

YOUNGSTOWN REDEVELOPMENT CODE



CITY ORDINANCE 13-56 APRIL 17, 2013

City Of Youngstown

Mayor Charles P. Sammarone

Jamael Tito Brown, Council President

Annie Gillam, 1st Ward

T. J. Rodgers, 2nd Ward

Nathaniel Pinkard, 3rd Ward

Michael L. Ray, Jr. 4th Ward

Paul Drennen, 5th Ward

Janet Tarpley, 6th Ward

John R. Swierz, 7th Ward

Planning Commission

Mayor Charles P. Sammarone

Anthony Farris, Law Director

Charles Shasho, City Engineer

Angelo Pignatelli

Irving Lev

Jill Carter

Gerald Fordham

Bill D'Avignon, Planning Director

Karen Perkins, Zoning Analyst

Ray DeCarlo, Zoning Specialist

Consultant Team

Clarion Associates, Denver, CO

McBride Dale Clarion, Cincinnati, OH

Farr Associates, Chicago, IL

ACP Visioning+Planning, Columbus, OH

Global Green, Los Angeles, CA

Youngstown State University Center for Urban and Regional Studies

TABLE OF CONTENTS

Chapter 1101.	General Provisions	1
1101.01.	Purpose	1
1101.02.	Citation and Title	2
1101.03.	Statutory Authority	2
1101.04.	Applicability and Jurisdiction	2
1101.05.	Compliance Required	2
1101.06.	Relationship to the Adopted Comprehensive Plan	2
1101.07.	Relationship to Other Regulations	2
1101.08.	Relationship to Third-Party Private Agreements	3
1101.09.	Interpretation.....	3
1101.010.	Effective Date	3
1101.011.	Transition from Prior Laws	4
1101.012.	Severability.....	5
Chapter 1102.	Zone Districts	6
1102.01.	Summary Table	6
1102.02.	Base Zone Districts	7
1102.03.	Overlay Zone Districts	32
1102.04.	Official Zoning Map	61
1102.05.	Interpretation of District Boundaries.....	62
Chapter 1103.	Permitted Uses	63
1103.01.	Permitted Use Table.....	63
1103.02.	Use-specific Standards	74
1103.03.	Uses Not Permitted in Table	108
Chapter 1104.	Development Standards	109
1104.01.	Dimensional and Form Standards	109
1104.02.	Building Form Standards	113
1104.03.	Parking and Loading	141
1104.04.	Connectivity and Circulation	156
1104.05.	Landscaping, Buffering, and Fencing.....	158
1104.06.	Design Standards.....	171
1104.07.	Exterior Lighting	173
1104.08.	Signs	175
1104.09.	Subdivision Standards	186
1104.010.	Operating and Maintenance Standards	191
Chapter 1105.	Administration and Procedures	193
1105.01.	Reviewers and Decision-Makers	194
1105.02.	Procedures Table	197
1105.03.	Common Procedures and Requirements	198
1105.04.	Specific Procedures	207
1105.05.	Pre-existing Uses and Development	227
1105.06.	Violations, Enforcement and Fees	232
Chapter 1106.	Definitions	237
1106.01.	Rules of Construction	237
1106.02.	Measurements and Exceptions.....	237
1106.03.	Definitions	241

Chapter 1101. GENERAL PROVISIONS

1101.01. Purpose

The purpose of this Redevelopment Code is to protect public health, safety, and welfare and to implement the goals and objectives of the Cities Comprehensive Plan using those authorities over the development, redevelopment, use, and occupancy of land, buildings, and structures, and over the protection of the environment, granted to the City by the constitution and the state. This general purpose includes, but is not limited to, the following:

- (a) Encourage the most appropriate and effective use of land, buildings, and other structures throughout the City of Youngstown in accordance with a comprehensive plan;
- (b) Promote the economic stability of existing land uses that are consistent with the comprehensive plan and protect them from intrusions by incompatible land uses;
- (c) Consider the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development;
- (d) Enhance the quality of development through superior and contextual building and site design;
- (e) Lessen congestion in the streets while enhancing pedestrian and vehicular movement with the least detriment to environmental quality;
- (f) Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses;
- (g) To promote desirable living conditions and the sustained stability of neighborhoods;
- (h) Preserve and protect uses of land that provide employment opportunities to City residents;
- (i) Provide for more sustainable development within the City by reducing carbon emissions, vehicle miles traveled, energy consumption, and water consumption, and by encouraging production of renewable energy and food production;
- (j) Ensure that development and resource decisions are sustainable not only for the current residents of Youngstown but for future residents and generations also;
- (k) Promote the public safety, health morals, convenience, prosperity, or welfare;
- (l) Secure safety from fire, panic, and other dangers;
- (m) Provide adequate light and air;
- (n) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- (o) Protect property against blight and depreciation;
- (p) Secure economy in governmental expenditures; and

- (q) Conserve the value of buildings;
- (r) Increase the Cities resiliency and the ability to adapt to future economic, development, and environmental trends.

1101.02. Citation and Title

This ordinance may be cited as the Youngstown Redevelopment Code, Part 11 of the Youngstown Codified City Ordinances. This ordinance is also referred to as “this Code,” and “the Redevelopment Code.”

1101.03. Statutory Authority

This Code is enacted pursuant to the home rule authority of the City of Youngstown as recognized in Article XVIII of the Ohio Constitution, as well as the authority conferred by Chapter 713, Sections 713.06 to 713.15 (zoning) and Sections 735.17 to 735.26 (subdivision) inclusive of the Revised Code, as amended by the General Assembly of Ohio.

1101.04. Applicability and Jurisdiction

This Code shall apply to all lands within the boundaries of the City unless specifically exempted by the terms of specific sections of this Redevelopment Code or unless applicability is prohibited by law. Urban Renewal projects sponsored by the City of Youngstown where the parcelization is a series of interrelated developments consisting of a “group development,” shall be exempt from the conditions of this Code only where a conflict exists between this ordinance and the Urban Renewal Plan or Urban Redevelopment Plan.

1101.05. Compliance Required

Except as provided in Section 1105.05, Pre-Existing Development, no building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or altered, except in conformity with the regulations herein specified for the district in which it is located.

1101.06. Relationship to the Adopted Comprehensive Plan

A primary intent of this Code is to implement the goals and objectives of the cities comprehensive plan, as that plan may be amended from time to time. The provisions of this Code shall be interpreted liberally to achieve the goals and objectives of the cities comprehensive plan while remaining consistent with all applicable requirements of federal and state law.

1101.07. Relationship to Other Regulations

In their interpretation and application, the provisions of this Code shall be construed to be the minimum requirements for the promotion of public health, safety and general welfare. It is not intended that this Code interfere with, abrogate or annul any other resolution or rules, regulations or permits previously adopted or issued or that shall be adopted or issued not in conflict with any of the provisions of this Code. If there is a conflict or alleged conflict

between regulations related to this Code, the Director shall determine which provision applies.

(a) Provisions of this Code

In the case of conflict between one part of this Redevelopment Code and any other part of this Code, the more restrictive provision shall apply, except that provisions of overlay zone districts shall prevail over other provisions of this Code regardless of whether they are less or more restrictive.

(b) Municipal Ordinances or Regulations

In the case of a conflict between any part of this Redevelopment Code with any other provision of the Youngstown Codified City Ordinances, the more restrictive provision shall apply.

(c) Other Ordinances or Regulations

In the case of a conflict between any part of this Redevelopment Code and any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern, unless state or federal law requires a different outcome.

1101.08. Relationship to Third-Party Private Agreements

This Redevelopment Code is not intended to interfere with, abrogate, or annul any easements, covenants or other private agreements between parties. However, where this Code imposes a greater restriction or higher standards or requirements upon the use of land, buildings or premises than those imposed or required by other easements, covenants or agreements, the provisions of this Code shall govern. Nothing in this Code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Code. In no case shall the City be obligated to enforce the provisions of any easements, covenants or agreements between private parties.

1101.09. Interpretation

The Director shall be authorized to interpret the provisions of this Redevelopment Code unless a different city official is specifically designated in this Code to make a particular interpretation. The decisions of the Director are subject to appeal as described in Section 1105.04(p), Appeals.

1101.010. Effective Date

The effective date of this Redevelopment Code is April 17, 2013.

1101.011. Transition from Prior Laws

(a) Approved Projects

(1) *Validity*

Permits and approvals that are valid on April 17, 2013 shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.

(2) *Changes*

Nothing in this Code shall require any change in the plans, construction, size or designated use of a building or part of a building for which a building permit has been granted or for which plans were on file with the City before April 17, 2013 provided that construction pursuant to the building permit begins before the building permit expires. If any of these requirements have not been fulfilled or if the building operations are voluntarily discontinued for a period of 90 days, any further construction shall be in conformity with the provisions of this Code.

(3) *Extensions and Re-Application*

The decision-making body that granted the original approval may renew or extend the time of a previous approval if the required standards or criteria for approval remain valid. Any extension granted shall not exceed the time specified for the extension of the specific permit approval in this Code. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

(b) Applications in Progress

(1) *Completed Applications*

Complete applications for permits and other approvals pursuant to this Redevelopment Code that have been accepted as complete and are pending approval on April 17, 2013 may, at the applicant's option, be reviewed wholly under the terms of the previous chapters and sections of the City ordinances. If approved, these projects may be carried out in accordance with the development standards in effect at the time of application. Any re-application for an expired permit shall meet the standards in effect at the time of re-application. The applicant may not choose to have some parts of the previous chapters and other parts of the current Code apply to the project.

(2) *No Applications Submitted*

Projects for which an application (including all required supporting materials) has not been submitted and accepted as complete prior to April 17, 2013 shall be subject to all requirements and standards of this Code.

(3) *Expiration*

Regardless of whether or not a completed application has been received prior to the adoption of this Code, any permit or approval issued following the adoption of this Code shall be subject to any provisions for the lapsing of that type of permit or approval contained in this Code.

(4) *Violations Continue*

Any violation occurring under previous sections of the City ordinances consolidated into this Code will continue to be a violation under this Code and be subject to penalties and enforcement pursuant to Section 1105.06, Violations, Enforcement and Penalties, unless the use, development, construction, or other activity complies with the provisions of this Code. Any violation issued prior to the adoption date of this Code shall be subject to the fines and penalties of the previous ordinance(s) unless the violation is not addressed by the property owner and is reissued by the City after the adoption of this Code, in which case the violation shall be subject to the fines and penalties in Section 1105.06.

(5) *Pre-Existing Uses, Structures, and Conditions Continue*

Any pre-existing use under previous sections of the code consolidated into this Code will also be a legal pre-existing use under this Redevelopment Code, as long as the situation that resulted in the pre-existing status under the previous code section continues to exist. If a pre-existing condition under the previous code section becomes conforming because of the adoption of this Code, then the situation will no longer have pre-existing status.

1101.012. Severability

If any provision or section of this Redevelopment Code is determined to be invalid, illegal, or inoperative for any reason, or to constitute a taking or deprivation of property in violation of the constitutions of the state or of the United States, that provision or section shall be severed from the remaining provisions of the Code, and the remainder of this Code shall remain effective and fully operative as far as possible.

Chapter 1102. ZONE DISTRICTS

1102.01. Summary Table

TABLE 1102-A: COMPARISON OF ZONE DISTRICTS			
Previous Zone Districts		Redevelopment Code Zone Districts	
RESIDENTIAL (5)		RESIDENTIAL (8)	
R-20	Single-family	RS-20	Single-family
R-12	Single-family	RS-12	Single-family
R-7.2	Single-family	RS-7.2	Single-family
R-5.5	Residential, One- and Two-family	RT-5.5	One- and Two-family
		RS-3.0	Single-family small lot (new)
		RS-CF	Single-family Crandall form (form-based - new)
R-A	Apartment	RM-2.2	Multi-family
R-1.5	Multi-family	RM-1.5	Multi-family
R-1.0	General	RM-1.0	Multi-family
MIXED USE (1)		MIXED USE (6)	
M-U	Mixed Use	MU-R	Residential Reuse (current MU District)
BUSINESS AND INSTITUTIONAL (5)			
I	Institutional	MU-I	Institutional (current I)
B-4	Local	MU-N	Neighborhood (current B-4)
B-3	Community	MU-C	Community (current B-2 and B-3)
B-2	General		
		MU-UF	Uptown Form (form-based - new)
B-1	Central	MU-DF	Downtown (form-based - new)
		MU-FF	Federal Plaza (form-based –new)
INDUSTRIAL (2)		SPECIAL PURPOSE (3)	
I-L	Industrial Limited	IG	Industrial Green (new)
I-H	Industrial Unlimited	IU	Industrial Unlimited
		OS	Open Space (new)
		AW	Agriculture/Wetlands (new)
OVERLAY DISTRICTS (1)		OVERLAY DISTRICTS (5)	
PD	Planned Development	PDO	Planned Development Overlay
		CDO	Central Design Overlay (Chapters 1101 & 1102)
		FPO	Flood Protection Overlay
		HPO	Historic Preservation Overlay
		LSO	Limited Services Overlay (new)

1102.02. Base Zone Districts

Each of the base zone districts listed in Section 1102.01 are described below. The description includes an intent statement, basic dimensional table, illustration, and example of development in that district, as well as any regulations that apply to only that district. Permitted uses for each district are located in Chapter 1103, and development standards applicable to all development are located in Chapter 1104.

(a) RS-20 Single-Family

(1) Purpose

The Residential Single-Family 20 (RS-20), district is created for the purpose of maintaining and protecting low-density single-family residential areas with a minimum lot size of 20,000 sq. ft.¹

(2) Example



(3) Illustration

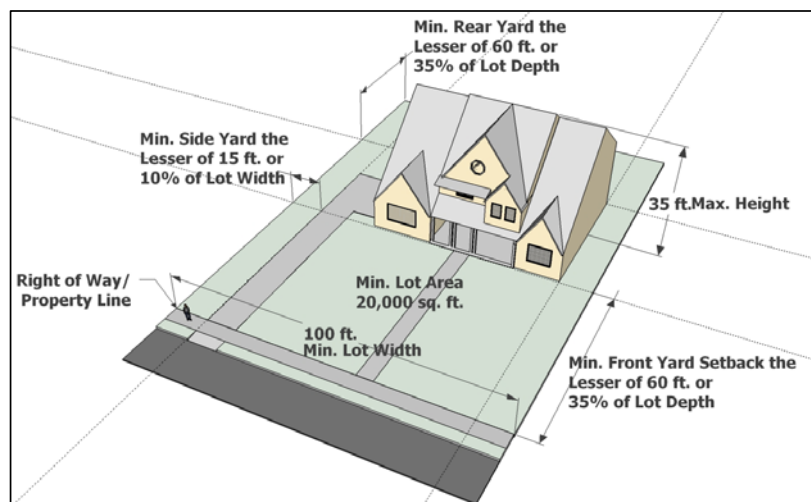
(4) Dimensions

Dimension	Requirement
Min. Lot Area	20,000 sq. ft.
Min. Lot Area per Family	20,000 sq. ft.
Min. Lot Width	100 ft.
Front Yard Setback from Right of Way Line	60 ft. or 35% of depth of lot, whichever is less
Min. Side Yard [1]	15 ft. or 10% of lot width, whichever is less
Min. Rear Yard [2]	60 ft. or 35% of depth of lot, whichever is less
Max. Height	35 ft.

[1] If lot is 50 ft. wide or less, reduced to 5 ft.

[2] Rear yard requirement for detached accessory structures is the same as side yard requirement.

See Sec. 1104.01 for more dimensional requirements



¹ This district is the former R-20 district.

(b) RS-12 Single-Family

(1) Purpose

The Residential Single-Family 12 (RS-12), district is created for the purpose of maintaining and protecting low-density single-family residential areas with a minimum lot size of 12,000 sq. ft.²

(2) Example

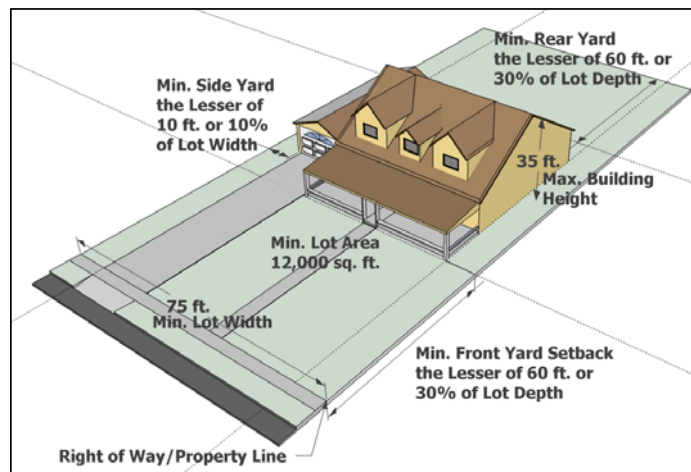


(4) Dimensions

Dimension	Requirement
Min. Lot Area	12,000 sq. ft.
Min. Lot Area per Family	12,000 sq. ft.
Min. Lot Width	75 ft.
Min. Front Yard Setback from Right of Way Line	60 ft. or 30% of depth of lot, whichever is less
Min. Side Yard [1]	10 ft. or 10% of lot width, whichever is less
Min. Rear Yard [2]	60 ft. or 30% of depth of lot, whichever is less
Max. Height	35 ft.

[1] If lot is 50 ft. wide or less, reduced to 5 ft.
[2] Rear yard requirement for detached accessory structures is the same as side yard requirement.
See Sec. 1104.01 for more dimensional requirements

(3) Illustration



² This district is the former R-12 district .

(c) RS-7.2 Single-Family

(1) Purpose

The Residential Single-Family 7.2 (RS-7.2), district is created for the purpose of maintaining and protecting low-density single-family residential areas with a minimum lot size of 7,200 sq. ft.³

(2) Example

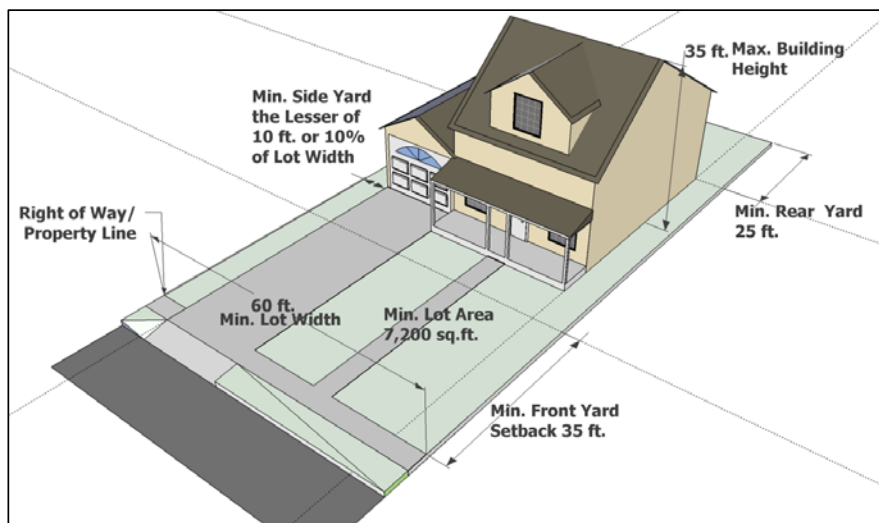


(4) Dimensions

Dimension	Requirement
Min. Lot Area	7,200 sq. ft.
Min. Lot Area per Family	7,200 sq. ft.
Min. Lot Width	60 ft.
Min. Front Yard Setback from Right of Way Line	35 ft.
Min. Side Yard [1]	10 ft. or 10% of lot width, whichever is less
Min. Rear Yard [2]	25 ft.
Max. Height	35 ft.

[1] If lot is 50 ft. wide or less, reduced to 5 ft.
[2] Rear yard requirement for detached accessory structures is the same as side yard requirement.
See Sec. 1104.01 for more dimensional requirements

(3) Illustration



³ This district is the former R-7.2 district.

(d) RT-5.5 1- and 2-Family (Formerly R-5.5, 1- and 2-Family)

(1) Purpose

The Residential 1- and 2-Family 5.5 (RS-5.5), district is created for the purpose of maintaining and protecting medium-density single-family and two-family residential areas with a minimum lot size of 7,200 sq. ft.⁴

(2) Example

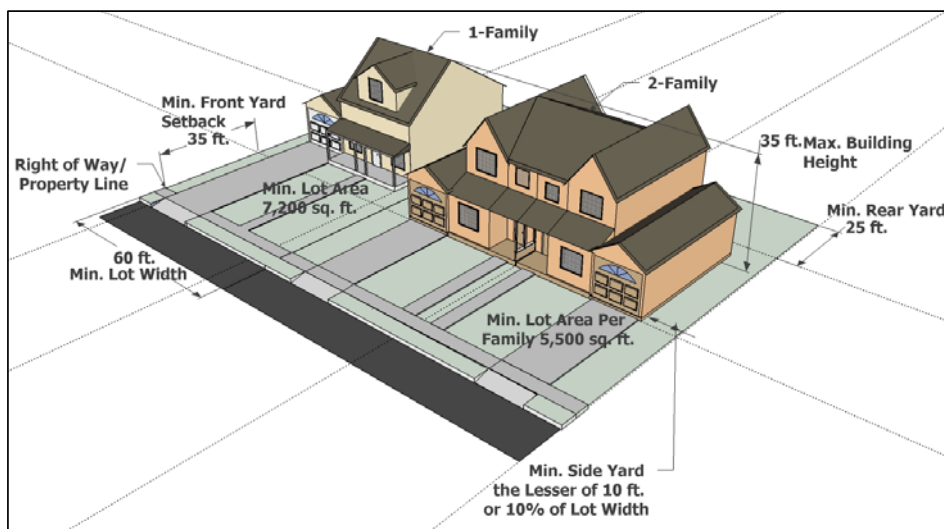


(4) Dimensions

Dimension	Requirement
Min. Lot Area	7,200 sq. ft.
Min. Lot Area per Family	5,500 sq. ft.
Min. Lot Width	60 ft.
Min. Front Yard Setback from Right of Way Line	35 ft.
Min. Side Yard [1]	10 ft. or 10% of lot width, whichever is less
Min. Rear Yard [2]	25 ft.
Max. Height	35 ft.

[1] If lot is 50 ft. wide or less, reduced to 5 ft.
[2] Rear yard requirement for detached accessory structures is the same as side yard requirement.
See Sec. 1104.01 for more dimensional requirements

(3) Illustration



⁴ This district is the former R-5.5 district.

(e) RS-3.0 Single-Family

(1) Purpose

The Residential Single-Family 3.0 (RS-3.0), district is created for the purpose of maintaining and protecting medium-density single-family residential areas with a minimum lot size of 3,000 sq. ft.5

(2) Example

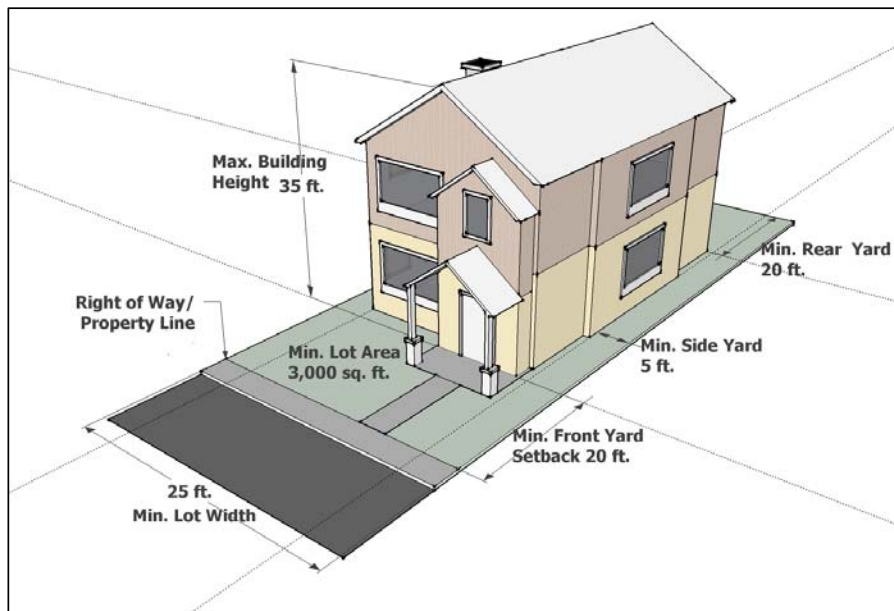


(4) Dimensions

Dimension	Requirement
Min. Lot Area	3,000 sq. ft.
Min. Lot Area per Family	3,000 sq. ft.
Min. Lot Width	25 ft.
Front Yard Setback from Right of Way Line	20 ft.
Minimum Side Yard	5 ft.
Minimum Rear Yard [1]	20 ft.
Max. Height	35 ft.

[1] Rear yard requirement for detached accessory structures is the same as side yard requirement.
See Sec. 1104.01 for more dimensional requirements

(3) Illustration



5 This is a new district

(f) RS-CF Residential Single-Family Crandall Form District

(1) Purpose

The Residential Single-Family Form 1 district is created for the purpose of maintaining and protecting single-family areas in the Crandall Park North area (as shown on the following map) through the use of form-based zoning controls. Permitted building types, and their location on individual lots, have been established based on the existing development pattern in that neighborhood, and new development and redevelopment will be required to be consistent with that established character.⁶

(2) Example

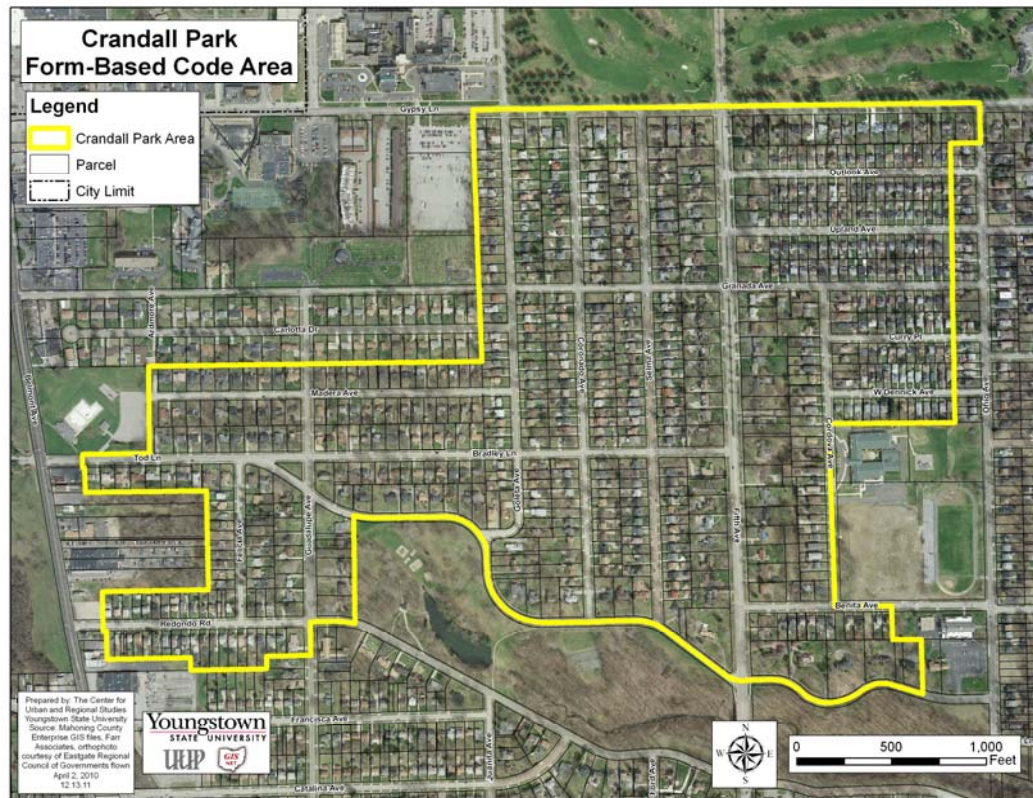


(3) District Map

(4) Building Types Permitted

Permitted Building Types	RS-CF	MU-UF	MU-DF	MU-FF
Downtown Main Street			●	●
Downtown General			●	
Uptown Main Street		●		
Manor House	●			
Iconic		●	●	●
Standards for building types permitted in the MU-UF district are in Section 1104.02.				

⁶ This is a new district.

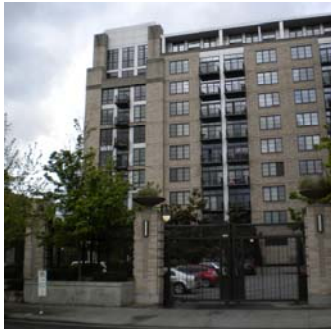


(g) RM-2.2 Residential Multi-Family 2.2 District

(1) Purpose

The Residential Multi-Family 2.2 (RM-2.2) district is created for the purpose of maintaining and protecting areas for multi-family development at a maximum density of 1 dwelling unit per 2,200 sq. ft. of lot area.⁷

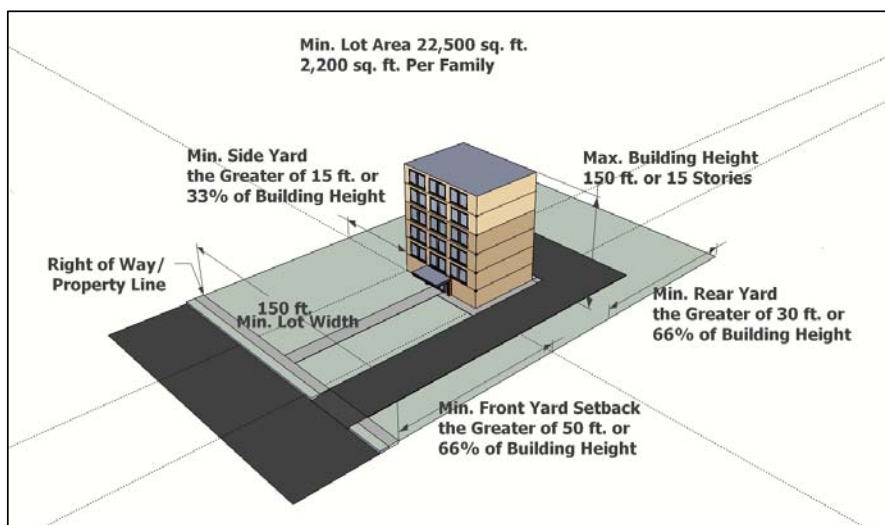
(2) Example



(4) Dimensions

Dimension	Requirement
Min. Lot Area	22,500 sq. ft.
Min. Lot Area per Family	2,200 sq. ft.
Min. Lot Width	150 ft.
Front Yard Setback from Right of Way Line	50 ft. or 66% of building height, whichever is greater
Min. Side Yard	15 ft. or 33% of building height, whichever is greater
Min. Rear Yard	30 ft. or 66% of building height, whichever is greater
Max. Height	150 ft.
See Sec. 1104.01 for more dimensional requirements	

(3) Illustration



⁷ This district is the former R-A district.

(h) RM-1.5 Residential Multi-Family 1.5 District

(1) Purpose

The Residential Multi-Family 1.5 (RM-1.5) district is created for the purpose of maintaining and protecting areas for multi-family development at a maximum density of 1 dwelling unit per 1,500 sq. ft. of lot area.⁸

(2) Example

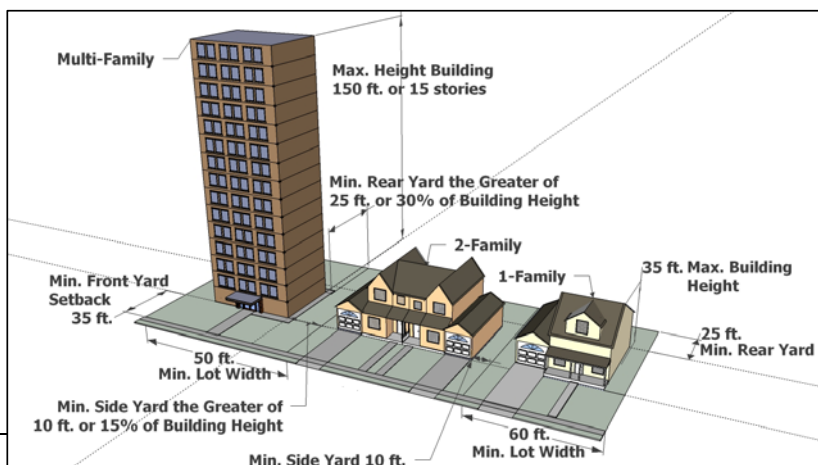


(3) Illustration

(4) Dimensions

Dimension	Requirement
Min. Lot Area	1F: 7,200 sq. ft. 2F: 11,000 sq. ft. MF: 6,000 sq. ft.
Min. Lot Area per Family	1F: 7,200 sq. ft. 2F: 5,500 sq. ft. MF: 1,500 sq. ft.
Min. Lot Width	1F or 2F: 60 ft. MF: 50 ft.
Front Yard Setback from Right of Way Line	35 ft.
Min. Side Yard	1F or 2F: 10 ft. MF: 10 ft. or 15% of building height, whichever is greater
Min. Rear Yard	1F or 2F: 25 ft. MF: 25 ft. or 30% of building height, whichever is greater
Max. Height	1F or 2F: 35 ft. MF: 150 ft.

1F=single-family; 2F=two-family; MF=multi-family
See Sec. 1104.01 for more dimensional requirements



⁸ This district is the former Residential Multi-family 1.5 district.

(i) RM-1.0 Residential Multi-Family 1.0 District

(1) Purpose

The Residential Multi-Family 1.0 (RM-1.0) district is created for the purpose of maintaining and protecting areas for multi-family development at a maximum density of 1 dwelling unit per 1,000 sq. ft. of lot area.⁹

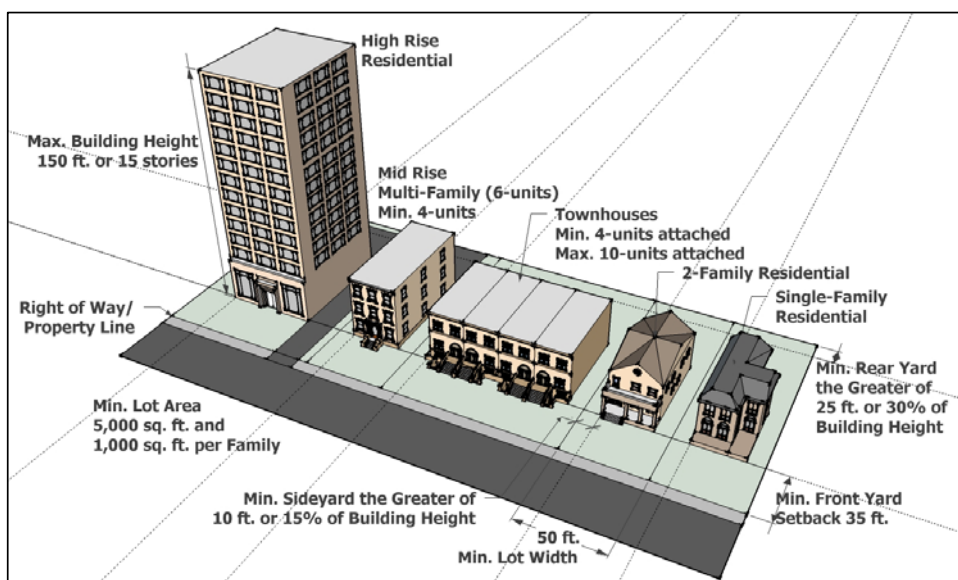
(2) Example



(4) Dimensions

Dimension	Requirement
Min. Lot Area	5,000 sq. ft.
Min. Lot Area per Family	1,000 sq. ft.
Min. Lot Width	50 ft.
Front Yard Setback from Right of Way Line	35 ft.
Minimum Side Yard	10 ft. or 15% of building height, whichever is greater
Minimum Rear Yard	25 ft. or 30% of building height, whichever is greater
Max. Height	150 ft.
See Sec. 1104.01 for more dimensional requirements	

(3) Illustration



⁹ This district is the former R-G district.

(j) MU-R Mixed Use-Residential Reuse District

(1) Purpose

The Mixed Use-Residential Reuse (MU-R) district is created for the purpose of accommodating the flexible reuse of structures originally designed for single-family occupancy in ways that are consistent with the established single-family detached character of the district and with the continued residential occupancy of nearby structures.¹⁰

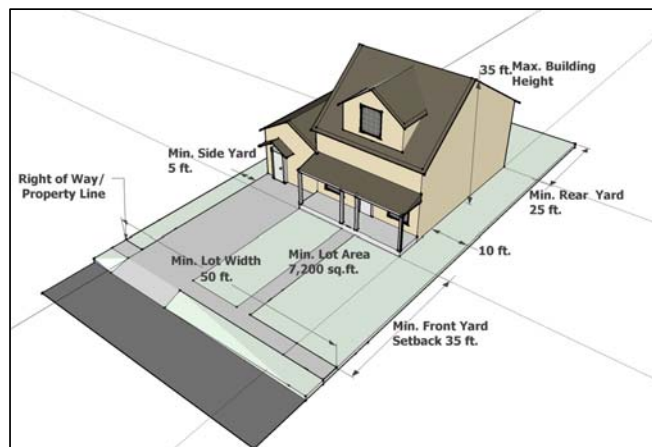
(2) Example



(4) Dimensions

Dimension	Requirement
Min. Lot Area	1F: 7,200 sq. ft. 2F: 11,000 sq. ft.
Min. Lot Area per Family	MF: 2,000 sq. ft.
Min. Lot Width	50 ft.
Min. Front Yard Setback from Right of Way Line	35 ft.
Min. Side Yard	The two side yards shall total a min. of 15 ft. with the smaller yard at least 5 ft.
Min. Rear Yard	25 ft.
Max. Height	35 ft.
See Sec. 1104.01 for more dimensional requirements	

(3) Illustration



¹⁰ This is based on the former MU district, with significant changes. The purpose of this district has been narrowed to reflect its actual use, and other mixed use districts have been created to accommodate different scales and intensities of mixed use in non-residential neighborhoods.

(k) MU-I Mixed Use-Institutional District

(1) Purpose

The Mixed Use-Institutional (MU-I) district is created for the purpose of accommodating large-scale educational, medical, research, or other institutional uses that require a large amount of flexibility to develop, redevelop, and repurpose buildings within their properties to meet the changing needs of the institution.¹¹

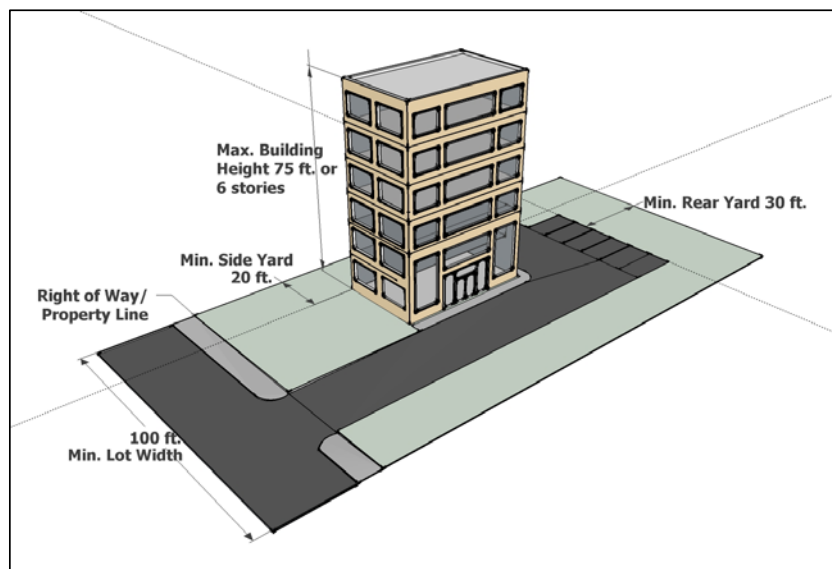
(2) Example



(4) Dimensions

Dimension	Requirement
Min. Lot Area	N/A
Min. Lot Area per Family	N/A
Min. Lot Width	100 ft.
Min. Front Yard Setback from Right of Way Line	N/A
Min. Side Yard	20 ft.
Min. Rear Yard	30 ft.
Max. Height	75 ft.
See Sec. 1104.01 for more dimensional requirements	

(3) Illustration



¹¹New purpose statement. This district is the former I district.

(I) MU-N Mixed Use-Neighborhood District

(1) Purpose

The Mixed Use-Neighborhood (MU-N) district is created for the purpose of providing areas for neighborhood or local shopping facilities that offer convenience goods and personal services to residents of the immediate market area, as well as moderate-density residential uses.¹²

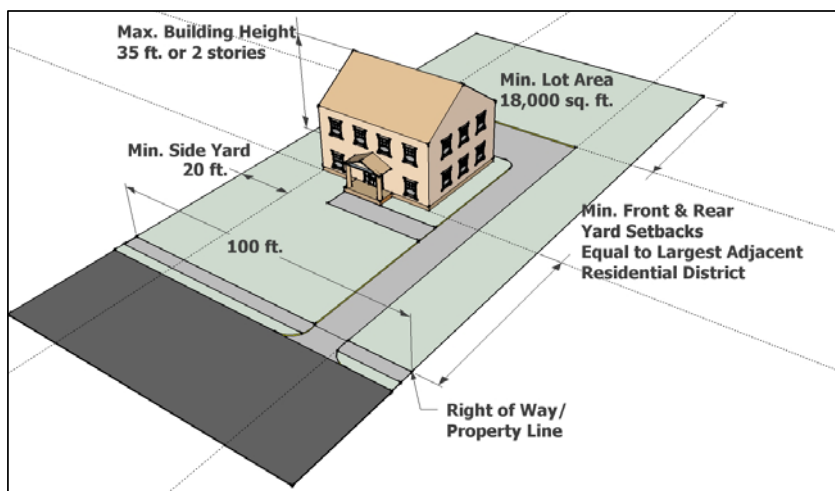
(2) Example



(4) Dimensions

Dimension	Requirement
Min. Lot Area	18,000 sq. ft.
Min. Lot Area per Family	N/A
Min. Lot Width	100 ft.
Front Yard Setback from Right of Way Line	Same as largest front setback in any adjacent residential district
Min. Side Yard	20 ft.
Min. Rear Yard	Same as largest rear setback in any adjacent residential district
Max. Height	35 ft.
See Sec. 1104.01 for more dimensional requirements	

(3) Illustration



¹² Revised purpose statement to add residential uses. This district is the former B-4 district.

(m) MU-C Mixed Use-Community District

(1) Purpose

The Mixed Use-Community (MU-C) district is created for the purpose of providing areas for a variety of retail and services uses serving secondary market areas in the city, as well as wholesaling, servicing, distributing, storing, processing, and medium-density residential uses.¹³

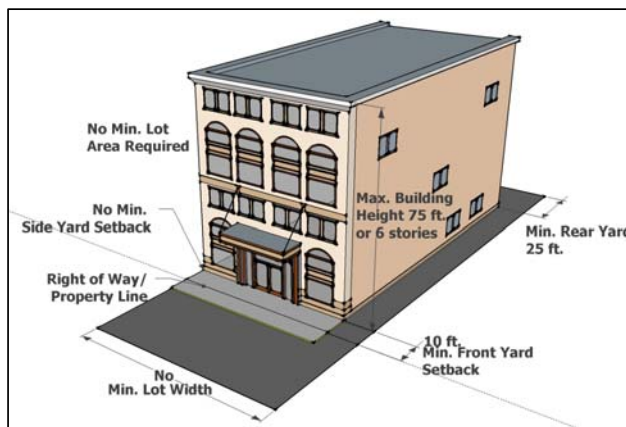
(2) Example



(4) Dimensions

Dimension	Requirement
Min. Lot Area	NA
Min. Lot Area per Family	NA
Min. Lot Width	NA
Min. Front Yard Setback from Right of Way Line	10 ft.
Min. Side Yard	NA
Min. Rear Yard	25 ft.
Max. Height	75 ft.
See Sec. 1104.01 for more dimensional requirements	

(3) Illustration



¹³ This district combines the provisions of the former B-2 and B-3 districts in order to establish a single community-scale mixed use district.

(n) MU-UF Mixed Use-Uptown Form District

(1) Purpose

The Mixed Use-Form 1 (MU-F1) district is created for the purpose of maintaining and strengthening the walkable mixed use character of the Uptown commercial areas (as shown on the following map) and promoting safety and reinvestment in the area through the use of form-based zoning controls. Permitted building types, and their location on individual lots, have been established based on the existing development pattern in that area, and new development and redevelopment will be required to be consistent with that established character.¹⁴

(4) Building Types Permitted

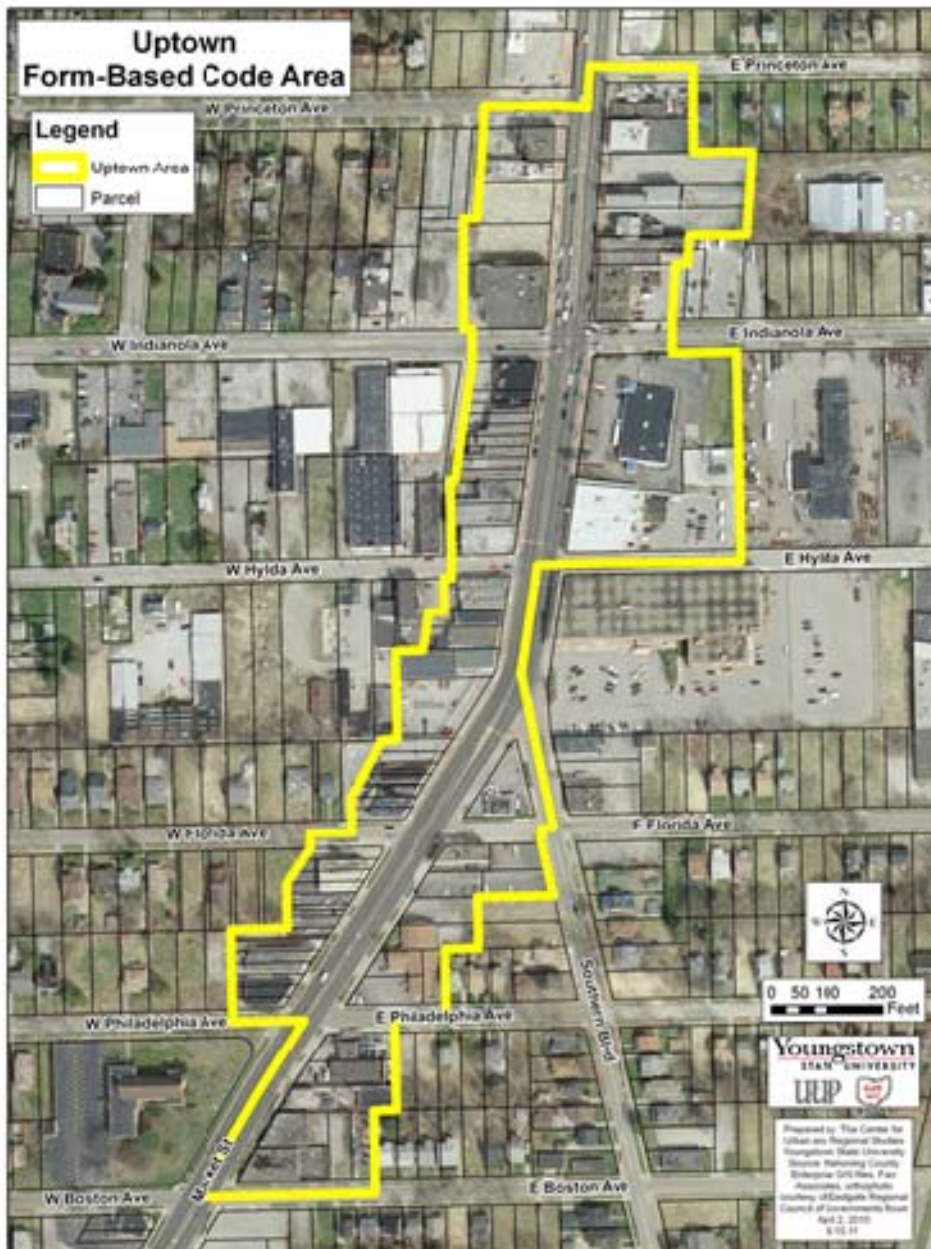
Permitted Building Types	RS-CF	MU-UF	MU-DF	MU-FF
Downtown Main Street			●	●
Downtown General			●	
Uptown Main Street		●		
Manor House	●			
Iconic		●	●	●
Standards for building types permitted in the MU-UF district are in Section 1104.02.				

(2) Example



(3) District Map

¹⁴ This is a new district.



(o) MU-DF Mixed Use-Downtown Form District

(1) Purpose

The Mixed Use-Downtown (MU-DF) district is created for the purpose of maintaining and strengthening the established character of the downtown area (excluding Federal Plaza), as shown on the map below, including its pattern of building form and scale, street enclosure, lot occupancy, and parking location. Permitted building types, and their location on individual lots, have been established based on the existing development pattern in that area, and new development and redevelopment will be required to be consistent with that established character.¹⁵

(4) Building Types Permitted

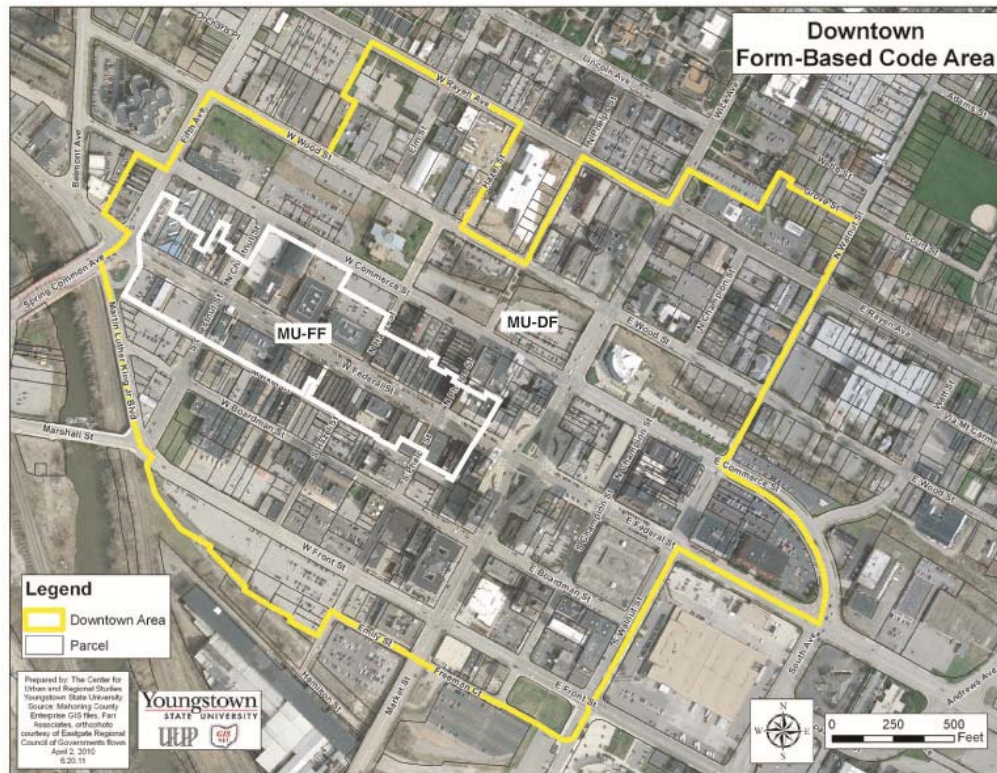
Permitted Building Types	RS-CF	MU-UF	MU-DF	MU-FF
Downtown Main Street				
Downtown General				
Uptown Main Street				
Manor House			●	●
Iconic			●	
Standards for building types permitted in the MU-UF district are in Section 1104.02.				

(2) Example



(3) District Map

¹⁵ This new district replaces the former B-1 district for all areas except Federal Square.



(p) MU-FF Mixed Use-Downtown Form District

(1) Purpose

The Mixed Use-Federal Plaza (MU-FF) district is created for the purpose of maintaining and strengthening the established character of the Federal Plaza (as shown on the map below) including its pattern of building form and scale, street enclosure, lot occupancy, and parking location. Permitted building types and their location on individual lots are based on the existing development pattern in that area, and new development and redevelopment will be required to be consistent with that established character.¹⁶

(4) Building Types Permitted

Permitted Building Types	RS-CF	MU-UF	MU-DF	MU-FF
Downtown Main Street				
Downtown General				
Uptown Main Street			●	●
Manor House			●	
Iconic	●	●		
Standards for building types permitted in the MU-UF district are in Section 1104.02.				

(2) Example



(3) District Map

See map on previous page

¹⁶ This new district replaces the former B-1 district Federal Square.

(q) I-G Industrial-Green District

(1) Purpose

The Industrial Green (I-G) district is created for the purpose of encouraging investment in a wide variety of green/clean commercial and industrial technologies that have positive or minimal negative impacts on surrounding residential areas.¹⁷

(2) Example



(4) Dimensions

Dimension	Requirement
Min. Lot Area	N/A
Min. Lot Area per Family	N/A
Min. Lot Width	120 ft.
Min. Front Yard Setback from Right of Way Line	20 ft.
Min. Side Yard	10 ft.
Min. Rear Yard	20 ft.
Max. Height	N/A
See Sec. 1104.01 for more dimensional requirements	

(3) Illustration



¹⁷ This is a new district and replaces the former Industrial Light district.

(5) Industrial Green Standards

A. General

- i. All activities shall be conducted inside a closed structure.
- ii. All outdoor storage shall be screened from view from all public streets and from adjacent properties pursuant to the standards in Section 1104.04 (Landscaping, Buffering, and Fencing).
- iii. All standards in Section 1104.05 (Landscaping, Buffering, and Fencing) applicable to the MU-C district shall also apply in the GI district.
- iv. All standards in Section 1104.07 (Exterior Lighting) applicable to the MU-C district shall also apply in the GI district.

B. Incentives

Development or redevelopment in the Green Industrial district shall be eligible to receive the following incentives as long as the City retains its Impacted Cities designation from the State of Ohio and that designation permits the City to grant these incentives, and shall be subject to all conditions and restrictions imposed on those incentives by the State of Ohio.

- i. New development or redevelopment that achieves a LEED certification of Silver shall be eligible for a 50% reduction in annual property taxes.
- ii. New development or redevelopment that achieves a LEED certification of Gold shall be eligible for a 75% reduction in annual property taxes.
- iii. New development or redevelopment that achieves a LEED certification of Platinum shall be eligible for a 100% reduction in annual property taxes.

(r) I-U Industrial-Unlimited District

(1) Purpose

The Industrial Unlimited (I-U) district is created for the purpose of accommodating those manufacturing and industrial uses that are not permitted in an I-G district.¹⁸

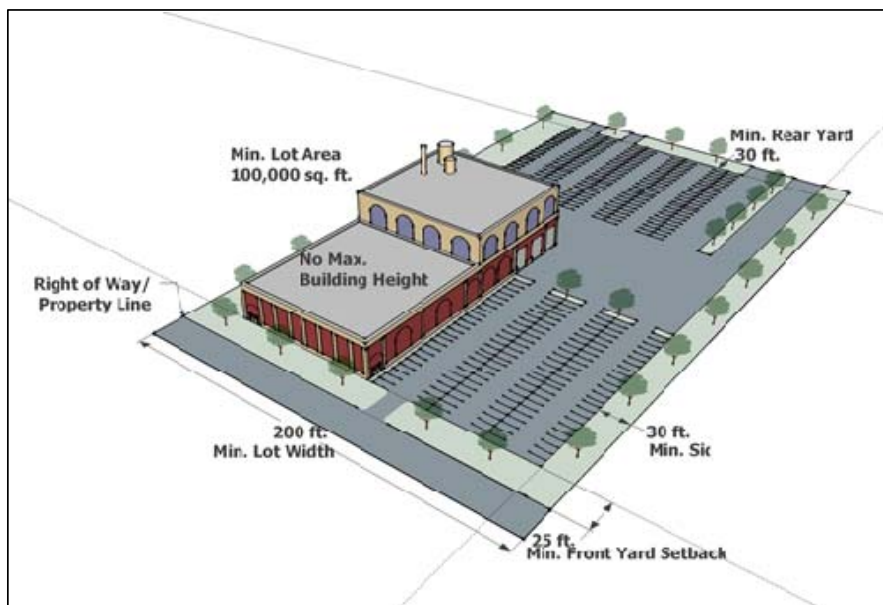
(2) Example



(4) Dimensions

Dimension	Requirement
Min. Lot Area	100,000 sq. ft.
Min. Lot Area per Family	N/A
Min. Lot Width	200 ft.
Min. Front Yard Setback from Right of Way Line	25 ft.
Min. Side Yard	30 ft.
Min. Rear Yard	30 ft.
Max. Height	N/A
See Sec.1104.01 for more dimensional requirements	

(3) Illustration



¹⁸This district carries over the provisions of the former I-H district.

(s) OS Open Space

(1) Purpose

The Open Space (OS) district is created for the purpose of protecting the city's parks, trails, and green corridors identified in adopted comprehensive plan, and to permit active and passive open space uses within those areas. This district is intended to be used primarily for public lands and connections to those lands, or for private lands with the consent of the property owner.¹⁹

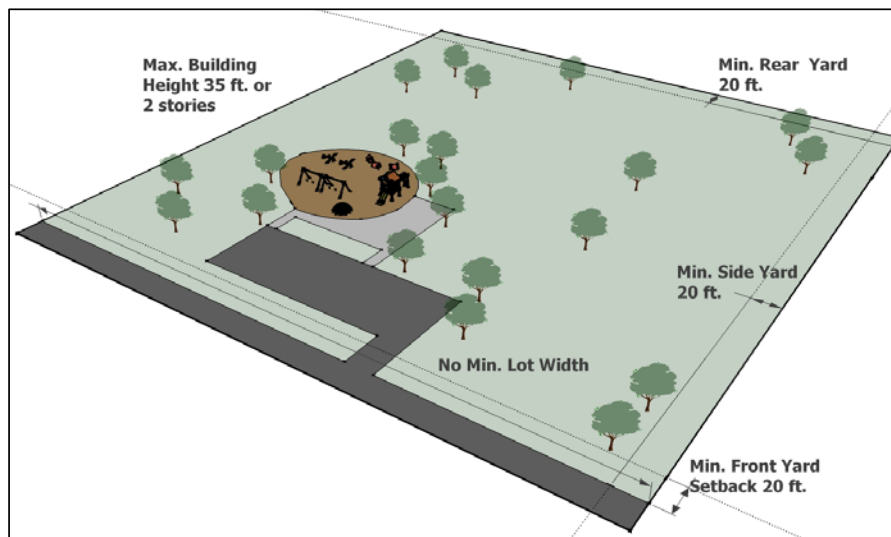
(2) Example



(4) Dimensions

Dimension	Requirement
Min. Lot Area	N/A
Min. Lot Area per Family	N/A
Min. Lot Width	N/A
Min. Front Yard Setback from Right of Way Line	20 ft.
Min. Side Yard	20 ft.
Min. Rear Yard	20 ft.
Max. Height	35 ft.
See Sec. 1104.01 for more dimensional requirements	

(3) Illustration



¹⁹ This new district.

(t) AW Agriculture/Wetlands

(1) Purpose

The Agriculture/Wetlands district is created for the purpose of accommodating and encouraging urban agriculture and/or the use of lands for wetland remediation or environmental remediation purposes.²⁰

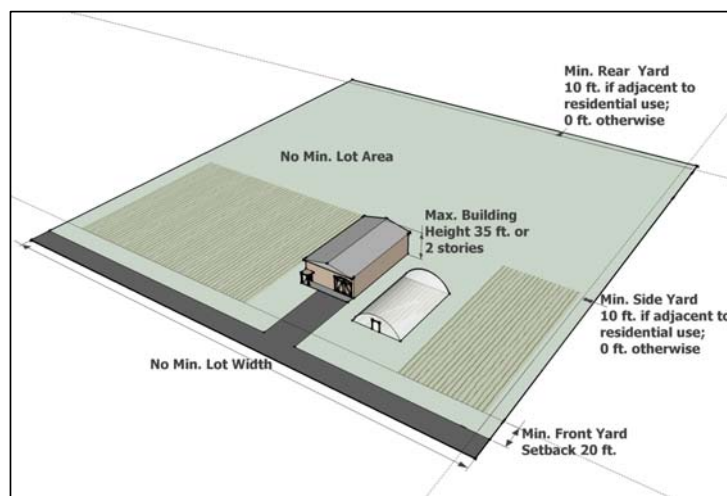
(2) Example



(4) Dimensions

Dimension	Requirement
Min. Lot Area	N/A
Min. Lot Area per Family	N/A
Min. Lot Width	N/A
Min. Front Yard Setback from Right of Way Line	20 ft.
Min. Side Yard	5 ft. adjacent to residential use 0 ft. otherwise
Min. Rear Yard	5 ft. adjacent to residential use 0 otherwise
Max. Height	35 ft.
See Sec. 104.01 for more dimensional requirements	

(3) Illustration



²⁰ This is a new district.

1102.03. Overlay Zone Districts

Each of the five overlay zone districts listed in Section 1102.01 are described below. The specific controls included in each overlay district are described, and those regulations supersede any inconsistent standards in the base zoning district applicable to the property. Except as superseded by these overlay district controls, all regulations and standards in the base zoning districts continue to apply. When an overlay district applies to a property, the zoning designation includes a “/” followed by the initials of the overlay district. For example, land in the RS-3.0 base zoning district that is also located within the Flood Protection Overlay district has a zoning designation of “RS-3.0/FPO”.

(a) PDO Planned Development Overlay District

(1) *Purpose*

The purpose of the Planned Development Overlay district is to provide an opportunity for appropriate, creative planned development and redevelopment to occur within designated areas in ways that create significant benefits to the City beyond those that would occur under base zoning districts. Planned Development Overlay zoning allows for flexibility in dimensional requirements in return for compliance with a specific land use and development plan that ensures the protection of the public health, safety and welfare and significant benefits to the city.

(2) *Permitted Uses*

Any use listed in Table 1103-A (Permitted Use Table) with the exception of those permitted exclusively in the I-U district classification, may potentially be permitted in a PDO district, subject to the criteria and other provisions outlined in this Section 1102.03(a). The uses must be identified in the required development plan, must not adversely affect the adjacent property or the public health, safety and general welfare. The development plan must either designate uses on a parcel-by-parcel basis or establish zoning districts within the planned development that list permitted uses that will be allowed conditionally or as of right. If conditional uses are listed, the plan must include criteria and procedures for approval of such conditional uses. If a proposed use is not consistent with an approved development plan, it shall not be permitted unless it meets the requirements of the underlying zoning classification.

(3) *Standards*

Applicants may request that the city approve a Planned Development Overlay district through the process in Section 1105.04(p)(Change to Zoning Map or Text). The approval of a PDO district is a rezoning action, but shall only be approved if it achieves one or more of the benefits described in Section 1102.03(a)(4), which is not a requirement of rezonings to other base and overlay districts.

(4) *Desired Benefits*

The city intends to approve PD overlay zoning in cases where the approval will enable the applicant to provide greater benefits to the city in one of six specific areas:

A. Job Creation

The creation of significant number of new jobs paying wages above the federal minimum wage.

B. Tax Base Increase

The creation of additional real property tax assessment value significantly higher than would be possible without the approval of a PD Overlay

C. Green Industrial Uses

The accommodation of green industrial uses in a facility that would not be possible without the approval of a PD Overlay.

D. Green Corridors

The preservation of significantly more open space from development in those locations where the Adopted comprehensive plan calls for the creation of green corridors.

E. Urban Agriculture

The creation of a new or innovative urban agricultural or agricultural processing use that would not be possible without the approval of a PD Overlay

F. Sustainability

The incorporation of project elements to conserve energy, generate renewable energy, conserve water, or remediate pre-existing environmental impacts that would not be possible without the approval of a PD overlay.

(b) CDO Central Design Overlay District

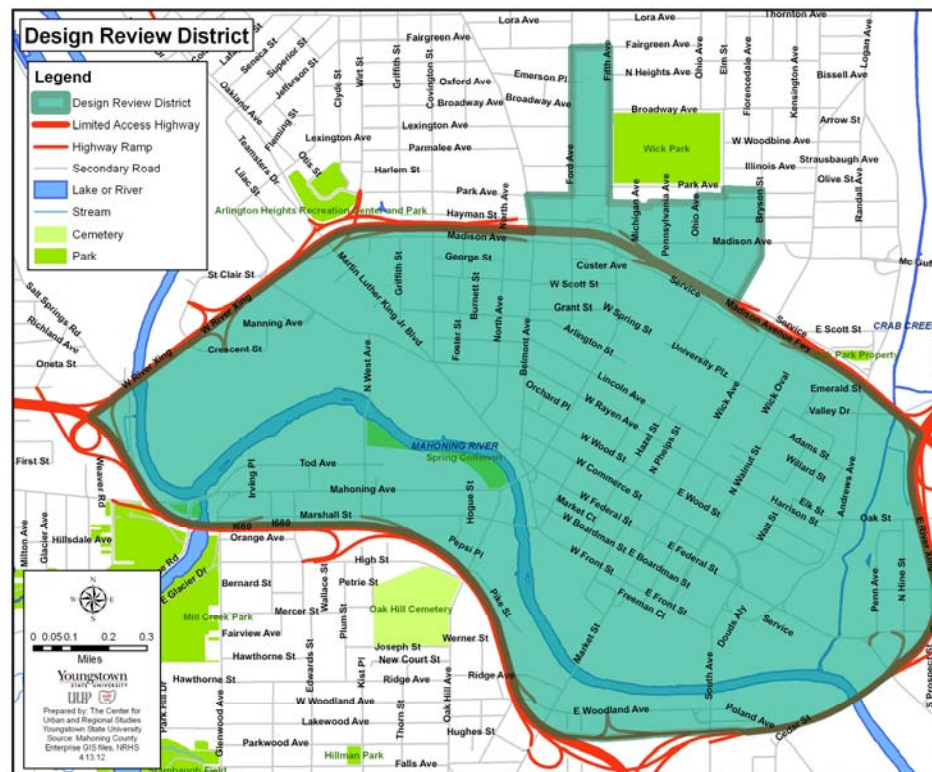
(1) *Purpose*

The purpose of the Central Design Overlay district is to promote orderly and harmonious development, protect land values, and improve the design quality of new development and redevelopment, and to protect and complement the historic character of development within the CDO district through the application of design standards and a design review process conducted in a fair and objective manner, and by encouraging development and redevelopment consistent with additional advisory design guidelines. It is not the intent of the CDO district to discourage or restrict the imagination, innovation or variety of design schemes for downtown development but

rather to encourage designers to focus on proposing creative high quality designs that will enhance the downtown environment.

(2) Applicability

- A. The standards in this Section 1102.03(b) shall apply within the shaded area shown on the map below, which is also shown on the Official Zoning Map as the CDO district.



- B. Within the CDO district, the Planning Commission shall have authority to review all development proposals for new construction, redevelopment, demolition, exterior remodeling, or building additions.
- C. All proposed projects of the types listed in subsection B above shall comply with all applicable standards in Section 1102.03(b)(3) except that where the primary use of land is in the Industrial category as shown in Table 1103-A, the standards in Sections (3)A1102.03(b)(3)A through (3)F shall not apply.
- D. All proposed projects of the types listed in subsection B above are encouraged to comply with the design guidelines in Section 1102.03(b)(4), but failure to comply with those design guidelines is not required for project approval.

- E. If the standards in Section 1102.03(b)(3) conflict with those historic preservation standards applicable in the Arlington Avenue, Wick Avenue, or Wick Park Historic Districts, those historic district standards shall apply.

(3) Downtown Design Standards

All development and redevelopment in the CDO district shall comply with all of the following standards.

A. Renovation of or Addition to an Existing Building

When a project involves the renovation of some but not all of the floors in an existing building:

- i. If the building is eligible to the National Register of Historic Places and Federal money is involved, restoration or renovation shall follow the Secretary of the Interior's standards for historic preservation.
- ii. Street facing windows on all floors not scheduled for construction or renovation shall be lined with black plastic sheeting or a similar material approved by the DRB to prevent the appearance of vacancy; and
- iii. Inoperable and unused projecting air conditioning units shall be removed from each street facing façade; and
- iv. Unused sign support structures or parts of structures shall be removed from each street facing façade; and
- v. Accessory signs that no longer relate to a business or activity on the premises shall be removed.
- vi. Rooftop mechanical equipment and housings, including satellite dishes, shall be (a) screened from view from adjacent properties or public rights of way through the use of a screening wall at least as tall as the equipment and constructed of one of the primary materials used on the façade of the building, or (b) by painting the equipment or housings black.

B. New Buildings

- i. New buildings constructed in the CDO district shall comply with the following minimum heights, as well as with those maximum heights shown for the appropriate districts in Section 1102.

MU-DF and MU-22	See 1102(o) and (p)
RM-1.5 and RM-1.0	20 ft.
MU-I, MU-N, and MU-C	20 ft.
I-G and I-U	15 ft.

- ii. Rooftop mechanical equipment and housings, including satellite dishes, shall be (a) screened from view from adjacent properties or public rights of way through the use of a screening wall at least as tall as the equipment and constructed of one of the primary materials

used on the façade of the building, or (b) by painting the equipment or housings black.

- iii. When two or more buildings residential buildings are proposed on a single lot or adjacent lots, no front façade of a primary structures may facing the rear of any other primary structure.

C. Building Entrances, Canopies, and Awnings

- i. The primary pedestrian entrance to each building shall be emphasized through the use of at least two ornamental shrubs or located within five feet of the building entrance.
- ii. When building entrances are to be operational during evening hours, security lighting on daylight timers shall be provided for each entrance.
- iii. A minimum clear distance of eight vertical feet shall be maintained between sidewalk level and any canopy or awning.

D. Open Space and Plazas

- i. Open spaces and plazas open to the public shall be developed not more than four feet above or below street level.
- ii. Front yards shall not be used for automobile parking, waste disposal facilities, loading docks, or other building or site service functions.

E. Street Furniture

Street furniture public or private property shall be located so as to preserve an uninterrupted four foot passageway for pedestrians along the sidewalk and from the sidewalk to each pedestrian entrance to the building.

F. Parking Garages

The design of any parking garage façade visible from a public street and constructed after the effective date of this ordinance shall:

- i. if located in the MU-DF or MU-FF base zone districts, be located in permitted areas of the lot designated in those districts (see Sections 1104.01)
- ii. if located in base zone districts other than MU-DF or MU-FF, be located closer to any street than the façade of the primary structure for which it provides parking.
- iii. have ground floor heights of at least 11 feet, and shall be designed to allow ground floor street frontages to be converted to retail or pedestrian active uses without disruption of the traffic flow in the garage; and
- iv. use materials similar in appearance, color, and texture to those used on the primary façade of the building for which parking is provided, or in the cases of a freestanding commercial parking garage, similar to those used on the primary façade of an adjacent building; and

- v. have floor levels parallel to the ground (not angled to incorporate ramps); and
- vi. incorporate wall openings equal to at least 25 percent of the total façade surface on each floor of the garage, with openings located or screened to block views of portions of parked vehicles below the hood level when viewed from street level at the opposite side of the facing street; and
- vii. not include entrances or exits located within 25 feet of an intersection; and
- viii. incorporate a planting strip at least four feet wide with a combination of shrubs planted no further than 10 feet on center and trees planted no further than 35 feet on center along each façade where the parking lot is not located along the street facing property line; and
- ix. if open to the public, be designed so that stairwells are visible from the adjacent street with stairwell lighting on daylight timers.

G. Surface Parking Lots

The design of any surface parking lot constructed after the effective date of this ordinance shall:

- i. if located in the MU-DF or MU-FF base zone districts, be located in permitted areas of the lot designated in those districts (see Sections 1104.01); and
- ii. If located in base zone districts other than MU-DF and MU-FF, be located so that not more than 10 percent of parking spaces are located closer to any street than the façade of the primary structure for which it provides parking (this does not apply to commercial parking lots not accessory to a primary structure); and
- iii. not include entrances or exits located within 25 feet of an intersection; and
- iv. not require additional curb cuts on West Federal Street between Market Street and Belmont Avenue; and
- v. not include more than two vehicle access points; and
- vi. shall provide direct pedestrian access to the adjacent sidewalk and to the building for which the parking is provided, if that building is located on the same lot or an adjacent lot); and
- vii. if a freestanding commercial parking lot not accessory to a primary building, shall not be located within 100 feet of another freestanding parking lot on the same side of any of the streets bounding the subject parking lot; and
- viii. if a freestanding commercial parking lot not accessory to a primary building, contain an attendant kiosk, located on a concrete pad, and constructed of one of the predominant materials used on the façade of a primary structure on an adjacent lot; and

- ix. shall include landscaping as described in Section 1104.04 (Landscaping and Fencing).

H. Signs

- i. All signs shall comply with the provisions of Section 1104.07 (Signs). In addition, all signs shall comply with the following additional standards except for Institutional Signs, Integral Signs, and Municipal Signs (all as defined in Chapter 1106) which are exempt from the additional regulations of this Section 1103.02(c).
 - a. Wall signs shall be architecturally integrated with the building on which they are mounted. And shall not cover the ornamental architectural features of the building on which they are mounted.
 - b. No more than two wall signs shall be installed on any building, and no more than one wall sign shall be installed per street frontage.
 - c. No more than one ground sign shall be installed per street frontage.
 - d. No ground sign shall at any point be more than 22 ft. nor less than two ft. above grade.
 - e. Window signs shall not exceed 30 percent of the total glass area of the window.
 - f. Signs that identify parking lots or garages shall not exceed six square feet in area, and shall not exceed one sign per parking lot or garage entrance. One additional sign not exceeding four square feet is permitted per kiosk or attendant booth.
 - g. Where temporary signage is permitted to be suspended, it shall be installed with a minimum clearance of eight vertical feet between sidewalk or grade level and the bottom of the temporary signage.
- ii. **The following types of signage are prohibited.**
 - a. Portable or trailer signs, including those with changeable copy, left in place for more than 30 days in any 90 day period.
 - b. Free-standing signage, other than those noted, including pole signs and sandwich boards.
 - c. Signs, other than approved temporary signs, that swing or move freely.
 - d. Signs projecting into a right of way so as to cause possible vehicular or pedestrian hazard.
 - e. Temporary signs other than those noted.
 - f. Sign painted or printed on paper muslin or other fabric shall be extended over public property or that are posted, tacked or otherwise secured on any exterior surfaces of buildings or other

surfaces of other fixed objects except as provided under temporary signage.

- g. Signs or advertising devices erected or placed over an existing sign, or attached to or suspended from an existing sign.

I. Demolition Review

- i. The proposed demolition of any building or structure within the CDO District is subject to review by the Design Review Committee. Nothing in this section shall be interpreted to supersede Ohio Basic Building Code Sections 4101:2-1-39 and 4101:2-1-40. In reviewing demolition proposals, consideration shall be given to the following factors: potential historic significance of the building or structure to be demolished, effect of demolition on surrounding property, structural integrity of the building or structure in question, proposal re-use of the property in question, and the extent to which alternatives to demolition have been explored.
- ii. Where demolition is requested by the applicant, the applicant must demonstrate that no adverse impact will result or that all reasonable alternatives to demolition have been explored and are not practical or feasible. The Design Review Committee may request the applicant to produce within a specified time frame, financial and use information to assist in determining whether demolition is justified. Materials to be submitted are listed in the application materials for a demolition permit maintained by the City.
- iii. Any failure to comply with, or produce, information requested by the Design Review Committee shall result in the Committee's review being suspended until the applicant produces the requested information or complies with this section. Failure of the applicant to respond to any Committee request for more than 60 days will constitute a voluntary withdrawal of the request for a review by the Design Review Committee.
- iv. Where demolition is required and permitted, the subsequent use of the affected property shall conform to the standards listed in this chapter. Where abutting walls are damaged as a result of demolition, they shall be repaired in a manner which is consistent with the immediate environment, and which effects the least change in the original character of the remaining structure.

(4) Downtown Design Guidelines

All development and redevelopment in the CDO district are encouraged – but not required – to comply with all of the following standards. Where a conditional use or reuse or a variance is requested for the project, one or more of these guidelines may be attached as conditions on the approval.

A. Architectural Character and Design

- i. New construction, renovation, or building additions should be compatible with the architectural character, design and facade treatment of other sound structures in good condition adjacent to or across the street from the project.
- ii. Within the MU-DF and MU-FF districts, particularly along West Federal Street between Market Street and Belmont Avenue, and along the intersecting streets of Phelps, Hazel, and Chestnut, renovation projects should incorporate features consistent with the historic character of the area, and should preserve any distinctive architectural features.
- iii. Where an historic storefront or facade is present underneath more recent alterations, applicants should remove those alterations to expose the historic storefronts.
- iv. Renovation plans that do not preserve or restore historic features of existing buildings should be consistent with the architectural features on adjacent buildings, including cornice lines and window opening patterns.
- v. Side and rear walls that are visible from public streets or open spaces should be architecturally compatible with the materials and levels of articulation on the front façade.

B. Façade Treatments for All Buildings

- i. Building facades should use materials with interesting substance and texture. Suggested materials include but not limited to masonry, such as split faced or decorative block and glazed ceramic tile finishes, wood, plaster, stucco, stone, brick, marble and terra cotta. Aluminum or metal facades are strongly discouraged. To preserve area property values, solid walls or facades lacking in design features are discouraged.
- ii. Canvas awnings should be used to provide shelter, reduce glare and conserve energy. Canopies and awnings should be architecturally integrated into the building façade.
- iii. Shatterproof glass should be used to provide ground floor security rather than security gates or grates or exposed roll down doors.
- iv. Primary façade colors should not create glaring contrasts with those on nearby buildings, and should generally not include bold, vibrant colors (including fluorescents and neons). Earthtones and natural materials in subdued shades are encouraged.
- v. When a new building or addition is constructed the number, size, and vertical-to-horizontal proportions of windows and doors in the primary façade should be similar to those on at least one existing building adjacent to or across the street from the subject building.

- vi. When a new building or addition is constructed, and the building frontage exceeds 200 ft. along the primary street, an arcade or pedestrian way allowing passage to the alley or adjacent street should be provided.
- vii. New buildings should promote ground level pedestrian activity incorporating storefronts, open or internal arcades, and public open spaces such as malls, plazas, and gardens.
- viii. Façades should generally align with those on adjacent properties within two horizontal feet, in order to provide continuity of street frontage.

C. Façade Treatments for Renovations of Existing Buildings

- i. When an existing structure's original facade is architecturally or historically significant, it should be restored as such; when full restoration is not possible, necessary alterations should be similar in texture, material, articulation and the shape and spacing of door and window openings as the original.
- ii. Original storefronts should be preserved and repaired with little or no alteration to the architectural or historic integrity of the building as a whole; false facades or other attempts at modernization should be removed. The texture, materials, articulation, and shape and spacing of door and window openings on the ground floor should not be dramatically different than those on the upper floors.
- iii. Existing windows should be retained and restored wherever possible, rather than removed or blocked. To conserve energy or provide security, insulating glass or curtains or internal shutters should be used inside existing windows rather than removing or blocking the window.
- iv. The size style, proportion and placement of signage should be consistent with the architectural and historic significance of the building, and should generally be placed no higher than the second floor of the structure.
- v. External alterations should use materials used during the period of initial building construction. Vinyl, aluminum siding, anodized aluminum, mirrored and tinted glass, artificial stone or brick veneer should not be used as primary façade materials, and mansard overhangs, wood shakes, and nonfunctioning shutters should not be used.

D. Parking

- i. Parking for residential structures in the MU-DF and MU-FF districts should be provided in secured covered garages or underground parking structures.
- ii. For townhouse development in the MU-DF and MU-FF districts, all required parking not accommodated in garages attached to

individual dwelling units shall be provided in separate garage structures or off-street parking bays.

E. Paved Surfaces

The following guidelines apply to both private property and to any adjacent areas of public property that the private property owner chooses to improve.

- i. A variety of textures, such as broom finishes, and geometric patterns stamped or scored to resemble brick, stone or tile should be used to add visual interest to concrete.
- ii. Stone paving materials should include slate, granite, quartzite, sandstone, marble and bluestone are all permitted paving materials. Stone cobbles should not be installed in active pedestrian concourses.
- iii. Brick paving should be bonded to a concrete underlay with mortared installation or laid in a granular bed with sufficient drainage.
- iv. Color in concrete, brick, or stone pavement treatments should be of earthtones or should be similar to one of the predominant colors on the building façade.
- v. When an alley is vacated for a residential development or redevelopment, the former alley area or other areas leading to and from the property interior should be designed to accommodate a plaza or open space for passive recreation of tenants, existing pavement should be removed, and landscaping should be installed.

F. Street Furniture

- i. Natural materials such as wood, brick, stone or living plant materials should be included with the installation of street furniture. Street furniture should not include plastic materials or metal 55 gallon drums for trash collection.
- ii. Outdoor furniture and equipment should be appropriate for the climatic conditions of the area and for the degree of use they are expected to receive, and should be designed to resist wear and tear and vandalism.

G. Signage

- i. In the MU-DF district, signs should combine inventiveness, excellence in lettering, coordination with building colors and materials, legibility, creative lighting, effective use of logos, and decorative devices to increase pedestrian and visual interest.
- ii. The maximum height of sign letters should not exceed 24 inches.
- iii. All copy should be clear, legible and in good contrast to sign background material.
- iv. Signs for multiple tenant buildings should be consolidated on a single integrated sign.

- v. Wall signs should relate to the cornice line of the buildings and reinforce the pedestrian scale of the area.

(c) FPO Flood Protection Overlay District

(1) Findings of Fact

The City of Youngstown has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(2) Statement of Purpose

The regulations of this Section 1103.03 are adopted to protect the health, safety, and general welfare and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- H. Minimize the impact of development on adjacent properties within and near floodprone areas;
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- J. Minimize the impact of development on the natural, beneficial values of the floodplain;
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and

- L. Meet community participation requirements of the National Flood insurance Program

(3) *Methods of Reducing Flood Loss*

In order to accomplish its purposes, these regulations include methods and provisions for:

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

(4) *Basis for Establishing the Areas of Special Flood Hazard*

- A. For the purposes of these regulations, the following studies and/or maps are adopted:
 - i. Flood Insurance Rate Map for Mahoning County, Ohio and Incorporated Areas and Flood Insurance Study for Mahoning County, Ohio and Incorporated Areas, both effective November 18, 2009.
 - ii. Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
 - iii. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Youngstown as required by Section 1102.03(c)(15) (Subdivisions and Large Developments).
- B. Any revisions to the maps and/or studies listed in are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Youngstown Planning Department and Public Works Department.

(5) *Abrogation and Greater Restrictions*

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction, covenant or easement but the land subject to such interests shall also be governed by the regulations.

(6) *Interpretation*

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

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

(7) *Warning and Disclaimer of Liability*

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

(8) *Floodplain Development Permits*

- A. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1102.03(c)(4) until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

- B. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location.

(9) *Exemption from Filing a Floodplain Development Permit*

An application for a floodplain development permit shall not be required for the following types of activities. Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations:

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

(10) *Map Maintenance Activities*

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Youngstown flood maps, studies and other data identified in Section 1102.03(c)(4) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A. Requirement to Submit New Technical Data

- i. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

-
- a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1305.25.
- ii. It is the responsibility of the applicant to have technical data, required in accordance with Section 1102.03(c)(10)A, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 - iii. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation; and
 - b. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
 - iv. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1102.03(c)(10)A.i.

B. Right to Submit New Technical Data

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

C. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Youngstown have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Youngstown's Flood Insurance Rate Map accurately represent the City of Youngstown boundaries, include within such notification a copy of a map

of the City of Youngstown suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Youngstown has assumed or relinquished floodplain management regulatory authority.

(11) Data Use and Flood Map Interpretation

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

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- C. When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:
 - i. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 - ii. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
- D. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided for in Chapter 1105.
- E. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

(12) Substantial Damage Determinations

- A. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:
 - i. Determine whether damaged structures are located in special flood hazard areas;
 - ii. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
 - iii. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.
- B. Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

(13) Use Regulations

- A. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Youngstown are allowed provided they meet the provisions of these regulations.
- B. Prohibited uses include:
 - i. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Chapter 3701 of the Ohio Revised Code.
 - ii. Infectious waste treatment facilities in all special flood hazard areas, permitted under Chapter 3734 of the Ohio Revised Code.

(14) Water and Wastewater Systems

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

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

(15) Subdivisions and Large Developments

- A. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 1102.03(c)(10)A.i.d when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1102.03(c)(15)D.
- F. All provisions of Section 1104.08 (Subdivision Standards) apply unless directly inconsistent with the provisions of subsections A through E above.

(16) Residential Structures

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring in Section 1102.03(c)(16)A and construction materials resistant to flood damage 1102.03(c)(16)B are satisfied.
- B. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- C. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor,

including basement, elevated to or above the flood protection elevation. Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

- E. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - i. Be used only for the parking of vehicles, building access, or storage; and
 - ii. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - iii. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.
- G. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1102.03(c)(16).
- H. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

(17) Nonresidential Structures

- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1102.03(c)(16)A. through Cs. and E. through G. above.
- B. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood

protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

- i. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - iii. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1102.03(c)(17)B.i and ii.
- C. In Zone AO areas or areas where no flood protection elevation data has been specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

(18) Accessory Structures

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

- A. They shall not be used for human habitation;
- B. They shall be constructed of flood resistant materials;
- C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- D. They shall be firmly anchored to prevent flotation;
- E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- F. They shall meet the opening requirements of Section 1102.03(c)(16)E.iii.

(19) Recreational Vehicles

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

- A. They shall not be located on sites in special flood hazard areas for more than 180 days, or
- B. They must be fully licensed and ready for highway use, or
- C. They must meet all standards of Section 1102.03(c)(16).

(20) Above Ground Gas or Liquid Storage Tanks

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

(21) Assurance of Flood Carrying Capacity

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

A. Development in Floodways

- i. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
- ii. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. Meet the requirements to submit technical data in Section 1102.03(c)(10)A;
 - b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - c. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - e. Concurrence of the Mayor of the City of Youngstown and the Chief Executive Officer of any other communities impacted by the proposed actions.

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

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

increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:

- a. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible; and
- b. Section 1102.03(c)(21)A.ii, items a. and c.-e.

C. Alterations of a Watercourse

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

- i. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
- ii. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
- iii. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with Youngstown, specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
- iv. The applicant shall meet the requirements to submit technical data in Section 1102.03(c)(10)A.i.c when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

(d) HPO Historic Preservation Overlay (HPO) District

(1) Regulated Historic Districts

A. Purpose

The purposes of the Regulated Historic District provisions are:

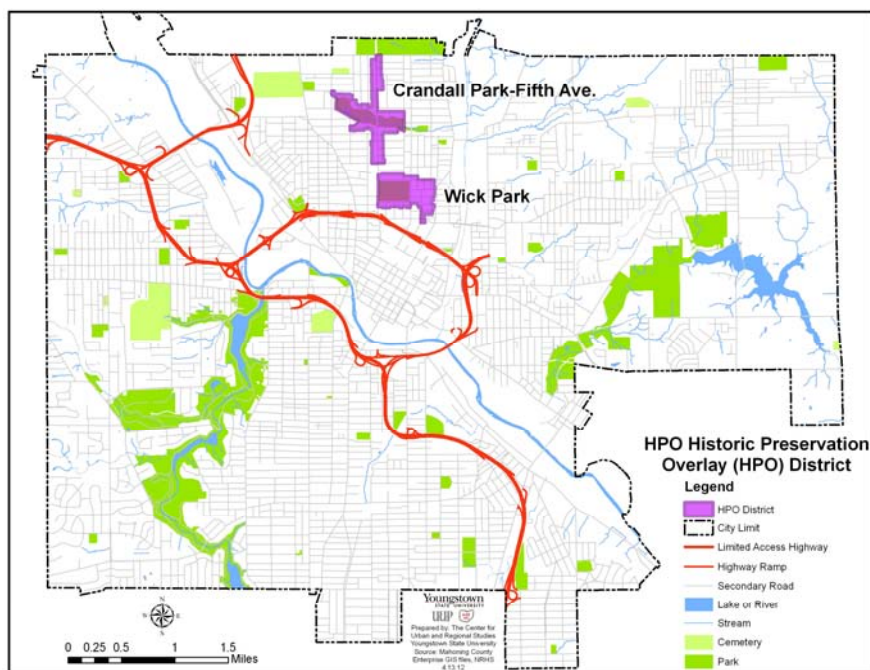
- i. To establish procedures whereby the Historic District sites, buildings, places, structures, historic objects and works of art shall be allowed that measure of protection afforded by a thorough study of alternatives to incompatible alterations or demolition before such acts are performed, so that the following objectives be reached:
 - a. To maintain and enhance the distinctive character of historic buildings and historic areas; to safeguard the architectural integrity of properties and historic resources which reflect elements of the North side's cultural, social, economic, political, and architectural history;
 - b. To encourage new development compatible with the environmental character of the designated district.
- ii. To contribute to the economic, recreational, cultural and education development of the City by:
 - a. Protecting and enhancing the North Side for prospective residents, tourists and visitors;
 - b. Stabilizing and improving property values;
 - c. Fostering civic pride in the notable accomplishments of the past.
- iii. To confirm the boundaries of Historic Districts established by the City and the list of individual structures designated as Historic Structures.

B. Applicability

The provisions of this subsection 1102.03(d)(1) shall apply to those two historic districts listed in subsection C below and shown on map 1102—A below.. Legal descriptions of the boundaries of each designated historic district may be obtained from the Community Development Department. The City may from time to time approve additional historic districts or structures to be listed and subject to the controls in this subsection 1102.03(d)(1).

C. Regulated Historic Districts

- i. Crandall Park-Fifth Avenue Historic District
- ii. Wick Park Historic District



Map 1102-A

D. Standards and Requirements

All applications concerning structures in those historic districts listed in Section 1102.03(d)(1)CC shall comply with all of the following requirements:

- i. The applicant shall apply to the Historic Preservation Commission for a Certificate of Appropriateness pursuant to Section 1105.04(j) (Certificate of Appropriateness) and shall not begin any construction, alteration, or demolition of the structure until that process, and any resulting appeal, has been completed and all required zoning permits and approvals have been obtained.
- ii. The applicant shall comply with the results of the Certificate of Appropriateness process and all conditions included in any zoning permits and approvals issued following the Certificate of Appropriateness process.
- iii. In the event of a conflict between the provisions of any Certificate of Appropriateness and any requirement of the base zone district where the property is located. In the event of a conflict between the provisions of any Certificate of Appropriateness and any requirement of the CDO district, the provisions of the Certificate of Appropriateness shall govern. In the event of a conflict between the

provisions of any Certificate of Appropriateness with the PDO, FPO, or LSO district, the provisions of the PDO, FPO, or LSO, as applicable, shall govern.

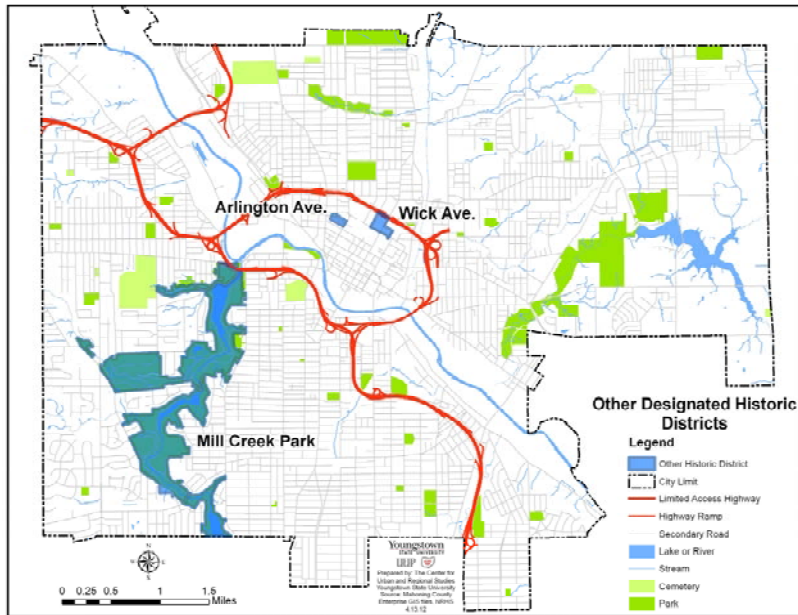
- iv. In emergency situations where immediate repair is needed to protect the safety of the structure and its inhabitants, the chief building official may approve the repair of only those items needed to ensure safety. Repairs shall be limited to those necessary to correct the safety emergency. In the case of a permit issued pursuant to this Section 1102.03(d)(1)D.iv, the chief building official shall require that the repairs be made in conformance with the U.S. Secretary of Interior's recommended standards for historic preservation projects and adopted historic preservation guidelines for the landmark or district to the extent possible. In addition, the chief building official shall immediately notify the historic preservation commission of the action and specify the facts or conditions constituting the emergency situation.

(2) Other Historic Districts and Structures

A. Applicability

- B. The provisions of this subsection 1102.03(d)(2) shall apply to those three historic districts listed and shown on the map 1102-B below, as well as those historic structures listed in Section 1102.03(d)(2)CC below. Legal descriptions of the boundaries of each designated historic district may be obtained from the Community Development Department. The City may from time to time approve additional historic districts or structures to be listed and subject to the controls in this subsection 1102.03(d)(2). Other Historic Districts**

- i. Arlington Avenue Historic District
- ii. Mill Creek Park Historic District
- iii. Wick Avenue Historic District



Map 1102-B

C. Designated Historic Structures

TABLE 1102-B: LIST OF DESIGNATED HISTORIC STRUCTURES		
Structure Name	Structure Address	National Reg. Reference No.
Baltimore & Ohio Railroad Terminal	530 Mahoning Ave	86001565
Burt Building	325-327 W Federal St	08000588
Butler Institute Of American Art	524 Wick Ave	74001567
Central Tower Building	1 Federal Plaza West	80003146
City Hall Annex	9 W Front St	86001918
Erie Terminal Bldg.— Commerce Plaza Bldg.	112 W Commerce St	86001914
Federal Building	18 N Phelps St	80003147
First National Bank Building	6 Federal Plaza West	80003148
Helen Chapel	NW corner of E Wood & Champion Sts	86001923
Idora Park	SE of the jct of McFarland & Parkview Aves	93000895
Jay's Lunch	258 Federal Plaza W	86001925
Jones Hall, Youngstown State University	410 Wick Ave	84000151
Kress Building	111-121 Federal Plaza W	86001926
Lanterman Mill	Canfield Rd (US 62) in Mill Creek Park	74001568
Liberty Theatre	142 Federal Plaza W	84003776
Mahoning County Courthouse	120 Market St	74001569

TABLE 1102-B: LIST OF DESIGNATED HISTORIC STRUCTURES

Structure Name	Structure Address	National Reg. Reference No.
Mahoning National Bank Building	23 Federal Plaza West	80003149
Masonic Temple	223-227 Wick Ave	86003830
McCrorry Building	9-13 Federal Plaza W & 17-19 Central Sq.	86001928
McMillan, Reuben, Free Library	305 Wick Ave	86000526
Mill Creek Park Suspension Bridge	Mill Creek Park	76001482
Ohio One--Ohio Edison	25 E Boardman & 102-112 S Champion	86001931
Our Lady of Mount Carmel Church	Off SR 289	79001893
Peggy Ann Building	101 Federal Plaza W & 2-10 S Phelps	86001937
Rayen School	222 Wick Ave	74001570
Realty Building	47 Federal Plaza	80003150
Renner, George J., Jr., House	277 Park Ave	76001483
Republic Iron and Steel Office Building	415 S Market St	86001940
Stambaugh Building	44 Federal Plaza	80003151
Stambaugh, Henry Memorial Auditorium	1000 5th Ave	84003781
State Theater	213 Federal Plaza W	86001942
Strouss--Hirschberg Company	14-28 Federal Plaza W	86001944
Tod Homestead Cemetery Gate	Belmont Ave	76001484
Warner Theater	260 W Federal Plaza	80003152
Wells Building	201-205 Federal Plaza W	86001946
Welsh Congregational Church	220 N Elm St	86001947
Wick Building	34 Federal Plaza West	80003153
YWCA Building	25 W Rayen Ave	86001949

D. Standards and Requirements

Structures in those historic districts listed in Section B, and the designated historic structures listed in Section 1102.03(d)(2)CC, shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(e) LSO Limited Services Overlay District (New District)**(1) Purpose**

The Limited Services Overlay (LSO) district is created to enable the City to designate areas of the city where more limited municipal services will be offered and where significant investment and reinvestment is not encouraged. The LSO is intended to be applied in areas of the City with significant amounts of vacant land and high municipal service costs relative to other areas of the city, and where the costs of providing additional

municipal services and infrastructure may exceed the benefits of new investment or reinvestment.

(2) Standards

Within the LSO district, the following standards and restrictions apply:

A. Permitted Uses

- i. Notwithstanding the provisions of Table 1103-A (Permitted Use Table), the City shall not approve any use listed as Conditional Uses in the base zone district where the property is ; and
- ii. Notwithstanding the provisions of Table 1103-A (Permitted Use Table), the City shall not issue a Zoning Permit for any use listed as a Permitted Use in the base zone district where the property is located other than a use in the Commercial/Agriculture and Animal Related uses category.

B. Uses Requiring Additional City Services

Notwithstanding the provisions of Table 1103-A (Permitted Use Table), the City shall refuse to grant a Zoning Permit for any structure or use that would require the City to provide significantly more police, fire, or street construction or maintenance services.

C. Subdivision

The City shall not approve any subdivision or resubdivision of property that would increase the number of developable lots on the property or would allow more dwelling units or non-residential floor area to be constructed on the property.

D. Incentives

- i. The City shall not approve the use of development or redevelopment incentives (for example, low-income housing tax credits, historic preservation tax credits, tax abatements, first time homeowner incentives, or inclusion in an urban renewal district) over which it has control in the LSO district
- ii. The City shall not apply for, or approve the use of, federal, state, or other grant funds for use in ways that would directly or indirectly encourage the development that would increase the costs of providing City police, fire, or street construction or maintenance services or facilities to the area.

(3) Relief

- A. Any property owner may apply to the Director for relief from the provisions of Section 1102.03(e)(2).

- B. The Director may approve relief from any of the provisions of 1102.03(e)(2) if he or she determines that one or more of the following conditions are met:
 - i. The applicant has provided economic data as required by the City to demonstrate that the existing use of the property does not represent a “reasonable economic use of property” as that phrase has been interpreted by the federal and Ohio state courts.
 - ii. In the case of restrictions imposed by Section 1102.03(e)(2)B, the applicant has provided economic data as required by the City to demonstrate that the proposed development or redevelopment will provide additional tax revenues to the City that exceed the increased costs of providing police, fire, and street maintenance services to the proposed development or redevelopment.
 - iii. In the case of restrictions imposed by Section 1102.03(e)(2)B, if the additional tax revenues to the City will not exceed the City’s costs of providing additional police, fire, and street construction or maintenance services, the applicant has entered into an agreement with the City to pay to the City the difference between the additional tax revenues to be generated and additional costs to the City for a period of at least 20 years.
- C. If the Director determines that one or more of the conditions in 1102.03(e)(3)B have been met, the relief approved by the Director shall be limited to the least deviation from the standards in Section 1102.03(e)(2) necessary to allow the applicant a reasonable economic use of the property while minimizing the City’s costs for providing additional police, fire, and street construction and maintenance services to the property. The Director shall not be limited to approving the development or redevelopment submitted by the applicant or providing the type of relief requested by the applicant.

1102.04. Official Zoning Map

- (a) The boundaries of the district listed in Sections Chapter 1102 (Base Zone Districts) and 1102.03 (Overlay Zone Districts) are hereby established as shown on a map entitled Official Zoning Map of the City of Youngstown, Ohio (“Official Zoning Map”), dated and certified by the City Clerk. The map is hereby made a part of this ordinance and shall be on file in the Planning Department.
- (b) When changes are made in district boundaries or other matter shown on the Official Zoning Map, such changes shall be on the Official Zoning Map made promptly after the amendment has been approved by City Council.
- (c) From time to time copies of the Official Zoning Map may be made, published or distributed, but the final authority for the current zoning status of lands, buildings, and other structures in the city, shall be the Official Zoning Map on file in the Planning Department.

1102.05. Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (a) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- (b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
- (c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines, or right-of-way lines of highways, such district shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given by ordinance, such dimension shall be determined by the use of scale shown on said zoning map.
- (d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of the said railroad line.

Chapter 1103. PERMITTED USES

1103.01. Permitted Use Table

Table 1103-A (Permitted Use Table) lists each land use available in the City and indicates whether it is allowed by right or with a conditional use permit, or as a reuse or conditional reuse, or prohibited in each base zone district, as well as any additional regulations applicable to that use.

(a) Permitted Uses

A “P” in a cell of the Permitted Use Table indicates that the land use is allowed by right in that base zone district, subject to compliance with the use-specific standards referenced in the right hand column for that use. A permitted use may be conducted in a new structure or through reuse of an existing structure. Permitted uses are subject to all other applicable requirements of this Redevelopment Code, including those set forth in Chapter 1104 (Development Standards).

(b) Permitted Reuses

An “R” in a cell of the Permitted Use Table indicates that the land use is allowed by right in that base zone district, provided that it takes place in an existing building or structures, subject to compliance with the use-specific standards referenced in the right hand column of the Permitted Use Table. Reuses are subject to all other applicable requirements of this Redevelopment Code, including those set forth in Chapter 1104 (Development Standards).

(c) Conditional Uses

A “C” in a cell of the Permitted Use Table indicates that the land use is allowed in that base zone district only upon approval of a conditional use permit as described in Section 1105.04(l) (Conditional Use Permit) and subject to compliance with any use-specific standards referenced in the right hand column of the Permitted Use Table for that use. A conditional use may be conducted in a new structure or through reuse of an existing structure. Uses subject to a conditional use permit are subject to all other applicable requirements of this Redevelopment Code, including those set forth in Chapter 1104 (Development Standards). Any use that was a permitted use or a permitted use with special conditions under the prior zoning ordinance or related regulations and that is now a C use in that zone district will be deemed to have already obtained a Conditional use permit, and the City will issue a Conditional use permit at the request of the property owner.

(d) Conditional Reuses

A “CR” in a cell of the Permitted Use Table indicates that the land use is allowed in that base zone district, provided that it takes place in an existing building or structure, but only upon review and approval by the Board of Zoning Appeals, and compliance with any use-specific standards referenced in the final column of the permitted use table. In applying the use-specific standards, the Board of Zoning Appeals must weigh the potential impacts of the proposed use against the likelihood of a more appropriate use and the possible effects of continuously abandoned property. Conditional reuses are subject to all other applicable requirements of this Redevelopment Code, including those set forth in Chapter 1104 (Development Standards). Any use that was a permitted use or a permitted use with special conditions under the prior zoning ordinance or related regulations and that is now a CR use in that zone district will be deemed to have already obtained a Conditional use permit for the reuse of property, and the City will issue a Conditional use permit at the request of the property owner.

(e) Accessory Uses

An “A” in a cell of the Permitted Use Table indicates that the land use is allowed in that zone base zone district only if it is incidental and subordinate to a permitted primary use of the land in that zone district (i.e., a P or R use, or a C or CR use that has been approved for that site).

(f) Prohibited Uses

A blank cell in the Permitted Use Table indicates that the land use is prohibited in that base zone district. In addition, any use that is not listed in the Permitted Use Table is prohibited in all base zone districts, unless the Director determines that it is substantially similar to a listed use as described in Chapter 1106.

(g) Overlay Districts Provisions Govern

When a property is located within the boundaries of one or more of the overlay districts listed in Section 1102.03, the provisions for that overlay district prevail over those in the base zone district. For example, if a use is prohibited in the base zone district where the property is located, but is a permitted use in an overlay district applicable to the same property, then the use is allowed on that property. On the other hand, if a use is listed as a permitted use in the base zone district but is listed as a special use in an overlay zone district applicable to the same property, then the use is a special use for that property. Where a property is located in more than one overlay district, then the most restrictive use provision in those overlay zone districts shall apply to the property.

(h) Use-Specific Standards

Regardless of whether a land use is a permitted use, a permitted reuse, a conditional use, or a conditional reuse in a zone district, there may be additional use-specific standards that apply to that specific use. Those additional standards

are cross-referenced in the right hand column of the Permitted Use Table (use-specific standards). Some use-specific standards apply to entire categories of uses and are listed in the gray shaded headings for those use categories; others apply to individual uses. In some cases, accessory and temporary uses are required to comply with the same standards applicable to a similar primary use of land. In other cases, similar primary and accessory uses are subject to different standards. All uses must comply with the use-specific standards applicable to that use category and use regardless of how the use is permitted or approved, unless a variance is obtained pursuant to Section 1105.04(n) (Variance). The cross-referenced use-specific standards appear in Section 1302 immediately following the Permitted Use Table.

(i) Unlisted Uses

When a proposed land use is not explicitly listed in the Permitted Use Table, the Director shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. Any such interpretation shall be made available to the public and shall be binding on future decisions of the City until the Director makes a different interpretation.

(j) Permitted Use Table

TABLE 1103-A: PERMITTED USE TABLE																			
P=Permitted S=Special Use C=Conditional Use R=Reuse of Existing Property CR=Conditional Reuse of Existing Property A=Accessory Use T=Temporary Use																			
Previous Zone District Name	R-20	R-12	R-7.2	R-5.5			RA	R-1.5	R-1.0	MU	I	B-4	B-3 & B-2	B-2	B-1	I-L	I-H	OS	AW
Current Zone District Name	RS-20	RS-12	RS-7.2	RT-5.5	RS-3.0	RS-CF	RM-2.2	RM-1.5	RM-1.0	MU-R	MU-I	MU-N	MU-C	MU-UF	MU-FF	IG	I-H	OS	AW
SCHEDULE OF USES																			
Residential																			
Household Living																			
Dwelling, detached single-family	P	P	P	P	P	P	P	P	P	P									
Dwelling, two-family				P				P	P	P									
Dwelling, additional units in existing one- or two-family dwelling										CR									1103.02(a)(1)
Dwelling, attached single-family							P	P	P										
Dwelling, live-work					P	P	P	P	P	P	P								1103.02(a)(2)
Dwelling, multi-family							P	P	P		P	P	P	P	P				1103.02(a)(3)
Group Living																			
Convalescent and nursing home							P	P	P		P								
Dormitory									P		P				P				
Fraternity or sorority house								P	P	CR	P								1103.02(a)(4)
Group home, small				P				P	P	CR	P	P	P	P	P				1103.02(a)(5), 1103.02(a)(6)
Group home, medium or large				P				P	P		P	P	P	P	P				1103.02(a)(6)
Rooming or board house				P				P	P										
Public/ Civic/ Institutional																			
Business, art, or vocational school	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	P	CR	P	P	P	P	CR		1103.02(a)(7)
Bus or rail transit station															P				
Cemetery or mausoleum	P	P	P	P	P	P	P	P	P		P								1103.02(a)(8)
College or university	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	P	CR	P	P	P	CR	CR		1103.02(a)(9)

TABLE 1103-A: PERMITTED USE TABLE																			
P=Permitted S=Special Use C=Conditional Use R=Reuse of Existing Property CR=Conditional Reuse of Existing Property A=Accessory Use T=Temporary Use																			
Previous Zone District Name	R-20	R-12	R-7.2	R-5.5			RA	R-1.5	R-1.0	MU	I	B-4	B-3 & B-2	B-2	B-1	I-L	I-H	OS	AW
Current Zone District Name	RS-20	RS-12	RS-7.2	RT-5.5	RS-3.0	RS-CF	RM-2.2	RM-1.5	RM-1.0	MU-R	MU-I	MU-N	MU-C	MU-UF	MU-FF	IG	I-H	OS	AW
SCHEDULE OF USES																			
Correctional facility															P	P			Standards in
Government service	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	P	P	P	P	P	P	P		1103.02(a)(10)
Hospital											P		P						1103.02(a)(11)
Museum, library, or art gallery	CR	CR	CR	CR	CR	CR	C	C	C	CR	P	P	P	P	P	C	CR		1103.02(a)(12)
Park or playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Public safety facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Religious assembly	P	P	P	P	P	P	P	P	P		P		P	P	P	P	P		1103.02(a)(13)
School, elementary, middle, high	P	P	P	P	P	P	P	P	P		P								1103.02(a)(14)
Zoo									C				C	C		C			1103.02(a)(15)
Commercial																			
Agricultural and Animal Related																			
Agriculture, general	P	P														P	P	P	1103.02(a)(16)1103.02(a)(23)
Agriculture, urban	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	C	P
Aquaculture or hydroponics	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	C	P
Farmers market	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P
Kennels													P	P	P				1103.02(a)(21)
Livestock auction or sales																	P		1103.02(a)(22)
Riding stables																C		C	C
Veterinarian or animal hospital												P	P	P	P	P	P		
Food, Beverage, and Indoor Entertainment																			1103.02(a)(23)

TABLE 1103-A: PERMITTED USE TABLE																			
P=Permitted S=Special Use C=Conditional Use R=Reuse of Existing Property CR=Conditional Reuse of Existing Property A=Accessory Use T=Temporary Use																			
Previous Zone District Name	R-20	R-12	R-7.2	R-5.5			RA	R-1.5	R-1.0	MU	I	B-4	B-3 & B-2	B-2	B-1	I-L	I-H	OS	AW
Current Zone District Name	RS-20	RS-12	RS-7.2	RT-5.5	RS-3.0	RS-CF	RM-2.2	RM-1.5	RM-1.0	MU-R	MU-I	MU-N	MU-C	MU-UF	MU-FF	IG	I-H	OS	AW
SCHEDULE OF USES																			
Adult entertainment													P	P	P		P		
Convention or event center											P		P	P	P	P			
Club or lodge (private)											P	P	P	P	P	P			
Restaurant (no drive-in/drive-through)										CR			P	P	P	P			
Restaurant (with drive-in/drive-through)													P	P	P		P		
Stadium, Indoor													P	P	P		P		
Theater, Indoor										CR			P	P	P	P			
Other indoor entertainment facility not listed											P		P	P	P				
Lodging																			
Hotel or motel													P	P	P	P			
Bed and breakfast				CR			CR	CR	CR	CR									
Offices																			
Bank											P		P	P	P	P			
Laboratories											P		P	P	P	P	P		
Offices	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	P	P	P	P	P	P			
Outdoor Recreating & Entertainment																			
Amusement park													P	P			P		
Golf courses	P	P	P	P			P	P	P				P	P			P	C	
Stadiums, outdoor													P	P			P	C	

TABLE 1103-A: PERMITTED USE TABLE																			
P=Permitted S=Special Use C=Conditional Use R=Reuse of Existing Property CR=Conditional Reuse of Existing Property A=Accessory Use T=Temporary Use																			
Previous Zone District Name	R-20	R-12	R-7.2	R-5.5			RA	R-1.5	R-1.0	MU	I	B-4	B-3 & B-2	B-2	B-1	I-L	I-H	OS	AW
Current Zone District Name	RS-20	RS-12	RS-7.2	RT-5.5	RS-3.0	RS-CF	RM-2.2	RM-1.5	RM-1.0	MU-R	MU-I	MU-N	MU-C	MU-UF	MU-FF	IG	I-H	OS	AW
SCHEDULE OF USES																			
Swimming pools	P	P	P	P							P								
Theater, Outdoor													P	P		P		C	
Other outdoor entertainment or recreation use not listed											P					P	P	C	
Personal Services																			
Day care facility	CR	CR	CR	P	P	P	P	P	P	C	P	P	P	P	P	CR	CR		
Funeral homes	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	P	P	P	P	CR	CR	CR		
Mini-storage facility													P	P	P	P			
Personal service and repair (small)	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	P	P	P	P	P	P	CR		
Personal service and repair (large)													P	P	P	P	P		
Retail Sales																			
Adult retail													P	P	P	P			
Alcohol beverage packaged retail sales													P	P	P	P			
Building or garden material sales													P	P	P	P	P		
Furniture and floor covering sales													P	P	P	P			
Grocery store												P	P	P	P	P			
Retail store not listed, small	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	P	P	P	P	P	P			
Retail store not listed, large												P	P	P	P	P			
Vehicle-Related																			
Automobile and light vehicle												P	P	P	P	P	P		

TABLE 1103-A: PERMITTED USE TABLE																		
P=Permitted S=Special Use C=Conditional Use R=Reuse of Existing Property CR=Conditional Reuse of Existing Property A=Accessory Use T=Temporary Use																		
Previous Zone District Name	R-20	R-12	R-7.2	R-5.5			RA	R-1.5	R-1.0	MU	I	B-4	B-3 & B-2	B-2	B-1	I-L	I-H	
Current Zone District Name	RS-20	RS-12	RS-7.2	RT-5.5	RS-3.0	RS-CF	RM-2.2	RM-1.5	RM-1.0	MU-R	MU-I	MU-N	MU-C	MU-UF	MU-FF	IG	I-H	OS
SCHEDULE OF USES																		
repair and service																		
Automobile and light vehicle sales, rental, or storage													P	P	P		P	
Automobile car wash													P	P	P			
Automobile parking lot or garage (primary use)													P	P	P	P		
Automobile service station												P	P	P	P	P		
Heavy vehicle or mobile home sales, rental, or repair																P	P	
Other Commercial Service																		
Commercial laundries													P	P		P		
Food processing and storage													P	P	P	P		
Warehousing and storage													P	P	P	P	P	
Wholesaling													P	P	P		P	
Industrial																		
Industrial Service																		
Contractor's shop and storage yard																P	P	
Hazardous materials, handling and storage																	P	
Hydraulic fracturing																	P	
Mining and processing of natural resources																	P	
Repair and servicing of industrial																P	P	

TABLE 1103-A: PERMITTED USE TABLE																			
P=Permitted S=Special Use C=Conditional Use R=Reuse of Existing Property CR=Conditional Reuse of Existing Property A=Accessory Use T=Temporary Use																			
Previous Zone District Name	R-20	R-12	R-7.2	R-5.5				R-1.5	R-1.0	MU	I	B-4	B-3 & B-2	B-2	B-1	I-L	I-H	OS	AW
Current Zone District Name	RS-20	RS-12	RS-7.2	RT-5.5	RS-3.0	RS-CF	RM-2.2	RM-1.5	RM-1.0	MU-R	MU-I	MU-N	MU-C	MU-UF	MU-FF	IG	I-H	OS	AW
SCHEDULE OF USES																			
equipment																			
Manufacturing and Assembly																			
Manufacturing, light																P	P		
Manufacturing, general																C	P		1103.02(a)(48)
Manufacturing, hazardous or special																	P		1103.02(a)(49)
Transportation-Related																			
Airport or Heliport																P	P		1103.02(a)(50)
Marine terminal, passenger or freight																P	P		
Railroad right-of way													P	P		P	P		
Railroad yard and related facilities																	P		
Truck freight or transfer terminal																P	P		
Utilities																			
Electric power or heat generation plant																P	P		
Solar, geothermal, or biomass power facility (primary use)											P	C	P	CP	C	C	P	P	
Utility structure or service not listed	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		1103.02(a)(51)
Utility towers and elevated structures (primary use)	p	p	p	p	p		p	p	p	p	p	p	p	p		P	P		1103.02(a)(52)
Utility service and storage yards																P	P		
Water or sewer pumping or											C	C	C	C	C	C	C		1103.02(a)(53)

TABLE 1103-A: PERMITTED USE TABLE																					
P=Permitted S=Special Use C=Conditional Use R=Reuse of Existing Property CR=Conditional Reuse of Existing Property A=Accessory Use T=Temporary Use																					
Previous Zone District Name	R-20	R-12	R-7.2	R-5.5			RA	R-1.5	R-1.0	MU		B-4	B-3 & B-2	B-2	B-1	I-L	I-H			Use Specific Standards in 1103.02(a)(54)	
Current Zone District Name	RS-20	RS-12	RS-7.2	RT-5.5	RS-3.0	RS-CF	RM-2.2	RM-1.5	RM-1.0	MU-R	MU-I	MU-N	MU-C	MU-UF	MU-FF	IG	I-H	OS	AW		
SCHEDULE OF USES																					
treatment facilities																					
Wind power facility (primary use)																	P	P			
Waste and Salvage																					
Recycling collection point (primary use)											P	P	P	P	P	P	P	P			
Recycling services																	P	P			
Junk Yard																	P	P		1103.02(a)(55)	
Accessory and Temporary Uses																				1103.02(b)(1)	
Accessory Uses																					
All of the uses listed below are only available if they are secondary and subordinate to a primary use of the land or structure listed above (i.e. a P or R use, or an approved C or CR use in that zone district) or a legal preexisting use on the property. site). Accessory uses of property may not exist before a permitted or approved conditional primary use of the land is in operation or after a permitted or approved conditional primary use of the land has ended.																					
Accessory agriculture	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	A	A	1103.02(b)(3)
Accessory aquaculture or hydroponics	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	A	A	1103.02(a)(18)
Accessory automobile parking	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1103.02(b)(4)
Accessory bed and breakfast	A	A	A							A											1103.02(b)(5)
Accessory day care	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					1103.02(b)(6)
Accessory domestic animals or fish	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					1103.02(b)(7)
Accessory dwelling unit	A	A	A	A	A	A				A											1103.02(b)(8)
Accessory forestry	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	A	A	A	A	1103.02(a)(20)
Accessory heliport											A										1103.02(a)(50)
Accessory home occupation	A	A	A	A			A	A	A	A											1103.02(b)(9)
Accessory kennel	A	A	A	A																	1103.02(b)(10)

TABLE 1103-A: PERMITTED USE TABLE																				
P=Permitted S=Special Use C=Conditional Use R=Reuse of Existing Property CR=Conditional Reuse of Existing Property A=Accessory Use T=Temporary Use																				
Previous Zone District Name	R-20	R-12	R-7.2	R-5.5			RA	R-1.5	R-1.0	MU	I	B-4	B-3 & B-2	B-2	B-1	I-L	I-H	OS	AW	Use Specific
Current Zone District Name	RS-20	RS-12	RS-7.2	RT-5.5	RS-3.0	RS-CF	RM-2.2	RM-1.5	RM-1.0	MU-R	MU-I	MU-N	MU-C	MU-UF	MU-FF	IG	I-H	OS	AW	
SCHEDULE OF USES																				
Accessory outdoor dining area										CR			A	A	A	A	A			1103.02(b)(11)
Accessory recycling collection point											A	A	A	A	A	A	A	A	A	1103.02
Accessory non-agricultural retail							A				A	A	A	A	A	A	A			1103.02(b)(12)
Accessory solar or geothermal power equipment	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Accessory swimming pools	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1103.02(b)(13)
Accessory uses and structures not listed elsewhere	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			1103.02(b)(14)
Accessory utilities and antennas attached to existing structures	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1103.02(b)(15)
Accessory wild animals	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	1103.02(b)(16)
Accessory wind power equipment	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1103.02(b)(16)C
Temporary Uses																				
Temporary construction office or yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	1103.02(b)(18)
Temporary event,sale, or outdoor display	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	1103.02(b)(19)
Temporary real estate office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	1103.02(b)(20)
Temporary use not listed	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	1103.02(b)(21)

1103.02. Use-specific Standards

(a) Primary Uses of Land

(1) *Dwelling, Additional Units in Existing Single-family or Two-family Structure*

In the MU-R district, existing one- or two-family dwellings may be converted to contain additional dwelling units provided that all of the following standards are met:

- A. At least 400 square feet of habitable floor area is provided for each dwelling unit after conversion.
- B. After conversion, the converted dwelling retains the appearance of a single-family dwelling, and shall have not more than one entrance on the front of the building. All other entrances will be on the side or in the rear of the building.
- C. Structural alterations are limited to interior changes. Exterior alterations that are made solely for the purpose of conversion shall not be permitted unless the Board of Zoning Appeals determines that the exterior alterations provide desirable means of ingress and egress to and from all dwelling units.
- D. Any outside fire escape or stairway leading to an upper floor shall be located on the rear or the building and shall not be located on any building wall facing any street upon which the lot has frontage.

(2) *Dwelling, Live-Work*

- A. The non-residential use must be owned or operated by the resident of the residential portion of the dwelling unit.
- B. No equipment shall be used that creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, X-ray or electrical disturbance to radio or television or that otherwise constitutes a nuisance.
- C. All home occupations that require a license from the city or state government shall maintain a valid license at all times and shall operate in compliance with the terms of that license and all applicable regulations of the city and state at all times.

(3) *Dwelling, Multi-family*

- A. In the RM districts, this use is limited to structures containing between 4 and 10 units.

- B. In the MU-I, MU-N, MU-C districts:
 - i. At least 25 percent of the gross floor area in the structure must be occupied by non-residential uses;
 - ii. Dwelling units shall not be located on the ground floor; and
 - iii. Main entrances to the dwelling units shall be from the side or rear of the structure.

(4) *Fraternity or Sorority Houses*

In the MU-R district, this use must be:

- A. Occupied by students affiliated a recognized institution of higher learning and regulated by that institution
- B. Located not more than 1,000 feet distant from a parcel of land occupied by the institution with which they are affiliated.

(5) *Group Homes, Small*

In the MU-R district, this use may be developed as an infill use on a vacant parcel or an existing residential structure may have up to 100 percent of its gross floor area converted to a small group home provided that: (1) Structural alterations shall be limited to interior changes. Exterior alterations that are made solely for the purpose of adaptive re-use and whose appearance is non-residential in character shall not be permitted. This condition shall not apply to restoration or repair work. (2) All re-use proposals shall be subject to review and approval by the Board of Zoning Appeals.

(6) *Group Homes, Small, Medium, and Large*

- A. No person shall operate a group home or knowingly permit the operation of a group home without first making application for and procuring a license as described in Chapter 1744.
- B. No person shall continue operating an existing group home or knowingly permit the continued operation of a group home during any period when a valid license as required by Chapter 1744 is not in effect, or when that license has been suspended or revoked, unless the suspension or revocation is being appealed and the appeal has not been concluded.
- C. No license shall be issued for a new group home that will be located within a 2,000 foot radius of another group home already in lawful operation unless the City has granted a temporary license or has waived the spacing requirement as set forth in Chapter 1744. Those group homes that were in lawful operation on February 20, 2002 may be issued a license notwithstanding the 2,000 foot limit, provided they are in compliance with all the other sections of Chapter 1744.
- D. All group homes shall follow all procedures described in Chapters 20 and 21 of the 1997 NFPA 101 Life Safety Code, or the current edition being

used by the Fire Department, which are adopted and incorporated as if fully rewritten. Any conflicting definitions contained within the Life Safety Code and this chapter will be resolved in favor of those definitions specifically contained within Chapter 1106 (Definitions).

(7) *Business, Arts, or Vocational Schools*

- A. In the MU-R district, this use may be developed as an infill use on a vacant parcel or an existing residential structure may have up to 100 percent of its gross floor area converted to a college or university provided that: (1) Structural alterations are limited to interior changes. Exterior alterations that are made solely for the purpose of adaptive re-use and whose appearance is non-residential in character are not permitted. This condition does not apply to restoration or repair work. (2) All re-use proposals shall be subject to review and approval by the Board of Zoning Appeals.
- B. In all other districts where this use is a CR use:
 - i. This use is limited to reuse of abandoned public buildings.
 - ii. The proposed use shall not involve activities, processes, materials or methods of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of noise, smoke, fumes, glare or odors.
 - iii. The proposed use shall not generate levels of traffic that significantly exceeds that generated by the original use.
 - iv. In determining the potential impact of a proposed use on the neighboring uses, the Board of Zoning Appeals shall take into account the size of the property in question, the ratio of building to total area, the nature of land use in the immediate vicinity and the proximity of the proposed activity to existing dwellings.
 - v. Parking requirements set forth in Section 1104.02 shall apply, but the exception of existing structures shall not apply.
 - vi. Any proposed work that would change the exterior appearance of the property, including any proposed signs or additional parking, is subject to approval by the Design Review Committee.

(8) *Cemetery or Mausoleum*

- A. Must be located on a site containing at least 10 acres of land and at least 500 ft. of street frontage.
- B. Buildings must be set back at least 100 ft. front setback, 50 ft. side setback, and 50 ft. rear setback between property lines.

(9) *College or University*

- A. In the MU-R district, this use may be developed as an infill use on a vacant parcel or an existing residential structure may have up to 100

percent of its gross floor area converted to a college or university provided that: (1) Structural alterations are limited to interior changes. Exterior alterations that are made solely for the purpose of adaptive re-use and whose appearance is non-residential in character are not permitted. This condition does not apply to restoration or repair work. (2) All re-use proposals shall be subject to review and approval by the Board of Zoning Appeals.

- B. In all other districts where this use is a CR use:
 - i. This use is limited to reuse of abandoned public buildings.
 - ii. The proposed use shall not involve activities, processes, materials or methods of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of noise, smoke, fumes, glare or odors.
 - iii. The proposed use shall not generate levels of traffic that significantly exceeds that generated by the original use.
 - iv. In determining the potential impact of a proposed use on the neighboring uses, the Board of Zoning Appeals shall take into account the size of the property in question, the ratio of building to total area, the nature of land use in the immediate vicinity and the proximity of the proposed activity to existing dwellings.
 - v. Parking requirements set forth in Section 1104.02 shall apply, but the exception of existing structures shall not apply.
 - vi. Any proposed work that would change the exterior appearance of the property, including any proposed signs or additional parking, is subject to approval by the Design Review Committee.

(10) Government Services

In all districts where this use is a CR use:

- A. This use is limited to reuse of abandoned public buildings.
- B. The government service may not include use as a garage repair or storage yard, warehouse, or correctional or penal institution.
- C. The proposed use shall not involve activities, processes, materials or methods of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of noise, smoke, fumes, glare or odors.
- D. The proposed use shall not generate levels of traffic that significantly exceeds that generated by the original use.
- E. In determining the potential impact of a proposed use on the neighboring uses, the Board of Zoning Appeals shall take into account the size of the property in question, the ratio of building to total area, the nature of land use in the immediate vicinity and the proximity of the proposed activity to existing dwellings.

- F. Parking requirements set forth in Section 1104.02 shall apply, but the exception of existing structures shall not apply.
- G. Any proposed work that would change the exterior appearance of the property, including any proposed signs or additional parking, is subject to approval by the Design Review Committee.

(11) Hospitals

- A. The minimum lot area is 100,000 square feet.
- B. The minimum lot frontage is 300 feet.
- C. The primary and accessory buildings shall not cover more than 25 percent of the lot.
- D. Minimum front setback is 75 feet, and minimum side and rear setbacks for building and parking areas is 75 feet.
- E. All parking areas shall be fenced where they abut a Residential zone with a fence at least five feet high.
- F. All parking areas shall have a minimum of two means of ingress or egress with a minimum distance of 80 feet between drives.
- G. Off-street passenger loading facilities must be provided. This facility may be located in the setback area.

(12) Museums, Library or Art Gallery

- A. In those base zone districts where this is a CR use, the following standard apply:
 - i. This use is limited to reuse of abandoned public buildings.
 - ii. The proposed use shall not involve activities, processes, materials or methods of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of noise, smoke, fumes, glare or odors.
 - iii. The proposed use shall not generate levels of traffic that significantly exceeds that generated by the original use.
 - iv. In determining the potential impact of a proposed use on the neighboring uses, the Board of Zoning Appeals shall take into account the size of the property in question, the ratio of building to total area, the nature of land use in the immediate vicinity and the proximity of the proposed activity to existing dwellings.
 - v. Parking requirements set forth in Section 1104.02 shall apply, but the exception of existing structures shall not apply.
 - vi. Any proposed work that would change the exterior appearance of the property, including any proposed signs or additional parking, is subject to approval by the Design Review Committee.

- B. In those base zone districts where this is a P use, the following standards apply:
 - i. All required parking shall be in the rear yard.
 - ii. A minimum of one (1) off-street loading space must be provided.
 - iii. No driveway shall be permitted in the required side yard.

(13) Religious Assembly

This use may contain multiple principle structures on a single lot. In all districts where this use is permitted, except the IG and IU districts:

- A. Maximum height shall be 45 feet to the main roof structure. Attached or detached spires and towers shall be set back, one foot from all property lines (measured from the center of the tower or spire) for each foot of total height.
- B. Minimum lot frontage is 150 feet.
- C. In Residential zone districts, the primary structure shall not cover more than 50% of the lot.
- D. In Residential zone districts, minimum front setback is 20 ft. and minimum side and rear yard setbacks are 30 ft.
- E. All parking areas shall have a minimum of two means of ingress or egress with a minimum distance of 80 feet between drives.
- F. Off-street passenger loading facilities must be provided, and may be located in the setback area.
- G. If this use includes a school or assembly hall in a Residential zone district, the maximum height of that structure shall be 30 feet.

(14) Schools, Elementary, Middle, and High

- A. For an elementary school the minimum lot area is five acres plus one acre for each 100 students. For junior high and high school is 10 acres plus one acre for each 100 students.
- B. The minimum lot frontage is 300 feet.
- C. The building shall not cover more than 20% of the lot.
- D. The minimum front, side, and rear setbacks are 50 ft.
- E. A fence at least eight feet in height shall be provided along all side and rear yard lines.
- F. Two independent means of ingress and egress at least 80 feet apart shall be provided.
- G. Off-street passenger loading facilities shall be provided. Such loading facilities may be located in the setback area.

(15) Zoo

Small and large livestock, poultry, rabbits, wild animals and domestic animals may be kept on the premises, provided that the owner or operator has all required state or federal permits necessary to keep those animals. This use shall not be required to comply with requirements for accessory animals in Section 1103.02(b).

(16) Agriculture, General

- A. General agricultural use may grow food products in soil native to the site if:
 - i. The City determines through maps, deeds, prior permits or a combination thereof that the site has only been put to residential or agricultural use in the past, and a test for the presence of lead in the soil, containing at least five individual samples, has not revealed the presence of lead in excess of State of Ohio Environmental Protection Agency Voluntary Action Program Guidance Values for Generic Numerical Standards for lead; or
 - ii. A composite sample of the native soil, consisting of no less than five individual samples, has been tested using the US EPA 3050B, 3051, or a comparable method, and determined to be at or below the thresholds listed in the State of Ohio Environmental Protection Agency Voluntary Action Program Guidance Values for Generic Numerical Standards: Rule 3745-300-08 (C)(3)(b) Table I generic direct-contact soil standards for carcinogenic and non-carcinogenic chemicals of concern - residential land use category.
- B. Food products may be grown in clean soil brought to the site without completing a soil test of the soil native to the site.
- C. No greenhouse heating plant shall be operated within 20 feet of any lot line.
- D. Large and small livestock, poultry, rabbits and bees may be kept on the property by obtaining a conditional use permit pursuant to Section 1105.04(l). Before applying for a conditional use permit, the applicant shall request that his/her property be inspected by the Health Commissioner. The Health Commissioner shall inspect the property and issue a report setting forth his/her recommendation of the specific type of wild animals, large or small livestock, and/or poultry that the person should be permitted to keep, the specific number of animals that the person should be permitted to keep, the specific piece of property on which the person may be permitted to keep the animals, and the specific health, sanitation, and safety conditions under which the person should be required to keep the animals. The Health Commissioner's report shall be based on guidelines adopted by the Board of Health and shall be submitted to the City as part of the Conditional use permit application.

- E. Meatpacking and poultry and rabbit dressing are permitted, provided it occurs in an enclosed structure that meets all setbacks applicable to the property or is screened from view from public streets and occupied properties by an opaque fence at least six feet in height and is limited to animals raised on the premises.
- F. Sale of agricultural products grown or raised on the premises is permitted.
- G. This use shall comply with C.O. 505.20(c) regarding odors.

(17) Agriculture, Urban

- A. The maximum size of this use is three contiguous acres. Larger primary uses are classified as general agriculture; smaller primary uses are not subject to these regulations.
- B. Greenhouses and hoop houses are limited to a maximum height of 15 feet, must be located at least 10 feet from any lot line with an abutting lot with an occupied residential use, and may not cover more than 25 percent of the contiguous land area.
- C. Cold frames are limited to a maximum height of four feet, and must be located at least 10 feet from any lot line with an abutting lot with an occupied residential use.
- D. Tool sheds, coops, cages, beehives, rain barrels, composting equipment and agricultural stands are limited to a maximum height of 12 feet, must be located at 10 feet from any abutting lot with an occupied residential use, and may not have a total combined area of more than 400 square feet.
- E. The site drainage and maintenance must prevent water and fertilizer from draining onto adjacent property that is not part of the contiguous land in urban agricultural use.
- F. No greenhouse heating plant shall be operated within 20 feet of any lot line.
- G. Compost piles shall not exceed six feet in heights. Refuse and compost area must be enclosed at ground level to be rodent-resistant. Refuse must be removed from the site at least once a week.
- H. No outdoor work activity that involves power equipment or generators may occur between sunset and sunrise.
- I. Food products may be grown in soil native to the site if:
 - i. A composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the Table IN: Generic direct-contact standards for lead; and either:

-
- a. The City determines through maps, deeds, prior permits or a combination of those sources that the site has only been put to residential or agricultural use in the past, or
 - b. a composite sample of the native soil, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that (i) the metals arsenic, cadmium, mercury, molybdenum, Nickel, selenium, and zinc are determined to be at or below the thresholds listed in the State of Ohio Environmental Protection Agency Voluntary Action Program (VAP) Guidance Values for Generic Numerical Standard: Rule 3745-300-08(C)(3)(b) Table I generic direct-contact soil standards for carcinogenic and non-carcinogenic chemicals of concern – residential land use category.
 - ii. If metal content in soil exceed VAP Guidance Values, food products may only be grown in raised beds filled with clean top soils.
 - iii. As an alternative to meeting the standards in subsection i or ii above, food products may be grown in clean soil brought to the site without completing a soil test of the soil native to the site.
- J. Small livestock, poultry, rabbits and bees may be kept on the property by obtaining a conditional use permit pursuant to Section 1105.04(I). Before applying for a Conditional use permit, the applicant shall request that his/her property be inspected by the Health Commissioner. The Health Commissioner shall inspect the property and issue a report setting forth his/her recommendation of the specific type of wild animals, livestock and/or poultry that the person should be permitted to keep, the specific number of animals that the person should be permitted to keep, the specific piece of property on which the person may be permitted to keep the animals, and the specific health, sanitation, and safety conditions under which the person should be required to keep the animals. The Health Commissioner's report shall be based on guidelines adopted by the Board of Health and shall be submitted to the City as part of the Conditional use permit application.
- K. If animals are kept on the property, the owner of the property or the operator of the use shall enter into an agreement with the City identifying the individual responsible for care and control of the animals and providing the contact information for that individual.
- L. Meatpacking and poultry and rabbit dressing are permitted, provided it occurs in an enclosed structure or is screened from view from public streets and occupied properties by an opaque fence at least six feet in height and is limited to animals raised on the premises.
- M. Sale of agricultural products grown or raised on the premises is permitted.
-

N. This use shall comply with C.O. 505.20(c)) regarding odors.

(18) Aquaculture or Hydroponics

- A. The operator shall obtain and maintain in effect all required local, state, or federal licenses or permits related to the use, reuse, containment, quality, safety, and release of water used in the use.
- B. No tank or structure used in this use shall be located within 20 feet of any lot line unless it is located within an enclosed building that meets all setbacks applicable to the property.
- C. If the use is not conducted in an enclosed building, it must be screened from view from public streets and occupied properties by an opaque fence at least six feet in height.
- D. When located in a residential district, this use must be conducted in an enclosed structure.
- E. This use shall comply with C.O. 505.20(c)) regarding odors.

(19) Farmer's Market

- A. This use may sell food, food products, arts, and crafts prepared on- or off-site, as long as its principle ingredients or components are grown on-site or within 25 miles of the site.
- B. This use may operate no more than three days per week unless a permit is obtained pursuant to Section 1105.04(l) (Conditional Use Permit).

(20) Forestry

The following standards shall apply to the harvesting of timber.

A. Purpose

In order to preserve and promote forests and the environmental and economic benefits they provide, it is the policy of the City to encourage the owners of land to continue to use their land for forestry purposes, and to replant and/or reforest vacant parcels in order to promote long-term production of timber, recreation, preservation, wildlife habitat, watershed management, and open space amenities. These regulations are intended to further this policy by promoting good forest stewardship, protecting the rights of adjoining property owners, minimizing the potential for adverse environmental impacts, and avoiding unreasonable and unnecessary restrictions on the right to practice forestry.

B. Applicability

These regulations apply to all timber harvesting conducted on a site one acre or greater in size. They do not cover the cutting of trees for the personal use of the landowner or for pre-commercial timber stand

improvement. No landowner or operator shall conduct timber harvesting unless the activity is conducted in accordance with these regulations.

C. Permit Requirement

It shall be unlawful for any landowner or operator to conduct timber harvesting on a site one acre or greater in size except as provided for in an approved logging plan which is available at the harvest site at all times during the operation. The City shall issue a logging permit for timber harvesting activities only on the basis of plans submitted to and approved by the City. A separate permit shall be required for each site.

D. Permit Procedure

The procedure for application, review, and decision on an application for a timber harvesting permit is in Chapter 1105. The materials required to be submitted with the application are listed in the Youngstown Application Materials document.

E. Forest Practices Required

The following requirements shall apply to all timber harvesting operations.

- i. Points of access to or from timber harvesting sites shall be permitted only on streets which are classified as at least arterial streets. The use of local or collector streets to access timber harvesting sites shall be prohibited
- ii. Buffer zones of at least fifty feet in width shall be provided adjacent to all site boundaries and all public streets and highways, within which the harvesting of not more than fifty feet of basal area per acre of buffer zone shall be permitted subject to maintaining a well-distributed stand of healthy trees.
- iii. Felling or skidding on or across any public street or highway shall be prohibited without the written consent of the City, county or state agency responsible for maintenance of the street or highway.
- iv. No tops or slash shall be left on or across the boundary of any property.
- v. All tops and slash between twenty-five and fifty feet from a public street or highway or within fifty feet of adjoining residential property shall be lopped to a maximum height of four feet above the surface of the ground.
- vi. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the written consent of the owner thereof.
- vii. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
- viii. Timber harvesting and related activities shall be conducted only between the hours of 6:00 a.m. and 7:00 p.m. prevailing time.

- ix. Soil carried or washed onto public streets or highways during timber harvesting operations shall be removed daily by the operator.

F. Timber Harvesting in Contemplation of Land Use Change

When timber harvesting is to be engaged in for the purpose of preparing for a land use change, copies of the final approved permits and/or approvals necessary for the proposed use shall be submitted to the City. The provisions of such permits and/or approvals shall then govern instead of these regulations.

G. Protection of Roads, Water and Sewer Lines

The landowner shall be responsible for repairing any damage to public streets and highways, water lines, sanitary sewer lines and storm sewer facilities caused by or associated with the timber harvesting operation. If, in the opinion of the City Engineer, damage to such facilities could occur as a result of the timber harvesting operation, then the landowner or operator shall be required to furnish financial security to guarantee the repair of such damage.

H. Protection of Streams and Habitat

All operations shall be conducted in accordance with applicable state and federal environmental regulations to maintain water quality and avoid the loss of designated critical habitat areas.

I. Guarantees of Maintenance

- i. Pursuant to Subsection G above, where timber harvesting activities could result in damage to public streets and highways, water lines, sanitary sewer lines or storm sewer facilities, the City shall not issue a logging permit until the landowner or operator posts financial security with a bonding or lending institution of his choice, provided such institution is authorized to conduct business in the State of Ohio (either a Federal or State chartered lending institution). The acceptable types of financial security are:
 - a. A maintenance and repair bond with an acceptable surety, and of form satisfactory to the City, or
 - b. A certified check payable to the City; or
 - c. Financial security in an amount approved by the City Engineer
- ii. Regardless of which form of financial security is used, the amount of that security must be equal to one 100% of the cost of repairing damaged streets and highways, water lines, sanitary sewer lines or storm sewer facilities.

J. Liability of the City

Failure of the City or any official or public employee of the City to observe or recognize hazardous conditions or to recommend corrective measures shall not relieve the landowner or operator from liability for

the condition or for injury to persons or property resulting therefrom. The issuance or denial of a logging permit or any action by the City under this chapter shall not create in the City, its officers, agents or employees any liability or responsibility for injury to persons or property caused by or related to such action. Nothing in this chapter shall be construed to relieve the landowner or operator from liability for injury to persons or property.

(21) Kennels

- A. Kennel must be cleaned daily.
- B. Animal waste shall be kept in double bagged container with an air tight lid.
- C. This use shall comply with C.O. 505.09 regarding noise and C.O. 505.20(c) regarding odors.
- D. Animals shall be kept on a leash or in cages.
- E. A six foot screening fence shall be provided along the kennel area.

(22) Livestock Auction or Sale

Small and large livestock to be auctioned or sold may be kept on the premises, provided that the owner or operator has all required state or federal permits necessary to keep those animals. This use shall not be required to comply with requirements for accessory animals in Section 1103.02(b).

(23) Regulated Uses

All Regulated Uses, as defined in Chapter 1106 (Definitions) shall comply with the following spacing requirements:

- A. No regulated use may be established within 500 feet of another regulated use.
- B. The 500 foot spacing distance shall be determined by measuring the distance from the nearest property line of the land on which an existing regulated use is located to the nearest property line on which the proposed regulated use is to be located.
- C. Uses beyond the limits of the City that would be deemed regulated uses if located within the City shall be considered in determining if the proposed use is within 500 feet of another regulated use.
- D. The 500 foot spacing requirement may be waived through either of the two following procedures:
 - i. Option 1. The applicant shall address his application for waiver to the Planning Commission. The Commission shall make a recommendation to City Council to grant or refuse the waiver. In voting upon the recommendation to Council, the Commission

members shall take into account the intent of this Redevelopment Code and the following factors:

- a. Whether the proposed use will be contrary to the public interest or injurious to nearby properties.
- b. Whether the proposed use will enlarge or encourage the development of a "skid row" area.
- c. Whether the establishment of an additional regulated use in the area will be contrary to any program of urban renewal.
- ii. Under Option 1, if the Planning Commission recommends the waiver of the 500 foot spacing requirement, City Council may waive the restriction by the concurrence of at least a majority of the members elected to Council; if the Commission does not recommend the waiver of the 500 foot spacing requirement, City Council may waive the restriction by a concurrence of at least three-fourths of the members elected to Council. An applicant may not make an application for waiver more than once in a six-month period.
- E. Option 2. The applicant shall address his application for waiver to the Commission along with a petition which indicates approval of the proposed regulated use by more than 50 percent of the adult persons owning property, residing, or doing business in Youngstown within a radius of 500 feet of the location of the proposed use. The application shall contain a statement that the applicant attempted to contact all persons listed above. The application must disclose all addresses at which persons either refused to sign the petition or no contact was made, and likewise disclose all property owners and business owners who refused to sign the petition or could not be contacted. If the Commission is satisfied from its review of the application and petition that more than 50 percent of the adult persons owning property, residing or doing business in Youngstown within a radius of 500 feet of the location of the proposed use have indicated their approval of the proposed regulated use, it shall grant the waiver.

(24) Adult Entertainment

A. Age of Participants

No person under the legal age of majority, as determined by the Ohio State Legislature, shall be admitted to or offered the use of the materials that contain illustrations of Specified Sexual Activities or Specified Anatomical Areas or of any adult entertainment use. It shall be the duty of the operator of the adult entertainment use to determine the age of each person patronizing his place of business.

B. Spacing of Adult Theaters and Cabarets

- i. No adult theater or adult cabaret shall operate within 500 feet of any church, public or private school, library, public playground, public park or private residence.
- ii. As used in this Subsection B, 500 feet shall be determined by measuring the distance from the nearest property line of the land on which the proposed adult theater or adult cabaret is located to the nearest property lines of land on which the institutions or public or private places in Subsection B.i are located.
- iii. Adult theaters and adult cabarets are included in the definition of “Regulated uses” and are subject to additional spacing regulations found in Section 1103.02(a)(23).

C. Additional Regulations for Adult Cabarets

- i. No adult cabaret shall conduct or operate business between the hours of 2:00 a.m. and 4:00 p.m.
- ii. No person shall knowingly or intentionally in an adult cabaret engage in sexual conduct as defined in Chapter 1106 (Definitions).
- iii. No employee of an adult cabaret shall, while such employee is in state of nudity, knowingly or intentionally:
 - a. Initiate any physical contact with such employee; or
 - b. Permit a customer of such adult cabaret, while such employee is in a state of nudity, to have any physical contact with such customer. This subsection (b) shall not prohibit an employee or a customer from taking such action as is necessary to repel physical contact; nor shall this subsection (b) prohibit an employee or customer from initiating or permitting such contact as is necessary to protect the health and safety of any person.
 - c. Any and all live adult performances shall be performed on a platform or stage at least 24 inches above the immediate floor level and removed at least six feet from the nearest person. No one performing live adult performances shall solicit any gratuity from any person.
- iv. No person shall be an employee at an adult cabaret:
 - a. Who is not at least 18 years of age;
 - b. Who, within the past three years, has been convicted of a felony; or
 - c. Who, within the past three years, has been convicted of prostitution, procuring, pandering obscenity, violation of this section, or other crime of a sexual nature.
- v. No person under the age of 18 years shall be permitted on the premises or offered the use of the services or materials of an adult cabaret. To ensure that there is no violation of this subsection, there shall at all times during the hours that such adult cabaret is open for

business be stationed at each entrance to the adult cabaret an employee who shall require of each person seeking admittance two identification documents. At least one of the identification documents must be either a current driver's license or state-issued identification card, and in either case must contain the full name, birth and photograph of the holder.

- vi. No person who operates an adult cabaret shall intentionally, knowingly or recklessly violate or permit a violation of any provision of subsections (i), (ii), (iii), (iv) or (v) above. A person shall be deemed to "operate" an adult cabaret if that person manages, controls or holds primary responsibility for the operation of such adult cabaret.

(25) Restaurant (no drive-in or drive-through)

In the MU-R district, this use may be developed as an infill use on a vacant parcel or an existing residential structure may have up to 100 percent of its gross floor area converted to a restaurant without drive-in or drive-through provided that: (1) Structural alterations are limited to interior changes. Exterior alterations that are made solely for the purpose of adaptive re-use and whose appearance is non-residential in character are not permitted. This condition does not apply to restoration or repair work. (2) All re-use proposals shall be subject to review and approval by the Board of Zoning Appeals.

(26) Restaurant (with drive-in or drive-through)

- A. Minimum lot frontage is 200 square feet.
- B. Minimum setbacks in the base zone district shall apply to primary structures and drive-in/drive through lanes.
- C. Exterior loudspeaker shall be subject to C.O. 505.09 regarding noise.

(27) Theater, Indoor

In the MU-R district, this use may be developed as an infill use on a vacant parcel or an existing residential structure may have up to 100 percent of its gross floor area converted to an indoor theater provided that: (1) the theater is not a movie house as defined in C.O. 92-588; (2) Structural alterations are limited to interior changes. Exterior alterations that are made solely for the purpose of adaptive re-use and whose appearance is non-residential in character are not permitted (This condition does not apply to restoration or repair work); and (3) All re-use proposals shall be subject to review and approval by the Board of Zoning Appeals.

(28) Other Indoor Entertainment Facility Not Listed

Pool halls and billiard halls are Regulated Uses subject to spacing requirements under Section 1103.02(a)(23).

(29) Bed and Breakfast

- A. This use shall contain no more than 8 habitable units, including any unit occupied by the owner or operator;
- B. Each guest stay shall be limited to a maximum of 21 consecutive days;
- C. If located in a Residential district or the MU-R district, the structure shall appear outwardly to be a one-family dwelling;
- D. If located in a Residential zone district, the use shall have no greater impact on surrounding public areas or infrastructure or natural resources than a fully occupied private home with house guests;
- E. Food service must be provided for guests, and that food service shall not be provided to persons that are not guests of the bed and breakfast establishment, or guests of those guests;
- F. No part of the facility may not be leased or offered for use as reception space, party space, meeting space, or other similar events open to nonresident guests;
- G. Signage shall be limited to one sign not exceeding 8 sq. ft. in size and four feet in height; and
- H. In the MU-R district, this use may be developed as an infill use on a vacant parcel or an existing residential structure may have up to 100 percent of its gross floor area converted to a bed and breakfast provided that: (1) Structural alterations are limited to interior changes. Exterior alterations that are made solely for the purpose of adaptive re-use and whose appearance is non-residential in character are not permitted. This condition does not apply to restoration or repair work. (2) All re-use proposals shall be subject to review and approval by the Board of Zoning Appeals.

(30) Offices

- A. In the MU-R district, this use may be developed as an infill use on a vacant parcel or an existing residential structure may have up to 100 percent of its gross floor area converted to a bed and breakfast provided that: (1) any use of the property for a veterinary office shall be limited to small household pets, (2) Structural alterations are limited to interior changes. Exterior alterations that are made solely for the purpose of adaptive re-use and whose appearance is non-residential in character are not permitted (this condition does not apply to restoration or repair work); and (3) All re-use proposals shall be subject to review and approval by the Board of Zoning Appeals.

- B. In those base zone districts where this is a CR use, the following standard apply:
 - i. This use is limited to reuse of abandoned public buildings.
 - ii. The proposed use shall not involve activities, processes, materials or methods of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of noise, smoke, fumes, glare or odors.
 - iii. The proposed use shall not generate levels of traffic that significantly exceeds that generated by the original use.
 - iv. In determining the potential impact of a proposed use on the neighboring uses, the Board of Zoning Appeals shall take into account the size of the property in question, the ratio of building to total area, the nature of land use in the immediate vicinity and the proximity of the proposed activity to existing dwellings.
 - v. Parking requirements set forth in Section 1104.02 shall apply, but the exception of existing structures shall not apply.
 - vi. Any proposed work that would change the exterior appearance of the property, including any proposed signs or additional parking, is subject to approval by the Design Review Committee.

(31) Amusement Park

- A. Minimum front, side, and rear setbacks for amusement devices, structures, and parking areas is 100 feet.
- B. A minimum of two vehicle ingress and egress points must be provided.
- C. There shall be a minimum of two points of pedestrian ingress and egress to public streets located at least 300 feet from each other.
- D. Off-street passenger loading facilities shall be provided, and may be located in setback areas.

(32) Swimming Pools

- A. Minimum lot frontage shall be 300 feet.
- B. Minimum front, side and rear setbacks to structures and the fenced pool area is 50 feet.
- C. Off-street passenger loading facilities shall be provided, and may be located in setback areas.
- D. A security fence at least six feet high shall enclose the pool to prevent unwanted access when the facility is closed.

(33) Theater, Outdoor

- A. Must be located on a major secondary street.
- B. Maximum height is 55 feet.

- C. Minimum front, side and rear setbacks are 25 feet to the service area and 50 feet to the screen or stage.
- D. Minimum 200 foot off-street queuing area for cars at ticket booth.
- E. All ingress areas, egress areas, service areas and peripheral collector roads shall have a permanent type hard surface.
- F. Except in the I-G district, owners are subject to C.O. 505.09 regarding noise.
- G. Sanitary and storm sewers shall be separate systems.
- H. There shall be a minimum of two access points at least, 150 feet apart.
- I. This use must furnish, install and maintain any vehicular controls that may be required by the City at any time to protect public safety on the property.

(34) Day Care Facility

- A. In the districts where this is allowed as a CR use, the following standard apply:
 - i. This use is limited to reuse of abandoned public buildings.
 - ii. The proposed use shall not involve activities, processes, materials or methods of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of noise, smoke, fumes, glare or odors.
 - iii. The proposed use shall not generate levels of traffic that significantly exceeds that generated by the original use.
 - iv. In determining the potential impact of a proposed use on the neighboring uses, the Board of Zoning Appeals shall take into account the size of the property in question, the ratio of building to total area, the nature of land use in the immediate vicinity and the proximity of the proposed activity to existing dwellings.
 - v. Parking requirements set forth in Section 1104.02 shall apply, but the exception of existing structures shall not apply.
 - vi. Any proposed work that would change the exterior appearance of the property, including any proposed signs or additional parking, is subject to approval by the Design Review Committee.
- B. In the MU-R district, the following standards apply:
 - i. The ratio of building to total lot area shall not exceed 20 percent;
 - ii. A fence or wall shall be provided along all side and rear lot lines as regulated under Section 1104.05(h)
 - iii. Off-street passenger loading facilities shall be provided, and may be located within the front setback area.
- C. In districts where this is a P use, the following standards apply:

- i. Minimum lot frontage shall be 100 feet.
- ii. Minimum front and side yard setbacks are 20 feet. Minimum rear setback is 30 feet.
- iii. Off-street passenger loading facilities shall be provided, and may be located in setback area.

(35) Funeral Homes

- A. In all districts where this is a CR or P use, the owner or operator shall have and keep in effect at all times all required permits and licenses from the local or state government.
- B. In the districts where this is allowed as a CR use, the following standard apply:
 - i. This use is limited to reuse of abandoned public buildings.
 - ii. The proposed use shall not involve activities, processes, materials or methods of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of noise, smoke, fumes, glare or odors.
 - iii. The proposed use shall not generate levels of traffic that significantly exceeds that generated by the original use.
 - iv. In determining the potential impact of a proposed use on the neighboring uses, the Board of Zoning Appeals shall take into account the size of the property in question, the ratio of building to total area, the nature of land use in the immediate vicinity and the proximity of the proposed activity to existing dwellings.
 - v. Parking requirements set forth in Section 1104.02 shall apply, but the exception of existing structures shall not apply.
 - vi. Any proposed work that would change the exterior appearance of the property, including any proposed signs or additional parking, is subject to approval by the Design Review Committee.

(36) Mini-storage

- A. The use shall be contained within an enclosed building or buildings.
- B. The use shall be designed so that doors to individual storage units do not face any abutting street frontage.
- C. Hours of public access to mini-storage units abutting one or more residential zone districts shall be restricted to the period from 6:00 a.m. to 10:00 p.m.

(37) Personal Service and Repair, Small and Large

- A. All small personal service and repair uses shall not exceed 10,000 square feet of gross floor area.

- B. In the Residential and MU-R districts, this use may not include a blood bank, plasma center and/or blood donor center.
- C. In the MU-R district, small personal service and repair uses may be developed as an infill use on a vacant parcel or an existing residential structure may have up to 100 percent of its gross floor area converted to a small personal services use provided that: (1) Structural alterations are limited to interior changes. Exterior alterations that are made solely for the purpose of adaptive re-use and whose appearance is non-residential in character are not permitted (this condition does not apply to restoration or repair work); and (2) All re-use proposals shall be subject to review and approval by the Board of Zoning Appeals.
- D. In all districts where small personal service and repair is a CR use, the following conditions apply.
 - i. This use is limited to reuse of abandoned public buildings.
 - ii. The proposed use shall not involve activities, processes, materials or methods of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of noise, smoke, fumes, glare or odors.
 - iii. The proposed use shall not generate levels of traffic that significantly exceeds that generated by the original use.
 - iv. In determining the potential impact of a proposed use on the neighboring uses, the Board of Zoning Appeals shall take into account the size of the property in question, the ratio of building to total area, the nature of land use in the immediate vicinity and the proximity of the proposed activity to existing dwellings.
 - v. Parking requirements set forth in Section 1104.02 shall apply, but the exception of existing structures shall not apply.
 - vi. Any proposed work that would change the exterior appearance of the property, including any proposed signs or additional parking, is subject to approval by the Design Review Committee.

(38) Adult Retail

A. Age of Participants

No person under the legal age of majority, as determined by the legislature of the State, shall be admitted to or offered the use of the materials illustrating Specified Sexual Activities or Specified Anatomical Areas of any adult entertainment use. It shall be the duty of the operator of the adult entertainment use to determine the age of each person patronizing his place of business.

B. Spacing of Adult Retail

- i. No adult retail use shall operate within 500 feet of any church, public or private school, library, public playground, public park or private residence.
- ii. As used in this Subsection B, 500 feet shall be determined by measuring the distance from the nearest property line of the land on which the proposed adult retail use is located to the nearest property lines of land on which the institutions or public or private places in Subsection B.i are located.
- iii. Adult retail uses are included in the definition of “Regulated uses” and are subject to additional spacing regulations found in Section 1103.02(a)(23).

(39) Alcohol Beverage Packaged Retail Sales

Establishments with a segment or section devoted to the sale of packaged liquor, beer and/or wine, for consumption off the premises are Regulated Uses subject to spacing requirements under Section 1103.02(a)(23).

(40) Retail Sales Not Listed, Small and Large

- A. All small retail sales not listed uses shall not exceed 10,000 square feet of gross floor area.
- B. Secondhand shops are Regulated Uses subject to spacing requirements under Section 1103.02(a)(23).
- C. A retail store engaged in the selling of small animals may keep small animals for sale on the premise, provided that the owner or operator has all required state or federal permits necessary to keep those animals. This use shall not be required to comply with requirements for accessory animals in Section 1103.02(b).
- D. In the MU-R district, small retail sales not listed uses may be developed as an infill use on a vacant parcel or an existing residential structure may have up to 100 percent of its gross floor area converted to a small retail sales not listed use provided that: (1) Structural alterations are limited to interior changes. Exterior alterations that are made solely for the purpose of adaptive re-use and whose appearance is non-residential in character are not permitted (this condition does not apply to restoration or repair work); and (2) All re-use proposals shall be subject to review and approval by the Board of Zoning Appeals.
- E. In all other districts where small retail sales not listed is a CR use, the following conditions apply.
 - i. This use is limited to reuse of abandoned public buildings.
 - ii. The proposed use shall not involve activities, processes, materials or methods of operation that will be detrimental to any persons,

property or the general welfare by reason of excessive production of noise, smoke, fumes, glare or odors.

- iii. The proposed use shall not generate levels of traffic that significantly exceeds that generated by the original use.
- iv. In determining the potential impact of a proposed use on the neighboring uses, the Board of Zoning Appeals shall take into account the size of the property in question, the ratio of building to total area, the nature of land use in the immediate vicinity and the proximity of the proposed activity to existing dwellings.
- v. Parking requirements set forth in Section 1104.02 shall apply, but the exception of existing structures shall not apply.
- vi. Any proposed work that would change the exterior appearance of the property, including any proposed signs or additional parking, is subject to approval by the Design Review Committee.

(41) Automobile and Light Vehicle Repair Service

In all districts except the IU district, this use shall comply with the following standards:

- A. Minimum lot area is 15,000 square feet.
- B. Minimum lot frontage is 100 feet.
- C. Minimum front setback to primary structure is 50 feet, and minimum side setback to primary structure is 20 feet.
- D. Combined process and storm waste systems shall be carried to the public sewer systems in a separate conduit from the sanitary wastes.
- E. No vehicle repair work will be performed on any vehicle outside of a building.
- F. No storage of automobile parts outside of the building permitted at any time.
- G. No vehicles will be parked or stored outside of the building for more than five consecutive days.

(42) Automobile Car Wash

- A. Minimum lot frontage is 120 feet.
- B. Minimum front setback is 20 feet, minimum side setback is 20 feet, and minimum rear setback is Setback is 30 feet.
- C. Lighting shall be the same as that required for parking lots in Section 1104.06 (Exterior Lighting).
- D. Combined process and storm waste systems shall be carried to the public sewer systems in a separate conduit from the sanitary wastes.

(43) Automobile Service Station

- A. Minimum lot frontage is 175 feet.
- B. Minimum front setback to service area is 20 feet. Minimum side setback to service area is 20 feet on corner lots and 50 feet on interior lots. Minimum rear setback to service area is 50 feet.
- C. Combined process and storm waste systems shall be carried to the public sewer systems in a separate conduit from the sanitary wastes.
- D. No vehicle repair work will be performed on any vehicle outside of a building.
- E. No storage of automobile parts outside of the building permitted at any time.
- F. No vehicles will be parked or stored outside of the building for more than five consecutive days.

(44) Warehousing and Storage

- A. In the Mixed Use districts, all storage must be in an area enclosed area.
- B. In the GI district, all outdoor storage must be shielded from view from all public streets and neighboring properties pursuant to Section 1104.04 (Landscaping, Buffering and Fencing).

(45) Hazardous Materials, Handling and Storage

Storage of flammable liquids or industrial gasses must be at least 100 feet from each lot line.

(46) Hydraulic Fracturing

- A. All uncovered ponds containing water recovered from hydraulic fracturing operations shall be set back at least 100 feet from any property line abutting a lot with an occupied residential use, and at least 50 from other property lines
- B. All uncovered ponds containing water recovered from hydraulic fracturing operations, and any above ground tanks for water used in the hydraulic fracturing process must be surrounded by a safety fence at least eight feet in height.
- C. Truck access to the site shall not provided from a local street if any lot abutting the opposite side of the street has a legal occupied residential use.
- D. The operator shall obtain and maintain in effect all required local, state, or federal licenses or permits related to the use, reuse, containment, quality, safety, and release of water used in the use.

(47) Mining and Processing of Natural Resources

- A. Odors perceptible at the property lines shall be minimized, shall be controlled and contained so as not to endanger the health, safety and welfare of the general public, and shall comply with all local, state, and federal laws.
- B. Dust and smoke emissions shall be minimized through the use of a filtering and screening and washing process and high efficiency collector burners, and shall comply with all local, state, and federal laws.
- C. Readily available access for firefighting equipment shall be maintained to all elevations.

(48) Manufacturing, General

- A. Minimum lot frontage is 120 feet.
- B. Odors perceptible at the property lines shall be minimized, shall be controlled and contained so as not to endanger the health, safety and welfare of the general public, and shall comply with all local, state, and federal laws.
- C. Dust and smoke emissions shall be minimized through the use of a filtering and screening and washing process and high efficiency collector burners, and shall comply with all local, state, and federal laws.
- D. Combined process and storm waste systems shall be carried to the public sewer systems in a separate conduit from the sanitary wastes.
- E. Readily available access for firefighting equipment shall be maintained to all elevations.

(49) Manufacturing, Hazardous or Special

- A. Maximum lot coverage for all primary and accessory buildings is 35%.
- B. Minimum lot frontage is 120 feet.
- C. Minimum front setback is 50 feet, minimum side setback is 20 feet, and minimum rear setback is 90 feet.
- D. Odors perceptible at the property lines shall be minimized, shall be controlled and contained so as not to endanger the health, safety and welfare of the general public, and shall comply with all local, state, and federal laws.
- E. Dust and smoke emissions shall be minimized through the use of a filtering and screening and washing process and high efficiency collector burners, and shall comply with all local, state, and federal laws.
- F. Combined process and storm waste systems shall be carried to the public sewer systems in a separate conduit from the sanitary wastes, and shall comply with all local state and federal laws.

-
- G. Readily available access for firefighting equipment shall be maintained to all elevations.

(50) Airport or Heliport

- A. Airports and heliports shall comply with all requirements of the Federal Aviation Administration and the Ohio State Department of Aviation.
- B. This use shall be subject to the submission and approval of an operational development plan by the Board of Zoning Appeals.

(51) Utility Facility or Service Not Listed

- A. Private water supply systems are prohibited in all special flood hazard areas identified by FEMA, permitted under Chapter 3701 of the Ohio Revised Code.
- B. Infectious waste treatment facilities are prohibited in all special flood hazard areas, permitted under Chapter 3734 of the Ohio Revised Code.

(52) Utility Towers and Elevated Structures (primary use)

- A. No part of the structure may project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.
- B. Minimum front, side, and rear setbacks shall at least equal to the height of the structure.
- C. The predominant material on the exterior of all buildings shall be one of the predominant materials on the front façade of a building on one of the two nearest occupied lots.

(53) Water or Sewer Pumping or Treatment Facilities

- A. A site plan, previously approved by the Commissioner of Engineering, must be submitted for approval by the Board of Zoning Appeals.
- B. The Board of Zoning Appeals shall only approve the site plan if it conforms with all local, state, and federal laws related to the facility and minimizes adverse impacts to adjacent properties to the greatest degree practicable.
- C. All sludge shall be incinerated.
- D. No sludge drying beds are permitted.
- E. No open sludge storage is permitted.
- F. No lagooning is permitted.
- G. Private water supply systems are prohibited in all special flood hazard areas identified by FEMA, permitted under Chapter 3701 of the Ohio Revised Code.

- H. Infectious waste treatment facilities are prohibited in all special flood hazard areas, permitted under Chapter 3734 of the Ohio Revised Code.

(54) Wind Power Facility

- A. No part of the structure may project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.
- B. The base of the tower shall be set back from all property lines, public rights-of-way, and public utility lines a distance equal to the total extended height of the blade at its highest point.
- C. Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall not exceed 55 dba for any period of time. The 55 dba sound level may be exceeded during short-term events out of the owner's control such as utility outages or severe wind storms.
- D. The blade tip or vane of any turbine shall have a minimum ground clearance of 15 feet as measured at the lowest point of the arc of the blades.
- E. No signs visible from a public road are permitted, except for the manufacturer's, installer's, or owner's identification and appropriate warning signs.
- F. No illumination of the turbine or tower shall be allowed unless required by the FAA.
- G. Any climbing foot pegs or rungs lower than 12 feet above grade shall be removed to prevent unauthorized climbing.
- H. This use shall not be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
- I. If a wind turbine is inoperable for six consecutive months the owner shall be notified that it must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six month time frame, then the owner shall be required, to remove the wind turbine from the tower for safety reasons, at its expense. If the owner(s) fails to remove the wind turbine from the tower, the city may pursue legal action to have the wind generator removed at the owner's expense.

(55) Solid Waste Disposal or Processing Facility

- A. Minimum lot size is five acres.
- B. Minimum lot frontage is 300 feet.

- C. Minimum front, side, and rear setbacks to fence is 10 ft.
- D. In lieu of that landscaping and fencing required by Section 1104.04 (Landscaping, Buffering and Fencing) a 10 foot high opaque fence shall be provided along all yard lines, a hedgerow shall be planted and maintained immediately adjacent to and outside that fence.
- E. At least two ingress or egress points shall be provided, with at least 100 feet between them.

(b) Accessory Uses and Structures

(1) General Limitation on All Accessory Structures

Accessory uses and structures may not exist before a permitted primary use of the land is in operation, or after a permitted primary use of the land has ended, unless the structure or use is accessory to a permitted or approved General Agriculture or Urban Agriculture use of the Property.

(2) Additional Limitation on All Accessory Structures in Residential Districts

Unless otherwise stated in this Redevelopment Code, all accessory buildings in Residential districts shall comply with the following standards.

- A. The total area occupied by accessory buildings shall not exceed 35 percent of the gross floor area of the principal structure or 770 square feet, plus one shed, not to exceed 120 square feet.
- B. It shall not exceed 18 feet at the highest point, and the side walls shall not exceed 12 feet in height.
- C. It shall meet all yard requirements of this zoning ordinance.
- D. If not located in the rear yard, it shall be an integral part of the principal building to which it is accessory.

(3) Accessory Agriculture

- A. Greenhouses, cold frames, and hoop houses are limited to maximum height of 8 feet, must be located in side or rear yard areas, must meet the same setbacks applicable to the primary structure, and may not cover more than 25 percent of the combined side and rear yard areas.
- B. Tool sheds, coops, cages, rain barrels, and composting equipment are limited to a maximum height of 8 feet, must be located in side or rear yard areas, must meet the same setbacks applicable to the primary structure, and may not have a total combined area of more than 200 square feet.
- C. Accessory agricultural stands are limited to 8 feet in height, must meet the same setbacks applicable to the primary structure, and may not

exceed an area of 25 square feet in residential districts and 50 square feet in other districts

- D. Accessory agriculture may take place on the rooftop or terrace of a building. When located on a rooftop, tool sheds and other enclosures for equipment are may not exceed eight feet in height, may not exceed a maximum size of 100 square feet, and must be either (a) screened from view from adjacent properties or public rights-of-way with screening material at least as tall as the shed or enclosure and constructed of one of the primary materials used on the façade of the building, or (b) by painting the shed or enclosure black or one of the predominant colors on the façade of the primary structure.

(4) Accessory Automobile Parking

- A. This use shall comply with all standards in Section 1104.02 (Parking and Loading).
- B. This use shall be used by and made available only to occupants, visitors, or patrons of the primary use on the property, and not to the general public.

(5) Accessory Bed and Breakfast

- A. The owner must reside in the structure.
- B. This use shall contain no more than 4 habitable units, including any unit occupied by the owner or operator;
- C. Each guest stay shall be limited to a maximum of 21 consecutive days;
- D. If located in a Residential district or the MU-R district, the structure shall appear outwardly to be a one-family dwelling;
- E. If located in a Residential zone district, the use shall have no greater impact on surrounding public areas or infrastructure or natural resources than a fully occupied private home with house guests;
- F. Food service must be provided for guests, and that food service shall not be provided to persons that are not guests of the bed and breakfast establishment, or guests of those guests;
- G. No part of the facility may not be leased or offered for use as reception space, party space, meeting space, or other similar events open to nonresident guests; and
- H. Signage shall be limited to one sign not exceeding 8 square feet in size and four feet in height.
- I. In the MU-R district, this use may be developed as an infill use on a vacant parcel or an existing residential structure may have up to 100 percent of its gross floor area converted to a bed and breakfast provided that: (1) Structural alterations are limited to interior changes. Exterior

alterations that are made solely for the purpose of adaptive re-use and whose appearance is non-residential in character are not permitted. This condition does not apply to restoration or repair work. (2) All re-use proposals shall be subject to review and approval by the Board of Zoning Appeals.

(6) Accessory Day Care

- A. This use shall be limited to six children, including those of the owner or operator of the day care use.
- B. The owner or operator shall have and keep in effect at all times all required permits and licenses from the local or state government.
- C. The exterior of the structure, including any driveway or parking area, shall not be altered to accommodate this use, and the structure shall retain the appearance of a single-family or two-family residence.

(7) Accessory Domestic Animals and Fish

- A. Any domestic non-farm animal such as dogs and cats, when properly immunized may be kept in any zone district, provided that the use does not meet the definition of “kennel” or “accessory kennel”.
- B. Any fish or similar aquatic vertebrates bred to remain in a confined body of water may be kept provided that the use does not meet the definition of “Aquaculture or hydroponics.”

(8) Accessory Dwelling Unit

- A. This use may only be created within an existing single-family dwelling unit or in a detached structure existing on the property on the date this Redevelopment Code is adopted.
- B. Only one accessory dwelling unit may be created per parcel.
- C. The property owner must reside in either the primary or accessory dwelling unit.
- D. Only the property owner may apply for an accessory dwelling unit.
- E. The accessory dwelling unit shall contain no more than 800 sq. ft. of floor space and shall be consistent in character and design with the primary dwelling.
- F. If a separate outside entrance is necessary for an accessory dwelling unit located within the primary structure, that entrance must be located either on the rear or side of the building.
- G. The property containing the accessory dwelling unit shall not be legally separated from the property containing the primary dwelling unit, and the accessory dwelling unit shall not be sold separately from the primary dwelling unit.

(9) Accessory Home Occupation

- A. This use may not occupy more than 25 percent of the gross floor area of the dwelling unit in which it is conducted.
- B. This use shall have no display and no stock-in-trade or commodity sold upon the premises, except agricultural products grown on the premises.
- C. No more than one person who is not a resident on the premises, shall be employed in connection with the home occupation.
- D. This use may use a maximum of one sign with a maximum size of one square foot.
- E. No equipment shall be used that creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, X-ray or electrical disturbance to radio or television or that otherwise constitutes a nuisance.
- F. Not more than five deliveries or pickups of business goods, materials, or supplies by commercial vehicles shall occur per week.
- G. No more than one additional parking space for a permitted employee or customer of the home occupation is permitted.
- H. All home occupations that require a license from the city or state government shall maintain a valid license at all times and shall operate in compliance with the terms of that license and all applicable regulations of the city and state at all times.

(10) Accessory Kennels

- A. Minimum lot area is three acres.
- B. Minimum lot frontage is 100 feet.
- C. This use must be located in the rear yard.
- D. Minimum side setback is 30 feet, minimum rear setback is 60 feet, and minimum setback from any neighboring dwelling unit is 100 feet.
- E. Kennel must be cleaned daily, and owners are subject to C.O. 505.20(c) regarding odors.
- F. Animal waste shall be kept in double bagged container with an air tight lid.
- G. Owners are subject to C.O. 505.09 regarding noise.
- H. Animals shall be kept on a leash or in cages.
- I. A six foot screening fence shall be provided along the kennel area.
- J. This use is limited to no more than six dogs, all of whom must be owned by the property owner/tenant.

(11) Accessory Outdoor Dining Area

Any accessory dining area shall leave an unobstructed passageway at least five feet wide along each public sidewalk and to/from the primary pedestrian entryway to the building.

(12) Accessory Non-agricultural Retail

In the MU-2.2 district accessory retail uses shall not exceed 10 percent of the gross floor area of the primary use.

(13) Accessory Swimming Pool

- A. If the swimming pool is located outside, the front, side, and rear setbacks to the pool shall be the same as for other accessory structures.
- B. If the swimming pool is installed so that any portion of the pool is below grade level:
 - i. There shall be a six foot high enclosure fence and screening device around the entire facility; and
 - ii. Access to the pool shall be through the residence or through a self-closing and childproof gate only.
- C. A fence that is attached to or is a part of the pool does not meet this requirement.

(14) Accessory Uses and Structures Not Listed Elsewhere

- A. In the MU-R district, no outdoor accessory structure for storage shall exceed 100 square feet in gross floor area.
- B. In the MU-N, MU-C, MU-UF and IG districts, non-combustible goods used on the premises may be stored outside if they are stored under cover.
- C. In the MU-DD and MU-FF districts, all goods used on the premises must be stored inside a permitted primary or accessory structure.
- D. In all Mixed Use and Industrial districts:
 - i. All accessory uses shall be located either in the rear yard or within the building containing the primary use.
 - ii. All accessory uses shall comply with the area, yard, and height requirements applicable to the primary structure, except that detached accessory building may occupy up to 30 percent of the required rear yard for the principal building.
- E. Private water supply systems are prohibited in all special flood hazard areas identified by FEMA, permitted under Chapter 3701 of the Ohio Revised Code.
- F. Infectious waste treatment facilities are prohibited in all special flood hazard areas, permitted under Chapter 3734 of the Ohio Revised Code.

(15) Accessory Utilities and Antennas Attached to Existing Structures

- A. In the Residential and MU-R districts, this use is subject to the maximum height applicable to primary structures in the district where it is located.
- B. In the MU-M, MU-C, and MU-UF districts, this use may exceed the maximum height applicable to primary structures in the district where it is located by up to 10 feet.
- C. In all districts, telecommunications antennas and supporting structures shall be painted one of the predominant colors used on the street facing façade of the structure to which it is attached.

(16) Accessory Wild Animals

- A. Any person who desires to keep or maintain wild animals – including but not limited to the keeping or maintaining of wild animals as part of a temporary fair, carnival, or exhibit -- shall be required to obtain a conditional use permit as described in Section 1105.04(I). Before applying for a conditional use permit, the applicant shall request that the property where the wild animals will be kept or maintained be inspected by the Health Commissioner. The Health Commissioner shall inspect the property and issue a report setting forth his/her recommendation that no wild animals should be kept or recommending the specific type of animals that the person should be permitted to keep, the specific number of animals that the person should be permitted to keep, the specific piece of property on which the person may be permitted to keep the animals, and the specific conditions under which the person should be required to keep the animals. The Health Commissioner's report shall be based on guidelines adopted by the Board of Health and shall be submitted to the City Planning Commission as part of the Conditional use permit application.
- B. The Planning Commission shall hold a hearing on matter and make a recommendation to City Council. City Council may consent to the issuance of the permit by ordinance.
- C. The keeping of wild animals shall be conducted in compliance with applicable state and federal regulations.

(17) Accessory Wind Power Equipment

- A. This use shall comply with all standards applicable to Wind Power Facilities as primary uses of land in Section (a)(54).
- B. In addition, in the Residential districts, this use shall be subject to the same height limits applicable to the primary structure on the property.
- C. In addition, in the Residential and Mixed Use districts, this use is limited to facilities designed to generate no more than 10KW of energy.

(18) Temporary Construction Office or Yard

- A. This use may exist from not more than 60 days prior to construction and shall be removed not later than 60 days after issuance of the certificate of occupancy for the last primary structure to be constructed on the property.
- B. If located in a Residential or MU-R district, this use shall provide temporary off-street parking for all regular employees of the construction office or yard.

(19) Temporary Event, Sales, or Outdoor Display

- A. This event shall not block any public street or right-of-way, and shall leave an unobstructed passageway at least five feet wide along each public sidewalk and to/from the primary pedestrian entryway to the building, unless a permit for obstruction of that street, right-of-way, sidewalk or entryway has been obtained from the City.
- B. Outdoor displays of goods and merchandise that extend across no more than 10% of the primary building frontage may occur at any time. Outdoor displays of goods or merchandise that extend across between 10% and 25% of the primary building frontage may remain in place more than 30 consecutive days, and may not occur more than four times in each calendar year. No outdoor display of goods or merchandise may extend across more than 25% of the primary building frontage.
- C. Wild animals and livestock may be kept as part of a temporary event such as a circus, sporting event, or exhibition if the animals or mascots are handled by trained professional caretakers.

(20) Temporary Real Estate Office

- A. This use may exist to sales or leasing of premises on the same property where the temporary office is located or on a contiguous property.
- B. This use may exist from not more than 60 days prior to construction and shall be removed not later than 60 days after issuance of the certificate of occupancy for the last primary structure to be constructed on the property.
- C. If located in a Residential or MU-R district, this use shall provide temporary off-street parking for all regular employees of the construction office or yard.

(21) Temporary Use Note Listed

The Director may issue a permit for a temporary use not listed in Table 1103-A pursuant to Section 1105.04(c) (Zoning Permit) if the Director determines that the duration of the activity will not impose significant adverse impacts

on surrounding areas and if the applicant has taken reasonable steps to mitigate or prevent adverse impacts on surrounding properties.

1103.03. Uses Not Permitted in Table

Uses of land and structure not indicated as Permitted, Reuse, Conditional, or Conditional Reuse, or Accessory uses in a district may not be initiated in that zone district. Uses of land or structures existing on the effective date of this Redevelopment Code that are not indicated as Permitted, Reuse, Conditional, or Conditional Reuse, or Accessory uses in the district where they are located are subject to the provisions of Section 1505.05 (Preexisting Uses).

Chapter 1104. DEVELOPMENT STANDARDS

This chapter will consolidate requirements on the size, form, layout, quality and sustainability of new development and redevelopment. Many of these issues are currently addressed only in the design review provision applicable only to the Central Area of the city, but the 2010 Plan calls for quality and image to be improved throughout the city. By codifying and integrating standards in these areas, the chapter can help the public and investors understand what sizes of structures are permitted and what quality of development is required for different types of development. Reasonable, objective standards on these topics sends clearer message to investors and allows them to quickly calculate development costs, rather than gambling on the time and expense of a discretionary review process.

1104.01. Dimensional and Form Standards

The following standards apply in addition to those standards applicable to each zone district and overlay zone district listed in Chapter 1102.

(a) Dimensional Standards for Districts other than Form Districts

The following standards are applicable to all base zone districts except the R-CF, MU-UF, MU-DF, and MU-FF Form Districts.

(1) *Lots in Two Districts*

In the case of a lot with frontage on two streets, each street frontage shall be subject to front setback requirements. If all abutting lots facing the two street frontages are in a different zone district, the setback and height standards of each abutting zone district shall apply to that portion of the lot extending from the street back to the rear lot line of the adjoining zone district.

(2) *Residential and Non-Residential Abutting Lots*

Where a lot in a non-residential district abuts a lot in a residential zone district, side and rear yard setbacks shall be at least equal in width to those required in the abutting residential district or that required for the non-residential district, whichever is the greater distance.

(3) *Corner Lot*

Corner lots in residential districts have a front yard setback and a street-side yard setback. The front yard setback shall apply to the street frontage that contains the greater number of lots within the block. If the lot abutting the rear lot line of a residential district lot contains an occupied residential structure, the street-side yard setback shall be equal in depth to at least two-thirds the required front yard setback. If the lot abutting the rear lot line of a residential district lot does not contain an occupied residential structure, then the interior side setback shall apply to the street-side yard.

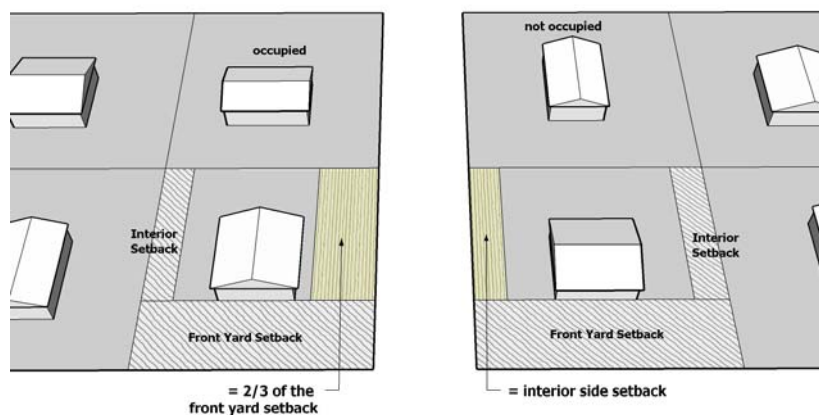


Figure 1104-A. Corner Lots

(4) Front Yard Transition

Where a lot in a non-residential district adjoins a lot in a residential district in the same block, and the residential structure contains an occupied residential structure, the front setback on the non-residential lot shall be at least equal in depth to the average of the front yard setback required for the abutting residential district and the front yard setback required for the non-residential district.

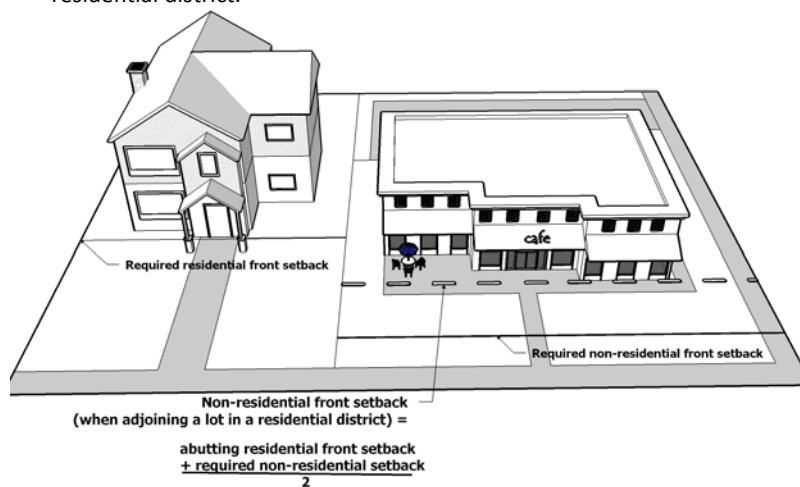


Figure 1104-B. Front Yard Transition

(5) Height Limits

Unless specifically covered in the development standards, the height limitations of this Code shall not apply to church spires, monuments, water towers, elevator penthouses, cooling towers, condensing units, flag poles, solar collectors, and other such structures not intended for human occupancy, but they may not encroach on an airport approach zone defined in FAA Part 77. In addition, the height limits in this Code shall not apply to wind energy devices in Mixed Use or Special Purpose districts, but they may not encroach into an airport approach surface defined in FAA Part 77.

(6) Front-yard Setbacks for Dwellings

Within all residential zoning districts, if the adjacent structures within the same zoning district and use category do not meet the required front-yard setback, a new structure may be built within five feet of the average of the front setbacks of the existing structures on the two abutting lots so long as the resulting setback is not less than 25 feet. All other required setbacks shall be met.

(7) Side Yards in Adjacent Districts

Required side yards may be eliminated in abutting districts of similar intensity where the required buffer in Table 1104-F is a /0/ or /1/.

(8) Availability of Water and Sewer

Notwithstanding the provisions of Section 1102 Zone Districts, where public water systems and/or public sewerage systems are not available, residential lots shall meet the requirements in the following table:

TABLE 1104-A: DIMENSIONS FOR UNSERVED LOTS		
Utility Available	Minimum Lot Width (feet)	Minimum Lot Area (sq. ft.)
Sewer, no water	60	10,000
Water, no sewer	75	15,000
No water, no sewer	100	20,000

(b) Exceptions

The following exceptions are applicable to all base zone districts except Form Districts.

(1) Pre-existing Lots

Pre-existing lots (as defined in Section 1105.05(a)) that do not comply with the minimum dimensional requirements of this Redevelopment Code may

nevertheless be used and redeveloped as described in Section 1105.05(e), Pre-existing Lots.

(2) Projections into Yards

The following projections of a structure may extend into required yard setbacks, the minimum distances specified below:

TABLE 1104-B: PROJECTIONS INTO YARDS	
Structure or Architectural Feature	Permitted Projection
Cornice, eaves, belt courses, sills, bay windows, buttresses or other similar architectural features	4 feet, but not more than 50% of the yard requirement
Attached planting boxes or masonry planters, not exceeding 42 inches in height	4 feet, but not more than 50% of the yard requirement
Fire escapes and outside stairways	4 feet, but not more than 33% of the yard requirement
Covered walkways	To the right-of-way line or rear property line
Marquees	A horizontal distance equal to the distance from the ground level to the lowest point of the marquee, provided, however, that the marquee does not project into the right-of-way
Unenclosed porch	8 feet
Solar energy or geothermal energy equipment	Into any side or rear yard area, but not closer than 2 feet to any property line
Wind energy equipment	Into any side or rear yard, but not more than 50 percent of the yard requirement.
Rain barrels or composting equipment	4 feet, but not closer than 2 feet to any property line.
Detached accessory structures	Same as side yard setback

(c) Multiple Lots in Common Use or Ownership

- (1) For purposes of applying any required setback or maximum lot coverage standard in this Redevelopment Code, setbacks may be measured and lot coverage may be calculated from the outer lot lines of any combination of lots in common ownership or use, and setbacks are not required from interior lot lines, provided that the owner or operator of the use or activity on the property has filed with the City an application showing the combination of lots in common use or ownership, and the Director has approved that application.

- (2) Where the lots involved are not in common ownership or are not owned by the applicant, the City's approval of the application shall not be construed as evidence that the applicant owns any portion of the property.
- (3) If an application for treatment as a single lot is approved and it is later determined that one or more of the lots are in separate use or ownership, and the owner of those lots does not consent to continued treatment of the combined lots as a single lot, then any structures or improvements located on or over any of the lots in separate use or ownership shall be removed at the expense of the original applicant.

1104.02. Building Form Standards

(a) General Form Standards

(1) *Intent*

The Building Types detailed in this section outline the desired building forms for new construction and renovated structures within the Form Districts of the city.

(2) *Applicability*

- A. All Building Type Standards apply to all new construction and renovation of existing structures, where the renovation includes an expansion of building gross square footage of more than 25 percent.
- B. When a renovation of the front facade occurs with no added building square footage, the Street Facade Requirements and Base Type Requirements must be met when the existing building street facade is located within the Build to Zone and the renovation includes any of the following:
 - i. Installation of additional doors or a change in location of a door;
 - ii. Expansion or change in location of 30 percent of windows on any street façade; or
 - iii. Replacement of 30 percent or more of facade materials on any street facade with a different facade material.
- C. When a renovation of the shape or style of the roof occurs with no added building square footage, the Cap Type Requirements must be met when the existing building street facade is located within the Build-to Zone.
- D. No portion of the Building Type Standards must be met in the case of normal repairs required for safety and continued use of the structure, such as replacement of window or door glass.

(3) *General Requirements*

All Building Types must meet the following requirements:

- A. Each Building Type shall be constructed only within its designated districts. Table 1104-C., Permitted Building Types in Each Zone District, outlines which Building Types are permitted in which zoning districts.
- B. All buildings constructed must meet requirements of one of the Building Types permitted within the zoning district of the lot.
- C. All buildings constructed must be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile.
- D. Accessory Structures are permitted as described in Table 1103-A and Section 1103.02(b), Accessory Uses, but may not be located on any portion of the lot where a permanent structure is required to be located.
- E. Notwithstanding the provisions of Section 1104.01(a)(3), in Form Districts the orientation of the two directly adjacent buildings determines the location of the front property line of the lot in question with the following exceptions:
 - i. In the MU-FF and the MU-DF districts, Federal Street and Market Street frontages shall serve as front property lines.
 - ii. In the MU-UF district, the Market Street frontage shall serve as the front property line.
- F. The permitted uses and reuses and conditional uses and reuses available in each of the Form Districts are shown in Table 1103-A, but additional limitations may be placed on those permitted and conditional uses and reuses in the Building Type regulations in Sections 1104.02(c)(1) through (c)(5).

(4) General Building Type Descriptions

The following section generally describes the intent of the permitted Building Types detailed in Sections 1104.02(c)(1) through (c)(5).that follow. Summaries of the Building Types may be found in Table 1104-C, Building Type Summary Table.

A. Downtown Main Street Building

Main Street Buildings, in general, are pedestrian-oriented, mixed-use buildings that constitute much of the urban fabric of downtown. These buildings are built close to the sidewalk with little to no setback, with allowances for entrances to be recessed slightly from the sidewalk. Parking is located in the rear and entrances are located on the front of the building, just off the sidewalk. A high level of transparency on the ground story, in the form of a storefront, allows passersby to view into the building or display window. This Building Type allows for service, retail, and office uses on the ground floor and office or residential above. The height of this Building Type is meant to create a contrast with the taller General Downtown buildings around Federal Plaza on Market Street.



B. General Downtown Building

The General Downtown building is primarily meant to house office or multifamily residential uses, with less Transparency required on the ground floor than required for retail uses. These buildings are urban fabric buildings for much of the downtown, with an allowance for taller heights along Market Street, to express the importance of the Federal Plaza. Within the core of downtown, no setbacks are permitted, but outside the core, a small landscape area may be incorporated to soften the façade.



C. Uptown Main Street Building

The Uptown Main Street Building is meant to reinforce the existing fabric of an old commercial corridor. The Uptown Main Street Building is a pedestrian-oriented, mixed-use building, built close to the sidewalk with little to no setback and parking permitted only in the rear. Entrances located on the front of the building and ground floor storefronts allow passersby to view into the building or display window and enter directly off the street. This Building Type allows for service, retail, and office uses on the ground floor and office or residential above. Heights of the Uptown Main Street Building will likely be one to three stories, though up to six stories is permitted.



D. Manor House Building

The Manor House Building reinforces the existing character of the Crandall Park North Neighborhood. This Building Type includes several key design elements that help define the neighborhood: consistent setbacks along streets, front entrances, a fairly high level of fenestration on the street facades, and pitched roofs. Garages in this area are typically located in the rear, though smaller, less dominant garages are sometimes located on the front façade.



E. Iconic Building

While the previously mentioned Building Types are intended to serve as the fabric buildings of the city, the Iconic Building is meant to be a unique building that has distinctive character setting it apart within the community. Limited in height, the Iconic Building is not meant to be the largest building, but perhaps the grandest. The Iconic Building houses solely community, cultural, civic, educational, or governmental uses. It has more flexible requirements for building location and transparency than the other non-residential Building Types to allow for creativity in design for its special purpose.

F. Building Type Summary Table

Table 1104-C: Permitted Building Types by Zoning District

Permitted Building Types	RS-CF	MU-UF	MU-DF	MU-FF
Downtown Main Street				
Downtown General				
Uptown Main Street				
Manor House				
Iconic				
Standards for building types permitted in the MU-UF district are in Section 1104.02.				

(5) Base Types

Base Type standards apply to the ground story and visible basement of front Facades of all Building Types. To determine which Base Type(s) are permitted for each Building Type, refer to the specific requirements for each Building Type found in 1104.02(c)(1) through (c)(5).

A. General Base Standards

- The intent of regulating base types is to guide the design of the ground story of all buildings to relate appropriately to pedestrians on the street. Treatment of other portions of the building facades is detailed in each Building Type standard (refer to 1104.02(c)(1) through (c)(5)).
- The entire ground story front facade of all buildings must meet the requirements of one (1) of the permitted Base Types, unless otherwise stated in this Section 1104.02.
- Refer to 1104.01(b)(4)A for information on measuring building Transparency.
- Where visible basements are permitted for a Base Type, they are optional.

B. Storefront Base Type

(Refer to Figure 1104-C). The Storefront Base Type is a highly transparent ground story treatment designed to serve as the display area and primary entrance for retail or service uses.

- Transparency. A minimum of 65 percent of the front facade between two and eight feet above sidewalk grade must be constructed of highly transparent, low-reflectance windows into the commercial space, unless otherwise noted in the Building Type.

- ii. Elevation. Ground story elevation must be less than or equal to one foot above sidewalk.
- iii. Visible Basement. A visible basement is not permitted.
- iv. Facade Divisions. Expression Lines shall divide the facade into segments.
 - a. Vertically divide the base facade into segments no greater than 30 feet in width.
 - b. Horizontally define the base facade from the upper stories.
- v. Entrance. All entries shall be recessed from the front facade closest to the street.
 - a. Recess shall be a minimum of three feet and a maximum of eight feet deep, measured from the portion of the front facade closest to the street.
 - b. When the recess falls beyond the front Build-to Zone, the recess shall be no wider than eight feet.

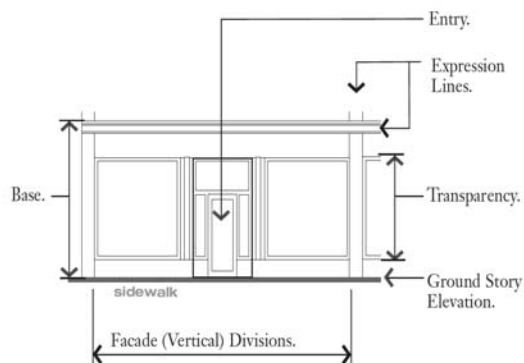


Figure 1104-C. Storefront Base Type

C. Arcade Base Type

(Refer to Figure 1104-D) An Arcade Base Type is a covered pedestrian walkway within the recess of a ground story.

- i. Arcade. An open-air public walkway is required from the face of the building recessed into the building a minimum of eight and a maximum of fifteen feet.
- ii. Recessed or Interior Facade. The Storefront Base Type is required on the recessed ground story facade.
- iii. Column Spacing. Columns shall be spaced between 10 feet and 12 feet on center.
- iv. Column Width. Columns shall be a minimum of 1 foot -8 inches and a maximum 2 feet 4inches in width.
- v. Arcade Opening. Opening may be arched or straight and shall not be flush with interior arcade ceiling and may be arched or straight.

- vi. Horizontal Facade Division. An Expression Line shall horizontally define the base from the upper stories.
- vii. Visible Basement. A visible basement is not permitted.

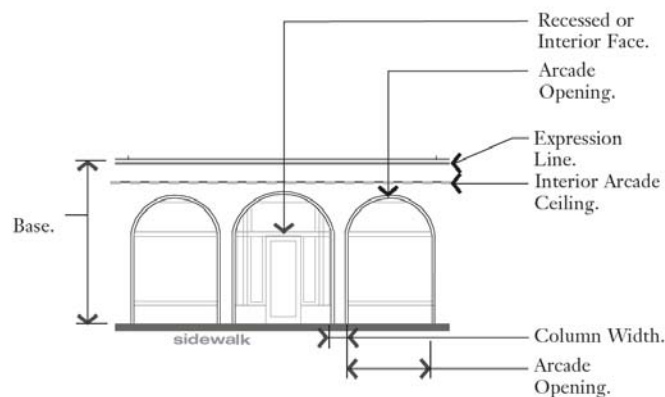


Figure 1104-D: Arcade base type

D. Stoop Base Type

(Refer to Figure 1104-E). A stoop is an entrance platform, typically unroofed.

- i. Transparency. Minimum Transparency per Building Type is required. Typically, the transparency requirement for this base is not different from the upper stories of the building.
- ii. Stoop Size. Stoops shall be a minimum of four feet deep and six feet wide. When the façade is built up to the front property line, the entrance and stoop shall be recessed into the façade a minimum of three feet.
- iii. Elevation. Ground story elevation must be located a maximum of 2 feet 6 inches above the sidewalk without visible basement and a maximum of 4 feet 6 inches above the sidewalk with a visible basement.
- iv. Visible Basement. A visible basement is permitted.
- v. Facade Divisions. Expression lines shall divide facade segments.
 - a. Vertically divide the base into segments no greater than 100 feet in width.
 - b. Horizontally define the base from upper stories and the Visible Basement from the base.

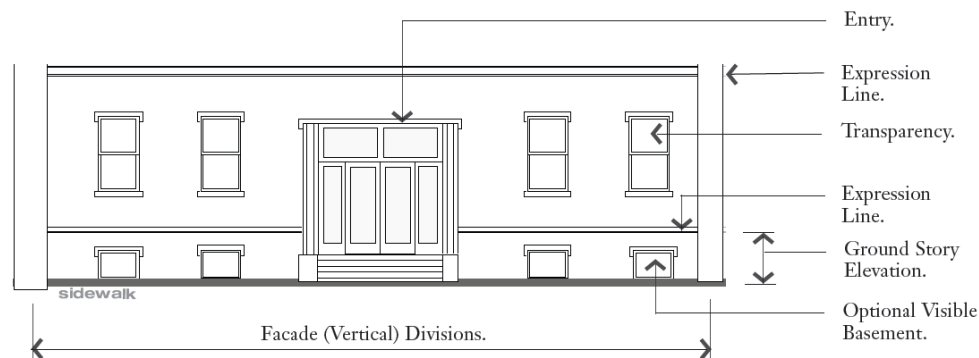


Figure 1104-E: Stoop Base Type

E. Porch Base Type

(Refer to Figure 1104-F)). A porch is a raised, roofed entrance platform, typically open on one to three sides.

- i. Transparency. Minimum Transparency per Building Type is required. If enclosed, a minimum of 50 percent of the enclosed porch must be comprised of highly transparent, low reflectance windows.
- ii. Porch Size. The porch shall be a minimum of five feet deep and eight feet wide.
- iii. Elevation. Ground story elevation must be located a maximum of 2 feet 6 inches above the sidewalk without visible basement, and a maximum of 4 feet 6 inches above the sidewalk with a visible basement.
- iv. Visible Basement. A visible basement is permitted.
- v. Facade Divisions. Expression lines shall divide facade segments.
 - a. Vertically divide base into segments no greater than 60 feet in width.
 - b. Horizontally define the base from upper stories.
- vi. Height. Porch may be two stories to provide a balcony on the second floor.
- vii. Entrance. All entries shall be located off a porch.

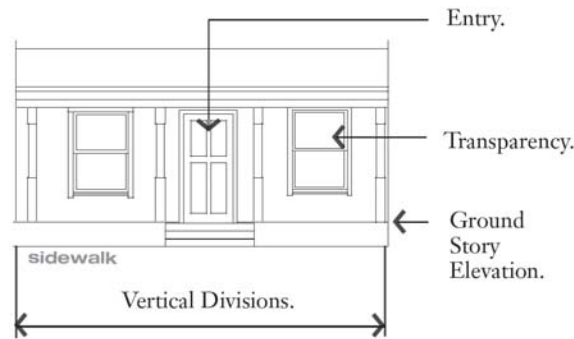


Figure 1104-F: Porch Base Type

(6) Cap Types

Cap Type standards apply to the cap of all Building Types as required in this Section 1104.02(a)(6).

A. General Provisions

The following provisions apply to all Cap Types.

- i. Intent. To guide the design of building roofs in order to ensure an appropriate and aesthetically pleasing cap for all buildings.
- ii. Applicability. All buildings must meet the requirements of one of the Cap Types permitted for the Building Type.
- iii. Measuring Height. Refer to Chapter 1106 for information on measuring building height.
- iv. Other Cap Types. The Iconic Building Type may incorporate other building caps not listed as a specific type by applying for a variance.
- v. The height may not exceed any of the Cap Types permitted for the Building Type, unless a variance is obtained pursuant to Section 1105.04(n), Variance.

B. Parapet Cap Type

(Refer to Figure 1104-G). A parapet is a low wall projecting above a building's roof along the perimeter of the building. It can be utilized with a flat or pitched roof and also serves to limit the view of roof-top mechanics from the street.

- i. Parapet Height. Height is measured from the top of the upper story to the top of the parapet.
 - a. Minimum height is two 2 feet with a maximum height of six 6 feet.
 - b. Cap shall be high enough to screen the roof and any roof appurtenances from view of the street(s) and any adjacent building of similar height.

- ii. Horizontal Expression Lines. An Expression Line shall define the cap from the upper stories of the building and shall also define the top of the cap.
- iii. Occupied Space. Occupied space or a half story shall not be incorporated behind this Cap Type.

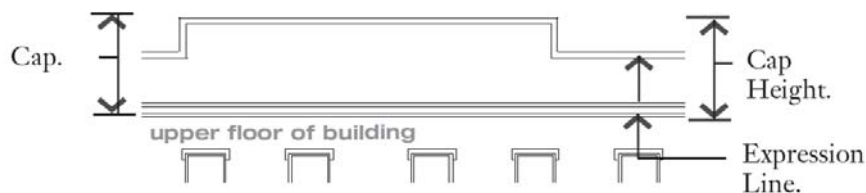


Figure 1104-G: Parapet Cap Type

C. Pitched Roof Cap Type

(Refer to Figure 1104-H). This Cap Type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run.

- i. Pitch Measure. The roof may not be sloped less than a 6:12 (rise:run) or more than 18:12.
 - a. Slopes greater than 3:12 are permitted to occur on second story or higher roofs.
 - b. A pitch greater than 2:12 is required on any dormers, porches, roofed balconies, or other minor roofs. Eyebrow roofs are acceptable for these locations.
- ii. Roof Types. Hipped, gabled, and combination of hips and gables with or without dormers are acceptable. Gambrel and mansard roofs are acceptable provided that when the ridge runs parallel to the street, one dormer per 15 feet of street face is required.
- iii. Parallel Ridge Line. When the main ridge line runs parallel to the front property line, a gabled end or perpendicular ridge line shall occur at least every 100 feet of roof for two-story buildings or higher and at least every 50 feet of roof for one-story buildings.
- iv. Roof Height. Roofs without Occupied Space and dormers shall have a maximum height on street-facing facades of one and a half the maximum floor height permitted for the building type.
- v. Occupied Space. Occupied space or a half story may be incorporated behind this Cap Type.

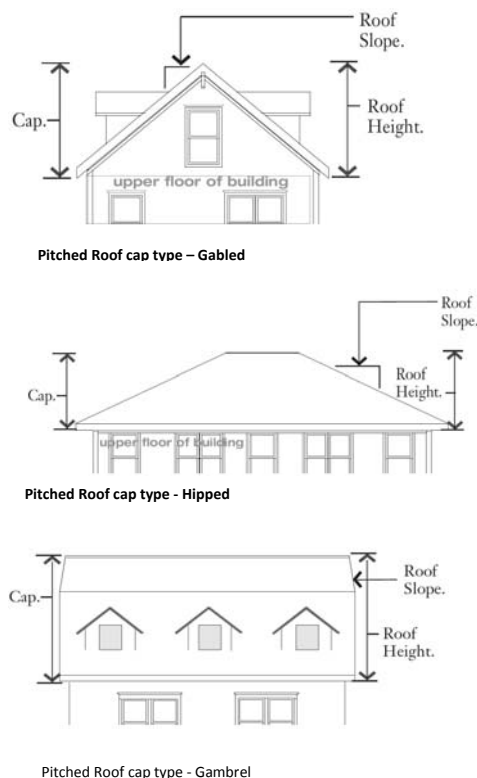


Figure 1104-H: Pitched Roof Type

D. Flat Roof Cap Type

(Refer to Figure 1104-I). This Cap Type has a flat roof with overhanging eaves.

- i. **Roof Types.** Roofs with no visible slope are acceptable. Eaves are required on all street-facing Facades.
- ii. **Eave Depth.** Eave depth is measured from the building façade to the outside edge of the eave. Eaves shall have a depth of at least 14 inches.
- iii. **Eave Thickness.** Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of eight inches thick.
- iv. **Interrupting Vertical Walls.** Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.
 - a. No more than one-third of the front façade can consist of an interrupting vertical wall.

- b. Vertical walls shall extend no more than four (4) feet above the top of the eave.
- v. Occupied Space. Occupied space or a half story shall not be incorporated behind this Cap Type.

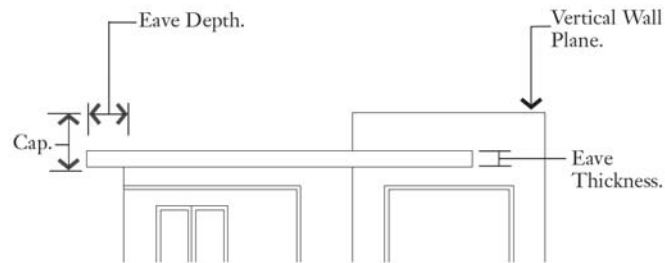


Figure 1104-I: Flat Roof Type

E. Towers

(Refer to Figure 1104-J). A Tower is a rectilinear or cylindrical vertical element that must be used with other Cap Types.

- i. Quantity. Where permitted per Building Type, only one Tower is allowed per building.
- ii. Tower Height. Towers may exceed the maximum building height. Maximum height, measured from the top of the upper story to the base of the parapet or eave of the tower's roof, is the equivalent of the height of one additional upper floor of the building to which the Tower is applied.
- iii. Tower Width. Maximum width along all Facades is one-third the width of the front Facade or 30 feet, whichever is less.
- iv. Occupied Space. When occupied, the same uses allowed in upper stories of the Building Type to which it is applied are permitted.
- v. Tower Cap. The tower shall be capped by the Parapet, Pitched, or Flat Roof Cap Types.

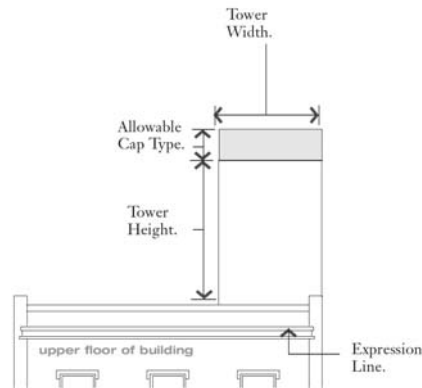


Figure 1104-J. Tower.

F. Spires

(Refer to Figure 1104-K). A Spire is a long, tapering, cylindrical design element that can be attached to a Tower or other Cap Type.

- i. Permitted Location. Spires are permitted only on Iconic Buildings.
- ii. Spire Height. Measured from the base of the spire to the top, including any decorative elements atop the apex of the spire, maximum height is 45 feet.
- iii. Spire Width. Maximum width, measured at the spire base is one-sixth the width of the front façade or 15 feet, whichever is less.
- iv. Occupied Space. Occupied space or a half story is not permitted.
- v. Application. May be combined with any other Cap Type.

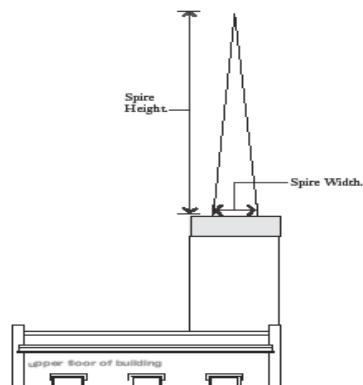


Figure 1104-K. Spire.

(b) Explanation of Building Type Table Requirements

This Section 1104.02(a)(7) explains and defines the requirements included in the tables for each Building Type, Sections 1104.02(c)(1) through (c)(5), and summarized for all Building Types in Table 1104-C.

(1) Building Siting

A. Street Frontage

- i. Multiple Principal Buildings. This standard defines whether more than one principal structure is permitted on one lot.
- ii. Front Build-to Zone Coverage. Measurement defining the minimum percentage of street wall or building Facade required along the street. The width of the principal structure(s) (as measured within the front Build-to Zone) shall be divided by the maximum width of the front Build-to Zone. Refer to Figure 1104-L.

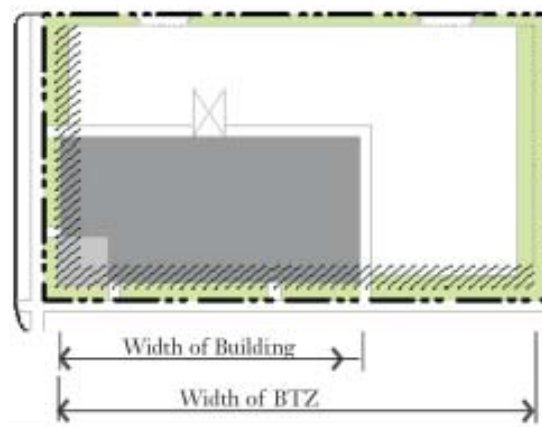


Figure 1104-L. Measuring BTZ Coverage

- iii. Occupation of Corner. When required, the principal building shall occupy the intersection of the front and corner Build-to Zones.
- iv. Front Build-to Zone or Setback. The Build-to Zone or setback parallel to the front property line. All Build-to Zones and setback areas not covered by building must contain either landscape, patio space, or an extension of the streetscape sidewalk.
- v. Corner BTZ or Setback. The Build-to Zone or setback parallel to the corner property line. All BTZ and setback areas not covered by building must contain either landscape, patio space, or an extension of the streetscape sidewalk.
- vi. Right-of-Way Encroachment. Specified building components, such as awnings and canopies, may be permitted to extend beyond the front property line and encroach upon the public right-of-way. If

permitted, such building components are permitted to extend to within five feet of the curb, maintaining a minimum of eight feet height clearance along the public sidewalk.

B. Buildable Area

- i. Side Yard Setback. The minimum required setback along a side property line. All side yard setback areas not covered by building must contain either landscaping, gardens, patio space, or an extension of the streetscape sidewalk. For the Manor House, driveways may be located in the side yard setback.
- ii. Rear Yard Setback. The minimum required setback along a rear property line.
- iii. Setback Encroachments. Specified building components, such as eaves, equipment, or fireplaces, may be permitted to encroach into a setback.
- iv. Minimum Lot Width. The minimum width of a lot, measured at the front property line.
- v. Minimum Landscape Area. The minimum percentage of a lot that must be primarily dedicated to landscape or gardening materials, such as planting beds, grass, or shrubs. A portion of the area may include hardscape materials for pedestrian use or access to the area or building, such as patio or sidewalk.

C. Parking, Loading, and Access

- i. Parking Location. The yard in which parking lots or Garages are permitted. Garages are further defined for the Manor House by the façade upon which the garage door is permitted.
- ii. Loading Facility Location. The facade of the building on which access is permitted for loading and unloading activities related to building uses.
- iii. Vehicular Access. Defines the circumstances under which a driveway is permitted on a lot.
- iv. Driveway Width. The width of the driveway measured where it crosses the front property line. The driveway is permitted to widen further into the lot per the driveway standards.

(2) Height

A. Minimum and Maximum Overall Height

(Refer to Figure 1104.1-K Measuring Height). A required minimum and maximum overall height is provided for all Building Types in stories.

- i. Half Stories are located either completely within the roof structure or in a Visible Basement exposed a maximum of one half story above average finished grade.

- ii. The façade of the stories meeting the minimum height requirements shall be fully located within the front build-to zone. Additional stories above the minimum height may be setback beyond the build-to zone.
- iii. Chimneys, antennae, and other similar appurtenances may extend above the top story by no more than 25 feet in height, but they may not encroach into an airport approach surface defined in FAA Part 77. Wind energy devices may extend above the top story by no more than 25 feet in the MU-UF, MU-DF, and MU-FF districts, but they may not encroach into an airport approach surface defined in FAA Part 77.
- iv. Towers. Maximum height, measured from the top of the upper story to the top of the tower, is the equivalent of the height of one upper floor of the building to which the tower is applied. This additional floor does not count toward the overall height of the building pursuant to Section 1104.1(d)(5).

B. Ground Story and Upper Story Minimum and Maximum Height

(Refer to Figure 1104-M Measuring Height). Each Building Type includes a permitted range of height in feet for each story, which is measured as follows:

- i. Floor height is measured in feet from the floor of a story to the floor of the story above it.
- ii. For single story buildings and the uppermost story of a multiple story building, floor to floor height shall be measured from the floor of the story to the tallest point of the ceiling.

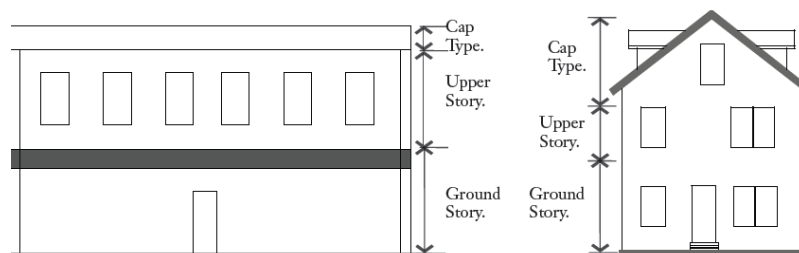


Figure 1104-M. Measuring Height.

(3) Uses

- A. Ground, Upper, All Stories. Chapter 1103, Permitted Uses defines permitted uses in each zone district. Further limitations on uses within a building type's floors are defined in this portion of the Building Type tables.
- B. Parking Within Building. The area(s) of a building in which parking is permitted within the structure.

- C. Occupied Space. The area(s) of a building that must be occupied by the users on a regular basis.

(4) Street Facade Requirements

The following are required for all street facing facades of the principal building.

- A. Transparency. Measurement of the percentage of a facade that has highly transparent, low reflectance windows. (Refer to Figure 1104-N).
- B. Minimum Transparency. The minimum amount of transparency required on the all stories of street facing facades, measured per story. In some cases, the ground story is defined separately from the upper stories, due to the base type requirements.
- C. Blank Wall Limitations. A restriction of the amount of windowless area permitted on a facade with street frontage. If required, the following shall be met:
 - i. No rectangular area greater than 30 percent of a story's facade, as measured from floor to floor, may be windowless; and
 - ii. No horizontal distance greater than 15 feet of a story's facade may be windowless.
- D. Building Entrance
 - i. Principal Entrance Location. The facade on which the primary building entrance is to be located.
 - ii. Street Facades: Number of Entrances. The maximum spacing between entrances on a building facade with street frontage.
- E. Balconies. When included in the design, the following requirements pertain to balconies on building Facades with street frontage.
 - i. Size. The minimum dimensions of a permitted balcony.
 - ii. Facade Coverage. The percentage of a facade's total area that may be covered by balconies, including street facing railing and balcony structure.
 - iii. Access. The number of units that are permitted to gain entry to an individual balcony.
 - iv. Structure. Requirements related to the construction of a balcony. Two types of balcony structures are permitted:
 - a. Independently secured balconies are those that are connected directly to the building and are unconnected to other balconies.
 - b. Balconies that are integral to the facade are a part of, and built in conjunction with, the building structure.

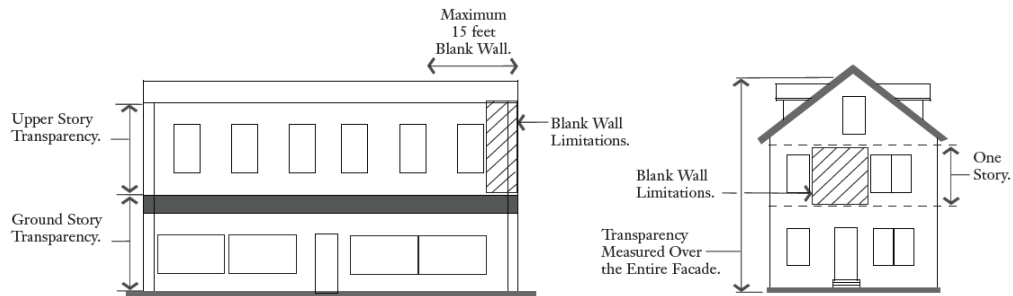


Figure 1104-N. Street Façade.

(5) Cap & Base Type Requirements

- A. Cap Type. The Cap Type(s) permitted for a given Building Type. Refer to 1104.02(a)(6), Cap Types for more specific requirements.
- B. Tower. A vertical building extension that may be permitted in conjunction with another Cap Type on certain Building Types. Refer to Section 1104.02(a)(6).
- C. Front Façade Base Type. The Base Type(s) required on the front façade of a given Building Type. Refer to Section 1104.02(a)(5) for more specific requirements.

(c) Building Type Requirements

(1) Building Type: Downtown Main Street

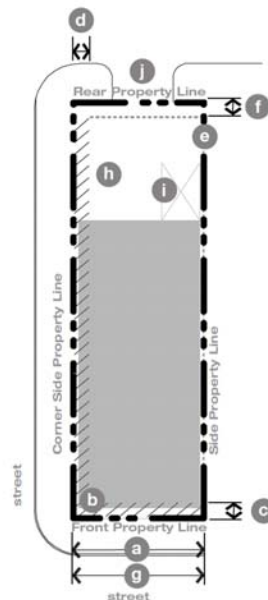


Figure 1104.2(c)-1: Building Siting.

(1) Building Siting		
A. Street Frontage		
Multiple Principal Buildings	Not permitted	
Front Build-to Zone Coverage	Minimum 95%	a
Occupation of Corner	Required	b
Front Build-to Zone	0' to 5'	c
Corner Build-to Zone	0' to 5'	d
Right-of-Way Encroachment	Awnings & Canopies	
B. Buildable Area		
Side Yard Setback	0'	e
Rear Yard Setback	5'	f
Minimum Lot Width	20'	g
Minimum Landscape Area	none	
C. Parking, Loading & Access		
Parking Lot Location	Rear yard	h
Loading Facility Location	Rear building façade	i
Vehicular Access	Rear lot line or rear façade of building; not permitted along Federal Street	j

(2) Height		
Minimum Overall Height	2 stories	k
Maximum Overall Height	12 stories; No maximum height along Market St. & Wick Ave. or anywhere north of Wood St.	l
Ground Story: Minimum Height	15'	
Maximum Height	24' ¹	m
Upper Stories: Minimum Height	9'	
Maximum Height	14'	n
Notes:		
¹ If 20' or more in height, ground story shall count as 2 stories towards maximum building height.		

(3) Uses		
Ground Story	Refer to Chapter 1103 Permitted Uses; Residential Uses not permitted.	o
Upper Story	Refer to Chapter 1103 Permitted Uses	p
Parking within Building	Permitted in the rear of all stories and fully in any basement	q
Occupied Space	30' depth space along front façade, except Visible Basements	r

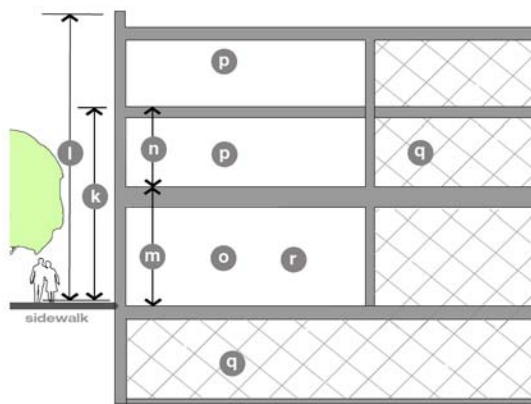


Figure 1104.2(c)-2: Height & Use Requirements.

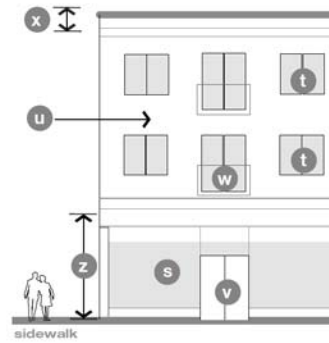


Figure 1104.2(f)-3: Facade Requirements.

(4) Street Façade Requirements		
A. Transparency		
Minimum Ground Floor Transparency	65%, as measured between 2' and 8' above the average sidewalk elevation	(s)
Minimum Upper Floor Transparency	20% per floor	(t)
Blank Wall Limitations	Required	(u)
B. Building Entrance		
Principal Entrance Location	Front or Corner of Building	(v)
Street Facades: Number of Entrances	1 per 80' of Front Façade	
C. Balconies (if provided)		
Size	Minimum 3' deep and 5' wide	(w)
Façade Coverage	Maximum 30% of front & corner side facades, calculated separately	
Access to Balcony	Maximum one (1) dwelling unit	
Structure	Independently secured and unconnected to other balconies; or integral to the façade	

(5) Cap & Base Type Requirements		
Cap Type	Parapet, Flat; Pitched permitted in MU-DF	(x)
Tower	Permitted	(y)
Front Façade Base Type	Storefront, Arcade	(z)

(2) Building Type: General Downtown

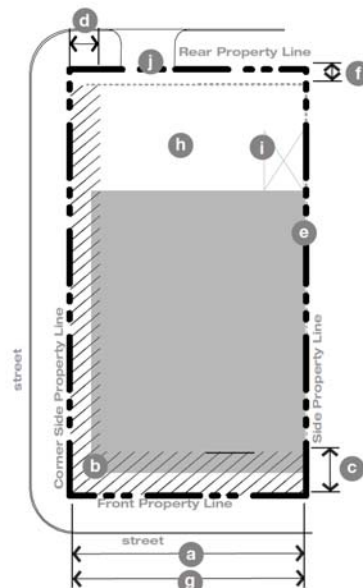


Figure 1104.2(d)-1 : Building Siting.

(1) Building Siting		(2) Height	
A. Street Frontage		Minimum Overall Height	2 stories (k)
Multiple Principal Buildings	Not permitted	Maximum Overall Height	12.5 stories; No maximum height along Market St. & Wick Ave. or anywhere north of Wood St. (l)
Front Build-to Zone Coverage	Minimum 75% ¹	Stories: Minimum Height	9' (m)
Occupation of Corner	Required (a)	Maximum Height	14' ¹
Front Build-to Zone	0' to 15' ² (b)	(3) Uses	
Corner Build-to Zone	0' to 10' (c)	Ground Story	Refer to Chapter 1103 Permitted Uses (n)
Right-of-Way Encroachment	Awnings & Canopies (d)	Upper Story	Refer to Chapter 1103 Permitted Uses (o)
B. Buildable Area		Parking within Building	Permitted in the rear of the ground floor and fully in any other floor (p)
Side Yard Setback	0' (e)	Occupied Space	30' depth space along front façade, except Visible Basements (q)
Rear Yard Setback	5' (f)		
Minimum Lot Width	20' (g)		
Minimum Landscape Area	none (h)		
C. Parking, Loading & Access			
Parking Lot Location	Rear Yard; Except when fronting on Market St, lots wider than 120' are permitted parking in the Interior Side Yard (i)		
Loading Facility Location	Rear building façade (j)		
Vehicular Access	Rear lot line; Not permitted on Federal St. or Market St.		
Notes:			

¹A courtyard covering up to 35 percent of the Front or Corner Build-to Zone is permitted. The courtyard, when enclosed by building on three sides, may contribute to the Front Build-to Zone coverage.

²0' to 5' shall be utilized on Federal St. W & Market St.

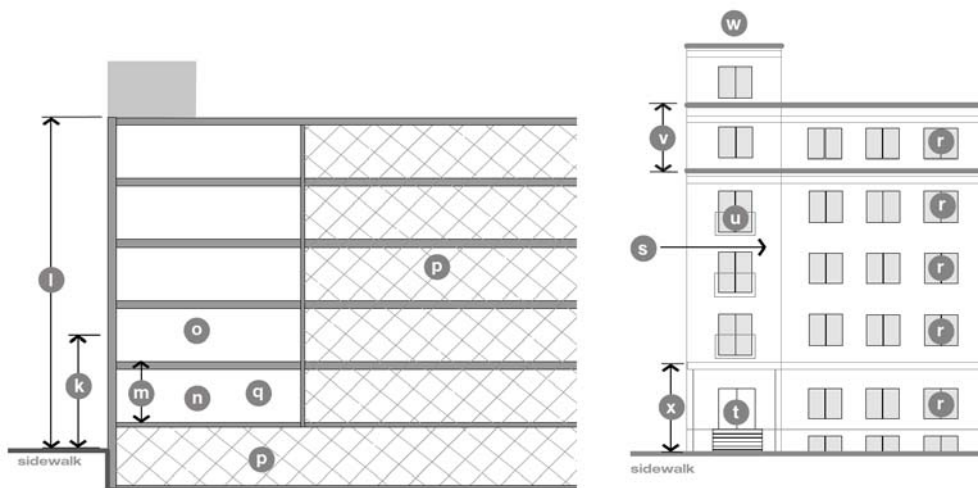


Figure 1104.2(d)-2: Height & Use Requirements.

(4) Street Façade Requirements	
A. Transparency	
Minimum Transparency	20% per floor
Blank Wall Limitations	Required (r)
B. Building Entrance	
Principal Entrance Location	Front or Corner of Building (s)
Street Facades: Number of Entrances	1 per 150' of Façade (t)
C. Balconies (if provided)	
Size	Minimum 3' deep and 5' wide (u)
Façade Coverage	Maximum 30% of front & corner side facades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies; or integral to the façade

Figure 1104.2(d)-3: Façade Requirements.

(5) Cap & Base Type Requirements	
Cap Type	Parapet, Flat Roof, Pitched Roof (v)
Tower	Permitted (w)
Front Façade Base Type	Stoop, Arcade (x)

(3) Building Type: Uptown Main Street

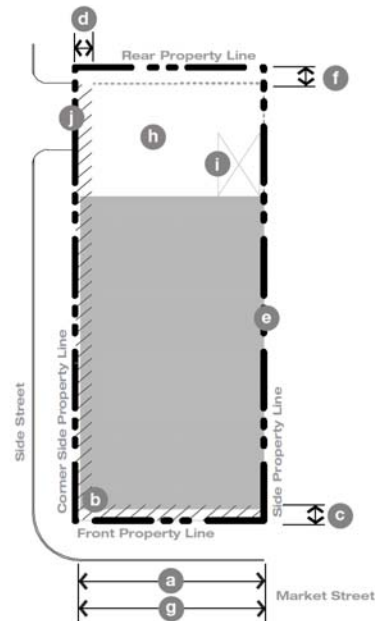


Figure 1104.2(e)-1: Building Siting.

(1) Building Siting		(2) Height	
A. Street Frontage		Minimum Overall Height	1 story (k)
Multiple Principal Buildings	Not permitted	Maximum Overall Height	6 stories (l)
Front Build-to Zone Coverage	Minimum 95% ¹ (a)	Ground Story: Minimum Height	15' (m)
Occupation of Corner	Required (b)	Maximum Height	24' ²
Front Build-to Zone	0' to 5' (c)	Upper Stories: Minimum Height	9' (n)
Corner Build-to Zone	0' to 5' (d)	Maximum Height	14'
Right-of-Way Encroachment	Awnings & Canopies	Notes:	
B. Buildable Area		² If 20' or more in height, ground story shall count as 2 stories towards maximum building height.	
Side Yard Setback	0' (e)	(3) Uses	
Rear Yard Setback	5' (f)	Ground Story	Refer to Chapter 1103 Permitted Uses; Residential Uses not permitted. (o)
Minimum Lot Width	20' (g)	Upper Story	Refer to Chapter 1103 Permitted Uses (p)
Minimum Landscape Area	n/a	Parking within Building	Permitted in the rear of the all stories and fully in the basement (q)
C. Parking, Loading & Access		Occupied Space	30' depth space along front façade, except Visible Basements (r)
Parking Lot Location	Rear yard; Interior side yard with limitations ¹ (h)		
Loading Facility Location	Rear building façade (i)		
Vehicular Access	Access not permitted off Market St; Alley access or 1 driveway permitted per side street. (j)		

Note:

¹Lots wider than 150' are permitted 1 double-loaded aisle of parking (maximum width 75'), located perpendicular to Market Street, which is exempt from front property line coverage calculation

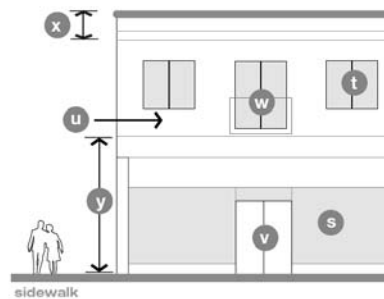
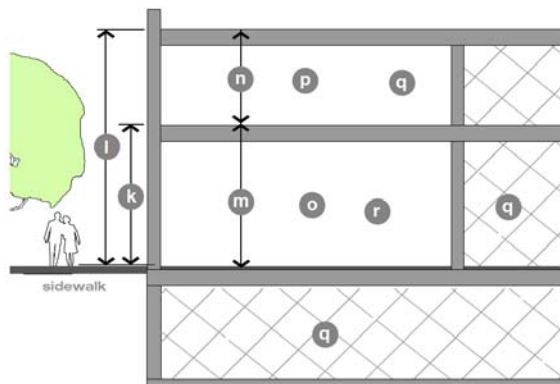


Figure 1104.2(e)-2: Height & Use Requirements.

(4) Street Façade Requirements

A. Transparency	
Minimum Ground Floor Transparency	55%, as measured between 2' and 8' above the average sidewalk elevation (s)
Minimum Transparency	20% per floor (t)
Blank Wall Limitations	Required (u)
B. Building Entrance	
Principal Entrance Location	Front or Corner of Building (v)
Street Facades: Number of Entrances	1 per 100' of Front Façade
C. Balconies (if provided) (w)	
Size	Minimum 3' deep and 5' wide
Façade Coverage	Maximum 30% of front & corner side facades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies; or integral to the façade

Figure 1104.2(e)-3: Facade Requirements.

(5) Cap & Base Type Requirements

Cap Type	Parapet, Flat Roof (x)
Tower	Permitted
Front Façade Base Type	Storefront, Arcade (y)

This diagram illustrates the 'Build-to Zone Definition' for a lot with a side property line. The lot is bounded by a 'Rear Property Line' (top), 'Front Property Line' (bottom), 'Side Property Line' (left), and 'Corner Side Property Line' (right). The lot is divided into two sections by the 'Side Property Line'. The left section is labeled 'Reference Property' and contains a building footprint with a '5' Extension' and a 'Build-to Zone Definition' area. The right section is also labeled 'Reference Property' and contains a building footprint with a 'Build-to Zone Definition' area. The 'Build-to Zone Definition' is shown as a hatched area. Dimensions are indicated by letters: 'a' for the front setback, 'b' for the side setback, 'c' for the rear setback, 'd' for the front lot width, 'e' for the side lot width, and 'f' for the front setback of the side property line. The 'Street' is shown at the bottom and left.

(1) Building Siting	
A. Street Frontage	
Multiple Principal Buildings	Not permitted
Front Build-to Zone Coverage	Not applicable
Occupation of Corner	Not applicable
Front Build-to Zone	Average of Two Adjacent Lots ¹
Corner Setback	10'
B. Buildable Area	
Side Yard Setback	10% of Lot's Average Width
Rear Yard Setback	30% of Lot's Average Depth ²
Setback Encroachments	Eaves up to 2'; Fireplaces no wider than 10', up to 3'
Minimum Lot Width	40'

Parking Location:	
Attached Garage	Permitted
Rear Façade	Permitted
Interior Side Façade	Permitted with Maximum 9'
Front or Corner Side Façade	Wide Door, Recessed Minimum 5' from Front Façade
Detached Garage	Permitted in Rear Yard
Vehicular Access	1 driveway per lot; 2 driveways permitted for frontages greater than 100'.
Driveway Width	No greater than 10' at Front Property Line

² Accessory structures shall be setback from rear and side yards a minimum of 3.5'. CHECK AGAINST MODULE 2 REQUIREMENTS.

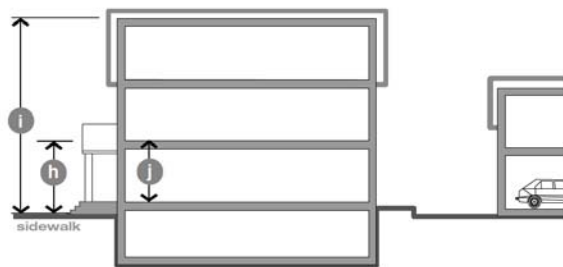


Figure 1104.2(f)-2: Height & Use Requirements.

(2) Height		
Minimum Overall Height	1 story	n
Maximum Overall Height	2.5 stories ³	i
Stories: Minimum Height	8.5'	j
Maximum Height	12'	

Notes:

³ Half story may be included as visible basement or floor within roof structure. Refer to XX for Definition.

(3) Uses		
All Stories	Refer to Chapter 1103 Permitted Uses	

(4) Street Façade Requirements		
A. Transparency		
Minimum Transparency	15% total for all street facing façades	k
Blank Wall Limitations	Required	l
B. Building Entrance		
Principal Entrance Location	Front or Side Façade of building	m

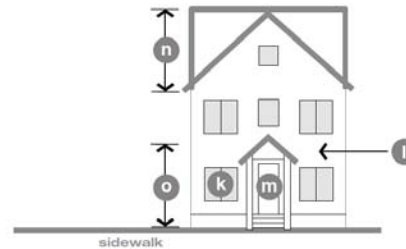


Figure 1104.2(f)-3: Façade Requirements.

(5) Cap & Base Type Requirements		
Cap Type	Pitched	n
Tower	Not Permitted	i
Front Façade Base Type	Porch, Stoop	o

(5) Building Type: Iconic Building

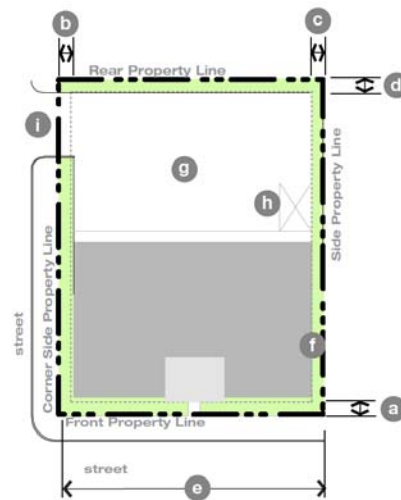


Figure 1104.2(f)-1: Building Siting.

(1) Building Siting	
A. Street Frontage	
Multiple Principal Buildings	Permitted
Front Build-to Zone Coverage	Not Applicable
Occupation of Corner	Not Required
Front Setback	0 in MU-FF District; 5' in all other districts a
Corner Setback	0 in MU-FF District; 5' in all other districts b
B. Buildable Area	
Side Yard Setback	0 in MU-FF District; 5' in all other districts c
Rear Yard Setback	0 in MU-FF District; 5' in all other districts d
Minimum Lot Width	40' e
Minimum Landscape Area	15% in MU-DF District only f
C. Parking, Loading & Access	
Parking Lot Location	Rear Yard only in MU-FF; In all other districts, Rear Yard and, for lots wider than 120', the Interior Side Yard g
Loading Facility Location	Rear Building Façade in MU-FF District; Rear or Interior Side Façade in all other districts h
Vehicular Access	Rear Lot Line in MU-FF District; In MU-DF District, 1 driveway permitted per frontage and, for frontages wider than 200', 2 driveways are permitted i

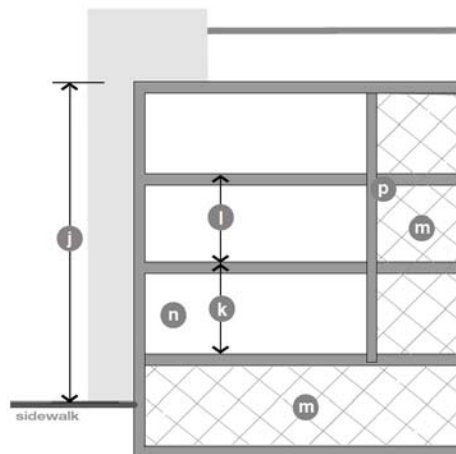


Figure 1104.2(f)-1: Height & Use Requirements.

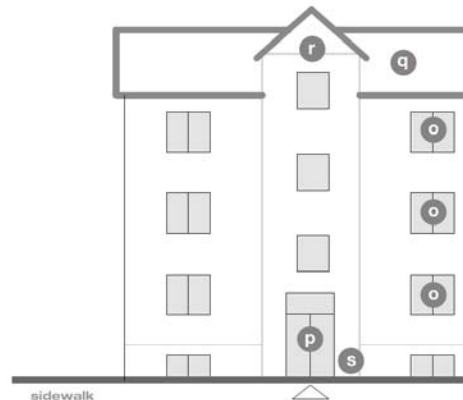


Figure 1104.2(f)-1: Facade Requirements.

(2) Height	
Minimum Overall Height	1 story
Maximum Overall Height	4.5 stories j
Ground Story: Minimum Height	9' k
Maximum Height	30' ¹
Upper Stories: Minimum Height	9' l
Maximum Height	14'
Notes:	
¹ If 20' or more in height, Ground Story shall count as 2 Stories towards maximum building height.	
(3) Uses	
All Stories	Only <i>Public/Civic/Institutional, Industrial: Utilities, Commercial: Theater, Indoor, and Commercial: Convention or Events Center</i> uses are permitted in this Building Type (refer to Chapter 1103 Permitted Uses).
Parking within Building	Permitted in the Rear of all Floors and fully in any Basement m
Occupied Space	30' depth space along front façade, except Visible Basements n

(4) Street Façade Requirements	
A. Transparency	
Minimum Transparency	10% per floor o
Blank Wall Limitations	Not required
B. Building Entrance	
Principal Entrance Location	Front or Side Façade of Building p
Street Façades: Number of Entrances	Not required
(5) Cap & Base Type Requirements	
Cap Type	Parapet, Pitched Roof, Flat Roof ² q
Tower	Permitted r
Front Façade Base Type	Stoop ² , Arcade s
Notes:	
² Other base and cap types not listed here may be approved through a [special exception] (see Section XX)	

1104.03. Parking and Loading

(a) Applicability

(1) Generally

The standards of this section 1104.03 shall apply to all development and redevelopment unless specifically exempted or modified by another provision of this Code. Off-street parking and loading shall be in place and ready for use before a certificate of occupancy is issued and shall be maintained for as long as the structure or use is used for the purpose approved for its occupancy.

(2) Downtown Parking Exemption

Parking is not required in the downtown area identified in green outline on Figure 1104-M, except for the following uses: Bus or rail transit station, multi-family dwellings, and lodging.

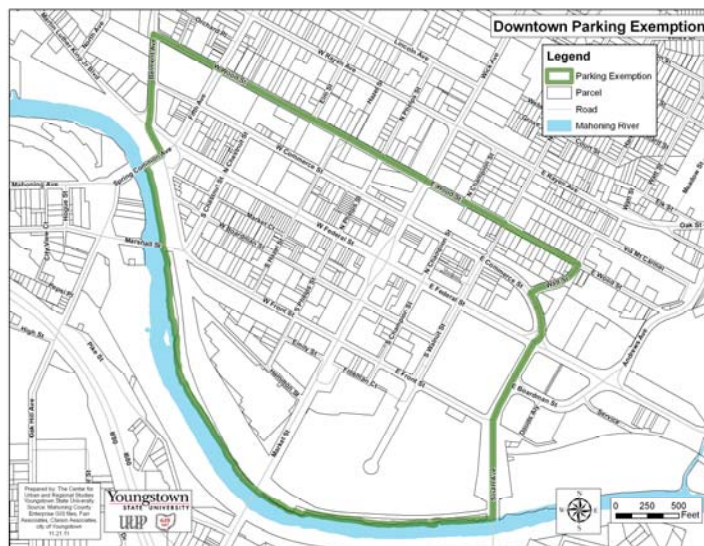


Figure 1104-M. CBD Parking Exemption Area

(3) Small Lots

- A. No off-street parking shall be required for any non-residential use on a lot smaller than 10,000 sq. ft. in any Mixed Use District.
- B. No off-street parking shall be required for any building with less than 10,000 sq. ft. of gross floor area and with a non-residential primary use in any Mixed Use District.

- C. No off-street parking shall be required for any lot in a residential district with a width less than 25 feet and no alley access.

(4) Form-Based Districts

Development and redevelopment in any of the Form Districts shall only be required to provide that amount of parking that can be accommodated on the development parcel while allowing the principal building to meet all of the Building Form Standards in Section 1104.02.

(5) Expansions and Enlargements

Structures enlarged so as to increase the floor area, seating capacity, dwelling units, or otherwise increasing the unit of measurement used to determine the number of required parking spaces by more than 25 percent shall provide additional off-street parking spaces necessary for the enlargement, but shall not be required to remove any pre-existing parking deficit for the structure and use prior to the enlargement.

(6) Change in Permitted Use

A permitted use that does not meet the parking requirements of this section may be converted to another permitted use without full compliance with the required number of parking spaces provided:

- A. The amount of parking available is at least 75 percent of the parking required for the new use by Table 1104-B.
- B. The applicant provides the maximum number of parking spaces able to be accommodated on the site while complying with all other provisions of this Code and without being required to remove or partially remove an existing structure.
- C. If a structure or portion of a structure is later voluntarily removed, the resulting area shall be used to provide additional parking spaces necessary toward fulfilling the off-street parking requirement.

(7) Fractions

(b) In computing the required number of parking spaces where fractional spaces result, fractions of one-half or over shall be counted as one parking space. Off-Street Parking Standards

(1) Required Parking

The off-street parking requirements for uses allowed by this Code are listed in Table 1104-B.

(2) Maximum Parking

Where Table 1104-B requires the applicant to provide more than 50 off-street parking spaces, the owner shall not provide more than 125 percent of the minimum required number off-street parking spaces. However, Where 75 percent or more of the parking accessory to a use is in structured parking, there shall be no maximum cap on the number of parking spaces in that structure.

(3) Accessible Parking

Within the requirements of Table 1104-B, accessible parking shall be provided for all multi-family and non-residential uses as required by the Americans with Disabilities Act.

SCHEDULE OF USES	Standard
Residential	
Household Living	
Dwelling, detached single-family	2 spaces per dwelling unit
Dwelling, two-family	
Dwelling, additional units in existing one- or two-family dwelling	
Dwelling, attached single-family	
Dwelling, multi-family	
Group Living	
Convalescent and nursing home	1 space per 9 residential care beds but not less than 2 spaces
Dormitory	1 space per 1,000 sf gfa
Fraternity or sorority house	1 space per capacity of permanent sleeping facilities
Group home, small	1 space per 2 beds
Group home, medium or large	1 space per 2 beds + 1 space per 100 sf of assembly area
Rooming or board house	1 space per 3 guest rooms
Public/ Civic/ Institutional	
Business, art, or vocational school	1 per 300 sf of enclosed floor space
Bus or rail transit station	1 space per 250 sf of waiting area
Cemetery or mausoleum	No requirement
College or university	1 space per 300 sf enclosed floor space
Correctional facility	1 space per 2,000 sf gfa
Government service	Offices: 1 per 300 sf gfa;

Chapter 1104: Development Standards

1104.03: Parking and Loading (b): In computing the required number of parking spaces where fractional spaces result, fractions of one-half or over shall be counted as one parking space. Off-Street Parking Standards

SCHEDULE OF USES	Standard
	Other services: 1 per 600 sf gfa
Hospital	2 spaces per 1,000 sf gfa
Museum, library, or art gallery	1 space per 1,000 sf gfa
Park or playground	Playground: 1 space per 2,500 sf; playfields (baseball, soccer) minimum of 20 spaces per field
Public safety facility	As determined by Director based on anticipated use and neighborhood impacts
Religious assembly	1 space per 6 seats or per 100 sf in main auditorium, whichever is greater
School, elementary, middle, high	1 space for each 10 seats in the auditorium or main assembly room or 1 space per classroom, whichever is greater
Zoo	1 space per 2,000 sf gross building area
Commercial	
<i>Agricultural and Animal Related</i>	
Agriculture, general	No requirement
Agriculture, urban	No requirement
Aquaculture or hydroponics	No requirement
Farmers market	1 space per booth; host property parking may apply if farmers market parking does not leave host use deficient
Forestry	No requirement
Kennels	1 space per 1,000 sf gfa
Livestock auction or sales	1 space per each 4 seats + 1 space per 600 sf sales area
Riding stables	1 space per 2 stalls
Veterinarian or animal hospital	1 space per 300 sf gfa
<i>Food, Beverage, and Indoor Entertainment</i>	
Adult entertainment	1 space per 200 sf gfa
Convention or event center	As determined by Director based on anticipated use and neighborhood impacts
Club or lodge (private)	1 space per 100 sf gfa up to 4,000 sf + 1 space per 200 sf gfa over 4,000 sf
Restaurant (no drive-in/drive-through)	1 space per 200 sf gfa
Restaurant (with drive-in/drive-through)	1 space per 200 sf gfa
Stadium, Indoor	1 space per each 6 seats; where there are no fixed seats: 1 space per 1,000 sf of seating area
Theater, Indoor	1 space per each 6 seats or per 100 sf in main auditorium, whichever is greater
Other indoor entertainment facility not listed	1 space per 400 sf gfa
<i>Lodging</i>	

Chapter 1104: Development Standards

1104.03: Parking and Loading (b): In computing the required number of parking spaces where fractional spaces result, fractions of one-half or over shall be counted as one parking space. Off-Street Parking Standards

SCHEDULE OF USES	Standard
Hotel or motel	2 spaces per 3 guest rooms plus 1 per 200 sq. ft. of gfa in all accessory uses including restaurants and meeting rooms
Bed and breakfast	1 space for manager plus 1 space per habitable unit
Offices	
Bank	2.5 spaces per 1,000 sf gfa
Laboratories	2.5 spaces per 1,000 sf gfa
Offices	Office: 2.5 spaces per 1,000 sf gfa; Medical Office: 1 space per 200 sf gfa
Outdoor Recreating & Entertainment	
Amusement park	As determined by Director based on anticipated use and neighborhood impacts
Golf courses	1 space for every 400 sf of clubhouse area or 6 spaces per hole, whichever is greater.
Stadiums, outdoor	As determined by Director based on anticipated use and neighborhood impacts
Swimming pools	Public pools: 1 space per 100 sf feet of pool area
Theater, Outdoor	1 space per each 6 seats; where there are no fixed seats: 1 space per 1,000 sf of seating area
Other outdoor entertainment or recreation use not listed	1 space per 5,000 sf of land area, or 1 space per 3 persons capacity (maximum), whichever is greater; playfields (soccer, baseball, etc.) minimum of 20 spaces per field
Personal Services	
Day care facility	1 space per 400 sf gfa + 1 additional space, reserved for pickup and delivery of children, per 800 sf gfa
Funeral homes	1 space per 150 sf gfa in main assembly areas
Mini-storage facility	1 space per 75 units + 1 space per 300 sf of office area + vehicle stacking spaces for security gate. Aisles suitable for temporary loading and unloading may be counted as required parking stalls as determined by the Director.
Personal service and repair (small)	1 per 400 sf gfa
Personal service and repair (large)	1 per 400 sf gfa
Retail Sales	
Adult retail	2.5 spaces per 1,000 sf gfa
Alcohol beverage packaged retail sales	1 space per 300 sf gfa
Building or garden material sales	1 per 1,000 sf gfa
Furniture and floor covering sales	1 per 1,000 sf gfa
Grocery store	3 per 1,000 sf gfa

Chapter 1104: Development Standards

1104.03: Parking and Loading (b): In computing the required number of parking spaces where fractional spaces result, fractions of one-half or over shall be counted as one parking space. Off-Street Parking Standards

SCHEDULE OF USES	Standard
Retail store not listed, small	3 spaces per 1,000 sf gfa
Retail store not listed, large	2 spaces per 1,000 sf gfa
Vehicle-Related	
Automobile and light vehicle repair and service	1 space per 500 sf gfa
Automobile and light vehicle sales, rental, or storage	1 space per 500 sf gfa
Automobile car wash	2 spaces per bay
Automobile parking lot or garage (primary use)	No requirement
Automobile service station	1 space per 250 sf gfa + 1 per service stall
Heavy vehicle or mobile home sales, rental, or repair	1 space per 1,000 sf gfa
Other Commercial Services	
Commercial laundries	1 space per 750 sf gfa
Food processing and storage	1 space per 750 sf gfa
Warehousing and storage	1 space per 1,000 sf gfa (1-10,000 sf); 1 space per 1,250 sf gfa (10,000-50,000 sf); 1 space per 1,500 sf gfa (more than 50,000 sf)
Wholesaling	1 space per 400 sf gfa
Industrial	
Industrial Service	
Contractor's shop and storage yard	1 space per 1,000 sf gfa
Hazardous materials, handling and storage	As determined by Director based on anticipated use and neighborhood impacts
Mining and processing of natural resources	As determined by Director based on anticipated use and neighborhood impacts
Repair and servicing of industrial equipment	1 space per 1,000 sf gfa
Manufacturing and Assembly	
Manufacturing, light	1 space per 1,000 sf gfa
Manufacturing, general	1 space per 1,000 sf gfa
Manufacturing, hazardous or special	1 space per 1,000 sf gfa
Transportation-Related	
Airport or Heliport	As determined by Director based on anticipated use and neighborhood impacts
Marine terminal, passenger or freight	
Railroad right-of way	

SCHEDULE OF USES	Standard
Railroad yard and related facilities	
Truck freight or transfer terminal	
Utilities	
Electric power or heat generation plant	No requirement
Solar, geothermal, or biomass power facility (primary use)	
Utility structure or service not listed	
Utility towers and elevated structures (primary use)	
Utility service and storage yards	
Water or sewer pumping or treatment facilities	
Wind power facility (primary use)	
Waste and Salvage	
Recycling collection point (primary use)	1 space per 1,000 sf gfa
Recycling services	1 space per 1,000 sf gfa
Solid waste disposal or processing facility	1 space per 1,000 sf gfa
Accessory bed and breakfast	1 space for primary use dwelling + 1 space per habitable unit
All other accessory uses	No requirement
Temporary Uses	
Temporary real estate office	2 spaces
All other temporary uses	No requirement

(c) Parking Alternatives

The Director may approve alternatives to providing the number of off-street parking spaces required by Table 1104-B, in accordance with the following standards.

(1) Off-Premise Parking

The Director may permit an off-premise parking facility to accommodate required parking in the Central Area and all Mixed Use and Special Purpose zone districts subject to the following conditions:

- A. All required parking for residential uses and accessible parking must be provided for on-site, and not in the off-premise parking lot or structure.
- B. The off-premise parking lot or structure shall be located within 600 feet from an entrance (as measured along the shortest legal, practical walking route) to the structure for which it will be used.

- C. The off-premise parking lot or structure shall be connected to the use by acceptable pedestrian facilities, such as a sidewalk or surfaced path.
- D. The off-premise parking lot or structure shall have the same or more intensive zoning classification as the primary use served. Off-premise parking shall not be provided in a residential district.
- E. The applicant shall provide a copy of a lease or other agreement confirming that the number of off-site spaces necessary to meet the minimum parking requirements of this Section 1104.03 (excluding spaces provided on-site) shall remain available for a period of at least 10 years.

(2) District Parking

Required off-street parking may be waived by the Director for properties within the boundaries of a public parking or local improvement district that provides district-wide parking facilities.

(3) Credit for Public Parking

Some or all of the required off-street parking spaces for a non-residential use may be waived by the Director if publicly owned off-street parking is located within a 1,000 foot walking distance from the main entrance of the proposed use, and the Director also determines that adequate parking spaces are available within the publicly owned parking area to accommodate the anticipated use.

(4) Credit for On-Street Parking

The Director may credit on-street parking spaces against required off-street parking requirements if the on-street spaces are located within 250 feet of an entry of the building in which the use is located, if the Director determines that those parking spaces are frequently available for residents, patrons, or employees of the proposed use and structure.

(5) Joint Parking

The Director may approve joint parking facilities for developments or uses with different operating hours or different peak business periods if the joint parking complies with all of the following standards.

A. Location

Joint parking spaces shall be located within 600 feet of the primary entrance of all uses served unless remote parking shuttle bus service is provided.

B. Zoning Classification

No joint parking area for an application that does not contain residential shall be located in a residential district or the MU-R district.

C. Reduction

Where a joint parking facility meets the requirements of subsections A and B above, the total off-site parking required for those uses may be reduced by the factors shown in Table 1104-D. Total off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors for that combination of uses shown in Table 1104-D. If more than two uses share a parking lot or structure, the required parking shall be calculated by applying Table 1104-D to the two uses with the largest parking requirements and then adding the required parking for the additional uses.

TABLE 1104-D: SHARED PARKING REDUCTION FACTORS					
Property Use	Residential	Other Institutional	Food, Beverage, and Indoor Entertainment, Lodging, or Religious Assembly	Retail Sales and Personal Services	Office
Residential					
Other Institutional	1.1				
Food, Beverage, and Indoor Entertainment Lodging, or Religious Assembly	1.1	1.2			
Retail Sales and Personal Services	1.2	1.3	1.3		
Office	1.3	1.5	1.7	1.2	

(6) Additional Reductions in Parking

The Director may allow an additional reduction in the required number of parking spaces (less than what is determined using the adjusted off-street parking calculations in subsections (3) through (5) above) if the applicant submits a parking demand study, prepared in accordance with the City's guidelines by a qualified parking or traffic consultant, substantiating the basis for granting a reduced number of spaces, and the Director determines that the study accurately reflects parking demand for the use or structure.

(d) Parking Facility Design and Location

(1) Location and Use

- A. In non-Form Districts, required on-site parking for non-residential uses shall not be located closer to the primary street frontage of the lot than the front façade of the primary structure, except for one double-loaded row of parking, which may be located between the front building façade and the front lot line if it is not located in a required front yard area and

does not require that the front façade of the primary structure be located in violation of Section 1104(a)(6), Front Yards in Residential Districts.

- B. No portion of an off-street parking facility shall be located in a public street or sidewalk, parkway, alley or other public right-of-way.
- C. No portion of an off-street parking space shall be located within any fire lane required by ordinance of the City or within aisles, driveways, or maneuvering areas necessary to provide reasonable access to any parking space.
- D. Off-street loading space and the aisles or driveways leading to them, shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials or supplies.

(2) Use of Yards

- A. No vehicle shall be parked in a required front or side yard except on a permitted driveway. A permitted driveway is a driveway that leads to the front or rear of the building or to a permitted accessory building (garage) attached or detached from the principal structure.
- B. A permitted driveway may include a defined area for parking adjacent and parallel to the driveway. The extension may be no greater than 10 feet in width and must be paved in a material similar to that of the rest of the driveway or as approved by the Director.
- C. Parking of vehicles in a direction perpendicular to the driveway is prohibited except in the rear yard.
- D. In residential districts, rear yards may be used for open parking of automobiles subject to the maintenance of a landscaped strip not less than eight feet in width along the lot lines, and the erection of a screening device not less than four feet nor more than six feet in height.

(3) Specialized Parking Spaces

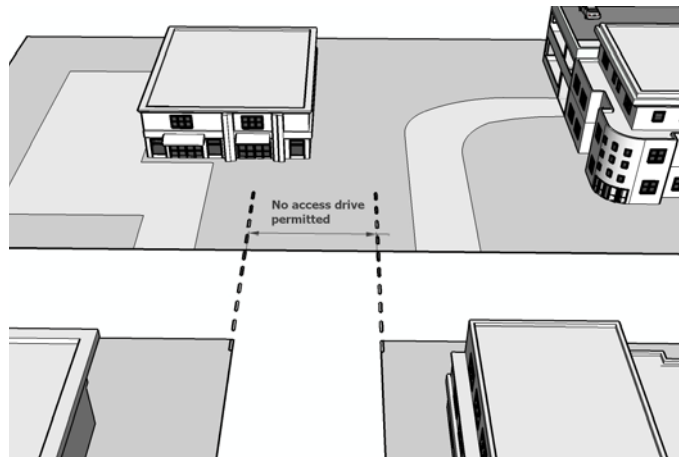
- A. Spaces for handicapped car and van parking shall be provided as required by Ohio law.
- B. In each parking lot or garage containing over 100 parking spaces, at least two spaces within the 10 spaces closest to the primary entrance to the building shall be reserved for parking for either (i) a carpool vehicle, (ii) a vanpool vehicle, or (iii) a hybrid or electric vehicle, and shall have a sign indicating that reservation.
- C. In each parking lot containing over 200 parking spaces, at least one percent of the parking spaces shall be provided with an electric vehicle charging point with a minimum of 240 volt current.

(4) Stall Size and Drive Aisle Dimensions

- A. Each required parking space shall be not less than 8.5 feet wide and 18 feet long, exclusive of access drives, aisles and maneuvering areas.
- B. Where traffic is one-way, access aisles shall be a minimum of 12 feet in width. Where traffic is two-way, access aisles shall be a minimum of 24 feet in width.

(5) Access

- A. Each required off-street parking space shall be provided with vehicular access to a public street or alley or open directly upon an aisle or driveway leading to a public street or alley.
- B. Curb cuts for access drives connecting an automobile parking lot or garage (primary use) to the right-of-way shall be no closer than 25 feet to an intersection or other curb cut. Parking shall not be permitted in these drives.
- C. When a street ends in a T-intersection, no access drive may be located between the right-of-way lines of that street as extended through the intersection. No more than two access drives per street frontage shall be permitted into any one surface parking lot. Where more than one driveway approach is intended to serve the same parking facility, the curb returns of such driveways shall be not less than 25 feet apart.



- D. New curb cuts will not be permitted on West Federal Street between Market Street and Belmont Avenue.
- E. Parking areas having an exit on a public street shall be designed so that each vehicle leaving such parking area shall be traveling in a forward motion when entering traffic.

- F. All parking lots, regardless of perimeter treatment, shall have pedestrian access to the public right of way and to all buildings served.

(6) Surfacing

The following provisions apply to all automobile parking lots and garages (primary use) and all accessory parking areas for multi-family and non-residential uses.

A. Impervious Materials

Paving shall be of a permanent hard surface, with standing concrete or better quality curbs and gutters.

B. Pervious Materials

Pervious or semi-pervious parking area surfacing materials may be approved by the Director if the Director determines that they are appropriate for the climate of the city and the durability required for their intended use. Permitted materials may include but are not limited to grass, mulch, "grasscrete", ring and grid systems used in conjunction with grass seed or sod, permeable concrete or asphalt, porous or grid pavers, or recycled materials such as glass, rubber, used asphalt, brick, block and concrete.

C. Curbs and Drainage

All open off-street parking areas shall be graded and drained to collect, retain, and infiltrate surface water accumulation on-site to the greatest extent practicable. Fixed and permanent barriers shall be provided around the area used for parking for protection of surrounding buildings and to prevent front or rear vehicle overhang over property lines or public streets or walkways. Curbs are required at the edges of perimeter and interior landscaped areas to protect the plants, with planted areas installed at a lower grade than the parking lot pavement, and curbing shall have openings allowing drainage from the pavement to enter and percolate through the landscaped areas.

(7) Attendant Booths in Commercial Parking Lots

- A. Attendant booths or kiosks shall be constructed of durable materials suitable for a structure designed to last at least 20 years.
- B. Attendant booths or kiosks shall be placed on concrete islands.
- C. There shall be one sign per kiosk or booth indicating the parking rates and hours of operation.

(8) Parking Lot Signs

- A. There shall be only one sign per parking lot or structure entrance, and each permitted sign shall be no larger than six square feet.

- B. All parking lots and garages shall be identified with the name of the business owning or operating the lot and the word "parking" or simply the letter "P" encircled.
- C. One additional sign no larger than four square feet is permitted per kiosk or attendant booth for the purpose of listing parking rates and hours of operation.

(9) *Parking Garages*

All above ground portions of accessory or parking garages or portions of structures occupied by automobile parking shall meet the following standards:

- A. The minimum setback for a parking structure shall be the same that is required for a principle structure.
- B. The height of an accessory parking garage may not exceed the height of the principal building it is intended to serve. , the maximum height of a primary use parking garage is the maximum building height allowed in the zoning district in which the structure is located.
- C. Points of ingress and egress to the garage shall be clearly marked and shall be no closer than twenty-five feet to an intersection or other curb cut.
- D. All floors fronting a public street shall be level (not inclined).
- E. At least 30% of each façade facing a public street shall be occupied by doors (on the ground floor), windows, screens, grills, louvers, or other non-opaque façade elements that resemble those features.
- F. The remainder of each façade facing a public street shall be designed to conceal the view of all parked cars below the hoodline and to conceal internal light sources when viewed from the public street.
- G. Where a parking garage is subject to a front, side, or rear setback of 10 feet or more, a landscape strip at least four feet wide shall be installed around the perimeter of the garage, consisting of some combination of evergreen trees, shrubs, vines, flowers, ground cover and lawn.
- H. When a garage is open during the evening hours, all internal areas and all entrances shall be lit with fixtures providing at least two footcandles of light at floor level.

(10) *Prohibiting Parking of Commercial and Industrial Vehicles on Residentially-Zoned Land*

There shall be no parking or storage of commercial or industrial vehicles on any residentially-zoned land at any time, except for purposes of servicing an agricultural or animal related primary use of the property where the vehicle is on-site for less than six consecutive hours. Industrial and commercial

vehicles include all vehicles over the size of ¾ ton truck and all vehicles used for towing purposes regardless of size.

(11) Open Parking or Storage of all Recreational Vehicles on all Residentially Zoned Land

- A. Recreational vehicles shall include but are not limited to boats, trailers, campers, motor homes, competition vehicles, snowmobiles, dune buggies, jet skis, motorcycles, historic or antique vehicles, and equipment or parts.
- B. A maximum of one recreational vehicle no more than 30 feet in length may be stored for a period of more than 72 hours in the rear yard, provided that the parking location is not in a required side or rear yard setback area, the vehicle has a current license, and the vehicle is screened from view by an opaque fence at least six feet in height along the side and rear lot lines.
- C. Storage of any other recreational vehicle shall be in an approved completely enclosed accessory building. All required permits shall be obtain before work is started on the building and the vehicles shall not be stored on the property until the building is completed, inspected, and permission to occupy the structure has been granted.

(e) Drive-Through Vehicle Stacking

The following standards shall apply to all properties that contain a drive-through facility.

(1) Stacking Space Requirements

The number of required stacking spaces shall be as provided for in Table 1104-D.

TABLE 1104-D: DRIVE THROUGH STACKING SPACE REQUIREMENTS		
Activity	Minimum Stacking Spaces (per lane)	Measured From:
Bank, Financial Institution, or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant/Retail Store	3	Pick-Up Window
Full Service Vehicle Washing Establishment	3	Outside of Washing Bay
Self-Service or Automated Vehicle Washing Establishment	1	Outside of Washing Bay
Other	As determined by the Director based on anticipated need	

(2) Location and Design of Stacking Lanes

- A. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line of the site.
- B. No service shall be rendered, deliveries made, or sales conducted within the required front yard or corner side yard; customers served in vehicles shall be parked to the sides and/or rear of the principal building.
- C. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
- D. Drive-through stacking lanes shall have a minimum width of 10 feet.
- E. Stacking lanes shall be set back 15 feet from rights-of-way.

(f) Off-Street Loading Requirements

(1) Minimum Requirements for Off-Street Loading Space

Off-street loading space shall be provided as set forth in Table 1104-E below, except as described in subsection (2) below.

TABLE 1104-E: OFF-STREET LOADING SPACE STANDARDS	
Type of Use or Facility	Off-Street Loading Requirement
Office or lodging	1 space for each use of 20,000 sf of gross floor area
1. Personal service and repair (large) 2. Building material sales 3. Garden material sales 4. Furniture and floor covering sales 5. Retail store (large) 6. Automobile and light vehicle repair and service 7. Automobile and light vehicle sales, rental, or storage 8. Heavy vehicle or mobile home sales, rental, repair, or storage 9. Wholesaling	1 space per 20,000-50,000 sf of gross floor area; and 2 spaces for more than 50,000 sf gross floor area
Industrial service, Manufacturing	1 space for 25,000 to 50,000 sf of gross floor area; 2 spaces for more than 50,000 sf of gross

TABLE 1104-E: OFF-STREET LOADING SPACE STANDARDS

	floor area.
Bus and truck terminals	Space sufficient to accommodate the maximum number of buses or trucks to be stored or to be loading or unloading at the terminal at any one time

(2) Applicability to Existing Structures

If the aggregate gross floor area of any existing building shall be increased by more than 50 percent, off-street loading space shall be provided to the extent required for the original use and its enlargement. If the aggregate gross floor area of any existing building shall be increased by 50 percent or less, then the off-street loading space shall be provided to the extent required for the enlargement only.

(3) Design and Use of Off-Street Loading Areas

- A. Off-street loading space(s) shall be located on the same lot occupied by the use served and shall be accessible from a public street or alley.
- B. Off-street loading space shall not be occupied by or considered as any part of the required off-street parking areas.
- C. No portion of an off-street or loading space shall be located within any fire lane required by ordinance of the City or within aisles, driveways, or maneuvering areas necessary to provide reasonable access to any parking space.
- D. Off-street loading space and the aisles or driveways leading to them, shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials or supplies.
- E. Any off-street loading area located within 100 feet of the boundary of a residential zone district shall be screened from view from that district by a masonry wall at least eight feet in height of a color matching one of the primary colors used on the primary façade of the building.
- F. All off-street loading space shall be maintained in compliance with Section 1104.03(e), Parking Facility Design and Location.

1104.04. Connectivity and Circulation

(a) Intent

The connectivity and circulation standards of this Section 1104.03 are intended to ensure that new development and redevelopment creates safe and convenient opportunities for the public to travel to and from the development site by walking, bicycling, public transit, and the automobile. An additional intent

is to reduce congestion of a few large streets by allowing multiple routes for the public and development residents and occupants to connect into the city's minor street, sidewalk, and trail system.

(b) Applicability

- (1) The standards of this section apply to all development and redevelopment except for a development whose primary use is in the "Industrial" use category in Table 1103-A.
- (2) If the provisions of an applicable overlay zoning district in Section 1102.03 or the provisions of a use-specific standard in Section 1103.02 apply to the development or redevelopment, and those standards are inconsistent with the connectivity and circulation standards of this section, the provisions of Sections 1102.03 or 1103.02 shall apply.

(c) General Standards

(1) *Americans with Disabilities Act*

All "places of public accommodation," as defined in the federal Americans with Disabilities Act (42 U.S.C.S. 12101 et. seq.) ("ADA") shall comply with the requirements of that act concerning on-site circulation and access.

(2) *Safe Routes to School*

Where the city or another entity is implementing a program in support of, or funded by, the federal Safe Routes to School program, and that program includes a sidewalk, walkway, or trail adjacent to the boundaries of a development or redevelopment involving residential uses, the project design shall allow project residents to access the designated school route in a convenient and relatively direct manner.

(3) *Street Grid*

To the maximum extent feasible, the internal streets and walkways of the development or redevelopment shall align with existing streets and walkways on abutting properties or separated from the project site by only a public street. Access points from the project site to the public street system shall allow traffic to exit and enter the site across any perimeter streets by aligning with any existing streets running approximately perpendicular to the project site boundaries, unless the City determines that to do so would create a traffic hazard for automobiles, bicycles, or pedestrians.

(4) *Multi-building Projects*

Projects containing multi-family buildings, or uses in the Public, Civic, or Institutional, Offices, Retail Sales, or Personal Services use categories in Table 1103-A containing more than one principal building on a single lot, parcel, or tract shall include an unobstructed walkway or pathway providing access between each principal building, and between each principal building and at

least one vehicle parking area, in compliance with the Americans with Disabilities Act, for persons with disabilities. The walkway or pathway shall be at least three feet wide.

(5) *Bicycle and Pedestrian Routes*

Where the adopted City comprehensive plan shows a bicycle or pedestrian path or trail/open space connection adjacent to a project site, the site design shall provide connections to those paths or trails. Any requests by the City for designation or dedication of land for bicycle or pedestrian paths or trails within a proposed development shall comply with all applicable provisions federal and state law requiring a rational nexus and rough proportionality between the request for dedication or designation and the impacts of the project on the path, trail, or open space involved.

(6) *Sidewalks*

Unless the Director waives the requirement based on public safety or site/topography constraints:

- A. Each proposed public or private street within a residential or mixed use district shall include a sidewalk at least five feet wide on both sides of the street.
- B. Each proposed public or private street within a special purpose district shall include a sidewalk at least five feet wide on one side of the street.

1104.05. Landscaping, Buffering, and Fencing

(a) Applicability

- (1) The provisions of this section shall apply to lots and parcels in any zone district that contain (i) more than 10,000 square feet of lot area, and (ii) a primary structure with a primary use other than a single family detached, single-family attached, or two-family residential use when the following conditions occur after the effective date of this Redevelopment Code:
 - A. A new primary structure is constructed; or
 - B. The floor area in an existing primary structure is increased by more than 25 percent; or
 - C. An existing primary structure is relocated on the lot or parcel; or
 - D. The primary structure is renovated or redeveloped (including but not limited to reconstruction after fire, flood, or other damage), and the value of that renovation or redevelopment, as indicated by building permits, is more than 25 percent of the actual value of the property, as indicated by tax assessor's records; or
 - E. A new primary use parking lot containing 25 or more spaces is constructed; or

- F. An existing primary use parking lot containing 25 or more spaces is redesigned or reconstructed with significant changes to the layout of parking spaces, driving aisles, and access drives.
- (b) No landscaping shall be required to be installed on any portion of a lot in any Form District required to be occupied by a principal structure.

(c) General Provisions

(1) Landscape Plan Required

A landscaping plan shall be submitted as a part of all applications for development or redevelopment unless the Director determines that required landscaping can be demonstrated without the use of a landscaping plan. A landscaping plan may be combined with other required application materials.

(2) Plant Materials

Plant materials shall be from the City's approved landscaping plant list. All plant material shall be hardy to northeastern Ohio (USDA hardiness Zone 5), free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen. Except for plantings used for screening, no one species of tree or shrub may make up more than 50 percent of the total amount of landscape plantings. Invasive species, as identified by the Ohio Department of Natural Resources' Division of Natural Areas and Preserves invasive species list, are prohibited. The use of plastic or other artificial plant materials is prohibited.

(3) Minimum Living Materials

In all areas where landscaping is required, a minimum of 50 percent of the surface area shall be covered by living materials, rather than mulch, wood chips, bark, gravel, peat moss, or other non-living materials.

(4) Grading and Drainage

All open areas shall be graded, properly drained, and maintained to encourage on-site water retention and percolation while minimizing ponding or standing water for periods of more than 3 days.

(5) Minimum Plant Sizes

Unless another provision of this Code requires a different minimum size, required non-ornamental deciduous trees shall have a minimum caliper of 2.5 inches, ornamental deciduous trees shall have a minimum caliper of 1.5 inches, coniferous trees shall be a minimum of six feet in height, and shrubs shall be a minimum five gallon container size. The above dimensions apply to sizes at time of planting.

(6) Plant Material Spacing

Except for the provisions of Section 1104.05(d), Transitional Screening, plant materials shall not be placed closer than four feet from any fence line or property line. Where tree planting requirements are based on linear street frontage, areas occupied by driveways shall be included when calculating the number of trees required to be planted, and any trees that would otherwise be required in driveways shall be planted in other landscaped front yard areas unless prohibited by minimum spacing requirements for that species.

(7) Snow Storage Areas

Areas required for snow storage and areas required for landscaping shall not overlap, except that snow may be stored on ground cover landscape areas (e.g., turf) that do not contain required landscape trees or other plantings.

(8) City Right-of-Way

Tree removal or planting in City rights-of-way shall be done only with the approval of the City.

(9) Installation Due to Season

Landscaping of the site shall be completed within one planting season (spring to fall) of the completion of the exterior of the building.

(10) Flexibility for Redevelopment

Where the requirements of this section are applied to a redevelopment or reconstruction project, rather than a new development, the Director may authorize a reduction of minimum off-street parking requirements established in Section 1104.03 by up to 10 percent if necessary to accommodate street frontage landscaping required by Section 1104.05(c) or parking area landscaping required by Section 1104.05(e).

(d) Street Trees

Street trees shall be planted along front lot and side lot lines on all collector and arterial streets in accordance with any corridor or specific area plans as adopted by the City, and if such plans for the area do not exist, then in accordance with the provisions of this section.

- (1) Street trees shall be sized at 2-inch caliper DBA for trees in residential areas and 3-inch caliper DBA for trees in non-residential areas.
- (2) Trees shall be planted at 40 feet on center at the time of installation.
- (3) Street trees shall be planted in alignment with any similar street frontage landscaping on adjacent lots, or if that is not possible or adjacent lots do not contain front yard landscaping then as close to the public right-of-way as the Director will permit.

- (4) Street trees shall be of species whose lowest branches, at maturity, are at least seven feet above ground level.
- (5) Street trees shall not be placed in planters or similar containers but shall be installed in tree vaults below ground level in sidewalk or tree lawn areas between the sidewalk and the street. Openings shall allow proper aeration and to permit water to reach the root system.
- (6) Additional ornamental trees (beyond those required by this Code) may be placed in planters, providing there is adequate room for growth and development. Placement of planters shall be out of the main pedestrian right-of-way along any sidewalk.

(e) Transitional Screening

(1) Screening and/or Buffering Required

Where an applicant's property contains at least 10,000 square feet of area and abuts a property with a different scale or primary use, a screening device and/or buffer meeting the requirements of Table 1104-F is required.

- A. To use this table, an applicant identifies the zoning or use of his/her property in Row 3, across the top of the table, and then reads down Column 2 to identify the zoning or use of the adjacent property along each property line. The box at the intersection of Column 2 and Row 3 identifies the screening and buffering requirement for the applicant on that property line. For example, an applicant for a vertical mixed-use development that is adjacent to single-family residential will need to meet the Level 3 screening and buffering requirements.
- B. Table 1103-A, Automobile Parking Lot or Garage (primary use) is a commercial use, and it shall be treated as a commercial use for purposes of Table 1104-F.
- C. Transitional screening shall not be required for urban agriculture, aquaculture or hydroponics, farmers market, or forestry use.
- D. Different types of screening and buffering may be required on different property lines.
- E. Screening and buffering requirements are described below the table.

TABLE 1104-F: TRANSITIONAL SCREENING AND BUFFERING

Zoning or Use of Subject Property							
Adjacent + Zone District	Adjacent Zone District	Applicant's Use	Single-Family	Multi-Family	Mixed-Use	Commercial	Indus- -trial

Zone District	Structure Type	Res.	Non-Res.	Res.	Non-Res.	Vert.	Horiz.	1-3 Stories	3+ Stories	--
Single-Family	Residential	0	2	1	2	3	3	3	4	4
	Non-Residential	2	0	2	1	1	1	1	2	
Multi-Family	Residential	1	2	0	2	2	2	3	4	4
	Non-Residential	2	0	1	0	1	1	1	2	
Mixed-Use	Vertical	3	1	2	1	0	0	1	2	4
	Horizontal	3	1	2	1	0	0	0	1	
Commercial	1-3 Stories	3	1	3	1	1	0	0	0	4
	3+ Stories	4	2	4	2	2	1	0	0	4
Industrial	--	4	4	4	4	4	4	4	4	0

(2) Description of Screening and Buffering Requirements

The screening and landscape buffer areas shall be designed as follows:

- A. Level 0 does not require a screen or landscape buffer.
- B. Level 1 requires a four-foot wide landscape buffer.
- C. Level 2 requires a four-foot wide landscape buffer and a four-foot tall screening device.
- D. Level 3 requires a 10-foot wide landscape buffer and a six-foot tall screening device.
- E. Level 4 requires a 10-foot wide landscape buffer and a six-foot screening device.

(3) Adjustments

- A. The Director may modify these standards by up to 10 percent (increase or decrease in width and height) if necessary to provide adequate buffering of impacts or to respond to specific site conditions.
- B. The Director may reduce or waive transitional screening requirements if the Director determines that the design, height, location of uses, massing, and landscaping of the applicant's project mitigates potential adverse impacts on surrounding properties.

(4) Landscape Buffer Location and Design

- A. The landscape buffer shall be planted with an evergreen plant mix including at least (i) one tree with a three-inch caliper that is 10 feet in height at the time of installation for each 200 square feet of buffer area, and (ii) shrubs and flowering plants that cover a minimum of 25 percent of the remaining area with a minimum of 25 percent of that plant material being in flowering shrubs.

- B. The required landscaped buffer shall be installed on the applicant's side of the screening device.

(5) Screen Location and Design

- A. The screen shall be located along the property line of the applicant's lot, and shall not extend into the established setback of the adjoining lot.
- B. The screen shall be constructed of wood, masonry, brick, stone, wrought iron, compact evergreen hedging or some combination of those materials. Chain link fence and railroad ties are prohibited.
- C. The screen can be built in the form of a planter or berm, taking all or part of the width of the required landscape strip. The combined height of such screening methods and their plantings shall not be less than four feet. Fences, planters, earthforms or berms may be used individually or in some combination.
- D. When more than one private parking lot is proposed on the same site and the two lots will be adjacent to each other, they shall be separated by a landscaped buffer four feet minimum in width.
- E. Convenient breaks, at least every 100 feet, along fences or screens shall be provided.

(f) Parking Lot Interior Landscaping

(1) General

In addition to all landscaping required by Sections 1104.05(c) Street Trees and 1104.05(e) Transitional Screening, all areas of a surface parking lot not used for access, parking, circulation, or buildings shall be completely and permanently landscaped and the entire site maintained in a well-kept condition. Landscaping shall consist of the planting of some combination of trees, shrubs, vines, ground cover, flowers or lawn.

(2) Landscape Islands

To create a shade canopy within areas of surface parking, landscape islands shall be provided. The islands shall be placed either at the end of each row of car stalls or within the row, with a minimum of one island per 15 adjacent car stalls.

- A. End islands shall be a minimum of five feet by 15 feet for a single row of parking, with one shade tree and two shrubs or five feet by 30 feet for double rows of parking, with two shade trees and four shrubs planted.
- B. Islands located within the row of parking (not at the end of a row of parking spaces) shall be a minimum of five feet by five feet.
- C. Islands shall be installed below the level of the parking lot surface to allow for runoff capture, as shown in Figure 1104-N.

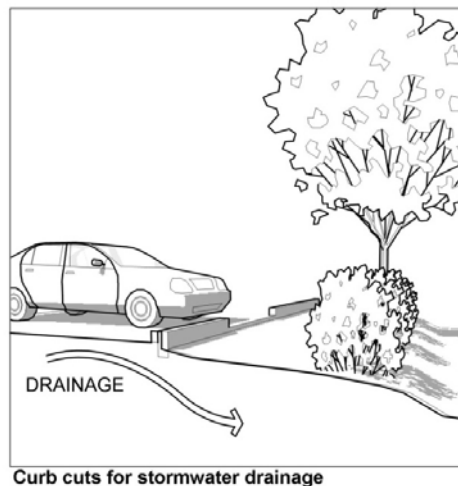


Figure 1104-N: Parking Lot Drainage Design

- D. Tree guards, grates, bollards, curbing, or wheelstops shall be used to protect trees from car damage. Where curbs are used, at least one break per 10 lineal feet of curb is required to allow for runoff inflows into the landscaped areas.

(3) Sidewalks

- A. Each surface parking area that serves a multi-family residential, commercial, public, institutional, civic, or mixed use, and contains 50 or more parking spaces, and contains any parking spaces located more than 300 feet from the front façade of the building shall contain at least one pedestrian walkway from allowing pedestrians to pass from the row of parking furthest from the primary building façade to the primary building entrance or a sidewalk allowing the pedestrian to reach the primary building entrance without crossing additional driving spaces or aisles.
- B. If any parking space in the parking aisle located furthest from the primary structure is more than 200 feet from the walkway, additional similar walkways shall be required within 200 ft. of those spaces. If there is a public sidewalk along the street frontage located within 50 feet of any required walkway, the walkway shall connect to that sidewalk.
- C. The required walkway must be at least five feet wide, shall not be located within a driving aisle, and shall be located in a landscaped island running perpendicular to the primary building façade if possible. If located in a landscaped island, the minimum width of the island shall be increased by five feet to accommodate the walkway without reducing the amount of landscaped area.

(g) Preserve Existing Landscaping

(1) Purpose

The purpose of this section is to protect trees and vegetation that offer environmental, aesthetic, and economic benefits to the City and its citizens. Preserving existing trees and vegetation retains natural habitat, reduces erosion and sedimentation, and sequesters greenhouse gases such as carbon dioxide. Preserving mature trees also enhances the appeal and value of developed properties.

(2) Applicability

The tree and vegetation preservation standards shall apply to all development and redevelopment greater than one acre and to all subdivisions. They do not apply to the construction of a single-family detached, single-family attached, or two-family residential structure on already platted lots.

(3) Credit for Preserving Existing Vegetation

Applicants who preserve mature, healthy trees as part of development or redevelopment may obtain credits toward trees required by this Redevelopment Code. To obtain credit, the preserved trees must be on the same lot, at least five in. diameter breast height (DBH) and must be in healthy condition as determined by the City. The credit for preserved trees shall be as shown in Table 1104-G and may be applied toward the number of trees required to be installed pursuant to this Section 1104.05. Any preserved trees for which credit is given, and that are lost to damage or disease within two years after the credit is awarded, shall be replaced by the land owner with trees otherwise required.

TABLE 1104-G: TREE PRESERVATION CREDITS	
Caliper of Preserved Tree (in.)	Numbers of Trees Credited
Over 12 in. DBH	3
Over 8 in. to 12 in. DBH	2
5 in. to 8 in. DBH	1

(4) Significant Trees

- A. Significant trees shall be preserved during development or redevelopment to the maximum extent feasible. A “significant tree” means a tree of at least 24 inches in diameter for a deciduous tree and 18 inches for evergreens, measured at a height of 54 inches above the ground, that is not diseased, dying, or of a noxious invasive species.
- B. When a significant tree is removed, the developer shall replace such tree(s) on the lot as follows:

- i. A significant deciduous tree that is removed shall be replaced by three deciduous trees, each with a minimum size at planting of two and one-half inch caliper.
- ii. A significant coniferous tree that is removed shall be replaced by two coniferous trees, each with a minimum height at planting of eight feet.
- iii. Replacement trees shall be maintained through an establishment period of at least three years, except that single-family dwellings shall have an applicable establishment period of one year. The developer shall post a bond guaranteeing the survival and health of all replacement trees during the establishment period.

(5) Tree and Vegetation Protection During Construction

- A. The owner and developer shall be responsible for the erection of all barriers necessary to protect any existing or installed trees from damage both during and after construction in accordance with the standards of this subsection.
- B. All vegetation, significant trees, and trees intended for use as credit towards the landscaping and tree-protection standards of this Redevelopment Code shall be fenced in accordance with this subsection before grading or other land-disturbing activity begins. Fencing shall extend at least one foot in distance from the edge of the tree for each inch of diameter at breast height (DBH) to a maximum of ten feet, but in no case closer than five feet to the trunk.
- C. The developer shall erect a plastic mesh fence or chain link fence at the perimeter of the designated building envelope and a minimum of four feet in height at the drip line around each tree or group of trees to prevent the placement of debris or fill on vegetation to be preserved or within the drip line of any tree.
- D. All tree and vegetation protection measures shall be inspected and approved by the Director prior to start of any land disturbing activities. Failure to have protection measures inspected prior to the commencement of construction is a violation of this Redevelopment Code.
- E. The tree and vegetation protection fencing shall be clearly shown on the project approval documents. No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced area. Fencing shall be maintained until the land disturbance activities are complete.

(h) Wall and Fence Regulations

Walls and fences shall be designed to comply with the following standards:

(1) *Where Permitted*

Except as provided under Section 1101.01(a)(3) relating to corner lots, within any residential district, fences, walls and hedges may be permitted in any required setback yard or along the edge of any yard.

(2) *Height*

- A. No fence, wall, or hedge along the sides or front edge of any front yard shall be over three feet in height within 25 feet from the street right-of-way line.
- B. Fences and walls more than 25 feet from the street right-of-way line shall not exceed six feet in height in residential districts, eight feet in mixed use districts, and 10 feet in industrial districts.
- C. This provision shall not apply to open mesh –type fences erected on public recreational areas, school grounds, parks or playgrounds.

(3) *Articulation and Design*

- A. No wall or fence facing a collector or arterial street or adjacent to an interstate highway shall extend continuously for more than 100 feet without articulation as described below.
- B. No wall or fence facing any other type of public street shall extend continuously more than 50 feet without articulation as described below.
- C. Columns or pilasters shall be installed and shall be a maximum of 25 feet apart.
- D. Fences or walls shall be articulated using any combination of the following:
 - i. Changes in material or texture, including the use of view walls that allow for views into the site;
 - ii. Offsets in alignments (projections or recessions);
 - iii. Landscape pockets; or
 - iv. Similar features approved by the Director as creating at least the same degree of visual variation to passing drivers, bicyclists, and pedestrians.
- E. Fences, walls, and hedges may be placed up to the property line, and any outstanding posts or supporting rails shall face inward toward the property being fenced.

(4) *Wall and Fence Materials*

- A. Walls and fences shall be constructed with any one or more of the following materials:
 - i. Integrally-colored, split-face, or ground-face concrete masonry units (CMU);

- ii. Concrete masonry units that have been painted, stuccoed, or faced with another permitted material;
 - iii. Stone (natural or simulated);
 - iv. Brick;
 - v. Wrought-iron or other decorative metal ; or
 - vi. Wood (painted or stained).
- B. Chain link fencing visible from adjacent rights-of-way shall be prohibited on all sites that contain a use other than a use in the Industrial category of Table 1103-A, except as necessary to ensure public safety during approved construction activities on the site.

(i) Screening of Mechanical Equipment

In all residential districts, mixed use districts, and the Green Industrial district, when it is necessary to place mechanical equipment above ground, it shall be screened from view and landscaped to meet the standards in this subsection.

(1) *Underground Utility and Communication Lines*

New development and all redevelopment valued at over 50 percent of the current assessed value of the property shall place all utility and communication lines underground.

(2) *Applicability*

- A. The standards of this section shall apply to all electrical and gas-powered mechanical equipment, ductwork and major plumbing lines used to heat, cool, or ventilate; and power systems for the building or site upon which the equipment is located.
- B. The standards of this section shall not apply to roof and/or wall-mounted antennas and vent openings, ground or roof mounted solar, wind, or geothermal energy devices, rainbarrels, composting equipment, or franchise utility boxes.

(3) *Single Family Residential Screening Standards*

- A. Roof-mounted mechanical equipment, except solar energy systems, is prohibited on single-family and two-family residential dwellings.
- B. On residential lots, ground mounted mechanical equipment shall be located behind the building line of the house and screened from public view by a screening device, or landscaping.
- C. Ground mounted mechanical equipment located in the public right-of-way or designated open spaces shall be screened with a screening device or landscaping, or a combination of the two. Such screening or landscaping shall be maintained by the adjacent property owner or the community's home owners association.

(4) Multi-Family, Mixed-Use, Commercial, and Industrial Screening

For all developments other than single-family detached, single-family attached, or two-family residential, mechanical equipment shall be screened to the following standards.

- A. Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be of a height equal to or greater than the height of the mechanical equipment being screened.
- B. Ground-mounted mechanical equipment shall be screened from view by landscaping or by a decorative wall that is compatible with the architecture and landscaping of the development site. The wall shall be of a height at least equal to or greater than the height of the mechanical equipment being screened.
- C. The Director may approval alternative screening, which may include but shall not be limited to increased landscaping, grouping the equipment on specific portions of a site, and painting or otherwise camouflaging the equipment, if the Director determines that the alternative will provide equal or better buffering of the equipment from public view.

(5) Screening of Service, Loading, and Storage Areas

For all developments other than single-family detached, single-family attached, or two-family residential, outside service, loading, and storage areas shall be located and screened as follows. These areas shall also be paved with permanent hard surface material and well drained.

A. Placement

- i. All service areas shall be placed at the rear, on the side of, or inside buildings.
- ii. No service area shall be visible from a public right-of-way or from adjacent residential areas.
- iii. Service areas and access drives shall be located so they do not interfere with the normal activities of building occupants or visitors on driveways, walkways, in parking areas or at entries.

B. Outside Storage Areas and Loading Docks

All storage areas, service areas, and loading docks not screened by an intervening building shall be screened from view from any public street right-of-way. In addition, storage and loading areas shall be screened from view from any adjoining property when that property requires a transitional buffer as identified in Table 1104.05-F. Property in the IG district shall screen from view all outside storage areas that are adjacent to other districts.

- i. Screening shall include an opaque screen consisting of one or a combination of freestanding walls, wing walls, or fences; earthen berms in conjunction with trees and other landscaping; and/or landscaping that shall block all views of the equipment and shall be eight feet in height within 18 months of planting.
- ii. Screening shall be a minimum height of eight feet to screen truck berths, loading docks, areas designated for permanent parking or storage of heavy vehicles and equipment or materials.
- iii. Screening shall be long enough to screen the maximum size trailer that can be accommodated on site.

C. Refuse Facility Screening

All refuse facilities, including new refuse facilities placed on an existing developed site, shall be large enough to accommodate both a trash dumpster and a recycling dumpster and shall be completely screened from view of public streets and adjoining nonindustrial zoned properties by:

- i. Meeting the requirements of the other sections of this Code; or
- ii. Screening on three sides by a minimum six-foot masonry wall enclosed by evergreen plantings. Screening shrubs shall be a minimum of four feet in height at installation and shall provide a minimum six-foot high screen when fully grown. The access opening shall be oriented so that the container is not visible from adjacent properties or public streets and shall have a metal clad opaque gate. Chain-link gates are not permitted.

(j) Visibility at Intersections

On corner lots in residential districts nothing except utility poles and light or sign standards shall be erected, planted, or allowed to grow so as to impede vision between a height of 30 inches and ten 10 feet above the center line grades of intersecting streets. The restricted area shall include a triangular area bounded by the street right-of-way lines adjacent to the corner lot and a diagonal line joining those right-of-way lines at a point 50 feet from their point of intersection, or in the case of rounded corner, from the point of intersection of their tangents.

(k) Stormwater Detention and Retention Facilities

- (1) Stormwater detention and retention facilities shall comply with all applicable standards in the Mahoning Valley Drainage and Erosion and Sediment Control Manual, as amended.
- (2) No stormwater detention or retention facility shall be located in a required front yard setback area.

(I) Alternative Landscaping

In lieu of compliance with the specific landscaping requirements of this section 1104.05, an applicant may propose to the Director an alternative approach to compliance consistent with the intent of this section. An alternative compliance approach is designed to provide administrative flexibility in order to respond to unique site conditions or abutting or surrounding uses, and must not result in reductions in the amount or quality of required landscaping, buffering, or screening. The Director may approve a proposal under this section only if he or she determines that the proposed alternative compliance achieves required landscaping, buffering, and screening to the same degree or better than the provisions of this section.

1104.06. Design Standards

(a) Intent

The intent of this section is to:

- (1) Allow full development of properties consistent with the dimensional standards established in Sections 1104.01 and 1104.02 while establishing baseline requirements for building and site features that will create stable residential neighborhoods, mixed use, commercial, and industrial areas.
- (2) Enhance the public realm.
- (3) Reduce conflicts between existing and new structures.
- (4) Encourage effective development of street frontages and other public elements that enable new projects to add value to existing communities.
- (5) Encourage creative and sustainable design responses to contemporary opportunities.
- (6) Improve the overall design quality of the City through the use of objective standards that can be administered by the Planning Department without the need for individualized design review of projects.

(b) Applicability

- (1) The standards of this section shall apply to all new development except:
 - A. Structures in which the principal use is one of the following use categories or subcategories as shown in Table 1103-A.
 - i. Single-family detached residential;
 - ii. Single-family attached residential;
 - iii. Two-family residential;
 - iv. Park or playground;
 - v. Utilities;
 - vi. Automobile Parking Lot or Garage (primary use);

- vii. Urban agriculture; or
 - viii. Industrial.
 - B. A change in the principal use of an existing structure that does not alter the exterior of the structure (except for identifying signage).
- (2) In the case of any conflict between the design standards of this section and design standards applicable to a particular project because of its location in an overlay district listed in Section 1102.03, Overlay Zoning Districts, or because of a use-specific standard in Section 1103.02, Use-Specific Standards, the provisions of the overlay district or use-specific standard shall govern.

(c) Multi-Family Residential, Commercial, and Institutional

(1) Entries

Each principal building shall have one or more operating entry doors facing and visible from an adjacent public street. The location of the entry on the building façade shall be emphasized by the use of different materials, wall articulation around the entry or foundation plantings around the entry.

(2) Transparency

When the primary use of the ground floor frontage of a structure categorized as Commercial in Table 1103-A, a minimum of 20 percent of each facade area that faces a public street shall be composed of transparent materials. At least one-half of this amount shall be provided so that the lowest edge of the transparent materials is no higher than four feet above the street level.

(3) Wall Plane Articulation

When the primary use of the building is not categorized as Industrial in Table 1103-A, each facade greater than 100 ft. in length abutting a public street shall incorporate architectural features such as wall plane projections, recesses, or other building material treatments and textures that visually interrupt the wall plane. No uninterrupted length of any facade shall exceed 100 horizontal ft.

(4) Roof Shape

When the primary use of the building is not categorized as Industrial in Table 1103-A, and the building has a sloping roof, at least one projecting gable, hip feature, or other break in the horizontal line of the roof ridgeline shall be incorporated for each 100 lineal feet of roof. When the primary use of the building is not categorized as Industrial in Table 1103-A and the building has a flat roof, the design or height of the parapet shall include at least one change in setback or height of at least three feet along each 100 lineal feet of façade.

(5) Canopies and Awnings

- A. Canopies and awnings shall be architecturally integrated with the building to which they are attached.
- B. All canopies and awnings shall be mounted with a minimum vertical clearance of seven feet between sidewalk grade and the bottom edge of the canopy or awning.

1104.07. Exterior Lighting

(a) Intent

The standards of this section 1104.07 are intended to protect residential uses from excessive night time light and glare and to protect motorists from glare along public rights-of-way, to reduce consumption of electricity for lighting purposes, and to assure that exterior lights are shielded through the use of full cut-off fixtures so that they do not cast direct light beyond the property line adjacent to residential areas and public rights-of-way.

(b) Applicability

(1) General

In all districts except the IU district, all exterior lighting for all development other than a single-family detached, single family attached, or two-family residential structure shall comply with the standards of this section, unless excepted in subsection (2) below.

(2) Exceptions

The following types of lighting are not subject to the requirements of this section:

- A. Public street and right-of-way lighting.
- B. Temporary decorative seasonal lighting.
- C. Temporary lighting for emergency or nighttime work and construction.
- D. Temporary lighting for theatrical, television, and performance areas, or for special public events.
- E. Lighting for a special district, street, or building that, according to an adopted City plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
- F. Lighting required and regulated by the Federal Aviation Administration.
- G. Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts, and similar uses, provided that (a) light poles are not more than 80 feet tall, (b) maximum illumination at the property line is

not brighter than two footcandles, and exterior lighting is extinguished no later than 11:00 pm.

(c) Lighting Plan Required

All development subject to this section shall submit a proposed exterior lighting plan concurrently with the development application. The exterior lighting plan shall include specifications for streetlights, parking lot lights, and exterior building lights including fixture heights and design, lamp type, wattage, and spacing of lights.

(d) Lighting Height

- (1) In all residential districts and the R-MU district, the maximum height of light poles or lighting mounted on the side or roof of a building is 20 feet.
- (2) In all other mixed use districts and all special purpose districts (except the IU district), the maximum height of light poles or lighting mounted on the side or roof of a building is 35 feet.
- (3) In all districts where this section 1104.06 applies, the maximum height of lighting for pedestrian walkways that are not part of a parking lot is 15 feet.

(e) Light Shielding

- (1) Any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an IESNA full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property.

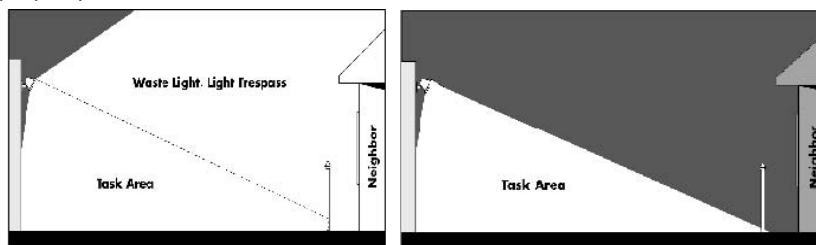


Figure 1104-O: Light Trespass Illustration

- (2) Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Wall mounted lights shall be directed downward. Soffit or canopy mounted light fixtures shall be recessed in the soffit or otherwise fully shielded.
- (3) Lighting on automobile service station, convenience store, and other outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy. Maximum lighting level uniformity (maximum to minimum) on the site shall be 15:1.

(f) Lighting Intensity

All lighting shall have the intensities and uniformity ratio consistent with the Lighting Handbook of the Illuminations Engineering Society of North America (IESNA), and shall be designed and located so that the illumination measured in footcandles at the finished grade shall comply with the standards in Table 1104-H, Minimum and Maximum Illumination Values.

TABLE 1104-H: MINIMUM AND MAXIMUM ILLUMINATION VALUES (IN FOOTCANDLES)				
Use	Minimum light Levels in Parking Lots	Maximum Average Illumination in Parking Lots	Maximum Illumination at Property Line (excluding rights-of-way)	Maximum Illumination at Right-of-Way
Agricultural Uses	None	2.5	1.0	2.0
Residential Uses	0.2	1.0	1.0	1.0
Commercial, Retail, Office, Mixed Uses and Institutional Uses	0.2	2.5	1.0	2.0

(g) Lighting Efficiency

All installed lighting shall meet the minimum energy efficiency standards in Table 1104-I.

TABLE 1104-I: MINIMUM LIGHTING EFFICIENCY		
	Residential and MU-R districts	All Other Districts (except IU)
Maximum permitted initial lamp lumens per sq. ft.	9.7 lumens/sq. ft.	13.9 lumens/sq. ft.
Minimum lumens per watt of energy consumed (as documented by manufacturers specifications or an independent testing laboratory)	80 lumens/watt	80 lumens/watt

1104.08. Signs

(a) Purpose

The purpose of the regulations in this Section 1104.08 is to regulate non-commercial, commercial and event signage with a comprehensive system of reasonable, effective, consistent and nondiscriminatory sign standards and

requirements in compliance with all state and federal laws. Additional standards for signs in specific areas of the city may be contained in Section 1102.03 Overlay Zone Districts. The intent of these regulations is not to limit the message content of signs but to regulate the time, place, and manner of their display; to balance the free speech of individuals with the collective rights of the community. Finally, it is the intent to create sign regulations that are completely severable, so that if any provision of these regulations is found to be in violation of state or federal law that section shall be severed and all remaining portions of these regulations shall remain in full force and effect.

(b) Objectives

City Council hereby declares that the enactment of these sign regulations is necessary to achieve the above stated purposes and to accomplish the following objectives:

- (1) Accommodate the advertising needs of businesses and improve the image of business areas by creating an aesthetically attractive environment that promotes business and is inviting to the public.
- (2) Enhance the aesthetic quality of the City by encouraging signage that is compatible and appropriate with surrounding buildings, landscaping and other site features.
- (3) Establish sign standards that will enable the public to locate goods, services, and facilities in Youngstown easily.
- (4) Recognize that signs constitute a uniquely public form of communication that has effects on the public that more selective media do not.
- (5) Reduce the confusion and visual clutter caused by proliferation, improper placement, illumination, animation, and excessive height and area of all signs that also compete for the attention of pedestrian and vehicular traffic.
- (6) Protect the public from the dangers of unsafe signs and require signs to be located, constructed, installed and maintained in a safe and satisfactory manner.
- (7) Establish sign size in relation to the scale of the lot and building frontage along which the sign is to be placed.

(c) Signs That Do Not Need a Permit

The following signs shall be exempt from the requirement to obtain a permit prior to construction or erection, but shall be required to comply with all applicable standards in this Section 1104.08, including but not limited to any conditions related to their exemption in this Section 1104.08(c). Displays that the Building Inspector determines to be only incidental displays of a type exempted in this subsection (c) but are part of a larger non-exempt signs shall be subject to the provisions of this Chapter. For example, a sign that also contains a time and temperature display is not exempt simply because it contains that display.

-
- (1) Artistic murals and displays. Any displays constituting signs that are officially designated by the Design Review Committee as works of art, such as statuary, murals, or sculpture.
 - (2) Construction signs not exceeding thirty 32 square feet in size and ground or sidewalk markings made for utility and construction purposes. Such signs shall be removed prior to issuance of a Certificate of Occupancy.
 - (3) Flags, but no more than two per parcel.
 - (4) Displays that are not signs, as defined in Chapter 1106, but not including festoons.
 - (5) A clock, thermometer, or any measuring instrument that is not in any other respect a sign.
 - (6) Signs on motor vehicles, boats, aircraft, or other moving vehicles, whether moving or stationary, except vehicle signs, which are prohibited.
 - (7) Signs of less than one square foot each in sign area.
 - (8) Labeling placed by a manufacturer or distributor on merchandise or its packaging displayed in permitted outdoor sales displays, or signs displayed by retailers totaling 10 square feet or less per display or 10 square feet or less per street frontage occupied by the display.
 - (9) Government/Utility Signs that relate to public safety and welfare.
 - (10) Bulletin boards and bulletin board signs.
 - (11) Political Yard Signs. The regulations dealing with political yard signs are found in Section 541 of the City Code.
 - (12) Picket signs carried by striking workers, political protestors, or other aggrieved parties.
 - (13) Cornerstone inscriptions or other signs that are part of masonry facades of buildings.
 - (14) Landmark signs, as defined by the state or local historical societies or the Design Review Committee.
 - (15) Displays in the interior of roofless buildings intended to be seen only from the inside, such as athletic scoreboards or advertising signs along interior walls of an open stadium. Scoreboard panels designed to be viewed from outside the stadium are not exempt.
 - (16) Seasonal displays relating to a holiday period or seasonal festivals or the like that do not constitute a sign, as defined in Section 1106.
 - (17) Event signs for temporary uses.
 - (18) Signs required by law to be maintained or posted through governmental order, rule or regulation. This includes directional and traffic signs, legal notices, railroad and danger signs, public safety and convenience signs (such as those indicating public transit service, public utilities, pedestrian

convenience information), flags or other government insignia. These signs are also exempt from number, size and location requirements provided that the number, size and location comply with the terms of the order, rule, or regulation requiring their erection.

(d) Prohibited Signs

(1) Prohibited as Permanent Signs

The following signs are prohibited as permanent signs, but may be permitted as temporary or event signs pursuant to Section 1105.03(I).

- A. Banner signs;
- B. Search and beacon lights;
- C. Balloon signs;
- D. Festoons;
- E. Trailer signs consisting solely or largely of changeable copy areas;
- F. Portable signs consisting solely or largely of changeable copy areas; and
- G. Pennants and streamers.

(2) Prohibited as Permanent, Temporary, or Event Signs

The following signs and attention-getting displays shall be prohibited as permanent, temporary or event signs:

- A. Air activated signs;
- B. Flashing signs with lights or illumination that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations, and strobe lights visible beyond the property line, but excluding electronic message centers, which are regulated by Section (g)(3);
- C. Markings on street pavements, curbs, or sidewalks, except Government/Utility Signs or temporary markings related to utility service, construction, or children's play;
- D. Signs that move or rotate;
- E. Projected image signs;
- F. Roof signs;
- G. Signs on trash containers, public phones, parking meters, bus shelters, seat benches, and the like, but not including signs on vending machines, ATMs, coin-operated devices and gasoline pumps inherent to the machine's design or operation or required by law;
- H. Signs on rocks, trees, and natural objects;
- I. Signs on or attached to utility poles;

- J. Vehicle signs;
- K. Signs on fences or decorative walls, except that where a fence or screening device is required, a sign not exceeding one square foot in size identifying the sign installation company may be placed on that screening device;
- L. Signs in the public right-of-way, except authorized traffic control devices;
- M. Signs obstructing traffic visibility;
- N. Offsite signs, except as permitted in Section 1104.08(g);
- O. Any sign that by reason of shape, color, use of lighting, or other factor is similar in both size and appearance to any traffic signal or traffic sign or railroad sign or signal in a way that the Building Inspector or the Zoning Specialist determines may interfere with traffic movement or safety; and
- P. Any sign that or emits noise, smoke or other foreign substances that could distract motorists or cause a safety hazard.

(e) Standards Applicable in All Districts

(1) Permanent Sign Standards

The following standards apply to all permanent signs unless specifically exempted in other parts of this Section 1104.08 or by a variance granted by the Board of Zoning Appeals. The following standards are minimum requirements additional requirements in Sections 1102.03 Overlay Zoning Districts, or 1103.02 Use Specific Standards may also apply.

A. Maximum Sign Area

- i. The area of a sign shall be equal to the total exposed surface devoted to a sign message, including ornamentation, embellishment and symbols, but excluding supporting structures.
- ii. The aggregate area of all signage on a single parcel of land shall not exceed one square foot of signage per linear foot of lot frontage. Parcels with dual frontage may calculate maximum allowable aggregate area as the total of two frontages.
- iii. The maximum area of any each type of sign shall be determined by the following formulas:
 - a. No wall-mounted sign shall exceed ten percent of the area of the façade on which it is mounted, up to a maximum of 150 square feet.
 - b. No projecting sign shall exceed one-half square foot per linear foot of building frontage to a maximum of 32 square feet.
 - c. No freestanding pole or monument sign shall exceed 120 square feet in size, and only one freestanding sign is permitted per lot.

- d. The combined area of all window signs (including signs mounted up to 18 inches away from the glass surface but designed to be visible from outside the building) shall not exceed 30 percent of the glass area on the ground floor façade of a structure on which those signs are visible.
- iv. Single-Faced Signs. The area of a sign with one sign face shall be calculated as the total area of the face. In the case of cutout letters, displays, symbols, statuary, logos, or embellishments, the area will be calculated as that area which can be enclosed within the smallest rectangle, series of attached rectangles, or other geometric shapes that can enclose those letters, displays, symbols, statuary, logos, or embellishments.
- v. Double-Faced Signs. The area of a sign with two sign faces shall be calculated as one sign face if the sign faces are identical and parallel; otherwise, each sign face will be counted separately.
- vi. Multi-faced (three or more) Signs. The sign area shall be computed as the sum of the area of all sign faces.
- vii. Multiple Signs. Whenever more than one sign is hung continuously or placed on a freestanding or projecting structure, the combination of signs shall be considered as one sign for the purpose of computing sign area and determining the number of signs on a parcel.

B. Height

The maximum height for any freestanding sign and supporting structure is 30 feet. Height is measured from the average grade at the base of the sign to the top of the highest point of the sign.

C. Location

- i. No sign shall be placed so as to impede the visibility of motorists or pedestrians.
- ii. Signage may be mounted on any side of a building.
- iii. No signs or sign structures shall be built or placed on the sidewalk, curb or area between sidewalk and curb, or within any public right-of-way.
- iv. Projecting signs located over sidewalks or public ways shall be placed with a minimum vertical clearance of not less than eight and one-half feet from the travel way to the base of the sign. The projecting edge of the sign shall not extend closer than two feet to any curb line.
- v. Freestanding signs shall be installed a minimum of six feet from the street right-of-way and five feet from each side lot line. No sign may cross over a side or rear lot line to overhang any portion of another lot.
- vi. On a corner lot, freestanding signs shall not be placed within a triangle formed by measuring 25 feet along each right-of-way line and connected by a hypotenuse.

D. Illumination

- i. The source of a sign's illumination (bulb or direct lamp image, but not including neon sign elements) shall not be visible from any street, sidewalk or adjacent property.
- ii. Internally illuminated single-sided signs (including changeable copy signs) larger than 32 square feet shall have the copy in a darker color than the background.
- iii. The light from any illuminated sign shall be shaded, shielded or directed so that the light intensity or brightness will not be disruptive to residential property or create a distraction to a motorist.
- iv. Only indirect lighting (not internal lighting) may be used for signs visible from residential districts.
- v. On premises digital signs shall comply with the timing and brightness requirements for off premises digital signs as described in Section 1104.08(g)(3)B through E.

E. Marquee Signs

- i. Marquee signs shall be constructed entirely of metal or noncombustible materials and may be attached to or hung from a marquee.
- ii. When hung from a marquee, at its lowest level marquee signs shall be at least seven feet above sidewalk or ground level.
- iii. Signs may be attached to the sides and front of a marquee and such signs may extend the entire length and width of such marquee, provided the sign does not exceed more than six feet above nor one foot below such marquee, but under no circumstances shall any sign have vertical dimensions greater than six feet.

F. Structural Safety

- i. All exterior signs shall be designed and constructed in accordance with the current regulations of the Ohio Building Code, including but not limited to provisions regarding wind and snow loads, applicable to that type of sign, if any. The Building Inspector may require structural signs to be designed by an Ohio licensed engineer with plans complete with required information and professional stamps.
- ii. All electrical service for sign lighting shall be provided with underground or hidden devices. All such devices, as well as signage using electrical devices, must comply with the current edition of the National Electrical Code.
- iii. Exposed reflective type bulbs, incandescent lamps or other illuminating devices that exceed 40 watts shall not be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

- iv. All parts of any electric, illuminated or transparent sign shall be of metal or other materials that are not readily combustible.
- v. Freestanding signs must be anchored in concrete unless the Building Inspector determines that the structure is sufficiently small to allow alternative means of anchoring without risk to public safety or property.
- vi. Wall-mounted and projecting signs shall be directly secured by metal anchors, bolts, supports, stranded cable or braces, in such a manner as to assure that the sign remains securely attached to the wall.

G. Pre-existing Signs

No sign or billboard erected before July 24, 2009 shall be repaired or altered unless it is brought into compliance with the requirements of this Section 1104.08, but repairs may be made to the structural supports of any sign if necessary to keep the sign in safe condition.

H. Message Substitution

A non-commercial message may be substituted for a commercial message on any sign permitted by this Section 1104.08.

(2) Temporary Sign Standards

- A. The area of a temporary sign shall not exceed 32 square feet. No temporary sign shall exceed four feet in vertical dimension.
- B. Signs permitted in conjunction with a conditional use or reuse permit for a temporary use shall not exceed 10 square feet.
- C. One plastic sign (placard) less than 10 square feet in area may be erected per street frontage without the need for a temporary sign permit. All other types of temporary signs that are not included in the permanent sign permitting process shall require a temporary sign permit as provided in Section 1105.03(I).
- D. Sandwich Signs shall be permitted in commercial zones or in front of commercial uses, provided they do not exceed 10 square feet in size and are removed daily.
- E. All banners, flags or pennants, whether suspended from marquees, canopies, awnings, utility poles or similar means, shall be hung with a vertical clearance of at least seven feet between sidewalk grade and the bottom edge of the banner, flag, or pennant.

(3) Standards Applicable to Permanent, Temporary, and Event Signs

- A. No tree, shrub, or other vegetation may be trimmed, removed, damaged, or destroyed for the purpose of enhancing sign visibility if:

- i. Its removal is prohibited or its preservation in its current state is required by any section of the City Code or any other requirement or condition under any City permit, or
 - ii. The owner or management of the property on which the vegetation is located has not given express written permission for the work.
- B. The total of all casually hand-lettered or hand-drawn signs on a lot or building site that were not , or do not appear to have been, designed by a sign or graphics professional shall not exceed two square feet of sign area.
- C. No sign shall be erected or placed over the face of an existing sign. No additional sign or advertising device shall be attached to or suspended from any sign.

(f) Additional Standards for Signs in Residential Zones

The following standards shall apply to signs in residential zones, in addition to any applicable standards in Section 1104.08(e) above. In the event of a conflict between the provisions of Sections 1104.08(e) and (f), the provisions of this Section 1104.08(f) shall apply.

- (1) **Permanent Signs.** For all uses other than urban agriculture, aquaculture and hydroponics, and farmers markets, only one permanent sign shall be permitted in the yard and it shall be limited to six square feet in sign area and three feet in height, and one wall or surface sign, limited to two square feet, may also be displayed. For urban agriculture, aquaculture or hydroponics, and farmers markets, one permanent sign shall be permitted facing each street frontage, and it shall be limited to 12 square feet in area and three feet in height.
- (2) **Temporary Signs.** Residential properties shall be limited to two temporary signs. These signs shall be limited to four feet in height and nine square feet in sign face area and shall not be located in the public right-of-way.
- (3) **Permitted Non-residential uses and Non-conforming Uses.** Signage for permitted, conditionally approved, or legal non-conforming multi-family, institutional, commercial, and mixed uses in residential districts shall be regulated according to the same standards in this Section 1104.08 that would apply to those signs if they located in a district where the use was a conforming use.

(g) Outdoor Advertising Signs

Outdoor advertising signs are only permitted in the MU-DF, MU-FF, MU-C, I-G, and I-U.

(1) Structure Placement

- A. No outdoor advertising sign shall be placed or erected closer than 1,000 feet to any other outdoor advertising sign.

- B. No outdoor advertising sign may be erected in the area bounded by Wood Street on the north, Front street on the south, South Avenue/Watt Street to the east, and Belmont Avenue to the West, as shown on Figure 1104-P below.

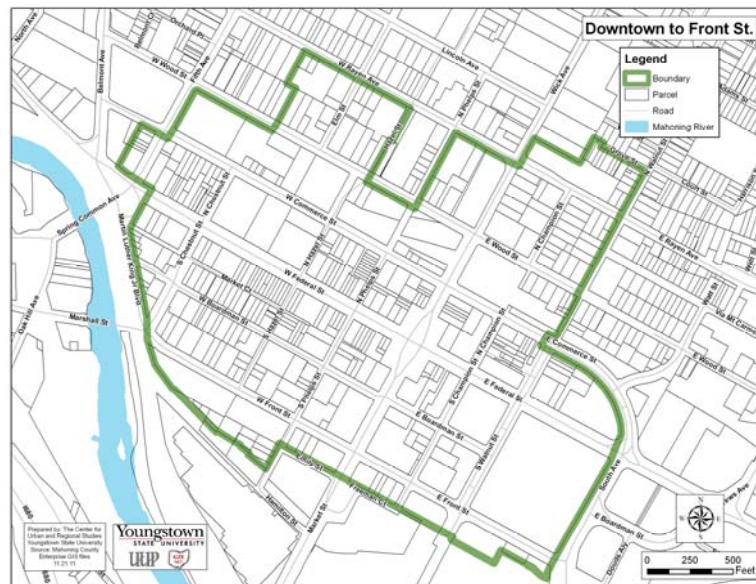


Figure 1104-P. Outdoor Advertising Prohibition Area

- C. No outdoor advertising sign shall be erected within a residential district or within 100 feet of any residential district boundary if it faces or is visible from that residential district.
- D. No outdoor advertising sign shall be erected within 150 feet of the nearest property line of any public park, playground, municipal, county, state or federal public or semi-public building, or within 150 feet of any park-drive, or parkway.
- E. No outdoor advertising sign shall be placed on the roof of any building.
- F. On corner lots, no outdoor advertising signs shall be erected or project within the triangular area formed by the street right-of-way lines of such corner lot and a diagonal line joining said lines at a point 35 feet from the point of intersection of such right-of-way lines.
- G. Outdoor advertising signs shall be subject to the same yard area requirements established for the zoning district in which the sign is located.

(2) Construction, Dimensions and Illumination

- A. All outdoor advertising signs must comply with the structural requirements of the current Ohio Building Code.
- B. No outdoor advertising sign structure shall contain over one sign per facing or shall exceed a length of 52 feet.
- C. The maximum height of an outdoor advertising sign shall not exceed 75 feet in the MU-C district, 75 feet in the MU-UF, I-G and I-U districts.
- D. Illumination of billboards shall be installed so as to direct the light on the sign and to minimize glare upon a public street or adjoining property.
- E. Landscaping at least 4 feet in width containing shrubs is required to screen the base of the pole or foundation for the billboard from view from public streets and abutting lots. Areas of the lot not landscaped shall be paved or covered with ground cover such as mulch, wood chips, bark, gravel, peat moss, or other non-living materials, and shall not be left as exposed dirt.
- F. After June 10, 1987, ground mounted outdoor advertising sign structures may only be erected in the MU-DF, MU-FF, districts as temporary signs and shall be removed within 30 days after written notice by the property owner that a new development is being constructed on the premises where the outdoor advertising sign structure is located, or within 30 days after written notice of the City Council.

(3) Digital Signs

All sign operators installing, testing, or maintaining digital signs shall comply with the following requirements, in addition to the requirements of Sections 1104.08(1) and (2) above:

- A. Only one digital sign face shall be allowed per structure.
- B. The dwell time, defined as the interval of change between each individual message, shall be at least ten seconds, and a change of message must be accomplished within one second or less. The dwell time shall not include the one second or less required to change a message.
- C. The digital sign shall contain a default mechanism that will freeze the sign in one position if a malfunction occurs.
- D. The digital sign may not display light at intensities exceeding those in Table 1104-J. Prior to the issuance of a permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 7,000 NITS and that the intensity level is projected from end-user manipulation by password-protected software or other method as deemed appropriate by the Building Inspector or Zoning Specialist.

TABLE 1104-J: MAXIMUM DIGITAL SIGN INTENSITY LEVEL (NITS)		
Color	Daytime	Nighttime
Red only	3,000	1,000
Green only	6,000	2,000
Amber only	4,500	1,500
Full color	7,000	2,500

- E. Digital signs shall not be configured to resemble a warning or danger signal or to cause a driver to mistake the advertisement for a warning or danger signal.
- F. Due to the increased amount of distraction caused by electronic message centers, billboard operators shall be required to remove four times the surface area of the proposed sign in existing static billboards prior to installing a new digital sign.

1104.09. Subdivision Standards

(a) Applicability

- (1) The standards and requirements of this Section 1104.09 apply to all major and minor subdivisions and resubdivisions of land within the City's area of subdivision jurisdiction, which include all lands within the boundaries of the City plus unincorporated land to a distance of three miles outside of those boundaries, to the full extent permitted by Ohio law.
- (2) These standards and requirements are the minimum necessary to insure that new subdivisions are properly developed and to protect the public health, safety, and welfare.
- (3) The standards and requirements of this Section 1104.09 shall also apply to applications to designate lots, blocks, streets, driveways, and open spaces for four or more development parcels through a condominium arrangement rather than by subdividing the property.
- (4) In addition to complying with the provisions of this Section 1104.09, all major and minor subdivision plats and replats shall create lots, street and walkways, and open spaces consistent with the requirements of the zone district within which the land is located.
- (5) In addition to complying with the provisions of this section 1104.09, all major and minor subdivision plats and replats shall comply with all City regulations regarding the construction of required infrastructure and the design, quality, and timing of the required infrastructure.

- (6) In case of a conflict between the requirements of this Section 1104.09 and a provision of in Section 1102 Zone Districts or Section 1104.02 Building Form Standards, the provisions of Sections 1102 or 1104.02 shall apply.

(b) Consistency with Adopted Plans Required

- (1) To the greatest degree practicable, the design of all major subdivisions shall be consistent with the City's adopted comprehensive plan, as amended, and with the most current adopted major street plans and parks and recreation plans.
- (2) Whenever a parcel or parcels proposed for subdivision abut or lie in the path of a street designated as a Major Street or Secondary Major Street in a current adopted plan the land shall be subdivided so that the alignment and width of the streets is consistent with the location and standards specified in the adopted plan.
- (3) The City Council may accept, but shall not be obligated to accept, any dedication of land for parks or other public purposes offered by an applicant for major or minor subdivision or resubdivision of land.

(c) Site Design

- (1) The site design process shall begin with an analysis of site constraints and natural resources, including but not limited to slopes over 15 percent, wetlands, rivers, creeks, unstable soils, and standards of mature trees, and the plat shall avoid development in those areas to the greatest degree practicable.
- (2) Except in Form Districts, plats shall be designed to allow for the on-site infiltration of stormwater to the greatest extent practicable, in order to reduce the need for stormwater infrastructure and related maintenance.

(d) Streets

(1) General

All streets shall conform with the topography of the land to be subdivided to avoid grades over five percent on major streets and 10 percent on minor streets, extensive cuts and fills, and unnecessary crossings of natural water courses and railroads, to the greatest extent practicable while still meeting the requirements of Section 1104.03 Connectivity and Circulation.

(2) Minimum Street Rights-of-Way

All streets shall provide rights-of-way with at least the minimum widths shown in Table 1104-K.

TABLE 1104-K: MINIMUM STREET WIDTHS

Type of Street	Minimum Right-of-Way Width
Major Streets	100 ft.
Secondary Major Streets	80 ft.
Minor Streets	
Feeder Street	60 ft.
Local Service Street	50 ft.
Marginal Access Street	40 ft.
Dead End Street	50 ft.

(3) Intersections

Intersections shall be planned to meet the following requirements:

- A. Streets shall intersect at an angle of 90 degrees, or as near 90 degrees as is possible. In no case shall the angle of intersection be less than 65 degrees. The angle of intersection shall be measured at the intersection of street centerlines.
- B. Property lines at street intersections shall be curves having a radius of not less than 25 feet.

(4) Curves

- A. A curve with a centerline radius of not less than 100 feet shall be used where a street centerline deflects more than 10 degrees.
- B. A tangent section at least 100 feet in length shall be used between reverse curves on all minor streets.
- C. A tangent section at least 250 feet in length shall be used between reverse curves on major or secondary major streets.

(5) Half-Width Streets

Half-width streets are prohibited except where a proposed major or secondary major street follows a property line.

(6) Temporary Dead-End Streets

Temporary dead-end streets shall be permitted only when the subdivider:

- A. Owns the land through which the temporarily dead-ended street can be continued, has obtained an approved preliminary plat showing such continuation, and constructs a temporary turn-around area that meets the requirements of the Commission for design, maintenance, and removal; or
- B. Does not own the land through which the temporarily dead-ended street can be continued but demonstrates that such continuation may be expected within two years and either plats no more than four lots fronting upon the temporary dead-end or constructs a temporary

turnaround area that meets the requirements of the Commission for design, maintenance and subsequent removal.

(7) Permanent Dead-End Streets

Permanent dead-end streets shall be permitted only where the Director determines that topographic conditions or the character of existing development on surrounding properties make the continuation of the street impossible or impracticable. Where permanent dead-end streets are permitted, they shall be no longer than 1,000 feet, and shall terminate in a turn-around having a minimum diameter of 100 feet. If a grass area is provided in the turn-around, the subdivider shall require by plat restriction that the grass area be maintained by the owners of property abutting the turn-around.

(8) Street Names

Street names may be selected by the subdivider provided that they meet the requirements below.

- A. Streets shall be designated by use of the terms; Street, Avenue, Road, Drive, Lane, Court and Place.
- B. Wherever a new street is a continuation of an existing street, the name and designation of existing street shall be continued.
- C. Street names shall not duplicate or sound similar to the names of existing streets within the area served by the Youngstown Post Office.

(e) Limited Public Rights-of-Way

Where a street or alley is not needed but a public right-of-way is needed to provide for adequate pedestrian circulation and utility outlets and connections, a limited public right-of-way with a minimum width of 15 feet shall be provided.

(f) Easements

(1) Utility Easements

Easements at least 15 feet in width shall be provided wherever necessary for sewers, storm drains, water mains, or other public utility lines or mains. Such easements shall be located along side or rear lot lines.

(2) Water Course Easements

An easement for safety and maintenance at least 25 feet in width shall be provided along every water course, drainage channel, or stream within a subdivision.

(g) Lots

(1) Size

- A. The size of any lot shall meet the requirements of the applicable zone district and all other applicable standards in this Redevelopment Code.
- B. The sanitary engineer shall review and approve plats of all subdivisions not served by public water systems or by public sewerage systems and may require larger minimum lot sizes if the topography or soil conditions are such that larger areas are required for safe water supply and sewage disposal.

(2) Design

- A. All lots shall abut a public street, be of reasonable shapes and be appropriate for the uses proposed in the subdivision.
- B. Side lot lines shall be at right angles to street lines or as close to right angles as practicable.
- C. Double-frontage and butt-end lots shall be avoided to the maximum extent practicable.
- D. Lots shall be oriented so that the long axis of the lot is within 15 degrees of east-west in order to increase solar orientation to the maximum extent practicable.
- E. Lots in Form Districts shall also comply with all additional requirements applicable to those districts.

(h) Blocks

(1) Dimensions

The minimum length of blocks is 300 feet and the maximum length is 450 feet, unless necessary to:

- A. Promote better vehicular and pedestrian circulation within the subdivision and access to areas outside the subdivision;
- B. Avoid steep grades, sensitive lands, extensive cuts and fills, and unnecessary crossings of natural water courses and railroads;
- C. Reinforce the character of existing and potential future development of areas surrounding the proposed subdivision.

(2) Design

- A. Blocks shall generally provide for two tiers of lots. However, blocks along major streets may be designed to provide one tier of lots facing a minor street and backing on the major street, provided that plat restrictions prohibit access from such lots to the major street.

- B. Lots in Form Districts shall also comply with all additional requirements applicable to those districts.

1104.010. Operating and Maintenance Standards

(a) Maintenance Requirement

(1) General

When the standards and procedures of this Redevelopment Code or by conditions attached to any permit, development approval, or variance require that any building or site feature be constructed or installed, the property owner is responsible for maintaining those building or site features in good repair, and for replacing them if they are damaged or destroyed or, in the case of living materials, if they die after installation. In addition, property owners shall be responsible for each of the additional maintenance, replacement, and operating standards set forth in this section.

(2) Maintenance of Signs

- A. Any private sign, including any sign for which a permit is not required, that has become damaged, dilapidated, or dangerous shall be immediately, or within the time frame mandated by the Director, repaired or removed. If the paint on any sign has checked, peeled, or flaked to the extent that the sign cannot be read in whole or in part, the sign shall be repainted or removed. Signs that contain messages that have become obsolete because of the termination of the use or business or product advertised, or for some other reason, shall have such message removed within 60 days of its becoming obsolete.
- B. If maintenance to meet the standards in subsections A is neglected, the City shall notify the sign owner in writing of the type of maintenance required. If the maintenance is not provided within 60 days, the Building Inspector may revoke the permit and, confiscate the sign face, or take any other action authorized by Section 1105.05, Enforcement and Penalties.

(3) Landscape Maintenance

Plant materials, landscaped areas, screens, or trees required to be installed or protected by this Redevelopment Code or by conditions attached to any permit, development approval, or variance shall be maintained in healthy growing condition, kept free from refuse and debris, and in neat and orderly. If any required plant material dies or becomes diseased, it shall be replaced by the property owner on or before October 1 of the year the dead or diseased planting is discovered or within the time frame established by the Director.

(4) *Parking Area Maintenance*

All surface parking areas shall be maintained in clean and neat condition. Potholes and surface breaks shall be promptly repaired, and litter and debris shall be removed on a regular basis.

(b) Operating Standards

All structures, uses, and activities in all zone districts shall be used or occupied so as to avoid creating any dangerous, injurious, noxious or otherwise objectionable condition that would create adverse impacts on the residents, employees, or visitors on the property itself or on neighboring properties. Uses and activities that operate in violation of applicable state or federal statutes or this Redevelopment Code are presumed to be a violation of this section 1104.10(b). Property owner responsibilities under this section shall include but shall not be limited to the following:

(1) *Glare*

Direct or reflected glare, including glare from exterior lighting, shall not be visible at the property line.

(2) *Noise*

All activities shall comply with state statutes and be conducted so as to avoid the creation of any noise that would create a public nuisance or a nuisance interfering with the use and enjoyment of adjacent properties. Any amplified sound equipment shall be mounted so as to direct sounds inward from properties, rather than outward towards property boundaries. Amplified sounds shall not be allowed to cross property lines unless a temporary use permit has been issued for that purpose in connection with a special event.

(3) *Odors*

All activities shall comply with state statutes and regulations. No operation shall cause or allow the emission of any odorous air contaminant that is a nuisance, hazard or exceeds applicable federal or state regulations. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a development or building permit.

(4) *Smoke*

All activities shall comply with state statutes and regulations. No operation shall discharged into the atmosphere any contaminant for which threshold limit values are listed for working atmosphere by the American Conference of Governmental Industrial Hygienists in such quantity that the concentration of the contaminant at ground level at any point beyond the boundary of the property shall at any time exceed the threshold limit established by such conference or by any state or federal law or regulation. Visible emissions of any kind at ground level past the lot line of the property on which the source of the emissions is located are prohibited.

(5) *Vibration*

No use or activity shall cause inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.

(6) *Hazardous Materials*

All uses and activities shall comply with state statutes and regulations regarding the use, storage, handling, and transportation of flammable liquids, liquefied petroleum, gases, explosives, hazardous materials, hazardous wastes, toxic materials and solid wastes, as those terms are defined by applicable statutes, rules, regulations, or ordinances.

(7) *Materials and Waste Handling*

All materials or wastes that might cause fumes or dust or that constitute a fire hazard or that may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, impermeable trash containers that are screened in accordance with the requirements of this Redevelopment Code. Lubrication and fuel substances shall be prevented from leaking and/or draining onto the ground. All sewage and industrial wastes shall be treated and disposed of in compliance with the water quality standards applicable of the state and federal government.

(8) *Electromagnetic Radiation*

No use or activity shall create or operate an intentional source of electromagnetic radiation that does not comply with the then current regulations of the Federal Communications Commission regarding that type of electromagnetic radiation source. In case of governmental communications facilities, governmental agencies, and government owned plants, the regulations of the interdepartmental Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation.

(9) *Nuclear Radiation*

No use or activity shall cause radiation at any property line that violates any regulation of the United States Nuclear Regulatory Commission.

(10) *Nuisance Prohibited*

All structures and land uses within the City shall be constructed, used, operated, and maintained in such a manner so as to be free of nuisances, as defined in state law.

Chapter 1105. ADMINISTRATION AND PROCEDURES

1105.01. Reviewers and Decision-Makers

(a) Director

The Director is that officer, official or designated employee given the duties of enforcement of this Redevelopment Code related regulations. The Director is responsible for administering and enforcing the provisions of this Redevelopment Code. The term Director includes any staff of the City under the supervision of the Director and authorized by the Director to perform duties related to the administration and enforcement of this Code.

(b) Board of Zoning Appeals

The Planning Commission has been designated to perform the duties of the Board of Zoning Appeals. Throughout this Redevelopment Code, references to the Board of Zoning Appeals and the Planning Commission refer to the same entity.

(1) *Establishment*

- A. The Board of Zoning Appeals of the City of Youngstown, Ohio, is hereby established. This Board shall be composed of the same seven members appointed by the Mayor as members of the City Planning Commission.
- B. The Board of Zoning Appeals shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Redevelopment Code.

(2) *Powers and Duties*

The Board of Zoning Appeals shall have the following powers and duties:

A. Appeals

To hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination of the Director in the enforcement of this Redevelopment Code, as described in Section 1105.04(p), Appeals.

B. Conditional Use or Reuse

To hear and decide upon request for permission to establish conditional use or reuse pursuant to Section 1105.04(l).

C. Subdivision Plats

To review and approve plats for major subdivisions pursuant to Section 1105.04(m). The Commission has delegated the authority to approve divisions and transfers without a plat and minor subdivisions to the Director and the Public Works Director and instructed to make those decisions on behalf of the Commission pursuant to Sections 1105.04(f) and (g), respectively. In addition, the Commission has delegated to the

Director and the Director of Public Works authority to approve final plats that comply with approved preliminary plats and all conditions attached to any preliminary plat approval, provided that any land dedications shall still require City Council approval.

D. Variances

To authorize variances from the terms of this Redevelopment Code pursuant to Section 1105.04(n), Variances.

(c) Design Review Committee (DRC)

(1) Membership

- A. The Design Review Committee shall consist of seven members appointed by the Mayor as follows:
 - i. The Director, who shall act as secretary;
 - ii. The Director of Public Works or his or her designee;
 - iii. At least two members shall be practicing registered architects;
 - iv. At least one member shall be a practicing registered landscape architect; and
 - v. Remaining members shall be citizens-at-large.
- B. With the exception of the two designated city officials, members shall serve two-year terms. New two-year term appointments shall be staggered so that no more than three occur in any given year.

(2) Powers and Duties

The Design Review Committee shall have authority to conduct design review of all proposals for development, redevelopment, demolition, exterior remodeling, and building additions pursuant to this Redevelopment Code, in the CDO Central Design Overlay district.

(d) Historic District Preservation Commission (HDPC)

(1) Membership

- A. The HDPC shall consist of nine members. Members should have a commitment to historic preservation together with a determination to maintain and safeguard the quality of the Historic Districts' physical environment.
- B. All members of the HDPC shall be Youngstown residents with a majority being residents of the Crandall Park neighborhood as delineated in 1990. A minimum of two members shall be owner-occupants of the historic districts. Appointments shall be made by the Mayor, with the exception of the Third Ward councilperson who serves concurrently with his or her

term of office. HDPC members shall serve without compensation and may be appointed for a maximum of two consecutive three year terms.

- C. The HDPC shall consist of:
 - i. The incumbent Third Ward councilperson who shall serve a term concurrent with his or her term in council;
 - ii. A preservation-experienced architect;
 - iii. A member of the Youngstown City Planning Commission;
 - iv. Two members of the building trades, one of whom shall be a contractor and the other, a skilled tradesperson;
 - v. A representative nominated by the Mahoning Valley Historical Society;
 - vi. A representative of the banking, savings and loan, or mortgage investment business; and
 - vii. Two residents of the Crandall Park neighborhood, one of whom shall be an owner-occupant.
- D. Of the eight appointed members, four shall be appointed for initial terms of two years.
- E. The Mayor shall have the power to remove any member of the HDPC for just cause. Vacancies caused by death, resignation, or otherwise, shall be filled for the unexpired term in the same manner as the original appointments within 60 days unless extenuating circumstances require a longer period.

(2) Powers and Duties

- A. The HDPC is empowered to hear, review, and recommend approval, denial or modifications or proposals for Certificates of Appropriateness involving environmental changes within the those Historic Districts listed in Section 1102.03(d) Historic Preservation Overlay district.
- B. In making its review and recommendations the HDPC shall use the U.S. Secretary of the Interior's Standards for Rehabilitation and any specific regulations established in this Redevelopment Code.
- C. The HDPC shall serve as an advisory group to and receive notice from the Planning Commission on matters of zoning within the HPO district.
- D. The HDPC shall provide informational literature and hold periodic public meetings to disseminate information on preservation and rehabilitation techniques and resources.

(e) Floodplain Appeals Board (FAB)

(1) **Membership**

City Council has appointed a Floodplain Appeals Board consisting of: The Deputy Director of Public Works, The Director of Planning, and The Chief Building Official.

(2) **Powers and Duties**

The FAB shall the authority to:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of the regulations in Section 1102.03(c), Flood Protection Overlay District, pursuant to Section 1105.04(p), Appeals.
- B. Authorize variances from the regulations in Section 1102.03(c), Flood Protection Overlay District, pursuant to Section 1105.04(o), Floodplain Variances.

1105.02. Procedures Table

Table 1105-A: Procedures provides a summary overview of the decision-makers for each of the procedures described in Section 1105.04, Specific Procedures.

TABLE 1105-A: SUMMARY OF PROCEDURES							
H = PUBLIC HEARING REQUIRED R = RECOMMENDATION D = REVIEW AND DECISION			A = APPEAL P = PUBLISHED NOTICE REQUIRED M = MAILED NOTICE REQUIRED				
Section	Procedure	Notice Required	Director	Design Review Board	Planning Commission / BZA	Other Body ¹	City Council
1105.04(a)	Building Permit				A	CBO: D	
1105.04(b)	Certificate of Occupancy				A	CBO: D	
1105.04(c)	Zoning Permit		D		A		
1105.04(d)	Sign Permit		D		A		
1105.04(e)	Multi-building Layout Permit		D		A		
1105.04(f)	Timber Harvesting Permit		D		A		
1105.04(g)	Division and Transfer of Property Without a Plat		D		A		
1105.04(h)	Minor Subdivision		D		A		
1105.04(i)	Design Review in CDO			D	A		

TABLE 1105-A: SUMMARY OF PROCEDURES							
H = PUBLIC HEARING REQUIRED R = RECOMMENDATION D = REVIEW AND DECISION			A = APPEAL P = PUBLISHED NOTICE REQUIRED M = MAILED NOTICE REQUIRED				
Section	Procedure	Notice Required	Director	Design Review Board	Planning Commission / BZA	Other Body ¹	City Council
1105.04(j)	Certificate of Appropriateness	P, M				HDPC: D	
1105.04(k)	Floodplain Development Permit					FA: D FBA: A	
1105.04(l)	Conditional use or reuse Permit	P, M			D-H		A
1105.04(m)	Major Subdivision Preliminary Plat	P, M	R		D-H		
	Major Subdivision Final Plat		D		A		
1105.04(n)	Variance	P, M			D-H		
1105.04(o)	Floodplain Variance	P, M				FBA: D-H	
1105.04(p)	Redevelopment Code Text or Map Amendment	P, M	R		R		D-H
1105.04(q)	Historic District Designation	P, M	R			R	D-H
1105.04(r)	Comprehensive Plan Amendment	P, M	R		R		D-H
1. BZA = Board of Zoning Appeals; HDPC = Historic District Preservation Commission; CBO = Chief Building Official; FA = Floodplain Administrator; FBA = Floodplain Appeals Board							

1105.03. Common Procedures and Requirements

(a) Application Submittal

(1) Who May File an Application

- A. Each application under this Redevelopment Code must be filed by the owner of land or a person named in a properly acknowledged power of attorney to develop or subdivide such land from the owner (s) or from the authorized agents of the owner(s).
- B. No application under this Redevelopment Code shall be received for processing or approved, and no application for a building permit shall be granted, when the applicant is in default under any related or unrelated agreement or obligation to the City.
- C. An applicant may not resubmit, in either the same or substantially the same form, an application that has been denied by the City within one year after the date of final action on the previous application.

- D. The applicant may withdraw an application at any time during the review process prior to a decision. Applications may not be withdrawn after a decision has been made, unless an appeal has been filed by the applicant, in which case the application not be withdraw after a decision on the appeal has been made.

(2) Required Application Materials

The applicant shall submit the application to the City. Application submittal requirements for every application type shall be as established by the Director and shall be indicated on submittal forms available in the Department of Planning and Zoning or on the City's website.

(3) Required Studies and Reports

- A. Reports or studies determined by the Director to be necessary to adequately evaluate the consequences of a proposed development, including but not limited to studies of soils, geological hazards, fiscal impacts, market analysis, traffic impacts, environmental impacts, and similar, may be required as part of the application submittal requirements.
- B. The applicant shall furnish information and data needed at the applicant's cost or, at the City's discretion, pay those costs of the study to the City so that the City may retain a consultant to prepare the required study.
- C. All required statements or analyses shall be executed by professionals or other persons qualified to provide the requested reports. Failure of the applicant to select a City-approved professional or consulting firm may result in the City's refusal to consider the report or study.

(4) Fees

- A. Fees for the review of an application shall be established from time-to-time by resolution of the City Council. The Council shall establish a schedule sufficient to cover the cost of City staff time, consultant's fees, public notices, and incidental expenses of the Department of Planning and Zoning.
- B. The City may also assess and collect such additional fees as it may deem appropriate to evaluate the impacts of the proposed development. The City shall base such additional fees upon the actual cost, whether by City employees or independent third parties, of performing related plan and document preparation and review, inspection of construction of public and related improvements, and all related services, including attorney and engineering fees.

- C. If a completed application is withdrawn after review, no portion of the fee shall be refunded. Later resubmittal of the same or a revised application in the future shall require payment of the application fee.
- D. If an application is continued at the applicant's request at any point in the review process, any additional costs of providing additional notices shall be paid by the applicant.
- E. If a preliminary plat or site plan is significantly revised during the review process, and the Director determines that a re-review is required, the additional costs of that re-review shall be paid by the applicant.

(5) Complete Application Required

- A. No application shall be reviewed by the Director or referred to other agencies or departments of the City for review until all of the forms, required materials, and fees have been submitted to the City.
- B. If the Director determines that an application is incomplete, the Director shall inform the applicant within 15 working days of the specific submittal requirements that have not been met.
- C. If the applicant fails to submit the missing materials in the detail in required by this Redevelopment Code or requested in the Director's notice within 30 days after the Director's notice, the application shall be inactive, and the Director shall return all application materials and the application fee to the applicant.

(b) Staff Review and Report

- (1) The Director shall review the application in accordance with the criteria established in this Redevelopment Code and any applicable regulations adopted by the City and shall prepare a written findings of fact.
- (2) If the application is one on which the Director is authorized to make a decision, the Director shall approve the make the decision if the application complies with all applicable standards of this Redevelopment Code, or shall approve with those conditions and modifications necessary to bring it into compliance with the provisions of this Redevelopment Code, and shall inform the applicant in writing of the decision. If the decision is to deny the application, the written notice of decision shall include the reasons for denial.
- (3) If the application requires a decision by an individual or entity other than the Director, the Director shall prepare a recommendation and submit the recommendation and findings to the individual or entity authorized to make the decision.
- (4) The Director and the individual or entity authorized to make the decision may, at its discretion, forward the application to any City department or any public or quasi-public agency that the Director determines (i) is legally required to receive a referral, or (ii) can assist in determining the impacts of

the proposed development and/or appropriate methods to avoid or mitigate those impacts.

(c) Notice

Notice shall be required for public hearings for procedures as indicated in Table 1105-A, Summary of Procedures, shall be provided by the applicant, and shall comply with the following standards:

(1) Published Notice

Where published notice of public hearing(s) is required, the notice shall be published at the applicant's expense in a newspaper of general circulation within the City at least 10 days prior to the public hearing date.

(2) Mailed Notice

For procedures where mailed notice of the public hearing(s) is required, notices shall be sent by first-class mail to all property owners within 300 feet of the property that is the subject of the application to the addresses of such owners appearing on the current property tax records, at the applicant's expense, and shall be postmarked at least 20 days prior to the meeting. The applicant shall file with the City a certificate that the required mailings have been completed, the date of the mailing, and the names and addresses of those to whom notices were mailed.

(3) Notice Content

Every required form of notice shall state the time and place of the hearing, the name of the applicant, the location of the property that is the subject of the public hearing (which may be shown by map), a brief summary of the subject matter of the hearing, a description of the proposed development, and a statement that the application or information relating to the proposed change or amendment is available in the Director's office during regular business hours for review or inspection by the public.

(4) Constructive Notice

Minor defects in any required notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. Defects in timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed and are not minor defects. If questions arise at the public hearing regarding the adequacy of notice, the entity making the decision shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Redevelopment Code.

(d) Public Hearings

Public hearings required by this Redevelopment Code shall be conducted according to the established rules and procedures for that body and the following requirements.

(1) *Who May Comment*

Any member of the public and a representative of any entity affected by the proposed application may appear and offer comments at the public hearing. The public hearing body shall consider all comments and evidence presented at the hearing.

(2) *Criteria*

The public hearing body shall make a recommendation or decision on the application based on whether it complies with the standards and requirements of this Redevelopment Code and review criteria applicable to the specific procedure listed in Section 1105.04 below.

(3) *Recommendation or Decision*

The public hearing body may make a recommendation or decision, as applicable, to approve, approve with conditions, modify, or deny the application. The decision shall be final unless a written appeal to the Court of Common Pleas is received by the City Clerk pursuant to Section 1105.04(o), Appeals.

(4) *Written Findings*

If the recommendation or decision is to impose conditions, modify, or deny an application, the public hearing body shall make written finding of which requirements of this Redevelopment Code support the decision. If the recommendation or decision is to approve the application without conditions or modifications, the public hearing body will be deemed to have made a written finding that all applicable requirements of this Redevelopment Code have been met based and review criteria applicable to the specific procedure listed in Section 1105.04 below.

(5) *Required Vote*

Pursuant to Ohio Rev. Code Section 713.12, where a decision under this Redevelopment Code is to be made by City Council, no ordinance, measure, or regulation that violates, differs from, or departs from the plan or report submitted to City Council by the Planning Commission or other board or officer shall take effect unless approved by not less than three fourths of the membership of the City Council.

(6) Continuation

The public hearing body may continue a hearing on its own initiative or at the request of the applicant. Where the applicant requests continuation after provision of notice, the cost of re-notification shall be paid by the applicant. Applicants shall be limited to two requests for continuance. If the application is not heard following the second request, it shall be considered withdrawn and the applicant will be required to resubmit the application for further consideration.

(e) Conditions on Approvals

- (1) The individual or entity making a final decision on an application impose such conditions, restrictions, or safeguards upon any application or upon the property benefited by an approval as may be necessary to:
 - A. Bring the application into compliance with the requirements of this Redevelopment Code or any previous development approval for the property, and/or
 - B. Prevent or minimize adverse effects upon other property in the vicinity or upon public facilities and services.
- (2) All conditions or approval shall be reasonably related to the anticipated impacts of the proposed use or development and shall be based upon duly adopted standards.
- (3) Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.
- (4) A time limit may be imposed for the satisfaction of any condition of approval.
- (5) Financial guarantees from the applicant if the entity making the decision determines they are necessary to ensure compliance with conditions of approval and protect the public health, safety, or welfare. The amount of any financial guarantee required shall not exceed 100 percent of the anticipated cost of performing any condition, including but not limited to the installation of infrastructure, streets, or any site amenities. The City shall release such guarantees in proportion to the amount of work performed, as determined by the Director, and shall be released completely when the Director has determined that all conditions attached to the approval have been or will be satisfied.
- (6) Any conditions imposed shall be expressly set forth in the permit or approval document, and violation of those conditions shall be a violation of this Redevelopment Code.

(f) Amendments

Following the issuance of a permit or development approval, an applicant may apply for an amendment to the permit or development approval as described in this Section 1105.04(f).

(1) Minor Amendment

- A. Minor amendments to any permit or development approval may be approved, approved with conditions, or denied administratively by the Director and may be authorized without additional public hearings. Minor amendments include only:
- i. Correction of any errors caused by mistakes in the application that do not materially alter the substance of the development plan or plat as represented to the City Council
 - ii. Any change to a permit or approval made administratively by the Director, provided that the proposed change would not have disqualified the original application from administrative review and decision by the Director if it had been included in the original application.
 - iii. Any change to any permit or development approval that was originally made by an entity other than the Director, provided that the change does not result in any of the following:
 - a. An increase in the approved number of dwelling units;
 - b. An increase in the amount of square footage of a non-residential land use or structure;
 - c. A change in the housing mix or use mix ratio;
 - d. A change to any portion or characteristic of the development that was the subject of questioning or the imposition of conditions or modifications by the public hearing or decision-making body on the initial application; or
 - e. A change in the character of the development as determined by the Director.
- B. The Director may refer a minor amendment to the decision-making body that was responsible for the original approval if the Director determines the amendment may nevertheless result in a significant change in the project.

(2) Major Amendments

Amendments to any permit or development approval are not determined by the Director to be minor amendments under subsection (1) above are major amendments. Major amendments shall be reviewed and processed in the same manner as required for the original application for which the amendment is sought and shall require the payment of full application fees.

(g) Appeals

- (1) This section applies to appeals from any decision related to this Redevelopment Code. Different types of decisions are subject to differing procedures and criteria for appeals, and in many cases are also subject to limitations on the types of variances that can be granted.
- (2) All appeals shall be filed with the City within 30 days of the decision being appealed, and shall state with specificity the error that was made or the section of this Redevelopment Code that was not correctly interpreted or applied.
- (3) Appeals to the Board of Zoning Appeals may be made by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decision of the Director based on this Redevelopment Code.
- (4) The Board of Zoning Appeals shall fix a reasonable time for the hearing of any appeal, request for permission to establish a conditional use or reuse, request for a variance, or other matters for which it has authority to make a decision under this Redevelopment Code, shall give at least seven days public notice, and shall decide the matter within a reasonable time after the hearing. Any party may appear in person or by agent.
- (5) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Director certifies to the Board of Zoning Appeals after the notice of appeal that, by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed unless a restraining order is issued by the Board of Zoning Appeals or by a court of record application after notice to Director and due cause shown.
- (6) In exercising its powers, the Board of Appeals may reverse or affirm wholly or in part, or may modify an order, requirement, condition, decision or determination of the Director, and to that end shall have all the powers of the Director, and may issue or direct the issuance of a permit or development approval.
- (7) If the appeal is from a decision of the Director regarding the sign regulations of Section 1104.08, Signs, the following provisions shall apply.
 - A. Prior to filing an appeal, the applicant or aggrieved party must request an interpretation of the regulations in Section 1104.08 by the Board of Zoning Appeals. The Board of Appeals shall issue its interpretation within 30 days of the request.
 - B. If, upon receiving the Board of Zoning Appeals interpretation, the applicant desires to proceed with an appeal, the appeal shall be made to the Courts rather than the Board of Zoning Appeals as described in Section 1105.04(p)(10).

- (8) If the appeal is from a decision of the Floodplain Administrator on an application for a floodplain development permit, the appeal shall be to the Floodplain Appeals Board rather than the Board of Zoning Appeals.
- (9) If the appeal is from a decision by the Historic District Preservation Commission on a certificate of appropriateness pursuant to Section 1105.04(h), the Board of Zoning Appeals shall base its review on the written findings of the HDPC as to present historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its importance to the City and shall make its decision within 40 days after receipt of the appeal. No building permit or other permit required for the activity applied for shall be issued while an appeal is pending.
- (10) Every decision of the Board of Zoning Appeals is subject to review by proceedings in the nature of certiorari. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Zoning Appeals shall have recourse to the Courts as provided by law.
- (11) Those aggrieved by the decision of the Floodplain Appeals Board may appeal that decision to the Mahoning County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

(h) Lapsing and Extension of Approvals

- (1) A building permit issued by the City shall expire one year after issuance unless construction work on the project has begun before that date.
- (2) Except as otherwise specified Section 1105.04, a permit or development approval (other than a building permit) granted under this Redevelopment Code shall expire two years following the date of final approval unless, prior to the expiration date, a building permit based upon such approval is issued and construction is commenced and diligently pursued toward completion.
- (3) An approval may be extended by body that issued the original approval for up to one year for good cause shown. The applicant shall submit a request for an extension in writing to the Director at least 30 days prior to the date that the approval will expire.

(i) Liability of City

Failure of the Director or any official or public employee of the City to observe or recognize hazardous conditions or to recommend corrective measures shall not relieve the landowner or operator from liability for the condition or for injury to persons or property resulting therefrom. The issuance or denial of a logging permit or any action by the City under this Redevelopment Code shall not create in the City, its officers, agents or employees any liability or responsibility for injury to persons or property caused by or related to such action. Nothing in this chapter shall be construed to relieve the landowner or operator from liability for injury to persons or property.

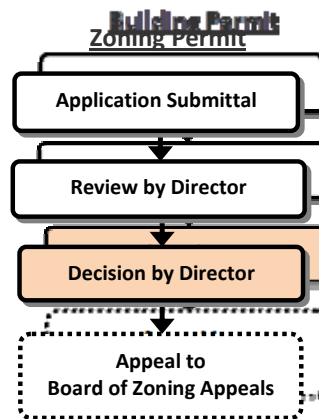
1105.04. Specific Procedures

Deleted: ¶

The provisions of this Section 1105.04 govern the review of each type of application listed below. These provisions supplement those contained in Section 1102.03, Common Procedures which may also apply to these specific procedures, as applicable.

(a) Building Permit

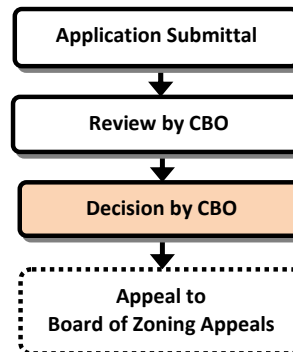
- (1) A Building Permit is required before beginning construction of any structure, building, or site improvement, unless expressly exempted by this Redevelopment Code or other City regulation or state law.
- (2) The Chief Building Official shall issue a building permit if the application complies with all requirements of the Zoning Permit and the most current applicable building code approved by City Council.



(b) Certificate of Occupancy

- (1) A Certificate of Occupancy is required before occupancy or use of:
 - A. Any lot or use of a lot;
 - B. A building that has been erected or altered; and
 - C. A change of use of any building or land.
- (2) The Chief Building Official shall issue a certificate of occupancy if the application complies with all requirements of the Zoning Permit and the building permit previously issued for the use or structure.

Certificate of Occupancy



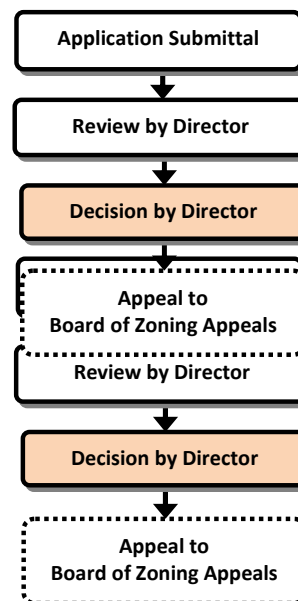
(c) Zoning Permit

- (1) No building permit shall be issued until a zoning permit has been issued by the Director. Zoning permits are required each time:
 - A. Any use is established;
 - B. A building or structure is erected;
 - C. A building or structure is altered; or
 - D. The use of any building or land is changed;
- (2) Zoning permits shall be reviewed and decided pursuant to the Common Procedures in Section 1105.03 applicable to decisions by the Director.

(d) Sign Permit

- (1) No person, firm or corporation shall erect, construct, maintain or repair any permanent, on premises, commercial signs as defined in any of the provisions of these regulations until a duly authorized representative of such person, firm, or corporation has been granted a license to do so by the City. The license is not transferable.
- (2) Application for a license to engage in the business of sign advertising shall be made to the Building Inspector of the City of Youngstown, in writing.
- (3) No permanent signs, except as exempted in Section 1104.08(c), shall be erected, re-erected, placed, moved, constructed, reconstructed, altered, or displayed unless a sign permit has been issued. If the sign is free standing or projecting from an existing structure a zoning permit is also required. A sign permit and a zoning permit for the sign may be applied for and reviewed at the same time.
- (4) Zoning permits shall be reviewed and decided pursuant to the Common Procedures in Section 1105.03 applicable to decisions by the Director. The Director shall make a decision within 30 days after the application.
- (5) Signs to be erected, constructed, maintained, or repaired within the Central Design Overlay District shall be subject to design review approval pursuant to Section 1105.04(j). The DRC shall make a decision on the application within 30 days after receipt of the application from the Director.
- (6) Temporary Signs are permitted as described in Section 1104.08(e)(2), Temporary Sign Regulations.

Multi-building Layout Permit



(e) Multi-building Layout Permit

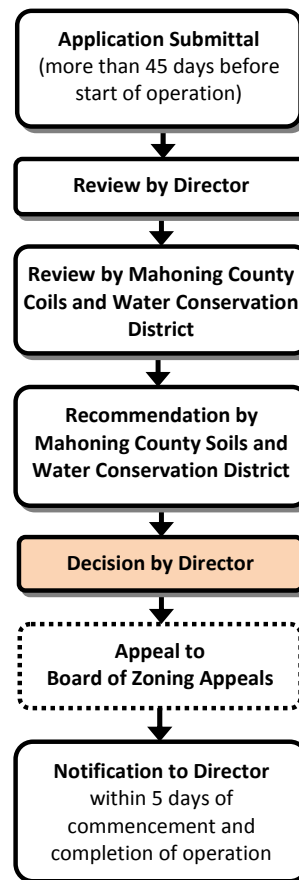
- (1) If an application proposed the development or redevelopment of more than one principal building on a lot or parcel, or for the construction of buildings that extend across existing lot lines in common ownership, no zoning permit shall be issued until the Director has issued a multi-building layout permit. This requirement shall not apply to construction of accessory buildings that comply with this Redevelopment Code. A multi-building layout permit and a zoning permit may be applied for and reviewed at the same time.
- (2) A multi-building layout permit shall be reviewed and decided pursuant to the Common Procedures in Section 1105.03 applicable to decisions by the Director.

- (3) As an additional review criteria, the Director shall determine whether the proposed structures are separated by adequate space to allow effective fire-fighting, and may also consider any applicable standards related to avoidance of natural features and sensitive lands that would apply if the property were being re-subdivided to accommodate the proposed structures.

(f) Timber Harvesting Permit

- (1) It is unlawful for any landowner or operator to conduct timber harvesting on a site one acre or greater in size except as provided for in an approved logging plan which is available at the harvest site at all times during the operation. A separate permit shall be required for each site where timber harvesting occurs.
- (2) At least 45 days before the operation is scheduled to begin, the property owner on whose land timber harvesting is to occur shall submit to the City a written logging plan, which serves as the application for a timber harvesting permit. The Director shall transmit a copy of all applications for logging permits and accompanying logging plans to the Mahoning County Soil and Water Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered for possible incorporation into the proposed logging plans.
- (3) A timber harvesting permit application shall be reviewed and decided pursuant to the Common Procedures in Section 1105.03 applicable to decisions by the Director. The director shall make a decision on the application within 45 days after receipt of the logging plan.
- (4) After approval (with or without conditions or modifications), the property owner or timber harvesting operator shall notify the Director in writing at least five working days before operations commence and also at least five working days before operations are completed under an approved logging plan. The notification shall identify the operation, and shall specify the commencement or completion date, as applicable.

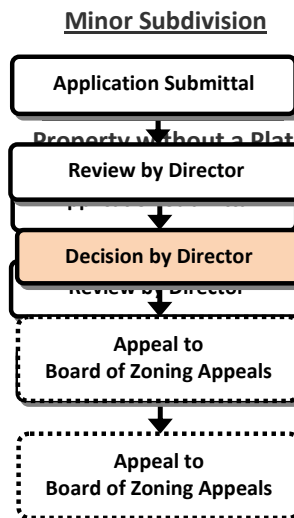
Timber Harvesting Permit



- (5) No change to shall be made to any approved logging plan unless authorization for such has been granted in writing by the Director.
- (6) Notwithstanding the provisions of Section 1105.03(g), Lapsing and Expiration of Approvals, timber harvesting permits shall be valid for six months. Each permit may be renewed without cost for one additional six month period if the Director determines that the renewal will not create impacts on the surrounding community greater in extent or different in type than those anticipated when the permit was issued.
- (7) All timber harvesting activities in the field shall be supervised by a professional forester or his/her representative, who must be at a minimum a trained forest technician.
- (8) When timber harvesting is for the purpose of preparing for a land use change, copies of the final approved permits and/or approvals necessary for the proposed use shall be submitted to the Director. Tree removal required for the construction of improvements shown on those permits and approvals shall then be permitted, and a separate logging plan shall not be required. The provisions of such permits and/or approvals shall then govern instead of the provisions of this Section 1105.04.
- (9) The property owner shall be responsible for repairing any damage to public streets and highways, water lines, sanitary sewer lines and storm sewer facilities caused by or associated with the timber harvesting operation.
- (10) Pursuant to Section 1105.04(h)(9), if the City determines that timber harvesting activities could result in damage to public streets and highways, water lines, sanitary sewer lines or storm sewer facilities, the Director shall not issue a timber harvesting permit until the landowner or operator posts financial security with a bonding or lending institution that is authorized to conduct business in the State of Ohio. The financial guarantee shall be in an amount approved by the City Engineer equal to 100 percent of the cost of repairing damaged streets and highways, water lines, sanitary sewer lines or storm sewer facilities. The acceptable types of financial security include:
 - A. Maintenance and repair bond with an acceptable surety, and of form satisfactory to the City;
 - B. Certified check payable to the City; or
 - C. Irrevocable letter of credit provided by a qualified lending institution which guarantees payment to the City should the landowner or operator fail to repair damaged facilities satisfactorily.
 - D. The Director may go upon the site of any timber harvesting operation before, during, or after active logging to review the logging plan or any other required documents for compliance with these regulations, and inspect the operation for compliance with the logging plan and other on-site requirements of this Code.

(g) Division and Transfer of Property without a Plat

- (1) The following types of divisions and transfers of property may be made and recorded without a plat:
- A. A division of land into parcels larger than five acres that does not involve the opening of a new street or easements of access or the extension or widening of the existing streets or easements;
 - B. The sale or exchange of parcels between owners of adjoining lots where such sale or exchange does not create additional building sites;
 - C. The division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street, after the original tract has been completely subdivided, where existing structures are located in a manner that does not conform with the open-space, yard or area requirements of the Redevelopment Code and the proposed division would bring the parcels involved closer to conformity with the requirements of this Redevelopment Code.
 - D. A division and transfer of land without a plat shall be reviewed and decided pursuant to the Common Procedures in Section 1105.03 applicable to decisions by the Director. If the Director approves the application, the conveyance shall be stamped "Approved by the City of Youngstown, no plat required." The Director shall sign and date the approval.



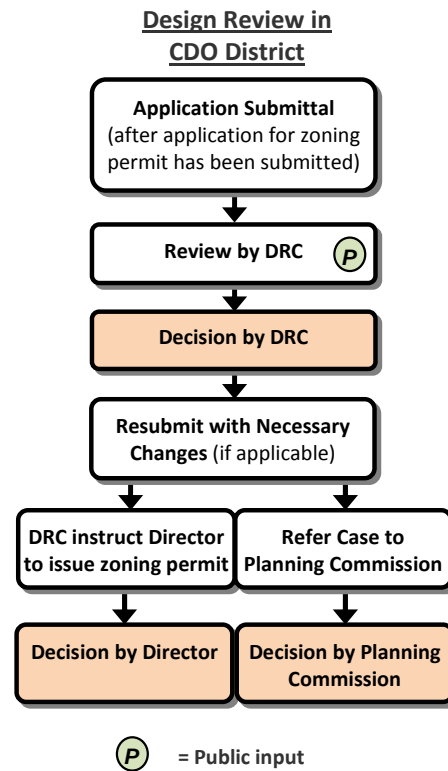
(h) Minor Subdivision

- (1) A minor subdivision is any subdivision that:
- A. Creates no more than four parcels;
 - B. Does not require the extension, construction, or improvement of public facilities;
 - C. Has legal access to a public right-of-way and does not involve the construction of any new public or private road;
 - D. Does not include any land that has been included in a previously approve minor subdivision or division and transfer of land without a plat; and

- E. Does not include any land that is adjacent to a minor subdivision approved during the previous 10 years if the adjacent land is or was during the previous 10 years in common ownership of owned by a member of the applicant's immediate family.
- (2) The minor subdivision process is not intended as a substitute for a major subdivision. If the Director determines that the applicant is using the minor subdivision process to circumvent the major subdivision process, such as by the submittal of adjoining multiple minor subdivisions, the applicant shall be required to comply with the requirements for a major subdivision.
- (3) A minor subdivision shall be reviewed and decided pursuant to the Common Procedures in Section 1105.03 applicable to decisions by the Director.
- (4) As an additional review criteria, the Director shall determine whether each proposed lot has adequate access and public infrastructure for its intended use, and whether the proposed access to each lot and circulation within each lot will minimize disruptions on surrounding properties.
- (5) If approved, the minor subdivision plat shall include a note stating that further minor subdivisions of any portion of the subject tract are prohibited and that further divisions involving any part of the land shall be reviewed and decided through Section 1105.04(m), Major Subdivision.

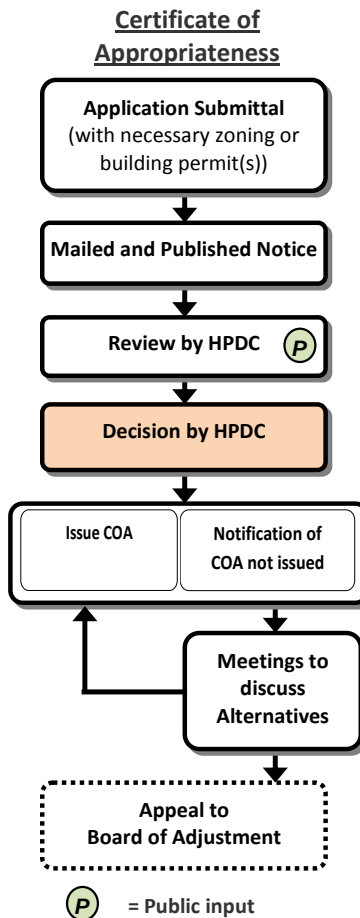
(i) Design Review in CDO District

- (1) Design review shall be required for applications for development or redevelopment in the CDO Central Design Overlay District.
- (2) The applicant shall first apply for a zoning permit pursuant to Section 1105.04(a) in order to ensure that the zoning of the property in question is correct for the intended use prior to design review. Following receipt of a zoning permit, the applicant shall submit a complete application for design review.
- (3) The DRC shall review and decide the application under the Common Procedures in Section 1105.03 applicable to a decision involving a public hearing body when a public hearing is not required, except as set forth in Section 1105.04(i)(3).
- (4) As an additional criteria for approval the DRC shall review the application for conformance with the guidelines set forth in Section 1102.03(b)(4), Design Guidelines.
- (5) If the DRC review recommends changes to the application, the applicant shall be required to resubmit the documents with the necessary changes to the DRC within two weeks, and the DRC shall review them within two weeks of resubmission. If the DRC determines that the revised application is consistent with the guidelines set forth in Section 1102.03(b)(4) the DRC shall instruct the Director to issue zoning permit indicating the design review process has been completed and approval has been obtained.
- (6) If a conflict arises between the developer and the DRC and an agreement cannot be reached within 60 days, the case shall be referred to the Planning Commission for decision as to which changes requested by the DRC shall be attached as conditions to the development, if any.



(j) Certificate of Appropriateness

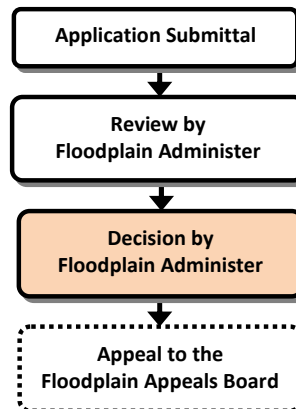
- (1) Prior to the alteration or demolition of any property or portion of a property within the Historic Preservation Overlay district that is not exempted under Section 1105.03(g)(2) the owner shall apply for a certificate of appropriateness as provided in this section, along with any necessary zoning or building permit(s).
- (2) Mailed notice and published notice is required pursuant to Section 1105.03(c), Notice.
- (3) A public hearing is required pursuant to Section 1105.03(d), Public Hearing.
- (4) The HPDC shall review and decide the application under the Common Procedures in Section 1105.03 applicable to a decision involving a public hearing where the public hearing body is making a decision on the application.
- (5) If the HPDC determines that the proposed construction, reconstruction, alteration or demolition complies with the Secretary of the Interior's standards for the proposed activity and will have no adverse effect on the historic district in which the property is located and does not violate the spirit and purpose of this ordinance, then the HPDC shall issue a certificate of appropriateness.
- (6) If the HPDC determines that the proposed construction, reconstruction, alteration or demolition does not comply with the Secretary of the Interior's standards for the proposed activity and/or it will have an adverse effect on the historic district in which the property is located, then the HPDC shall notify the property owner in writing that it has not issued a certificate of appropriateness and HPDC and the applicant shall follow the process outlined below:
 - A. The HPDC and the applicant shall begin discussions in order to find an alternative to incompatible alteration or demolition. If the HPDC and applicant do not agree on an alternative solution at the initial meeting,



then they must continue to negotiate for the purpose of seeking a compromise.

- B. If the applicant fails to meet with HPDC in good faith within 30 calendar days, then the HPDC shall recommend denial.
- C. If after holding good faith meetings in the 30-day period, the HPDC determines that failure to issue a certificate of appropriateness will create a substantial hardship for the applicant and that a certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the purposes of Section 1102.03(d), Historic Preservation Overlay District, then the HPDC shall approve a certificate of appropriateness.
- D. If after holding good faith meetings within 30 calendar days, no alternative solution to incompatible alteration or demolition is reached, and the HPDC determines that the certificate of appropriateness cannot be issued without substantial derogation from the purposes of Section 1102.03(d), Historic Preservation Overlay District, then the HPDC shall recommend denial. If the certificate is denied, then the applicant may appeal pursuant to Section 1105.04(p), Appeals.

Floodplain Development Permit

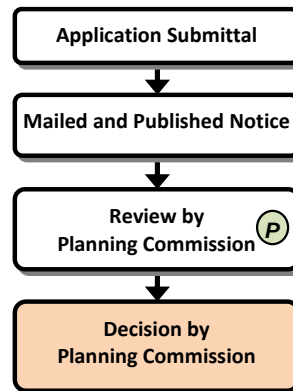


(k) Floodplain Development Permit

- (1) No zoning permit or building permit shall be issued for development or redevelopment within the Flood Protection Overlay District until a floodplain development permit has first been approved pursuant to this Section 1105.04(k).
- (2) A floodplain permit application shall be reviewed and decided pursuant to the Common Procedures in Section 1105.03 applicable to decisions by the Director, except that the review and decision shall be made by the Floodplain Administrator rather than the Director. The director shall make a decision on the application within 30 days after receipt of the application. If an application is approved, a floodplain development permit shall be issued.
- (3) As an additional criteria for approval, the Floodplain Administrator shall only issue a floodplain development permit if the application meets all of the requirements in Section 1103.02(c).

- (4) The applicant is responsible for obtaining all necessary permits from those federal, state, or local governmental agencies from which prior approval is required. These may include permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.
- (5) Notwithstanding the provisions of Section 1105.03(g), Lapsing and Extension of Approvals, all floodplain development permits shall be conditional upon the commencement of work within one year. A floodplain development permit shall expire one year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.
- (6) The Director shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.
- (7) The following as-built certifications are required after a floodplain development permit has been issued:
- A. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
 - B. For all development activities subject to the standards of Section 1102.03(c)(10), Map Maintenance Activities, a Letter of Map Revision.
- (8) A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted.

**Conditional Use or
Reuse Permit**



(P) = Public Hearing

(I) Conditional Use or Reuse Permit

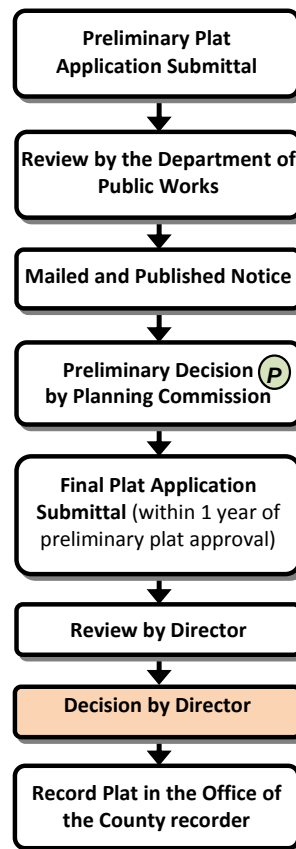
- (1) All uses listed as "conditional uses" or "conditional reuses" in Table 1102-A may only be conducted after a conditional use permit has been obtained as described in this Section 1105.04(I).

-
- (2) Mailed notice and published notice is required pursuant to Section 1105.03(c), Notice.
 - (3) A public hearing is required pursuant to Section 1105.03(d), Public Hearing.
 - (4) The conditional use or reuse application shall be reviewed and decision made pursuant to those common procedures in Section 1104 applicable to a decision to be made by the Planning Commission following a public hearing.
 - (5) The Planning Commission shall only approve the application for any application for a conditional use other than the keeping of wild animals if it makes all of the following findings:
 - A. The proposed use complies with all applicable requirements of this Redevelopment Code, including without limitation the standards in any applicable overlay district listed in Section 1102.03, and the use-specific standards applicable to the use pursuant to Section 1103.02.
 - B. The proposed use provides adequate:
 - i. Ingress and egress to property and proposed structures;
 - ii. Control over the off-site impacts of economic, noise, glare, or odor effects of the conditional use or reuse;
 - iii. Refuse and service areas; and
 - iv. Utilities.
 - C. The proposed site is adequate in size and shape to accommodate the intended use.
 - D. The proposed use and site design will not create material adverse impacts on surrounding areas.
 - (6) The Planning Commission shall only approve the application for the keeping of wild animals if it makes all of the following findings:
 - A. The proposed use complies with all applicable requirements of this Redevelopment Code, including without limitation the standards in any applicable overlay district listed in Section 1102.03, and the use-specific standards applicable to the use pursuant to Section 1103.02.
 - B. The applicant has obtained any state or federal permits necessary for the keeping of the animals.
 - C. Issuance of the permit will not interfere with the health and safety of the community or create a nuisance to adjoining landowners.
 - (7) All site plans, elevations, building plans, specifications, and covenants submitted as part of a conditional use or reuse application shall be incorporated into the conditional use or reuse permit approval and any change in or modification thereof shall be deemed a violation of this Redevelopment Code.

(m) Major Subdivision

- (1) The requirements of this Section 1105.04(m) apply to all applications to divide land for transfer or development that do not qualify as a division and transfer of land without a plat pursuant to Section 1105.04(g) or a minor subdivision pursuant to Section 1105.04(h).
- (2) Applicants shall first submit an application for a preliminary plat.
- (3) The Department of Public Works shall review and approve all plans, profiles and cross-sections of all required improvements for compliance with City-approved standards and specifications for street grading, pavements, curbs and gutters, sidewalks, sanitary sewers, storm drains, monuments, and culverts prior to the submission of a plat to the Planning Commission.
- (4) Mailed notice and published notice of the preliminary plat is required pursuant to Section 1105.03(c), Notice.
- (5) A public hearing on the preliminary plat is required pursuant to Section 1105.03(d), Public Hearing.
- (6) The preliminary plat application shall be reviewed and decision made pursuant to those common procedures in Section 1104 applicable to a decision to be made by the Planning Commission following a public hearing.
- (7) Notwithstanding the provisions of Section 1105.03(g) Lapsing and Extension of Approvals, approval of a preliminary plat shall be valid for a period of not greater than one year. If a final plat is submitted for a portion only of the area contained in a preliminary plat within that period, the Planning Director may extend the validity of the preliminary plat approval for one year from the date of approval of the final plat.
- (8) Within one year after approval of the preliminary plat, the applicant shall submit an application for a final plat for at least part of the land included in the preliminary plat
- (9) A final plat application shall be reviewed and decided pursuant to the Common Procedures in Section 1105.03 applicable to decisions by the

Major Subdivision



^P = Public Hearing

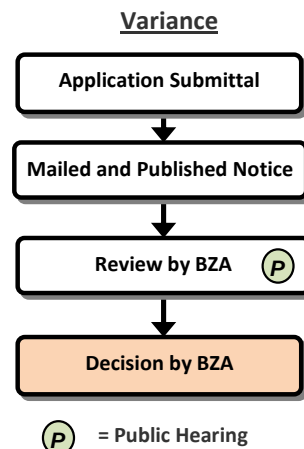
Director. The director shall make a decision on the application within 30 days after receipt of the logging plan. Failure to make a decision on a final plat within 30 days of the date of submission shall constitute approval of the final plat, unless the applicant agrees to grant the Planning Commission additional time.

- (10) Any final plat showing the dedication of land to the for public use must also, prior to recording
 - A. Be certified by the Director of Law that all lands dedicated be free from encumbrances;
 - B. Satisfy improvement requirements of Subsection (10), below, if land is to be dedicated for street opening or extension;
 - C. Have all dedicated lands accepted by Council or by the Commissioner of Engineering, as specified in Subsection (11) below.
- (11) Dedications of Land
 - A. The approval of a final plat shall not constitute an acceptance of any dedications. However, the Commissioner of Engineering is hereby instructed and empowered to accept dedications where existing streets are widened but no new streets are dedicated and no existing streets are extended.
 - B. No new street or street extension shall be accepted by City Council unless it is dedicated by a plat approved by the City Planning Commission and unless the following improvements have been installed; street grading, pavements, curbs and gutters, sidewalks, sanitary sewers, storm drains, culverts and street trees.
 - C. All plats dedicating land to the City for street or recreation purposes shall be accompanied by a certified abstract of title to date showing all proposed streets and other public areas to be clear and free from all encumbrances. The Director of Law shall certify that all land so dedicated is free and clear from all encumbrances before such land is accepted by the city.
- (12) In lieu of the installation of all required improvements, as required by Subsection (11) above, the subdivider may post with the City a subdivision performance bond or certified check or checks in an amount sufficient to cover the cost of installing all required improvements. The amount of the bond or certified checks shall be computed by the Commission from a schedule of current construction costs prepared by the Department of Public Works. Such bond or certified checks shall be held by the City until released or reduced in amount by the Commissioner of Engineering upon installation and inspection and acceptance of all required improvements. The Planning Commission may establish such additional procedures governing the posting of performance bonds or certified checks as are necessary to carry out the intent of this section and may specify a date for the installation of all required improvements.

- (13) Notwithstanding the provisions of Section 1105.03(f), Amendments, after a final plat has been approved, no additions, erasures or other alterations shall be made in the plat prior to recording. Any such alterations shall nullify approval of the plat.
- (14) After a final plat has been approved and dedications of land, if any, have been accepted, the applicant shall record the plat in the Office of the County Recorder. If the plat is not recorded within one year of the date of approval, then the approval shall be null and void. Such nullification shall not, however, affect the dedication of lands which have been accepted by the City.

(n) Variance

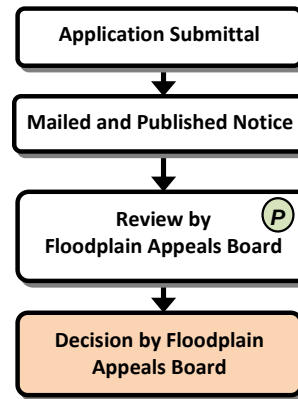
- (1) This section applies to applications for a variance from the terms and provisions of this Redevelopment Code, except for variances from the requirements of the Flood Protection Overlay District, which are addressed in Section 1105.04(o). Different types of variances are subject to differing criteria for approval, and in many cases are also subject to limitations on the types of variances that can be granted.
 - A. If the application is for a waiver of the spacing regulations for Group Homes, the provisions of Section 1744 shall apply, and the provisions of this section 1105.04(n) shall not apply.
 - B. If the application is for a waiver of the spacing requirements for Regulated Uses, the provisions of Section 1103.02(22) shall apply, and the provisions of this section 1105.04(n) shall not apply.
- (2) An application for a variance shall be reviewed and a decision made pursuant to those common procedures in Section 1104 applicable to a decision to be made by the Board of Zoning Appeals following a public hearing.
- (3) Mailed notice and published notice of the variance is required pursuant to Section 1105.03(c), Notice.
- (4) A public hearing on the variance is required pursuant to Section 1105.03(d), Public Hearing.
- (5) If the application is for a variance that is not of a special type addressed in subsections (7) through (9) below, the Board of Zoning Appeals shall approve the variance only if it finds that all each of criteria C through G have been met, or that criteria H has been met:



-
- A. There are extraordinary and exceptional conditions pertaining to the particular land, structure, or building involved because of its size, shape or topography; and
 - B. The literal application of the Redevelopment Code to this particular piece of property would create a practical difficulty or unnecessary hardship and that the difficulty or hardship was not caused by the applicant; and
 - C. Granting this variance will be consistent with the purposes of this Redevelopment Code, and will not be detrimental to the public interest; and
 - D. The existence of non-conforming uses in the district where the property is located or of similar non-conforming uses in other districts will not be considered as a basis on which to grant variances; and
 - E. The variance requested is the minimum variance that will permit reasonable use of land.
 - F. As an alternative to finding that criteria C through G above have been met, the BZA may approve a variance if it finds that the variance is necessary to allow the proposed development or redevelopment to qualify for certification, or for a higher level of certification, under a green building certification program such as Leadership in Energy and Environmental Design (LEED) or another certification program with similar goals approved by the Director.
- (6) No variance may be granted to permit a use of land or premises that is not a permitted use or reuse, or a conditional use or reuse, in the zone district in which the property is located, as shown in Table 1103-A.
- (7) If the application is for a variance from the sign regulations of Section 1104.08, the Board of Zoning Appeals shall consider the application only after all other administrative procedures required for issuance of a zoning permit and building permit have been completed, and shall approve the variance only if it finds that the criteria of subsection (6) above have been met and that unique situations require a deviation from the standards of Section 1104.08 and that the purpose and intent of the those standards have not been violated. An area and/or height variance of up to 10 percent may be issued for a pre-existing sign (as defined in Section 1105.05(a)), but only one pre-existing sign per property may be granted a variance.
- (8) If the application is for a variance from the timber harvesting regulations of Section 1103.02(a)(19), Forestry, the applicant shall state the nature of the hardship created by those standards and suggest an alternative timber harvesting arrangement. Board of Zoning Appeals shall only approve the variance if it finds that an alternative arrangement is available and feasible and that approving the alternative arrangement would relieve the hardship without defeating the purpose and intent of the timber harvesting regulations in Section 1103.02(a)(19).
-

- (9) If the application is for a variance from the subdivision standards in Section 1104.09, the Board of Zoning Appeals shall approve the variance only if it finds that one of the following criteria have been met:
- A. Conformance with the standards of Section 1104.09 is impossible due to topography or surrounding development, and the variance is no greater than is necessary to permit reasonable development of the property to be subdivided; or
 - B. The variance will allow an existing plat to be re-platted in a manner which more nearly complies with the requirements of Section 1104.09 than the existing plat.
- (10) Regardless of the type of variance requested, the Board of Zoning Appeals may grant a different variance or different form of relief than that requested by the applicant if it determines that the alternative relief better meets the approval criteria applicable to that type of application.

Floodplain Variance



P = Public Hearing

(o) Floodplain Variance

- (1) Any person believing that the floodplain use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Floodplain Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.
- (2) An application for a variance shall be reviewed and a decision made pursuant to those common procedures in Section 1104 applicable to a decision to be made by the Board of Zoning Appeals following a public hearing, except that the hearing and decision shall be made by the Floodplain Appeals Board rather than the Board of Zoning Appeals.
- (3) Published and mailed notice of the floodplain variance is required pursuant to Section 1105.03(c), Notice.
- (4) A public hearing on the floodplain variance is required pursuant to Section 1105.03(d), Public Hearing, within 30 days after the receipt of the application.

-
- (5) As additional considerations for approval, the Floodplain Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, and the following factors:
- A. The danger that materials may be swept onto other lands to the injury of others;
 - B. The danger to life and property due to flooding or erosion damage;
 - C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - D. The importance of the services provided by the proposed facility to the community;
 - E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
 - F. The necessity to the facility of a waterfront location, where applicable;
 - G. The compatibility of the proposed use with existing and anticipated development;
 - H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (6) Floodplain variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (7) Generally, floodplain variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1105.04(o) have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.
- (8) As additional criteria for approval, the Floodplain Appeals Board shall only approve a floodplain if it makes all of the following findings.
- A. A showing of good and sufficient cause;
 - B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property.
-

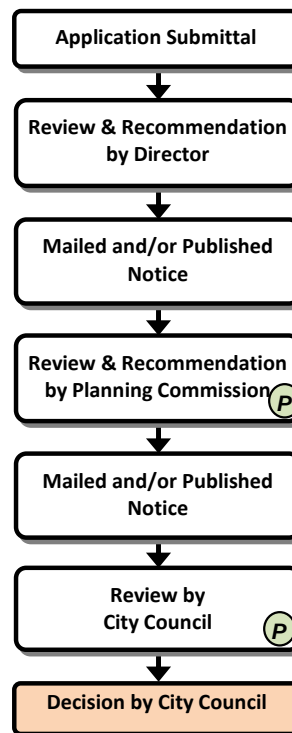
Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant;

- C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws;
- D. A determination that the structure or other development is protected by methods to minimize flood damages; and
- E. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(p) Redevelopment Code Text or Map Amendment

- (1) This Redevelopment Code, including the Official Zoning Map, may be amended from time to time by the City Council on its own motion, on petition, or on recommendation of the Planning Commission, or at the request of a property owner.
- (2) Applications for amendments to the Redevelopment Code or Official Zoning Map shall be reviewed and decided based on the provisions of the Common Procedures in Section 1105.03 applicable to a decision requiring a public hearing before the Planning Commission and a public hearing and decision by City Council.
- (3) If a proposed amendment involves a change to the Official Zoning Map to change the zoning classification of property from one zoning district to another, or to include or exclude property from an overlay zoning district, mailed notice of the Planning Commission public hearing shall be provided pursuant to Section

**Redevelopment Code Text
or Map Amendment**



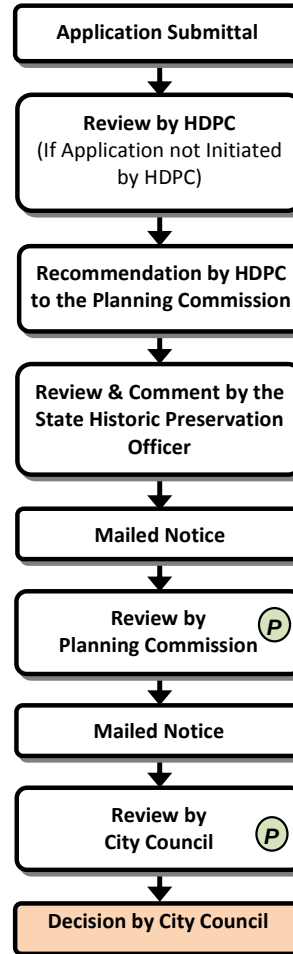
(P) = Public Hearing

1105.04(c), Notice, and mailed notice of the City Council public hearing shall also be provided pursuant to Section 1105.04(c).

- (4) If a proposed amendment involves a change to the text of the Redevelopment Code, published notice of the Planning Commission public hearing shall be provided pursuant to Section 1105.04(c), Notice, and published notice of the City Council public hearing shall also be provided pursuant to Section 1105.04(c), except that the publication shall occur at least 30 days prior to the City Council hearing.

- (5) From the time a proposed zoning amendment is placed on the Planning Commission's agenda for a regularly scheduled meeting, the Commission shall have 90 days within which to consider such amendment and submit its report to City Council. If the Commission fails to submit a report within the 90-day period, it shall be deemed to have approved the proposed amendment.

Historic District Designation



(P) = Public Hearing

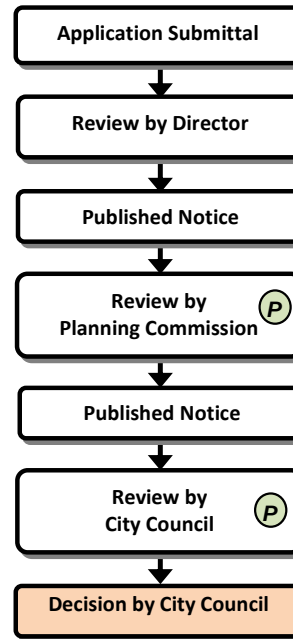
(q) Historic District Designation

- (1) An application to create a new historic district, or to revise the boundaries of an existing historic district, or to remove a historic district designation, may be filed by the Historic District Preservation Commission, or the Planning Commission, or by the owner of property that is currently located in a historic district or that would be located in a historic district if the application is approved.
- (2) If the application was not initiated by the HDPC, the HDPC shall conduct an investigation and report to the Planning Commission on the historical, cultural and architectural significance of the buildings, structures, sites or objects proposed for designation. The report shall also attempt to determine the economic status of the property or properties by providing information such as assessed value, recent real estate transactions and other appropriate data. A copy of the report shall be sent to the State Historic Preservation Officer for review and comment in accordance with Ohio law. Any comments made by the State Historic Preservation Officer regarding a proposed designation must be

received and forwarded to the City Council prior to the public hearing before City Council.

- (3) After review and report by the HDPC, the application shall be reviewed and decided based on the provisions of the Common Procedures in Section 1105.03 applicable to a decision requiring a public hearing before the Planning Commission and a public hearing and decision by City Council.
- (4) A public hearing on the application is required by both the Planning Commission and City Council pursuant to Section 1105.03(d), Public Hearing,
- (5) Mailed notice of the Planning Commission public hearing shall be provided pursuant to Section 1105.04(c), Notice, and mailed notice of the City Council public hearing shall also be provided pursuant to Section 1105.04(c).
- (6) As additional criteria for review and decision, the Planning Commission and the City Council shall approve the application if they find that it is consistent with any applicable standards of the Secretary of the Interior.

Comprehensive Plan Amendment



(P) = Public Hearing

(r) Comprehensive Plan Amendment

- (1) The City's adopted comprehensive plan may be amended from time to time by the City Council on its own motion, on petition, on recommendation of the Planning Commission, or at the request of a property owner.
- (2) Applications for amendments to the comprehensive plan shall be reviewed and decided based on the provisions of the Common Procedures in Section 1105.03 applicable to a decision requiring a public hearing before the Planning Commission and a public hearing and decision by City Council.
- (3) Published notice of the Planning Commission public hearing shall be provided pursuant to Section 1105.04(c), Notice, and published notice of the City Council public hearing shall also be provided pursuant to Section 1105.04(c), except that the publication shall occur at least 30 days prior to the City Council hearing.
- (4) As additional criteria, the Planning Commission shall recommend for approval, and the City Council shall approve, and amendment if they find that for review and decision on the application.
 - A. The existing comprehensive plan and/or any related element of the plan is in need of the proposed amendment;

- B. The proposed amendment does not support levels or types of development that would have significant adverse impacts on surrounding areas unless it also addresses how to mitigate those impacts;
- C. The proposed amendment does not require the City to finance or construct improvements or facilities or to provide services that are beyond its financial means;
- D. The proposed amendment is consistent with the logical expansion or use of existing City services; and
- E. The proposed plan amendment will promote the public health, safety, and welfare.

1105.05. Pre-existing Uses and Development

(a) “Pre-existing” Defined

As used in this Section 1105.05 and in related provisions in Section 1101, the term “Pre-existing” as applied to a use, structure, lot, sign, or site improvement refers to a use, structure, lot, sign, or site improvement that was legally created but that no longer complies with the provisions of this Redevelopment Code for the zoning district (and overlay districts, if applicable) within which it is located. It does not refer to a use, structure, lot, sign, or site improvement that was legally created and complies with the requirements of the Redevelopment Code, regardless of when the use, structure, lot, sign, or site improvement was created.

(b) Two Types of Pre-existing Conditions

At the request of the property owner, the Director shall review a pre-existing use, structure, lot, or site improvement and determine whether it creates or increases a material risk to public health or safety in the surrounding area.

(1) Benign Pre-existing Conditions

If the Director determines that it does not create or increase such risk, the director shall notify the property owner in writing that as of the date of the certificate the use, structure, lot, or site improvement is a “benign” pre-existing condition. This designation shall not be available for pre-existing signs.

(2) Significant Pre-existing Condition

If the Director determines that the pre-existing use, structure, lot, sign, or site feature creates or increases a material risk to public health or safety in the surrounding area, the director shall notify the property owner in writing that as of the date of the certificate the use, structure, lot, sign, or site improvement is a “significant” pre-existing conditions. In addition, pre-existing conditions for which the property owner has not requested a

determination of benign or significant status shall be deemed to be significant pre-existing conditions until a determination has been requested and a written notice of benign status has been issued by the Director.

(c) Pre-existing Uses

The lawful use of any building or structure or land existing at the time of the enactment of this Redevelopment Code or any amendment to this Code may be continued on the same parcel even though that use does not conform with the provisions of the zone district (and any overlay district) in which it is located or the terms of this Redevelopment Code, subject to the following conditions and limitations.

- (1) If a significant pre-existing use that does not comply with the terms of this Redevelopment Code is voluntarily discontinued for two years or more, it may not be re-established.
- (2) A benign or significant pre-existing use may be replaced by another use not listed as a permitted or conditional use or reuse in the district if the Director determines that the proposed use or reuse creates fewer adverse impacts on the surrounding neighborhood than the current pre-existing use.
- (3) A benign or significant pre-existing use may be extended or enlarged within its existing structure, but that structure shall not be extended or expanded except in conformity with the requirements of this Redevelopment Code applicable to the zone district (and any overlay districts) in which the property is located.
- (4) A significant pre-existing use may not be extended or expanded by the addition of contiguous land to the parcel where the significant pre-existing use was located when it became a pre-existing use. This restriction does not apply to benign pre-existing uses.

(d) Pre-existing Structures

- (1) Any building or structure lawfully constructed and existing at the time of the enactment of this Redevelopment Code or any amendment to this Code may continue to be used for any purpose permitted by Table 1103-A, Permitted Uses, or by Section 1105.05(c) Pre-existing Uses, even though that use does not conform with the provisions of the zone district (and any overlay district) in which it is located or the terms of this Redevelopment Code, subject to the following conditions and limitations.
- (2) A benign pre-existing structure may only be expanded if:
 - A. The expansion area complies with the requirements of this Redevelopment Code; and
 - B. The expansion does not expand or extend the inconsistency with this Redevelopment Code. For example, a pre-existing structure that has an inadequate rear yard setback area may not be further extended into that

rear yard setback area, and may not add additional floors over existing portions of the building that encroach into the rear yard setback area.

- (3) A significant pre-existing structure may only be expanded if:
- A. Both of the conditions in subsection (1) above are met; and
 - B. The expansion reduces risks to public health or safety (for example, by allowing relocation of activities away from areas of the building that create those risks).

(e) Pre-existing Lots

(1) Single Lots

A benign or significant pre-existing lot in any residential zone in which single-family dwellings are permitted may be occupied by a single-family dwelling and its customary accessory buildings provided that:

- A. The lot is in separate ownership and not of continuous frontage with other lots in the same ownership; and
- B. The lot contains a lot area of at least 3,000 sq. ft.; and
- C. Yard requirements shall conform to the regulations for the district in which the lot is located, provided, however, that on lots which have a lot width of 50 feet or less, accessory buildings shall be at least three feet from any property line and at least ten feet from the principal structure; and
- D. Any future alteration or extension shall be in conformance with the regulations for the district in which the lot is located.

(2) Adjoining and Vacant Lots

If two or more adjoining and vacant pre-existing lots with continuous frontage are in a single ownership the group of lots shall together be considered a single lot or shall be grouped into several lots of minimum permitted size. The resulting lot or lots shall be subject to the dimensional requirements of this Redevelopment Code, provided however that an administrative document confirming the corners and dimensions of the resulting lots shall be completed and filed with the City before construction of a structure on any of the lots.

(f) Pre-existing Signs

(1) Removal Policy

Illegally erected and abandoned signs significantly damage the image of the city, and are hereby declared to be nuisances and significant pre-existing conditions that must be removed in order to achieve the general purpose and objectives of this Redevelopment Code, unless they are demonstrated to have historic significance that contributes to the economic development of

the City. Pre-existing signs may continue in use if they comply with all applicable standards of this Section 1105.05(g).

(2) *New Permits Prohibited*

In addition to the provisions in Subsection (3) below, no zoning or building permits will be issued for new signs if illegal, abandoned, or pre-existing signage exists on the same property.

(3) *Pre-existing Signs Brought into Compliance*

- A. Any pre-existing or illegal sign may be brought into compliance with the standards and requirements of Section 1104.08, Signs, by independent action of the sign owner or user and the issuance of a zoning permit confirming compliance. The City will waive zoning permit application fees for a permit confirming that a pre-existing or illegal sign has been brought into compliance, but will not waive any required building permit fees for any necessary work to bring the sign into compliance.
- B. If (i) a building permit is sought or required for construction valued at \$50,000 or greater on a parcel containing a pre-existing or illegal sign, or (ii) there is a change in business use or activity on a parcel containing a pre-existing or illegal sign, then the pre-existing signs shall be brought into conformity with the standards of Section 1104.08, Signs, within two years after either of those two events occurs.

(4) *Waiver for Historic Significance*

As an alternative to compliance with subsections (1) through (3) above, an applicant may request a waiver of one or more of those requirements for a specific pre-existing sign by the HPDC. The HPDC shall consider the request through the process in Section 1105.04(j), Certificate of Appropriateness, but shall not apply the criteria for approval listed in that section. Instead, the HPDC shall approve a waiver request if it finds that the sign is at least 50 years old, has a significant connection with an institution or product that is identified with the history of the City, and that the continued existence of the sign will contribute to the economic development of the city. If a waiver is approved, the HPDC may attach conditions regarding the repair, appearance, or maintenance of the sign.

(5) *Unused (Abandoned) Signs*

- A. An unused sign is one that contains no message content, or on which the message content has become illegible, or on which the message content relates to a business or activity that no longer takes place on the premises, and for which no sign permit has been granted.
- B. All unused signs that are also pre-existing signs shall be removed within 30 days from the date of notice of violation.

- C. All unused signs that otherwise conform to the provisions of this Redevelopment Code and have a valid sign permit may remain on the premise for six months following the conclusion or termination of the use or activity referred to on the sign. The unused sign shall have the copy, text, icon or any other message delivering features removed within 30 days from the date of notice of violation.

(g) Pre-existing Site Features

- (1) Pre-existing site features are elements of site design other than the characteristics of the lot itself, the uses on the lot, the structures on the lot, or signs on the lot, that do not conform to the Redevelopment Code, such as inadequate parking, landscaping, or inappropriate lighting fixtures.
- (2) A use, structure, lot, or sign that otherwise complies with the requirements of this Redevelopment Code may continue in use, and may be expanded or modified in compliance with this Redevelopment Code, even if the lot contains pre-existing site features and those pre-existing site features will remain in place when the expansion or modification is complete.

(h) Reconstruction

Any benign or significant pre-existing use, structure, or site feature that is destroyed or damaged may be repaired, restored or reconstructed to the same or approximately the same function that it served prior to the destruction or damage, provided that such repair, restoration or reconstruction is completed within two years of the date of destruction or damage. If a destroyed or damaged non-conforming use, structure, or lot feature is not repaired, restored, or reconstructed, within two years, any use of the land or structure after that period shall comply with the provisions of this Redevelopment Code for the districts (and any applicable overlay district) in which it is located. If a pre-existing sign is destroyed or damaged, it may only be reconstructed in conformance with the standards and requirements of Section 1104.08, Signs.

(i) Relocation

When a pre-existing structure or sign is moved or relocated to a different parcel of land, it must be located so as to conform to the dimensional requirements of the zoning district (and any applicable overlay district) in which it is relocated.

(j) Unsafe Structures

Nothing in this Redevelopment Code shall prevent the strengthening or restoring to a safe condition of any structure, sign, or site feature or part of a structure, sign, or site feature declared to be unsafe by the City or determined by the Director to be a significant pre-existing condition.

1105.06. Violations, Enforcement and Fees

This section is intended to provide the City with the maximum powers to enforce the provisions of this Redevelopment Code provided by law, and to include all of the enforcement powers available under the ordinances and regulations in effect prior to this Redevelopment Code and replaced by this Redevelopment Code.

(a) Violations

(1) Definition of Violations

It shall be a violation of this Redevelopment Code to undertake any of the following activities. Each day that a violation is permitted to exist after notification by the City shall constitute a separate offense.

- A. Activities Inconsistent with Code. To erect, construct, reconstruct, remodel, alter, maintain, expand, move, or use any building, structure, or sign, or to engage in development of any land in contravention of any zoning or other regulation of this Redevelopment Code, including all required approvals.
- B. Nonconformities Inconsistent with Ordinance. To create, expand, replace, or change a nonconforming use, structure, lot, sign, or site feature except in compliance with this Code.
- C. Making Lots or Setbacks Nonconforming. To reduce or diminish the lot area, setbacks, or open space below the minimum required by this Redevelopment Code for the zoning district (and any applicable overlay district) where the property is located.
- D. Increasing Intensity of Use. To increase the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this Redevelopment Code.
- E. Activities Inconsistent with Approval or Permit. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit or development approval previously issued by the City.
- F. Activities Inconsistent with Conditions of Approval. To fail to comply with any terms, conditions, or limitations placed by the City upon any permit or approval issued by the City.
- G. Improper Signage. Installing, creating, erecting or maintaining any sign which violates this Redevelopment Code.
- H. Altering, changing or demolishing any exterior feature of any historic objects, sites, buildings, places, structures or works of art within the Historic District in violation of this Redevelopment Code.
- I. Locating, erecting, constructing, reconstructing, repairing, extending, converting, enlarging, or altering any structure or land subject to the standards and requirements of Section 1103.02(c), Flood Protection

Overlay District, without full compliance with the terms Section 1103.02(c) or Section 1105.04(k) Floodplain Development Permit, unless specifically exempted from filing for a development permit as stated in Section 1305.19(c)(9).

- J. Parking or storage of commercial or recreational vehicles on residentially zoned property in violation of sections 1104.03(d), (10) and (11).

(2) Complaints Regarding Violations

Any person may file a complaint with the Director alleging a violation of this Redevelopment Code. The City will record the complaint and any facts supporting it, shall investigate, and may take any action authorized by this Section 1106.

(3) Inspection and Notification

- A. To enforce the terms and provisions of this Redevelopment Code, the City shall undertake such regular and continuing programs of inspection of work approved and under way and of existing structures and uses as may be feasible and proper within the limits of staff and funds; shall undertake such inspections as may be necessary to the performance of its duties under this Code
- B. If it determines that a violation of this Redevelopment Code exists, the City may notify in writing the person property owner indicated on the tax records for the property, indicating the nature of the violation and ordering the action necessary to correct it; and specifically shall order the discontinuance of any illegal use of land, buildings, or structures, order removal of illegal buildings, structures, additions, or alterations; order discontinuance of illegal work being done; or take any other action authorized by this Redevelopment Code to insure compliance with, or to prevent violation of its provisions, and in particular shall, where necessary or appropriate, recommend to the City Attorney the institution of legal or equitable actions that may be required to enforce the provisions of the Code.

(4) Right to Hearing

The recipient of a notice of violation, or the owner of the property on which the violation allegedly occurred or exists, may request a public hearing with the Board of Zoning Appeals to challenge the notice of violation. Any such request must be received by the City no later than 15 days following the City's mailing of the notice of violation, and must state specifically how the notice of violation is inaccurate or the violation has not occurred. If a request for hearing is received by the City within that time, enforcement of the violation shall be suspended until the Board of Zoning Appeals has held a public hearing on the matter.

(b) Enforcement

(1) General Standard

The City may use all powers available under Ohio law to enforce the provisions of this Redevelopment Code. The City may use those powers in any order, and in any combination, and the use of one enforcement power shall not preclude the use of any different enforcement power to address the same violation in the future if it remains uncorrected. In addition, the City may use any and all of those specific powers outlined below to enforce the provisions of this Code.

(2) Administrative Penalties

In addition to any criminal penalties that may be imposed, any person or entity that violates or fails to comply with any provision of this Redevelopment Code shall be subject to the following administrative penalties:

- A. For a first offense, an administrative fine of \$100.00.
- B. For a second offense, an administrative fine of \$500.00.
- C. For a third offense, an administrative fine of \$1,000.00.

(3) Civil Suit

The City or any neighboring property owner who would be especially damaged by such violations of this Redevelopment Code may institute a suit against the violator for injunction to prevent or terminate such violation in the appropriate court of law.

(4) Criminal Penalties

In addition to any administrative penalties that may be imposed, and person or entity that violates any provision of this Redevelopment Code shall be guilty of a misdemeanor of the third degree punishable by a fine of up to \$500.00 or imprisoned up to 60 days or both. A prior warning or notice is not a prerequisite for prosecution of conviction for a violation of any provision of this Redevelopment Code. Everyday the violation continues will be treated as a separate offense. The provisions of the Redevelopment Code are specifically intended to impose strict liability.

(5) Removal of Signs

These provisions shall apply in addition to the enforcement powers stated in Subsections (1) through (4) above.

- A. Any sign and its supporting structure determined to be in violation of the regulations of Section 1104.08, Signs, must be removed by the tenant, owner or operator within 30 days from the date of the issuance of the notice of violation.

B. The Chief Building Official is hereby authorized to remove any sign determined to be in violation of the Sign Code that is not a pre-existing sign. Following removal, the Chief Building Official shall first mail to the sign permittee or property owner by first-class, certified or registered mail a bill for the removal costs. The owner, agent or person having the beneficial use of the building, structure or premises upon which the sign is located shall pay those costs within 30 days after receipt of the notice, and if they are not paid within that period any unpaid charges shall constitute a lien upon the real estate. The Director of Law is hereby authorized to file a notice of lien in the office of the County Clerk to foreclose this lien, and to sue the owner of the real estate or sign permitted, or their agents, to recover the money due, plus all its costs, together with reasonable attorney's fees to be fixed by the court. Included in the expenses recoverable by the City shall be the costs, together with all office and legal expenses, incurred in connection with collection of the amount due hereunder. Any sign removed by the Chief Building Official, pursuant to these provisions shall become the property of the City and may be disposed of in any manner deemed appropriate by the City.

(6) *Prevention of Environmental Damage*

In addition to the enforcement powers stated in Subsections (1) through (5) above, in the event of any environmental change in any property in the Historic Preservation Overlay District without the awarding of a certificate of appropriateness, and in violation of the provisions of this Redevelopment Code, the City of Youngstown may institute appropriate procedures to prevent such unlawful environmental change.

(7) *Wild Animal Control*

In addition to the enforcement powers states in Subsections (1) through (6) above, in the event of a violation of provisions regarding the keeping of wild animals, the court may order the wild animal transferred to an appropriate zoological or similar facility. If this is not practical, as an alternative, the court may order the wild animal humanely destroyed by a qualified veterinarian.

(8) *Other Remedies*

Nothing in this Section 1106.02 shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this Redevelopment Code from bringing an appropriate action to secure such relief.

(9) *Right to Appeal*

Any person affected by a decision of the Director in the enforcement of this Redevelopment Code may appeal that decision to the Board of Zoning Appeals pursuant to Section 1105.04(p), Appeals.

(c) Fees

(1) **Zoning Permit Fees:**

	New Building	Other
A. Residential Use	\$25.00	\$10.00
B. Commercial or Institutional Use	\$50.00	\$25.00
C. Industrial Use	\$150.00	\$75.00

(2) **Board of Zoning Appeals Application Fees:**

	New Building	Other
A. Residential Use	\$75.00	\$25.00
B. Commercial or Institutional Use	\$100.00	\$50.00
C. Industrial Use	\$200.00	\$75.00

(3) **Application for Zoning Change Fees:**

- A. Request to Change to a Residential classification \$100.00
- B. Request to Change to a Commercial or Institutional classification \$200.00
- C. Request to Change to a Planned Development Overlay \$250.00
- D. Request to Change to an Industrial classification \$250.00

(4) **Certificate of Occupancy Fees:**

	New Building	Other
A. Residential Use	\$25.00	\$10.00
B. Commercial or Institutional Use	\$50.00	\$25.00
C. Industrial Use	\$150.00	\$75.00

- (5) **Regulated Uses Spacing Waiver Fee:** The fee to apply for a waiver of the spacing requirements for regulated uses is \$100.00
- (6) **Group Home Spacing Waiver Fee:** The fee for a waiver of the group home spacing requirements is \$500.00.
- (7) **Timber Harvesting Permit Fee:** The fee for processing a logging plan shall be fifty dollars (\$50.00) for the first acre, plus one dollar (\$1.00) for each acre or fraction thereof in excess of one acre to cover the cost of necessary reviews, except that no fee shall be charged for timber harvesting activities

performed by a governmental agency. No logging plan shall be approved until all fees have been paid.

(8) Sign Permit Fees:

Permanent Sign. Fee for the first fifty (50) square feet shall be fifteen dollars (\$15.00) with an additional five dollars (\$5.00) for each additional twenty-five (25) square feet. The sign permit fee shall also include an inspection fee of twenty dollars (\$20.00) and a three percent (3%) Ohio Board of Building Standards fee for commercial signs. If said sign is double faced the fee shall be calculated as if it were one side with double the area.

Temporary Sign. A temporary sign may be permitted by applying to the Zoning Specialist. The fee for a temporary sign permit shall be ten dollars (\$10.00). Temporary signs will be permitted for a period of no more than 60 days per calendar year. Applicants may choose two thirty (30) day periods when applying for a permit.

- (9) **Temporary Use Permit:** The fee for a temporary use permit is \$100.00 (\$25.00 if maximum number of attendees will not exceed 100 at any given time).

- (10) **Plat or Replat Fee:** The fee for a plat or replat is \$20.00.

Chapter 1106. DEFINITIONS

1106.01. Rules of Construction

- (a) Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural include the singular.
- (b) The word “person” includes a firm, co-partnership, company, association, organization, corporation, as well as an individual.
- (c) The word “lot” includes the words “plot” or “parcel.”
- (d) The word “building” includes the word “structure.”
- (e) The word “shall” is always mandatory and not merely discretionary.
- (f) The word “may” is permissive, not mandatory.
- (g) The word “used” or “occupied” as applied to any land or buildings shall be construed to include the words “intended, arranged or designed to be used or occupied.”

1106.02. Measurements and Exceptions

- (a) Diameter at Breast Height (DBH)

The diameter of a tree at 4.5 feet above the ground as measured from the uphill side of the tree.

(b) Floor Area, Gross

The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls including basement area used for office, sales, or dwelling space, but excluding basement areas used for the storage of goods, equipment or vehicles.

(c) Height of Building

The vertical distance measured from a point of established grade of the street on record between lot lines, to the highest point of the roof. See Article VII Section 83 for exceptions.

(d) Lot Coverage

All of the land covered by principal and accessory buildings or other facilities upon a lot, expressed as a percentage of the gross lot area.

(e) Lot Width

The horizontal distance between the side lot lines measured along the right-of-way line of the established fronting street.

(f) Net Acre

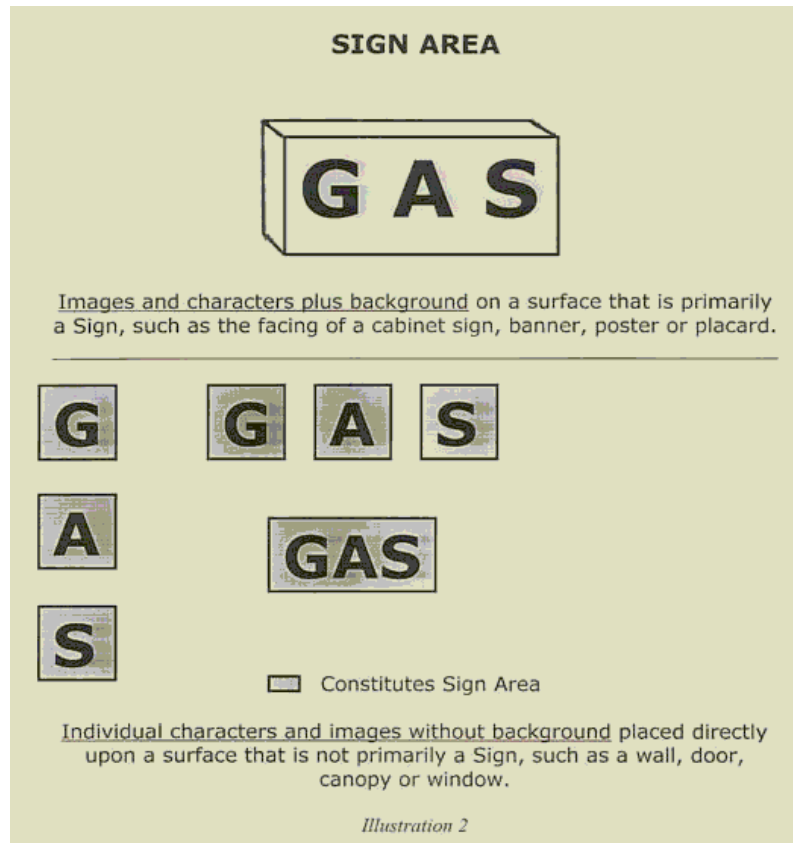
That portion of land legally usable for building exclusive of land dedicated for public right-of-way or land subject to highway easement.

(g) Setback

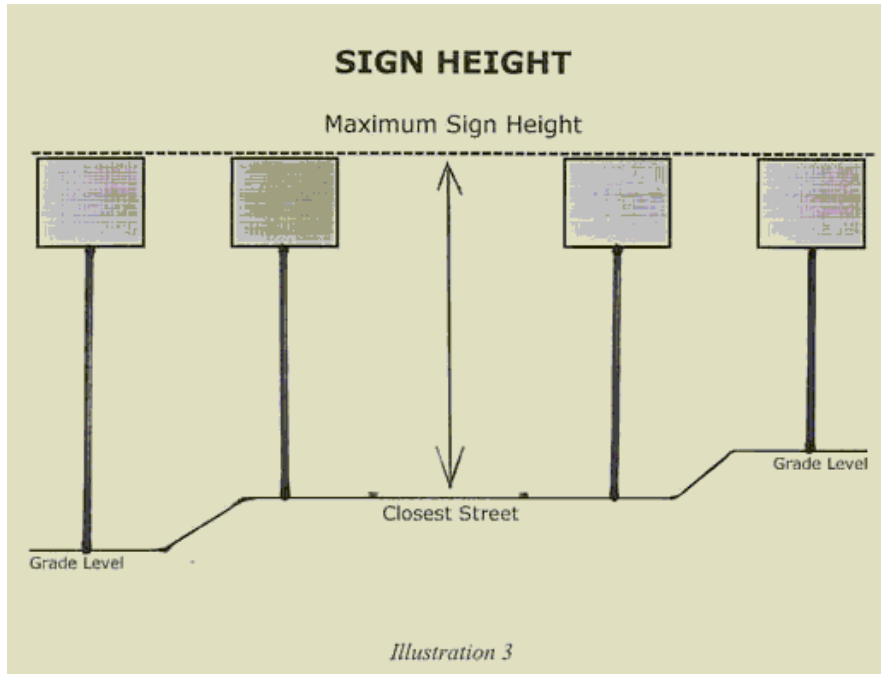
The minimum distance measured perpendicularly or radially from the right-of-way line of the street to the nearest face of a structure's most exterior wall.

(h) Sign Area

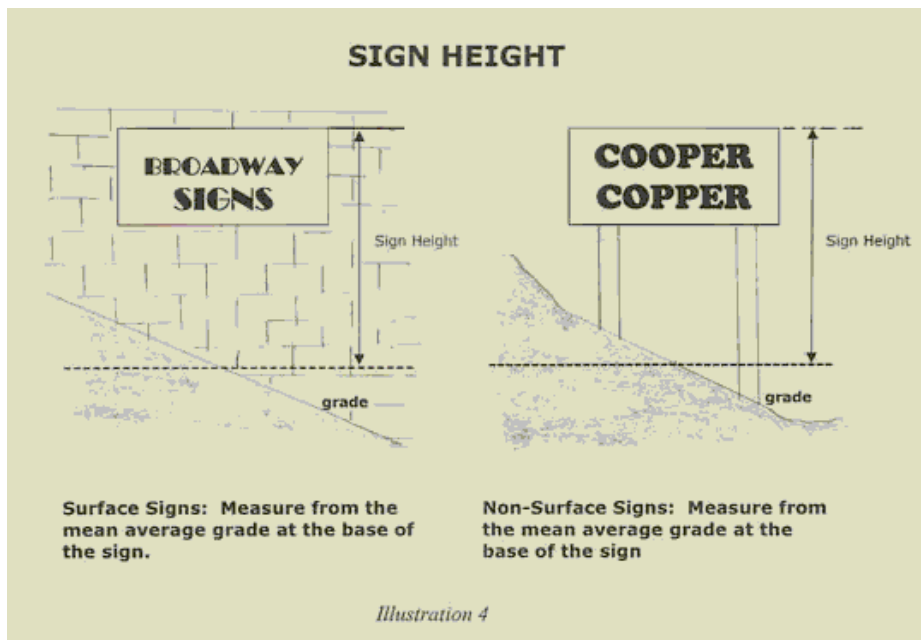
- (1) The total exposed surface on the largest single sign face normally visible at any one time, including sign background but excluding purely decorative embellishments and any support structure not part of the sign proper. Only a single side of a two-sided sign is counted as sign area. The area of an internally illuminated sign is the area within the cabinet.
- (2) The area of a sign consisting solely of individual letters or symbols with no added background or decoration against a building wall or other surface that does not serve solely or principally as a sign, such as an awning or canopy, shall be the sum of the areas within envelopes completely enclosing each separate letter or symbol, excluding punctuation, or enclosing each attached group thereof.
- (3) The sign area of a sign that displays more around the sign (such as a spherical sign or balloon) shall include only such sign area as may be visible at any one time from a point on the ground in an adjacent street within 200 feet of the sign. The Building Inspector may require a sign user to submit information that establishes the part of the sign that is so visible.



- (i) Sign Clearance
The smallest vertical distance to grade (or to the surface of the roof in the case of a sign mounted upon or over a roof) from the lowest edge of a sign extending over that grade or surface, including embellishments but excluding any pole or support structure attached to the ground or roof.
- (j) Sign Height
 - (1) The vertical distance from the highest part of a sign, including support structures and embellishments, to the mean average grade of the land - or, for roof signs, the level of the roof - abutting the base of or directly below the sign.



- (2) Except where the curb level of the street from which the sign is intended to be viewed is higher than the specified grade of the land, the difference between the two shall not be counted in determining sign height. In the case of a sign intended to be viewed from more than one street, the mean average curb levels of the applicable streets shall be used.



(k) Spacing of Regulated Uses

The 500 foot spacing distance shall be determined by measuring the distance from the nearest property line of the land on which an existing regulated use is located to the nearest property line on which the proposed regulated use is to be located

1106.03. Definitions

Terms used in this Redevelopment Code shall have the meanings assigned to them in this Section 1106.03. In addition, terms in this section may be related to other definitions in the Youngstown Code (for example several definitions related to the regulation of Group Homes rely on additional definitions contained in Chapter 1744), and those related definitions in other chapters are incorporated by reference.

Abandoned Public Building

Former schools, churches, libraries, federal, state, local government offices and fire stations along with customary accessory structures.

Accessory Agriculture

The growing of crops and/or a stand erected for the display and sale of agriculture products grown on the premises that is incidental and subordinate to the primary use of that parcel of land.

Accessory Aquaculture

The commercial raising of marine animals and plants in an aquatic environment, including the processing of marine animals and plants and their byproducts, that is incidental and subordinate to the primary use of that parcel of land.

Accessory Automobile Parking

An off-street area or structure used for the parking of automobiles of employees, patrons, or residents of a primary use of land, and that is not itself the primary use of that parcel of land. This use includes but is not limited to that parking required to be provided pursuant to Section 1104.02 (Parking and Loading). This use does not include parking areas or structures that are not required to be provided pursuant to Section 1104.02, which are not related to a specific primary use of that land, and for which a fee is charged.

Accessory Bed and Breakfast

An establishment operated in a structure originally designed as a private residence that provides temporary accommodations and breakfast to overnight guests for a fee, and that is incidental and subordinate to the owner's primary use of the structure as his or her residence.

Accessory Building or Accessory Structure

A building or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal building or structure on that parcel of land.

Accessory Day Care

A use designed and intended to be used for the daytime care or instruction of two or more children or two or more elderly adults and operated on a regular basis, and that is incidental and subordinate to a primary use of that parcel of land.

Accessory Domestic Animals or Fish

The keeping of domestic animal that is incidental and subordinate to a primary use of that parcel of land.

Accessory Dwelling Unit

A subordinate dwelling unit added to, created within, or detached from a single-family residence, but located on the same lot or parcel as a primary residential structure, that provides basic requirements for living, sleeping, cooking, and sanitation.

Accessory Heliport

A landing area or other or other ground level or elevated facility designed, used, or intended to be used for the landing or taking off of helicopters, and that is incidental and subordinate to the primary use of that parcel of land.

Accessory Hydroponics

The growing of plants in a nutrient solution, with or without the use of an artificial medium, that is incidental and subordinate to the primary use of that parcel of land.

Accessory Home Occupation

Any use conducted within a dwelling and carried on by the occupants and clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling. Home occupations may include, but are not limited to such professional offices as offices for a physician, dentist, lawyer, individual musical instruction, individual dancing instruction, insurance offices, photography studio, engineer, architect, accountant, or art instructor, and the

occupation of dressmaker, milliner, seamstress, and may include food processing related to a permitted accessory agricultural use. This use does not include veterinarians, hospitals, convalescent or nursing homes, antique shops, bed and breakfasts, real estate office, restaurants, retail uses, or any other use that is listed separately as an accessory use in Table 1103-A (Permitted Use Table).

Accessory Kennel

A property where between four and six adult dogs are kept and are all owned by the property owner/tenant and that is incidental and subordinate to the primary use of that parcel of land.

Accessory Outdoor Dining Area

An outdoor eating and drinking area that is associated with and incidental and subordinate to a primary use of that parcel of land. This use may include removable tables, chairs, planters, or similar features and equipment.

Accessory Recycling Collection Point

A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper, clothing or other materials for recycling purposes, that is conducted totally within an enclosed structure or container, and that is incidental and subordinate to a primary use of that parcel of land. This definition does not include processing except for can banks that crush cans as they are deposited.

Accessory Non-Agricultural Retail

Retail sales of goods in a facility that does not meet the definition of “Accessory agriculture or stand that is incidental and secondary to a primary use of that parcel of land. Generally, accessory non-agricultural uses occupy no more than 10 percent of the gross floor area of the facility.

Accessory Solar or Geothermal Power Equipment

Equipment that generates electricity, steam, heat, or hot water from the collection of solar or geothermal energy, and that is incidental and subordinate to a primary use of that parcel of land.

Accessory Swimming Pool

Any confined body of water designed, used, or intended to be used for swimming or bathing purposes, and that is incidental and subordinate to a primary use of that parcel of land.

Accessory Use

A use customarily incidental and subordinate to the principal use or located on the same lot with such principal use.

Accessory Utilities and Antennas Attached to Existing Structures

A private or public communications antennas, or a piece of private or public utility equipment located in or on the roof or upper facade of any structure that is not specifically designed to elevate that antenna or equipment, and that is incidental and subordinate to the primary use of that parcel of land.

Accessory Wild Animals

The keeping of wild animals on a property – including but not limited to a temporary, fair, carnival, or exhibit.

Accessory Wind Power Equipment

An area and related tower structure designed and used to generate not more than 10KW of electrical energy from wind energy, that is incidental and subordinate to a primary use of that parcel of land.

This use includes but is not limited to a base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks.

Adult Arcade

Any place to which the public is permitted or invited where either or both:

- Motion picture machines, projectors, video or laser disc players, or other video image-producing devices are available, run via coin, token, or any other form of consideration, to show images which are characterized by the depiction or description of specified sexual activities or specified anatomical areas to five or fewer persons per machine at any one time; or
- Live entertainment is available in a format designed for viewing by five or fewer persons per machine at any one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Cabaret

A nightclub, bar, restaurant, theater, concert hall, auditorium or other commercial establishment that features:

- Persons who appear in a state of nudity;
- Live adult entertainment performances characterized by the depiction or description of specified anatomical areas; or
- Live adult entertainment performances or dance characterized by the depiction or description of specified sexual activity.

Adult Entertainment

An “Adult arcade”, “Adult cabaret”, “Adult theater,” “Nude model studio”, or “Sexual encounter center”.

Adult Retail

Includes any commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual or material representations that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- Instruments, devices, materials or paraphernalia, other than prophylactics, that are designed for use in connection with specified sexual activities.
- A commercial establishment shall be deemed to have as a principal business purpose the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas, or materials designed for use in connection with specified sexual activities if: Such commercial establishment devotes more than 30 percent of its total floor area to such sale or rentals, such commercial establishment devotes more than 30 percent of its product display space to such sales or rentals; or, on an annual basis, more than 30 percent of the gross revenues generated by such commercial establishment are attributable to such sales or rentals. A commercial establishment may have other principal business purposes that do not involve offering for sale or rental materials depicting or describing specified sexual activities or specified anatomical areas, or materials designed for use in connection with specified sexual activities, and still be categorized as an adult bookstore,

adult novelty store, or adult video store. Such other business purposes will not serve to exempt such a commercial establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental for consideration the specified materials, which are characterized by the depiction of specified sexual activities or specified anatomical areas or are designed for use in connection with specified sexual activities.

Adult Theater

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions, or performances by human beings, are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Agriculture, General

The raising of food and feed crops and products, and including tree and vine products, animal husbandry including beekeeping, dairying, poultry, and pasturage, but excluding other uses specifically listed in Table 1103-A (Permitted Use Table), as well as abattoirs, commercial feedlots, and stockyards. This uses includes the ordinary accessory uses and structures for preparing, treating, and storing agricultural products, equipment and machinery, but does not include fat rendering, meatpacking, or tanning, cutting curing, cleaning or storing of green hides or skins, slaughtering or meatpacking of animals not raised on the premises, poultry dressing of animals not raised on the premises.

Agriculture, Urban

The raising, keeping or production of fruit, vegetable, flower, and other crops, poultry, bees and small livestock; composting; and the processing of those agricultural products, on sites of three acres or less. Types of urban agriculture include personal gardens over 1,000 square feet, Community Gardens and Market Gardens. This use excludes other uses specifically listed in Table 1103-A (Permitted Use Table), as well as abattoirs, commercial feedlots, and stockyards. This uses includes the ordinary accessory uses and structures for preparing, treating, and storing agricultural products, equipment and machinery, but does not include fat rendering, meatpacking, or tanning, cutting curing, cleaning or storing of green hides or skins, slaughtering or meatpacking of animals not raised on the premises, poultry dressing of animals not raised on the premises.



Air-Activated Sign

A sign all or any part of which is designed to be moved by action of the air to attract attention, including signs with moveable colored disks but excluding flags, banners, or festoons

Airport or Heliport

A landing area, runway, or other or other ground level or elevated facility designed, used, or intended to be used for the landing or taking off of airplanes and/or helicopters, including all necessary taxiways, aircraft storage and tie-down areas, hangars, fueling and maintenance equipment areas, and other necessary buildings and open spaces, and including auxiliary facilities such as waiting rooms.

Alcohol Beverage Packaged Retail Sales

A retail establishment that sells alcoholic beverages in containers for consumption off the premises, but not including a grocery store or other use listed separately in Table 1103-A (Permitted Use Table) that has all required licenses to sell packaged alcohol beverages at retail.

Alley

A right-of-way not greater than twenty feet in width dedicated to public use.

Alter or Alteration

In the context of historic preservation, alter or alteration means any material change, in important regard or degree, in external architectural feature(s) of any property, including a change or rearrangement in the structural parts or building service equipment or an enlargement, whether by extending on a side or by increasing height. In the context of historic preservation, alteration shall include a change in design, color, texture, material, exterior architectural feature or other visual qualities, including landscaping. Ordinary maintenance to correct any deterioration or damage to a structure and to restore the structure to its condition prior to such deterioration or damage is excluded from the definition of alteration, provided such work does not involve a change in design, color, texture, material, exterior and architectural feature;

Alteration, Building

In the context of historic preservation, building alteration means any change in supporting members of a building such as walls, columns, girders, except such change as may be required for its safety; any addition to a building; any change in use from one zoning classification to another; or moving a building from one site to another.

Amusement Park

A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or the sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

Appeal

A request for review of the decision of any City official under this Redevelopment Code.

Applicant

Any owner, owners, association, partnership, corporation, or governmental entity who applies for a permit, certificate, or approval under this Redevelopment Code.

Aquaculture

The commercial raising of marine animals and plants in an aquatic environment, including the processing of marine animals and plants and their byproducts.

Area of Subdivision Jurisdiction

All land within the City of Youngstown and all land in unincorporated areas within three miles of the corporate limits of the City of Youngstown which is not closer to the corporate limits of another City.

Attention-Getting Display

A visual display such as festoons that is not a sign but that is designed and/or used to attract attention to a premise or a sign.

Automobile and Light Vehicle Repair and Service

A building, structure, or lot used for the business of repairing automobiles or the sale and installation of tires, batteries, and other minor accessories and services for automobiles. This use does not include car washes, retail sale of automotive supplies, tires, or parts unrelated to repairs being performed on the premises, the retreading or vulcanizing of tires, automobile service stations, or convenience stores that sell gasoline or lubricating oil but do not sell other automotive accessories or services.

Automobile and Light Vehicle Sales, Rental, or Storage

The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, motorcycles, all-terrain vehicles, snowmobiles, personal watercraft, and recreational vehicles. This use does not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

Automobile Car Wash

A facility where automobiles are washed by individuals or by machines.

Automobile Parking Lot or Garage (Primary Use)

An off-street area or structure used for the parking of automobiles as a primary use of land. Parking is generally available to the public, and a fee is generally charged. This use does not include accessory parking for employees, patrons, or residents of the premises required to be provided pursuant to Section 1104.02 (Parking and Loading).

Automobile Service Station

A building or lot having pumps and underground storage tanks at which fuels, oils or accessories for the use of motor vehicles are sold at retail and where only minor repair service is incidental. No painting, body work, major engine or transmission repairs are permitted, nor is storage or sale of motor vehicles permitted. Accessory use may include sale of convenience items such as food, drinks, maps, and toiletries.

Awning

An awning with advertisement lettering/message placed on canvas, or other approved flexible material, with a structural metal frame that is attached to a building.

Back-to-Back Sign

A sign consisting of two sign facings oriented in opposite directions with not more than two faces per sign facing.

Balloon Sign

An inflated object that constitutes a sign, the largest dimension of which exceeds 3 feet. Balloon signs do not include aircraft like hot air balloons or dirigibles displaying messages.

Bank

An establishment that provides retail banking, mortgage lending, financial services, and/or check cashing services to individuals and businesses.

Banner Sign

A sign displayed on flexible lightweight material, enclosed or not enclosed in a rigid frame

Basal Area

In the context of timber harvesting, basal area means the cross-sectional area of a tree stem in square feet inclusive of bark. It is measured at breast height (4.5 feet). The basal area of a forest stand is the sum of the basal areas of individual trees. It is usually expressed as basal area per acre.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one percent chance annual flood 100 year flood.

Base (100-Year) Flood Elevation (BFE)

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

Base Type

The permitted treatment types of the ground floor street façade of a structure.

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast

An establishment operated in a structure originally designed as a private residence that provides temporary accommodations and breakfast to overnight guests for a fee.

Billboard

See Separate Use Sign

Board of Health

The authorized Board of Health for the City Health District as provided by Ohio R.C. 3709.07.

Building

Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. The term building shall be construed as if followed by the words “or part of a building.”

Building or Garden Material Sales

An establishment engaged in the sale or storage of building materials and/or gardening materials such as lumber, brick, tile, cement, insulation, floor covering, lighting, plants, plumbing supplies, electrical supplies, cabinetry and roofing materials, shrubs, bushes, feed, fertilizer, and ground cover. Accessory uses may include repair or delivery services and outside sale of plants and gardening supplies including a greenhouse used to raise flowers, shrubs and plant for sale.

Building Type

A structure defined by the combination of configuration, form, and function.

Build-to Zone (BTZ)

An area in which the designated facade of a building shall be placed; it may or may not be located directly adjacent to a property line. The zone dictates the minimum and maximum distance a structure may be placed from a property line.

Bus or Rail Transit Station

A facility or structure where bus transit or rail transit vehicles stop to provide transportation services to the public. Accessory uses can include convenience retail or restaurants.

Business, Art, or Vocational School

A school, other than a college or university, that provides specialized training and education beyond the high school level, principally in the business, visual, performance, or vocational arts, that does not provide lodging or dwelling units for students or faculty, and that has programs that typically result in the awarding of a certificate. This use includes music conservatories, studios for the arts, painting, music, dance, photography, and drafting studios.

Canopy

In the context of timber harvesting, canopy means the upper level of a forest, consisting of branches and leaves of taller trees. A canopy is complete (or has 100 percent cover) when the ground is hidden from above.

Cap Type

The detail at the top of a building that finishes a facade, including, but not limited to, a pitched roof with various permitted slopes, parapet screening the roof structure, and tower.

Cemetery or Mausoleum

An area of land and related facilities used for the interment of the dead. This definition includes columbaria, crematoria, and mausoleums.

Certificate of Appropriateness

In the context of historic preservation, certificate of appropriateness means a certificate issued by the Historic Preservation Commission indicating that a proposed environmental change or demolition of a historic site, building, place, structure, historic object or work of art within the historic district is in accordance with the provisions of this ordinance.

Changeable Copy Area

A sign or part thereof designed for frequent and easy changes of message copy, other than changing copy areas, such as message boards with removable letters or frames designed for changes of placards but not including surfaces to which bills or posters are attached.

Changing Copy Area

A message copy or other display on a sign that is capable of being periodically changed electronically or electrically, such as a time and temperature sign or electronic message center.

City Engineer

A professional engineer employed by the City or any consultant designated by the City to perform the duties of the City Engineer.

Clear Cutting

In the context of timber harvesting, clear cutting means felling substantially all trees in a stand or a portion thereof.

Club or Lodge (private)

Buildings and facilities owned or operated by a corporation or association of persons for social, civic, cultural, religious, literary, political, recreational, professional or other similar purposes, but not operated primarily for profit or to render a service which is customarily carried on as a business, or anything requiring licensing by a governmental agency.

Cold Frame

An unheated frame covered by fabric and/or plastic, designed to protect plants from the weather and to extend the growing season, and not exceeding four feet in height. Also called a low tunnel.

College or University

An institute of higher education authorized by the State to award baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities.

Commercial Laundry

An establishment engaged in dry-cleaning, laundry, and linen services for the public or for businesses or institutions. This use includes pressing, repair, and dry-cleaning primarily for pick-up from and distribution to customers located off-site.

Commission

In the context of historic preservation. "Commission" means the Historic Preservation Commission

Commercial Timber Production

The cultivation, cutting, and removal of trees for sale or for processing into wood products such as lumber, veneer, paper and wafer board.

Community Garden

A public or not-for-profit area for cultivation of food crops and/or ornamental plants by more than one person or family with the crops shared among the participants or members but sold in a commercial fashion.

Contractor's Shop and Storage Yard

A building and related outdoor areas used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This use may include showrooms and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal, and other material in connection with contracting services.

Convalescent or Nursing Home

An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Convention or Events Center

A facility specially designed to host conferences, exhibitions, events, large meetings, seminars and training facilities, which may be associated with a hotel or motel.

Correctional Facility

A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. This use includes but is not limited to an adult detention center, juvenile delinquency center, jail, and prison.

Courtyard

An outdoor area enclosed by a building on at least two sides, open to the sky, and used primarily for pedestrian access and activities. Parking is not permitted in a courtyard; however, the landscape design may accommodate emergency vehicles in an emergency.

Covering

In the context of adult entertainment or adult retail, “covering” means any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.

Day Care Facility

A use designed and intended to be used for the daytime care or instruction of two or more children or two or more elderly adults and operated on a regular basis.

Demolish or Demolition

The substantial deterioration or complete or substantial removal or destruction of any building structure, site, historic object or work of art.

Development

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Digital Sign

See Electronic Message Center

Directional Sign

A sign erected for the convenience of the public, such as for directing traffic movement, parking, or identifying restrooms, public telephones, walkways and other similar features or facilities, and bearing no advertising message.

Director

The Director of Community Development or his or her designee.

Domestic Animal

Non-farm animals including dogs, cats, ferrets, rodents, birds, reptiles, fish, pot-bellied pigs weighing less than 70 pounds, aquatic vertebrates bred to remain in a confined body of water, and any other species of animal that is sold or retained as a household pet, but not including livestock, poultry, rabbits, or bees skunks, nonhuman primates, and other species of wild, exotic, or carnivorous animals.

Dormitory

A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions.

Double Faced Sign

An off-premise sign with two adjacent faces oriented in the same direction and not more than ten feet apart at the nearest point between the two faces.

Dwelling

A building designed, arranged, or used for permanent living quarters for one or more families.

Dwelling Unit

A building or portion of a building providing complete living facilities for a single housekeeping unit.

Dwelling, Attached Single-family

Apartment buildings, rowhouses, or town houses attached side-to-side, rather than one unit above another.

Dwelling, Detached Single-family

A building containing one housekeeping unit only. This use includes a manufactured home.

Dwelling, Two-family

A building containing two non-communicating housekeeping units, each with its own separate exterior entrance.

Dwelling, Live-work

A dwelling unit designed to accommodate both residential and non-residential uses in different areas of the unit, and in which the portion of the unit designed for non-residential use does not exceed 50% of the gross floor area of the unit.

Dwelling, Multi-family

A building containing three or more non-communicating housekeeping units, each with its own entrance.

Electric Power or Heat Generation Plant

A facility or area that generates electricity steam, heat, or hot or cold water from mechanical power produced by the firing of fossil fuels, and that is not listed as a separate use in Table 1103-A (Permitted Use Table).

Electronic Message Center (or Digital Sign)

A message copy or other sign display made up of small internally illuminated components that change the display periodically. See also Flashing Sign.

Employee

In the context of an adult entertainment or adult retail use, employee means a person who performs any service or work on the premises of any adult entertainment business, including, but not limited to providing entertainment, performing work of a management or supervisory nature, or performing functions, on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

Enclosure Below the Lowest Floor

See "Lowest Floor."

Executive Order 11988 (Floodplain Management)

Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Environmental Change

In the context of historic preservation, environmental change means any material alteration, removal, construction or addition of private or public improvements within the Historic District, if subject to public view, governed by the provisions of this ordinance. Environmental change shall include any new construction and/or landscaping.

Event Sign

A sign displayed for a continuous period of no more than 30 days no more than once in any calendar year.

Expression Line

A decorative, three-dimensional, linear element, horizontal or vertical, protruding or indented at least one inch from the exterior facade of a building. This element typically delineates the floors or stories of a building.

Exterior Architectural Feature

The architectural style, design, and arrangement of the exterior of a building or structure, or building materials including but not limited to the kind and type of windows, doors, porches, storefronts, signage, cornices, sliding material, roofs, decorative trim, light fixtures, appurtenant to the exterior of the building.

Façade

The exterior face of a building, including, but not limited to, the wall, windows, window sills, doorways, and elements such as expression lines, cornices, and parapets. The front facade is defined as any building face adjacent to the front property line.

Family

One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Family Foster Home

A private residence in which from one to a maximum of five foster children are given non-secure care and supervision twenty-four hours a day for hire, gain or reward by a person who is unrelated to such children by blood or marriage or who is not the appointed guardian of such children.

Farmers' Market

An area or facility where on designated days and times, multiple growers, producers and distributors of horticultural and agricultural products may sell those products directly to the public. This definition does not include a single grower, producer, or distributor of horticultural or agricultural products selling those goods to the public with the permission of the property owner, which is a "Temporary event, sale, or outdoor display". Accessory uses include the incidental sales of craft items, artisan goods, baked goods, food, hand tools, and similar items.

Federal Emergency Management Agency (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program

Feed and Fertilizer Sales

An establishment whose primary business purpose is the sale of livestock or animal feed or fertilizer in bulk quantities.

Felling

In the context of timber harvesting, felling means the act of cutting a standing tree so that it falls to the ground.

Festoons

A string of light bulbs not shaded or hooded to prevent their being visible at the boundary of the lot or building site or of ribbons, tinsel, streamers, pinwheels, pennants, or similar devices that is hung in the open.

Fill

A deposit of earth material placed by artificial means.

Flashing Sign

A sign that displays intermittent or flashing light, whether from internal or external light sources. Signs that produce moving or animated messages or images by use of intermittent light are not considered Flashing Signs.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM)

The initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM)

An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zone

A zone designation on a FHBM or FIRM that indicate the magnitude of the flood hazard in specific areas of a community. The following are the zone definitions:

- **Zone A**
Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
- **Zones A1-30 and Zone AE**
Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
- **Zone AO**
Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
- **Zone AH**
Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

- **Zone A99**
Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
- **Zone B and Zone X (shaded)**
Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
- **Zone C and Zone X (unshaded)**
Areas determined to be outside the 500-year floodplain.

Flood Insurance Study (FIS)

The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Flood Protection Elevation (FPE)

The base flood elevation plus one foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the Floodplain Administrator.

Floodplain Administrator

“Floodplain administrator” means the Chief Building Official or the Deputy Director of Public Works.

Floodway

The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Food Processing and Storage

The sorting, treatment, or preparation of food products for sale or as inputs to further processing. Examples include but are not limited to bakeries and baking plants; cold storage establishments; creamery operations, and frozen food lockers. This use does not include the abattoirs, commercial feedlots, meatpacking, poultry dressing, stockyards, fat rendering, or the tanning, cutting, curing, cleaning or storing of green hides or skins.

Forestry

Managing and using for human benefit lands and natural resources that occur on and in association with forests, or with reforested vacant properties, including trees, other plants, animals, soil and water. This use includes but is not limited to the planting, cultivating, harvesting, transporting, and selling of trees.

Forest Practice

Any activity conducted on or directly pertaining to forest land that is related to planting, growing, cultivating, harvesting, or processing timber, including but not limited to, road and skid trail construction; harvesting, both intermediate and final; pre-commercial timber stand improvement; regeneration, both natural and artificial; prevention and suppression of diseases and insects; salvage of trees; and Control of competing vegetation.

Forest Technician

A person who has an associate degree in forestry from a school of forestry accredited by the Society of American Foresters.

Foster Care

Full time but temporary care given to children who are unable to remain in their own homes.

Fraternity House

A home, residence, structure or facility in which a group of people is associated or formally organized for a common purpose, interest or pleasure, as:

- A Fraternal order;
- Guild;
- A men's student organization formed chiefly for social purposes having secret rites and a name consisting of Greek letters and which may or may not be affiliated with a university; or
- A student organization for scholastic, professional or extracurricular activities.

Freeboard

In the context of flood protection, freeboard means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Freestanding Sign

A sign erected on framework not connected to any structure supported and affixed by one or more uprights or braces in or upon the ground.

Front Property Line

The boundary abutting a public right-of-way of a primary street, other than an alley, from which the required setback or build-to zone is measured.

Frontage

The length of a property line following along an adjacent street.

Funeral Home

An establishment for the preparation of the deceased for burial and the display of the deceased and rituals connected with burial or cremation. This use includes columbaria, crematoria, and may include a facility for the permanent storage of cremated remains of the dead.

Furniture and Floor Covering Sales

An establishment that specializes in the sale of new or used, finished or unfinished furniture, including kitchen cabinets and related items or floor coverings such as carpet, linoleum, or hardwood flooring.

Golf Course

A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

Government Service

An establishment or facility owned or operated by a unit of local, state, or federal government and engaged in providing services unique to government or generally performed by units of government rather than by private commercial businesses.

Government/Utility Sign

A sign maintained by a government body or a utility for legal, regulatory, public safety, historical or wayfinding purposes, including traffic control devices or pavement markings; legal notices; warnings of hazards; historical markers; veterans memorials; directional signs to places of public interest; or any sign or exterior display a private party is required to display by government order or regulation with a size or other characteristic regulated herein that do not exceed those required for compliance with such order or regulation. Such Government/Utility Signs include construction signs for government-assisted projects and signs required by legislation on access for the disabled, or the official flag or seal of any nation or unit of government or any reproduction thereof displayed by the owner or occupant of a property unaccompanied by other graphic matter, words, or symbols not otherwise qualifying under this definition.

Graffiti

Any inscription, design, word, figure or mark of any type drawn, marked, painted, tagged or written upon any building, bridge, fence, gate, rock, structure, tree, wall or other property visible to the public which defaces, damages or destroys any public or private, real or personal property.

Grocery Store

A retail establishment that primarily sells food for off-site consumption, but also may sell other convenience and household goods for office consumption. Accessory uses may include but are not limited to sales of food or beverages for on-site consumption, grocery delivery services, florists, and pharmacy services.

Ground Floor

Also called ground story. The first floor of a building that is level to or slightly elevated above the sidewalk, excluding basements and cellars.

Group Home

Any building, structure, home, facility or place operated by person(s) other than the residents themselves, in which three to 16 unrelated persons reside for a period of more than 24 hours, and which is used or intended to be used for the purpose of letting rooms, providing meals and/or providing personal assistance, personal services, personal care and protective care but not skilled nursing care, designed to help the residents adjust to the community and society. Group homes may also provide personal assistance to no more than three residents per home. Group homes shall be further defined as follows:

- "Small group home" means a home in which personal service, personal assistance, personal care and/or protective care are provided to between three and five unrelated individuals, except those foster family homes licensed by child-placing agencies.

- "Medium group home" means a home in which personal service, personal care, protective care and/or personal assistance pursuant to Section 1744.11 are provided to between six and 10 unrelated individuals. This shall include any and all foster homes.
- "Large group home" means a home in which personal service, personal care, protective care and/or personal assistance pursuant to Section 1744.11 are provided to between eleven and sixteen unrelated individuals. This shall include any and all foster homes. Such personal assistance, personal service, personal care and protective care may be further defined as follows:
- "Group home" does not include the residence of related individuals, nursing or rest homes as defined in Chapter 1743 of the Codified Ordinances, child-care centers, rooming homes, or "independent living" in which residents themselves operate the facility.
- "Group home" includes but is not limited to facilities commonly known as three quarter-way homes, halfway houses, transitional residences, runaway or temporary shelters, mental health homes, custodial and diagnostic homes, convalescent homes, boarding homes and foster homes and community alternative homes. Fraternity houses and sorority houses shall not be included in this definition.

As used in this definition, "Personal service" means those services provided to residents of a group home by the certificate holder, operator and/or employees of the group home. Such services include but are not limited to the following:

- Housekeeping and laundry service;
- Social supervision;
- Transportation assistance;
- Assistance in seeking medical, dental and social services; and
- Meals.

As used in this definition, "Personal assistance" means supervision as required and services including but not limited to help with walking, bathing, dressing, feeding or getting in or out of bed.

As used in this definition, "Personal care" means protective care of a resident who does not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident when in the building. Fraternity houses and sorority houses shall not be included in this definition.

As used in this definition, "Protective care" includes but is not limited to a daily awareness by the management of the resident's functioning, his or her whereabouts, the making and reminding a resident of appointments, the ability and readiness to intervene if a crisis arises for a resident, supervision in areas of nutrition and medication and actual provision of transient medical care.

Hazardous Materials, Handling and Storage

An establishment engaged in the handling or storage of chemicals or substances that are physical or health hazards as defined and classified in the Fire and Building Codes. Hazardous materials include explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers and other health hazards.

Health Commissioner

The legally designated Health Commissioner of the City Health District or the Commissioner's authorized representative(s).

Heavy Vehicle or Manufactured Home Sales, Rental, or Repair

A facility that is engaged in the sales, rental, repair or storage of heavy equipment typically used in agricultural, commercial or industrial operations, including trucks with a gross vehicle weight of over 10,000 pounds, busses, semi-trucks or trailers, tractors harvesters, loaders, farm machinery, and tracked vehicles as well as sales of parts for heavy equipment, or in the sales, leasing, or installation of manufactured homes.

Historic District or District

The areas described in Section 1102.03(d)(1)C. (Historic Districts).

Historic Structure

Any structure that is:

- Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

Hoop House

An unheated frame covered by fabric and/or plastic, designed to protect plants from the weather and to extend the growing season, more than four feet in height. Also called a high tunnel.

Hospital

An institution providing health services, primarily for in patients and medical or surgical care of the sick or injured, including related facilities such as laboratories, out-patient facilities, training facilities, central service facilities, and staff offices, and containing 50 or more in-patient beds.

Hotel or Motel

A building designed for and occupied as the temporary dwelling place for individuals, generally for periods of no more than 30 consecutive days. Accessory uses include but are not limited to laundry and food service.

Hydraulic Fracturing

The injection of water and/or sand and chemicals into the earth under high pressure in order to stimulate the productivity of an oil or gas well.

Hydrologic and Hydraulic Engineering Analysis

An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

Hydroponics

The growing of plants in a nutrient solution, with or without the use of an artificial medium.

Intermittent Stream

A stream having a continuous bed and banks in which water flow normally occurs in the wetter parts of the year (October through April) or following major storm events.

Internally Illuminated Sign

A sign illuminated by an enclosed lighting source, the light from which does not extend beyond the face or message area of the sign, except indirectly through the face or surface thereof. Cabinet signs are considered internally illuminated but backlit characters mounted on wall surfaces are not.

Kennel

Any property where four or more adult dogs are kept for consideration, or on which day tending and care services are provided to four or more dogs.

Laboratory

An establishment engaged in research and/or development and testing or prototype products, but not in regular manufacture of those products.

Landmark Sign

An older sign designated by City Council that, by virtue of exhibiting special design qualities characteristic of an earlier era, merits special regulatory treatment because of its current rarity or unusual significance.

Landowner

In the context of timber harvesting, "landowner" means an individual, partnership, company, firm, association, or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting.

Land Use Change

In the context of timber harvesting, "land use change" means the conversion of forest land from forestry uses to residential, commercial, industrial, or other uses that are inconsistent with long-term management of the land for commercial timber production.

Landing

In the context of timber harvesting, "landing" means a place where logs, pulpwood, or firewood is assembled for transportation to processing facilities,

Letter of Map Change (LOMC)

An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:

- **Letter of Map Amendment (LOMA)**
A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
- **Letter of Map Revision (LOMR)**
A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.

One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

- **Conditional Letter of Map Revision (CLOMR)**

A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Livestock

Livestock includes both large and small livestock.

- Large livestock includes but is not limited to horses, ponies, stallions, colts, geldings, mares, bulls, steers, heifers, cows, calves, mules, alpacas, emus, jacks jennets and other animals that the Director determines to be of similar size, weight, and impacts on the land.
- Small livestock includes but is not limited to sheep, rams, lambs, burros, goats, kids, swine, other animals that the Director determines to be of similar size, weight, and impacts on the land, and any animals normally found in the wild state that are being kept for exhibition or commercial purposes or as private pets.

Livestock Auction or Sales

An area or facility at which livestock are offered for sale through retail sales or an auction.

Litter

In the context of timber harvesting, "litter" means discarded items not naturally occurring on the site such as tires, oil cans, equipment parts, and other rubbish.

Limited Public Right-of-Way

A right-of-way dedicated to public use for utility lines and walkways but not for the movement of vehicular traffic.

Lop

In the context of timber harvesting, "lop" means to cut tops and slash into smaller pieces to allow the material to settle close to the ground.

Lot, Corner

A lot having frontage on two or more streets at the intersection of the streets.

Lot, Residential

A parcel of land defined by metes and bounds or boundary lines in a recorded deed or shown on a recorded plat and fronting on a street.

Lot, Through

A lot other than a corner lot with frontage on more than one street other than an alley.

Lowest Floor

In the context of flood protection, "Lowest floor" means the lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in

accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Major Streets Plan

The Major Streets Plan by the Commission as part of the Youngstown Comprehensive Plan, and all subsequent amendments thereto.

Major Subdivision

Any subdivision other than a minor subdivision.

Manufactured Home

A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of this Redevelopment Code, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

Manufacturing, 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 where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building. This use does not include any use listed separately in Table 1103-A (Permitted Use Table). Examples of light manufacturing include but are not limited to: candy products manufacture; canvas products manufacture, sales and storage; clothing manufacture; cosmetics and perfume manufacture; electronic assembly plant; emery cloth manufacture; excelsior and fiber manufacture; felt manufacture; milling and storage of grain products; hosiery manufacture; leather goods, manufacture; optical and scientific instrument; jewelry, clock or musical instrument manufacture; pharmaceutical products manufacture; plastics manufacture; pottery manufacture; prefabricating of buildings and structural members; sheet metal shops; sign manufacture and maintenance; textile manufacturing; and woodworking shops.

Manufacturing, General

An establishment engaged in fabrication, assembly, processing, or manufacturing that has the potential to create significant impacts on surrounding areas due to the types of materials used, byproducts created, hours of operations, volumes of heavy truck or rail traffic, or other factors, but that do not use significant quantities of hazardous or potentially materials. This use does not include any use listed separately in Table 1103-A (Permitted Use Table). Examples of general manufacturing include but are not limited to: abrasive manufacture; alcohol and alcoholic beverages manufacture; assembly of machines; automobile truck assembly; automobile wrecking or dismantling; bedding or carpet manufacturing, cleaning, or renovating; bottling works; brick manufacture; cellophane manufacture; manufacture, storage, and sales of construction materials; dairy products processing, bottling, and distribution; floor covering manufacture; footwear manufacturing and storage; galvanizing; non-hazardous gas manufacture; glass manufacture; ice manufacture, storage and sales; insulation material manufacture and sale; machine shops; machine tool manufacture; machinery manufacture; meat processing and packing; poultry dressing; metal fabrication plants; motor vehicle and motor vehicle equipment manufacture; oxygen manufacture and/or storage; paper, pulp, cardboard, and building board manufacture; planing or saw mills; railroad car repair and manufacture; rock reclamation and crushing and processing; soap manufacture; stonecutting manufacture and sales; and textile machinery manufacture.

Manufacturing, Hazardous or Special

An establishment or business that uses hazardous inputs or creates hazardous by-products in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts on the environment or surrounding areas. . This use does not include any use listed separately in Table 1103-A (Permitted Use Table). Examples of hazardous or special manufacturing include but are not limited to: acetylene gas manufacture and/or storage; acid manufacture; ammonia manufacture; annealing; asphalt manufacture or refining; asphaltic concrete plant; blast furnaces; cement manufacture; chemical, manufacture; creosote manufacture or treatment plant; distillation; dye manufacture; enameling, japanning, or lacquering of metals; forging plants; foundries; industrial chemical manufacture; iron manufacture; lubricating oils or greases manufacture or refining; mixing plants for concrete and manufacture of concrete products; open hearth & blast furnaces; paint manufacture; plating works; potash works; rodenticide mixing plants; and tar and waterproofing materials manufacture treatment and storage.

Marine Terminal, Passenger or Freight

A building or area of land used for loading and unloading passengers, supplies, materials, equipment or manufactured goods to or from ships and marine vessels.

Market Garden

A private area maintained by an individual or group of individuals for cultivation of food crops, or ornamental plants, and/or small livestock to be sold for profit.

Marquee

Any permanent construction that projects from a wall of a building, usually above an entrance, and that does not meet the definition of an awning or canopy.

Mini-storage Facility

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access units or lockers.

Mining and Processing of Natural Resources

Mining or extraction of mineral or aggregate resources from the ground and preliminary processing for transportation or use off-site, and not listed separately in Table 1103-A (Permitted Use Table). Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil and gas drilling.

Minor Subdivision

A subdivision which meets all of the following conditions:

- No land is dedicated for street purposes other than for street widening;
- No lot is re-platted in a manner that places its frontage upon a street other than the street on which the lot originally faced;
- No lot or parcel is decreased in size to create additional lots or building sites; and
- All other requirements of these regulations are met without exception or variance.

Moving Sign

A sign other than multi-prism sign that has one or more visible parts designed to move for the purpose of attracting attention.

Multi-Prism Sign

A sign, the message of which is periodically changed by multiple rotating panels each containing part of alternate messages.

Museum, Library, or Art Gallery

A facility or area that is open to the public and is intended for the acquisition, preservation, study, and exhibition of works of artistic, historical or scientific value.

National Flood Insurance Program (NFIP)

A Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

New Construction

In the context of flood protection, "New construction" means structures for which the "start of construction" commenced on or after the initial effective date of the City of Youngstown Flood Insurance Rate Map, dated July 18, 1977, and includes any subsequent improvements to such structures.

Non-Conforming Lot

A platted lot or an unplatted parcel of land, legally existing at the time of passage of this Redevelopment Code, or at the time of passage of a later amendment to this Redevelopment Code, that does not meet the requirements for a platted lot in the district where it is located.

Non-Conforming Structure

A building or structure, legally existing at the time of passage of this Redevelopment Code, or at the time of passage of a later amendment to this Redevelopment Code, that does not comply with the requirements for that structure in the district where it is located.

Non-Conforming Use

A use of land or building, legally existing at the time of passage of this Redevelopment Code, or at the time of passage of a later amendment to this Redevelopment Code, that does not comply with Table 1103-A (Permitted Use Table) for the district in which it is situated.

Nude Model Studio

Any place where a person who appears nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration. "Nude model studio" does not include:

- A proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation;
- A private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;

where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one nude model is on the premises at any one time.

Nudity or Nude

Exposing to view the genitals, pubic area, vulva, perineum, anus, or pubic hair with less than fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.

Occupied Space

Interior building space regularly occupied by the building users. Does not include parking, storage, or utility space.

ODOT-Regulated Sign

A sign regulated by the Ohio Department of Transportation under Chapter 5516 of the Ohio Revised Code, Chapter 5501:2-2 of the Ohio Administrative Code, both as amended, and/or any other statutes or regulations.

Office

A room or group of rooms used for conducting the affairs of a business, profession, or service industry or a charitable institution. This use includes but is not limited to areas where professional services of lawyers, accountants, engineers, architects, administrators, physicians, dentists, real estate agents, chiropractors, optometrists, or secretaries are delivered; where data processing occurs; or where radio, television, or media presentations are produced.

Operator

In the context of group homes, "operator" means any person who manages, controls or otherwise performs the day-to-day tasks of operating a group home, regardless of whether such person is the license holder.

Operator

In the context of timber harvesting, "operator" means an individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees of that individual, partnership, company, firm, association, or corporation.

Owner

In the context of historic preservation, "owner" means the owner or owners of record of real property within the Historic District.

Park or Playground

An area or facility to be used for recreation, exercise, sports, education, rehabilitation, or similar activities, or an area intended to enhance the enjoyment of natural features or natural beauty. This use does not include commercially businesses, but may include accessory retail and eating and drinking uses.

Parking Space

An off-street storage area for the parking of one motor vehicle.

Parks and Playgrounds Plan

The Parks and Playgrounds Plan by the Commission as part of the Youngstown Comprehensive Plan and all subsequent amendments thereto.

Permanent Sign

A sign that is not a Temporary Sign, as defined herein.

Permanent Stream

A stream having a continuous bed and banks in which water flow normally occurs year-found.

Person

Any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Personal Service and Repair

An establishment engaged in the provision of informational, instructional, personal improvement, personal care, and similar services, and that is not listed separately in Table 1103-A (Permitted Use Table). Examples include but are not limited to: barber and beauty shops; blood banks; catering establishments; cleaning establishments; custodial and diagnostic centers; custom dressmaking; dry cleaning and laundry pick up/drop off centers; film processing; garment printing and embroidering; licensed massage salons that do not provide adult services; day spas; printing/ photocopying/ shipping centers for the public, optical and optician services; real estate sign placement services; service and repair establishments for small office and household goods; sign painting shops; sun tan centers; bicycle rentals; upholstery, paper hanging, and decorator shops; and tailor shops.

Personal service and repair, small

A personal service and repair establishment containing no more than 10,000 sq. ft. of gross floor area and generally having no more than 10 employees on site at one time.

Personal service and repair, large

A personal service and repair establishment containing more than 10,000 sq. ft. of gross floor or generally having more than 10 employees on site at one time.

Pool or Billiard Halls

An establishment containing more than two billiard or pool tables, and in which allowing patrons of the establishment are permitted to use the pool or billiard tables in return for a fee or for consuming food or drink provided by the establishment.

Portable Sign

Any sign that is moveable and not permanently attached to the ground or to a structure or another sign permanently attached to the ground, including a trailer sign.

Poultry

Hens and roosters, geese, ducks, pheasant, quail, and other species that the Director determines to be of similar size, weight, and impacts on the land.

Pre-Commercial Timber Stand Improvement

A forest practice, such as thinning or pruning, which results in better growth, structure, species, composition, or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small, or otherwise of limited marketability or value.

Pre-Existing Condition

See Section 1105.05.

Principal Entrance

The main or primary point of access for pedestrians into a building, typically located on the front and/or corner facade.

Professional Forester

A person who has a Bachelor of Science or higher degree from a school of forestry accredited by the Society of American Foresters.

Projecting Sign

A sign displayed on or from a wall of a building or a projection there from, other than a canopy or awning, where the sign or the building projection extends more than 12 inches from the face of the wall.

Poultry and Rabbits

All domesticated fowl, game birds, rabbits, hares, and other *Leporidae* that are legal to be held in captivity.

Public Safety Facility

A police station, fire station, or emergency medical service facility.

Public Utility

A building, structure or use of land for pipelines, power transmission lines, telephone and telegraph lines, railroad tracks, but not a railroad yard, and such related public utility structure or station necessary for the installation and maintenance of franchised utility services.

Railroad Right-of-Way

An area or facility connected with the operation of individual railroad tracks, including without limitation areas associated with sidings, siding and switching equipment, crossing safety arms, and contiguous maintenance, switching, or storage sheds. This use does not include a railyard and related facilities.

Railroad Yard and Related Facilities

An area and related facilities connected with the assembly or disassembly of trains, including without limitation passenger or freight terminals, operations and maintenance sheds, train sheds, and classification yards.

Reconstruction

In the context of historic preservation, “reconstruction” means the reproduction by new construction of the exact form and detail of a vanished structure or vanished part of an existing structure as it appeared at a specific period of time.

Recreational Vehicle

A vehicle that is:

- Built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- Designed to be self- propelled or permanently towable by a light duty truck; and
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling Collection Point (Primary Use)

A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper or clothing for recycling purposes conducted totally within an enclosed structure or container, as a primary use of land. This definition does not include processing except for can banks that crush cans as they are deposited.

Recycling Services

A facility where recyclable material is collected, separated, and processed for reuse into new products, or for shipment to a recycling plant or other facility for eventual reuse into new products. This use includes but is not limited to facilities for waste paper collection, sorting, and baling, facilities for asphalt shingle recycling, and waste transfer stations, but does not include any facility meeting the definition of a “solid waste disposal or processing facility.”

Registered Professional Architect

A person registered to engage in the practice of architecture under the provisions of Sections 4703.01 to 4703.19 of the Ohio Revised Code.

Registered Professional Engineer

A person registered as a professional engineer under Chapter 4733 of the Ohio Revised Code.

Registered Professional Surveyor

A person registered as a professional surveyor under Chapter 4733 of the Ohio Revised Code.

Regulated Uses

This use includes;

- Adult cabarets;
- Adult retail;
- Adult theater;
- Establishments for the sale of beer or intoxicating liquor for consumption on the premises except for D5J permits;
- Establishments with a segment or section devoted to the sale of packaged liquor, beer and/or wine, for consumption off the premises;
- Pool or billiard halls; and
- Secondhand stores.
- Payday lending establishments
- Tattoo Parlors
- Internet Game Cafes
- Sweepstakes business

Religious Assembly

A building containing a hall, auditorium, or other suitable room or rooms used for conducting religious or other services or meetings of the occupants. This use includes churches, synagogues, and similar uses, but shall not include places used for commercial endeavors.

Repair and Servicing of Industrial Equipment

Repair, rebuilding, and painting of industrial, vehicular, and railroad vehicles, motors, machines, implements, and equipment.

Restaurant (No Drive-in/Drive-Through)

An eating establishment where customers are primarily served at tables or self-served and food is consumed primarily on the premises, and that does not have a drive-in or drive-through facility to serve patrons food while seated in their vehicles.

Restaurant (With Drive-in/Drive-Through)

An eating establishment where customers are primarily served at tables or self-served and food is consumed primarily on the premises, and that has a drive-in or drive-through facility to serve patrons food while seated in their vehicles.

Retail Store Not Listed

Any store whose primary business is the retail sales of goods and that is not listed as a separate use in Table 1103-A (Permitted Use Table). Examples include but are not limited to antiques and gift retail sales; art supply retail sales; bakery shops and confectioneries; barber or beauty equipment sales and supply; bicycle sales and repair; book and stationary stores; camera sales, supplies, and service; candy products retail; clothing sales; dairy bars for retail sale; department and variety stores; drug stores; retail electric supply sales; retail florists; retail footwear sales; retail furriers sales; gift shops; retail sales of hardware, appliances and electrical items; jewelry sales and repair; lock and gunsmiths; music stores; musical instrument stores, sales or instruction; office equipment and supplies sales and service; optical sales, retail sales of paint; pawn shops; secondhand stores; pet shops; taxidermists; photographic studios and supply stores; radio and television retail sales and service; specialty shops; sporting good sales; and variety stores.

Retail store not listed, small

A “retail store not listed” containing no more than 10,000 sq. ft. of gross floor area.

Retail store not listed, large

A “retail store not listed containing more than 10, 000 sq. ft. of gross floor area.

Riding Stable

An establishment or area for keeping horses or other domestic animals other than for the property owner’s personal use, for compensation, hire, boarding, riding or show.

Rooming or Boarding House

Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not related to the owner or operator as husband, wife, son, daughter, parent, grandparent, father-in-law, mother-in-law, brother or sister.

School, Elementary, Middle, or High

An educational institution that satisfies the compulsory education laws of the State of Ohio for students in the elementary grades, middle school grades, or high school grades, respectively. This definition includes both public schools and private non-boarding schools that have a curriculum similar to that in the permitted public schools.

Screening Device

A fence, wall or evergreen hedge which locks the view of objects on the other side.

Secondhand Store

An establishment for the resale of used or donated household goods (such as clothing, books, toys, tools, furniture, and other similar items), and for incidental repair or refurbishing prior to resale. This use does not include resale of motor vehicles, industrial or commercial mechanical equipment or related parts.

Separate Use Sign or Billboard

A sign, including the supporting sign structure, which is visible from a street or highway and conveys a message not associated with the premises and/or property upon which the sign is located.

Sexual Conduct

Acts of masturbation, homosexuality, sodomy, lesbianism, sadism, masochism, natural or unnatural sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such person is a female, a breast; to appear in a state of nudity in view of others, to fondle his or her own genitals in view of others, or to fondle the genitals of another person, or permit another person to fondle his or her genitals.

Sexual Encounter Center

A business or commercial enterprise that offers for any form of consideration:

- Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- Activities between male and female persons and/or persons of the same sex when one or more of the persons is nude.

Side Street

Streets with few primary building entrances along them, parallel to the side property lines of the lots. Parking lot or garage access is typically required to be off these streets.

Sign

Any notice, device, announcement or display, pictorial or otherwise, that is used for the purpose of advertising or directing attention to a commodity, business property, service or entertainment conducted, sold or offered, either on the premises or elsewhere, providing general information. Sign: Any visual or graphic device that is designed and/or used to communicate - usually with words, numbers, characters and/or proprietary symbols, as defined herein - a verbal and/or visual message that is at least partially visible from ground level beyond the lot or building site in which the sign is displayed. Such a device shall be considered a sign whether or not a message is currently displayed thereupon. Sign shells, embellishments and support structures shall be considered part of the sign. Signs shall, irrespective of message content, be considered Accessory Uses to Principal Uses on their sites.

Sign, Accessory Use

A single professional or announcement sign, displayed on the premises, not exceeding two square feet in area; a home occupation sign or a sign pertaining to the rent, lease or sale of property upon which it is displayed.

Sign Content

The advertising, informational, or other message directly conveyed by the characters and symbols used on a sign. Messages conveyed indirectly by the dimensions, media, colors, design, materials, sign form, lighting, positioning, movement or similar characteristics of a sign -- such as emotional messages or psychological effects -- are not considered content.

Sign, Directional

A sign which contains only the name or location of, and/or direction to a business, commodity, service or other activity, and is located other than on the premises where such business, commodity, service or other activity is carried on.

Sign Face

The surface of a sign upon, against or through which the message is displayed.

Sign, Ground

Any detached sign supported by uprights, braces or a foundation. They stand independent of a building or structure. Billboards are not included in this category.

Sign, Institutional

Those signs for public, charitable or religious institutions.

Sign, Integral

Decorative or architectural features built into the walls of buildings as an integral part of their design including memorial plaques or tablets, cornerstones, historic tablets and the like consisting of bronze, brass, glass, marble, stone, aluminum, stainless steel or other similar materials.

Sign, Marquee

A sign mounted on a marquee.

Sign, Municipal

Any sign required by law to be maintained or posted through governmental order, rule or regulation. This includes directional and traffic signs, legal notices, railroad and danger signs, public safety and convenience signs (such as those indicating public transit service, public utilities, pedestrian convenience information), flags or other government insignia.

Sign Panel

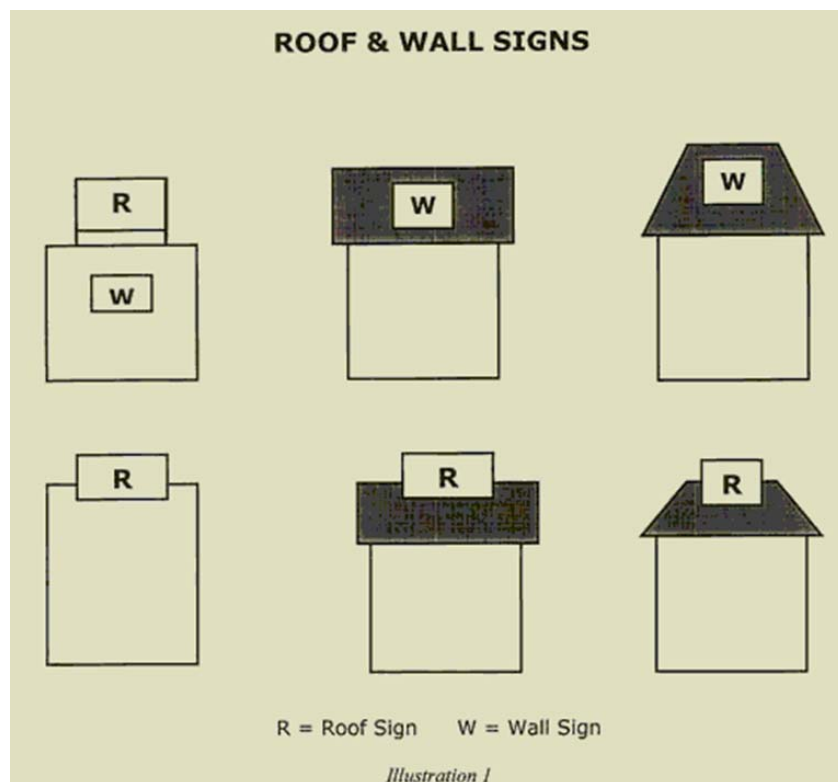
A display surface of a sign that is visually distinct from every other sign surface in its vicinity by virtue of appearing on a separate substrate or being separated from such other surfaces by open space. Sides of a two sided sign shall not be considered as separate panels so long as both are of identical shape, dimensions, and positioning and their backs are separated by 10 feet or less. Separate cabinets shall be considered separate panels.

Sign, Principal Use

A sign that directs attention to a business, commodity, service or other activity conducted upon the premises upon which said sign is located.

Sign, Roof

Any sign that projects above the parapet or the highest point of the roof, whichever is higher, of that portion of a building on which it is mounted. Signs mounted upon vertical roof surfaces, such as mansard roofs, and signs displayed on pitched roofs, that do not extend higher than the peak, are not considered roof signs.



Sign, Separate Use

A sign, including an outdoor advertising sign, that directs attention to a business, commodity, service, entertainment or other activity, conducted sold or offered elsewhere than on the premises on which the sign is located.

Sign, Surface

A Surface Sign is a sign mounted, applied, or otherwise displayed on, and generally following the contours of, the surface of a structure or object or part or projection thereof, the function of which is not primarily that of a sign. Surface Signs are commonly displayed on walls, windows, awnings, doors, vending machines, and canopies.

Sign, Permanent

A sign that is not a permanent sign as permitted in Section 1105.10(a).

Sign, Trailer

A portable sign mounted on a trailer or on a similar moveable support with or without wheels.

Sign, Vehicle

A sign on or within a motor vehicle, boat, aircraft, recreational vehicle, or similar vehicle that appears to have been parked for the primary purpose of displaying the sign. Vehicle signs do not include:

- Trailer signs;

- Lettering permanently painted on or attached to on aircraft, boats, or commercial vehicles that are operating or parked during the normal course of business;
- Signs on buses or taxicabs that are operating or parked during the normal course of business;
- Bumper stickers; or
- Placards of 3 square feet or less placed in window of vehicles.

Sign, Wall

A sign that is attached flat against the wall of any building or structure. Signs painted directly on the wall of a building are included in this category.

Sign, Window

A sign in which all lettering, logos and illustrations are painted directly on or within two feet behind the glass surface of windows, doors, or storefront bays, with the message oriented to be visible from outside the premises.

Site

Any lot or parcel of land or contiguous combination of lots or parcels of land.

Skidding

In the context of timber harvesting, "skidding" means dragging trees on the ground from the stump to the landing by any means.

Slash

In the context of timber harvesting, "slash" means woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

Solar, Geothermal, or Biomass Power Facility (Primary Use)

A facility or area that generates electricity, steam, heat, or hot or cold water from the collection of solar or geothermal energy or from the firing of biomass, as a primary use of land.

Solid Waste Disposal or Processing Facility

An area of land and any related facility owned or operated by the City of Youngstown that is designed or operated for the purpose of disposing of solid waste on or in the land and at which solid waste is disposed of in or on the land. This use includes but is not limited to landfills, medical waste disposal facilities, toxic material disposal facilities, infectious waste facilities, regulated solid waste disposal facilities, hazardous waste disposal facilities, and construction and demolition waste disposal facilities. This use does not include any facility that is not owned or operated by the City of Youngstown.

Sorority House

A home, residence, structure or facility in which a group of people is associated or formally organized for a common purpose, interest or pleasure, as:

- Guild;
- A club of women, specifically, a women's student organization, as at a college, formed chiefly for social purposes and has a name consisting of Greek letters and which may or may not be affiliated with a university; or
- A student organization for scholastic, professional or extra-curricular activities.

Special Flood Hazard Area or Areas of Special Flood Hazard

“Special flood hazard area or areas of special flood hazard” is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1 30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and floodprone soils associated with a watercourse.

Specified Anatomical Areas

The human genitals in a discernibly turgid state, even if completely and opaquely covered; or Less than completely and opaquely covered human genitals, pubic region, anus, or female areola.

Special Sexual Activities

- The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- Excretory functions as a part of or in connection with any of the activities set forth in (a) or (b) above.

Stadium, Indoor

A large enclosed place used for games and major events and partly or completely surrounded by tiers of seats for spectators. This definition includes arenas and auditoriums.

Stadium, Outdoor

A large outdoor place used for games and major events and partly or completely surrounded by tiers of seats for spectators.

Stand

In the context of timber harvesting, "stand" means any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

Stand Prescription

In the context of timber harvesting, "stand prescription" means a description of the forest management treatments to be applied to a stand to achieve stated management objectives, how they will be applied, and the desired residual stand.

Start of Construction

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

occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Stewardship

In the context of timber harvesting, "stewardship" means the wise management and use of forest resources to ensure their health and productivity for future generation.

Story

A habitable level within the building, typically measured from finished floor to finished floor.

Stream

A body of water running or flowing on the earth's surface, or channel in which such flow occurs. Flow may be permanent or intermittent.

Street

A right-of-way dedicated to the public to provide for the movement of traffic and to provide access to abutting properties.

Structure

In general use, anything constructed or erected, the use of which requires more or less permanent location on the ground, below the ground, or which is attached to something having a more or less permanent location on the ground, or below the ground. In the context of flood protection, a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Subdivision

The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll into two or more parcels, sites or lots, anyone of which is five acres or less in size, for the purpose of immediate or future transfer of ownership;

The improvement of one or more parcels of land which involves the division or allocation of land for any of the following:

The opening, widening or extension of any street;

Open spaces for common use by owners, occupants or lease holders;

Easements for access or for the extension and maintenance of public sewer or water systems, drainage, or other public facilities; or

A limited public right-of-way as defined in these regulations.

Any re-subdivision of an existing subdivision.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before the damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Hardship

In the context of historic preservation, "substantial hardship" means an economic inability to comply with restoration of detail (aesthetics). It shall not be applied to mere compliance with the existing housing and building codes.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

- Any improvement to a structure that is considered "new construction,"
- Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

Swimming Pool

Any confined body of water designed, used, or intended to be used for swimming or bathing purposes.

Taxi Stand

A service that offers transportation in passenger automobiles and vans to persons, and that is a primary use of land.

Temporary Construction Office or Yard

A facility or area used as a temporary field construction office, temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or construct buildings, structures or infrastructure.

Temporary Event, Sale, or Outdoor Display

A temporary outdoor use of land for the purposes of an event or sale including but not limited to: a circus, carnival, fair, party, or celebration that reasonably may be expected to attract more than 100 persons at any one time; or any sale made by a person, firm or corporation engaging in the temporary business of selling goods, wares or merchandise from a tent, truck, vending cart or other area outside of a permanent structure on property owned or leased by the person, firm or corporation or with the permission of the owner of the property. The temporary event or sale must be secondary to or incidental to a primary use of that parcel of land.

Temporary Real Estate Office

A facility or area used as a temporary office to sell or lease land or buildings or interests in land or buildings within a specified area.

Theater, Indoor

A enclosed facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

Theater, Outdoor

A outdoor facility with fixed seats, a lawn area, or a parking area designed for the viewing of movies or live presentations of musicians or other performing artists.

Timber Harvesting, Tree Harvesting, or Logging

The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

Top

In the context of timber harvesting, "top" means the upper portion of a felled tree that is unmerchantable because of small size, taper, or defect.

Transparency

The amount of highly transparent, low reflectance windows with high visible light transmittance, including their structure, on the façade of the building.

Truck Freight of Transfer Terminal

An area and related buildings where trucks load and unload cargo or containers on a regular basis, and where the cargo or containers are stored before and after transfer to other sites. This use may include storage areas for trucks and buildings and areas for the repair of trucks associated with the terminal. This use does not include permanent or long-term accessory storage for principal land uses at other locations.

Use, Principal Use

The primary purpose for which a lot or the main building on a lot is designed, arranged, or intended to be used.

Utility Towers and Elevated Structures (Primary Use)

Towers and elevated structures constructed as freestanding structures and rising more than 50 feet above grade to provide utility, telecommunications, emergency communications, aircraft runway lighting, or area lighting services. Examples include but are not limited to cellular telephone towers, radio and television towers, and water towers.

Utility Service and Storage Yards

An area and related facilities owned by a public utility company or governmental entity for the storage of vehicles and materials related to the maintenance, construction, and repairs of utility transmission lines and substations. This use may include business offices, a dispatching center, storage yards, and shop facilities for the servicing and repair of equipment. This use does not include individual utility lines and pipes.

Variance

A grant of relief from the standards of this Redevelopment Code through the process described in Section 1105.04(n) (Variance).

Veterinarian

An establishment that provides medical treatment and care to animals, and which may include temporary or overnight boarding of animals that are recuperating from treatment. This use does not include a Kennel.

Violation

The failure of a structure or other development to be fully compliant with this Redevelopment Code.

Visible Basement

Visible basements occur when the ceiling of the basement is located a minimum of two feet and a maximum of four and a half feet above the average finished grade of the front or corner façade.

Warehousing and Storage

An establishment whose primary activity is the storage of residential, commercial, industrial, or other goods, including inventory and/or finished products, and where no goods are sold either at wholesale

or at retail. This use does not include the storage of goods incidental to a different primary use on the same lot, which is an accessory use.

Water or Sewer Pumping or Treatment Facility

A facility to treat water or wastewater for or from a defined service area, and that typically has employees at the site, including but not limited to water treatment plants, water pumping plants, underground water storage facilities, sewage treatment plants and sewage disposal plants.

Wetland

Marsh, swamp, bog or other land containing high levels of soil moisture and related species of plant or animal life.

Wholesaling

An establishment where manufactured products, supplies, and equipment are sold to entities and individuals in the business of reselling those items, including accessory offices and showrooms. Products may be picked up on-site or delivered to the customer. This use does not include sales to the public at large or to consumers who are members or a club or association, regardless of whether the name of the business includes some version of the word “wholesale”.

Wild Animal

“Wild animal” means any living wild or potentially dangerous mammal, reptile, fowl or other vertebrate species which is not naturally tame or gentle, but is of a wild nature or disposition and not customarily domesticated, and which because of its characteristics may constitute a danger to people or property if it escaped from secure quarters. A wild animal shall include, but not be limited to:

- All snakes;
- Bears (Ursidae);
- Cheetahs (Acinonyx Jubatus);
- Birds of prey, eagles, falcons, hawks, owls (Falconiformes);
- Coyotes and coyotes-dog hybrids (Canids);
- Elephants (Elephas and Loxodons);
- Hyenas (Hyaenidae);
- Jaguars (Panthera onca);
- Leopards (Panthera pardus);
- Lions (Panthera leo);
- Lynxes (lynx);
- Pumas, also known as cougars, mountain lions and panthers (Felis concolor);
- Primates (non-human), apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs;
- Raccoons;
- Skunks;
- Tigers (Panthera tigris);
- Wolf-dog hybrids (canis lupus);
- Wild cats, ocelots, margay, several, leopard cats;
- Alligators;
- Crocodiles; and
- Any fish/aquatic vertebrate that is dangerous to humans.

Wind Power Facility (Primary Use)

An area and related tower structure designed and used to generate electrical energy from wind energy, as a primary use of land. This use includes but is not limited to a base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect, inverters, and battery banks. Examples include but are not limited to: wind charger, windmill, and wind turbine.

Yard

Any open space on a lot between the principal building on such lot and the lot lines of such lot or situated between the principal building on such lot and the right-of-way line of an abutting street right-of-way.

Yard, Front

A yard extended across the front of a lot between side lot lines and lying between the right-of-way line of the abutting street and the front of the principal building on the lot.

Yard, Interior Side

This section uses Interior Side Yard to differentiate the Side Yard that does not abut any public right-of-way or street from a side yard on a corner adjacent to a street.

Yard, Rear

A yard extending across the rear of a lot from side lot line to side lot line and lying between the rear property line and the rear of the principal building on the lot.

Yard, Side

A yard extending along either side of a lot between the front and rear lot lines and lying between the side lot line and the principal building on the lot. In the event of a corner lot, the side yard on the street side shall be the land lying between the street property line and the side of the principal building extending from the front property line and the rear property line.

Zoning Enforcement Officer

That officer, official or designated employee given the duties of enforcement of all of the zoning ordinances of the City of Youngstown and related regulations. For purposes of this definition, the terms Zoning Enforcement Officer, Director, Zoning Officer and Associate Planner are synonymous.

Zoo

A facility, indoor or outdoor, where animals are kept for viewing by the public. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

Index

The Redevelopment Code will include a brief index of key terms to help supplement the table of contents.