of the final approval of the Final Development Plan for a Planned Unit Development shall constitute violation of the Zoning Code.

Section 1283.13 Filing Fees

The applicant requesting a Planned Unit Development shall make a non-refundable payment to the City at the time of the initial application submittal in the form of a Planned Unit Development filing fee as adopted by City Council.

CHAPTER 1284 OFF-STREET PARKING AND LOADING

Section 1284.01 Purpose

The purpose of this Chapter is to prevent or alleviate the congestion of the public street, to minimize any detrimental effects of parking lots on adjacent properties, to enhance lots with landscape elements for improved traffic circulation and visual amenities and to promote the safety and welfare of the public. To accomplish this purpose minimum requirements are established, while more landscaping may be included depending on site specific conditions.

Section 1284.02 Off-Street Parking Applicability

- A. Except in the B-3 District, all buildings and structures erected and all uses of land established after the adoption of this Zoning Code shall be provided with off-street parking and loading spaces as set forth in this section.
- B. The provisions of this section, except where there is change or enlargement of use, shall not apply to any existing building or structure.
- C. Whenever a building or structure constructed before the effective date of this Zoning Code is changed or enlarged, in floor area, number of employees, number of housing units, seating capacity, or otherwise, to create a need for an increase in the number of parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change, provided that whenever a building or structure existing prior to the effective date of this Zoning Code is enlarged to the extent of fifty percent or more in floor area, number of employees, number of housing units, seating capacity, or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.
- D. Accessory off-street parking facilities in existence on the effective date of this Zoning Code, and located on the same lot as the building or use served, shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for a similar new building or use under the provisions of this Zoning Code.

Section 1284.03 Off-Street Parking Maintenance

The duty to maintain all off-street parking areas shall be the joint responsibilities of the owner, operator and lessee of the use for where parking lots are required. Off-street parking areas shall be maintained in good condition without holes and free of all trash, abandoned or junk vehicles, weeds and other rubbish.

Section 1284.04 Off-Street Parking Plan Review

For any off-street parking area required under this Chapter, a plan shall be submitted with the application for a Zoning Certificate to the Zoning Administrative Officer to review for compliance with these regulations and for any other applicable regulations. Any such parking plan shall show the number of parking spaces, the arrangement of parking aisles, the location of driveway entrances, provisions for vehicular and pedestrian circulation, the location or typical location of sidewalks, wheel stops, lighting and curbs on or adjacent to the property, the location of utilities, barriers, shelters, and signs, the location of landscaped areas and the types and location of vegetation to be planted in them, typical cross sections of pavement, storm water drainage facilities, and any other relevant information requested by the Zoning Administrative Officer.

Section 1284.05 Off-Street Parking Location and Usage

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

- A. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
- B. Parking spaces for commercial, industrial, public or institutional uses shall be located not more than 700 feet from the principal use. Parking lots farther than 700 feet from the principal use shall be subject to approval by the Board of Zoning Appeals.
- C. Parking spaces for apartments or similar residential uses shall be located not more than 300 feet from the principal building.
- D. When two or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided.
- E. All off-street parking spaces required by this chapter shall be used only for the parking of vehicles of occupants, patrons, visitors or employees and shall not be used for any kind of loading, sales, servicing or continuous storage of a vehicle for more than forty-eight hours.
- F. Off-street parking spaces may be located in any yard except the required front yard of the M-1 District.

Section 1284.06 Off-Street Parking Design

Every parcel of land hereafter used as a public or private off-street parking area, which is required to accommodate five or more vehicles, shall be developed and maintained in accordance with the following requirements:

A. Access

Each required off-street parking space shall have direct access to an aisle or driveway and all required off-street parking areas shall have vehicular access to a street or alley so designed to minimize interference with pedestrian and traffic movement.

B. Pavement and Drainage

In all R and B districts, all required off-street parking shall be paved with bituminous, concrete or other all-weather, dustproof surfacing and shall be provided with bumper guards or barrier curbs where needed to prevent encroachment onto sidewalks or into landscaped or areas used for screening.

No surface water from parking areas shall accumulate or drain over a public sidewalk. Interior landscaped areas may be used for surface drainage. The use of pervious asphalt or pavers for non-residential use is encouraged to prevent surface water runoff. Pervious asphalt or pavers for non-residential use shall be approved by the Planning Commission prior to installation.

C. Lighting

Fixed lighting shall comply with the provisions contained below and be so arranged to prevent direct glare of beams onto any public or private property or street. The following restrictions shall apply to any outdoor lighting located in any district or parcels where there are non-residential off-street parking spaces.

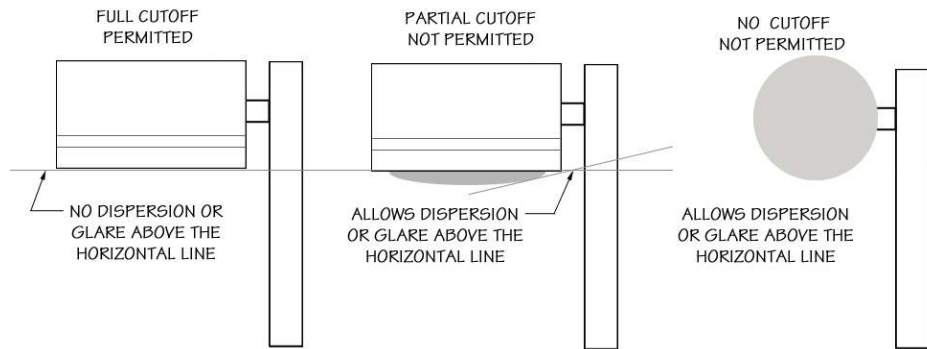
1. Lighting Plan Required

A lighting plan is required for any off-street parking and loading area lighting. The following information shall be submitted, as a minimum, in order to effectively evaluate the proposed lighting:

- a. Pole height or mounting height of lighting fixture;
- b. Type of luminaries;
- c. Site coverage;
- d. Uniformity including the maximum, average and minimum footcandles;
- e. Intensity at property line in footcandles.

2. Height of Lighting Structure

All outdoor lighting shall be designed, located, and mounted at heights no greater than twenty feet. A greater height may be authorized in any district by a Variance approved pursuant to, Chapter 1254, Board of Zoning Appeals. Cutoff and non-cutoff lights are illustrated below:



3. Illumination

All outdoor lighting shall be designed and located with a maximum illumination of 1.0 footcandles as measured at the property line.

4. Shielding

All outdoor lighting for non-residential uses shall be located, screened, or shielded so that adjacent lots located in residential districts are not directly illuminated.

5. Color and Glare

No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.

D. Screening

All open off-street parking areas shall be effectively screened on each side adjoining or fronting on any property situated in a residential district, or any institutional premises, by a wall, fence or densely planted compact hedge, not less than five feet nor more than eight feet in height.

E. Parking Space Dimension

A parking space shall have minimum rectangular dimensions of not less than:

1. Ten feet in width and twenty feet in length for ninety degree parking,
2. Ten feet in width and twenty-three feet in length for parallel parking, and
3. Ten feet in width and twenty feet in length for forty-five degree parking.

All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

F. Driveway Dimension

Driveways (aisles) serving individual parking spaces shall not be less than:

1. Twenty-five feet wide for ninety degree parking,
2. Twelve feet wide for parallel parking,
3. Seventeen and one-half feet for sixty degree parking, and
4. Thirteen feet for forty-five degree parking.

These dimensions do not include any parking spaces.

G. Joint Use

Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Board of Zoning Appeals shall be filed with the application for a permit.

H. Collective Use

The required off-street parking spaces for any number of separate buildings, structures or uses may be provided collectively on one lot, provided the total number of such spaces shall not be less than the sum of the requirements for the various individual buildings, structures or uses computed separately in accordance with the following requirements.

I. Spaces for the Handicapped

Parking spaces for handicapped individuals shall be provided in accordance with the provisions of the Ohio Basic Building Code and the Ohio Revised Code.

J. Maximum Number of Parking Spaces Permitted

In order to prevent excessive lot coverage, the artificial increase in air temperature, and surface water run-off, no minimum off-street parking space requirement in Section 1284.08, Off-Street Parking Space Requirements, shall be exceeded by more than fifteen (15) percent unless good cause can be shown by the applicant and approved by the Board of Zoning Appeals. Single Family Dwellings and Two Family Dwellings are exempt from this provision.

K. Parking of Inoperable or Abandoned Vehicles

The parking or storage of inoperable or abandoned vehicles is prohibited outdoors in all districts and as further provided herein. The location and duration or temporary parking or storage of an unlicensed operable vehicle may be approved by the Zoning Administrative Officer through the issuance of a Temporary Zoning Certificate on the basis of the adequacy of the parcel size, condition of the vehicle, visibility from other properties and absence of undue adverse impact on adjacent property or on the area as a whole.

Section 1284.07 Off-Street Parking Measurement for Number of Parking Spaces

Except as otherwise provided in this Section, off-street parking spaces for each new principal use on a lot shall be provided according to the units of measurement indicated for that use in Section 1294.08, Schedule of Off-Street Parking Requirements.

The following provision shall govern the computation of the number of off-street parking spaces required:

A. Fractions

When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction $\frac{1}{2}$ or less shall be disregarded and any fraction over $\frac{1}{2}$ shall require one (1) parking space.

B. Bench Seating Calculation

In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-four inches (24") of such seating facilities shall be counted as one (1) seat for the purpose of determining the requirement for off-street parking facilities.

C. Use of "Maximum"

When parking spaces are required on the basis of the number of faculty, staff, students or employees, the maximum number present at any one time shall govern. The "maximum number" shall be the same as the "Maximum Occupancy" as identified on the Building Permit or as identified by the Fire Chief.

D. Interpretation

For uses not expressly listed in Section 1284.08, parking spaces shall be provided on the same basis as required for the most similar and restrictive listed use as determined by the Zoning Administrative Officer for that specific use based on the intended use, the location of such use and the expected patronage by individuals operating motor vehicles.

E. Floor Area Defined

For the purposes of applying "floor area", floor area shall be the sum of the gross leasable horizontal area of all floors of a building.

Section 1284.08 Off-Street Parking Space Requirements

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS	
RESIDENTIAL USES	FORMULA
Accessory Apartment	One space for apartment in addition to the requirement for the single family dwelling.
Assisted Living, Nursing, Convalescent Home, & Rest Home	One space for each two beds.
Bed and Breakfast	Two spaces for owner + one space for each guest room.
Day Care, Child (In-Home)	See Single Family Detached Dwelling.
Group Home	One space for two beds + one space for every 400 square feet of gross floor area, excluding resident rooms.
Mobile Home Dwelling	Two spaces for each unit.
Multi-Family Dwelling	Two spaces for each dwelling unit for up to two bedrooms + one space for each 5 dwelling units for visitor parking.
Single Family Attached and Single-Family Detached Dwelling	Two spaces for up to three bedrooms.
Two Family Dwelling	Two spaces for up to three bedrooms Three spaces for four or more bedrooms
COMMERCIAL USES	FORMULA
Animal Hospital or Veterinary Establishment	Two spaces for each examination room + one space per each 200 square feet of laboratory and office floor area.
Banquet, Conference or Meeting Halls	One space for each three seats or one space per 75 sq. ft. of net banquet or meeting floor area where fixed seating is not available
Bar or Tavern	One space for every three seats or one space for each 100 sq. ft. of floor area, whichever is greater
Building Materials, Contractors Equipment Sales Yard	One space per 400 sq. ft. of net floor area
Car Wash, Automated	Five stacking spaces for each automated car wash lane.
Car Wash, Self Service	Two stacking spaces for each stall + two drying spaces for each stall
Commercial Entertainment	One space for each three seats or one space for each 100 sq. ft. of floor area.
Commercial Recreation	One space for each 50 sq. ft. of pool area One space for each 100 sq. ft. of outdoor playground area Five spaces for each trail head Six spaces for each tennis, racquet ball or handball court Ten spaces for each basketball court Twenty spaces for each baseball, softball or soccer field
Convenience Store (with gas pumps)	One space per 200 sq. ft. of net floor area + one space per pump + one space per employee
Day Care Facility, Child	One space per four children of licensed capacity + one space per employee

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS	
Drive-In or Drive-Through Facility	One space per 100 sq. ft. of gross floor area if entirely drive-through. If drive-in facility, one space for each ordering space + one space per 100 sq. ft. of gross floor area
Display Room for Merchandise sold at Wholesale	One space per 300 sq. ft. of display floor area.
Financial Institution	One space per 250 sq. ft. of floor area + four stacking spaces for drive-in service window
Funeral Home or Mortuary	One space per 100 sq. ft. of parlor or chapel space or one per five seats, whichever is greater, but not less than 20 spaces
Grain Elevator	One space per 100 sq. ft. of office space associated with the facility
Hotel or Motel	One space per each room + one space for each employee + one space for each 100 sq. ft. of meeting area and/or restaurant space or bar/cocktail lounge.
Manufacturing Uses	One space for each 2 employees on the largest shift.
Mixed Uses	The sum of spaces of each use reduced by 15%.
Motor Vehicle Filling Station (without Convenience Retail)	Two spaces per each two fuel pumps + one space for each 50 sq. ft. of attendant facility.
Motor Vehicle Service Station	Two spaces per service bay (excluding the bay)+ two spaces for every two fuel pumps
Motor Vehicle Service Station and Body Shop	Three spaces per service bay (excluding the bay) + one space per vehicle used in operation of the service and one space for each 50 sq. ft. of waiting room area
Motor Vehicle, Truck, Trailer and Farm Implement Sales	One space per 300 sq. ft. of net floor area of the showroom.
Office (excluding medical)	One space per 400 sq. ft.
Office, Medical/Dental Clinic	One space per 200 sq. ft.
Outside Storage	Two spaces for the first 2,000 square feet + one space for each additional 2,000 square feet of outdoor storage area.
Personal Services	One space per 300 sq. ft. of gross floor area
Professional Services	One space per 300 sq. ft. of gross floor area + one space for each service vehicle parked on site
Research and Development Facility	One space per 300 sq. ft. of gross floor area
Restaurant	One space per 100 sq. ft. of gross floor area
Restaurant Drive-In	Five stacking spaces per lane
Restaurant, Fast Food	One space per 75 sq. ft. of gross floor area plus five stacking spaces for each drive-through window.
Retail Business	One space per 250 sq. ft. of net floor area
Salvage, Scrap and Wrecking Operations	Once space per each 50 sq. ft. of office gross floor area.
Self-Storage Warehouse Facility	Three spaces + one space per 100 individual storage units
Sexually Oriented Business	One space per each 200 sq. ft. of gross floor area.

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS	
Trucking, Carting, Express, Hauling or Transfer Terminal	One space per 1,500 sq. ft of gross floor area + one space per facility vehicle
Warehouse	One space per 2,000 sq. ft. of warehouse floor area + additional space for office area as per office requirements
PUBLIC AND SEMI-PUBLIC USES	FORMULA
Club, Fraternity, Lodge or Similar Organization	One space per 100 sq. ft. of floor area
Community Center or Recreation Center	One space per 200 sq. ft. of floor area
Educational Institution (Pre K-8)	One space for every eight seats in any auditorium + two spaces for each classroom
Educational Institution (9-12)	One space for every ten students of design capacity + One space for every eight seats in any auditorium
Government Buildings	One space per 250 sq. ft. of floor area for administrative use + one space for each government vehicle parked on site One space per 500 square feet of indoor maintenance use
Hospital	One space per each bed + one space for each 500 square feet of administrative, office or laboratory space.
Library	One space per each 400 sq. ft. of floor area
Recreation Uses, Public	One space for each 50 square feet of pool area One space for each 500 square feet of outdoor playground area Four spaces per acre for unimproved recreation area Five spaces for each trail head Six spaces for each tennis, racquet ball or handball court Ten spaces for each basketball court Twenty spaces for each baseball, softball or soccer field
Religious Place of Worship	One space per five seats or bench seating in the main assembly area.
Vocational/Technical School	One space per employee + one space per two registered student capacity
University or College	One space per two employees + one space per four students

Section 1284.09 Off-Street Loading Requirements

A. Applicability

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space. In no case will loading or unloading be permitted within public rights of way or interfere with required parking areas.

B. Number of Loading Spaces Required

Off-street loading spaces shall be provided in accordance with the table below. Loading spaces shall not conflict with or overlap with areas used for parking.

Gross Floor Area of Structure (in square feet)	Number of Required Loading Spaces
0 – 10,000	0
10,001 – 50,000	1
50,001 – 100,000	2
100,001 – 200,000	3
200,001 – 400,000	4
Each additional 200,000 over 400,000	1 additional space

C. Dimensions

Each loading space shall be not less than twelve feet in width, fifty feet in length, and have fourteen feet of unobstructed height.

D. Location

1. In M-1, B-1, and B-2 Districts, such loading space may not occupy any part of any required yard. In M-2, M-3 and B-3 Districts, such loading space may occupy any part of any required yard.
2. No such space shall be located closer than fifty feet to a lot in any R District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or suitable fence not less than six feet in height.

E. Surface

All loading spaces shall be graded and provided with a durable and dustless hard surface of asphalt, Portland cement, concrete, or other suitable materials capable of withstanding 1,000 pounds per square inch (psi).

F. Drainage

Individual stalls shall be graded to drain so as to dispose of all surface water within the loading area in accordance applicable stormwater regulations. No surface water from loading areas shall be permitted to accumulate or drain over a public sidewalk.

G. Screening

All operations, materials, and vehicles in any loading space that are visible from public streets or from residential districts shall be screened. The screening material, upon installation, shall be at least six feet (6') in height, 100 percent opaque.

CHAPTER 1286 SIGNS

Section 1286.01 Purpose

It is the purpose of these sign regulations to:

- A. Permit the use of signs as a means of communication in the City;
- B. Maintain and enhance the City's natural and manmade environment;
- C. Encourage a safe, attractive and healthy economic environment;
- D. Minimize the possible adverse effects of signs on nearby public and private property; and
- E. Enable the fair and consistent enforcement of these sign regulations.

The purpose as stated above is based on the following findings concerning signs:

- A. That excessive signs can create dangerous traffic conditions and, as such, are detrimental to the public health, safety and general welfare of the City.
- B. That businesses and other institutions located along public and private streets have a need to identify themselves and their activities to motorists and pedestrians by means of signs.

Section 1286.02 Compliance Required

No sign shall be permitted in any district except as specifically provided in this chapter.

Section 1286.03 Signs in Public Rights-Of-Way; Temporary Signs; Illumination

- A. Except as provided in this Section, no sign shall be placed in any public right of way, except publicly owned signs, such as traffic control signs and directional signs and no sign shall be posted on any public utility poles, on any park trees or street trees as defined by Section 1028.01 of the Codified Ordinances, or to any publicly owned sign posts or hydrants.
- B. Temporary signs not exceeding fifty square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders or contractors, may be erected for a specific pre-designated time period and shall be promptly removed when they have fulfilled their function.
- C. Self-standing garage sale signs not exceeding two feet by three feet may be placed in the tree lawn for one day prior to the date of the sale and shall be removed by one day after the date of sale. The sign may not be displayed more than 5 days and must have the dates for the sale clearly marked.
- D. Realty directional arrows and open house signs are permitted in the City right-of-way if the realty business obtains an annual permit to place such signs. This type of sign must be placed as near as possible to existing City sign posts so no additional maintenance to the area of the sign is required. The fee for such a permit is established by ordinance by City Council, per year, and can be obtained at the City Engineering Department.
- E. At a business property where the City right-of-way adjoins the front of a building, the business may place a sandwich board type sign or any self-standing signs (referred to as ground sign boards in other Ordinances) for the purpose of daily advertising. The sign may

be no larger than 4 feet in height and 2½ feet in width. Such a sign may be placed on the sidewalk in front of the business's building during business hours and must be placed so that the sign does not restrict pedestrian traffic. The business accepts all liability of the sign. A permit is required for each such sign. The fee for such a permit is \$25.00 per year and can be obtained at the City Engineering Department.

- F. Signs shall not be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.
- G. Lighting used to illuminate a sign shall be shielded from residential properties.

Section 1286.04 Signs Permitted in All Districts

- A. One sign non-illuminated temporary real estate sign, advertising the sale, rental or lease of the premises on which it is maintained and not over twelve square feet in aggregate area, shall be permitted on any lot. Such signs shall be removed at such time as the premises are sold, rented or leased.
- B. Professional nameplates and signs shall not exceed two square feet in area.
- C. Signs denoting the name and address of the occupants of the premises shall not exceed two square feet in area.
- D. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs or societies shall not exceed twenty-four square feet in area and shall be located on the premises of such institution.

Section 1286.05 Business Signs

Permitted sign types include wall mounted and ground mounted signs. Business signs shall be permitted in connection with any legal business or industry when they are located on the same premises and if they meet the following requirements:

- A. All faces of all signs shall have an aggregate surface size no greater than five square feet for each foot of width of the principal structure on the premises.
- B. Signs shall not project over public right-of-way.
- C. Signs shall conform to the height requirements of the district in which they are located, except that when they are within 1,500 feet of the right-of-way of an Interstate highway, they may be erected at a height not to exceed 125 feet above ground level.

Section 1286.06 Billboards; Outdoor Advertising Signs and Structures

- A. Outdoor advertising signs and structures, where permitted, shall be set back twenty feet from the intersection of any established right-of-way line of any street or highway, except that at the intersection of any State or Federal highway, with a major or secondary street, the setback of any outdoor advertising sign or billboard shall not be less than 100 feet from the established right of way of each such highway or street.
- B. No such billboard, sign or advertising structure shall be permitted which faces the front or side lot line of any lot in any Residential District within twenty feet of such lot line.

Section 1286.07 Measurement of Signs

The following standards shall be used to determine the area and height measurements for all signs in the City:

- A. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the exterior display limits of a sign. Frames and structural members not bearing advertising matter or which are not an integral part of the sign message shall not be included in the computation of surface area (See illustrations on following page).
- B. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.
- C. In the case of irregularly shaped three dimensional signs the area of the display surface shall be measured on the plane of the largest vertical cross Section.
- D. The height of a sign shall be determined by measuring the vertical distance between the top part of the sign to the elevation of the ground beneath the sign prior to construction, excluding additional elevation added by creation of berming or mounding. If the grade prior to construction can not be determined, the elevation of the base of the sign shall be computed using the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the premises, whichever is lower.

CHAPTER 1288 NONCONFORMING BUILDINGS AND USES

Section 1288.01 Nonconforming Buildings

Any lawful use of a building existing on the effective date of this Zoning Code may be continued, even though such use does not conform to the provisions hereof. If a nonconforming building is changed to another use, the building shall fall under the requirements of the most recent City adopted Building Code. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use under the requirements of the most recent City adopted Building Code, such use shall not thereafter be changed back to a nonconforming use. The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Zoning Code.

- A. Whenever the use of a building shall become nonconforming through a change in this Zoning Code or in the district boundaries, such use may be continued.
- B. A nonconforming use of a building or portion thereof which is hereafter discontinued for a continuous period of two years shall not again be used except in conformity with the current regulations of the district in which such building is located.
- C. Any building arranged, intended or designed for a use under a current Zoning Code, the construction of which has been started at the time of the passage of a change to this Zoning Code, but not completed, may be completed and put into such use under which it was approved, provided it is done within one year after the Zoning Code change takes effect.
- D. A nonconforming building which has been damaged by fire, explosion, act of God or the public enemy, to the extent of more than sixty percent of its reproduction value at the time of damage, shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than sixty percent of its reproduction value, a nonconforming building may be repaired or reconstructed and used as before the time of damage, provided such repairs or reconstruction are completed within one year of the date of such damage.

Section 1288.02 Nonconforming Uses of Land

The nonconforming use of land, not involving any building or structure existing on the effective date of this Zoning Code, may be continued, even though such use does not conform to the provisions hereof, provided, however, that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property. If such nonconforming use of land or any portion thereof is discontinued for a continuous period of two years, or changed, any future use of such land shall be in conformity with the provisions of this Zoning Code.

CHAPTER 1290 EXCEPTIONS AND MODIFICATIONS

Section 1290.01 Erection of Single-Family Dwellings on Existing Substandard Lots

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record as of the effective date of this Zoning Code, irrespective of its area or width, subject to the approval of the Board of Zoning Appeals and provided the owner of such lot does not own any adjoining property.

Section 1290.02 Height of Buildings

- A. The height regulations prescribed elsewhere in this Zoning Code shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, State towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, grain elevators, smokestacks, conveyors and flag poles, except where the height of such structures will constitute a hazard to the safe landing and take-off of military, public, commercial and private aircraft at an established airport.
- B. Public, semipublic or public service buildings and hospitals, institutions or educational institutions, where permitted, may be erected to a height not exceeding seventy-five feet when the required side and rear yards are each increased by one foot of additional building height above the height regulations for the district in which the building is located.

Section 1290.03 Lot Area Requirements

In any district where a public sanitary sewer is not accessible, the minimum lot area shall be 43,560 square feet, and if soil conditions are unsuitable, more lot area will be required. All requirements of the Auglaize County Health Department shall be complied with.

Section 1290.04 Front Yards

- A. In R-3 Districts, when forty percent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the District, no additions to existing buildings and no new buildings shall project beyond the average front yard so established.
- B. On lots having double frontage, the required front yard shall be provided on both streets.
- C. An open, uncovered porch or paved terrace may project into a required front yard for a distance of not more than ten feet, but this shall not be interpreted to include or permit fixed canopies.
- D. Motor Vehicle station pumps and pump islands may be located within a required yard, provided they are not less than fifteen feet from any street line and not less than fifty feet from the boundary for any residential district.

Section 1290.05 Width of Side Street Lot on Corner Lots in R-3 District

On a corner lot in an R-3 District, the width of the yard along the side street shall not be less than any required front yard on such street, provided, however, that the buildable width of a lot of record shall not be reduced to less than thirty-two feet.

Section 1290.06 Projections

- A. The ordinary projections of sills, belt courses, cornices and ornamental features may extend a distance not to exceed eighteen inches into a required yard.
- B. Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard, may be permitted by the Administrative Officer for a distance not to exceed five feet when these are so placed as not to obstruct light and ventilation.

Section 1290.07 Accessory Buildings

- A. No accessory building shall project beyond any required front, side or rear yard line.
- B. No accessory building shall exceed the floor area of the existing principal building without the approval of the Board of Zoning Appeals.

CHAPTER 1292 SUPPLEMENTARY REGULATIONS

Section 1292.01 Conversion of Dwellings

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Zoning Code, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements, applicable to the particular district, as may be specified in this Zoning Code.

Section 1292.02 Rear Dwellings

No building, in the rear of a principal building on the same lot, shall be used for residential purposes unless it is located in an R-4, B-1, B-2 or B-3 District.

Section 1292.03 Dwelling Groups

A zoning certificate for the erection of a dwelling group (two or more detached dwellings located on a parcel of land under one ownership and having a common yard), in those districts where permitted, may be issued by the Zoning Administrative Officer, provided such dwelling group conforms to all of the following conditions and requirements:

- A. The lot and floor area per family of each unit in the dwelling group shall meet or exceed the requirements of zoning district in which it is located.
- B. The entire land area is owned by one single property owner, either an individual, partnership, corporation, or, association in the case of a condominium project, an association.
- C. The distance between any buildings and the nearest lot lines, other than a front line, shall be not less than the rear yard requirement of the zoning district in which it is located.
- D. Except as modified in this Section, such dwelling group shall conform to all the requirements of this Zoning Code for the district in which it is to be located.

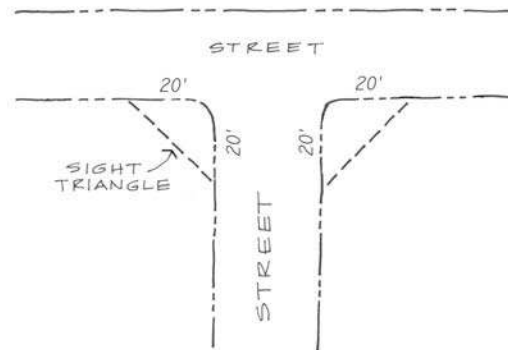
Section 1292.04 Private Swimming Pools

- A. Except as provided in division (B) of this Section, a private swimming pool, as regulated herein, shall be any pool, pond, lake or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half feet, but not including rivers, streams, open ditches or man-made earthen basins or ponds which are designed, built and maintained for the primary purpose of storing or retaining stormwater, as required and provided in Section 1248.05(a). No such pool shall be allowed in any ~~A or R~~ District, except as an accessory use and then only if it complies with the following conditions and requirements:
 1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located for noncommercial uses, and it may not be located closer than 20 feet to the principal use of any property on which it is located, nor located in any front yard.

2. In any district, a pool, or the entire property on which it is located, shall be so walled or enclosed by a chain-link fence or equivalent, not less than six feet in height have a self closing, self locking gate and latch, maintained in good condition, as to prevent uncontrolled access by children or others from the street or from adjacent properties.
- B. A temporary private swimming pool, as regulated herein, shall be any inflatable pool intended for the sole use and enjoyment of the occupants of the principal use of the property on which it is located, for noncommercial uses, which has a minimum water depth of 18 inches and a maximum water depth of 30 inches and a maximum total surface area of 350 square feet. No such pool shall be allowed in any District, except as an accessory use and then only if it complies with the following conditions and requirements:
1. No temporary private swimming pool shall be located in any front yard.
 2. Zoning setback requirements shall apply to any temporary private swimming pool.
 3. A temporary private swimming pool shall not be subject to division (A)(2) of this section and shall not be subject to the 20-foot requirement as contained in division (A)(1) of this section.
 4. Any temporary private swimming pool with a water depth of 24 inches or more shall be securely covered when not in use.
 5. No temporary private swimming pool shall be installed prior to May 1 of each calendar year and any temporary private swimming pool shall be removed by October 1 of the same calendar year in which it is installed.

Section 1292.05 Traffic Visibility Across Corner Lots

On any corner lot in any district, no fence, structure or planting shall be erected or maintained within a sight triangle, twenty feet of the edge of the pavement at the intersection, and more than three and one-half feet above the curb or street grade, or so as to interfere with traffic visibility across the corner.



Section 1292.06 Essential Services

Essential services, as defined in Section 1250.10(61), shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services from the application of this Zoning Code.

Section 1292.07 Performance Standards for General Commercial and Industrial Development

The following minimum standards shall apply to all uses in B-1, B-2, B-3, M-1, M-2 and M-3 Industrial Districts:

A. Fire and Explosion Hazards

All activities, including storage, involving flammable or explosive materials, shall include the provision of adequate safety devices against the hazard of fire and explosion, such safety devices being standard in the industry. Burning of waste materials in open fire is prohibited at any point.

B. Fly Ash, Dust, Fumes Vapors, Gases and Other Forms of Air Pollution

No emission of air pollutants shall be permitted which violates the minimum Federal requirements as enforced by the Environmental Protection Agency. Dust and other air-borne pollutants shall be minimized through the paving, oiling or landscaping of the lot area around any building.

C. Glare, Heat and Exterior Light

Any operation, as part of a permitted use, producing intense light or heat, such as combustion, welding or other high-temperature processes, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights of way.

D. Liquid or Solid Waste

No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as may contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accordance with standards approved by the Ohio Environmental Protection Agency or such other governmental agency as shall have jurisdiction of such activities.

E. Noxious Gases

Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere shall be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matter shall be from a stack.

F. Vibrations

No use shall be located and no equipment shall be installed in such a way as to produce intense earth-shaking vibrations which are discernible without instruments at the property lines of the subject premises.

G. Odors

The rules and regulations of the Ohio Environmental Protection Agency and the Auglaize County Health Department shall be complied with.

H. Electrical Interference

No use shall operate so as to produce an electrical interference with adjacent properties.

Section 1292.08 Parking and Occupancy of Boats, Camping Vehicles, Mobile Homes and Trailers in Residential Districts

Restrictive covenants in effect in residential subdivisions may provide more restrictive regulations that are not enforceable by the City under these zoning regulations.

- A. Only two such vehicles, in any combination, shall be permitted on a residential lot at any one time. All vehicles shall be in operable condition and shall have a valid license plate and registration.
- B. In any residential “R” district, placing a boat, camping vehicle, trailer, or motor home shall be prohibited, unless such vehicle, trailer or boat is parked or stored in a garage or other accessory building or rear yard or it is parked in a side yard behind the front building line of the dwelling or on a paved driveway.
- C. No occupancy for human habitation shall be maintained or business conducted in any vehicle while parked or stored on the residential lot. However, temporary occupation may be permitted for a period of two weeks or less in any six month period.
- D. The wheels or any similar transporting devices of any such trailer permitted within any Residential District shall not be removed, except for service, nor shall any trailer be permanently affixed to the ground.
- E. Unless subject to subsection C above, no such vehicle shall be connected to sanitary sewer, electric or water unless servicing such vehicle or preparing the vehicle for travel.

Section 1292.09 Sexually Oriented Businesses

A sexually oriented business is a conditional use within the M-1 or M-3 Districts. A conditional use for such facilities shall not be approved unless the general standards set forth in Section 1252.06, Conditional Uses, and the following minimum conditions are complied with:

- A. Minimum location requirements

No sexually oriented business shall be established within 1000 feet of:

 - 1. Any residentially zoned (R) district; or
 - 2. Any public, private, governmental or commercial library, educational institution, teaching facility, park, recreational facility, religious place of worship, child day care facility, day care facility, playground or swimming pool; or
 - 3. Any other sexually oriented business.
- B. Prohibited public display

No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- C. Public view to be prevented

All building openings, entries, windows, etc. for sexually oriented businesses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public areas, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public or semi-public areas.

D. External audio and visual impact

No screens, loudspeakers or sound equipment shall be used for motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

E. Interior design

The interior of any adult book store shall be lighted and constructed in such a manner that every portion thereof (except restroom facilities) is readily visible to the clerk or supervisory personnel from the facilities' counter or other regular work station.

Section 1292.10 Motor Vehicle Service and Filling Station

In addition to the other relevant District regulations, motor vehicle service stations and filling stations shall be further regulated using the standards and regulations that follow.

A. Lot Area and Frontage

The lot shall have an area of not less than 32,670 square feet, and at least one street frontage of not less than 150 feet.

B. Location of Entrances

No motor vehicle service or filling station shall have an entrance or exit for vehicles if located on the same side of the street and within 50 feet of an residentially zoned district,

C. Location of Facility Equipment and Canopies

Gasoline pumps, compressed air connections, vacuum cleaners and similar equipment shall not be located closer than 30 feet to any right-of-way or property line. A canopy over the pumps may be located no closer than 30 feet to any right-of-way or property line, as measured from the overhang of the canopy.

D. Yards

Each motor vehicle service or filling station structure shall have a minimum setback of at least 40 feet from all right-of-way lines except as may be modified herein.

E. Outside Storage and Display

No outside storage shall be permitted for motor vehicle service or filling stations unless the outside storage area is enclosed with masonry walls or a permanent solid fence. Large outside storage or display areas, such as racks of tires, bagged mulch, soft drinks and windshield wiper fluid, are prohibited unless the times and locations of storage are reviewed and approved by the Zoning Administrative Officer. Small displays on pump islands for motor oil, wiper blades and the like shall be permitted.

F. Canopy Lighting

Light fixtures mounted on or under canopies or bays shall be of full cut off design, unless indirect lighting is used whereby light is directed upward and then reflected down from the ceiling of the structure.

G. Driveways

All plans for outdoor display and storage, access and egress to service and filling stations shall be approved by the Zoning Administrative Officer, who shall ascertain that all the locations of such materials and driveways used to provide accessibility to the lot shall be located and arranged to minimize traffic congestion in conformity with the following:

1. Lot with frontage of 150 feet. Not more than one driveway shall be permitted on a lot with a frontage of 150 feet. Such driveway shall have a maximum curb cut width of 30 feet.
2. Lot with frontage in excess of 150 feet. Each lot with a frontage in excess of 150 feet may have two driveways, provided that they are so located and constructed as to provide safety to pedestrians and motorists using such property, and provided, further, that there shall be a minimum of fifty feet of unbroken curb between successive driveways on the same or adjoining land uses.
3. Minimum distance from intersections. In all cases, the minimum distance of driveways from street intersections shall be 50 feet, unless otherwise required by State or Federal law, measured from the nearest side of the driveway to the nearest right-of-way line of the intersecting street.

H. Paving and Curbing

The entire lot, other than required landscaped or screening areas, shall be paved with a permanent surface of concrete, asphalt or other City approved permanent surface, with a raised concrete curb of not less than six inches in height except for driveway openings. All driveway approaches, including those within the public right of way, shall also have a six inch high concrete curb.

I. Abandonment

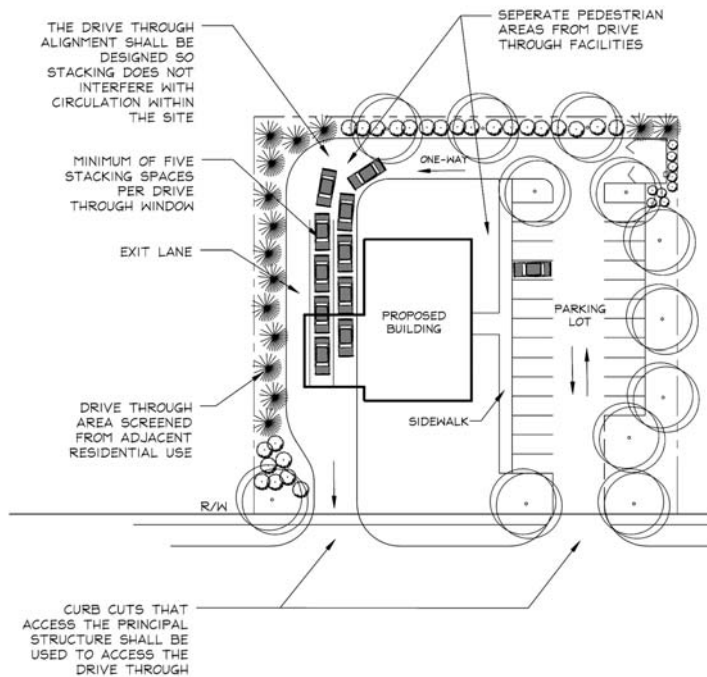
1. If a motor vehicle service station or filling station is abandoned, such station shall be presumed to be a nuisance affecting or endangering surrounding property values and detrimental to the public health, safety, convenience, comfort or property, or the general welfare of the community, and shall be abated. As used in this section, "abandoned" means a failure to operate such service station or filling station for at least six consecutive months in any 18 month period.
2. Whenever the Zoning Administrative Officer finds any motor vehicle service station or filling station to be abandoned, he or she shall give notice in the same manner as service of summons in civil cases, or by certified return receipt mail addressed to the owner of record of the premises at his or her last known address or to the address to which tax bills are sent, or by a combination of such methods, to abate such abandoned condition within 60 days, either by:
 - a. Placing the station in operation in accordance with this Zoning Code and other applicable laws and regulations of the City and State;
 - b. By adapting and using the building or structure for another permitted use in the district in which it is located; or
 - c. By razing the station, removing the pumps and signs, removing underground storage tanks in accordance with accepted safe practice as prescribed by the National Fire Protection Association in Appendix C to N.F.P.A. No. 30, under the supervision of the City Fire Chief or other designated official, and filling the depression to the grade level of the lot. However, if the station is in operation at the time notice is given and remains in operation for 90 consecutive days thereafter, this paragraph shall not apply. If a national emergency is declared, which emergency would curtail the operation of motor vehicles, or if Council

determines that there exists a state of general economic depression, this paragraph shall not apply.

Section 1292.11 Regulations for Drive-in, Drive-Through, or Carry-Out Eating and Drinking Establishments

In addition to the other relevant District regulations, drive-in, drive-through or carry-out eating and drinking establishments shall be reviewed by the Planning Commission and shall be further regulated as follows:

- A. The location must be located on an arterial road that is adequately designed to carry the additional traffic generated by the establishment. The City may require the applicant to conduct a traffic impact study by a qualified traffic engineer to determine the adequacy of the roadway. Such study shall be at the applicant’s expense.
- B. A minimum of five stacking spaces per drive-thru lane is recommended.
 - 1. Such waiting areas shall not obstruct off-street parking spaces or internal circulation on site.
 - 2. Waiting spaces shall be situated in such a manner that vehicles using the drive through or drive-in facilities are traveling in a continuous forward motion.
 - 3. A bypass lane is recommended to permit unimpeded circulation around a drive through lane. A bypass lane shall not include parking spaces.



- C. Exterior lighting, including illuminated signage, shall be so shielded or directed that the light intensity or brightness shall not extend beyond the subject property line, to be determined by the submission of a photometric lighting plan.
- D. A solid fence or wall four to six feet in height shall be constructed where any off-street parking area is located, adjacent to any residentially zoned parcel of land. An evergreen hedge maintained in good condition may be substituted for the required fence or wall,

provided however, that the evergreen hedge provides an opaque screen to prevent the glare of headlights onto adjoining properties and provided that the Planning Commission approves such screening.

- E. Speakers used for taking orders shall be positioned to minimize the sound on adjacent property.

Section 1292.12 Home Occupations

Customary home occupations are permitted as an accessory use as a part of a residential dwelling. Home occupations shall be subject to the following conditions in addition to use regulations in various districts:

- A. No more than 2 persons, other than members of the family residing on the premises, shall be engaged in the home occupation.
- B. The home occupation shall be clearly incidental and subordinate to the dwelling use for residential purposes with not more than 25 percent of the floor area of the dwelling unit used in the conduct of the home occupation.
- C. Unless required by state law, the external appearance of the dwelling in which the home occupation is conducted shall not be altered. Furthermore, no external alteration, construction or reconstruction of premises to specifically accommodate the use shall be permitted.
- D. One non-illuminated sign of not more than two square feet in area, attached flat against the building, shall be permitted.
- E. The home occupation may not increase parking and traffic flow by more than two vehicles at a time.
- F. There shall be no outside storage of any kind related to the home occupation.
- G. If products are manufactured, only those products made on the premises may be sold on the premises.
- H. No equipment, process, materials or chemicals shall be used which create offensive noises, vibration, smoke, dust, odor, heat, glare, x-rays, radiation or electrical disturbances shall be created as per Section 1292.08, Performance Standards for General Commercial and Industrial Development. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
- I. A home occupation shall comply with all Federal, State, County and Municipal regulations that are pertinent to its operation in addition to those contained in this Section.

Section 1292.13 Dumpsters and Trash Handling Areas

The following requirements shall apply to all uses that utilize dumpsters, trash handling areas, and related service entrances:

A. Setbacks

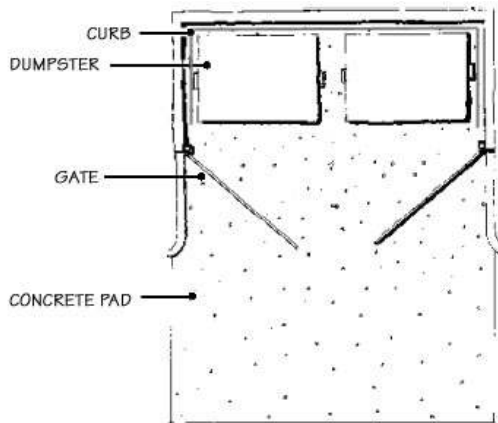
Dumpsters, trash handling areas and related screening, shall be in compliance with the setback requirements for accessory structures as determined by the zone district in which such structure is constructed. The dumpster(s) shall be located on a concrete pad constructed of sufficient strength for the dumpsters and vehicles that will empty the dumpsters. A curb of a minimum of six inches in height shall be located between the dumpsters and fence to prevent damage to the fence.

B. Location of Screen

Any such dumpster or trash handling area shall be screened on three sides by a fence or wall from the view from public streets and any abutting properties located in a residential, office, or commercial district. If the access to the dumpsters is visible from the public right-of-way, a gate shall be installed that fully screens the dumpsters.

C. Height and construction of Screen.

1. Any fence or wall required under this Section shall have a height no greater than seven feet and no less than five feet.
2. If a wall is constructed, it shall be constructed in a durable fashion of brick, stone, or other masonry materials with no greater than twenty-five percent (25%) of the wall surface left open so as to prevent viewing of the dumpster units. Masonry materials should be painted in a similar color to the main building.
3. Any fence shall be constructed in a durable fashion of wood. No more than twenty-five percent (25%) of the fence surface shall be left open between posts and/or planks so as to prevent viewing of the dumpster units.
4. Fence, wall and gate materials shall be of a similar material or painted similarly to the main building.



Section 1292.14 Fences, Walls and Hedges

Fences and walls are permitted in all Districts, subject to the following conditions:

A. Location

1. Fences, walls and hedges shall be permitted in any yard subject to the regulations of this Section.
2. The property owner shall assume responsibility for determining the legal, proper placement of the fence, wall or hedge upon their property.

B. Height

1. Residential Districts

- a. On an interior side or rear lot lines, fences and walls shall not exceed seven feet in height above the established grade.
- b. On a front lot line and in front of a building setback, fences and walls shall not exceed three and one-half feet in height above the established grade.

2. Business and Industrial Districts

On an interior side or rear lot lines, fences and walls shall not exceed eight feet in height above the established grade.

C. Materials

1. No fences, with the exception of those fences used for agricultural purposes, shall not contain an electric charge.
2. Barbed wire, razor wire, or any other type of anti-climbing wire shall only be permitted, upon administrative review and approval of the Zoning Administrative Official, in the industrial district.
3. Materials used for fences shall be of traditional fencing materials (wrought iron, chain link, pressure treated lumber, cedar, redwood, PVC, etc.) and shall be constructed of weather resistant materials or annually treated so that they are weather resistant.
4. The finished or most decorative side of the fence shall face away from the property erecting the fence.
5. All latches, hinges and other hardware shall be galvanized or painted so as to prevent or retard rust and degradation.

D. Maintenance

The fence, wall or hedge and the property surrounding both sides of the fence, wall or hedge shall be properly maintained at all times.

E. Certificate Required

Fences and walls shall require a Zoning Certificate.

Section 1292.15 Satellite Dishes

Satellite dishes, where permitted as an accessory use, are subject to the following conditions:

A. Zoning Certificate; When Required

A Zoning Certificate is required for the erection or installation of satellite dishes **except** as identified below.

1. Digital satellite dishes (DSS) and satellite dishes three feet or less in diameter shall be permitted to be placed on any dwelling or building in any District and shall **not** require a Zoning Certificate. However, the satellite dish shall be placed in the most inconspicuous place that permits reception on the property.
2. Satellite dishes exceeding three feet in diameter shall require administrative review and the issuance of a Zoning Certificate.

B. Submission Requirements for Satellite Dishes Requiring a Zoning Certificate

No person, firm or corporation shall undertake the construction, erection or installation of any non-exempt satellite dish (see subsection A above) without a Zoning Certificate issued in accordance with the provisions of this Section.

In addition to the requirements of this Section, the application for such Certificate shall include the following:

1. A description of the type and size of satellite dish proposed;
2. A plot plan of the lot, premises, or parcel of land showing the location of the proposed satellite dish and all other buildings and structures thereon;
3. Plans depicting the specifications and elevations of the proposed location, to include satisfactory screening and landscaping for ground mounted structures;
4. Details of the method of assembly and construction of the proposed satellite dish.
5. A statement indicating that the satellite dish shall be placed in the most inconspicuous place that permits reception on the property.

C. Location

1. Ground mounted satellite dishes shall be setback from the rear or side property line a minimum equal to the measurement of the height of the dish. However, in no case, shall the ground mounted satellite dish be located closer than three feet to the property line or within an easement of record.
2. Satellite dishes shall be prohibited in the front yard of the property on which it is located unless no other placement is possible to achieve a signal.

D. Height and Size

1. For exempt satellite dishes, the maximum diameter shall not exceed three feet.
2. For non-exempt satellite dishes, the maximum height of any ground-mounted satellite dish shall not exceed 10 feet above the finished grade and its diameter shall not exceed 12 feet.
3. The maximum height of any roof-mounted satellite dish shall not exceed the roof height it is mounted on by more than three feet.

E. Landscaping, Materials and Maintenance

1. The satellite dish apparatus, where mounted to the ground, shall be screened with shrubbery and/or landscaped if visible from the public right-of-way.

2. The satellite dish shall be of one color and shall not contain any advertising other than that of the manufacturer or system.
3. The satellite dish apparatus shall be properly maintained to prevent both unsightly and unsafe conditions.

Section 1292.16 Outdoor Bulk Storage and Display in Commercial and Industrial Districts

The following regulations shall apply to outdoor bulk storage or displays in commercial and industrial districts:

- A. The outdoor storage or display of bulk goods including retail and seasonal items such as firewood, landscaping materials, bagged materials and mulch shall be controlled by the following regulations:
 1. The outdoor storage or display of merchandise, inventory or materials shall not interfere with required off-street parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways or block any natural drainage.
 2. The outdoor storage of merchandise, inventory or materials shall not be located in any required yard area within the lot nor shall it be visible from the public right-of-way.
 3. Outdoor storage areas shall be required to be fully screened with an opaque fence or wall not to exceed six feet in height. Such fence shall be constructed out of a material that is similar in nature to the principal structure on the lot or painted in similar color of the principal structure on the lot.
 4. All permitted outdoor storage or display shall be maintained in a neat and orderly fashion.
 5. As part of an outdoor display, only a sample of materials, to properly identify the merchandise for sale on the premises, shall be permitted. The remaining materials, if not stored indoors, shall be considered outdoor storage, subject to the regulations of this Section.
 6. Outdoor storage or display locations shall be approved by the Zoning Administrative Officer upon the application of the record owner of the property.
- B. Applications for outdoor storage or display areas shall be on a form provided by the Zoning Administrative Officer and shall be submitted with a site plan depicting the location of the said storage or display areas with supporting documentation indicating the impact of the storage or display area on the property as a whole. The Zoning Administrative Officer may request the specific review and approval of the Planning Commission on any application. The review and approval of the Board of Zoning Appeals may be requested by any applicant whose application has been rejected or modified by the Zoning Administrative Officer or Planning Commission, which request must be made in writing and must be made within 30 days of such rejection or modification.

Section 1292.17 Outdoor Storage in Residential Areas

The outdoor storage of materials in a residential district shall not be permitted in the front yard for more than 48 hours. Outdoor storage shall be located behind the front building line of the dwelling and shall be stored in an orderly manner (e.g. stacked) and shall remain free of stagnant water, weeds and vermin. The City may require the screening of items stored outdoors on a case by case basis.

Section 1292.18 Junk Storage

The accumulation and/or storage of junk vehicles, disabled or inoperative machinery and equipment, dismantled parts of vehicles, machinery or equipment, discarded appliances and furnishings, other junk and debris, shall be prohibited except when stored within a completely enclosed building or structure.

Section 1292.19 Portable Storage Units

A. Purpose

The purpose of these regulations is to regulate the use and location of portable storage units. These units are typically known by the names: PODS (Portable On Demand Storage Units), SAM (Store and Move), SmartBox USA, and UNITS. These types of units are typically used for moving, temporary storage during construction and other purposes as may be listed below.

B. Definition

For the purposes of this Section, the term “portable storage unit” shall mean any rentable or leasable enclosed unit of durable construction or material, generally eight feet in width by eight feet in height by 7 to 16 feet long, designed for temporary storage, which can be transported by truck, left on site or are filled and removed and stored at a central location.

C. General Regulations

Portable storage units may be permitted as a temporary use in any zoning district as follows:

1. Location and Timeframe

a. Temporary Use for New Construction

Portable storage units are to be removed within three calendar days after the unit is no longer necessary or construction is complete, whichever is sooner.

b. Moving and Relocating in Residential Districts

1. If used by an occupant of a property for moving or relocating, a portable storage unit shall only be located on a paved surface on the property (e.g. driveway) for a period of not more than seven days or for a period of fourteen total days in any 365 day period.

2. Portable storage units shall not be located any closer to an adjacent property than the required minimum side or rear yard setback for accessory uses in the district the unit is located.

c. Commercial and Industrial Districts

1. Portable storage units shall not be permitted in any commercial or industrial district for temporary or permanent on site storage unless expressly permitted by the Board of Zoning Appeals.

2. When permitted, a portable storage unit shall only be located on a paved surface on the property for a period of time as determined by the Board of Zoning Appeals.

3. Portable storage units shall not be located any closer to an adjacent parcel than the required minimum side or rear yard setback for accessory uses in the district that the unit is located.

2. Prohibitions

- a. No portable storage unit shall be used for human or animal occupation.
- b. Portable storage units larger than those identified in 1292.19 B., Definition, shall be prohibited in the City unless expressly permitted by the Board of Zoning Appeals.
- c. Only one portable storage unit shall be permitted on the property at any time.
- d. No portable storage unit shall be located in a public right-of-way.
- e. No electrical or plumbing service shall be connected to or provide in the portable storage unit.

3. Units must be Secured

Portable storage units shall be fully secured at all times including the use of a locking device on the door to prohibit unauthorized entry into the unit.

4. Public Nuisance

The placement of any portable storage unit shall be located in such a manner on any property as not to create a public nuisance such as creating a motor vehicle visibility issue or storing hazardous materials.

CHAPTER 1294 SCREENING AND LANDSCAPING

Section 1294.01 Purpose

The purpose of this Chapter is to provide minimum standards involving the development of land to:

- A. Provide attractive views from roads and adjacent properties;
- B. Screen from view visually undesirable uses;
- C. Require screening between incompatible land uses;
- D. Protect the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and headlight glare.

Section 1294.02 Applicability

This chapter shall apply to new property development and any collective substantial expansion of existing structures, **except** for single family detached dwellings and two family dwellings. Substantial expansion of existing structures shall be defined based on the criteria established below:

<i>When Existing Structure is....</i>	<i>A Substantial Expansion is...</i>
0 - 1,000 Sq. Ft.	100% or Greater
1,001 - 10,000 Sq. Ft.	50% or Greater
10,001 - 25,000 Sq. Ft.	40% or Greater
25,001 - 50,000 Sq. Ft.	30% or Greater
50,001 Sq. Ft. and larger	20% or Greater

Section 1294.03 General Requirement for Submission

Any property to which this chapter applies shall submit a Screening or Landscaping Plan to the Zoning Administrative Officer as part of the Zoning Certificate process. Screening or Landscaping Plans shall be prepared by a nursery or by a design professional practicing within their areas of competence. The Plan shall contain the following information:

- A. Plans must be at a reasonable scale to identify all proposed screening or landscaping improvements and shall include the following minimum information:
 - 1. North arrow and scale.
 - 2. The name of applicant/owner.
 - 3. The name, address and phone number of the person or firm responsible for the preparation of the Screening or Landscape Plans.
 - 4. The dates the plans are submitted or revised.
 - 5. All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.
 - 6. All existing plant material to be removed or retained and all new screening or landscaping materials to be installed.

7. All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
 8. All property lines and easements.
 9. Any other information which is deemed appropriate by the Zoning Administrative Official.
- B. Typical details shall be shown for the planting of the types of trees, shrubs and ground cover within the screening or landscaped area.

Section 1294.04 Approval

- A. No site or development plan required under this Zoning Code shall receive final approval unless a Screening or Landscaping Plan has been submitted and approved when required by this Chapter.
- B. No final approval of the Zoning Certificate shall be granted unless the following criteria are fully satisfied with regard to the approved Screening or Landscape Plan:
1. Such plan has been fully implemented on the site; or
 2. Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the City.
- C. The Zoning Administrative Official may request the review and approval of the Planning Commission at any time during the review and approval process.

Section 1294.05 Landscaping and Screening Standards

- A. Maintenance of Screening and Landscaped Areas

All screening and landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times and shall remove all noxious, invasive, or poison type plants. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first. Violation of these installation and maintenance provisions may be grounds for the Zoning Administrative Officer to:

1. Find the owner of the property in violation of the conditions of the Zoning Certificate;
2. Require replacement of the landscape material; or
3. Institute legal proceedings to enforce the provisions of this Code.

- B. Screening and Landscape Establishment

Once a screened or landscaped area has been approved by the Zoning Administrative Officer and established by the owner, it may not be used, disturbed or altered in anyway that would decrease its landscape or screening effectiveness unless approved by the Zoning Administrative Officer.

C. Screening Requirement

In order to provide protective screening and buffers for residentially zoned areas that are adjacent to nonresidential areas, the Zoning Administrative Officer may require a wall, fence or open space to be provided by any newly developed or substantially expanded nonresidential property if the nonresidential property is not already sufficiently screened.

Screening shall be in accordance with the following:

1. Screening areas shall be provided for the purpose of minimizing the visual and noise impact between incompatible land uses by improving the aesthetic and functional quality of new development.
2. Where vegetative and/or topographic conditions already provide a natural screen and buffer prior to development of properties in question, every effort shall be made to retain such conditions in good maintenance. In such cases, additional screening may not be required by the Zoning Administrative Officer, provided that provision is made for maintenance of such areas.
3. The Zoning Administrative Officer may waive the requirement for a wall, fence or greenbelt if equivalent screening is provided by existing or planned parks, parkways, recreation areas or by topography or other natural conditions found on the subject property.
4. Screening Standards

WHEN...	IS PROPOSED TO ABUT...	A MINIMUM SCREENING OF...
Any commercial or office land use	Any Residential District	A. If proposed; a wall or fence should be five to seven feet in height and placed near the nonresidential property line. The area between such wall or fence and the property line shall be treated with plantings to form a permanent landscaped area. or
Any industrial land use	Any Residential or Business District	
Any multi-family land use	Any Single Family Residential District	B. If proposed; a strip of open space along the property line at least ten (10) feet in width should be established. Such greenbelt shall be planted and maintained with evergreens such as spruce, pine or firs at least six (6) feet in height or a hedge at least five (5) feet in height, tightly situated so as to provide an effective and permanent visual buffer. The portion of the landscaped area not covered by plantings shall be kept in a neat and orderly appearance.
Any institutional land use (including assisted living facilities, educational institutions and religious places of worship)	Any Single Family Residential District	

D. Materials for Screening and Landscaping

1. Walls and Fences

When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with or without wooded or synthetic slat material shall not be permitted when used to satisfy screening requirements.

2. Plants

All plants are to be healthy upon planting. Plant materials used in conformance with the provision of this Section shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under State regulations. Trees and plant materials should be species indigenous to Zone 6 of the United States Department of Agriculture Plant Hardiness Zone Map. Trees shall be balled and burlapped or in containers. Shrubs, vines and ground covers can be planted as bare root as well as balled and burlapped or containers.

a. Deciduous Trees

Deciduous trees shall have a minimum caliper of at least two and one half (2½) inches conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this Chapter must be used to create a dense buffer.

b. Evergreen Trees

Evergreen trees shall be a minimum of six feet in height at the time of planting when used for screening purposes when adjacent to a Residential District. Evergreen plantings used for screening shall be planted so as to provide an effective, dense screen upon the time of planting. The height at installation of the planting shall be measured from the level of the planting surface of the evergreen base.

c. Shrubs and Hedges

Shrubs and hedges shall be at least five feet in height at the time of planting. All shrubs and hedges shall be designed to provide an effective, dense screen and mature height of at least six feet within two years after the date of the final approval of each planting. The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.

d. Grass or Ground Cover

Grass shall be appropriate for the soil type. In swales or other areas subject to erosion, solid sod, erosion reducing net or suitable mulch shall be used and nursegrass seed shall be sown for immediate protection until complete coverage otherwise is achieved and shall be reviewed by the Auglaize Soil and Water Conservation District. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted to provide seventy-five (75) percent complete coverage after two growing seasons.

3. Mounds

Mounds made of soil may be used for screening purposes. A difference in elevation between areas requiring screening does not constitute an earth mound. Mounds shall conform to the following standards:

- a. The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed by the Zoning Administrative Officer to ensure that proper erosion prevention and control practices have been utilized.
- b. Berms and earth forms shall be designed with physical variations in height and alignment throughout their length.
- c. Landscape plant material installed on berms and earth forms shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
- d. The Plan shall show sufficient detail, including a plan and profile of the berm or earth form, soil types and construction techniques to demonstrate compliance with the above provisions.
- e. Berms and earth forms shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.
- f. For adequate sight distance for points of ingress and egress, no part of any berm which is elevated more than thirty-six inches above natural grade shall be located within twenty feet of any right-of-way or property line.
- g. Adequate ground cover shall be used and maintained to prevent erosion of the mound.

Section 1294.06 Screening and Landscaping for Off-Street Parking Areas

Screening and Landscaping for off-street parking areas shall be as established in Section 1284.06 D, Screening.

Section 1294.07 Screening for Dumpsters and Trash Handling Areas

Screening for dumpsters and trash handling areas shall be as established in Section 1292.13, Dumpsters and Trash Handling Areas.

Section 1294.08 Easements, Right-of-Way, and Setbacks

Required screening and landscaping may be placed wholly or partially in utility or other easements providing all requirements of this Chapter can be fulfilled and approval is granted by the holder of the easements, in writing.

In no case, however, shall screening or landscaping be established so as to block the sight distance at street or drive intersections. Ground cover and trees with at least six (6) feet of limbless trunk shall be permitted within the sight distance triangle. In the case of a street intersection, the sight triangle shall consist of the area between points twenty (20) feet along both intersecting streets from their respective edge of pavements.

Section 1294.09 Modifications

The Board of Zoning Appeals shall have the authority to modify or waive any of the aforementioned requirements in this Chapter in considering an individual site with respect to changes in elevation, environmental impact, durability of plant material, aesthetic appeal, and any other factor that will provide a compatible screen or buffer with the surrounding property or neighborhood at the time of application.