



BRUNSWICK CITY COUNCIL AGENDA

Nate Witsaman Ward 3	Kristy Piper At-Large	Tim Smith At-Large	Dennis Nevar Law Director	Carl S. DeForest City Manager	Ron Falconi Mayor	Laura Timura Clerk of Council	Nicholas Hanek Ward 2	Michael Abella Jr. Ward 1	Joseph Delsanter At-Large	Keith Kuczma Ward 4

AUGUST 3, 2026

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of Regular Council Meeting Minutes
 - (a) Regular Council Meeting Minutes dated July 27, 2026
5. Mayor's Report:
 - (a) Mayor's Update
6. Clerk of Council's Report
7. Council Committee Reports:

Economic Development Committee.....Mr. Witsaman

Services, Utilities, Technology & Cable Committee.....Mr. Smith

Services, Utilities, Technology & Cable Committee Minutes dated July 27, 2026

Finance Committee.....Mr. Hanek

Finance Committee Minutes dated July 27, 2026

Safety & Environment Committee.....Mr. Kuczma

Planning & Zoning Committee.....Mr. Delsanter

Parks, Recreation & Community Committee.....Mrs. Piper

Building & Building Code Committee.....Mr. Abella
8. Other Committees, Boards and Commissions
 - (a) Committee-of-the-Whole Minutes dated July 27, 2026
9. Petitions from the Public on Legislation
10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

ORD. NO. 14-2026 - An ordinance adopting an updated Planning & Zoning Code and repealing the existing Planning & Zoning Code. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

RES. NO. 36-2026 - A resolution appointing Nicholas J. Hanek as City Manager/Safety Director of the City of Brunswick. - **3rd Reading** (Committee-of-the-Whole, *Council/Joseph Delsanter*)

b. 2nd Reading(s)

c. 1st Reading(s)

11. City Manager's Report
12. Open Forum
13. Unfinished Business
14. New Business
15. Adjournment

CITY OF BRUNSWICK, OHIO

MINUTES OF COUNCIL

Monday, July 27, 2026

Prayer and Pledge of Allegiance The regular meeting of Brunswick City Council was called to order by Mayor Ron Falconi at 7:00 p.m. at the Municipal Complex. Mayor Falconi requested a moment of silence in memory of former City employee, David Smerek, who recently passed away.

Roll Call of Members showed the following Council Members present: Nate Witsaman, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper.

Others Present: Mayor Ron Falconi, City Manager/Safety Director Carl DeForest, Law Director Dennis Nevar, Clerk of Council Laura Timura.

Joseph Delsanter moved to excuse Nicholas Hanek for just cause, seconded by Kristy Piper. Roll Call - Ayes - 6, Joseph Delsanter, Michael Abella Jr., Keith Kuczma, Tim Smith, Kristy Piper, Nate Witsaman. Nays - 0. Motion Carried.

Correspondence There was none.

Approval of Regular Council Meeting Minutes

Regular Council Meeting Minutes dated July 13, 2026:

Joseph Delsanter moved to approve the Regular Council Meeting Minutes dated July 13, 2026, as written, seconded by Keith Kuczma. Roll Call - Ayes - 6, Joseph Delsanter, Michael Abella Jr., Keith Kuczma, Tim Smith, Kristy Piper, Nate Witsaman. Nays - 0. Motion Carried.

Mayor's Report:

Motion to reappoint Sarah Alfano to the Juvenile Diversion Board:

Joseph Delsanter moved to reappoint Sarah Alfano to the Juvenile Diversion Board, seconded by Michael Abella. Roll Call - Ayes - 6, Joseph Delsanter, Michael Abella Jr., Keith Kuczma, Tim Smith, Kristy Piper, Nate Witsaman. Nays - 0. Motion Carried.

Proclamation in recognition of Sheila Watson's service to the Brunswick Community:

Mayor Falconi presented a proclamation to Sheila Watson in recognition of her dedicated service to the community, reviving the Brunswick Parade, and outstanding work as a realtor. Mr. Kuczma noted that in the past she was instrumental in youth cross-country football. He had the pleasure of working with Ms. Watson at Re/Max. Ms. Watson thanked the Police Department, veterans, and the Fire Department for their help with the parade. She added that it was important to honor veterans and that the parade could not be pulled off without a lot of people doing their part.

Mayor's Update:

Mayor Falconi stated he was horrified to learn of the tragic passing of North Royalton Building Commissioner, David Smerek. He revealed that, in the past, Mr. Smerek had worked in the City of Brunswick Building Department, and he was a true public servant. He read a brief statement and concluded that Brunswick shares in the Smerek and Rocha families' grief and prays for them.

Clerk of Council's Report Mrs. Timura had no report this evening.

Council Committee Reports:

Economic Development Committee.....Mr. Witsaman:

Economic Development Committee Minutes dated July 13, 2026:

Nate Witsaman moved to approve the Economic Development Committee Minutes dated July 13, 2026, as written, seconded by Tim Smith. Roll Call - Ayes - 6, Joseph Delsanter, Michael Abella Jr., Keith Kuczma, Tim Smith, Kristy Piper, Nate Witsaman. Nays - 0. Motion Carried.

Services, Utilities, Technology & Cable Committee.....Mr. Smith:

Mr. Smith had no formal reports this evening.

Finance Committee.....Mr. Hanek:

Mr. Hanek had no formal reports this evening.

Safety & Environment Committee.....Mr. Kuczma:

Mr. Kuczma had no formal reports this evening.

Planning & Zoning Committee.....Mr. Delsanter:

Mr. Delsanter had no formal reports this evening.

Parks, Recreation & Community Committee.....Mrs. Piper:

Mrs. Piper had no formal reports this evening.

Building & Building Code Committee.....Mr. Abella:

Mr. Abella had no formal reports this evening.

Other Committees, Boards and Commissions

Committee-of-the-Whole Minutes dated July 13, 2026:

Joseph Delsanter moved to approve the Committee-of-the-Whole Minutes dated July 13, 2026, as written, seconded by Keith Kuczma. Roll Call - Ayes - 6, Joseph Delsanter, Michael Abella Jr., Keith Kuczma, Tim Smith, Kristy Piper, Nate Witsaman. Nays - 0. Motion Carried.

Petitions from the Public on Legislation There were none.

Reading of Legislation and Action on Legislation:

3rd Reading(s)

2nd Reading(s)

ORD. NO. 14-2026 - An ordinance adopting an updated Planning & Zoning Code and repealing the existing Planning & Zoning Code. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*):

Mr. Delsanter moved this ordinance to third reading.

RES. NO. 36-2026 - A resolution appointing Nicholas J. Hanek as City Manager/Safety Director of the City of Brunswick. - **2nd Reading** (Committee-of-the-Whole, *Council/Joseph Delsanter*):

Mr. Delsanter moved this resolution to third reading.

1st Reading(s)

ORD. NO. 37-2026 - An emergency ordinance amending Ordinances #95-2025, #6-2026 and #30-2026 to include amendments to the Appropriation Budget for the year ending December 31, 2026, as incorporated in Exhibit "A" attached hereto. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*):

Michael Abella moved to suspend the rules, seconded by Nate Witsaman. Roll Call - Ayes - 6, Joseph Delsanter, Michael Abella Jr., Keith Kuczma, Tim Smith, Kristy Piper, Nate Witsaman. Nays - 0. Motion Carried.

Michael Abella moved to adopt Ordinance Number 37-2026, seconded by Nate Witsaman. Roll Call - Ayes - 6, Joseph Delsanter, Michael Abella Jr., Keith Kuczma, Tim Smith, Kristy Piper, Nate Witsaman. Nays - 0. Motion Carried.

ORD. NO. 38-2026 - An emergency ordinance to advance funds. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*):

Michael Abella moved to suspend the rules, seconded by Nate Witsaman. Roll Call - Ayes - 6, Joseph Delsanter, Michael Abella Jr., Keith Kuczma, Tim Smith, Kristy Piper, Nate Witsaman. Nays - 0. Motion Carried.

Michael Abella moved to adopt Ordinance Number 38-2026, seconded by Nate Witsaman. Roll Call - Ayes - 6, Joseph Delsanter, Michael Abella Jr., Keith Kuczma, Tim Smith, Kristy Piper, Nate Witsaman. Nays - 0. Motion Carried.

RES. NO. 39-2026 - An emergency resolution authorizing the City Manager and City Engineer to submit a grant application to the Ohio Public Works Commission Issue 1 Program for the Westchester Drive-Magnolia Drive Improvement Project and, if awarded, authorizing the City Manager to execute all necessary documents to accept such grant award. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Jenny Zoldak*):

Tim Smith moved to suspend the rules, seconded by Kristy Piper. Roll Call - Ayes - 6, Joseph Delsanter, Michael Abella Jr., Keith Kuczma, Tim Smith, Kristy Piper, Nate Witsaman. Nays - 0. Motion Carried.

Tim Smith moved to adopt Resolution Number 39-2026, seconded by Kristy Piper. Roll Call - Ayes - 6, Joseph Delsanter, Michael Abella Jr., Keith Kuczma, Tim Smith, Kristy Piper, Nate Witsaman. Nays - 0. Motion Carried.

ORD. NO. 40-2026 - An emergency ordinance authorizing a rebate payment to the United States Treasury in connection with the City's Fire Station Improvement Bonds, Series 2024. - **1st Reading** (To be brought from the Finance Committee, *Administration/Todd Fischer*):

Michael Abella moved to suspend the rules, seconded by Tim Smith. Roll Call - Ayes - 6, Joseph Delsanter, Michael Abella Jr., Keith Kuczma, Tim Smith, Kristy Piper, Nate Witsaman. Nays - 0. Motion Carried.

Michael Abella moved to adopt Ordinance Number 40-2026, seconded by Keith Kuczma. Roll Call - Ayes - 6, Joseph Delsanter, Michael Abella Jr., Keith Kuczma, Tim Smith, Kristy Piper, Nate Witsaman. Nays - 0. Motion Carried.

City Manager's Report City Manager/Safety Director, Carl DeForest reminded residents that the final Summer Concert would be held on August 3 from 6:00 p.m. to 8:00 p.m. at the Recreation Center, rain or shine. He also reminded motorists that students would return to school on August 18 and encouraged everyone to use caution in school zones. Mr. DeForest further announced that registration remained open to children ages 3 to 12 for the annual Trike and Bike event benefiting the Cleveland Clinic's pediatric cancer research. The ride would occur on September 11 at the Brunswick High School at 6 p.m. He reported that the event had raised approximately \$238,000 over the previous seven years and was expected to surpass \$250,000 this year.

Open Forum Lucas Merkel (131 Falmouth Court) addressed Council regarding the City's use of Flock automated license plate reader cameras. He expressed concerns about privacy, the collection and storage of vehicle location data, and public access to audit records. He requested greater transparency and urged Council to direct the Administration to release audit information related to the system.

Logan Isley (1973 Windsor Drive) spoke regarding Flock cameras, expressing concerns about privacy, oversight, and the potential misuse of collected data. He referenced examples from other jurisdictions and encouraged Council to suspend the City's contract with Flock or place the matter before Brunswick voters.

Jennifer Arida (664 Sandra Drive) addressed Council regarding Flock cameras. She expressed concerns regarding constitutional privacy rights, questioned the effectiveness of the technology, and urged Council to prohibit its use within the City.

Unfinished Business Mrs. Piper reminded residents about the Summer Concert scheduled for August 3 with Ace Molnar performing from 6-8 p.m. at the Recreation Center. She announced the upcoming Back-to-School Rally at Holy Trinity Church on August 6 from 5-7 p.m.

New Business Mr. Delsanter announced that a Special Council Meeting would be held on Monday, August 3 at 7 p.m. in Council Chambers to address time-sensitive matters.

Law Director, Dennis Nevar, reported that the Administration, Division of Police, and Law Department were developing an automated license plate reader audit policy. The purpose of the policy would be to maintain transparency, accountability, and efficiency in response to public records requests. He explained that the City was working with the Information Technology Department to create a share link website that would include the following information: authorized law enforcement agencies, event logs, internal audit reports, reports of audit outcomes, network audit, authorized user list, contract documents, and email correspondence, with monthly updates intended to improve transparency and streamline responses to future public records requests.

Mr. Delsanter thanked Mayor Falconi for his remarks honoring Dave Smerek and offered additional condolences to the Smerek and Rocha families. He reflected on Mr. Smerek's character, dedication to public service, and the profound impact of the tragedy on the community.

Mr. Smith announced an upcoming Bike Medina County ride scheduled for July 30 at the Chippewa Rail Trail and encouraged participation. He also promoted the upcoming Lake-to-Lake Bike Tour fundraiser on September 11 and reported on the successful fundraiser recently held by the Oaks Family Care Center.

Adjournment Joseph Delsanter moved to adjourn, seconded by Keith Kuczma. Roll Call - Ayes - 6, Joseph Delsanter, Michael Abella Jr., Keith Kuczma, Tim Smith, Kristy Piper, Nate Witsaman. Nays - 0. Motion Carried.

There being no further business, the meeting adjourned at 7:40 p.m.

Respectfully submitted,

Laura Timura, MMC
Clerk of Council

Mayor Ron Falconi

Adopted

Services, Utilities, Technology, and Cable Committee
July 27, 2026

IN ATTENDANCE: Chairman Tim Smith, Committee Member Michael Abella Jr., Committee Member Kristy Piper, Joseph Delsanter, Keith Kuczma, Nate Witsaman, Law Director Dennis Nevar, City Manager/Safety Director Carl DeForest, Finance Director Todd Fischer, Consulting Engineer Jenny Zoldak, Clerk of Council Laura Timura, News Media.

The meeting convened at 6:30 p.m.

DISCUSSION ITEMS:

a) **RES. NO. 39-2026** - An emergency resolution authorizing the City Manager and City Engineer to submit a grant application to the Ohio Public Works Commission Issue 1 Program for the Westchester Drive-Magnolia Drive Improvement Project and, if awarded, authorizing the City Manager to execute all necessary documents to accept such grant award. - 1st Reading (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Jenny Zoldak*)

Ms. Zoldak requested emergency legislation authorizing the City Manager to apply for funding through the Ohio Public Works Commission for the Westchester Drive–Magnolia Drive Improvement Project. She explained that the resolution would authorize the City to submit the funding application, which is due in September. Because Council would not meet again before the application deadline, she said the legislation was being presented as emergency legislation with suspension of the rules to ensure the application could be submitted on time.

Mr. Smith asked why the legislation needed to be considered as an emergency and whether the City had been aware of the grant opportunity earlier in the year. He noted that residents often question why so many items are passed as emergency legislation and said he likes to be able to explain the reasoning.

Ms. Zoldak responded that there is not a long period between notification of the funding opportunity and the application deadline. She explained that staff first had to coordinate with the County to ensure agreement on the proposed project, prepare preliminary cost estimates, and work with the Finance Department to confirm the necessary financial information before the application could be finalized. As a result, all of the required information was not available much earlier.

Mr. Delsanter inquired as to how far the proposed project would extend on Magnolia.

Ms. Zoldak replied that the intended project limits begin where the previous Magnolia Drive improvement phase ended and continue to the end of the cul-de-sac.

Mr. Witsaman raised concerns about traffic safety following the proposed roadway improvements. He noted that once the existing bumps and rough pavement are removed, vehicle speeds could increase, particularly near the school on Magnolia Drive. He said parents in the area had already expressed

concerns about speeding and asked whether any traffic-calming measures or other safety improvements would be considered as part of the project.

Mr. Smith agreed that the concern was valid and recalled a similar experience after Wolf Drive was reconstructed. He said the rough condition of the road had naturally slowed traffic because driving over it was uncomfortable, but once the pavement was smooth, motorists began traveling much faster.

Mr. Delsanter cautioned against assuming excessive speeding based solely on appearances. He added that when police officers monitored traffic near his home, vehicle speeds often appeared to be much faster than they actually were, with most drivers traveling below 30 miles per hour. He continued that he would prefer to see traffic data and analysis before recommending speed humps or similar measures, emphasizing that perceived speed and actual speed are often different and that enforcement may be a more appropriate solution.

Mr. DeForest noted that the City had experienced a similar situation after North Carpenter Road was reconstructed. He explained that the roadway had been in poor condition for many years, and once it was improved, residents began expressing concerns that vehicles seemed to be traveling faster, with some even commenting that they preferred the potholes because they naturally slowed traffic. He indicated that the Police Department responded by conducting speed studies, increasing enforcement, and giving the area special attention. Mr. DeForest added that the City would take the same approach on Magnolia Drive if similar concerns arose.

Mrs. Piper moved Resolution Number 39-2026 to tonight's Council Agenda of July 27, 2026, as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays

GENERAL DISCUSSION:

There was none

ADJOURNMENT:

Being no further business, Mr. Abella moved to adjourn at 6:37 p.m. Vote – 3 Ayes, 0 Nays

Submitted Respectfully,

A handwritten signature in blue ink, appearing to read 'Timothy Smith', with a stylized flourish at the end.

Timothy Smith
Chairman

Finance Committee
July 27, 2026

IN ATTENDANCE: Committee Member Michael Abella Jr., Committee Member Nate Witsaman, Joseph Delsanter, Keith Kuczma, Kristy Piper, Tim Smith, Law Director Dennis Nevar, City Manager/Safety Director Carl DeForest, Finance Director Todd Fischer, Consulting Engineer Jenny Zoldak, Clerk of Council Laura Timura, News Media.

The meeting convened at 6:37 p.m.

Mr. Witsaman moved to excuse Mr. Hanek for just cause. Vote – 2 Ayes, 0 Nays

DISCUSSION ITEMS:

a) **ORD. NO. 37-2026** - An emergency ordinance amending Ordinances #95-2025, #6-2026 and #30-2026 to include amendments to the Appropriation Budget for the year ending December 31, 2026, as incorporated in Exhibit “A” attached hereto. - 1st Reading (To be brought from Finance Committee, *Administration/Todd Fischer*)

b) **ORD. NO. 38-2026** - An emergency ordinance to advance funds. - 1st Reading (To be brought from Finance Committee, *Administration/Todd Fischer*)

c) **ORD. NO. 40-2026** - An emergency ordinance authorizing a rebate payment to the United States Treasury in connection with the City's Fire Station Improvement Bonds, Series 2024. - 1st Reading (To be brought from the Finance Committee, *Administration/Todd Fischer*)

Mr. Abella announced that the committee would consider three emergency ordinances: an amendment to the 2026 appropriation budget, an ordinance advancing funds, and an ordinance authorizing a rebate payment to the United States Treasury. He invited Finance Director Todd Fischer to present the legislation.

Mr. Fischer explained that the first ordinance would amend the City's 2026 appropriation budget by just under \$4.9 million. He noted that nearly the entire increase was related to recently awarded grants and the funding necessary to administer those projects. The amendment included approximately \$1.99 million from the U.S. Army Corps of Engineers for stormwater improvement projects, \$500,000 from the State of Ohio for Phase II improvements to North Industrial Parkway, and \$400,000 from the State of Ohio for development of a new park at North Carpenter Road and Grafton Road. Additional appropriations were included to temporarily fund those grant activities, bringing the total budget amendment to nearly \$4.9 million.

Mr. Fischer explained that emergency legislation with suspension of the rules was requested to avoid delays in the grant process. He noted that City staff regularly meet with the grant agencies, often every week or two, and that each funding source requires an extensive administrative process before grant agreements can be executed. As an example, he shared that staff had already met with representatives

from the U.S. Army Corps of Engineers four or five times and had not yet reached the draft agreement stage because of the many preliminary requirements. He emphasized that the emergency designation would allow the City to continue moving forward without interruption once the grant agreements were ready for execution.

Turning to the second ordinance, Mr. Fischer explained that it would temporarily advance funds for the two State of Ohio grants while also adjusting funding associated with the U.S. Army Corps of Engineers grant. He noted that when the Corps grant was originally awarded several years earlier, it had not yet received formal congressional funding. As a result, the funding had since been divided into multiple phases, and the City no longer needed the full amount previously advanced. The ordinance would therefore return \$265,000 to the General Fund while leaving sufficient temporary funding in place for the currently awarded portion of the grant. He added that when future phases of the federal grant are received, additional temporary funding can be advanced at that time.

Mr. Abella confirmed that both ordinances were being presented as emergency legislation with suspension of the rules.

Mr. Fischer replied that all three ordinances before the committee were being requested as emergency measures.

Mr. Fischer then discussed the third ordinance, describing it as an uncommon situation for the City. He explained that when municipalities issue tax-exempt debt, they are prohibited from earning a profit on the borrowed funds. Using the City's approximately \$12 million Fire Station Improvement Bonds as an example, he noted that the borrowing carried an interest rate of about three percent. If the City invested those bond proceeds at a higher rate, such as five percent, the difference would be considered an arbitrage profit. Federal law requires that any such earnings be rebated to the United States Treasury to preserve the tax-exempt status of the bonds.

Mr. Fischer explained that the required rebate payment totaled \$292,147.20 and had to be received by the U.S. Department of the Treasury within a 60-day compliance period ending August 30. He noted that missing that deadline would result in a recalculation of the amount owed because the calculation is based on future projections. He also explained that the payment could not be submitted electronically and instead had to be mailed as a certified check accompanied by IRS Form 8038-T. He informed the committee that the City had retained Causey Public Finance in Denver, Colorado, to perform the complex arbitrage calculations and prepare the required federal filing. He stated that these timing requirements were the basis for requesting emergency passage with suspension of the rules.

Mr. Witsaman moved Ordinance Numbers 37-2026, 38-2026, and Ordinance Number 40-2026 to tonight's Council Agenda of July 27, 2026, as an emergency with suspension of the rules.

Vote – 2 Ayes, 0 Nays

GENERAL DISCUSSION:

Mr. Fischer informed the committee that the City's July financial reports would be distributed in a little over a week. He encouraged Council members to contact him, Ms. Ozanich, or Mr. DeForest with any questions after reviewing the reports. He also reported that the City's post-audit meeting with the independent auditors had taken place the previous week and anticipated that the audit report and financial statements would be released by the Auditor of State's office within the next couple of weeks.

ADJOURNMENT:

Being no further business, Mr. Witsaman moved to adjourn at 6:45 p.m. Vote – 2 Ayes, 0 Nays

Submitted respectfully,

A handwritten signature in black ink, appearing to read "Michael A. Shell Jr.", written in a cursive style.

Acting Chairman



Committee of the Whole

July 27, 2026

IN ATTENDANCE: Pro Tem Joseph Delsanter, Michael Abella Jr., Keith Kuczma, Kristy Piper, Tim Smith, Nate Witsaman, Mayor Ron Falconi, Law Director Dennis Nevar, City Manager/Safety Director Carl DeForest, Finance Director Todd Fischer, Consulting Engineer Jenny Zoldak, Clerk of Council Laura Timura, News Media.

The meeting convened at 6:45 p.m.

Mr. Abella moved to excuse Mr. Hanek for just cause. Vote – 6 Ayes, 0 Nays

DISCUSSION ITEMS:

a) August Council Meeting date

Mr. Delsanter reminded Council that members had previously discussed holding a special Council meeting to begin the process related to the appointment of Council President Hanek as the City's next City Manager. He noted that he had also received an email requesting that a Planning Department item be added to the agenda, resulting in a special meeting with two agenda items. Finding no objections from Council, Mr. Delsanter proposed a meeting date of Monday, August 3.

Council briefly discussed the meeting time.

Mr. Kuczma recalled that the meeting had previously been discussed for later in the evening.

Mr. Nevar advised that Council could choose any time it preferred.

Mr. Delsanter asked whether 6:00 p.m., 6:30 p.m., or 7:00 p.m. would be most convenient.

Mrs. Piper noted that a concert at the Recreation Center was scheduled that evening, and several people wanted to attend the beginning of the event.

Following the discussion, Council agreed that 7:00 p.m. would be the most appropriate start time.

Mr. Delsanter directed that the special meeting be publicly noticed for 7:00 p.m. on Monday, August 3, 2026.

MOTIONS:

a) Motion authorizing the City Manager to advertise for public bids for the 2026 Storm Sewer Slip Lining Program

Ms. Zoldak explained that the motion would authorize the City to advertise for bids for its annual storm sewer slip lining program. She described the process as a minimally invasive method of repairing deteriorated storm sewers by installing a liner inside the existing pipe through existing access structures, eliminating the need for open excavation. She noted that the City planned to advertise the project for bids in August with the goal of awarding a contract later in September.

Mr. Kuczma asked whether the locations to be included in the project had been finalized.

Ms. Zoldak responded that the list was still being finalized but offered to distribute the project locations to Council once the project was advertised for bids.

Mr. Smith requested an explanation of what storm sewer slip lining involves.

Ms. Zoldak explained that the method is used when an existing storm sewer remains structurally sound but has issues such as joint separation or minor holes. Rather than excavating and replacing the entire pipe, a liner is installed inside the existing sewer to create a new interior surface and seal joints and small defects. She noted that while the method is not appropriate for pipes that have completely failed, it is an effective rehabilitation technique for most moderately deteriorated storm sewers.

Mr. Kuczma moved to authorize the City Manager to advertise for public bids for the 2026 Storm Sewer Slip Lining Program. Vote – 6 Ayes, 0 Nays

REVIEW LEGISLATION:

There was none.

GENERAL DISCUSSION:

There was none.

EXECUTIVE SESSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Smith moved to adjourn at 6:50 p.m. Vote – 6 Ayes, 0 Nays

Submitted Respectfully,



Deborah Mullen
Assistant Council Clerk

PROPOSED LEGISLATION



DATE: 8/3/2026

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 14-2026** - An ordinance adopting an updated Planning & Zoning Code and repealing the existing Planning & Zoning Code. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: In order to address planning and zoning code updates that have occurred since the last Planning & Zoning Code was adopted on June 11, 1997, Ordinance No. 53-97, necessary amendments are required to encourage continued and planned growth in the City of Brunswick. The Planning & Zoning Code consists of Titles Two, Four and Six of Part Twelve of the City of Brunswick Codified Ordinances.

PURPOSE AND EXPLANATION: In order to promote development in the City of Brunswick, updates to the Planning & Zoning Code are required.

IMPLEMENTATION SCHEDULE: First reading on February 23, 2026, then refer back to the Planning Commission for a public hearing.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?

Recommend adoption.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 14-2026

BY: Mr. Delsanter, Mr. Lambert, Mr. Kuczma

AN ORDINANCE ADOPTING AN UPDATED PLANNING & ZONING CODE
AND REPEALING THE EXISTING PLANNING & ZONING CODE.

WHEREAS: The existing Planning & Zoning Code consists of Titles Two, Four and Six of Part Twelve of the City of Brunswick Codified Ordinances.

WHEREAS: The City Administration, in connection with Roetzel Consulting Solutions, has reviewed the Planning & Zoning Code and recommended updates thereto.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the updated Planning & Zoning Code, as attached hereto as Exhibit "A" and incorporated herein by reference, is hereby adopted as Titles Two, Four and Six of Part Twelve of the City of Brunswick Codified Ordinances.

SECTION 2: That the existing Planning & Zoning Code consisting of Titles Two, Four and Six of Part Twelve of the City of Brunswick Codified Ordinances is hereby repealed in its entirety.

SECTION 3: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____

AYES_____ NAYS_

ATTEST: _____

Clerk of Council
Laura E. Timura, MMC

PLANNING COMMISSION

MEMORANDUM

DATE: July 10, 2026

TO: City Council
Carl S. DeForest, City Manager/Safety Director

FROM: Pam Plavecski, Division of Planning

SUBJECT: Ordinance No. 14-2026 – Planning & Zoning Code Update – Part Twelve

The Planning Commission, at their meeting on July 9, 2026, held a public hearing and voted to **recommend approval** to City Council of the updated Planning & Zoning Code, Part Twelve, Ordinance No.14-2026.

City Council held the first reading on the proposed updates at their meeting on February 23, 2026 and recommended revisions to several chapters, which have now been incorporated into the document.

c: Grant Aungst, Community & Economic Dev. Director
Dennis Nevar, Law Director
Jenny Zoldak, Consulting City Engineer
Jim Lenahan, Chief Building Official

SUMMARY OF PLANNING & ZONING CODE UPDATES

FROM FEBRUARY 23, 2026 THROUGH JUNE 16, 2026

The following revisions were made at the request of City Council, City Administration and the Consultant, and were recommended for approval by the Planning Commission.

1. Section 1242.02(13)(b) regarding the definition of building height: added “Decorative elements, such as cupolas, are permitted on commercial and industrial buildings to a maximum height of 10-feet above the roof’s highest point.”
2. Section 1248.08(a) and (b) pertaining to annexations: revised Section 1248.08(a) to state if an application to zone property under Charter Section 6.02(d) is not pending, Council shall, by legislative action, place property annexed to the City in such District as determined by Council, subject to the newly created Section 1248.08(b) below. Previously, annexed property was placed into the R-R Rural Residential District if a zoning application is not pending.

Create Section 1248.08(b) to state “The Community and Economic Development Director shall review all existing and/or proposed uses and/or improvements on a parcel seeking to annex into the City of Brunswick, whether an application to zone property under Charter Section 6.02(d) is pending or not, and provide a report to Council. To ensure the parcel(s) meets applicable Zoning Code requirements and as a condition to formal acceptance of annexation, the applicant and City Council shall enter into a legally binding agreement providing for one of the following: (1) confirming that the parcel meets the requirements of the Zoning District into which the parcel is proposed to be placed, (2) accepting annexation of the parcel into the Zoning District in which the same is proposed to be placed subject to the non-conformity provisions of Chapter 1272 of the Zoning Code, or (3) accepting annexation of the parcel into the Zoning District which same is proposed to be placed subject to such modifications of non-conformities as agreed to and determined by City Council, within a set time frame, as agreed to by both parties.”

3. Section 1266.04(g) regarding marijuana processors in the I-L Light Industrial District: removed reference to Ohio Revised Code Chapter 3780, as this chapter no longer exists.
4. Repealed Chapter 1268 Special Planning Districts, but allows existing SPD’s to remain and expand under certain conditions. Moved SPD’s to Appendix I.

5. Section 1280.01(h) regarding prohibited use of marijuana cultivators and retailers: removed reference to Ohio Revised Code Chapter 3780, as this chapter no longer exists.
6. Chapter 1286 concerning multifamily and mixed-use development was revised to eliminate the C-G District, including Section 1286.05 C-G Multifamily Locational Standards, and Section 1286.06 Mixed-Use Development, as these items will now be addressed in Chapter 1290 Joint Development Overlay District.
7. Revised Chapter 1290 Joint Development Overlay District (JDOD) pertaining to mixed-use development and design standards.
8. Create Appendix I – Existing Special Planning Districts.
9. Revise the Zoning Map to eliminate the C-N Neighborhood Commercial District at the northeast corner of the city near the intersection of West 130th Street and Boston Road and change it to GW-C Gateway Commercial District. Also, extend the C-H Highway Interchange Commercial District further south on South Carpenter Road.

PART TWELVE - PLANNING AND ZONING CODE

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Chap. 1212. Transportation and Thoroughfare Plan.

Chap. 1214. Park and Recreation Master Plan.

Chap. 1216. Administrative Fees.

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Chap. 1220. General Provisions and Definitions.

Chap. 1222. Administration, Enforcement and Penalty.

Chap. 1224. Procedures.

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Chap. 1232. Parkland and Open Space Dedication.

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Chap. 1242. Definitions.

Chap. 1244. Administration, Enforcement and Penalty.

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~~Chap. 1256. C-N Neighborhood Commercial District.~~

Chap. 1258. C-H Highway Interchange Commercial District.

Chap. 1260. C-G General Commercial District.

Chap. 1261. GW-C Gateway Commercial District.

Chap. 1262. C-O Office Commercial District.

Chap. 1264. I-D Industrial Distribution District. (Repealed)

Chap. 1266. I-L Light Industrial District.

Chap. 1268. SPD Special Planning District. (Repealed)

Chap. 1270. Signs.

Chap. 1272. Nonconformities.

Chap. 1274. Conditional Zoning Certificates.

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Chap. 1278. Site Plan Review.

Chap. 1280. Provisions Applicable to All Districts.

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Chap. 1286. Multifamily and Mixed-Use Development.
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APPENDIX E Greenbriar Colony Special Planning District Number 4.

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APPENDIX G Meadow View Special Planning District Number 6.

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APPENDIX I [Existing SPD Special Planning District \(Repealed\) Joint Development
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CODIFIED ORDINANCES OF BRUNSWICK

PART TWELVE - PLANNING AND ZONING CODE

TITLE TWO - Planning

Chap. 1210. Planning Commission.
Chap. 1212. Transportation and Thoroughfare Plan.
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CHAPTER 1210
Planning Commission

EDITOR'S NOTE: Resolution 2-75, passed January 13, 1975, authorized cooperation with the Board of County Commissioners and other municipalities in the maintenance and operation of the [Brunswick City Medina County Regional](#) Planning Commission and adopted the Commission's rules and regulations therefor. Copies are available from the Clerk of Council.

1210.01 Vacancy.

1210.02 Interpretation.

1210.03 Powers and duties.

1210.04 Rules and regulations.

1210.05 Planning and Zoning Coordinator.

CROSS REFERENCES

Organization - see CHTR. Sec. 6.02(a)

Powers and duties - see CHTR. Sec. 6.02(b)

Referral - see CHTR. Sec. 6.02(c)

Public notice - see CHTR. Sec. 6.02(d)

Enactment and amendment of Subdivision Regulations - see Ohio R.C. 711.101

Administration of Subdivision Regulations - see P. & Z. 1222.01

Authority re conditional zoning - see P. & Z. 1242.02

Off-street parking and loading site plan review and modifications - see P. & Z. 1276.15

1210.01 VACANCY.

(EDITOR'S NOTE: Section 1210.01 was repealed by Ordinance 160-80, passed November 10, 1980. See Section 6.01(c) of the City Charter for provisions relative to filling vacancies on the Planning Commission.)

1210.02 INTERPRETATION.

Whenever the word "Commission" is used in provisions of these Codified Ordinances relating to zoning, districting, platting and planning or other matters relating to the general subject of Municipal planning, it shall be deemed to refer to the Planning Commission of the City, unless manifestly inapplicable.

(Ord. 74-62. Passed 7-9-62.)

1210.03 POWERS AND DUTIES.

The Planning Commission shall have the power to frame, adopt and amend from time to time a plan or plans for dividing the City or any portion thereof into zones or districts, representing its recommendations, in the interests of public health, safety, convenience, comfort or general welfare, for the limitations and regulation of the height, design, bulk and location of buildings, including the percentage of lot occupancy, the setback of building lines and areas and the dimensions of yards, courts and other open spaces, and for the uses of buildings and other structures and of premises in such zones or districts.

(Ord. 74-62. Passed 7-9-62.)

1210.04 RULES AND REGULATIONS.

The Planning Commission is hereby authorized and directed to adopt and, from time to time, to amend such rules, regulations, by-laws and procedures for the effective administration of the duties conferred upon it, subject only to the limitation that the same shall not be contrary to law. (Ord. 74-62. Passed 7-9-62.)

1210.05 PLANNING AND ZONING COORDINATOR.

The position of Planning and Zoning Coordinator is hereby established.

(Ord. 31-13. Passed 4-22-13.)

CHAPTER 1212

Transportation and Thoroughfare Plan

1212.01 Previous references.

1212.02 Adoption; intent.

1212.03 Additional standards and inspection of specifications.

1212.04 Recording.

1212.05 Plat approval.

1212.06 Acceptance of dedications and easements; inspection of improvements.

1212.07 Scope of Subdivision Regulations.

CROSS REFERENCES

Plat and plan specifications - see P. & Z. Ch. 1226

Streets in subdivisions - see P. & Z. 1228.02, 1230.01(b)

Public sites and open space - see P. & Z. 1228.06

Park and Recreation Plan - see Ch. 1232 Ed. Note

1212.01 PREVIOUS REFERENCES.

For the purpose of this chapter, the plan for major streets and thoroughfares has sometimes been known and referred to as: The Development Policy Plan - Brunswick, Ohio, Part II Thoroughfare Plan; The City of Brunswick, Ohio, Land Use Development Policy Plan Transportation and Thoroughfare Plan; and Work Element B. The plan for parks and other public grounds has sometimes been known and referred to as: The City of Brunswick Park and Recreation Master Plan; and The Brunswick City Parks and Recreation Plan.

(Ord. 27-82. Passed 3-22-82.)

1212.02 ADOPTION; INTENT.

(a) The Transportation and Thoroughfare Plan and the maps contained therein, attached to original Ordinance 27-82, passed March 22, 1982, and amended by Ordinance 158-01, passed January 14, 2002, as Exhibit "A," as recommended to Council by the Planning Commission, is hereby adopted.

(b) The City hereby adopts all the proposals and recommendations contained in such Plan.

(c) The Plan, and the previously adopted Parks and Recreation Plan, constitutes plans for the City and the unincorporated territory within three miles thereof required by Ohio R.C. 711.09 as a prerequisite for reviewing subdivision plats in the City or the unincorporated territory within three miles thereof.

(Ord. 27-82. Passed 3-22-82; Ord. 158-01. Passed 1-14-02.)

1212.03 ADDITIONAL STANDARDS AND SPECIFICATIONS.

The City shall, whenever it is deemed necessary for the promotion of the public safety and general welfare, establish additional standards and specifications, and rules and regulations deemed necessary to achieve such standards and specifications, as set forth in Ohio R.C. 711.101.

(Ord. 27-82. Passed 3-22-82.)

1212.04 RECORDING.

Upon the effective date of this chapter (Ordinance 27-82, passed March 22, 1982), the Clerk of Council shall record the plans and maps referred to in Sections 1212.01 as amended by Ordinance 158-01, passed January 14, 2002, and 1212.02 and the Subdivision Regulations of the City with the County Recorder. Thereafter, such plans shall be considered as the plan for major streets and thoroughfares and the plan for parks and other public grounds as prescribed in Ohio R.C. 711.09.

(Ord. 27-82. Passed 3-22-82; Ord. 158-01. Passed 1-14-02.)

1212.05 PLAT APPROVAL.

As of the date of the recording of the plans and maps, as set forth in Section 1212.04 , no plan or plat for a subdivision of land shall be recorded for lands contained within such plans and maps unless the plan or plat has been approved by the Planning Commission and Council, for areas in the City, and by the Planning Commission and the County Commissioners, for areas outside of the City but within the jurisdiction of the City, in accordance with Chapter 1224 . Such approval shall include the actual construction of streets and other required improvements and facilities, or an assurance of such construction.

(Ord. 27-82. Passed 3-22-82.)

1212.06 ACCEPTANCE OF DEDICATIONS AND EASEMENTS; INSPECTION OF IMPROVEMENTS.

All dedications, easements and financial guarantees shall be accepted by Council, and improvements shall be inspected by the City Engineer, for areas in the City. Dedications, easements and financial guarantees shall be accepted by the County Commissioners, and all improvements shall be inspected by the County Engineer, for areas outside the City but within the jurisdiction of the City.

(Ord. 27-82. Passed 3-22-82.)

1212.07 SCOPE OF SUBDIVISION REGULATIONS.

All subdivisions of land within the full geographical extra-territorial jurisdiction of the City shall comply with the Subdivision Regulations, including minor subdivisions and major subdivisions but excluding parkland and open space as provided for in Chapter 1232.

(Ord. 27-82. Passed 3-22-82.)

CHAPTER 1214

Park and Recreation Master Plan

EDITOR'S NOTE: Ordinance 74-78, passed July 24, 1978, adopted a Park and Recreation Master Plan for the City, prepared by the Medina County Regional Planning Commission. A copy of the Plan is on file with the Clerk of Council. There are no sections in Chapter 1214. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Department of Parks and Recreation - see CHTR. § 5.06; ADM. Ch. 254

Conduct in Municipal parks - see GEN. OFF. Ch. 676

Parkland and open space dedication - see P. & Z. Ch. 1232

CHAPTER 1216

Administrative Fees

1216.01 Fee schedule.

1216.02 Subdivision fees.

1216.03 Site plans.

1216.04 Conditional zoning certificates.

1216.05 Amendments.

1216.06 Board of Zoning Appeals.

1216.07 Special studies.

1216.08 Sign permits.

1216.01 FEE SCHEDULE.

The fees established in this chapter shall be charged and collected to offset a portion of the costs to administer the Planning and Zoning Code. The fee schedule may be amended by Council according to the procedure established for Municipal ordinances in Section 3.15 of the Charter.

(Ord. 129-90. Passed 2- 25-91; Ord. 11-03. Passed 2-24-03.)

1216.02 SUBDIVISION FEES.

(a) Minor Subdivisions. For minor subdivisions, fifty dollars (\$50.00) per lot, including the residue parcel, if any.

(b) Preliminary Subdivision Plans.

(1) For preliminary subdivision plans, three hundred dollars (\$300.00) plus twenty dollars (\$20.00) per lot.

(2) Preliminary plan extension: two hundred dollars (\$200.00).

(3) If the approval period for a preliminary subdivision plan has expired and the approved plan is resubmitted without change, the fee shall be onehalf of the fee specified in subsection (b)(1) above.

(c) Final Plats. For final plats, two hundred dollars (\$200.00) plus eight dollars (\$8.00) per lot.

(Ord. 129-90. Passed 2-25-91; Ord. 11-03. Passed 2-24-03; Ord. 7-10. Passed 2-8-10; Ord. 39-2022. Passed 7-11-22.)

1216.03 SITE PLANS.

(a) Applications for site plan reviews as required by Chapter 1278 shall be charged a fee based on the foundation area of the building(s) as follows:

(1) One residential lot	\$150.00
(2) 0-1,000 square feet	\$200.00
(3) 1,001-5,000 square feet	\$300.00
(4) 5,001 -10,000 square feet	\$400.00
(5) 10,001-20,000 square feet	\$600.00

- (6) 20,001-50,000 square feet \$900.00
- (7) 50,001 square feet and greater \$1,200.00

(Ord. 40-2022. Passed 7-11-22.)

(b) For amendments to approved site plans, fifty percent (50%) of the above fee.

(c) For projects requiring both site plan and preliminary subdivision plan reviews (such as cluster homes), the larger of the two fees is required, but not both.

(Ord. 129-90. Passed 2-25-91; Ord. 11-03. Passed 2-24-03; Ord. 7-10. Passed 2-8-10.)

1216.04 CONDITIONAL ZONING CERTIFICATES.

The fee for conditional zoning applications is one hundred dollars (\$100.00). This fee is in addition to the fee for a site plan submitted with the conditional zoning application.

(Ord. 129-90. Passed 2-25-91; Ord. 11-03. Passed 2-24-03.)

1216.05 AMENDMENTS.

The fee for zoning map or text amendment applications is three hundred dollars (\$300.00). In addition, applicants shall pay the actual postage costs for mailed notices required by Section 6.02(d) of the Charter.

(Ord. 129-90. Passed 2-25-91; Ord. 11-03. Passed 2-24-03.)

1216.06 BOARD OF ZONING APPEALS.

The fee for applications to the Board of Zoning Appeals is one hundred dollars (\$100.00) for a residential use and three hundred dollars (\$300.00) for a commercial and industrial use. In addition, all applicants shall pay the actual postage costs for mailed notices required by Section 6.04(c) of the Charter.

(Ord. 88-19. Passed 12-16-19.)

1216.07 SPECIAL STUDIES.

If the Planning Commission or Board of Zoning Appeals finds it necessary to maintain a strict record of public hearing procedures or deems it necessary to cause special studies to be made, the applicant shall bear, in addition to the applicable fees established above, all direct and related costs for such procedures or studies.

(Ord. 129-90. Passed 2-25-91; Ord. 11-03. Passed 2-24-03.)

1216.08 SIGN PERMITS.

(a) For signs, two dollars and fifty cents (\$2.50) per square foot, with a minimum fee of twenty-five dollars (\$25.00).

(b) For temporary special event signs, ten dollars (\$10.00) per sign type.

(c) For inflatable signs, thirty dollars (\$30.00) per sign. Annual permit fee, one hundred fifty dollars (\$150.00).

(d) For temporary garage sale signs, ~~free, five dollars (\$5.00).~~

(e) The above fees for sign permits are in addition to electrical permit fees established in Chapter 1443.

(Ord. 129-90. Passed 2-25-91; Ord. 11-03. Passed 2-24-03; Ord. 1-04. Passed 5-24-04; Ord. 39- 07. Passed 10-8-07; Ord. 7-10. Passed 2-8-10.)

TITLE FOUR - Subdivision Regulations

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Chap. 1222. Administration, Enforcement and Penalty.

Chap. 1224. Procedures.

Chap. 1226. Plat and Plan Specifications.

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General Provisions and Definitions

1220.01 Short title.

1220.02 Purpose.

1220.03 Authority.

1220.04 Interpretation.

1220.05 Separability.

1220.06 Definitions.

CROSS REFERENCES

Street classification - see P. & Z. 1228.02(b)

Zoning definitions - see P. & Z. 1240.04

1220.01 SHORT TITLE.

This Title Four of Part Twelve - the Planning and Zoning Code shall be known as "The Subdivision Regulations of the City" and references throughout this Title Four to "these Regulations" shall mean these Subdivision Regulations.

(Ord. 95-71. Passed 1-24-72.)

1220.02 PURPOSE.

These Subdivision Regulations are adopted to secure and provide for:

- (a) The proper arrangement of streets in relation to existing or proposed streets and the Land Use and Thoroughfare Plan;
- (b) Adequate and convenient open spaces for traffic, utilities, access of fire- fighting apparatus, recreation, light and air and the avoidance of congestion of the population;
- (c) The orderly, efficient and appropriate development of land;
- (d) The orderly and efficient provision of community facilities at minimum cost and maximum convenience;
- (e) Safe and convenient vehicular and pedestrian movement;
- (f) The promotion of public health, safety, morals, comfort, convenience, prosperity and general welfare;
- (g) The accurate surveying of land and the preparation and recording of plats; and
- (h) The equitable handling of all subdivision plats by providing uniform procedures and standards to be observed by both the approving authority and the subdivider.

(Ord. 95-71. Passed 1-24-72.)

1220.03 AUTHORITY.

The authority for the preparation, adoption and implementation of these Subdivision Regulations is derived from Ohio R.C. Chapter 711, which permits the adoption of uniform rules and regulations governing subdivision of land.

(Ord. 95-71. Passed 1-24-72.)

1220.04 INTERPRETATION.

The provisions of these Subdivision Regulations shall be construed to be minimum requirements.

(Ord. 95-71. Passed 1-24- 72.)

1220.05 SEPARABILITY.

If any chapter, section, paragraph, clause, phrase or part of these Subdivision Regulations is held invalid by a court, such judgment shall not affect the validity of the remaining provisions of these Regulations.

(Ord. 95-71. Passed 1-24-72.)

1220.06 DEFINITIONS.

As used in these Subdivision Regulations, unless the context clearly requires a different meaning:

(a) General Terms.

- (1) Words used in the singular include the plural;
- (2) Words used in the present tense include the future tense;
- (3) The word "shall" is mandatory and the word "may" is permissive; and
- (4) The word "should" is mandatory.

(b) Specific Terms.

(1) Building setback line. "Building setback line" means a line establishing the limits of a yard which abuts a street and in which no building may be located.

(2) Cul-de-sac. "Cul-de-sac" means the curved or circular portion of a cul-de-sac street.

(3) Cul-de-sac street. "Cul-de-sac street" means a local street having one end open to vehicular traffic and the other end permanently terminated by a vehicular turnaround.

[\(3a\) Cul-de-sac street \(temporary\). A temporary circular turnaround area constructed at the end of a dead-end street that is planned for future extension into adjacent undeveloped land.](#)

(4) Easement. "Easement" means a grant of the use of land for a specific purpose.

(5) Final plat. "Final plat" means a map of the developer's plan of a subdivision which is presented to the Planning Commission and to Council for final approval and thereafter to the County Recorder for recording.

(6) Improvements. "Improvements" means grading, sanitary and storm sewers, water mains, pavement, curbs and gutters, sidewalks, street signs, streetlights, street trees and other appropriate appurtenances required to render land suitable for the use proposed.

(7) Land Use and Thoroughfare Plan. "Land Use and Thoroughfare Plan" means mapped and/or written proposals for the future development of the area.

(8) Lot, parcel. "Parcel lot" means a division of land separated or proposed to be separated from other divisions of land by description on a recorded subdivision plat or recorded survey map, or by metes and bounds, for purposes of sale, lease or separate use.

(9) Lot, corner. "Corner lot" means a lot at the point of intersection of and abutting on two intersecting streets.

(10) Lot, double-frontage. "Double-frontage lot" means a lot, other than a corner lot, that abuts on more than one street.

(11) Lot line. "Lot line" means the boundaries of a lot.

(12) Open space. "Open space" means an area of land which is in its natural state, or is developed only for the raising of agricultural crops, or for public outdoor recreation.

(13) Open space, usable. "Usable open space" means that part of the total lot area which is devoted to outdoor recreational space, greenery and service space for household activities. Usable open space shall be unoccupied by any street, building or other structure.

(14) Parking space. "Parking space" means an area providing for the temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

(15) Pedestrian walkway. "Pedestrian walkway" means a dedicated public right of way limited to pedestrian use.

(16) ~~Planned unit development. "Planned unit development" means any large scale subdivision of land involving related groupings of land uses, planned and designed as an integrated unit.~~

(17) Planning Commission and Commission. "Planning Commission" and "Commission" means the Planning Commission of the City as defined in these Codified Ordinances and in the Ohio Revised Code.

(18) Preliminary discussion map. "Preliminary discussion map" means a map used as a basis for informal discussion, containing general planning information.

(19) Preliminary plan. "Preliminary plan" means a drawing for the purpose of study of a major subdivision and which, if approved, permits proceeding with the preparation of the final plat.

(20) Private drive or street. "Private drive or street" means a thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public, as shown in Classification Chart - Type 5 (see Appendix H following these Subdivision Regulations).

(21) Private survey plat. "Private survey plat" means a map of one or more parcels of land, prepared by a registered surveyor, for the purpose of providing information necessary or incident to the transfer of such parcels in cases not requiring the platting of such parcels.

(22) Public utility. "Public utility" means any person, firm, corporation, governmental agency or board fully authorized to furnish and furnishing to the public, under regulations, electricity, gas, steam, telephone, transportation, water or any other similar public service or product.

(23) Regional land use plan. "Regional land use plan" means a plan showing the proposed location of uses in the region.

(24) Reserve strip. "Reserve strip" means a strip of land abutting a thoroughfare controlling access rights onto the thoroughfare.

(25) Resubdivision and replatting. "Resubdivision" and "replatting" mean lots of record that are combined into larger or divided into smaller, more salable lots in keeping with contemporary development ideas, in which new streets are opened up or in which a recombination of the lots constitutes a "development."

(26) Secretary. "Secretary" means the Secretary of the Planning Commission.

(27) Street. "Street" means the wearing surface of the vehicular way, generally paved, including moving and parking lanes.

(28) Street right of way. "Street right of way" means a strip of land measured between property lines, dedicated for use by the public.

(29) Subdivider. "Subdivider" means any individual, firm, association, corporation, trust or other legal entity, including agents, commencing proceedings under these Regulations to subdivide land.

(30) Subdivision, major. "Major subdivision" means the division of any parcel of land, shown as a unit or contiguous units on the last preceding tax roll, into more than five parcels or lots.

A. The following divisions are exceptions to the above definition and are not subdivisions:

1. A division of five acres or more not involving new streets or easements of access; and

2. The sale or exchange of parcels of land between adjoining lot owners where such sale or exchange does not create additional building sites.

B. A subdivision may also be created by structural improvements on one or more lots that also involve divisions or allocations of land for streets, with private drives or streets serving industrial structures excepted.

C. A subdivision may be created by the division or allocation of land as open spaces for common use by those in possession.

D. A subdivision may be created by an easement for the extension of public facilities.

(31) Subdivision, minor. "Minor subdivision" means the division of a parcel of land along an existing public street not involving the opening, widening or extension of any street or road and involving no more than five lots after the original tract has been completely subdivided.

(32) Thoroughfare, collector. "Collector thoroughfare" means a street which is intended to collect traffic from minor streets and distribute it onto major thoroughfares. Collector thoroughfares are considered to be the principal entrance streets to

developments and a major means of circulation within the development, as shown on Road Classification Chart - Type 3 (see Appendix H following these Subdivision Regulations).

(33) Thoroughfare, cul-de-sac. "Cul-de-sac thoroughfare" means a local street having one end open to vehicular traffic and the other end permanently terminated by a vehicular turnaround, Type 7A or 7B, to be determined by the Planning Commission (see Appendix H following these Subdivision Regulations).

(34) Thoroughfare, dead-ended. "Dead-ended thoroughfare" means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

(35) Thoroughfare, marginal access. "Marginal access thoroughfare" means a street providing access to property which abuts or is adjacent to a limited access or major thoroughfare, as shown on Road Classification Chart - Type 6 (see Appendix H following these Subdivision Regulations).

(36) Thoroughfare, minor. "Minor thoroughfare" means a street intended primarily to provide access to abutting properties, as shown on Road Classification Chart - Type 4 (see Appendix H following these Subdivision Regulations).

(37) Thoroughfare, limited access. "Limited access thoroughfare" means a strip of public land devoted to movement of traffic, not providing access to the abutting properties. Access is provided at the intersection of only certain specified major thoroughfares by means of an interchange facility. The class of a limited access thoroughfare is to be determined by the Planning Commission.

(38) Walkway. "Walkway" means a right of way, publicly owned, cutting across a block in order to provide pedestrian access to adjacent streets or property.

(39) Multi-Use Path or Trail. A "Multi-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A multi-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and nonmotorized users. The path shall be paved by asphalt or concrete.

(Ord. 95-71. Passed 1-24-72.)

CHAPTER 1222

Administration, Enforcement and Penalty

1222.01 Responsibility of Planning Commission.

1222.02 Recording of plat.

1222.03 Sale of land in subdivision.

1222.04 Revision of plat after approval.

1222.05 Change of ownership of planned unit development.

1222.06 Fees.

1222.07 Variances.

1222.08 Planned unit developments.

1222.09 Amendments.

1222.99 Penalty.

CROSS REFERENCES

Planning Commission - see CHTR. Sec. 6.02; P. & Z. Ch. 1210

Plat and subdivision defined - see Ohio R.C. 711.001

Fee of designated public land to vest when plat recorded - see Ohio R.C. 711.01, 711.07

Enactment and amendment of Subdivision Regulations - see Ohio R.C. 711.101

Plat acknowledgment and recording - see Ohio R.C. 711.06

Final plat - see P. & Z. 1226.04

Building permits and fees - see B. & H. Ch. 1440, 1443

1222.01 RESPONSIBILITY OF PLANNING COMMISSION.

It shall be the responsibility of the Planning Commission to administer these Sub division Regulations, except where specific authority is given to some other County or City office, as set forth in these Regulations.
(Ord. 95-71. Passed 1-24-72.)

1222.02 RECORDING OF PLAT.

No plat of any subdivision shall be recorded in the office of the County Recorder or have any validity until it has been approved in the manner prescribed in these Subdivision Regulations. In the event that any such unapproved plat is recorded, it shall be considered invalid and the Planning Commission shall institute proceedings to have such plat stricken from the County records.
(Ord. 95-71. Passed 1-24-72.)

1222.03 SALE OF LAND IN SUBDIVISION.

No owner or agent of the owner of any land located within a subdivision shall transfer or agree to transfer ownership in the future by reference to or exhibition or use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed in these Subdivision Regulations. Any sale or transfer contrary to this section is void. The description of such subplot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these Regulations.

(Ord. 95-71. Passed 1-24-72.)

1222.04 REVISION OF PLAT AFTER APPROVAL.

No changes, additions, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission and an endorsement is made in writing on such plat, unless the plat is first resubmitted and the changes approved by the Commission.

(Ord. 95-71. Passed 1-24-72.)

1222.05 CHANGE OF OWNERSHIP OF PLANNED UNIT DEVELOPMENT.

When ownership of land in a planned unit development is changed, the new owner shall meet with the Planning Commission to review the Conditional Zoning Certificate requirements.

(Ord. 95-71. Passed 1-24-72.)

1222.06 FEES.

(a) Filing Fees. Filing fees in the amount fixed in Chapter 1216 shall be paid when the application for subdivision review is submitted.

(Ord. 129-90. Passed 2-25-91.)

(b) Plan Checking and Field Inspection Fees. At the time that plans, profiles and specifications are submitted for review, the City Engineer shall prepare an estimate of cost for office checking of all improvement plans. The subdivider shall thereupon deposit an amount of money equal to such estimated cost. All work done by the Engineer, in connection with checking, computing and correcting such plans for improvements, shall be charged against such deposit. If, during the progress of the work, the cost thereof appears to exceed the amount so deposited, the Engineer shall notify the subdivider of this fact and shall do no further work in connection with such review until the subdivider has deposited the additional sum of money deemed necessary by the Engineer to cover the cost of the work. The subdivider shall also pay to the City Engineer a fee to defray the total cost of field inspection of the improvements. The inspection fee shall be determined by the City Engineer. The inspector's salary shall be paid from the inspection fee. The rate per hour

will be the inspector's regular rate per hour, as paid by the City Engineer, plus seventy-five percent. The subdivider shall be held responsible for all inspection fees, which shall be payable monthly. The performance bond posted by the subdivider guarantees the payment of all inspection fees and no bonds shall be released until all inspection fees have been paid in full.

(Ord. 75-79. Passed 6-11-79.)

1222.07 VARIANCES.

The Planning Commission may grant variances to these Subdivision Regulations where unusual or exceptional factors or conditions require such modification, provided that the Commission:

- (a) Finds that unusual topographical or exceptional physical conditions exist;
- (b) Finds that strict compliance with these Regulations would create an extraordinary hardship as a result of exceptional conditions;
- (c) Permits any modification of these Regulations only to the extent necessary to remove the extraordinary hardship;
- (d) Finds that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these Regulations;
- (e) Requires such other conditions to be met by the proposed plan or plat as the Commission may find necessary to accomplish the purposes of these Regulations when modified; and
- (f) Records such modification on the plat to be submitted to Council.

(Ord. 95-71. Passed 1-24-72.)

~~1222.08 PLANNED UNIT DEVELOPMENTS.~~

~~—These Subdivision Regulations may be modified by the Planning Commission in the case of a plan for a complete community or neighborhood unit with a building and development program which, in the judgment of the Commission, provides and dedicates adequate public open spaces and improvements for the circulation, recreation, education, light, air and service needs of the tract, when fully developed and populated. The Commission shall ascertain that the proposed project will constitute a desirable and stable development; that it will be in harmony with development in adjoining areas; and that the plans for such proposed development include such covenants, restrictions, financial guarantees and other legal assurances as to guarantee that the plan will be followed and will be fully achieved.~~

~~(Ord. 95-71. Passed 1-24-72.)~~

1222.09 AMENDMENTS.

(a) The Planning Commission, on its own motion and after a public hearing, may, with the approval of Council, amend, supplement or change these Subdivision Regulations. Notice shall be given of the time and place of such public hearing by publication in at least one newspaper of general circulation in the City for thirty days prior to holding such hearing. The amendment shall be on file in the office of the Commission or in any other public place designated by the Commission in the public notice during such period of publication.

(b) The Commission may, from time to time, adopt and amend rules and instructions for the administration of these Regulations, to the end that approval of plats will be expedited. (Ord. 95-71. Passed 1-24-72.)

1222.99 PENALTY.

(a) Whoever willfully violates any of the provisions of these Subdivision Regulations or fails to comply with any order made pursuant thereto shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000). Such sum may be recovered, with costs, in a civil action brought in the Court of Common Pleas of the County in which the land lies, by a legal representative of the City, in the name of the City and for the use thereof.

(b) A County Recorder who records a plat contrary to the provisions of these Regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) to be recovered with costs in a civil action by the Prosecuting Attorney in the name and for the use of the City.

(c) Any person, whether he is the owner or agent of the owner, who transfers any subplot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each subplot, parcel or tract of land so sold. The description of such subplot, parcel or tract by metes and bounds in the deed of transfer shall not serve to exempt the seller from the forfeiture provided in this section.

(d) Any person who disposes of or offers for sale or lease for a time exceeding five years, any subplot or any part of a subplot in a subdivision, before the provisions of these Regulations are complied with, shall forfeit and pay five hundred dollars (\$500.00) for each subplot or part of a subplot so sold, offered for sale or leased, to be recovered with costs in a civil action, in the name of the City of Brunswick, for the use of the City.

(Ord. 95- 71. Passed 1-24-72.)

CHAPTER 1224 Procedures

1224.01 Purpose.

1224.02 Classification and determination of subdivision type.

1224.03 Minor subdivision.

1224.04 Major subdivision.

1224.05 Review procedures for subdivisions outside City.

CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001

Plat acknowledgment and recording - see Ohio R.C. 711.06

Planned unit developments - see P. & Z. 1222.08

Plan and plat specifications - see P. & Z. Ch. 1226

Design standards - see P. & Z. Ch. 1228 improvement requirements and specifications - see P. & Z. Ch. 1230

Typical minor subdivision map - see P. & Z. Sub. Reg. Appendix A

1224.01 PURPOSE.

The purpose of this chapter is to specify the procedures that shall be followed to subdivide land.

(Ord. 95-71. Passed 1-24-72.)

1224.02 CLASSIFICATION AND DETERMINATION OF SUBDIVISION TYPE.

There are two basic types of subdivisions:

(a) Minor. The Secretary of the Planning Commission may determine that a proposed subdivision of land is a minor subdivision if the proposed division of a parcel of land is along an existing public street, does not involve the opening, widening or extension of any street or road and does not involve more than five lots after the original tract has been completely subdivided.

(b) Major. A major subdivision is any subdivision that does not meet the requirements of a minor subdivision.

(Ord. 95-71. Passed 1-24-72.)

1224.03 MINOR SUBDIVISION.

(a) Authority of Review and Approval. The Secretary or designee of the Planning Commission is hereby authorized to represent the Commission in the review and approval of a minor subdivision.

(b) Filing Procedure. A person proposing to create a minor subdivision shall submit the following to the Secretary:

(1) A legal description of the parcel or parcels sought to be transferred on a conveyance of such parcel or parcels.

(2) Two paper ~~Four~~ copies and one electronic copy of a private survey plat of the parcel or parcels sought to be transferred. (See Appendix A following these Subdivision Regulations.)

(3) Any other information that may be required by the Secretary to determine if the subdivision complies with the requirements of the Zoning Code for a minor subdivision.

~~(4) A recommendation by the Medina County Health Commissioner for approval of transfer in one of the following forms:~~

~~—A. Approved for building sites, in which case individual sewage systems have been approved; or~~

~~—B. Approved for transfer, in which case no building site approval has been granted.~~

~~(5)~~ (4) Minor subdivision fees as specified in Section 1222.06(a).

(c) Action by the Secretary.

(1) If central sanitary sewer and water supply systems are not to be used, the Secretary shall refer the information submitted to the County Health Department for recommendations.

(2) Within fifteen ~~seven~~ working days after submission of a minor subdivision plan or within a mutually agreed upon extension, the Secretary shall either approve or disapprove the application.

(3) If the Secretary does not approve the application, he shall notify the applicant in writing, stating the reason for disapproval. If the action is to approve the application for a subdivision, the Secretary shall stamp the conveyance "Approved by the Planning Commission; no final plat required" and shall affix thereon his signature and the date. The approval shall expire within sixty days unless the conveyance is recorded in the office of the County Recorder. The Minor Subdivision plat shall be signed by the City Engineer.

(Ord. 95-71. Passed 1-24-72.)

1224.04 MAJOR SUBDIVISION.

(a) General Procedure. Major subdivisions shall be approved in three stages: the preliminary discussion stage; the preliminary plan stage; and the final plat stage.

(1) The preliminary discussion stage requires the subdivider to discuss the proposed subdivision so that he can become familiar with subdivision requirements, existing conditions and future plans.

(2) The preliminary plan stage requires the subdivider to present all information needed to enable the Planning Commission to determine that the proposed layout is satisfactory and will serve the public interest. This stage also ensures that the subdivider will not have to spend an excessive amount of money without some assurance that his plat will be finally approved.

(3) The final plat stage requires the subdivider to present all data needed to enable the Commission to determine that the subdivision fully complies with these Subdivision Regulations and conforms to the approved preliminary plan. After approval of all streets or other public ways or open space has been given by the Commission, the plat is then submitted to Council for approval before recording.

(b) Preliminary Discussion. The subdivider shall consult with the office of the Planning Commission and avail himself of the advice and assistance of the Commission. He shall submit a preliminary discussion map, including thereon all items required by Section 1226.02 .

~~—(c) Preliminary Steps Certification. Prior to preparing a preliminary plan, the sub divider shall obtain a preliminary steps certification form (see Appendix B following these Subdivision Regulations) from the Building and Zoning Inspector's office, signed by the agencies listed on such certification form.~~

(d) Preliminary Plan.

(1) Submission. The subdivider shall make application to the Planning Commission for approval of a preliminary plan. All information required by Section 1226.03 shall be submitted to the Secretary as follows:

- A. ~~Six copies~~A digital pdf copy of the application;
- B. ~~One A digital pdf copy of the preliminary steps certification form, for the Planning Commission file;~~
- C. ~~Nineteen copies and one digital pdf copy~~ ~~Sixteen A digital pdf copy~~copies of the preliminary plan, including a vicinity map;
- D. ~~Eight copies~~A digital pdf copy ~~of soil interpretations for the various urban uses and eight copies of a plan to provide for control of erosion and sedimentation during and after construction;~~
- E. Any other data that the Secretary deems necessary can be sent in pdf format; and

F. A receipt for the preliminary plan fees specified in Section 1222.06(a).

(2) Transmission. The Secretary shall transmit a copy of the preliminary plan to the following officials and agencies for their review and recommendations, indicating also a date on which he will view the site and inviting such officials and agencies to attend this viewing:

- A. The City Engineer;
- B. The County Sanitary Engineer;
- C. The County or Regional Planning Commission;
- D. The County Board of Health and/or the Ohio Department of Health;
- E. The Building and Zoning Inspector;
- F. A representative of Council; and
- G. The County Soil and Water Conservation District.

The Secretary shall transmit additional copies of the preliminary plan documents to such utility companies, school boards, cities, villages and others as he deems necessary. The officials and agencies shall make their review and recommendations to the Secretary within twenty days from the date of transmission. The Secretary shall present the preliminary plan documents to the Planning Commission within thirty-five days of receipt of the plans from the applicant.

(3) Official filing. Upon determination by the Planning Commission that the preliminary plan has been properly submitted, the Commission shall accept the preliminary plan as being officially filed.

(Ord. 95-71. Passed 1-24-72.)

(4) Planning Commission and Council action. The Planning Commission, within ~~forty-~~~~thirty-~~five days of the date of official filing, or within a mutually agreed upon extension, shall approve, approve conditionally, or disapprove the preliminary plan. ~~The action taken shall be noted on both the preliminary plan and the preliminary plan application form and a copy of each returned to the subdivider.~~ The action taken shall also be entered on the official records of the Planning Commission and a copy of the preliminary plan, with action noted, kept on file. The preliminary plan, upon approval of the Commission, shall be forwarded to Council for its approval.

(5) Effect of approval. Approval of a preliminary plan by the Planning Commission and Council is not an acceptance of the subdivision plat for record, but is rather an expression of approval of a general plan as a guide to preparation of a subdivision plat for final approval and recording upon fulfillment of all requirements of these Regulations. Approval shall be effective for a maximum period of twelve months unless, upon application by the developer, the Commission grants an extension. If such an extension is granted, Council shall be notified of such extension and the fee specified in Chapter 1216 shall be paid. If the

final plat has not been submitted for final approval within this time limit, a preliminary plan must again be submitted to the Planning Commission for approval.

(Ord. 62-91. Passed 5-13-91.)

(e) Final Plat Procedure.

(1) Submission. After the preliminary plan has been approved by Council, the subdivider shall make application to the Planning Commission for approval of a final plat. The final plat submitted shall conform to the approved preliminary plan. For subdivisions containing twenty acres or more, final plats may be submitted for approval in sections, provided preliminary approval has been given for the entire subdivision. Such sections shall be numbered consecutively as they are submitted. All items required by Section 1226.04 shall be submitted to the Secretary as follows:

A. Two copies of the final plat application;

B. One copy of the approved preliminary plan and application;

C. One copy of a protective covenant, if proposed;

D. The original ~~mylar, one paper copy and one electronic copy tracing, along with a duplicate linen, and two copies~~ of the final plat and location map;

E. One copy of the financial guarantee approved by the Director of Law, in an amount stated by the City Engineer;

F. Two copies of improvement plans ~~and one electronic copy;~~

~~G. A certificate of zoning compliance;~~

H. Sewer and water certification by the City Engineer and the County Sanitary Engineer; and

I. A receipt for the final plat fees specified in Section 1222.06(b).

The Secretary or the City Engineer may request additional copies of any of the above items and any other additional information that he deems necessary. Within five working days of the date of submission, the Secretary shall determine if all of the items required by Section 1226.04 have been submitted. If all the required items have not been submitted, the Secretary or the City Engineer shall notify the subdivider of such omissions.

(2) Official filing. After he determines that all required documents have been submitted, the City Engineer shall present to the Planning Commission, at the next meeting of such Commission, the final plat documents required by Section 1226.04. Upon determination by the Commission that the final plat has been properly submitted, the Commission shall accept the final plat as being officially filed and shall certify thereon the date.

(3) Planning Commission action. ~~The Planning Commission shall act within thirty days from the date of official filing or within a mutually agreed upon time extension; otherwise~~

~~the final plat shall be deemed to have been approved.~~ One of the following actions shall be taken by the Planning Commission:

A. Conditional approval; improvements to be constructed. The Planning Commission may conditionally approve a plat provided that a construction agreement, acceptable to the City Engineer, is included with the required documents. Written notice of conditional approval shall constitute formal authorization to the subdivider to construct and install all improvements and shall assure the subdivider that the plat will be fully approved upon satisfactory installation of the required improvements.

B. Final approval. Final approval of a plat may be given in one of the following two ways:

1. After construction of improvements. After the subdivider has obtained conditional approval, as indicated in subparagraph (e)(3)A. hereof and has installed all required improvements to the satisfaction of the City Engineer, the City Engineer shall certify that the improvements have been satisfactorily installed in compliance with the construction agreement. Upon receipt of the City Engineer's certification and upon the determination that all the requirements of these Regulations have been met, the Planning Commission may give final approval and shall indicate such approval and the date of the same on the tracing of the final plat.

2. Before construction of improvement. The Planning Commission may give final approval before all required improvements are installed, provided that a construction agreement and cash bond, acceptable to the Director of Law and the City Engineer, are provided for the purpose of assuring installation of such improvements. The amount of such performance guarantees shall be sufficient to cover the cost of all improvements, such cost to be based on an estimate made by the City Engineer. Upon receipt of the City Engineer's certification and upon the determination that all the requirements of these Regulations have been met, the Planning Commission may give final approval and shall indicate such approval and the date of the same on the tracing of the final plat.

C. Disapproval. Should the Planning Commission decide to disapprove the final plat, written notice of such action, including reference to the regulation or regulations violated by the plat, shall be mailed to the subdivider. The action shall also be entered on the official records of the Planning Commission.

(4) Effect of approval. Upon final approval of a subdivision involving the creation of new streets, the widening, decreasing or vacating of existing streets or alleys or the creation, enlargement or decrease of other lands devoted to public use, the Planning Commission shall transmit notice of such action to Council, together with appropriate recommendations concerning the acceptance of dedicated streets and alleys, of the vacation thereof and of the acceptance of other dedicated lands.

Final approval of a subdivision by the Planning Commission shall in no way constitute legal acceptance of any dedicated streets, alleys or other open spaces shown upon the plat.

(5) Forwarding of plats and acceptance. Upon the approval of a subdivision, the Planning Commission shall forward the original tracing to the Director of Law who shall prepare the necessary legislation for acceptance of any dedicated streets, alleys, lands for public use or other open spaces by Council. When the plat includes lands outside the Municipality, the original tracing shall be forwarded to the County Commissioners. Prior to acceptance by Council or by the County Commissioners, in the case of lands outside the Municipality, all improvements shall be constructed or their construction guaranteed.

(6) Recording. After acceptance of the plat by the County Commissioners, in the case of lands outside the Municipality, the City Engineer shall file the approved plat in the office of the County Recorder and lots may then be sold, leased or transferred and building permits issued. After acceptance of the plat by Council, the City Engineer or other designated City official shall receive the recording fee from the Municipality and shall then file the approved plat in the office of the County Recorder and lots may then be sold, leased or transferred and building permits issued.

(Ord. 95-71. Passed 1-24-72.)

~~1224.05 REVIEW PROCEDURES FOR SUBDIVISIONS OUTSIDE CITY.~~

~~—Subdivisions outside the City, but within the City's three-mile extraterritorial jurisdiction, shall be reviewed according to the procedures specified in this chapter, with the following exceptions:~~

~~—(a) Minor Subdivisions. Minor subdivisions shall not be approved by the Secretary of the Planning Commission until the survey plat is given zoning approval by the applicable township. An affected township may authorize the City to act as its agent for zoning approvals.~~

~~—(b) Preliminary plans. Preliminary subdivision plans shall be submitted and reviewed by the Commission according to the procedures set forth in Section 1224.04 (d), except that the subdivider may make application for approval of a final plat after the preliminary plan is approved by the Commission.~~

~~—(c) Final Plats. The County Engineer shall perform the construction inspection responsibilities set forth in Section 1224.04 (c)(3)B.1.~~

~~—(Ord. 82-82. Passed 6-28-82.)~~

CHAPTER 1226

Plan and Plat Specifications

1226.01 Purpose.

1226.02 Preliminary discussion map.

1226.03 Preliminary plan.

1226.04 Final plat.

CROSS REFERENCES

Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.11

Plat acknowledgment and recording - see Ohio R.C. 711.06

Variances - see P. & Z. 1222.07

Classification of subdivision types - see P. & Z. Ch. 1224

Design standards - see P. & Z. Ch. 1228

Improvement requirements and specifications - see P. & Z. Ch. 1230

Zoning districts - see P. & Z. Ch. 1246

Soil engineering properties and interpretations - see P. & Z. Table I

Estimated degree and kind of soil limitation for specific land uses see P. & Z. Table II

1226.01 PURPOSE.

The purpose of this chapter is to inform the subdivider of the specific information that he must provide in order to permit adequate review, approval and recording of plats.

(Ord. 95-71. Passed 1-24-72.)

1226.02 PRELIMINARY DISCUSSION MAP.

A map shall be submitted, in triplicate, by the subdivider as a basis for informal discussion. The map shall show the following information:

- (a) The location, including tract boundaries, township and north arrow;
- (b) The existing and proposed streets on and adjacent to the tract;
- (c) A statement of the provisions that will be made for sewage disposal and water supply;
- (d) The utility transmission lines and easements;
- (e) The existing zoning districts; and
- (f) A soil survey map. (See Appendix J following these Subdivision Regulations) (Ord. 95-71. Passed 1-24-72.)

1226.03 PRELIMINARY PLAN.

The subdivider shall furnish the following:

(a) Preliminary Plan Application. (See Appendix C following these Subdivision Regulations)

(b) A Vicinity Map. (See Appendix D following these Subdivision Regulations) The map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. The vicinity map may be on the same sheet as the preliminary plan drawing and it shall show the following information:

(1) The subdivision name, the township, tract and original lot or section number and the north arrow;

(2) Existing and proposed main traffic arteries;

(3) Shopping facilities;

(4) Schools;

(5) Parks and playgrounds; and

(6) Any other significant community features.

(c) A Preliminary Plan Drawing. (See Appendix D following these Subdivision Regulations) The Plan shall be prepared in accordance with Chapter 1228 by a registered surveyor, city planner, landscape architect or professional engineer. The plan shall be accurately and clearly drawn. The drawing shall include the proposed plan or alternate plans of the subdivision and shall show the following information:

(1) Identification.

A. The proposed name of the subdivision (which must not duplicate others in the County), the township, tract and original lot or section number;

B. The names, addresses and telephone numbers of the owners, the subdivider and the registered surveyor, the city planner, the landscape architect or the professional engineer referred to above; and

C. The scale (one inch equals 100 feet), the north arrow and the date.

(2) Existing data.

A. The boundary lines, showing bearings and distances as surveyed by a registered surveyor;

B. The easements and rights of way and their location, width and purpose;

C. The streets on and adjacent to the subdivision and their names (which must not duplicate others in the County), location, right of way and roadway width;

D. The utilities on and adjacent to the subdivision, including the location, size and invert elevations of sanitary and storm sewers, the location and size of water mains and the location of gas lines, fire hydrants and utility poles. If water mains, sewers and/or culverts are not on or adjacent to the tract, the drawing shall indicate the direction and distance to and the size of the nearest mains, sewers and culverts, and show the invert elevation of sewers and culverts;

E. The ground elevations on the subdivision, showing contours with an interval of not more than five feet if the ground slope is in excess of four percent and two feet if the ground slope is less than four percent;

F. Subsurface conditions on the subdivision, including any conditions that are not typical, such as abandoned mines, oil wells, gas wells, cistern-type wells, abandoned excavations and underground pipelines;

G. Other conditions on the subdivision, including:

1. Watercourses and areas subject to flooding;
2. Marshes;
3. Rock outcroppings;
4. Wooded areas;
5. Isolated preservable trees, three inches or more in diameter; and
6. Any structures or other significant features.

H. Other conditions on adjacent land, i.e. land within 200 feet, including:

1. The direction and gradient of the ground slope of any area draining into the tract, including embankments or retaining walls;
2. The location and type of buildings;
3. Railroad lines;
4. Power lines, towers and antennas;
5. Other nearby nonresidential uses of land or adverse influences; and
6. The owners of adjacent unplatted land or, in the case of adjacent platted land, reference to the subdivision plan by name, plat book and pages.

I. Zoning requirements, including:

1. The district;
2. The lot size and yard requirements; and
3. Proof of any variances or special exceptions which may have been granted.

J. Planned public improvements, such as highways or other major improvements planned by public authorities for future construction on or near the subdivision.

(3) Proposals.

A. Streets, including proposed streets, indicating each street by a proposed name except where the street is a continuation of an existing street, right-of-way widths and approximate grades;

B. Other rights of way or easements, including their location, width and purpose;

C. Lots, including the numbers and dimensions and the area of irregular lots in square feet;

D. Minimum building setback lines;

E. Land parcels within the subdivision not to be divided into lots;

F. Public or private sites reserved or dedicated for parks, playgrounds or other public uses;

G. Sites for other uses, such as multifamily dwellings, shopping facilities, churches and industrial or other nonpublic uses, excluding single-family dwellings;

H. Total site data, including the acreage, the number of residential lots and dwelling units, the number of parking spaces, the typical lot size and the number of acres in parks and other public uses; and

I. A plan showing the changes proposed, if extensive changes of topography are contemplated.

(4) Notations for approval by officials and agencies, including:

A. The County Sanitary Engineer;

B. The City Engineer;

C. The Planning Commission Chairman and Secretary; and

D. Council.

(5) Other information. The Planning Commission may require such additional information as it deems necessary.

(Ord. 95-71. Passed 1-24-72.)

1226.04 FINAL PLAT.

The subdivider shall furnish the following:

(a) A Final Plat Application. (See Appendix E following these Subdivision Regulations)

(b) A Final Plat Drawing. (See Appendix F following these Subdivision Regulations) The final plat shall be drawn in ink on tracing cloth or mylar (sheet size - eighteen inches by twenty-four inches) within the border and shall be at a scale of 100 feet to one inch or fifty feet to one inch. If necessary, the plat may be on several sheets, accompanied by an index sheet showing the entire subdivision.

The final plat shall show the following information:

(1) Identification.

A. The proposed name of the subdivision (which must not duplicate others in the County) and the township, tract and original lot or section number; and

B. The location map at a scale of one inch equals 2,000 feet (United States Geodetic Survey) with the north arrow;

(2) Control points. All dimensions, angles and bearings, shown with reference to control points such as the nearest established street line or section lines or some other established point;

(3) Lines and boundaries. The centerlines and right-of-way lines of streets, easements and other rights of way and natural and artificial watercourses, streams, shorelines, corporation lines and property lines of all lots and parcels with distances, radii, arcs, chords and tangents of all curves to the nearest one-hundredth of a foot and bearings or deflection angles to the nearest second;

(4) Streets. The name (which must not duplicate another in the County) and the right-of-way width of each street within the proposed subdivision and those adjoining it;

(5) Building setback lines. Accurately shown with dimensions;

(6) Lot and block identification. The lots, numbered in consecutive order; if the subdivision is submitted in sections, lots shall be numbered consecutively as each section is submitted, whether or not the sections are contiguous;

(7) Total site data. The total acreage, acres in lots, acres in streets and acres in parks and other public uses and remaining areas;

(8) Land for public use. The boundaries established and the use identified of all parcels which are to be dedicated or reserved for public use or easements;

(9) Monuments. The location and description of those found, set or to be set;

(10) Owners of adjoining land. The names of recorded owners of adjoining unplatted land and reference to subdivision plats of adjoining platted land by name, volume and page of the County Recorder's maps;

(11) Certification by surveyor. A certification and seal by a registered surveyor to the effect that the plat represents a survey made by him which balances and closes, that the monuments shown thereon exist or shall be set as shown and that all dimensional and geodetic details are correct;

(12) Certification by owner. A notarized certification by the owner or owners of the subdivision that there are no unpaid taxes or special assessments against the land contained in the plat and the offer of the dedication of streets and other public areas;

(13) Notations by the following officials and agencies:

- A. Approval by the County Sanitary Engineer;
- B. Certification of the City Engineer that required improvements have been satisfactorily installed or that adequate financial guarantees have been provided;
- C. Approval by the County Health Commissioner;
- D. Approval of the plat by the Planning Commission with signatures of the Chairman and Secretary;
- E. Acceptance of offers of dedication by Council; and
- F. Transfer and recording by the County Tax Map Draftsman, the County Auditor and the County Recorder; and

(14) Protective covenants.

(c) Improvement Plans and Specifications. Drawings showing cross-sections, profiles, elevations, construction details and specifications for all required improvements shall be prepared by a licensed engineer. The improvement plans shall be prepared as directed by the City Engineer and subject to his approval.

If it becomes necessary to modify the improvements as approved, due to unforeseen circumstances, the subdivider shall inform the City Engineer in writing of the conditions requiring the modification. Written authorization from the City Engineer to make the required modification must be received before proceeding with the construction of the improvement.

At the completion of the construction and before acceptance, the subdivider shall furnish the City Engineer with a set of tracings for permanent record, showing the locations, sizes and elevations of all improvements as constructed.

(Ord. 95-71. Passed 1-24-72.)

CHAPTER 1228 Design Standards

1228.01 Physical considerations.

1228.02 Streets.

1228.03 Easements.

1228.04 Blocks.

1228.05 Lots.

1228.06 Public sites and open space.

CROSS REFERENCES

Fee of designated public land to vest when plat recorded - see Ohio R.C. 711.01, 711.07

Variances - see P. & Z. 1222.07

Final plat - see P. & Z. 1226.04

Improvement requirements and specifications - see P. & Z. Ch. 1230

Land area required for public use - see P. & Z. 1230.01(d)

Soil engineering properties and interpretations - see P. & Z. Table I

Estimated degree and kind of soil limitation for specific land uses - see P. & Z. Table II

Flood plain construction - see B. & H. Ch. 1467

1228.01 PHYSICAL CONSIDERATIONS.

(a) Natural Land Use. Subdivisions shall be planned to take advantage of the topography of the land, to allow the efficient construction of drainage facilities, to minimize the amount of grading and to minimize destruction of trees and topsoil.

(b) Flood Hazard. If any portion of the land within a subdivision is subject to flooding or other hazards, due consideration shall be given to such problems in the design of the subdivision. Land subject to flooding and land uninhabitable for other reasons shall not be platted for residential occupancy nor for other uses that may increase danger to health, life or property or aggravate flooding or other hazards.

(c) Erosion and Sedimentation Hazard. Land which is subject to moderate or severe erosion hazards, as determined from the Soil Survey Map (see Appendix J following these Subdivision Regulations) shall be reviewed by the Planning Commission and the City Engineer and they shall impose such controls as are deemed necessary to minimize such hazards.

(Ord. 95-71. Passed 1-24-72.)

1228.02 STREETS.

(a) Arrangement. The arrangement, character, extent, width and location of all streets shall conform to the locally adopted Land Use and Thoroughfare Plan. The design of proposed streets shall provide for both the continuation of existing streets and access to

adjacent unplatted lands so that the entire area can be served with a coordinated street system.

(b) Street Classifications.

(1) Major arterial thoroughfares shall be planned for continuation of movement of fast traffic between points of heavy traffic generation and from one section of the community to another. They shall contain as few intersections with minor streets as possible. Such thoroughfares should traverse the community and should be spaced approximately one mile apart, unless otherwise approved by the Planning Commission.

(2) Collector streets shall provide a traffic route from local streets to major arterial thoroughfares. Collector streets normally contain a relatively large number of intersections with local streets and few intersections with major arterial thoroughfares. These streets should be spaced at least one-fourth mile apart, unless otherwise approved by the Planning Commission.

(3) Minor streets shall provide direct and full access to each lot and safe and efficient circulation through all multifamily development and shall be laid out so that their use by through traffic is discouraged.

(4) Parallel streets or service roads may be required along an existing or proposed major arterial thoroughfare to provide access to lots along such major arterial thoroughfares.

(5) Service drives shall be designed to provide only secondary access.

(c) Right-of-Way Widths and Grades.

Classification	Minimum Right-of-Way Width (in feet)	Maximum Grades (percent)
1 ~~Arterial~~ ~~Divided Major~~	100	5
2 ~~Minor Arterial~~ ~~Major~~	870	5
3 Collector	60	7
4 ~~Subcollector~~ ~~Minor~~	60	8
5 ~~Local~~ ~~Industrial~~	60	6
6 ~~Private Drive~~ ~~Marginal Street~~		8
7A Cul-de-sac	120	
7B Cul-de-sac	120	
8 ~~Minor Streets in SPDs and Cluster Areas~~	50 (with approval of City Engineer)	

Street grades, whenever feasible, shall not exceed the due allowance for reasonable vertical curves. No street grade shall be less than five-tenths of one percent.

(d) Cul-de-sacs and Dead-End Streets. Streets designed to be permanently dead ended shall not be longer than 600 feet, unless a greater length is approved by the Planning Commission, and shall be provided, at the closed end, with a turnaround having an outside pavement diameter of at least 100 feet and a street property line diameter of at least 120 feet. Permanent cul-de-sac streets shall not serve an excess of 40 living units. Interior planting circles may be allowed, with the approval of the Planning Commission and the City Engineer. If such dead-end or cul-de-sac street is of a temporary nature and a future extension into adjacent land is anticipated, then such turning circle, beyond the normal street width, shall be in the nature of an easement over the premises included in the turning circle, but beyond the boundaries of the street proper. Such easement shall be automatically vacated to abutting property owners, when the dead-end street is legally extended into adjacent land. If a dead-end street extends only one lot depth past a street intersection, no turnaround will be required. A subdivider shall be required to dedicate to the public use a strip of land five feet in width at the end of all dead- end streets created. Such five-foot strip shall be vacated upon extension of the street dedication.

(e) Corner Radii. Property lines at street intersections shall be rounded with a radius of not less than fifty feet for all major arterial thoroughfares, thirty feet for all collector and local industrial streets and twenty feet for all minor streets. Chords or cutoffs may be permitted in place of rounded corners.

(f) Half Streets. Half streets shall be prohibited except where there is an existing half-street adjacent to the subdivision, in which case the remaining half of the street shall be platted.

(g) Horizontal and Vertical Curves. ~~Angles in the alignment of street lines shall be connected by a curve with a radius on the centerline of not less than 200 feet for local streets, 300 feet for collector and industrial streets and 500 feet for major arterial thoroughfares. Between reverse curves there shall be a tangent at least 100 feet long on major arterial thoroughfares. The minimum length of vertical curves shall be 100 feet.~~ Horizontal and vertical curve standards shall follow AASHTO and the ODOT Location and Design Manual.

(1) Traffic Calming: New subdivision roadways that intersect arterial, minor arterial, collector, or minor collector roadways shall induce horizontal curvature into the roadway alignment, unless otherwise approved by the City Engineer and Community and Economic Development Director. Horizontal curvature shall not exceed radii specified in Chapter 1228.02(g).

(h) Intersections. Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than sixty degrees. Three-way ~~stop~~ intersections are encouraged, but in no event shall an intersection containing more than four ~~stop~~ streets be approved.

(i) Street Jogs. Street jogs with centerline offsets of less than 125 feet shall be prohibited. If deemed necessary by the City Engineer, the minimum distance between centerline offsets shall be increased.
(Ord. 95-71. Passed 1-24-72.)

(j) Energy Conservation. Whenever new residential construction is proposed, the Planning Commission shall, in an effort to maximize energy conservation, give priority to the approval of those plats where maximum use of east-west streets, as opposed to north-south streets, will occur. Wherever practicable, residential structures should be built with their roof lines running east and west in order to permit maximum sun exposure on the south side of a dwelling unit. This orientation will ensure that generous amounts of sunlight will enter the dwelling during winter, bringing added warmth and reducing the amount of fuel needed for indoor comfort. For the same reason, glass areas should be minimized on the north and east side, and especially on the west side, of all new residential dwellings. Additional energy savings can be gained by specifying the incorporation of roof overhangs into residential building design.
(Ord. 133-81. Passed 3-8-82.)

1228.03 EASEMENTS.

(a) Utility Easements. Electric and telephone lines should be located along rear or side lot lines and shall be buried. Easements along rear or side lot lines shall be provided for utilities where necessary and shall be at least sixteen feet wide.

(Ord. 41-2022. Passed 7-11-22.)

(b) Drainage Easements. Wherever a subdivision is traversed by a drainage way, a storm water or drainage easement, conforming substantially with the lines of such drainage way, shall be provided. The easement shall be no less than twenty feet wide and, unless increased by the City Engineer, shall generally follow rear and side lot lines.

(Ord. 95-71. Passed 1-24-72.)

1228.04 BLOCKS.

(a) Residential Block Lengths. The long dimension of a residential block shall not exceed twenty times the minimum single-family residential lot width of the applicable zoning district. The Planning Commission may approve a longer block length if topographic or other conditions so warrant.

(Ord. 82-82. Passed 6-28-82.)

(b) Pedestrian Walkways/trails. Pedestrian walkways/trails, not less than ~~six~~^{ten} feet wide, ~~or of such greater width as may be deemed necessary by the Planning Commission, with an easement no less than 20 feet-wide,~~ shall be required ~~if the subdivision block length exceeds 900 feet across blocks~~ or where the Commission deems that pedestrian access to the subdivision directly abuts a schools, playgrounds, parks and recreational trails, or shopping centers, transportation and other community facilities ~~is necessary~~. The improvement and form of the walkway shall be determined by the Planning Commission. ~~Where a new subdivision is developed adjacent to a dead-end street in an existing subdivision, a pedestrian walkway linking the two subdivisions shall be developed. Planning Commission can allow for modifications to the walking trail if the connection is technically infeasible. See Appendix H for the pedestrian walkway/trail typical section.~~

(c) Commercial or Industrial Blocks. Blocks intended to be used for commercial or industrial purposes shall be designed specifically for such uses, with adequate space set aside for off-street parking and loading facilities.

(Ord. 95-71. Passed 1-24-72.)

1228.05 LOTS.

(a) Conformity to the Zoning Code. The lot size, width and depth and the minimum building setback lines shall conform to the applicable zoning requirements.

(Ord. 82-82. Passed 6-28-82.)

(b) Corner Lots. Corner lots shall have extra width to permit appropriate building setback from and orientation to both streets and shall conform to the provisions of Section 1246.05(n).

(c) Access to Public Streets. The subdividing of land shall provide each lot with the minimum required frontage to an existing public street.

(d) Double-frontage Lots. Lots shall not be laid out so that they have frontage on more than one street except:

- (1) Where the lots are adjacent to the intersection of two streets; or
- (2) Where it is necessary to separate residential lots from major arterial thoroughfares.

Where double-frontage lots are created adjacent to major arterial thoroughfares, a reserve strip along the major arterial thoroughfare shall be deeded to the City. The plat shall state that there shall be no right of access across such reserve strip. The Planning Commission may require that a six-foot high fence or masonry wall be constructed or that a ten-foot wide planting screen be provided.

(e) Lot Lines. Lot lines shall be substantially at right angles or radial to street lines. Lot lines should follow Municipal, Township and County boundary lines rather than cross

them.

(Ord. 95-71. Passed 1-24-72.)

(f) Lot Depth. Lot depth shall not exceed three and one-half times the lot width, except as otherwise authorized by the Planning Commission. In areas designated for residential development with not more than one dwelling unit per two gross acres, lot depth shall be limited only by consideration of interference with planned streets or the block criteria specified in Section 1228.04 .

(Ord. 82-82. Passed 6-28-82.)

1228.06 PUBLIC SITES AND OPEN SPACE.

(a) Public Facilities. The design of the subdivision shall, at the discretion of the Planning Commission, provide for parks, playgrounds, schools and other sites for public use, as provided in Section 1230.01 (d). If there is a Land Use and Thoroughfare Plan for the area, such public facilities shall conform to the Plan.

(b) Natural Features. Due consideration shall be given to preserving outstanding natural features such as scenic areas, bodies of water or exceptionally fine groves of trees. Dedication to and acceptance by a public agency can be a means of assuring the preservation of such features.

(Ord. 95-71. Passed 1-24-72.)

CHAPTER 1230

Improvement Requirements and Specifications

1230.01 Required improvements.

1230.02 Oversize or off-site improvements.

1230.03 Construction requirements.

1230.04 Construction agreement.

CROSS REFERENCES

Restriction on Councilmen, officers and employees re road improvements - see ADM. 258.02(a)(4)

Trees - see S. U. & P. S. Ch. 1028

Sewers - see S. U. & P. S. Ch. 1040

Water - see S. U. & P. S. Ch. 1048

Variances - see P. & Z. 1222.07

Flood, erosion and sedimentation hazards - see P. & Z. 1228.01 (b), (c)

Streets - see P. & Z. 1228.02

Public sites and open spaces - see P. & Z. 1228.06

Registration of contractors - see B. & H. Ch. 1442

Flood plain construction - see B. & H. Ch. 1467

1230.01 REQUIRED IMPROVEMENTS.

The improvements hereby required shall be designed, furnished and installed by the subdivider in accordance with the provisions of these Subdivision Regulations and other regulations of the State and County. They shall be installed after the final plat is approved or, in lieu thereof, when financial guarantees for such installation have been approved by the Director of Law and the City Engineer prior to recording of the final plat. The subdivider shall provide and install, within the proposed subdivision, improvements as required by the Planning Commission and the City Engineer, subject to the requirements in Chapter 1236-

(a) Drainage. A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. To this end the subdivision shall be graded according to the following requirements and methods:

(1) Drainage plan. Prior to the start of construction of either structures or streets, the subdivider shall furnish a plot plan showing the slab or floor elevation of each structure proposed to be constructed. He shall also show, by the use of arrows, how he proposes to surface drain each lot and shall provide such other information as may be required by the City Engineer. The subdivider shall also submit topographic maps showing the area to be drained, with calculations prepared by a licensed engineer in determining the proposed storm water collection system.

(2) Drainage requirements; grading. No final grading or sidewalk or pavement construction or installation of utilities shall be permitted on any proposed street until the final plat has been approved or conditionally approved. The subdivider shall grade each subdivision as specified herein in order to establish street, block and lot grades in proper relation to each other and to topography, as follows:

A. Street grading plan. A grading plan shall be prepared for the streets along with street improvement details. The grading of the roadway shall extend the full width of the right of way. Planting strips shall be graded at a gradient of not less than two percent nor more than three percent upward from the curb to the sidewalk or property line, unless otherwise approved by the City Engineer.

B. Block grading. Blocks shall be graded as follows:

1. A ridge along rear lot lines, ensuring drainage into the streets; or
2. Parts of all lots draining to a sidewalk or swale along rear lot lines.

C. Lot grading. Lots shall be graded so that water drains away from each building at a minimum grade of two percent. The elevation of a property line swale shall be a minimum of six inches below the finished house grade. Surface drainage swales shall have a minimum grade of one-half of one percent and shall be designed so that surface water will drain into a driveway, street gutter, storm sewer, drain inlet or natural drainage way. Every effort shall be made to preserve and maintain the natural grade of a lot and/or block, subject to approval of the City Engineer. Grades of driveways shall be a minimum of four-tenths of one percent and a maximum of fifteen percent. All grading must be completed prior to occupancy.

D. Topsoil. If grading results in the stripping of topsoil, the topsoil shall not be removed from the site or used as spoil but shall be uniformly spread over the lot after grading is finished.

E. Trees. As many trees as can be reasonably utilized in the final development plan shall be retained and the grading adjusted to the existing grade at the base of the trees. For single-family residential lots eighty feet in width or less, at least one street tree shall be required. For single-family residential lots which have no trees, at least two trees shall be planted on each lot. Plans for planting such trees shall be approved by the Planning Commission. (see subparagraph (b)(6) hereof)

~~(3) Drainage system requirements. (EDITOR'S NOTE: By Ordinance 22-81, passed April 27, 1981, Council adopted a new storm water drainage manual to replace former subsection (a)(3) hereof, a copy of which is on file with the Clerk of Council.)~~

~~(4) Detention/retention basins.~~

~~A. Definitions: As used in this subsection inclusive:~~

~~1. "Channel" means a natural or artificial watercourse, which continuously or periodically contains moving water or which forms a connecting link between two bodies of water. It has a definite bed and banks which confine the water. "Channel flow" means the water flowing within the limits of the defined channel.~~

~~2. "Developer" means any person who acts in his own behalf or as the agent or an owner of property and engages in alteration of land or vegetation, in preparation for, or undertaking construction activity.~~

~~3. "Development" means any action, in preparation for, or undertaking, construction activity which results in an alteration of either land or vegetation.~~

~~4. "Design and Analysis of Detention/Retention Basin Manual" means the technical design manual prepared by the Engineering Division of the City.~~

——5. "Ditch" means an open channel either dug or natural for the purpose of drainage or Irrigation with intermittent flow. (See stream, drainageway and grassed waterway.)

——6. "Drainageway" means a route or course along which water moves or may move to drain an area.

——7. "Emergency flow way" means the flow routes and drainageway necessary to convey the 100-year storm.

——8. "Flood" means the temporary inundation of any land not normally covered by water due to heavy rainfall or runoff or due to a temporary rise in the level of rivers, streams, watercourses or lakes.

——(A) "Average annual flood" means a flood equal to the mean of discharges of all the maximum annual floods during the period of record.

——(B) "Regional flood" means the name applied to the 100-year flood in flood plain information reports. The 100-year flood has a one percent probability of being equaled or exceeded in a period of 100 years.

——(C) "Maximum probable flood" means the largest flood discharge believed possible considering the meteorologic conditions and snow cover on the watershed.

——9. "Floodway" means the channel of the watercourse and those portions of the adjoining flood plain which are used to convey the regional flood.

——10. "Grassed waterway" means a broad and shallow natural course or constructed channel covered with erosion resistant grasses or similar herbaceous cover and used to conduct surface water.

——11. "Hydrologic and hydraulic study" means engineering study to determine rates, volumes and distribution of storm runoff and its collection, storage and conveyance.

——12. "Runoff" means the portion of rainfall, melted snow or irrigation water that flows across the ground surface and eventually is returned to streams.

——(A) "Accelerated runoff" means increased runoff due to less permeable surface area primarily caused by urbanization.

——(B) "Peak rate of runoff" means the maximum rate of runoff for any storm.

——(C) "Runoff volume" means the total quantity or volume of runoff during a specified time period. It may be expressed in acre feet, in inches depth of the drainage area, or in other units of volume.

——13. "Storage" means the control, retention or detention of runoff.

——(A) "Detention storage" means storm runoff collected and stored for a short period of time and then released at a controlled rate. (Dry Pond)

——(B) "Retention storage" means storm runoff collected and stored for a short period of time and which is released at a controlled rate leaving in the facility a minimum pool of water. This facility is often associated with water related recreational or aesthetic uses.
(Wet Pond)

——14. "Storage facility" means any facility used to store, retain or detain storm runoff, which shall include but not be limited to retention and detention storage facilities, rooftop or parking lot ponds, basins, depressions and pools.

——15. "Storm frequency" means the average period of time in which a storm of a given duration and intensity can be expected to be equaled or exceeded.

——16. "Storm drainage system" means the surface and subsurface system for the removal of water from the land, including both the natural elements of streams, gullies, ravines, marshes, swales and ponds, whether of an intermittent or continuous nature, and man-made elements which include conduits and appurtenant features, culverts, ditches, channels, storage facilities, streets and the storm sewer system.

——(A) "Initial drainage system" means that part of the storm drainage system which is used regularly for collecting, transporting and disposing of storm runoff, snow melt and miscellaneous minor flows. The capacity of the initial drainage system should be equal to the maximum rate of runoff to be expected from a design storm which may have a frequency of occurrence of once in two, five or ten years. The initial system is also termed the "convenience system", "minor system" or the "storm sewer system" and may include many features ranging from curbs and gutters to storm sewer pipes and open drainage ways.

——(B) "Major drainage system" means that storm drainage system which carries the runoff from a storm having a frequency of occurrence of once in 100 years. The major system will function whether or not it has been planned and designed and whether or not improvements are situated wisely in respect to it. The major system is also termed the "emergency flow way". The major system usually includes many features such as streets, ravines and major drainage channels. Storm sewer systems may reduce the flow in many parts of the major system by storing and transporting water underground.

——17. "Stream" means a course of running water usually flowing in a particular direction in a definite channel and discharging into some other stream or body of water.

——18. "Watercourse" means a channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.

——B. Design and Analysis of Detention/Retention Basin Manual.

The Manual is hereby adopted by the City, and the policies, standards, specifications and provisions contained therein shall apply to the development of all subdivisions in the City.

——C. Hydrologic and hydraulic studies.

—— 1. A hydrologic and hydraulic study of each subdivision shall be submitted prior to final plat approval and as part of the construction drawings.

—— 2. These studies will be used to establish the adequacy of the drainage system of the development site. As part of these studies, the adequacy of the storm drainage facilities necessary to carry the runoff from the initial storm design shall be shown. Also the flow routes and drainageways necessary to convey the 100-year storm (the emergency flow way) through the development shall be shown. Necessary easements shall be shown.

—— 3. These studies will also be used to establish the adequacy of the drainage system of the proposed development to receive and convey any initial and major storms from dominant (upstream) property.

—— 4. These studies will also be used to establish the adequacy of the drainage system of the proposed development so as not to create or worsen drainage problems downstream. As part of these studies, storage facilities, when used, will be located and identified by type.

—— D. Stormwater runoff limitations.

—— 1. If the hydrologic and hydraulic studies reveal that the proposed development or subdivision would not increase the total volume of runoff, the peak rate of runoff after development shall not be greater than the peak rate of runoff before development for all return periods of storms up to 100 years.

—— 2. If the hydrologic and hydraulic studies reveal that the total volume of runoff is increased, the peak rate of runoff after development from the critical storm shall not exceed the predevelopment peak rate of runoff from a one-year frequency storm for a twenty-four hour period. The critical storm shall be determined in accordance with the Manual and the peak rate of runoff for each storm of greater or lesser frequency shall be determined in accordance therewith. Provided, however, that the peak rate of runoff after development may not exceed the peak rate of runoff before development.

—— E. Subdivision drainage system.

—— 1. Storm drainage facilities for the subdivision or development shall be designed to accommodate runoff from the five-year storm frequency. Site design and grading plans shall provide emergency drainageways, in order to avoid both damage to structure and endangering public safety, which emergency drainageways shall be designed to accommodate runoff from storms exceeding the five-year storm frequency, but not exceeding the 100-year storm frequency.

—— 2. The initial drainage system shall be located within street rights-of-way whenever practicable. If the collector facilities cannot be located in street rights-of-way, then they shall be located adjacent to side or rear lot lines where easements shall be provided to, and along, the facilities.

—— 3. All storm water flow from the proposed subdivision, including flows from upstream areas passing through, and further including increased flows attributable to

~~changes in time of concentration or changes in the former runoff factor (imperviousness), shall be conveyed to the proper outlet for the entire tributary area via a natural channel or an artificial channel either or both of which shall be improved so as to be of adequate capacity.~~

~~— F. Easements and access. Access to flood control or storm drainage facilities for emergency, inspection, maintenance and improvement purposes, shall be provided as follows:~~

~~—— 1. Access to flood control or storm drainage ditches, channels and storage facilities, shall be by means of easements. Such easements shall be not less than fifteen feet in width, exclusive of the width of the ditch, channel or other facility it is to serve, and an easement of this type shall be provided on one side of a flood control or storm drainage ditch, channel or similar type facility.~~

~~—— 2. Access along flood control or storm drainage ditches and channels, shall be by means of easements. Such easement shall not be less than fifteen feet in width, exclusive of the width of the ditch, channel or other facility it is to serve, and an easement of this type shall be provided on both sides of a flood control or storm drainage ditch, channel or similar facility.~~

~~—— 3. Access along the initial drainage system shall be by means of easements. Such easement shall be not less than fifteen feet in width, with a minimum of five feet in width on each side of the center line.~~

~~—— 4. Access around storage facilities shall be by a ten foot easement in the case of detention dry basins, and twenty five foot easement in the case of retention wet basins, measured from the line of the design high water level and shall include the storage facility itself.~~

~~—— 5. Easements for the emergency flow ways shall be a minimum of fifteen feet in width.~~

~~—— 6. Flood control or storm drainage easements containing underground facilities, shall have a minimum width of ten feet.~~

~~—— G. Maintenance. Any portion of the drainage system, including on-site and off-site storage facilities, that is constructed by the developer will be continuously maintained by the owner or owners subsequent in title of the affected lands unless it is officially accepted by the City for maintenance. The developer shall cause the maintenance obligation to be inserted in the chain of title to the affected lands as a covenant running with the land in favor of the City.~~

~~—— (Ord. 154-79. Passed 10-22-79.)~~

(b) Street Improvements. The subdivider shall design and construct pavements, curbs and gutters of sizes and types not less than set forth in Appendix H (see following these Subdivision Regulations) for all public and/or private streets, drives or parking areas. Pavement cross-sections shall be as shown in Appendix H. The construction and materials

shall be as specified by the State of Ohio Department of Transportation Construction and Material Specifications Manual, the latest edition, or by the City Engineer.

(1) Pavements.

A. Type 1 Arterial. Pavement: Eight inch reinforced concrete pavement with three inch sub-base and four inch shallow pipe underdrain. Width: Forty-eight feet including four inch curbs.

Grade: 0.5% Minimum

5.0% Maximum

B. Type 1A Minor Arterial. Pavement: Eight inch reinforced concrete pavement with three inch sub-base and four inch shallow pipe underdrain.

Width: Thirty-six feet including four-inch curbs.

Grade: 0.5% Minimum

5.0% Maximum

C. Type 2 Collector. Pavement: Seven inch reinforced concrete pavement with three inch sub-base and four inch shallow pipe underdrain.

Width: Twenty-eight feet including four-inch curbs.

Grade: 0.5% Minimum

7.0% Maximum

D. Type 3 Subcollector. Pavement: Seven inch reinforced concrete pavement with three inch sub-base and four inch shallow pipe underdrain.

Width: Twenty-six feet including four inch curbs.

Grade: 0.5% Minimum

7.5 Maximum

E. Type 4 Local. Pavement: Seven-inch reinforced concrete pavement with three-inch sub-base and four-inch shallow pipe underdrain.

Width: Twenty-six feet including four-inch curbs.

Grades 0.5% Minimum

8.0% Maximum

F. Type 5 Cul-De-Sac. Pavement: Seven-inch reinforced concrete pavement with three-inch sub-base and four-inch shallow pipe underdrain.

Width: One hundred feet Diameter

Grade: 0.5% Minimum

8.5% Maximum

G. Type 6 Marginal Access. Pavement: Seven-inch reinforced concrete pavement with three-inch sub-base and four-inch shallow pipe underdrain.

Width: Eighteen-foot lanes

Grade: 0.5% Minimum

5.0% Maximum

H. Type 7 Rural Residential. Pavement: Eight and one-half inch asphalt or seven-inch reinforced concrete pavement with three-inch sub-base and four-inch shallow pipe underdrain.

Width: Twenty feet, pavement edge to pavement edge.

Grade: 0.5% Minimum

8.5% Maximum

I. Type 8 Rural Cul-De-Sac. Pavement: Eight and one-half inch asphalt: Seven-inch reinforced concrete pavement with three-inch sub-base and four inch shallow pipe underdrain.

Width: One hundred feet diameter, pavement edge to pavement edge.

Grade: 0.5% Minimum

8.0% Maximum

In rural residential subdivisions with development densities of not more than one dwelling unit per two gross acres, the subdivider shall design and construct pavements of sizes and types not less than those set forth in paragraphs (b)(1)H. and I. hereof and in Appendix H for all public and private streets. The affected township shall decide which pavement will be required for each street type.

(Ord. 78-79. Passed 6-11-79; Ord. 82-82. Passed 6-28-82.)

(2) Curbs and gutters. Concrete curbs and gutters, either separate or integral with the pavement, shall be provided where indicated by the typical cross-section shown in Appendix H (see following these Subdivision Regulations).

(3) Sidewalks. Sidewalks shall be provided in the location shown by the typical cross-section in Appendix H or where prescribed by the Planning Commission. Sidewalks shall be constructed of concrete four inches thick with the thickness increased to six inches where the sidewalk is crossed by a driveway. The construction and materials shall be as specified in Item 608 of the State of Ohio, Department of Transportation Construction and Material Specifications Manual, the latest edition.

(4) Street name signs. The subdivider shall install street signs at all street intersections. The signs shall conform to the specifications of the Director of Public Service and shall be mounted at a height of approximately seven feet above the top of the curb or the crown of the pavement. They shall be located on diagonally opposite corners on the far right-hand side of the intersection for traffic on the more important streets.

(5) Street lights. The subdivider shall contact Council to arrange for the installation of public street lights in the subdivision. The installation of private street lights shall be as prescribed by the Planning Commission.

(6) Trees. Street trees shall be provided as follows:

A. Species. The trees shall be of species which are resistant to damage and disease and which do not cause interference with underground utilities or street lighting. The species of trees suggested ~~shall be in conjunction with those listed in Chapter 1282—Section 1282.11, are red maple, Norway maple, sugar maple, sycamore maple, red oak, thornless honey locust, London plane tree, amur cork tree, sweet gum, buckeye, ruby red horsechestnut, European hornbeam, hornbeam, American hop hornbeam, Chinese hackberry, hackberry, maidenhair tree and European linden.~~ Trees which have undesirable characteristics such as fruit, low branches, unpleasant odors, excessively thick foliage, susceptibility to disease or attack by insects or large root systems, such as poplar, willow, cottonwood, American elm, ailanthus, mountain ash, silver maple, ash leaved maple and Oregon maple are prohibited in the planting strip. Poplar, willow or cottonwood trees, if planted on private property, shall be located not less than 100 feet from any public sewer.

B. Location. Street trees shall be spaced so that there will be approximately ten feet between branch tips when the trees are full grown. No trees shall be planted within forty feet of the intersection of two street right-of-way lines. Approaches to buildings should be considered when locating trees.

C. Size. Trees shall be at least ~~two~~one and one-half inches in diameter, one foot above the ground. The lowest branches shall be not less than seven feet and no more than ten feet above the ground.

(7) Planting screens or fences. The Planning Commission may require and permit planting screens or fences where double-frontage lots abut a major arterial street and/or between a major arterial thoroughfare and a marginal access street, provided that such planting screens or fences do not constitute a safety hazard. A plan of proposed planting screens or fences shall be submitted for approval with the final plat.

(8) On-site landscaping. The Planning Commission may require additional on-site landscaping.

(c) Sewer and Water Facilities. Adequate central sanitary sewerage, storm sewerage and water supply systems shall be provided by the subdivider, either by the installation of new systems or by connection to existing systems which are deemed adequate by the County Sanitary Engineer to handle the additional demands and volume which will result from the proposed subdivision. The subdivider, prior to the submission of a plat for approval by the

Planning Commission, must receive written approval for the extension or installation of a central water system and central sanitary sewerage system from the County Sanitary Engineer, the City Engineer, the County Health Department, the Ohio Department of Health and the particular private or public utilities involved. The Planning Commission may grant an appropriate variance from the foregoing requirements when one or more of the following conditions are met:

(1) If each of the proposed lots is two acres or larger in area, has an average of 240 feet or more frontage on a public street and, using the Regional Land Use and Development Plan as a guide, rural density of development appears to be most suitable for the area in which the subdivision is proposed;

(2) If central sanitary sewerage systems cannot be provided because of inadequate stream flow, as determined by the Ohio Department of Health, or because of the inability to connect with existing sanitary sewers, or if central water supply systems cannot be provided because of inadequate water supply, as determined by the Ohio Department of Health, and, using the Regional Land Use and Development Plan as a guide, urban density of development appears to be most suitable for the area in which the subdivision is proposed. Under these conditions, the subdivider may be permitted to develop interim individual sewage disposal and/or water supply systems, provided that written evidence is submitted that the subdivider has demonstrated to the satisfaction of the Ohio Department of Health and the County Health Department that subsoil conditions are suitable for such interim sewage disposal facilities.

(d) Public Sites. The Planning Commission shall require the dedication of land for parks, playgrounds, open space and/or school sites, as specified in Table One herein, for lands outside the Municipality, provided that the Township Trustees have certified to the Planning Commission, prior to the official filing of the preliminary plan, a request that such dedication be required as a condition precedent to the approval of subdivisions in the Township.

Where a comprehensive Land Use and Thoroughfare Plan, showing the planned location of such public sites, has been adopted by the Planning Commission and the Township Trustees and certified to the Commission, the Commission shall require that such dedication be in conformity with such Plan. Where the land area shown on such Plan for such public sites exceeds the amount required by Table One herein, such additional land shall be reserved for a period of one year to permit such land to be acquired by the appropriate public body.

TABLE ONE
LAND AREA REQUIRED FOR PUBLIC USE

Average Lot Area in
Square Feet Portion of Acre
Single-Family Residential per Gross Acre

and other uses in Subdivision

43,561 or more	0.06 acre
20,001 to 43,560	0.07 acre
12,001 to 20,000	0.08 acre
8,001 to 12,000	0.09 acre
less than 8,000	0.10 acre
Multifamily	0.12 acre
Industrial*	0.05 acre
Business*	0.05 acre

*Planning Commission may vary requirement.

If no public site is indicated on the Land Use and Thoroughfare Plan, the subdivider, in lieu of dedicating land in the amount indicated in Table One, may, if he desires, pay an amount equal to the improved value of such land as determined by three appraisers, one to be selected by the subdivider, one by the Planning Commission and one acceptable to both. Any payment in lieu of dedication of public land shall be used to purchase school or park sites which shall serve the subdivision for which the payment was made.

It is recommended that public sites for schools be at least ten acres in area; that sites for neighborhood parks total at least seven acres; and that school-park sites be at least fifteen acres in area. It is also recommended that public sites in adjoining subdivisions be located together so that larger, more usable sites are created. Any land dedicated for a public park or open space, other than buffer areas which separate industrial, multifamily or business areas from single or two-family residential areas, shall be graded, fertilized and seeded as follows:

(1) Fertilizing. Commercial fertilizer, 12-12-12, shall be applied at the rate of twenty pounds per 1,000 square feet.

(2) Seeding. Seeding shall include grasses and clover in the following proportions: five percent alsike clover; sixty-five percent creeping red fescue; twenty-five percent Kentucky blue grass; and five percent redtop.

(e) Monuments. Monuments shall consist of one-inch pipe or steel rods set in and running through a concrete block at least six inches in diameter and at least thirty inches long. The bottom of such block shall be set at least thirty inches below the finished grade on the plat and the points at which they may be found shall be designated on such plat. All monuments set in pavement shall be set in standard monument boxes. Where new streets intersect existing streets, the monuments may be placed on the centerline of the new road at the right of way of the existing road. Four monuments shall be set in each plat of ten lots or less and not less than six shall be set in each plat containing over ten lots.

(Ord. 76-79. Passed 6-11-79.)

1230.02 OVERSIZE OR OFF-SITE IMPROVEMENTS.

(a) Oversize or off-site extensions of utilities, pavement and other improvements shall be designed and constructed to facilitate the orderly development of that nearby land which is an integral part of the neighborhood service or drainage area. Where the City Engineer determines that improvements in excess of the size needed to serve the proposed subdivision are necessary, the subdivider shall install all improvements required to serve such subdivision plus the additional oversize or off-site improvements. The sub divider may contract with adjacent property owners or subdividers of adjacent land for reimbursement of the cost of such required oversize or off-site improvements. Such improvements shall be available for connections by individual property owners or subdividers of adjoining land.

(b) When streets or utilities are not available at the boundary of a proposed sub division, the Planning Commission may require, as a condition precedent to approval of the preliminary plan and final plat, assurances that such improvement extensions shall be provided as follows:

(1) Extensions of utilities onto the property involved shall be adequate to serve the total development requirements of the drainage area. Utilities leading away from the property shall be constructed in such a manner as to make their extension practical for servicing the adjacent and downstream areas of the drainage district.

(2) If the Commission finds that extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a governmental expense until some future time, the developer may be required, if he wishes to proceed with the development, to obtain the necessary easements or rights of way and construct and pay for such extensions. Such improvements shall be available for connections by developers of adjoining land.

(Ord. 95-71. Passed 1-24-72.)

1230.03 CONSTRUCTION REQUIREMENTS.

(a) Preconstruction Meeting and Work Schedules. Prior to the commencement of any project involving the City Engineer and/or the County Sanitary Engineer, a preconstruction meeting shall be held at the City Engineer's office. At this time the project will be discussed in regard to procedure, materials, inspection and similar matters.

(b) Construction Inspections.

(1) Responsibility. The City Engineer shall be responsible for the inspection of all street improvements, including storm sewers. The County Sanitary Engineer shall be responsible for the inspection of all sanitary ~~and storm~~ sewers.

(2) Authority and duties of inspectors. An inspector employed by the City Engineer and/or the County Sanitary Engineer shall be authorized to inspect all work done and all material furnished. Such inspection may extend to all or any part of the work and to the preparation, fabrication or manufacture of the materials to be used. The inspector shall not be authorized to revoke, alter or waive any requirements of the specifications or plans. He shall be authorized to call the attention of the contractor to any failure of the work or materials to conform to the specifications and contract, reject materials which do not meet specification requirements or to suspend that portion of the work involved until any question at issue can be referred to and decided by the engineers.

Continual inspection, during the installations of improvements, shall be made by the inspector to insure conformity with the approved plans and specifications as contained in the subdivider's construction agreement.

(3) Final inspection. Upon completion of all the improvements, the subdivider shall request, in writing, a final inspection by the City Engineer, as required by Ohio R.C. 711.091. The City Engineer shall make a final inspection of streets and storm sewers. The County Sanitary Engineer shall make a final inspection of all sanitary ~~and storm~~ sewers.

(c) Construction Responsibilities.

(1) Cooperation of subdivider and/or contractor; superintendent. The subdivider and/or contractor shall have available on the project, at all times, two copies of all required approved plans and specifications. He shall cooperate with the inspector and with other contractors in every way possible. The subdivider and/or contractor shall, at all times, have a competent superintendent acting as his agent on the project who shall be capable of reading and thoroughly understanding the plans and specifications. The superintendent shall receive instructions from the inspector and shall have full authority to execute the orders or directions of the inspector and to supply promptly such materials, tools, plant equipment and labor as may be required. The inspector's orders shall be executed without delay. A superintendent shall be hired for the project irrespective of the amount of work sublet.

(2) Work schedules. The subdivider and/or contractor shall submit weekly work schedules, on forms provided by the City Engineer, every Friday for the following week's work. Work which has not been properly scheduled shall not be accepted by the City Engineer. All work scheduled must be inspected and approved by the City and County inspectors. Unsatisfactory progress reports shall be returned so that indicated corrections can be made. The normal work week is assumed to be an eight-hour day, Monday through Friday. If overtime will be needed, it shall be indicated on the schedule.

(3) Grade stakes. Pavement and pipe grade stakes shall be set at twenty-five foot intervals on horizontal and vertical curves and for all grades less than one-half percent. Tangent pavement grades and pipe grades over one percent may be set at a maximum interval of fifty feet. The inspector may ask for additional grade stakes if he deems them necessary.

(4) Repair of damage. Any damage done to the improvements by construction traffic or local traffic or by any other means shall be repaired or the damaged materials replaced before the next item of construction is begun.

(5) Final clean-up. Upon completion of the work and before acceptance, the subdivider and/or contractor shall clean all ground occupied or affected by him in connection with the project. The entire area shall be left in a neat and presentable condition satisfactory to the inspector.

(6) Maintenance of improvements. The subdivider shall be responsible for the maintenance of the improvements installed and for providing the services necessary to guarantee access to all the occupied lots, including access by snow plows, until final acceptance by the City Engineer. The subdivider shall be given adequate and appropriate notice by the City Engineer of the need for such maintenance or service. If the subdivider fails to perform such necessary maintenance or service within an appropriate time, the City Engineer may cause the services to be performed and bill the subdivider for the cost thereof. Payment shall be guaranteed by the maintenance bond. No road will be accepted by the City Engineer until one winter has passed without deterioration of such road.

The subdivider shall maintain all improvements for the periods specified in Section 1230.04(d).

(Ord. 95-71. Passed 1-24-72.)

1230.04 CONSTRUCTION AGREEMENT.

(a) To ensure construction and installation of the subdivision improvements required by this Planning and Zoning Code, the developer or subdivider shall execute a construction agreement containing those terms and provisions set forth in the construction agreement set forth as Appendix G of these Subdivision Regulations. The Director of Law shall have the sole discretion to modify such construction agreement in any manner deemed necessary in the public interest. No construction agreement shall be executed by or on behalf of the City without first being reviewed and approved by the Director.

(b) No construction of any improvements or clearing, grubbing or grading shall be commenced prior to the execution, by the City, of the construction agreement referred to in subsection (a) hereof. All subdivision improvements as specified in such construction agreement shall be completed and installed within twenty-four months from the date of approval of the final plat, as specified in Section 1224.04(e)(3), or at such other time as may be specified in the construction agreement.

(Ord. 166-82. Passed 11-22-82.)

CHAPTER 1232

Parkland and Open Space Dedication

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- 1232.18 Adjustment provision.
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- 1232.20 Repeal of conflicting ordinances.

CROSS REFERENCES

Park and Recreation Master Plan - see P. & Z. Ch. 1214

Parks on vicinity map - see P. & Z. 1226.03

Preliminary drawing - see P. & Z. 1226.02(c)(3)

Public sites - see P. & Z. 1230.01(d)

1232.01 FINDINGS.

Council hereby finds that the City and surrounding areas will sustain continued growth in the form of new residential subdivisions and developments and the residents of such subdivisions and developments will need additional parks, recreational facilities and public open spaces. The acquisition and development of parks, recreational facilities and public open spaces are necessary to meet the needs created by the future residents of such subdivisions and developments and should be provided in substantial part by such future residents.

(Ord. 29-79. Passed 3-12-79.)

1232.02 PURPOSE.

It is found that parks, recreational facilities and public open spaces are necessary elements of public welfare. Therefore, the public health, safety and welfare require that at least ten acres of property, and an amount of money sufficient to develop such ten acres, for every 1,000 residents be supplied. It is the purpose of this chapter to give the necessary authority to the Planning Commission, Department of Public Service and Council in order to attain this purpose.

(Ord. 29-79. Passed 3-12-79.)

1232.03 STATEMENT OF POLICY.

With respect to subdivision and developments to which this chapter applies, at least ten acres of property for each 1,000 persons should be devoted and/or developed for parks, recreational facilities and public open space by or at the expense of subdividers and developers of the dwellings in which such persons shall reside.

(Ord. 29-79. Passed 3-12-79.)

1232.04 DEFINITIONS.

As used in this chapter the following words shall have the meanings ascribed herein unless otherwise provided:

(a) "Developers" means any person, corporation, association, partnership or other entity that creates or proposes to create a development or lot split, all or a portion of which will be located within the planning jurisdiction.

(b) "Development" means a subdivision of the kind known as a planned development, planned unit development, multi-family development or single parcel development.

(c) "Dwelling" means a building designed or occupied as the living quarters, equipped with heating and separate cooking, living, sleeping, bathing and toilet facilities for each family. Dwellings shall be of two types; single-family dwellings and multi-family dwellings.

(d) "Parks and recreational facilities and public open spaces" means all types of open space, parks, athletic fields, playgrounds and other facilities for recreational uses of any and all kinds, including school sites.

(e) "Parks and Recreational Capital Improvement Fund" means the Fund established pursuant to Section 1232.17.

(f) "Planning jurisdiction" means the geographical area over which the Planning Commission has, or from time to time shall have jurisdiction for planning purposes. "Subdivider" means any person, partnership, association, corporation or other entity that creates or proposes to create a subdivision or lot split, all or a portion of which will be located within the planning jurisdiction.

(h) "Subdivision" shall be as defined in Section 1220.06.

(i) "Subdivision regulations" means Title Four of the Planning and Zoning Code.

(j) "Builder" means any person, corporation, association, partnership or other entity that creates or proposes to create a dwelling unit or units.

(Ord. 29-79. Passed 3-12-79.)

1232.05 PARKS AND RECREATION PLAN.

A Plan termed, "Brunswick City Parks and Recreation Plan" has been adopted by Council. Such Plan provides a guide for the orderly acquisition and development of parks, recreational facilities and public open spaces. The Planning Commission shall give prime consideration to the "Brunswick City Park and Recreation Plan" and the proposals set forth in such Plan, in determining the requirements placed on any subdivision or developer who makes proposals before the Planning Commission.

(Ord. 29-79. Passed 3-12-79.)

1232.06 PROVISION FOR PARKS, RECREATIONAL FACILITIES AND PUBLIC OPEN SPACE.

(a) Every subdivider, developer or builder who proposes any development, sub division, single-family dwelling unit or lot split thirty days after the effective date of this chapter, or after the adoption of the Parks and Recreation Plan, shall be required to either:

(1) Dedicate a portion of such land for recreational purposes;

- (2) Pay a tax in lieu of land dedication; or
- (3) Dedicate a portion of land and pay a tax in lieu.

The Planning Commission shall determine which option shall be chosen.

Where no option exists, the builder of a single-family dwelling unit shall follow the formula for tax in lieu of land dedication determined by the Department of Service as set forth in Section 1232.16(b)(2).

(b) Any developer, subdivider or builder who proposes a development, subdivision, single-family dwelling unit or lot split, shall also be required to pay a park development tax pursuant to Section 1232.12.

(Ord. 29-79. Passed 3-12-79; Ord. 20-80. Passed 1-28-80.)

1232.07 DETERMINATION OF TOTAL POPULATION.

(a) The total population of any subdivision or development will be determined by:

- (1) Determination of a population factor for each dwelling in the subdivision, development or lot split;
- (2) Summation of all population factors for each dwelling unit in the subdivision, development or lot split.

(Ord. 29-79. Passed 3-12-79.)

(b) (1) The population factor for each dwelling shall be as follows:

Dwelling Type	Population Factor
Single-family dwelling	3.6
Multifamily	2.6

(Ord. 82-82. Passed 6-28-82.)

(2) The Planning Commission may modify the requirements of this section when the developer can show to the satisfaction of the Planning Commission that:

- A. The development will house a population per household substantially lower than those established in subsection (b)(1) hereof;
- B. The development will have a low need for recreation; or

C. The unique or special characteristics of the development which justify modification of the requirements can be reasonably expected to continue for the life of the project.

(c) The total population for any subdivision or development shall equal the sum of the population factors of all dwellings to be included in the subdivision or development.
(Ord. 29-79. Passed 3-12-79.)

1232.08 AMOUNT OF LAND TO BE DEDICATED.

The amount of land to be dedicated by a subdivider, builder or developer shall be determined in accordance with the following formula:

Acres of land for dedication = total population (see Section 1232.07) x .01

(Ord. 29-79. Passed 3-12-79.)

1232.09 DETERMINATION OF FAIR MARKET VALUE.

For the purposes of this chapter, fair market value shall be determined as follows:

(a) Time. Fair market value shall be determined as of the time of filing the final plat or final development plan with the Planning Commission.

Fair market value of the acreage of a single-family dwelling unit shall be determined at the time a building permit is issued to the builder whose lots are not under the jurisdiction of the Planning Commission.

(b) Method. Fair market value shall equal the average value per acre of all residential land in the Park District encompassing the largest portion of the subdivision or development in its raw, undeveloped state, determined by application of one of the following procedures:

(1) By agreement between the subdivider or developer and the Planning Commission;
or

(2) In the event the subdivider or developer and the Planning Commission cannot agree, by determination of the Planning Commission on the basis of assessed value for property tax purposes of all land in the subdivision or development, modified to equal market value in accordance with current assessment practices and divided by the total number of acres within the subdivision or development; or

(3) In the event the subdivider or developer objects to the valuation method set forth in subsection (b)(2) hereof, then by a qualified independent appraiser approved by the Planning Commission and the subdivider or developer; or

(4) In the event the subdivider or developer objects to all of the foregoing methods of valuation, then by a three-member board of appraisers, one of whom shall be appointed by

the Planning Commission, one of whom shall be appointed by the subdivider or developer, and one of whom shall be selected by the two appraisers so appointed. The decision of a majority of such board shall be final.

(Ord. 29-79. Passed 3-12-79.)

1232.10 TAX IN LIEU OF DEDICATION.

(a) Amount. In the event the Planning Commission determines that a subdivider or developer must pay a tax in lieu of land dedication, the amount of such tax shall be determined by the following formula:

Tax in lieu of land dedication = Amount of land which would otherwise be required to be dedicated (see Section 1232.08)

x

Fair market value per acre (see Section 1232.09(b))

(b) Total of Land and Payment. Excluding the park development tax, the total of any payment made by a subdivider or developer in land and taxes in lieu of dedication shall be no greater than the fair market value of the amount of land required to be dedicated pursuant to Section 1232.08.

(Ord. 29-79. Passed 3-12-79; Ord. 20-80. Passed 1-28-80.)

1232.11 CHOICE OF LAND OR TAX.

(a) Procedure.

(1) At the time of the preliminary discussion, the developer or subdivider should gain information concerning requirements of the Planning Commission regarding dedication of land, tax in lieu payments, or both.

(2) If, at the time of the filing of the preliminary plan, the developer or subdivider proposes to dedicate land for parks, recreation and open spaces, such land proposed to be dedicated shall be indicated on the preliminary plan.

(3) If, after the preliminary discussion, the developer proposes to pay a tax in lieu, such information should be submitted as part of the preliminary plan to the Planning Commission.

(4) As part of the action concerning the preliminary plan, the Planning Commission shall review the proposal of the developer or subdivider concerning either dedication of land, payment of a tax in lieu, or both. The criteria used in reviewing the proposals of the

preliminary plan to determine whether the subdivider or developer shall dedicate land, pay a tax in lieu or both, shall be as follows:

A. The Planning Commission decision shall attempt to facilitate the objectives outline in the "Brunswick City Parks and Recreation Plan".

B. The Planning Commission shall also consider the advice of various members of the City Administration, especially the City Engineer, the Director of Parks and Recreation and the City Manager.

C. The Planning Commission must also consider that Council will review the proposal as part of the review of the preliminary plan.

D. If the subdivider or developer proposes to dedicate land, then the following additional criteria shall be used to determine if such a proposal is acceptable:

1. Minimum dedication. If the amount of land required to be dedicated is less than five acres, and that area could not be added to an adjoining, contiguous existing park or recreational area, no such dedication of land shall be deemed acceptable by the Planning Commission. In this situation, the requirements shall be fulfilled only by payment of a tax in lieu of land dedication.

2. Unity. Dedicated land must form a single parcel, except in the event that the Planning Commission determines that two or more parcels would be in the best public interest.

3. Shape. The shape of the dedicated parcel shall be sufficiently geometric to be usable for recreational activities such as softball, tennis, football and other recreational activities.

4. Topography. Steep slopes, streams, lakes, watercourses, flood plains may constitute a maximum of thirty percent of the dedicated land and a minimum of seventy percent of the land required for dedication shall be suitable for dry ground recreational use.

5. Grade. Seventy percent of the land suitable for dry ground recreational use, shall not exceed three percent grade and the remaining dry ground area shall not exceed five percent grade.

6. Areas of unique natural beauty or having environmental or historic value. If the Planning Commission determines that a proposed parcel of dedicated land is of unique natural beauty or of environmental or historical value, the requirements regarding shape, topography or grade may be waived.

7. Access. Public maintenance and emergency access shall be provided by direct frontage of the dedicated land on a public street. Such frontage shall be of sufficient width to allow for maintenance and emergency vehicle access or, an easement of sufficient width to allow such access shall be provided.

8. Preservation of natural beauty. Natural features of scenic beauty which if preserved, will add attractiveness and value to the dedicated land shall be preserved in the dedication of open space and parks and recreation areas.

(b) Determination by Planning Commission. On the basis of the review of the proposal by the subdivider or developer, the Planning Commission shall determine whether a dedication of land, a payment of tax in lieu or a combination of both shall be made by the developer or subdivider.

(c) Reclamation.

(1) If the Planning Commission approves dedication of a parcel of land and, in the opinion of the Planning Commission that parcel will be adversely affected by the operations of the developer or subdivider, the Planning Commission may require that the subdivider or developer submit a plan, approved by the City Engineer, for reclamation of such land to a state suitable for recreational use.

(2) If such reclamation plan is acceptable, the subdivider or developer shall implement and complete such plan within a reasonable time period as prescribed by the Planning Commission.

(3) A performance bond of 100% of the estimated cost of such reclamation shall be posted by the developer or subdivider pursuant to Chapter 1230.

(Ord. 29-79. Passed 3-12-79; Ord. 20-80. Passed 1-28-80.)

1232.12 PARK DEVELOPMENT TAX.

(a) Amount of Development Tax. In addition to all other requirements, a subdivider, developer or builder shall be required to pay a park development tax in an amount equal to two times the fair market value of the land to be dedicated as described in Section 1232.08-.

(b) Determination of Fair Market Value. Fair market value shall be determined as described in Section 1232.09-.

(c) Credit for Voluntary Dedication. If a subdivider or developer dedicates land in addition to the amount required in Section 1232.08, the Planning Commission may grant credit to the developer or subdivider against the amount of the park development tax. The credit granted shall be no greater than one-third of the fair market value of the additional land to be dedicated.

(Ord. 29-79. Passed 3-12-79; Ord. 20-80. Passed 1-28-80.)

1232.13 CREDIT FOR PRIVATE OPEN SPACE.

(a) Allowance of Credit. In the event a subdivider or developer provides private open space for park and recreation purposes and such space is to be privately owned and maintained by the future residents of the subdivision or development, or by the subdivider or developer, and in the event the Planning Commission determines that such private open space adequately fulfills the park and recreation needs of the proposed subdivision or development, the fair market value of such areas shall be credited against the land dedication and park development tax requirements of this chapter.

(b) Maximum Credit. Such credit however, shall be allowed only up to a maximum of two-thirds of the total required land dedication or tax in lieu requirements, and up to a maximum of two-thirds of the total required park development tax.

(c) Standards and Limitations. Notwithstanding, subsections (a) and (b) hereof, the credit for private open space shall be allowed only if the following standards are met:

(1) Yards, court areas, setbacks and other such open areas required to be maintained by the Zoning Ordinance shall not be included in the computation of such private open space;

(2) Private ownership, development and maintenance of the open space shall be assured by valid and enforceable undertakings on the part of the subdivider or developer or otherwise, a copy of such undertakings to be submitted to the Planning Commission for review with the preliminary plat and a copy approved by the Planning Commission to be filed with the final plat;

(3) The use of the private open space is restricted for park and recreation purposes by recorded covenants that run with the land in favor of the future owners of property within the subdivision or development and which cannot, by their terms, be defeated or eliminated without the consent of the Planning Commission;

(4) The proposed private open space is reasonably adaptable for park and recreational uses, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land; and

(5) Facilities proposed for the private open space are reasonably compatible with those required by the "Brunswick City Parks and Recreation Plan."

(Ord. 29-79. Passed 3-12-79; Ord. 20-80. Passed 1-28-80.)

1232.14 REDUCTION OF MINIMUM LOT SIZE AND FRONTAGE; CONVENTIONAL SUBDIVISION.

(a) Land Dedication Only. In the event that a developer or subdivider is required to fulfill the land dedication requirements of this chapter by land dedication only, the following applicable minimum standards as provided in the Planning and Zoning Code shall be reduced as shown:

Total area may be reduced 5%

Frontage may be reduced 2.5%

If such reductions in lot standards allow the developer or subdivider to erect additional dwellings, such dwellings will also be subject to the requirements of Section 1232.10, fee in lieu regarding the additional population generated by each proposed additional building.

(b) Land Dedication and Tax in Lieu. If the subdivider or developer elects to fulfill the requirements of this chapter only in part through the dedication of park land, and the Planning Commission approves such action, the minimum lot area standards and frontage requirements applicable to such subdivision or development may be reduced by a proportionate percentage amount of the respective five percent and two and one-half percent factors provided by subsection (a) hereof, determined by comparing the actual amount of dedicated land to the total land dedication requirement.

(c) The reductions of lot area and frontage requirements permitted by this section apply only to conventional subdivisions and shall not be construed as allowing lot standard reductions for planned unit development over and above those described in Section 1274.04(w).
(Ord. 29-79. Passed 3-12-79; Ord. 20-80. Passed 1-28-80.)

1232.15 PLANNED UNIT DEVELOPMENTS.

~~Open space gained as the result of lot size reductions granted to planned unit developments under Section 1274.04(w) shall be considered separate from the open space required by this chapter, and no part of such open space may be credited towards the fulfillment of the requirements of this chapter.~~
(Ord. 29-79. Passed 3-12-79.)

1232.16 TREATMENT OF LAND TO BE DEDICATED; PROCEDURES FOR THE DEDICATION OF LAND AND PAYMENT OF TAXES.

(a) Following approval of a preliminary plat map or development plan which designates land for dedication, the existing vegetation, except growing commercial crops other than growing timber, topography, features of historic value, stream courses, soil, rock strata and other natural features of such dedicated land shall not be altered or their condition adversely affected in any way without the consent of the Planning Commission.

(b) Dedication of land to the City shall be by a general warranty deed conveying to the City, and its successors and assigns, good and marketable title to the real estate described in such deed. The land shall be free and clear of all taxes, liens, assessments or encumbrances due and payable as well as all taxes, liens, assessments or encumbrances due but not yet payable. This deed shall be executed and delivered to the City for recording prior to the approval of the final plat map or development plan of any section or any portion of the subdivision or development, the boundary of which is contiguous with the

proposed parks, recreational facilities and public open space. Open space covenants for private parks, recreational facilities and public open space shall be submitted to the City prior to approval of the final plat map or development plan of any section or any portion of the subdivision or development, the boundary of which is contiguous with the proposed parks, recreational facilities and public open space. Open space covenants for private parks, recreational facilities and public open space shall be submitted to the City prior to approval of the final plat map or development plan and shall be recorded contemporaneously with the final plat map or development plan. In the event taxes, including the park development tax, are required, one of the following methods of payment may be imposed:

(1) Ten percent of the amount thereof shall be deposited with the City prior to the approval and recording of the final plat map or development plan, and the balance shall be due and payable one year from such date or at the time the first occupancy permit is issued with respect to such subdivision or development, whichever may occur first.

(2) One hundred percent of the per dwelling unit tax is to be paid at the time of the issuance of the building permit for each dwelling unit. In no event shall any occupancy permit be granted with respect to such subdivision development or lot split until all such taxes are deposited with the City.

(Ord. 29-79. Passed 3-12-79; Ord. 20-80. Passed 1-28-80.)

1232.17 LIMITATION ON USE OF LAND AND TAXES.

(a) Any land or taxes which are received by the City pursuant to this chapter shall be used only for the purpose of providing parks, recreational facilities, and public open spaces. Taxes paid pursuant to this chapter shall be deposited in a Parks and Recreational Capital Improvement Fund to be used for requisition, development and improvement of such lands. No part of such taxes shall be used for operation or maintenance of such lands.

(b) Taxes received may be only expended in connection with the acquisition or development of parks, recreational facilities or public open space within the reasonable proximity of the development or subdivision which was the source of the payment of the tax in lieu.

(c) During the period of time that the tax levied by this section is collected, the legislature of the City shall appropriate annually from other municipal tax sources, a sum of money which shall be prorated among the parks located within the City.

(d) Reasonable proximity shall mean that the recreational facility, park or public open space and the subdivision or development concerned are in the same recreational district as described in the "Brunswick City Park and Recreation Plan."

(Ord. 29-79. Passed 3-12-79; Ord. 20-80. Passed 1-28-80.)

1232.18 ADJUSTMENT PROVISION.

Notwithstanding, any provision of this chapter to the contrary, the Planning Commission may in cases of an unusual or exceptional nature, allow for adjustments in the park land dedication and tax in lieu regulations and park development tax requirements as established in and required by the provisions of this chapter. Adjustments may be allowed when in the opinion of the Planning Commission, it has been determined and satisfactorily shown that the character of the particular subdivision or development and the park and recreation needs generated by and associated with any subdivision or development sufficiently justify such an adjustment or adjustments. However, no adjustment from the strict application of any provision of this chapter shall be granted by the Planning Commission unless it finds beyond a reasonable doubt, that all the following facts and conditions exist:

- (a) That special conditions and circumstances exist which are peculiar to the land involved, and which are not applicable to other lands in the immediate vicinity.
- (b) That the special conditions and circumstances do not result from the actions of the applicant.
- (c) That gaining the variance requested will provide the minimum necessary relief to alleviate the hardship and will not confer on the applicant any special privilege which is denied by this chapter to the other lands, structures or buildings in the same vicinity.
- (d) That granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(Ord. 29-79. Passed 3-12-79; Ord. 20-80. Passed 1-28-80.)

1232.19 VALIDITY AND SEPARABILITY.

It is hereby declared to be the legislative intent that, if any provision or provisions of this chapter or the application thereof to any lot or tract of land are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, all other provisions of this chapter shall continue to be separate and fully effective and the application of any such provision to other persons or situations shall not be affected.

(Ord. 29-79. Passed 3-12-79.)

~~1232.20 REPEAL OF CONFLICTING ORDINANCES.~~

~~—All ordinances or parts of ordinances in conflict with this chapter are hereby repealed to the extent necessary to give this chapter full force and effect.~~

~~(Ord. 29-79. Passed 3-12-79.)~~

CHAPTER 1234

Erosion and Sediment Control

- 1234.01 Purpose and scope.
- 1234.02 Definitions.
- 1234.03 Disclaimer of liability.
- 1234.04 Conflicts, severability, nuisances and responsibility.
- 1234.05 Development of Stormwater Pollution Prevention Plans.
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- 1234.08 Stormwater Pollution Prevention Plan.
- 1234.09 Performance standards.
- 1234.10 Abbreviated stormwater pollution prevention plan.
- 1234.11 Fees.
- 1234.12 Bond.
- 1234.13 Enforcement.
- 1234.14 Violations.
- 1234.15 Appeals.
- 1234.99 Penalty.

CROSS REFERENCES

Stormwater management - see P. & Z. Ch. 1236

1234.01 PURPOSE AND SCOPE.

(a) The purpose of this regulation is to establish technically feasible and economically reasonable standards to achieve a

level of erosion and sediment control that will minimize damage to property and degradation of water resources, and will

promote and maintain the health and safety of the citizens of City of Brunswick:

(b) This regulation will:

(1) Allow development while minimizing increases in erosion and sedimentation.

(2) Reduce water quality impacts to receiving water resources that may be caused by new development or redevelopment activities.

(c) This regulation applies to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables, or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing; and all other uses that are not specifically exempted in Section 1234.01(d).

(d) This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.

(Ord. 80-2022. Passed 11-14-22.)

1234.02 DEFINITIONS.

The definitions contained in Ohio Environmental Protection Agency ("Ohio EPA")'s Construction General Permit entitled "Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System" in effect at the time a permit is applied for under this chapter shall apply to this chapter, and the following definitions shall also apply:

(a) ABBREVIATED STORMWATER POLLUTION PREVENTION PLAN (ABBREVIATED SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.

(b) ACRE: A measurement of area equaling 43,560 square feet.

(c) ADMINISTRATOR: The person or entity having the responsibility and duty of administering and ensuring compliance with this regulation.

(d) COMMENCEMENT OF CONSTRUCTION: The initial disturbance of soils associated with clearing, grubbing, grading, placement of fill, or excavating activities or other construction activities.

(e) COMMUNITY: Throughout this regulation, this shall refer to City of Brunswick, its designated representatives, boards, or commissions.

(f) CONCENTRATED STORMWATER RUNOFF: Any stormwater runoff that flows through a drainage pipe, ditch, diversion, or other discrete conveyance channel.

(g) CONSTRUCTION ENTRANCE: The permitted points of ingress and egress to development areas regulated under this regulation.

(h) CONSTRUCTION GENERAL PERMIT: The most recent General National Pollutant Discharge Elimination System (NPDES) permit for authorization of stormwater discharges associated with construction activities issued by Ohio EPA (Ohio EPA Permit#OHC000005 and its successors)

(i) DEVELOPMENT AREA: A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.

(j) DEWATERING VOLUME: See current Ohio Rainwater and Land Development Manual.

(k) DISCHARGE: The addition of any pollutant to surface waters of the state from a point source.

(l) DISTURBANCE: Any clearing, grading, excavating, filling, or other alteration of land surface where natural or manmade cover is destroyed in a manner that exposes the underlying soils.

(m) DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities such as grading, excavating, or filling.

(n) DRAINAGE:

(1) The area of land contributing surface water to a specific point.

(2) The removal of excess surface water or groundwater from land by surface or subsurface drains.

(o) DRAINAGE WATERSHED: For the purpose of this regulation the total contributing drainage area to a SCM, i.e., the "watershed" directed to the practice. This includes offsite contributing drainage.

(p) DRAINAGE WAY: A natural or manmade channel, ditch, or waterway that conveys surface water in a concentrated manner by gravity.

(q) EROSION: The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.

(r) EROSION AND SEDIMENT CONTROL: The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.

(s) FINAL STABILIZATION: All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least eighty percent (80%) coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion. Final stabilization also requires the installation of permanent (post-construction) stormwater control measures (SCMs).

(t) GRADING: The excavating, filling, or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

(u) GRUBBING: Removing or grinding of roots, stumps and other unwanted material below existing grade.

(v) IMPERVIOUS: That which does not allow infiltration.

(w) LANDSCAPE ARCHITECT: A Registered Professional Landscape Architect whom is registered in the State of Ohio.

(x) LARGER COMMON PLAN OF DEVELOPMENT OR SALE: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

(y) MAXIMUM EXTENT PRACTICABLE (MEP): The technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in stormwater discharges that was established by the Clean Water Act §402(p). A discussion of MEP as it applies to small MS4s is found in 40 CFR 122.34.

(z) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:

(1) Owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including a special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under Section 208 of the Federal Water Pollution Control Act that discharges into surface waters of the state; and

(2) Designed or used for collecting or conveying solely stormwater,

(3) Which is not a combined sewer, and

(4) Which is not a part of a publicly owned treatment works

(aa) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): The national program for issuing, modifying, revoking and reissuing, termination, monitoring and enforcing permits and enforcing pretreatment requirements, under sections 307, 402, 318, 405 under the Clean Water Act.

(bb) OPERATOR: Any party associated with a construction project that meets either of the following two criteria:

(1) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

(2) The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with A Stormwater Pollution Prevention Plan (SWP3)

for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions.

(cc) OWNER OR OPERATOR: The owner or operator of any "facility or activity" subject to regulation under the NPDES program.

(1) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

(2) The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with A Stormwater Pollution Prevention Plan (SWP3) for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions.)

(dd) PARCEL: Means a tract of land occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such open spaces and driveways as are provided and required. A parcel may contain more than one contiguous lot individually identified by a 'Permanent Parcel Number' assigned by the Medina County Auditor's Office.

(ee) PERCENT IMPERVIOUSNESS: The impervious area created divided by the total area of the project site.

(ff) PERMANENT STABILIZATION: Establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip rap, and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further disturbance is expected for at least one year.

(gg) PERSON: Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof.

(hh) PHASING: Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

(ii) POINT SOURCE: Any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or the floating craft from which pollutants are or may be discharged.

This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

(jj) PROFESSIONAL ENGINEER: A Registered Professional Engineer registered in the State of Ohio.

(kk) PROFESSIONAL WETLAND CONSULTANT: Individuals competent in botany, hydric soils and wetland hydrology that provide professional services or advice, and meet the

education and professional experience requirements as required by the Society of Professional Wetland Scientists.

(ll) **QUALIFIED INSPECTION PERSONNEL:** A person knowledgeable in the principles and practice of erosion and sediment controls, who possess the skills to assess all conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any sediment and erosion control measure selected to control the quality of stormwater discharges from the construction activity.

(mm) **RAINWATER AND LAND DEVELOPMENT:** Ohio's standards for stormwater management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation.

(nn) **RIPARIAN AREA:** The transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serve to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.

(oo) **RUNOFF:** The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.

(pp) **RUNOFF COEFFICIENT:** The fraction of rainfall that will appear at the conveyance as runoff.

(qq) **SEDIMENT:** The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.

(rr) **SEDIMENTATION:** The deposition or settling of sediment.

(ss) **SEDIMENT SETTLING POND:** A sediment trap, sediment basin or permanent basin that has been temporarily modified for sediment control, as described in the latest edition of Ohio Rainwater and Land Development.

(tt) **SEDIMENT STORAGE VOLUME:** See current edition of Ohio Rainwater and Land Development.

(uu) **SETBACK:** A designated transition area around water resources that is left in a natural, usually vegetated, state so as to protect the water resources from runoff pollution. Soil disturbing activities in this area are restricted by this regulation.

(vv) **SOIL DISTURBING ACTIVITY:** Clearing, grading, excavating, filling, grubbing or stump removal that occurs during clearing or timber activities, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.

(ww) **SOIL & WATER CONSERVATION DISTRICT:** An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s).

Hereafter referred to as Medina SWCD.

(xx) **STABILIZATION:** The use of SCMs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.

(yy) **STEEP SLOPES:** Slopes that are fifteen percent (15%) or greater in grade. NOTE: If otherwise defined in City zoning, use City definition.

(zz) **STORMWATER:** Stormwater runoff, snow melt and surface runoff and drainage.

(aaa) **STORMWATER CONTROL MEASURE (SCM):** A structure or area designed to remove pollutants from stormwater and/or reduce stormwater flow rates. SCMs are a subset of Best Management Practices (BMPs) as defined in the Construction General Permit.

(bbb) **STORMWATER POLLUTION PREVENTION PLAN (SWP3):** The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.

(ccc) **SUBDIVISIONS, MAJOR AND MINOR:** See Ohio Administrative Code 711.001 for definition.

(ddd) **SURFACE OUTLET:** A dewatering device that only draws water from the surface of the water.

(eee) **SURFACE WATER OF THE STATE:** Also Water Resource or Water Body. Any stream, lake, reservoir, pond, marsh, wetland, or other waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

(fff) **TEMPORARY STABILIZATION:** The establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation, and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.

(ggg) **TOPSOIL:** The upper layer of the soil that is usually darker in color and richer in organic matter and nutrients than subsoil.

(hhh) **TOTAL MAXIMUM DAILY LOAD (TMDL):** The sum of the existing and/or projected point source, nonpoint source, and background loads for a pollutant to a specified watershed, water resource or wetland, or water resource or wetland segment. A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into the water and still ensure attainment and maintenance of water quality standard.

(iii) **UNSTABLE SOILS:** A portion of land that is identified by the City of Brunswick Engineer as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having a low soil strength.

(jjj) **WATER QUALITY VOLUME (WQv):** The volume of stormwater runoff which must be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.

(kkk) **WATER RESOURCE Also SURFACE WATER OF THE STATE:** Any stream, lake, reservoir, pond, marsh, wetland, or waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

(lll) **WATERSHED:** The total drainage area contributing runoff to a single point.

(mmm) **WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).

(Ord. 80-2022. Passed 11-14-22.)

1234.03 DISCLAIMER OF LIABILITY.

(a) Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

(b) By approving an SWP3 under this regulation, the City does not accept responsibility for the design, installation, and operation and maintenance of stormwater management practices.

(c) **Performance Liability.** No provision of this Chapter shall limit, increase or otherwise affect the liabilities of the owner nor impose any liability upon the City not otherwise imposed by law.

(d) **No release from Other Requirements.** No condition of this permit shall release the owner from any responsibility or requirements under other Federal, State, or local environmental Chapters. If requirements vary, the most restrictive requirements shall prevail.

(e) **Proceeding with Activity.** Soil-disturbing activities regulated under this Chapter shall not begin until all necessary City, State and Federal permits and appropriate approvals of the SWP3 have been granted to the site owner.

(f) Performance Responsibility. The owner is responsible for carrying out all provisions of the approved SWP3 and for meeting all the standards and requirements of this Chapter. (Ord. 80-2022. Passed 11-14-22.)

1234.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this regulation is in conflict with other provisions of law or ordinance or requirements in the Construction General Permit, the most restrictive provisions shall prevail.

(b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

(c) This regulation shall not be construed as authorizing any person to maintain a private or public nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(d) Failure of City of Brunswick to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in City of Brunswick, its officers, employees, or agents being responsible for any condition or damage resulting therefrom. (Ord. 80-2022. Passed 11-14-22.)

1234.05 DEVELOPMENT OF STORM WATER POLLUTION PREVENTION PLANS.

(a) This regulation requires that a Stormwater Pollution Prevention Plan (SWP3) be developed and implemented for all development projects disturbing one (1) acre or more and on which any regulated activity of Section 1234.01(c) is proposed. The City Engineer has the discretion to require a SWP3 for projects on sites of any size.

(b) The following activities shall submit an Abbreviated SWP3:

(1) New single-family residential construction regardless of parcel size. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, a full SWP3 and compliance with the Ohio EPA Construction General Permit may be required.

(2) Additions, accessory buildings, for single-family residential construction. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, a full SWP3 and compliance with the Ohio EPA Construction Site General Permit are required.

(3) General land clearing activities not related to construction. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, compliance with the Ohio EPA Construction Site General Permit and a full SWP3 are required.

(c) Activities disturbing 1/10th (one tenth) or less of an acre are not required to submit a SWP3 or an Abbreviated SWP3, unless required by the City of Brunswick Engineer. These activities must comply with all other provisions of this regulation.

(Ord. 80-2022. Passed 11-14-22.)

1234.06 APPLICATION PROCEDURES.

(a) SOIL DISTURBING ACTIVITIES SUBMITTING A STORMWATER POLLUTION PREVENTION PLAN: The owner shall submit two (2) sets of the SWP3 and the applicable fees to the City of Brunswick and as follows:

(1) For subdivisions: After the approval of the preliminary plans and with submittal of the improvement plans.

(2) For other construction projects: SWP3 plans and fees must be submitted in conjunction with the submission of site development plans. The SWP3 must be reviewed and approved by the City Engineer prior to the Chief Building Official for the City of Brunswick issuing a building permit.

(3) For general clearing projects: SWP3 plans and fees must be submitted prior to the commencement of clearing/demolition activities begin. The SWP3 must be reviewed and approved by the City Engineer prior to the Chief Building Official for the City of Brunswick issuing a pertinent permit or clearing/demolition activities begin.

(b) SOIL DISTURBING ACTIVITIES SUBMITTING AN ABBREVIATED STORMWATER POLLUTION PREVENTION PLAN: The owner shall submit two (2) sets of the Abbreviated SWP3 and the applicable fees to the City of Brunswick as follows:

(1) For single-family home construction: With submission of a residential site plan for the proposed structure. The SWP3 must be reviewed and approved by the City Engineer prior to the Chief Building Official for the City of Brunswick issuing a building permit.

(2) For general clearing projects: SWP3 plans and fees must be submitted prior to the commencement of clearing/demolition activities begin. The SWP3 must be reviewed and approved by the City Engineer before the Chief Building Official for the City of Brunswick issuing a pertinent permit or clearing/demolition activities begin.

(c) Soil disturbing activities shall not begin and building permits shall not be issued without an approved SWP3 or Abbreviated SWP3 and installation of perimeter sediment controls.

(d) SWP3 for individual sublots in a subdivision will not be approved unless the larger common plan of development or sale containing the subplot is in compliance with this regulation.

(e) Approvals issued in accordance with this regulation shall remain valid for one (1) year from the date of approval.

(Ord. 80-2022. Passed 11-14-22.)

1234.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

Approvals issued in accordance with this regulation do not relieve the owner of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the US Army Corps of Engineers, and other federal, state, and/or county agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. All submittals required to show proof of compliance with these state and federal regulations shall be submitted with SWP3s or Abbreviated SWP3s.

(a) Ohio EPA Construction General Permit: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI), a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit including the NPDES Facility Permit number assigned by Ohio EPA, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable. Please note that when a separate SWP3 shall be prepared for a separate phase or stage of development, a separate NOI or NPDES Permit number must be provided.

(b) Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application, public notice, or project approval, or a letter from the site owner certifying that a qualified Professional Wetland Consultant has surveyed the site and found no waters of the United States. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

(c) Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application, public notice, or project approval, or a letter from the site owner certifying that a qualified Professional Wetland Consultant has surveyed the site and found no waters of the State. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

(d) Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, if an Individual Permit is required for the development project, public notice, or project approval. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation. Proof of compliance shall include one of the following:

(1) A letter from a qualified professional who has evaluated the site and determined that Section 404 of the Clean Water Act is not applicable.

(2) A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit.

(e) Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

(Ord. 80-2022. Passed 11-14-22.)

1234.08 STORM WATER POLLUTION PREVENTION PLAN.

The applicant shall submit a SWP3 that meets the requirements of the Construction General Permit and the following additional requirements. The SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect. The SWP3 shall include control measures to ensure that discharges from the construction site and construction support activities comply with the non-numeric effluent limitations contained in the Construction General Permit.

In addition to all information required by the Construction General Permit, the SWP3 shall also include completed design tools found on the Ohio EPA's website such as the Sediment Basin Compliance Spreadsheet.

(a) The SWP3 shall be amended if requested by the City of Brunswick Engineer, whenever there is a change in design, construction, operation or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state or if the SWP3 proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity.

(b) The SWP3 may be required to include the following additional information:

(1) A soils engineering report. The City of Brunswick Engineer may require the SWP3 to include a Soils Engineering Report based upon his/her determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based on adequate and necessary test borings and/or site investigation, and shall contain all the information listed below. Recommendations included in the report and approved by the City of Brunswick Engineer shall be incorporated in the grading plans and/or other specifications for site development.

A. Data regarding the nature, distribution, strength, and erodibility of existing soils.

B. If applicable, data regarding the nature, distribution, strength, and erodibility of the soil to be placed on the site.

C. Conclusions and recommendations for grading procedures.

D. Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.

E. Design criteria for corrective measures when necessary.

F. Opinions and recommendations covering the stability of the site.

(Ord. 80-2022. Passed 11-14-22.)

1234.09 PERFORMANCE STANDARDS.

The SWP3 must contain a description of the controls appropriate for each stage of construction operation and the applicant must implement such controls. BMP selection and design must meet the criteria established within the current Construction General Permit. BMP's must be designed, constructed, and installed to meet the specifications in the Rainwater and Land Development or another design manual acceptable to the City of Brunswick. The approved SWP3, and the sediment and erosion controls, and non-sediment pollution controls contained therein, shall be implemented, and maintained according to the requirements in the Construction General Permit. Site operators must conduct site inspections as described in the Construction General Permit. The following shall also apply:

(a) FINAL STABILIZATION. Final stabilization shall be determined by the City of Brunswick Engineer. Once a definable area has achieved final stabilization, the owner may note this on the SWP3 and no further inspection requirement applies to that portion of the site. Final stabilization also requires the installation of permanent (post-construction) stormwater control measures (SCMs). Obligations under this chapter shall not be completed until installation of post-construction SCMs is verified.

(b) DISPOSITION OF TEMPORARY PRACTICES. All temporary and permanent erosion and sediment control practices shall be disposed of within thirty days after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise authorized by the City Engineering Department. Trapped sediment shall be permanently stabilized or removed to prevent further erosion.

(Ord. 80-2022. Passed 11-14-22.)

1234.10 ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN.

(a) In order to control sediment pollution of water resources, the owner shall submit an Abbreviated SWP3 in accordance with the requirements of this regulation.

(b) The Abbreviated SWP3 shall be certified by a Registered Professional Engineer, a Registered Professional Surveyor, certified Professional Erosion and Sediment Control Specialist, or a Registered Landscape Architect.

(c) The Abbreviated SWP3 shall include a minimum of the following SCMs. City of Brunswick may require other SCMs as site conditions warrant.

(1) Construction Entrances: Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete or cement sized greater than two inches (2") in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of Rainwater and Land Development.

(2) Concrete Truck Wash Out: The washing of concrete material into a street, catch basin, or other public facility or natural resource is prohibited. A designated area for concrete washout shall be indicated on the plan. Use for other waste and wastewater is prohibited.

(3) Street Sweeping: Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily as needed or when directed by the City Engineer or Service Director to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall be cleaned weekly.

(4) Stabilization. The development area shall be stabilized as detailed in Table 1.

Table 1: Permanent Stabilization

Area requiring stabilization

Time frame to apply erosion controls

Any disturbed area within 50 feet of a surface water of the state and not at final grade.

Within 2 days of the most recent disturbance if that area will remain idle for more than 14 days

For all construction activities, any disturbed area, including soil stockpiles, that will be dormant for more than 14 days but less than one year, and not within 50 feet of a stream.

Within 7 days of the most recent disturbance within the area.

Disturbed areas that will be idle over winter

Prior to November 1.

Areas at final grade

Within 7 days of reaching final grade or within 2 days of reaching final grade for areas within 50 feet of a surface water of the state.

Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. These techniques may include mulching or erosion matting.

(5) Inlet Protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems, including rear yard inlets. Straw, hay bales, and filter socks are not acceptable forms of inlet protection.

(6) Silt Fence and other Perimeter Controls: Silt fence and other perimeter controls approved by the City of Brunswick shall be used to protect adjacent properties and water resources from sediment discharged via sheet (diffused) flow. Silt fence shall be placed along level contours and the permissible drainage area is limited to those indicated in the Construction General Permit.

(7) Internal Inspection and Maintenance. All controls on the development area shall be inspected at least once every seven calendar days and within twenty-four (24) hours after any storm event greater than one-half (½) inch of rain per twenty-four (24) hour period. Maintenance shall occur as detailed below:

A. When SCMs require repair or maintenance. If the internal inspection reveals that a SCM is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.

B. When SCMs fail to provide their intended function. If the internal inspection reveals that a SCM fails to perform its intended function and that another, more appropriate SCM is required, the Abbreviated SWP3 must be amended and the new SCM must be installed within ten (10) days of the inspection.

C. When SCMs depicted on the Abbreviated SWP3 are not installed. If the internal inspection reveals that a SCM has not been implemented in accordance with the schedule, the SCM must be implemented within ten (10) days from the date of the inspection. If the inspection reveals that the planned SCM is not needed, the record must contain a statement of explanation as to why the SCM is not needed.

(8) Final Stabilization: Final stabilization shall be determined by the City of Brunswick Engineer. (Ord. 80-2022. Passed 11-14-22.)

1234.11 FEES.

The SWP3 and Abbreviated SWP3 review, filing, and inspection fee reserve is part of a complete submittal and is required to be submitted to the City of Brunswick before the review process begins. Please consult with City of Brunswick Engineer for the current fee reserve schedule. At such time that the fee reserve balance falls below thirty-five percent (35%) of its original balance the owner may be required to deposit additional funds to cover the anticipated costs of future fees or return the reserve to the original balance as determined by the City Engineer. (Ord. 80-2022. Passed 11-14-22.)

1234.12 BOND,

(a) If a SWP3 or Abbreviated SWP3 is required by this regulation, soil-disturbing activities shall not be permitted until either a Cash Bond, Performance Bond or Letter of Credit in the amount of one thousand five hundred dollars (\$1,500) for a single-family residential lot, or one thousand five hundred dollars (\$1,500) per acre for subdivisions, has been deposited with the City of Brunswick Finance Department. This bonding instrument must be in a form acceptable to the Law Director and shall be posted for the City of Brunswick to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the owner fails to comply with the provisions of this regulation. The bond shall be returned after all work required by this regulation has been completed and final stabilization has been reached, all as determined by the City Engineer.

(b) The bond will be retained until all areas disturbed by construction activity are permanently stabilized. Where vegetative growth is used to achieve permanent stabilization, the area shall comply with final stabilization requirements in the Construction General Permit.

(c) No project subject to this regulation shall commence without a SWP3 or Abbreviated SWP3 approved by the City Engineer.

(d) Upon the failure of the owner and/or developer and/or contractor(s) to complete any work ordered by the City Engineer, the City may elect to contract with others or employ its own employees to remedy all or part of the said unfinished work and the owner and/or developer and/or contractor(s) shall be liable to the City of Brunswick for the cost of such work and for the cost to the City to collect its costs if not paid upon presentment. The City shall have the right to enter upon the disturbed lands to correct such failure and to abate any nuisance found. (Ord. 80-2022. Passed 11-14-22.)

1234.13 ENFORCEMENT.

(a) If the City of Brunswick or its duly authorized representative determines that a violation of the rules adopted under this code exist, the City of Brunswick or representative may issue an immediate stop work order if the violator failed to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity.

(b) All development areas are subject to external inspections by a representative of the City Engineer to ensure compliance with the approved SWP3 or Abbreviated SWP3. All costs associated with such inspections shall be the responsibility of the owner and will be deducted from the fee reserve balance posted with the finance department.

(c) After each external inspection, City of Brunswick shall prepare and distribute a status report to the owner.

(d) If an external inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3 the City of Brunswick may take action as detailed in Section 1234.14 of this regulation.

(Ord. 80-2022. Passed 11-14-22.)

1234.14 VIOLATIONS.

(a) No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.

(b) Upon notice, the City Manager and/or the City Engineer may suspend any active soil disturbing activity for a period not to exceed ninety (90) days and may require immediate erosion and sediment control measures whenever he or she determines that such activity is not meeting the intent of this regulation. Such notice shall be in writing, shall be given to the owner, and shall state the conditions under which work may be resumed. In instances, however, where the City Manager and/or the City Engineer finds that immediate action is necessary for public safety or the public interest, he or she may require that work be stopped upon verbal order pending issuance of the written notice.

(Ord. 80-2022. Passed 11-14-22.)

1234.15 APPEALS.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City of Brunswick in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made in conformity with Ohio R.C. Chapter 2506. Written notice of appeal shall be served on the City of Brunswick and a copy shall be provided to the Medina SWCD.

(Ord. 80-2022. Passed 11-14-22.)

1234.99 PENALTY.

(a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The imposition of any other penalties provided herein shall not preclude the City of Brunswick instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to

require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City of Brunswick.

(c) All expenses incurred by the City of Brunswick to initiate an enforcement action, implement a mitigating event, remediation of damages caused or resolve a violation shall be the responsibility of the owner shall be deducted from any funds or bonds on file with the Finance Department.

(Ord. 80-2022. Passed 11-14-22.)

CHAPTER 1236 Comprehensive Stormwater Management

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CROSS REFERENCES

Erosion and sediment control - see P. & Z. Ch. 1234

1236.01 PURPOSE AND SCOPE.

(a) The purpose of this regulation is to establish technically feasible and economically reasonable stormwater management standards to achieve a level of stormwater quality and quantity control that will minimize damage to property and degradation of water resources and will promote and maintain the health, safety, and welfare of the citizens of the City of Brunswick:

(b) This regulation requires owners who develop or re-develop their property within the City of Brunswick to:

(1) Control stormwater runoff from their property and ensure that all stormwater control measures (SCMs) are properly designed, constructed, and maintained.

(2) Reduce water quality impacts to receiving water resources that may be caused by new development or redevelopment activities.

(3) Control the volume, rate, and quality of stormwater runoff originating from their property so that surface water and ground water are protected, and flooding and erosion potential are not increased.

(4) Minimize the need to construct, repair, and replace subsurface storm drain systems.

(5) Preserve natural infiltration and ground water recharge, and maintain subsurface flow that replenishes water resources, except in slippage prone soils.

(6) Incorporate stormwater quality and quantity controls into site planning and design at the earliest possible stage in the development process.

(7) Reduce the expense of remedial projects needed to address problems caused by inadequate stormwater management.

(8) Maximize use of SCMs that serve multiple purposes including, but not limited to, flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation.

(9) Design sites to minimize the number of stream crossings and the width of associated disturbance in order to minimize the City of Brunswick's future expenses related to the maintenance and repair of stream crossings.

(10) Maintain, promote, and re-establish conditions necessary for naturally occurring stream processes that assimilate pollutants, attenuate flood flows, and provide a healthy water resource.

(c) This regulation shall apply to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways and roads; subdivisions or

larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; grading; and all other uses that are not specifically exempted in Section 1236.01.

(d) Public entities, including the State of Ohio, Medina County, and the City of Brunswick shall comply with this regulation for roadway projects initiated after March 10, 2006 and, to the maximum extent practicable, for projects initiated before that time.

(e) This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.

(f) This regulation does not require a Comprehensive Stormwater Management Plan for linear construction projects, such as pipeline or utility line installation, that do not result in the installation of impervious surface as determined by the City Engineer. Such projects must be designed to minimize the number of stream crossings and the width of disturbance. Linear construction projects must comply with the requirements of Chapter 1234 Erosion and Sediment Control.

(g) This regulation does not apply to construction or re-construction of stand-alone single-family dwellings when the parcel is not part of an overall subdivision or is part of a subdivision that is in existence as of the adoption of this ordinance, unless otherwise required by the City Engineer.

(Ord. 81-2022. Passed 11-14-22.)

1236.02 DEFINITIONS.

The definitions contained in Ohio Environmental Protection Agency ("Ohio EPA")'s Construction General Permit entitled "Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System" and Ohio EPA's Municipal Separate Storm Sewer (MS4) Permit entitled "Authorization for Small Municipal Separate Storm Sewer Systems to Discharge Stormwater Under the National Pollutant Discharge Elimination System" in effect at the time a permit is applied for under this chapter shall apply to this chapter and the following definitions shall also apply:

(a) ACRE: A measurement of area equaling 43,560 square feet.

(b) AS-BUILT SURVEY: A survey shown on a plan or drawing prepared by a Registered Professional Surveyor indicating the actual dimensions, elevations, and locations of any structures, underground utilities, swales, detention facilities, and sewage treatment facilities after construction has been completed.

(c) CLEAN WATER ACT: Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4, 33 U.S.C. 1251 et. seq. Formally referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972.

(d) CITY: The City of Brunswick, its designated representatives, boards, or commissions.

(e) COMMUNITY: The City of Brunswick, its designated representatives, boards, or commissions.

(f) COMPREHENSIVE STORMWATER MANAGEMENT PLAN: The written document and plans meeting the requirements of this regulation that sets forth the plans and practices to minimize stormwater runoff from a development area, to safely convey or temporarily store and release post-development runoff at an allowable rate to minimize flooding and stream bank erosion, and to protect or improve stormwater quality and stream channels.

(g) CRITICAL STORM: A storm that is determined by calculating the percentage increase in volume of runoff by a proposed development area for the one (1) year twenty-four (24) hour event. The critical storm is used to calculate the maximum allowable stormwater discharge rate from a developed site.

(h) CONSTRUCTION GENERAL PERMIT: The most recent General National Pollutant Discharge Elimination System (NPDES) permit for authorization of stormwater discharges associated with construction activities issued by Ohio EPA (Ohio EPA Permit #OHC000005 and its successors)

(i) DEVELOPMENT AREA: A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.

(j) DEVELOPMENT DRAINAGE AREA: A combination of each hydraulically unique watershed with individual outlet points on the development area.

(k) DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.

(l) DRAINAGE: The removal of excess surface water or groundwater from land by surface or subsurface drains.

(m) EROSION: The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.

(n) EXTENDED DETENTION FACILITY: A stormwater control measure that replaces and/or enhances traditional detention facilities by releasing the runoff collected during a seventy-five hundredths (0.75) inch or less rainfall events over at least twenty-four (24) to forty-eight (48) hours, retarding flow and allowing pollutants to settle within the facility.

(o) FINAL STABILIZATION: All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least eighty percent (80%) coverage for the area has been established or equivalent stabilization practices, such as the use of mulches or geotextiles, have been employed.

(p) GRADING: The process in which the topography of the surface of the land is altered to a new slope.

(q) **GREEN INFRASTRUCTURE:** Wet weather management approaches and technologies that utilize, enhance or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse.

(r) **HYDROLOGIC UNIT CODE (HUC):** a cataloging system developed by the United States Geological Survey and the Natural Resource Conservation Service to identify watersheds in the United States.

(s) **IMPERVIOUS COVER:** Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks, and other areas not covered by vegetation.

(t) **INFILTRATION CONTROL MEASURE:** A stormwater control measure practice that does not discharge to a water resource during the stormwater quality event, requiring collected runoff to either infiltrate into the groundwater and/or be consumed by evapotranspiration, thereby retaining stormwater pollutants in the facility.

(u) **LARGER COMMON PLAN OF DEVELOPMENT:** A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

(v) **LOW IMPACT DEVELOPMENT:** Low-impact development (LID) is a site design approach, which seeks to integrate hydrologically functional design with pollution prevention measures to compensate for land development impacts on hydrology and water quality. LID's goal is to mimic natural hydrology and processes by using small-scale, decentralized practices that infiltrate, evaporate, detain, and transpire stormwater. LID stormwater control measures (SCMs) are uniformly and strategically located throughout the site.

(w) **MAXIMUM EXTENT PRACTICABLE (MEP):** The level of pollutant reduction that operators of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Stormwater Phase II, must meet.

(x) **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:

(1) Owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including a special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into water resources; and

(2) Designed or used for collecting or conveying solely stormwater,

(3) Which is not a combined sewer, and

(4) Which is not a part of a publicly owned treatment works.

(y) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.

(z) NONSTRUCTURAL STORMWATER CONTROL MEASURE (SCM): Any technique that uses natural processes and features to prevent or reduce the discharge of pollutants to water resources and control stormwater volume and rate.

(aa) OHIO RAINWATER AND LAND DEVELOPMENT: Ohio's standards for stormwater management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation

(bb) OWNER or OPERATOR: Any party associated with a construction project that meets either of the following two criteria:

(1) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

(2) The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with A Stormwater Pollution Prevention Plan (SWP3) for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions.)

(cc) POST-DEVELOPMENT: The conditions that exist following the completion of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.

(dd) PRE-CONSTRUCTION MEETING: Meeting prior to construction between all parties associated with the construction of the project including government agencies, contractors and owners to review agency requirements and plans as submitted and approved.

(ee) PRE-DEVELOPMENT: The conditions that exist prior to the initiation of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.

(ff) PROFESSIONAL ENGINEER: A Professional Engineer registered in the State of Ohio with specific education and experience in water resources engineering, acting in conformance with the Code of Ethics of the Ohio State Board of Registration for Engineers and Surveyors.

(gg) REDEVELOPMENT: Sites that have been previously developed where no post construction SCMs were installed shall either ensure a twenty percent (20%) net reduction of site impervious area, provide for treatment of at least twenty percent (20%) of the WQv, or a combination of the two (2). A one-for-one credit towards the twenty percent (20%) net reduction of impervious area can be obtained through the use of green roofs and/or pervious pavement. Where projects are a combination of new development and redevelopment, the total WQv that must be treated shall be calculated by a weighted average based on acreage with the new development at one hundred percent WQv and redevelopment at twenty percent (20%) WQv.

(hh) **RIPARIAN AREA:** Naturally vegetated land adjacent to any brook, creek, river, or stream having a defined bed and bank that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this regulation.

(ii) **RIPARIAN AND WETLAND SETBACK:** A designated transition area around water resources left in a natural, usually vegetated, state so as to protect the water resources from runoff pollution.

(jj) **RUNOFF:** The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually returned to water resources.

(kk) **SEDIMENT:** The soils or other surface materials that can be transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

(ll) **SEDIMENTATION:** The deposition of sediment in water resources.

(mm) **SITE OWNER or OPERATOR:** Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof that is responsible for the overall construction site.

(nn) **SOIL DISTURBING ACTIVITY:** Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, increased stormwater quantity and/or decreased stormwater quality.

(oo) **STABILIZATION:** The use of Stormwater Control Measures that reduce or prevent soil erosion by stormwater runoff, trench dewatering, wind, ice, gravity, or a combination thereof.

(pp) **STORMWATER:** Defined at 40 CFR 122.26(b)(13) and means stormwater runoff, snow melt runoff and surface runoff and drainage.

(qq) **STORMWATER CONTROL MEASURE (SCM):** A structure or area designed to remove pollutants from stormwater and/or reduce stormwater flow rates. SCMs are a subset of Best Management Practices (BMPs) as defined in the Construction General Permit.

(rr) **STRUCTURAL STORMWATER CONTROL MEASURE (SCM):** Any constructed facility, structure, or device that prevents or reduces the discharge of pollutants to water resources and controls stormwater volume and rate.

(ss) **SURFACE WATER OF THE STATE:** Also Water Resource. Any stream, lake, reservoir, pond, marsh, wetland, or other waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

(tt) **TOTAL MAXIMUM DAILY LOAD:** The sum of the existing and/or projected point source, nonpoint source, and background loads for a pollutant to a specified watershed, water body, or water body segment. A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into the water and still ensures attainment and maintenance of water quality standards.

(uu) **WATER QUALITY VOLUME:** "Water Quality Volume (WQv)" means the volume of stormwater runoff which must be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.

(vv) **WATER RESOURCE:** Also **SURFACE WATER OF THE STATE.** Any stream, lake, reservoir, pond, marsh, wetland, or waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

(ww) **WATER RESOURCE CROSSING:** Any bridge, box, arch, culvert, truss, or other type of structure intended to convey people, animals, vehicles, or materials from one side of a watercourse to another. This does not include private, non-commercial footbridges or pole mounted aerial electric or telecommunication lines, nor does it include below grade utility lines.

(xx) **WATERSHED:** The total drainage area contributing stormwater runoff to a single point.

(yy) **WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).

(zz) **WETLAND CONSULTANT:** Individuals competent in the areas of botany, hydric soils and wetland hydrology that provide professional services or advice, and meet the education and professional experience requirements as required by the Society of Professional Wetland Scientists.

(Ord. 81-2022. Passed 11-14-22.)

1236.03 DISCLAIMER OF LIABILITY.

(a) Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or any particular parcel of property.

(b) By approving a Comprehensive Stormwater Management Plan under this regulation, the City of Brunswick does not accept responsibility for the design, installation, and operation and maintenance of SCMs.

(Ord. 81-2022. Passed 11-14-22.)

1236.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this regulation is in conflict with other provisions of law or ordinance or requirements in the Construction General Permit, the most restrictive provisions, as determined by the City of Brunswick, shall prevail.

(b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

(c) This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(d) Failure of the City of Brunswick to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City of Brunswick, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

(Ord. 81-2022. Passed 11-14-22.)

1236.05 DEVELOPMENT OF COMPREHENSIVE STORM WATER MANAGEMENT PLANS.

(a) This regulation requires that a Comprehensive Stormwater Management Plan be developed and implemented for all commercial and industrial site development and all soil disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land, and on which any regulated activity of Section 1236.01 (C) is proposed. The City Engineer reserves the right to require a comprehensive stormwater management plan on sites disturbing less than 1 acre.

(b) The City of Brunswick shall administer this regulation, shall be responsible for determination of compliance with this regulation, and shall issue such notices and orders as may be necessary. The City of Brunswick may consult with the Medina County SWCD, state agencies, private engineers, stormwater districts, or other technical experts as necessary in reviewing the Comprehensive Stormwater Management Plan. Any and all fees or expenses incurred by the City of Brunswick to administer or enforce this ordinance shall be the responsibility of the owner.

(Ord. 81-2022. Passed 11-14-22.)

1236.06 APPLICATION PROCEDURES.

(a) Pre-Application Meeting: The owner is encouraged to schedule a meeting with the City Engineer or his or her designated representative to:

- (1) Discuss the proposed project;
- (2) Review the requirements of this Chapter;
- (3) Identify unique aspects of the project that must be addressed during the review process;
- (4) Establish a preliminary review and approval schedule.
- (5) It is encouraged that this meeting occurs with the Planning Commission pre-application meeting.
- (6) Currently, the application for the CSWM is the current Planning Commission Application Form that can be picked up by the Planning Commission Clerk.

(b) Preliminary Comprehensive Stormwater Management Plan: The owner shall submit two (2) sets of a Preliminary Comprehensive Stormwater Management Plan (Preliminary Plan) and the applicable fees to the City Finance Department. The Preliminary Plan shall show the proposed property boundaries, setbacks, dedicated open space, public roads, water resources, stormwater control facilities, and easements in sufficient detail and engineering analysis to allow the City Engineer to determine if the site is laid out in a manner that meets the intent of this regulation and if the proposed SCMs are capable of controlling runoff from the site in compliance with this regulation. The owner shall submit two (2) sets of the Preliminary Plan and applicable fees as follows:

- (1) For subdivisions: In conjunction with the submission of the preliminary plat.
- (2) For other construction projects: In conjunction with the application for a building permit.
- (3) For general clearing projects: Prior to commencement of any clearing/demolition activities or in conjunction with the application for a permit.

(c) Final Comprehensive Stormwater Management Plan: The owner shall submit two (2) sets of a Final Comprehensive Stormwater Management Plan (Final Plan) and the applicable fees to the Finance Department conjunction with the submittal of the preliminary plat and improvement plans. The Final Plan shall meet the requirements of Section 1236.08 and shall be approved by the City Engineer prior to approval of the final plat and/or before issuance of a building permit by the Building Inspector.

(d) Review and Comment: The City Engineer shall review the Preliminary and Final Plans submitted, and shall approve or return for revisions with comments and recommendations for revisions. A Preliminary or Final Plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised Preliminary or Final Plan.

(e) Approval Necessary: Land clearing and soil-disturbing activities shall not begin and building permits shall not be issued without an approved Comprehensive Stormwater Management Plan.

(f) Sublots Will Not Proceed: Comprehensive Stormwater Management Plans for individual sublots in a subdivision will not be approved and building permits will not be issued unless the larger common plan of development or sale containing the subplot is in compliance with this regulation.

(g) Valid for Two Years: Approvals issued in accordance with this regulation shall remain valid for two (2) years from the date of approval or as stipulated in the Construction General Permit.

(Ord. 81-2022. Passed 11-14-22.)

1236.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

Approvals issued in accordance with this regulation do not relieve the owner of responsibility for obtaining all other necessary permits and/or approvals from other federal, state, and/or county agencies. If requirements vary, the most restrictive shall prevail. These permits may include, but are not limited to, those listed below. Owners are required to show proof of compliance with these regulations before the City of Brunswick will issue a building or zoning permit.

(a) Ohio Environmental Protection Agency (Ohio EPA) National Pollutant Discharge Elimination System (NPDES) Permits authorizing stormwater discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be the owner's Notice of Intent (NOI) number from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.

(b) Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

(c) Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and

determined that Ohio EPA's Isolated Wetlands Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

(d) Section 404 of the Clean Water Act: If an Individual Permit is required for the development project, proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:

(1) A letter from the site owner certifying that a qualified Professional Wetland Consultant has surveyed the site and found no waters of the United States.

(2) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

(e) Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Soil and Water Resources permit application tracking number, a copy of the project approval letter from the ODNR Division of Soil and Water Resources, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

(Ord. 81-2022. Passed 11-14-22.)

1236.08 COMPREHENSIVE STORM WATER MANAGEMENT PLANS.

(a) Comprehensive Stormwater Management Plan Required. The applicant shall develop a Comprehensive Stormwater Management Plan describing how the quantity and quality of stormwater will be managed after construction is completed for every discharge from the site and/or into a water resource or small municipal separate storm sewer system (MS4). Comprehensive Stormwater Management Plan must meet the requirements in the

(b) Preparation by Professional Engineer: The Comprehensive Stormwater Management Plan shall be prepared by a Registered Professional Engineer registered in the state of Ohio and include supporting calculations, plan sheets, and design details. To the extent necessary, as determined by the City Engineer, a site survey shall be performed by a Registered Professional Surveyor registered in the state of Ohio to establish boundary lines, measurements, or land surfaces.

(c) Community Procedures: The City Engineer shall prepare and maintain procedures providing specific criteria and guidance to be followed when designing the stormwater management system for the site. These procedures may be updated from time to time, at the discretion of the City Engineer based on improvements in engineering, science, monitoring, and local maintenance experience. The City Engineer shall make the final determination of whether the SCMs proposed in the Comprehensive Stormwater

Management Plan meet the requirements of this regulation. The City Engineer may also maintain a list of acceptable SCMs that meet the criteria of this ordinance to be used in the City of Brunswick.

(d) Contents of the Comprehensive Stormwater Management Plan: The Comprehensive Stormwater Management Plan must contain all elements and meet all requirements specified in the Construction General Permit and the following requirements: (Where there are conflicts the most restrictive provisions, as determined by the City of Brunswick shall prevail)

(1) Site description:

A. A description of the nature and type of the construction activity (e.g. residential, shopping mall, highway, etc.).

B. Total area of the site and the area of the site that is expected to be disturbed (i.e. grubbing, clearing, excavation, filling or grading, including off-site borrow areas).

C. A description of prior land uses at the site.

D. An estimate of the impervious area and percent of imperviousness created by the soil-disturbing activity at the beginning and at the conclusion of the project.

E. Existing data describing the soils throughout the site, including soil map units, series, complexes, association, hydrologic soil group, porosity, infiltration characteristics, depth to groundwater, depth to bedrock, and any impermeable layers.

F. If available, the quality of any known pollutant discharge from the site such as that which may result from previous contamination caused by prior land uses.

G. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s).

H. If applicable, identify the point of discharge to a municipal separate storm sewer system and the location where that municipal separate storm sewer system ultimately discharges to a stream, lake, or wetland. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s) and the aerial extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project.

I. The aerial (plan view) extent and description of water resources at or near the site that will be disturbed or which will receive discharges from disturbed areas of the project.

J. TMDLs applicable for the watershed that the construction site is located in has to demonstrate that the appropriate SCMs have been selected to address the TMDLs for that watershed. The TMDL information for all watersheds in the State of Ohio can be found on the Ohio EPA Nonpoint Source Pollution Control Program Website.

K. For each SCM, identify the drainage area, percent impervious cover within the drainage area, runoff coefficient for water quality volume, peak discharge, and the time of

concentration for each sub-watershed per Appendix 1 of Ohio's stormwater manual, Ohio Rainwater and Land Development. Pervious and impervious areas should be treated as separate sub-watersheds unless allowed at the discretion of the City Engineer. Identify the SCM surface area, discharge and dewatering time, outlet type and dimensions. Each SCM shall be designated with an individual identification number.

L. An implementation schedule which describes the sequence of major soil-disturbing operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion and sediment controls to be employed during each operation of the sequence. The SWP3 shall clearly describe for each major construction activity (a) appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and (b) which contractor is responsible for implementation (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization).

M. For subdivided developments where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.

N. The location of any areas on the site located within a Special Flood Hazard Area as defined by current Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

O. Location and description of any stormwater discharges associated with dedicated asphalt and dedicated concrete plants associated with the development area and the stormwater control measures to address pollutants in these stormwater discharges.

(2) Site map showing:

A. Limits of soil-disturbing activity on the site.

B. Soils map units for the entire site, including locations of unstable or highly erodible soils.

C. Existing and proposed one-foot (1') contours. This must include a delineation of drainage watersheds expected before, during, and after major grading activities as well as the size of each drainage watershed in acres.

D. Water resource locations including springs, wetlands, streams, lakes, water wells, and associated setbacks on or within 200 feet of the site, including the boundaries of wetlands or streams and first subsequent named receiving water(s) the owner intends to fill or relocate for which the owner is seeking approval from the Army Corps of Engineers and/or Ohio EPA.

E. Existing and planned locations of buildings, roads, parking facilities, and utilities.

F. The location of any in-stream activities including stream crossings.

G. The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development.

H. Sediment ponds, including their sediment settling volume and contributing drainage area. When drainage areas are predicted to change throughout active construction (e.g., when temporary diversions are utilized), applicable sediment storage zone and dewatering zone volumes shall be designed for the largest anticipated drainage area, and dewatering orifices shall be designed for the smallest anticipated drainage area.

I. The location of designated stoned construction entrances where the vehicles will ingress and egress the construction site.

(3) Contact information: Company name and contact information as well as contact name, addresses, and phone numbers for the following:

A. The Professional Engineer who prepared the Comprehensive Stormwater Management Plan.

B. The site owner.

(4) Phase, if applicable, of the overall development plan.

(5) List of subplot numbers if project is a subdivision.

(6) Ohio EPA NPDES Permit Number and other applicable state and federal permit numbers, if available, or status of various permitting requirements if final approvals have not been received.

(7) Location, including complete site address and subplot number if applicable.

(8) Location of any easements or other restrictions placed on the use of the property.

(9) A site plan sheet showing:

A. The location of each proposed post-construction SCMs.

B. The geographic coordinates (latitude and longitude) of the site AND each proposed SCM.

It is preferred that the entire site be shown on one plan sheet to allow a complete view of the site during plan review. If a smaller scale is used to accomplish this, separate sheets providing an enlarged view of areas on individual sheets should also be provided.

(10) An Inspection and Maintenance Agreement binding on the owner and all subsequent owners of lands served by the system of SCMs designed for the site. Such Agreements between the City and the Owner shall be stand-alone documents, shall include all post-construction SCMs, shall be recorded with the deed of the property(s) within the site, and shall provide and stipulate the following:

A. The location of each SCM, including those SCMs permitted to be located in, or within fifty (50) feet of, water resources and identification of the drainage area served by each SCM.

B. The method of funding long-term maintenance and inspections of all SCMs.

C. Features of the design that facilitate maintenance of the practice. Include plan for providing area for dewatering of dredged sediment, or the need to truck sediment directly from the site.

D. A schedule for regular maintenance for each aspect of the stormwater management system and description of routine and non-routine maintenance tasks to ensure continued performance of the system as is detailed in the approved Comprehensive Stormwater Management Plan. This schedule may include additional standards, as required by the City Engineer, to ensure continued performance of SCMs permitted to be located in, or within fifty (50) feet of, water resources.

E. Additional standards, as required by the City Engineer, to ensure continual performance of stormwater management practices permitted to be located in, or within fifty (50) feet of, water resources.

F. Identification of the landowner(s), organization, or entity responsible for long-term maintenance, including repairs, of the SCMs.

G. The location and documentation of all access and maintenance easements on the property.

H. The landowner(s), organization, or municipality shall maintain SCMs in accordance with this regulation.

I. A prohibition on alteration of the practice without prior written approval from the City Engineer.

J. The location and documentation of all access and maintenance easements on the property that allows the City of Brunswick access to the SCM at reasonable times for inspections to document the condition of the practice and to ensure it is functioning as originally designed and approved.

K. Permission for City of Brunswick to enter upon the property and take whatever action is deemed necessary to maintain facilities that do not perform as specified in the Inspection and Maintenance Agreement, and to be reimbursed by the property owner(s) served by the facility for all expenses incurred within ten (10) days of receipt of invoice from the City of Brunswick.

L. A release of the City of Brunswick from all damages, accidents, casualties, occurrences, or claims that might arise or be asserted against said parties from the construction, presence, existence, or maintenance of the SCMs.

M. Alteration or termination of these stipulations is prohibited. The applicant owner must provide a draft of this Inspection and Maintenance Agreement as part of the

Comprehensive Stormwater Management Plan submittal. Once a draft is approved, a recorded copy of the Agreement must be submitted to the City of Brunswick to receive final inspection approval of the site.

N. Annual Inspection. There will be an annual inspection of all SCMs indicated in the CSWM. A SCM, in this case, shall be considered all stormwater facilities used for the purpose of water quality as decided upon by the City Engineer. Examples of SCMs requiring annual inspections are wet ponds, dry ponds, sand filters, bio-swales, and constructed wetlands. The City Engineer may require inspections to be performed more regularly if deemed necessary.

1. The landowner(s) or organization shall use a stormwater certified person (e.g., P.E., CESSWI, CPESC), as approved by the City Engineer, for annual stormwater inspections.

2. The Stormwater Inspector shall use the SCM checklists available from the City Engineer.

3. It is deemed a violation of this Section if the City does not receive the annual inspection report before August 1 of each year. In such an event, the City has the authority to enter upon the property to conduct any inspections as necessary to verify that the SCMs are being operated and maintained in accordance with this Chapter and charge the responsible party accordingly. Any accounts that are over thirty (30) days delinquent may be certified to the County Auditor, who shall then place the same on the tax duplicate of the County, with interest as allowed by law, to be collected as taxes are collected.

O. Annual Report. Following the annual inspection, the landowner(s) or organization shall submit an annual stormwater report to the City Engineer. This report shall contain the following:

1. The annual inspection form by a stormwater certified person;
2. Listing of all corrective actions coming from the annual inspection listed as either high priority or normal priority;
3. Records of all regular maintenance performed throughout the year;
4. Records of normal priority corrective actions from the previous year;
5. Contact information of party submitting report.
6. The City shall maintain public records of these annual stormwater reports for a period of five (5) years.
7. The City Engineer, or his designated appointee, will inspect all SCMs every five (5) years to ensure the integrity of the annual inspections.

P. Corrective Actions. Corrective actions created by the annual inspection report shall be listed as either high priority or normal priority.

1. High priority items shall be corrected within three (3) months of the date of the inspection report unless allowed further time by the City Engineer. The certified

Stormwater Inspector shall submit a letter to the City Engineer when any high priority item is completed so that the City Engineer can personally inspect.

2. Normal priority items shall be corrected before the next annual inspection and will be listed in the next annual stormwater report.

3. The City is authorized to enter upon the property and to perform the corrective actions identified in the inspection report if the landowner(s) or organization responsible for maintenance does not make the required corrections in the specified time period. In addition to any other penalty provided for in this Chapter, the City shall be reimbursed by the landowner(s) or organization responsible for maintenance for all expenses incurred within ten days of receipt of invoice from the City.

(11) Inspection and Maintenance Plan: This plan will meet the requirements of the Construction General Permit and will be developed by the applicant and reviewed by the City Engineer. Maintenance requirements of each SCM during and after construction should be included. Once the Inspection and Maintenance Plan is approved, a recorded copy of the plan must be provided to the property owner or association that will be responsible for long-term operations and maintenance of the BMP and submitted to the City.

(12) Required calculations: Projected stormwater runoff flows, volumes, and timing into and through all SCMs, and the underlying assumptions and hydrologic and hydraulic methods and parameters, under pre- and post-development land use conditions, for flood control, channel protection, and water quality as required in Section 1236.09 of this regulation. Include critical storm determination and demonstrate that the runoff from offsite areas have been considered in the calculations.

(13) List of all contractors and subcontractors before construction: Prior to construction or before the preconstruction meeting, provide the list of all contractors and subcontractors and their names, addresses, and phones involved with the implementation of the Comprehensive Stormwater Management Plan including a written document containing signatures of all parties as proof of acknowledgment that they have reviewed and understand the requirements and responsibilities of the Comprehensive Stormwater Management Plan.

(14) Existing and proposed drainage patterns: The location and description of existing and proposed drainage patterns and SCMs, including any related SCMs beyond the development area and the larger common development area.

(15) For each SCM to be employed on the development area, include the following:

A. Location and size, including detail drawings, maintenance requirements during and after construction, and design calculations, all where applicable.

B. Final site conditions including stormwater inlets and permanent nonstructural and structural SCMs. Details of SCMs shall be drawn to scale and shall show volumes and sizes of contributing drainage areas.

C. Any other structural and/or non-structural SCMs necessary to meet the design criteria in this regulation and any supplemental information requested by the City Engineer.

D. Each SCM shall be designated with an individual identification number.

(Ord. 81-2022. Passed 11-14-22.)

1236.09 PERFORMANCE STANDARDS.

(a) Stormwater Design General Information. No person shall develop any real property or connect or cause to be connected any building or other structure, either directly or indirectly, with a drain for the removal of surface, roof, ground or other water to be discharged into a ditch, swale, waterway, stream or an existing storm drainage system for such real property, without complying with the performance standards and paying the charges set forth in this chapter.

(b) General: All components of the stormwater system, including SCMs for storage, treatment and control, and conveyance facilities, shall be designed to prevent structure flooding during the 100-year, 24-hour storm event; to maintain predevelopment runoff patterns, flows, and volumes; and to meet the following criteria:

(1) Integrated practices that minimize degradation of water resources. The SCMs shall function as an integrated system that controls flooding and minimizes the degradation of the physical, biological, and chemical integrity of the water resources receiving stormwater discharges from the site. Acceptable SCMs shall:

A. Not disturb riparian areas, unless the disturbance is intended to support a watercourse restoration project.

B. Maintain predevelopment hydrology and groundwater recharge on as much of the site as practicable.

C. Only install new impervious surfaces and compact soils where necessary to support the future land use.

D. Compensate for increased runoff volumes caused by new impervious surfaces and soil compaction by reducing stormwater peak flows to less than predevelopment levels.

E. Be designed according to the methodology included in the most current edition of Ohio Rainwater and Land Development or another design manual acceptable for use by the City and Ohio EPA SCMs that meet the criteria in this regulation, and additional criteria required by the City Engineer, shall comply with this regulation. Owners may propose alternative practices if they demonstrate to the satisfaction of the City Engineer that these practices also meet the above criteria.

(2) SCMs designed for final use: SCMs shall be designed to achieve the stormwater management objectives of this regulation, to be compatible with the proposed post-

construction use of the site, to protect the public health, safety, and welfare, and to function safely with routine maintenance.

(3) Stormwater management for all lots: Areas developed for a subdivision, as defined in Section 1220.06 (b)(30), shall provide stormwater management and water quality controls for the development of all subdivided lots. This shall include provisions for lot grading and drainage that prevent structure flooding during the 100-year, 24-hour storm; and maintain, to the extent practicable, the pre-development runoff patterns, volumes, and peaks from each lot.

(4) Stormwater facilities in water resources: SCMs shall not be constructed in water resources unless the owner obtains all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies, and the activity is in compliance with Chapter 1234 Erosion and Sediment control requirements and the City of Brunswick's future riparian setback requirements, after they have been adopted, all as determined by the City Engineer.

(5) Stormwater facilities in the floodplain: Stormwater facilities constructed, manufactured or otherwise, that provide treatment of the water quality volume (see Table 4, Section 1236.09), detention, retention, and/or infiltration, and all related activities, shall not be constructed in any special flood hazard area, as defined in Chapter 1467 Flood Damage Prevention.

(6) Stormwater ponds and surface conveyance channels: All stormwater pond and surface conveyance designs must provide a minimum of one (1) foot freeboard above the projected peak stage within the facility during the 100-year, 24-hour storm. When designing stormwater ponds and conveyance channels, the owner shall consider public safety as a design factor and alternative designs must be implemented where site limitations would preclude a safe design.

(7) Exemption: The site where soil-disturbing activities are conducted shall be exempt from the requirements of Section 1236.09 if it can be shown to the satisfaction of the City Engineer that the site is part of a larger common plan of development where the stormwater management requirements for the site are provided by an existing SCM, or if the stormwater management requirements for the site are provided by practices defined in a regional or local stormwater management plan approved by the City Engineer.

(8) Maintenance: All SCMs shall be maintained in accordance with the Inspection and Maintenance Plan and Agreements approved by the City Engineer as detailed in Section 1236.08.

(9) Agreements with Sub-dividers or Developers. A sub-divider or developer shall be required to construct an on-site SCM for the purposes of water quality and water retention approved by the City Engineer. The combination of stormwater quality and quantity requirements for two or more developments may be placed into one detention basin to be located at a strategic site given that a separate agreement with all parties is developed. The City shall enter into an agreement with the sub-divider or developer, to be approved by Council, containing the following conditions:

A. The sub-divider of a major subdivision shall require the formation of a homeowners' association, which shall assume responsibility for all maintenance, upkeep, repair, replacement and management of the SCM. In other developments, the sub-divider or developer shall make provisions acceptable to the City for maintenance of the SCM area as stated in Section 1236.10. Easements shall be granted to the City for access to and maintenance of the stormwater management area.

B. If more than one development is to use a single SCM, a separate association of all members using that SCM shall be formed. This association will be held responsible for all future maintenance and repairs of the SCM as stated in this Chapter.

C. The sub-divider or developer shall be exempt from the application of this Section only if authorized by the City Engineer.

D. Where a sub-divider or developer is exempt from the provisions of this Section, that sub-divider or developer shall comply with and pay fees in accordance with this Chapter, governing subdivisions and development prior to the effective date of this Section.

E. All SCMs will be placed within blocks and/or easements to allow City access (See Section 1236.11).

(10) Preservation of Existing Natural Drainage. SCMs that preserve and/or improve the existing natural drainage shall be used to the maximum extent practicable. Such SCMs may include minimizing site grading and compaction; protecting and/or restoring water resources, riparian areas, and existing vegetation and vegetative buffer strips; phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing and grubbing practices; and maintaining unconcentrated stormwater runoff to and through these areas. Postconstruction stormwater practices shall provide perpetual management of runoff quality and quantity so that a receiving stream's physical, chemical and biological characteristics are protected and ecological functions are maintained.

(11) Preservation of Wetland Hydrology: Concentrated stormwater runoff from SCMs to wetlands shall be converted to diffuse flow before the runoff enters a wetland(s) in order to protect the natural hydrology, hydroperiod, and wetland flora. The flow shall be released such that no erosion occurs down slope. SCMs such as level spreaders, vegetative buffers, infiltration basins, conservation of forest covers, and the preservation of intermittent streams, depressions, and drainage corridors may be used to maintain the wetland hydrology.

If the owner proposes to discharge to natural wetlands, a hydrological analysis shall be performed to demonstrate that the proposed discharge matches the pre-development hydroperiods and hydrodynamics.

(12) Soil Preservation and Post-Construction Soil Restoration: To the maximum extent practicable leave native soil undisturbed and protect from compaction during construction. Except for areas that will be covered by impervious surface or have been incorporated into an SCM, the soil moisture-holding capacity of areas that have been cleared and graded must

be restored to that of the original, undisturbed soil to the maximum extent practicable. Areas that have been compacted or had the topsoil or duff layer removed should be amended using the following steps: 1. till subsoil to a depth of 15-18 inches, 2. incorporate compost through top twelve (12) inches, 3. Replace with stockpiled site or imported suitable topsoil to a minimum depth of four (4) inches.

(c) Stormwater Conveyance Design Criteria: All SCMs shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include but not be limited to:

(1) Stream/storm sewer discharge. The stormwater facility (storm sewer main or natural watercourse) that will convey the discharge from the site shall be analyzed to determine if it is capable of conveying the additional storm sewer discharge from the site of a 100-year/24-hour storm. If the designated outlet is not capable of conveying the discharge from the site during the 100-year/24-hour storm, then additional storage must be placed onsite to store the additional volume for a period of forty-eight (48) hours.

(2) Surface water protection: The City Engineer may allow modification to streams, rivers, lakes, wetlands or other surface waters only if the owner shows proof of compliance with all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies and the activity is in compliance with Chapter 1234 Erosion and Sediment Control and any City of Brunswick riparian setback requirements that may be in effect, all as determined by the City Engineer.

(3) Off-site stormwater discharges: Off-site stormwater runoff that discharges to or across the owner's development site shall be conveyed through the stormwater conveyance system planned for the development site at its existing peak flow rates during each design storm. Off-site flows shall be diverted around stormwater quality control facilities or, if this is not possible, the stormwater quality control facility shall be sized to treat the off-site flow. Comprehensive Stormwater Management Plans will not be approved until it is demonstrated to the satisfaction of the City Engineer that off-site runoff will be adequately conveyed through the development site in a manner that does not exacerbate upstream or downstream flooding and erosion.

(4) Sheet flow. The site shall be graded in a manner that maintains sheet flow over as large an area as possible. The maximum area of sheet flow shall be determined based on the slope, the uniformity of site grading, and the use of easements or other legally-binding mechanisms that prohibit re-grading and/or the placement of structures within sheet flow areas. Flow shall be directed into an open channel, storm sewer, or other SCM from areas too long and/or too large to maintain sheet flow, all as determined by the City Engineer.

(5) Open channels: Unless otherwise allowed by the City Engineer, drainage tributary to SCMs shall be provided by an open channel with landscaped banks and designed to carry within these banks the ten (10) year, twenty-four (24) hour stormwater runoff from upstream contributory areas.

(6) Drainage systems: Open drainage systems shall be preferred on all new development sites to convey stormwater where feasible. Storm Sewer systems shall be

allowed to augment open drainage systems, such as to limit depth of roadside or conveyance ditches. The following criteria shall be used to design storm sewer systems when necessary.

A. Storm sewer design flow shall be based on the Rational Method. Storm sewers shall be designed such that they do not surcharge from runoff caused by the 10 - year, 24 - hour storm, and that the hydraulic grade line of the storm sewer stays below the gutter flow line of the overlying roadway, or below the top of drainage structures outside the roadway, whichever is more restrictive during a 25 - year, 24 - hour storm. The system shall be designed to meet these requirements when conveying the flows from the contributing area within the proposed development and existing flows from offsite areas that are upstream from the development. These calculations will be reviewed and approved by the City Engineer prior to design acceptance. Rainfall data shall be obtained from the latest volume of the NOAA Rainfall ATLAS 14 or per Table 1. Runoff coefficients shall be per Table 2.

Table 1 - Rainfall per Storm Frequency	
24 Hour Storm (year)	Rainfall (in.)
2 (50% storm)	2.44
5 (20% storm)	3.06
10 (10% storm)	3.55
25 (4% storm)	4.35
50 (2% storm)	5.08
100 (1% storm)	5.92

Table 2.

Rational Method Runoff Coefficients (C) for City of Brunswick

Runoff Coefficients for Hydrologic Soil Groups				
Cover Description	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Cultivated agricultural land	0.17	0.3	0.43	0.50
Pasture or range land continuous grazing	0.08	0.16	0.36	0.47
Meadow protected from grazing	0.06	0.13	0.30	0.43

Runoff Coefficients for Hydrologic Soil Groups

Cover Description	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Woods	0.05	0.10	0.29	0.41
Woods/grass combination (orchard, tree farm, etc.)	0.07	0.14	0.33	0.45
Lawns, parks, golf courses, cemeteries, etc.	0.08	0.16	0.36	0.47
Paved streets, parking lots, roofs, driveways, etc.	0.96	0.96	0.96	0.96

Gravel areas	0.40	0.59	0.69	0.74
Residential Areas				
Average lot size & Average % Impervious Area				
¾ acre or less 65	0.41	0.59	0.72	0.77
¼ acre 38	0.16	0.37	0.54	0.64
¾ acre 30	0.12	0.32	0.50	0.61
½ acre 25	0.09	0.29	0.47	0.59
1 acre 20	0.06	0.26	0.45	0.57
2 acres 12	0.05	0.23	0.41	0.50
Dirt or graded areas	0.41	0.61	0.74	0.83

B. Rainfall intensity will be calculated using the equation $i = a/(t+b)^c$

Where:

i = Rainfall intensity (in./hour)

t = Time of concentration (minutes)

Refer to Ohio Department of Transportation's Location & Design Manual, Volume 2 (or latest edition) Drainage Design, Figure 1101-2 for Rainfall Intensity Constants (a, b & c). The maximum slope allowable shall be a slope that produces no less than 2.5-fps and no more than a 10-fps velocity within the pipe barrel under design flow conditions.

C. The minimum inside diameter of pipe to be used in public storm sewer systems is twelve (12) inches. Smaller pipe sizes may be used in private systems, subject to the approval of the City Engineer.

D. All stormwater conveyance systems shall be designed taking into consideration the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency. The hydraulic grade line for the storm sewer system shall be computed with consideration for the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes, catch basins, and junctions within the system.

- i. Previous studies on file with the City.
- ii. FEMA Flood Insurance Rate Maps.
- iii. Calculations prepared by a Registered Professional Engineer.

E. Catch basin design spread calculations shall be submitted to the City Engineer for review to determine catch basin spacing and sizing. At a minimum, there shall be at least one total clear lane during a twenty-five (25) year, twenty-four (24) hour storm.

F. The inverts of all curb inlets, manholes, yard inlets, and other structures shall be formed and channelized to minimize the incidence of quiescent standing water where mosquitoes may breed.

G. Headwalls shall be required at all storm sewer inlets or outlets to and from open channels or lakes.

H. Outlets discharging into an open-water conveyance structure shall have an invert at a minimum of three (3) inches above the average water depth during the snow-melt season.

I. The flood elevation for a 100-year, twenty-four (24) hour storm must be a minimum of ten feet away horizontally from the perimeter of any homes within the new subdivision, nor cause any home flooding to adjacent neighboring properties, and shall be at least two feet below the finished grade elevation of any livable structure.

J. All storm sewer outlets from a subdivision must flow either into a public storm sewer, stream of the State, or a major ditch unless authorized by the City Engineer.

K. The maximum distance for sheet flow shall be 300 feet before entering a storm structure. Except, that the maximum overland drainage area tributary to the storm structure shall be no greater than one and one-half (1.5) acres.

(7) Water Resource Crossings. The following criteria shall be used to design structures that cross a water resource within the City of Brunswick:

A. Water resource crossings other than bridges shall be designed to convey the stream's flow for the minimum 25-year, 24-hour storm or as indicated by the City Engineer. The maximum allowable headwater elevation for such a storm shall be twelve (12) inches below the pavement crown elevation. Water crossings carrying receiving waters located near upstream City borders shall convey no more flow than currently designed to carry unless directed by the City Engineer.

B. Bridges, open bottom arch or spans are the preferred crossing technique and shall be considered in the planning phase of the development. Bridges and open spans should be considered for all State Scenic Rivers, cold-water habitat, exceptional warmwater habitat, seasonal salmonid habitat streams, and Class III headwater streams. The footers or piers for these bridges and open spans shall not be constructed below the ordinary high-water mark.

C. If a culvert or other closed bottom crossing is used, twenty-five percent (25%) of the cross-sectional area or a minimum of one (1) foot of box culverts and pipe arches must be embedded below the channel bed. The conduit or conveyance must be sized to carry the 25-year storm under these conditions.

D. The minimum inside diameter of pipes to be used for crossings shall be twelve (12) inches.

E. The maximum slope allowable shall be a slope that produces a ten (10) fps velocity within the culvert barrel. Erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities.

F. All culvert installations shall be designed with consideration for the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency.

G. Headwalls shall be required at all culvert inlets or outlets to and from open channels or lakes.

H. Streams with a drainage area of five (5) square miles or larger should incorporate floodplain culverts at the bank-full elevation to restrict the rise in headwater elevation upstream of the culvert to no more than one (1) foot during the 100-year, 24-hour storm.

I. Bridges shall be designed such that the hydraulic profile through a bridge shall be below the bottom chord of the bridge for either the 100-year, 24-hour storm, or the 100-year flood elevation as determined by FEMA, whichever is more restrictive.

(8) Overland flooding: Overland flood routing paths shall be used to convey stormwater runoff from the 100-year, 24-hour storm event to an adequate receiving water resource or SCM such that the runoff is contained within the drainage easement for the flood routing path and does not cause flooding of buildings or related structures. The peak 100-year water surface elevation along flood routing paths shall be at least one foot below the finished grade elevation of all structures. When designing the flood routing paths, the conveyance capacity of the site's storm sewers shall be taken into consideration.

(9) Compensatory flood storage mitigation: In order to preserve floodplain storage volumes and thereby avoid increases in water surface elevations, any filling within floodplains approved by the City of Brunswick must be compensated by providing an equivalent storage volume. First consideration for the location(s) of compensatory floodplain volumes should be given to areas where the stream channel will have immediate access to the new floodplain within the limits of the development site. Consideration will also be given to enlarging existing or proposed retention basins to compensate for floodplain fill if justified by a hydraulic analysis of the contributing watershed. Unless otherwise permitted by the City of Brunswick, reductions in volume due to floodplain fills must be mitigated within the legal boundaries of the development. Embankment slopes used in compensatory storage areas must reasonably conform to the natural slopes adjacent to the disturbed area. The use of vertical retaining structures is specifically prohibited.

(10) Velocity dissipation: Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow velocity from the structure to a water resource so that the natural physical and biological characteristics and functions of the water resource are maintained and protected.

(d) Stormwater Quality Control: The site shall be designed to direct runoff to one or more SCMs that meet or exceed the criteria in the Construction General Permit.

(e) Stormwater Quantity Control: The Comprehensive Stormwater Management Plan shall describe how the proposed SCMs are designed to meet the following requirements for stormwater quantity control for each watershed in the development:

(1) The peak discharge rate of runoff from the Critical Storm and all more frequent storms occurring under post-development conditions shall not exceed the peak discharge rate of runoff from a 1-year, 24-hour storm occurring on the same development drainage area under pre-development conditions.

(2) Developers or sub-dividers shall include in their preliminary plans a local watershed study to determine the impact from the development or subdivision caused by stormwater onto the lands adjoining or downstream from the area to be developed, to assure that said lands shall not be adversely affected by the proposed development or subdivision.

(3) Storms of less frequent occurrence (longer return periods) than the Critical Storm, up to the 100-year, 24-hour storm shall have peak runoff discharge rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions. The 1, 2, 5, 10, 25, 50, and 100-year storms shall be considered in designing a facility to meet this requirement.

(4) The Critical Storm for each specific development drainage area shall be determined as follows:

A. Determine, using a curve number-based hydrologic method or other hydrologic method approved by the City Engineer, the total volume (acre-feet) of runoff from a 1-year, 24-hour storm occurring on the development site area only before and after development. These calculations shall meet the following standards:

1. Calculations shall include the lot coverage assumptions used for full build out as proposed.

2. Calculations shall be based on the entire contributing watershed to the development area.

3. Drainage area maps shall include area, curve number, time of concentrations. Time of concentration shall also show the flow path and the separation in flow type.

4. Rainfall data shall be obtained from the latest volume of the NOAA Rainfall ATLAS 14 or per Table 1.

5. Temporal Distribution - Use the SCS Type II rainfall distribution for all design events with a recurrence interval greater than 1 year. Include lot coverage assumptions used for full build out of the proposed condition.

6. Curve numbers for the pre-development condition must reflect the average type of land use over the past 10 years and not only the current land use. Curve Numbers shall conform to the National Engineering Handbook Table 9-1.

i. Post-development Curve Numbers - All areas that are altered by construction practices shall use post-construction Hydraulic Soil Groups from Ohio Rainwater and Land Development.

7. Time of Concentration - Use velocity--based methods from (TR-55 NRCS USDA Urban Hydrology in Small Watersheds, 1986) to estimate travel time (Tt) for overland (sheet) flow, shallow concentrated flow and channel flow.

i. Maximum sheet flow length is 100 feet.

ii. Use the appropriate "unpaved" velocity equation for shallow concentrated flow from NEH-4 (Spell this out).

8. The volume reduction provided by permeable pavement, bioretention, or other LID SCMs may be subtracted from the post development stormwater volume. Volume reductions for these practices may be demonstrated using methods outlined in Ohio Rainwater and Land Development or a hydrologic model acceptable to the City Engineer.

9. To account for future post-construction improvements to the site, calculations shall assume an impervious surface such as asphalt or concrete for all parking areas and driveways, regardless of the surface proposed in the site description except in instances of engineered permeable pavement systems.

B. From the volume determined in Section 1236.09, determine the percent increase in volume of runoff due to development. Using the percentage, select the 24-hour Critical Storm from Table 3.

Table 3: 24-Hour Critical Storm

If the Percentage of Increase in Volume of Runoff is:		The Critical Storm will be:
Equal to or Greater Than:	and Less Than:	
---	10	1 year
10	20	2 year <u>s</u>
20	50	5 year <u>s</u>
50	100	10 year <u>s</u>
100	250	25 year <u>s</u>
250	500	50 year <u>s</u>
500	---	100 year <u>s</u>

For example, if the percent increase between the pre- and post-development runoff volume for a 1-year storm is 35%, the Critical Storm is a 5-year storm. The peak discharge rate of runoff for all storms up to this frequency shall be controlled so as not to exceed the peak discharge rate from the 1-year frequency storm under pre-development conditions in the development drainage area. The post-development runoff from all less frequent storms need only be controlled to meet pre-development peak discharge rates for each of those same storms.

(f) Stormwater Management for Previously Developed Areas.

(1) SCMs on previously developed sites must meet the criteria in the Construction General Permit.

(Ord. 81-2022. Passed 11-14-22.)

1236.10 ALTERNATIVE ACTIONS.

When the City of Brunswick determines that site constraints compromise the intent of this regulation, off-site alternatives may be used that result in an improvement of water quality and a reduction of stormwater quantity. Such alternatives shall meet the standards in the Construction General Permit and shall achieve the same level of stormwater quantity control that would be achieved by the on-site controls required under this regulation. The City Engineer may require proof of Ohio EPA review and approval for any alternative action proposed. (Ord. 81-2022. Passed 11-14-22.)

1236.11 EASEMENTS.

Access to SCMs as required by the City Engineer for inspections shall be secured by easements. The following conditions shall apply to all easements:

(a) Easements shall be included in the Inspection and Maintenance Agreement submitted with the Comprehensive Stormwater Management Plan.

(b) Easements shall be approved by the City of Brunswick prior to approval of a final plat and shall be recorded with the Medina County Auditor and on all property deeds.

(c) Unless otherwise required by the City Engineer, access easements between a public right-of-way and all SCMs shall be no less than 25-feet wide. The easement shall also incorporate the entire SCM plus an additional 25-~~feet~~ wide band around the perimeter of the SCMs.

(d) The easement shall be graded and/or stabilized as necessary to allow maintenance equipment to access and manipulate around and within each facility, as defined in the Inspection and Maintenance Agreement for the site.

(e) Easements to structural SCMs shall be restricted against the planting in said easement of trees, shrubbery, or other woody growth; against the construction therein of buildings, fences, walls, and other structures that may obstruct the free flow of stormwater and the passage of inspectors and maintenance equipment; and against the changing of final grade from that described by the final grading plan approved by the City of Brunswick. Any re-grading and/or obstruction placed within a maintenance easement may be removed

by the City of Brunswick at the property owners' expense. Grading and/or obstructions that is/are revised or removed may not be returned to original condition or configurations if determined by the City of Brunswick to be an obstruction to the operation and maintenance of the stormwater facility. (Ord. 81-2022. Passed 11-14-22.)

1236.12 MAINTENANCE AND FINAL INSPECTION APPROVAL.

To receive final inspection and acceptance of any project, the following must be completed by the owner and provided to the City Engineer:

(a) Final stabilization and all permanent SCMs must be installed and made functional, as determined by the City Engineer and per the approved Comprehensive Stormwater Management Plan.

(b) An As-Built Survey must be certified (sealed, signed and dated) by a Professional Engineer with a statement certifying that the stormwater control measures as designed and installed, meet the requirements of the Comprehensive Stormwater Management Plan approved by the City Engineer. In evaluating this certification, the City Engineer may require the submission of a new set of stormwater practice calculations if he/she determines that the design was altered significantly from the approved Comprehensive Stormwater Management Plan. The As-Built Survey must provide the location, dimensions, and bearing of such SCMs and include the entity responsible for long-term maintenance as detailed in the Inspection and Maintenance Agreement.

(c) A copy of the complete and recorded Inspection and Maintenance Plan and Inspection and Maintenance Agreement as specified in Section 1236.08 must be provided to the City Engineer.

(Ord. 81-2022. Passed 11-14-22.)

1236.13 ON-GOING INSPECTIONS.

The owner shall inspect SCMs regularly as described in the Inspection and Maintenance Plan and Inspection and Maintenance Agreement. The City has the authority to enter upon the property to conduct inspections as necessary, with prior notification of the property owner, to verify that the SCMs are being maintained and operated in accordance with this regulation. Upon finding a malfunction or other need for maintenance, the City of Brunswick shall provide written notification to the responsible party, as detailed in the Inspection and Maintenance Agreement, of the need for maintenance. Upon notification,

the responsible party shall have ten (10) working days, or other mutually agreed upon time, to make repairs or submit a plan with detailed action items and established timelines. Should repairs not be made within this time, or a plan approved by the City Engineer for these repairs not be in place, the City of Brunswick may undertake the necessary repairs and assess the responsible party.

(Ord. 81-2022. Passed 11-14-22.)

1236.14 FEES.

The Comprehensive Stormwater Management Plan review, filing, and inspection fee is part of a complete submittal and is required to be submitted to the City of Brunswick before the review process begins. The City Engineer shall establish a fee schedule based upon the actual estimated cost for providing these services. At such time that the fee reserve balance falls below 35% of its original balance the owner may be required to deposit additional funds to cover the anticipated costs of future fees or return the reserve to the original balance as determined by the City Engineer.

(Ord. 81-2022. Passed 11-14-22.)

1236.15 BOND.

(a) If a Stormwater Management Plan is required by this regulation, soil-disturbing activities shall not be permitted until a performance guarantee (cash, bond or letter of credit) of one thousand five hundred dollars (\$1,500)/acre disturbed, has been deposited with the City of Brunswick. This Bond shall only be required if the proposed work is not covered by other engineering Bonds securing the same improvements, in an amount equal to or greater than the bonding rate presented above, have been deposited with the City of Brunswick. This bonding instrument must be in a form acceptable to the Law Director and shall be posted for the benefit of the City of Brunswick to perform the obligations otherwise to be performed by the owner as stated in this regulation and to allow all work to be performed as needed in the event that the owner fails to comply with the provisions of this regulation. No project subject to this regulation shall commence without a Stormwater Management Plan approved by the City Engineer. The stormwater bond will be returned when the following three criteria are met:

(1) After eighty percent (80%) of the lots of the project have been complete or eighty percent (80%) of the total project has been permanently stabilized from the time of permanent stabilization have passed.

(2) The City Engineer conducts an as-built inspection of all water quality practices and issues final acceptance that the water quality practices have been constructed per the approved Plan.

(3) An Inspection and Maintenance Plan has been approved by the City and An Inspection and Maintenance Agreement signed by the developer, the contractor, the City of Brunswick, and the private owner or homeowner's association who will take long-term responsibility for these SCMs, is accepted by the City Engineer.

(b) Once these criteria are met, the owner shall be reimbursed all bond monies that were not used for any part of the project. If all of these criteria are not met after three years of permanent stabilization of the site, the City of Brunswick may use the bond monies to fix any outstanding issues with all water quality structures on the site and the remainder of

the bond shall be given to the private lot owner/ homeowners association for the purpose of long-term maintenance of the project.

(Ord. 81-2022. Passed 11-14-22.)

1236.16 INSTALLATION OF WATER QUALITY BEST MANAGEMENT PRACTICES.

The owner may not direct runoff through any water quality structures until the site has reached final stabilization as determined by the City Engineer. This is required to prevent the clogging of any of the constructed facilities with sediment due to erosion from unstabilized areas. This occurs after the completion of the final grade at the site, after all of the utilities are installed, and the site is subsequently stabilized with vegetation or other appropriate methods. The developer must provide documentation acceptable to the City Engineer to demonstrate that the site is completely stabilized. Upon this proof of compliance, the water quality structure(s) may be completed and placed into service. Upon completion of installation of these SCMs, all disturbed areas and/or exposed soils caused by the installation of these SCMs must be stabilized within two (2) days.

(Ord. 81-2022. Passed 11-14-22.)

1236.17 VIOLATIONS.

No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.

(Ord. 81-2022. Passed 11-14-22.)

1236.18 APPEALS.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City of Brunswick in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made in conformity with Ohio R.C. 2506. Written notice of appeal shall be served on the City of Brunswick.

(Ord. 81-2022. Passed 11-14-22.)

1236.99 PENALTY.

(a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The imposition of any other penalties provided herein shall not preclude the City of Brunswick instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City of Brunswick.

(Ord. 81-2022. Passed 11-14-22.)

CHAPTER 1238

Establishment of Riparian Zones

1238.01 Public purpose.

1238.02 Applicability.

1238.03 Definition.

1238.04 Establishment of designated watercourses and riparian zones.

1238.05 Permitted structures and uses within a designated riparian zone.

1238.06 Structures and uses prohibited in riparian zones.

1238.07 Inspection of riparian zones.

1238.08 Violations.

1238.09 Appeals.

1238.99 Penalty.

1238.01 PUBLIC PURPOSE.

(a) The specific purpose and intent of this regulation is to regulate building and land use within riparian zones that would impair the ability of these areas to:

(1) Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters and regulating base flow.

(2) Assist in stabilizing the banks of watercourses to reduce woody debris from fallen or damaged trees, stream bank erosion, and the downstream transport of sediments eroded from watercourse banks.

(3) Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses.

(4) Reduce pollutants in watercourses by filtering, settling and transforming pollutants in runoff before they enter watercourses.

(5) Provide watercourse habitats with shade and food.

(6) Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.

(7) Provide riparian habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.

(b) This regulation has been enacted to protect these services of riparian areas by providing reasonable controls governing building and land use within a riparian zone along designated watercourses in Brunswick.

(Ord. 19-06. Passed 4-24-06.)

1238.02 APPLICABILITY.

(a) This regulation shall apply to all zoning districts in Brunswick as defined in the most recent version of the Brunswick Zoning Resolution.

(b) This regulation shall apply to all lands that are within the jurisdiction of Brunswick and that border designated watercourses as defined in this regulation.

(Ord. 19-06. Passed 4-24-06.)

1238.03 DEFINITION.

For the purpose of this regulation, the following terms shall have the meaning herein indicated.

(a) "Brunswick" means City of Brunswick, its designated representatives, boards, or commissions.

(b) "Damaged or Diseased Trees" means trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or on to a structure.

(c) "Designated Watercourse" means a watercourse that is contained within, flows through, or borders Brunswick and meets the criteria set forth in Section 1238.04 of this regulation.

(d) "Federal Emergency Management Agency (FEMA)" means the agency with overall responsibility for administering the National Flood Insurance Program.

(e) "100-Year Floodplain" means any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. The 100- Year Floodplain shall be defined by the Federal Emergency Management Agency maps for the City of Brunswick.

(f) "Ohio Environmental Protection Agency" means the organization referred through this regulation as the "Ohio EPA".

(g) "Ordinary High Water Mark" means the point of the stream bank to which the presence and action of surface water is so continuous as to leave an area marked by erosion, destruction, or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. The ordinary high-water mark defines the bed of a watercourse.

(h) "Riparian Area" means naturally vegetated land adjacent watercourses that, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this regulation.

(i) "Riparian Zone" means those lands in Brunswick that fall within the area defined by the criteria set forth in Section 1238.04 of this regulation.

(j) "Soil and Water Conservation District" means an entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employees.

(k) "Soil Disturbing Activity" means clearing, grading, excavating, filling, dumping, grubbing, stripping, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

(l) "Waste Water Treatment Plant (WWTP)" means a facility at the end of the sanitary collection system which processes the influent waste, and discharges water to a receiving system, treated to the standards of the Ohio Environmental Protection Agency (EPA).

(m) "Watercourse" means any brook, channel, creek, river, or stream having banks, a defined bed, and definite direction of flow, either continuously or intermittently flowing.

(n) "Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 CFR 232, as amended)

(Ord. 19-06. Passed 4-24-06.)

1238.04 ESTABLISHMENT OF DESIGNATED WATERCOURSES AND RIPARIAN ZONES.

(a) Designated watercourses shall include those watercourses meeting any one of the following criteria:

(1) All watercourses draining an area greater than or equal to $\frac{1}{2}$ square mile, or

(2) All watercourses draining an area less than $\frac{1}{2}$ square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, the City Engineer may consult with representatives of the Medina SWCD, U.S. Army Corps of Engineers, Ohio EPA or other technical experts.

(b) Riparian zones on designated watercourses are established as follows:

(1) A minimum of 120 feet on each side of all watercourses draining an area greater than or equal to 20 square miles.

(2) A minimum of 75 feet on each side of all watercourses draining an area greater than or equal to $\frac{1}{2}$ square mile and up to 20 square miles.

(3) A minimum of 25 feet on each side of all watercourses draining an area less than $\frac{1}{2}$ square mile and having a defined bed and bank as determined in Section 1238.04 (a) (2) of this regulation.

(c) Riparian Zone Map. The City shall create a map identifying designated watercourses and their riparian zones. This map is attached with this regulation as Exhibit A. The following shall apply to the Riparian zone Map:

(1) Nothing herein shall prevent the City from making additions, amendments, revisions, or deletions from the Riparian zone Map.

(2) If any discrepancy is found at the time of application of this regulation between the Riparian Zone Map and the criteria for designated watercourses or riparian zones as set forth in Section 1238.04 (a) and (b) of this regulation. Section 1238.04 (a) and (b) shall prevail.

(d) The following shall apply in riparian zones:

(1) Riparian zones shall be measured in a horizontal direction, perpendicular to the stream and outward from the ordinary high-water mark of each designated watercourse.

(2) Except as otherwise provided in this regulation, riparian zones shall be preserved in their natural state.

(3) Where the 100-year floodplain is wider than a riparian zone on either or both sides of a designated watercourse, the riparian zone shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA.

(4) Where wetlands are identified within a riparian zone the minimum riparian zone width shall be extended to the outer boundary of the wetland. Wetlands shall be delineated by a site survey prepared by a qualified wetland professional using delineation protocols accepted by the U.S. Army Corps of Engineers at the time of application. The wetlands delineation shall also have been submitted to the U.S. Army Corps of Engineers for its review and acceptance. Proof of such U.S. Army Corps of Engineers acceptance must be submitted with the Final Site Plan.

(e) The site owner shall be responsible for delineating riparian zones as required by these regulations and shall identify these setbacks on all site plans submitted to the City Engineer. The site plan shall be drawn to scale and shall be based upon a survey of the affected lot performed and stamped by a Professional Surveyor registered to practice in the State of Ohio. Two (2) copies of the site plan shall be submitted with the Discussion Site Plan application as required by the resolution. In addition, the site plan shall be submitted in an electronic format, either in Arc View GIS or AutoCAD.

(f) If soil disturbing activities, or construction related activities such as materials storage, will occur within 100 feet of the outer boundary of a riparian zone, the riparian zone shall be clearly delineated by the site owner on-site with construction fencing prior to any soil disturbing or construction related activities. Such delineation shall extend 50 feet beyond the limits of soil disturbing or construction related activities and shall be maintained throughout soil disturbing or construction related activities.

(g) The City Engineer shall not issue approvals or permits prior to delineation of riparian zones by the applicant and in conformance with this regulation as detailed in Section 1238.04 (f).

(h) The City Engineer may consult with the Medina SWCD, U.S. Army Corps of Engineers, Ohio EPA or other technical experts retained by City Council in reviewing any submittals associated with implementation of this regulation.

(Ord. 19-06. Passed 4-24-06.)

1238.05 PERMITTED STRUCTURES AND USES WITHIN A DESIGNATED RIPARIAN ZONE.

The following structures and uses are permitted in the riparian zone provided all other necessary approvals and permits have been obtained from the City of Brunswick, U.S. Army Corps of Engineers, Ohio EPA or any other governmental agency having jurisdiction. No structure of use permitted under this regulation shall allow trespass on, or public access to, privately held lands.

(a) Recreational Activity. Passive recreational uses.

(b) Removal of Damaged or Diseased Trees. Damaged or diseased trees may be removed.

(c) Maintenance and Repairs. Maintenance and repair on roads, driveways, bridges, culverts, trails, walkways, paths, sanitary sewer facilities and appurtenances, water distribution systems and appurtenances, storm sewers, and on-site sewage disposal systems, all existing at the time of passage of this resolution.

(d) Maintenance and Cultivation of Lawns and Landscaping. The maintenance of lawns, landscaping, shrubbery, or trees, all existing at the time of passage of this resolution.

(e) Crossings. Crossings of designated watercourses through riparian zones with roads, driveways, easements, bridges, culverts, utility service lines, or other means shall be allowed, subject to requirements established by the Brunswick City Engineer, U.S. Army Corps of Engineers, Ohio EPA or other governmental agency having jurisdiction. If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to the City Engineer. Proof of compliance shall be the following:

(1) A site plan showing that any proposed crossing conforms to the general and specific conditions of the applicable Nationwide Permit, or

(2) A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or

(3) A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

(f) Streambank Stabilization Projects. Streambank stabilization projects along designated watercourses shall be allowed, subject to other requirements of the Brunswick Codified Ordinances. If streambank stabilization work is proposed below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit 13, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification) shall be provided to the City Engineer. Proof of compliance shall be the following:

(1) A site plan showing that any proposed crossing conforms to the general and specific conditions of Nationwide Permit 13, or

(2) A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under Nationwide Permit 13, or

(3) A copy of the authorization letter from the U. S. Army Corps of Engineers approving activities under an Individual Permit.

(g) Storm Water Retention and Detention Facilities. Storm water retention and detention facilities may be constructed in the riparian zone, provided:

(1) Storm water quality treatment consistent with current Ohio EPA and other Brunswick Codified Ordinances is incorporated into the basin.

(2) Storm water retention and detention facilities are located at least 50 feet from the ordinary high-water mark of the designated watercourse.

(Ord. 19-06. Passed 4-24-06.)

1238.06 STRUCTURES AND USES PROHIBITED IN RIPARIAN ZONES.

Any structure or use not permitted under the Codified Ordinances of the City of Brunswick shall be prohibited in riparian zones. The following structures or uses are specifically prohibited:

(a) Construction. There shall be no construction of structures, utilities or sewers, land clearing, grading filling, stockpiling, placement of projects related trailers, parking or equipment or tree cutting of any kind except as permitted under this regulation, and except that a residential accessory building or structure may be built within a riparian setback subject to the following:

(1) The structure does not exceed two hundred (200) square feet;

(2) Installation of the structure will not necessitate the alteration of the 100-year floodplain as defined by FEMA;

(3) The structure is anchored securely to the ground so that it will not become dislocated in a rain event or flooding incident; and

(4) Any application to build a structure in a riparian setback shall be reviewed and approved by the City Engineer.

(b) Dredging or Dumping. There shall be no drilling, filling, dredging, or dumping of soil, spoils, liquids, yard wastes, or solid materials, except for noncommercial composting of uncontaminated natural materials and except as permitted under this regulation.

(c) Fences and Walls. There shall be no fences or walls constructed in the riparian zone except as permitted under this regulation, and except that a residential fence may be built within a riparian setback subject to the following:

(1) Installation of the fence will not necessitate the alteration of the 100-year floodplain as defined by FEMA;

(2) The fence is designed to allow surface water to flow freely through or underneath in a rain event or flooding incident; and

(3) Any application to build a fence in a riparian setback shall be reviewed and approved by the City Engineer.

(d) Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles. There shall be no parking spaces, lots, or loading/unloading spaces, except as permitted under this regulation.

(e) Roads or Driveways. There shall be no roads or driveways, except as permitted under this regulation.

(Ord. 19-06. Passed 4-24-06; Ord. 74-2022. Passed 11-14-22.)

1238.07 INSPECTION OF RIPARIAN ZONES.

The City Engineer shall inspect the field delineation of riparian zones.

(a) Field delineations of riparian zones required by this ordinance shall be made prior to soil disturbing activities authorized by the City Engineer under a subdivision or land development plan. The applicant shall provide the City Engineer with at least two (2) working days notice prior to starting such soil disturbing activities. Construction fences, as prescribed by this ordinance and which serve to delineate riparian zone areas, must be installed prior to the issuance of two (2) working days notice to the City Engineer.

(b) Prior to activities authorized by the City Engineer under Section 1238.05 of this regulation. The applicant shall provide the City Engineer with at least two (2) working days notice prior to starting such activities.

(Ord. 19-06. Passed 4-24-06.)

1238.08 VIOLATIONS.

No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.

(Ord. 19-06. Passed 4-24-06.)

1238.09 APPEALS.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City of Brunswick in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made in conformity with Ohio R.C. 2506. Written notice of appeal shall be served on the City of Brunswick.

(Ord. 19-06. Passed 4-24-06.)

1238.99 PENALTY.

(a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The imposition of any other penalties provided herein shall not preclude the City of Brunswick instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City of Brunswick.

(Ord. 19-06. Passed 4-24-06.)

CHAPTER 1239

Illicit Discharge and Illegal Connection Control

1239.01 Purpose and scope.

1239.02 Applicability.

1239.03 Definitions.

1239.04 Disclaimer of liability.

1239.05 Conflicts, severability, nuisances and responsibility.

1239.06 Responsibility for administration.

1239.07 Discharge and connection prohibitions.

1239.08 Monitoring of illicit discharges and illegal connections.

1239.09 Enforcement.

1239.10 Remedies not exclusive.

1239.99 Penalty.

CROSS REFERENCES

Erosion and sediment control - see P. & Z. Ch .1234

Storm Water Management - see P. & Z. Ch. 1236

1239.01 PURPOSE AND SCOPE.

The purpose of this regulation is to provide for the health, safety, and general welfare of the residents of the City of Brunswick through the regulation of illicit discharges to the municipal separate storm sewer system (MS4). This regulation establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Protection Agency (Ohio EPA). The objectives of this regulation are:

- (a) To prohibit illicit discharges and illegal connections to the MS4.
- (b) To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.

(Ord. 23-07. Passed 4-9-07.)

1239.02 APPLICABILITY.

This regulation shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the City of Brunswick, except for those discharges generated by the activities detailed in Section 1239.07 (a)(1) to (a)(3) of this regulation. (Ord. 23-07. Passed 4-9-07.)

1239.03 DEFINITIONS.

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

- (a) Best Management Practices (BMPs): means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- (b) Community: means the City of Brunswick, its designated representatives, boards, or commissions.

(c) Environmental Protection Agency or United States Environmental Protection Agency (USEPA): means the United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agency.

(d) Floatable Material: in general, this term means any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.

(e) Hazardous Material: means any material including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(f) Illicit Discharge: as defined at 40 C.F.R. 122.26 (b)(2) means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to a NPDES permit or noted in Section 1239.07.

(g) Illegal Connection: means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.

(h) Municipal Separate Storm Sewer System (MS4): as defined at 40 C.F.R. 122.26 (b)(8), municipal separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(1) Owned or operated by a State, city, town, borough, county, parish, district, municipality, township, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over sewage, industrial wastes, including special districts under State law such as a sewer district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States;

(2) Designed or used for collecting or conveying storm water;

(3) Which is not a combined sewer; and

(4) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. 122.2.

(i) National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC §1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general areawide basis.

(j) Off-Lot Discharging Home Sewage Treatment System: means a system designed to treat home sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.

(k) Owner/Operator: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.

(l) Pollutant: means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.

(m) Storm Water: any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(n) Wastewater: The spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

(Ord. 23-07. Passed 4-9-07.)

1239.04 DISCLAIMER OF LIABILITY.

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

(Ord. 23-07. Passed 4-9-07.)

1239.05 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City of Brunswick, shall prevail.

(b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

(c) This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(d) Failure of the City of Brunswick to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in

the City of Brunswick, its officers, employees, or agents being responsible for any condition or damage resulting therefrom. (Ord. 23-07. Passed 4-9-07.)

1239.06 RESPONSIBILITY FOR ADMINISTRATION.

The City of Brunswick shall administer, implement, and enforce the provisions of this regulation. The City of Brunswick may contract with the Medina County Board of Health to conduct inspections and monitoring and to assist with enforcement actions.

(Ord. 23-07. Passed 4-9-07.)

1239.07 DISCHARGE AND CONNECTION PROHIBITIONS.

(a) Prohibition of Illicit Discharges. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except as described below:

(1) Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; de-chlorinated swimming pool discharges; street wash water; and discharges or flows from fire-fighting activities. These discharges are exempt until such time as they are determined by the City of Brunswick to be significant contributors of pollutants to the MS4.

(2) Discharges specified in writing by the City of Brunswick as being necessary to protect public health and safety.

(3) Discharges from off-lot discharging home sewage treatment systems permitted by the Medina County Board of Health for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29-02(6) until such time as the Ohio Environmental Protection Agency issues an NPDES permitting mechanism for residential 1, 2, or 3 family dwellings. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Medina County Board of Health.

In compliance with the City of Brunswick Storm Water Management Program, discharges from all off-lot discharging home sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency. When such permit coverage is available, discharges from off-lot discharging home sewage treatment systems will no longer be exempt from the requirements of this regulation.

(b) Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.

(1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(2) A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4, or allows such a connection to continue.

(Ord. 23-07. Passed 4-9-07.)

1239.08 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS.

(a) Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: The City of Brunswick shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4. This program shall include the mapping of the MS4, including MS4 outfalls and home sewage treatment systems; the routine inspection of storm water outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial, and institutional facilities for the sources of any dry weather flows found as the result of these inspections.

(b) Inspection of Residential, Commercial, Industrial, or Institutional Facilities.

(1) The City of Brunswick shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.

(2) The City of Brunswick shall have the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by the City of Brunswick.

(3) The City of Brunswick shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality shall be calibrated by the City of Brunswick to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the City of Brunswick and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.

(5) Unreasonable delays in allowing the City of Brunswick access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.

(6) If the City of Brunswick is refused access to any part of the facility from which storm water is discharged, and the City of Brunswick demonstrates probable cause to

believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the City of Brunswick may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.

(7) Any costs associated with these inspections shall be assessed to the facility owner/operator.

(Ord. 23-07. Passed 4-9-07.)

1239.09 ENFORCEMENT.

(a) Notice of Violation. When the City of Brunswick finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the City of Brunswick may order compliance by written Notice of Violation. Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility. Such notice may require the following actions:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit discharges or illegal connections;
- (3) That violating discharges, practices, or operations cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or
- (5) The implementation of source control or treatment BMPs.

(b) If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said Notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.

(c) Any person receiving a Notice of Violation must meet compliance standards within the time established in the Notice of Violation.

(d) Hearing: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, the City of Brunswick shall issue a citation for noncompliance. Notice of the citation shall be hand delivered and/or sent registered mail.

(e) Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation pursuant to Ohio R.C. 3709.211. If a owner/operator has violated or continues to violate the provisions of this regulation, the City of Brunswick may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further

violations or compelling the owner/operator to perform abatement or remediation of the violation.

(Ord. 23-07. Passed 4- 9-07.)

1239.10 REMEDIES NOT EXCLUSIVE.

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law and it is in the discretion of the City of Brunswick to seek cumulative remedies.

(Ord. 23-07. Passed 4-9-07.)

1239.99 PENALTY.

(a) Any person, firm, entity or corporation; including but not limited to, the owner and or operator of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues beyond the date established in the Notice of Violation as set forth in Section 1239.09.

(b) All expenses incurred by the City of Brunswick to initiate an enforcement action, implement a mitigating event, remediation of damages caused or resolve a violation shall be the responsibility of the property owner and/or operator.

(Ord. 23-07. Passed 4-9-07.)

APPENDIX A TYPICAL MINOR SUBDIVISION MAP

-

RULES AND REGULATIONS FOR ACCEPTANCE OF A ONE LOT SUBDIVISION

Draw on ~~linen or~~ mylar.

Size 8 ½" x 14" or multiple thereof a s17" x 28".

Survey must close within error limit of 1/5000.

Survey must be tied into a lot corner or intersection of two roads by bearing and distance.

Drawing need not be to scale – use of broken lines permitted.

North point must be shown.

Names of adjoining owners.

Carry acreage to three decimal places.

Linear measurements to 1/100 of a foot.

Description to run clockwise from place of beginning.

~~APPENDIX B~~ ~~APPENDIX B – Repealed~~

~~Preliminary Plan Requirement: Submit one (1) copy to the City Engineer~~

-

-

~~PRELIMINARY STEPS CERTIFICATION FORM~~

~~Brunswick, Ohio~~

-

~~Name of subdivision:~~

~~Location: _____~~

~~Name of subdivider: _____~~

~~Address of subdivider: _____~~

~~Telephone number where subdivider may be reached: _____~~

~~Agency _____~~

~~Signature~~

~~Regional Planning Commission _____~~

~~County Health Commissioner _____~~

~~County Sanitary Engineer _____~~

~~City Engineer _____~~

~~City Law Director _____~~

Electric Company _____
Gas Company _____
Telephone Company _____
Lending Institution _____
-
-
-

APPENDIX C – Repealed

Preliminary Plan Requirement: Submit two (2) copies to the City Engineer

-
-

APPLICATION FOR PRELIMINARY PLAN APPROVAL

Brunswick, Ohio

_____ No.: _____

Name of subdivision: _____

Location: _____

Name of subdivider: _____

Address of subdivider: _____

Telephone number where subdivider may be reached: _____

-

Application is hereby made for approval of the Preliminary Plan. The following documents are made a part of this application:

- a. One copy of the Preliminary Steps Certification;
- b. Sixteen copies of the Preliminary Plan including a Vicinity Map;
- c. Any other data the Secretary deems necessary.

-

Action by the City Council and City Planning Commission should be sent to:

-

Name: _____

Address: _____

Respectfully submitted this _____ day of , 19.

Signed _____

-

Number of lots _____ Preliminary Plan fee _____

-

City Planning Commission action: Approve ,

~~Approve conditionally , Disapprove~~ _____

-

City Council action: Approve ,

~~Approve conditionally , Disapprove~~ _____

~~By Resolution No.~~ _____

-

Comments: _____

-

Date: _____ Chairman of Planning Commission

-

Copies to: ~~City Engineer~~ ~~Division of Permits and Inspections~~

~~County Sanitary Engineer~~ ~~Applicant (2)~~

~~Planning Commission~~

-

APPENDIX D
TYPICAL PRELIMINARY PLAN SUBDIVISION MAP

APPENDIX E

Final Plat Requirement: Submit two (2) copies to the City Engineer

Commented [RS1]: Needs to match previous comments in previous subdivision regulations

APPLICATION FOR FINAL PLAT APPROVAL

Brunswick, Ohio

No.

Name of subdivision:

Location:

Name of subdivider:

Address of subdivider:

Telephone number where subdivider may be reached:

Application is hereby made for approval of the Final Plat. The following documents are made a part of this application:

- a. One copy of the approved Preliminary Plan and Application;
- b. One copy of protective covenants, if proposed;
- c. Original tracing, along with duplicate linen, and three copies of Final Plat and Vicinity Map;
- d. One copy of financial guarantees approved by the City Law Director in amount stated by City Engineer;
- e. ~~Original tracing, along with duplicate linen, and one~~two copy and one digital copyies of Improvement Plans; and
- f. ~~Certificate of Zoning Compliance.~~

Action by the City Council and City Planning Commission should be sent to:

Name:

Final Plat

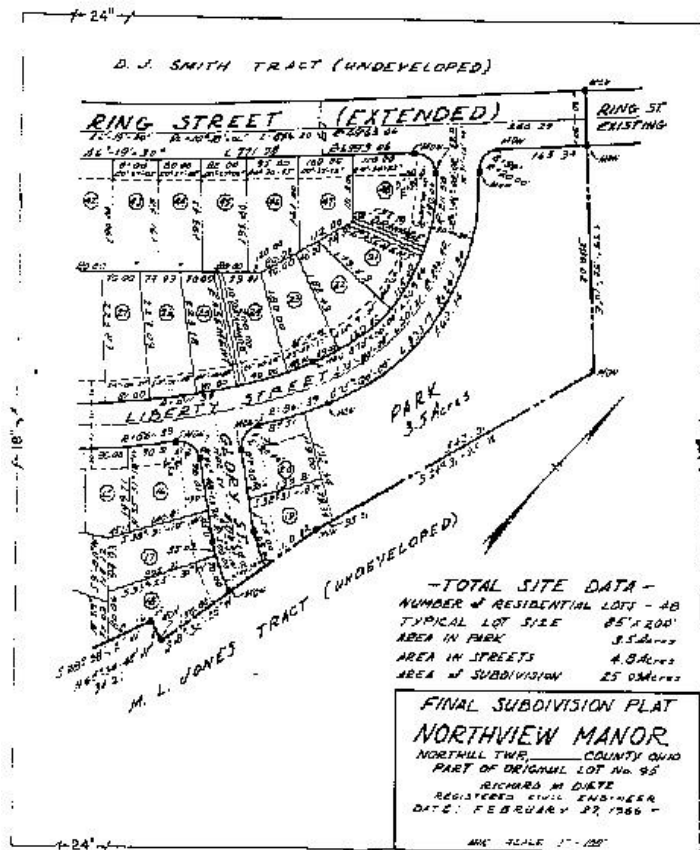
fee

Approve conditionally , Disapprove

Approve conditionally , Disapprove

Comments:

County Sanitary Engineer Applicant (2)



APPENDIX G CONSTRUCTION AGREEMENT

THIS AGREEMENT, made pursuant to the provisions of Ohio Revised Code Chapter 711, Brunswick Code Part 12 and Brunswick City Ordinance No. 27-82, by and between the

CITY OF BRUNSWICK, an Ohio Municipal Corporation hereinafter referred to as the "City," and _____, hereinafter referred to as the "Developer," the City and the Developer being sometimes hereinafter collectively referred to as the "Parties."

WITNESSETH:

WHEREAS, the Developer is the owner of certain real property located within the City of Brunswick which the Developer plans to subdivide and develop as a subdivision;

WHEREAS, the City of Brunswick, the Brunswick City Council and/or the Brunswick City Planning Commission has been delegated authority pursuant to the applicable provisions of the Ohio Revised Code and the Brunswick City Code to direct and control the plat ting of property located within the City of Brunswick or under the jurisdiction of the City of Brunswick;

WHEREAS, in accord with the aforesaid authority the City of Brunswick has promulgated regulations and requirements governing the method and the manner in which streets, public ways, water mains, sanitary sewers, storm sewers, utility mains and other facilities to be located in a subdivision shall be installed, constructed and improved;

WHEREAS, the Developer has received the approval of the Brunswick City Planning Commission of its preliminary plat for a subdivision to be located within the City of Brunswick or under the jurisdiction of the City of Brunswick and;

WHEREAS, the City of Brunswick desires to insure the complete and proper construction and installation of all streets, public ways, water mains, sanitary sewers, storm sewers, utility mains and other facilities to be installed in the subdivision;

NOW THEREFORE, in consideration of the foregoing premises and in consideration of the promises, covenants, obligations and undertakings hereinafter set forth, the Parties agree as follows:

1. DEFINITIONS:

It is agreed between the City and the Developer that the following definitions shall apply to and control the construction and interpretation of this Construction Agreement:

(a) "Preliminary subdivision plat or plan" means the real estate plat for the _____ Subdivision that has been attached hereto as Exhibit "A."

(b) " _____ Subdivision, Phase ____ " means all the real estate contained in or reflected by the subject tract and the subdivision plat, together with all subdivision improvements specified in the subdivision plat or plan, the conditional zoning certificate and the subdivision construction drawings.

(c) "Conditional zoning certificate" means that conditional zoning certificate which is attached hereto as Exhibit "B," if a conditional zoning certificate is applicable or exists.

(d) "Subdivision construction drawings" means that set of final prints and drawings, as may be approved by the City Engineer, the County Sanitary Engineer and/or the Cleveland City Water Department, which contain construction specifications governing the manner and method of installing the roads, streets, rights of way (if applicable), storm sewers, sanitary sewers, water mains, utility mains and recreational facilities to be installed in the Subdivision, Phase _____. Such subdivision drawings are attached hereto as Exhibit "C."

(e) "Subdivision improvements" means and includes all streets, roads, rights of way (if applicable), sidewalks, public sidewalks, guardrails, bridges, conduits, culverts, ditches, storm sewers, sanitary sewers, water mains, waterlines, utility mains (whether gas, electric or telephone), parks, recreation facilities and recreation areas, together with all other improvements and facilities that are named, specified or referred to in the subdivision construction drawings.

(f) "Storm sewer" means any ditch, culvert, pipe, conduit, waterway, stream, watercourse, river or other device existing or designed to contain or control the flow of all types of surface and drainage water.

(g) "City Engineer" means the duly appointed Brunswick City Engineer.

(h) "Service Director" means the duly appointed Brunswick Director of Public Service.

(i) "City Law Director" means the duly appointed Brunswick City Law Director.

(j) "City Manager" means the duly appointed Brunswick City Manager.

(k) "County Engineer" means the duly elected Medina County Engineer.

(l) "County Sanitary Engineer" means the duly appointed Medina County Sanitary Engineer.

Except as otherwise herein defined and provided, the various definitions of words, terms and phrases, as set forth in Chapter 1220 through 1239~~2~~ of the Codified Ordinances of the City, shall apply to and control the construction and interpretation of this Construction Agreement.

2. SUBDIVISION IMPROVEMENTS:

The Developer shall, at its own cost and expense, install or cause to be installed, in the subdivision, all subdivision improvements specified in the subdivision construction drawings.

All subdivision improvements shall be constructed, installed and completed in accordance with the specifications and requirements set forth in the subdivision construction drawings.

The Developer shall complete construction and subdivision improvements within twenty-four months from the date of approval of the final plat, as specified in Section 1224.04(e)(3) of the Codified Ordinances of the City.

3. CONSULTING ENGINEER:

The Developer shall, at its own cost and expense, engage the services of a duly accredited and qualified civil engineer, registered in the State, to act as a consulting engineer during the course of construction and installation of the subdivision improvements, shall be approved by the City Engineer.

The consulting engineer shall be physically ~~present at~~ present at the ~~Subdivision, Phase ____ and job site~~ at all times as may be required by the City Engineer during construction and installation of all subdivision improvements. The consulting engineer shall supervise and monitor the construction and installation of all subdivision improvements to ensure that the improvements are constructed as detailed on the approved subdivision construction drawings.

The consulting engineer shall, upon completion of all subdivision improvements, certify, in writing, to the City Engineer that all subdivision improvements were properly constructed and installed in accordance with the specifications and requirements set forth in the subdivision construction drawings. It is further agreed that the City is not obligated to provide a final inspection for the subdivision improvements, nor is the City Engineer required to provide written acknowledgment that the subdivision improvements have passed final inspection, until receipt of such written certification of the consulting engineer and a set of "as-built" drawings.

The consulting engineer shall file, with the City Engineer, a set of reproducible drawings on reproduction media such as mylar, showing the project "as-built." Such drawings shall allow the City Engineer to produce prints for distribution.

The consulting engineer may modify the provisions of the construction drawings as may be necessary and proper to ensure proper construction of the subdivision improvements, provided that the written approval of the City Engineer is first obtained.

4. GRADE BONDS AND SIDEWALKS:

Notwithstanding the various terms of this Construction Agreement, the Developer shall perform all obligations and requirements pertaining to grade bonds as are set forth in Chapter 1420 of the Codified Ordinances of the City.

It is specifically agreed that the City is not obligated to provide final acceptance of subdivision improvements until all sidewalks are installed or adequate security (as deemed appropriate by the City Law Director at his or her sole discretion) for the installation of sidewalks is provided to the City by the Developer.

5. SECURITY FOR PERFORMANCE:

As and for security for the Developer's performance and completion of the obligations set forth in Paragraph 2 of this Construction Agreement, the Developer shall, upon the execution of this Construction Agreement, provide the City with a financial guarantee and a disbursement agreement issued and executed by a commercial lending institution. The commercial lending institution shall be approved and accepted by the City Manager. The financial guarantee and disbursement agreement shall be in a form and shall contain such terms and provisions deemed necessary by the Law Director to ensure the Developer's faithful performance and completion of the obligations of the Developer as set forth in Paragraph 2 of this Construction Agreement. The financial guarantee and disbursement agreement shall contain an unconditional certification by the commercial lending institution that funds sufficient to complete all the Developer's obligations, as set forth in Paragraph 2 of this Construction Agreement, are available, unconditionally and irrevocably to the Developer, at or before the time of completion of such obligations. The financial guarantee and disbursement agreement shall also provide that no funds or part thereof certified to be available shall be released, except upon the commercial lending institution's receipt of a written authorization to release such funds, which authorization shall specify the amount of funds to be released and the party to whom such funds may be released and which authorization shall be approved and executed by the City Engineer.

As construction and installation of the subdivision improvements progress, the City Engineer shall, from time to time, authorize the commercial lending institution to make partial disbursements of such funds in an amount equal to ninety percent of the percentage of job completion multiplied by the amount of the total fund. The City Engineer is the sole determiner of the percentage of job completion of subdivision improvements at any given point in time.

Notwithstanding any of the terms of this paragraph, the commercial lending institution shall retain ten percent of the total fund until the Developer requests the final inspection required by Section 1230.03(b)(3) of the Codified Ordinances of the City, and until the City Engineer, the Cleveland City Water Department, the County Engineer and the County Sanitary Engineer provide written acknowledgment that the subdivision improvements have passed final inspection and are unconditionally accepted by the City of Brunswick, the City of Cleveland and Medina County.

It is specifically agreed that the Developer's obligation to completely and correctly construct and install the subdivision improvements is not limited to the amount of the fund or to the time period for which the bond is in effect.

In lieu of the provisions and obligations respecting the financial guarantee and disbursement agreement as security performance, the Developer may provide any other reasonable form of security for performance which may be accepted and approved in writing by the City Manager and the City Law Director.

It is specifically agreed that the Developer's obligation to completely and correctly install the subdivision improvements is contractual in nature and that the statute of limitations governing contracts is applicable. By execution of this Construction Agreement, the Developer hereby assigns, transfers and subrogates to the City any contractual rights that it may have against its subcontractors, subtrades, agents, employees or independent contractors for incomplete or incorrect installation of any of the subdivision improvements.

6. MAINTENANCE BOND:

The Developer shall, prior to requesting the final inspection referred to in Paragraph 5 of this Construction Agreement, provide a maintenance bond by a bonding company licensed to provide insurance and bonds in the State, in the amount specified in this paragraph by the City Engineer, for a period of two years from the date of unconditional acceptance of the subdivision improvements by the City. The maintenance bond shall be in an amount equal to ten percent of the total cost of all subdivision improvements, except the costs attributable to the installation of sanitary sewers. (The Developer acknowledges that Medina County may require a separate bond for sanitary sewers and agrees to provide the same. If such bonds are provided to Medina County, the cost of such improvements shall not be included when determining the amount of the maintenance bond otherwise required by this paragraph to be provided to the City.) It is specifically agreed that the City may require the Developer itself to post such bond and that the City is not obligated to accept bonds tendered by the Developer's subcontractors, subtrades or any other person or firm whatsoever.

During the period that the maintenance bond is in effect, the Developer shall, at its own cost and expense, maintain all subdivision improvements as may be necessary to restore the subdivision improvements to their original state of good repair and condition.

If it is necessary to repair or provide other maintenance services in order to maintain the subdivision improvements in their original state of good repair, the City shall provide written notice of that fact to the Developer.

If the Developer fails to maintain and keep the subdivision improvements in a state of good repair during the period of the maintenance bond, the City may engage the services of other firms or contractors to maintain, repair, correct or restore the subdivision improvements to their original state of good repair. If the City incurs expenses during the course of engaging the services of other firms or contractors to complete, maintain, correct or restore the subdivision improvements to their original state of good repair, the City may order forfeiture of the maintenance bond, or any part thereof, in an amount that it deems

necessary to defray and reimburse the costs of maintaining or repairing the subdivision improvements. If the forfeited maintenance bond or any part thereof is insufficient to defray and reimburse the City's costs in completing the maintenance and repair of the subdivision improvements, the Developer shall pay the City any additional amount expended by the City in carrying out the Developer's obligations under this Construction Agreement.

7. COMMENCEMENT OF CONSTRUCTION:

The Developer may begin construction of buildings on those lots or in those areas specifically designated by the City Engineer prior to the time that the City or Medina County accepts the subdivision improvements pursuant to the provisions of Paragraph 2 of this Construction Agreement, provided that the City Engineer, in his or her sole opinion, determines that such lots or areas are properly serviced by those subdivision improvements deemed necessary by the City Engineer and provided, further, that the City Engineer has furnished the Developer with written evidence of such determination prior to the commencement of construction.

8. INSPECTION SERVICES:

A City Inspector shall be present at the subdivision site during the installation of all plan improvements. The Developer agrees to reimburse the City for incurred costs for inspection work.

9. DEFAULT:

It is expressly agreed between the Parties that the relations and obligations created by this Construction Agreement are contractual in nature, thereby entitling the Parties, in the event of breach of the terms of this Construction Agreement, to any and all relief afforded in law and in equity by the laws of the State regarding contracts.

10. LIABILITY AND INSURANCE:

The Developer shall indemnify and save harmless the City against and from any and all claims, costs and expenses for injury to persons or damage to property, including the cost of investigation and litigation, which may be brought against the City, proximately caused or claimed to have been caused by any act or omission of the Developer, its agents, independent contractors or employees and arising out of, or claimed to have arisen out of, any activity connected with the construction and installation of the subdivision improvements, the maintenance of subdivision improvements or the failure to maintain the subdivision improvements as required by the terms of this Construction Agreement.

As security for the performance of the obligations set forth in this paragraph, the Developer shall provide and maintain, at its own expense, with insurers and under policies and with cancellation notice endorsements satisfactory to the City Law Director, public liability insurance with limits of not less than one million dollars (\$1,000,000) with respect to bodily injury or death of any one person, not less than two million dollars (\$2,000,000) with respect to bodily injury or death in any one accident and not less than five hundred thousand dollars (\$500,000) with respect to property damage. Such insurance shall indemnify and save harmless the City from any and all liability incurred by reason of any condition of the subdivision improvements, or by reason of any act that occurs during the course of the construction, installation and maintenance of the subdivision improvements. Such liability insurance shall name the City as an additional insured and shall contain a provision or endorsement which waives the insurer's rights of subrogation against the City. Such policy of liability insurance shall also contain a provision that the insurance cannot be canceled without at least ten days prior written notice to the City of such intended cancellation. Such policy of liability insurance or the insurer's certificates evidencing such insurance shall be delivered to the City at the time of the execution of this Construction Agreement. The policy of insurance shall in no event be allowed to expire earlier than the date of the expiration of the maintenance bond as set forth in Paragraph 6 of this Construction Agreement.

The Developer shall also, at its own cost and expense, provide a title guarantee and title insurance, in an amount of not less than two hundred thousand dollars (\$200,000), which shows and guarantees good, marketable title in the name of the City to all lands, rights of way and easements to be dedicated to the City and to all lands, rights of way or easements the benefit of which may or shall inure to the benefit of the City as is shown on the subdivision construction drawings. The policy of title insurance shall be in such form and shall contain such provisions as the City Law Director may require, and such policy of title insurance shall be delivered to the City at the time of the execution of this Construction Agreement.

11. REPRESENTATIONS OF DEVELOPER:

The Developer represents and warrants that it is either:

(a) A Corporation duly organized, validly existing and in good standing under the laws of the State and that it has all of the requisite power and authority to enter into this Construction Agreement. This Construction Agreement, the consummation of the transactions herein contemplated and the performance, observance and fulfillment by the Developer of all of the terms and conditions of this Construction Agreement on its part to be performed, observed and fulfilled, have been approved and authorized by the Board of Directors of the Developer and by the Shareholders of the Developer in accordance with the Developer's Articles of Incorporation, Code of Regulations and Ohio law. This Construction Agreement has been duly and validly executed and delivered by the Developer and constitutes the valid, binding and enforceable obligation of the Developer. The Developer has the right, power, legal capacity and authority to enter into

and perform its obligations under this Construction Agreement, and no consent of any third party is necessary with respect thereto. The execution and delivery of this Construction Agreement by the Developer, the consummation of the transactions herein contemplated and the performance, fulfillment and compliance with the terms and conditions of this Construction Agreement by the Developer do not and shall not conflict with any of the provisions of the Developer's Articles of Incorporation or Code of Regulations.

At the time of the execution of this Construction Agreement, the Developer shall provide the following documents and items to the City:

(1) A certificate of good standing issued by the Secretary of State, which reflects the fact that the Developer is a corporation in good standing in the State, and such other documents and/or evidence as the City Law Director may require to establish the fact that the Developer is a corporation in good standing in the State, copies of the foregoing certificate of good standing and such other documents and/or evidence being attached hereto as Exhibit "D";

(2) A certified copy of an incumbency certificate with respect to the appropriate officers of the Developer, which reflects the fact that such officers are the duly elected and/or appointed officers of the corporation at the time of the execution of this Construction Agreement, a copy of which is attached hereto as Exhibit "E;"

(3) Certified copies of the proceedings of the Developer's Board of Directors and proceedings of the Developer's Shareholders, which copies reflect the fact that the Developer's Directors and Shareholders have approved the terms and provisions of this Construction Agreement, have authorized the execution of this Construction Agreement by the Developer and have authorized the Developer to consummate the transaction herein specified, copies of such certified copies being attached hereto as Exhibit "F" and "G" respectively; and

(4) A certified copy of the proceedings of the Developer's Board of Directors which reflects the facts that the Developer's officers have been duly authorized by the Developer to execute this Construction Agreement for and on behalf of the Developer, a copy of which is attached hereto as Exhibit "H".

(b) A general and/or limited partnership validly existing and in good standing under the laws of the State and having all of the requisite power and authority to enter into this Construction Agreement.

This Construction Agreement, the consummation of the transactions herein contemplated and the performance, observance and fulfillment by the Developer of all of the terms and conditions of this Construction Agreement on its part to be performed, observed and fulfilled, have been duly approved and authorized by all of the general partners of the Developer. If this Construction Agreement has been duly and validly executed and delivered by the Developer and constitutes a valid, binding and enforceable obligation of the Developer, the Developer has the right, power, legal capacity and authority to enter into

and perform its obligations under this Construction Agreement, and no consent of any third party is necessary with respect thereto. The execution and delivery of this Construction Agreement by the Developer, the consummation of the transactions herein contemplated and the performance, fulfillment and compliance with the terms and conditions of this Construction Agreement by the Developer do not and shall not conflict with any of the provisions of the Developer's partnership agreement.

At the time of the execution of this Construction Agreement, the Developer shall provide a certified copy of the proceedings of the Developer's general partners and/or written acknowledgment signed by all of the Developer's general partners which reflects the fact that the partnership has approved the terms of this Construction Agreement by the Developer and has authorized the Developer to consummate the transaction herein specified, copies of such proceedings or acknowledgments attached hereto as Exhibit "I."

The Developer specifically represents and warrants that it will abide by the terms of this Construction Agreement and that it will fully complete all subdivision improvements in accordance therewith.

12. CONTRACTUAL OFFICER OF THE CITY:

The Developer and the City agree that the Service Director shall be and hereby is deemed the contractual officer for the City with respect to the execution of this Construction Agreement, and that the Director shall have the sole and complete authority to execute this Construction Agreement on behalf of the City without the approval of Council with respect to such execution.

13. FINAL ACCEPTANCE:

After all subdivision improvements in areas in the City have passed the final inspection as specified in Section 1230.03(b)(3) of the Codified Ordinances of the City, and after the Service Director and the City Engineer have determined that the Developer has completely performed all obligations required of the Developer by the terms of this Construction Agreement, the City shall unconditionally accept the subdivision and all subdivision improvements. Final acceptance shall be deemed to have taken place at such time as the City notifies the Developer, in writing, signed by the City Manager, the Service Director and the City Engineer, of the fact that the subdivision and subdivision improvements have passed final inspection and that the Service Director and City Engineer have determined that the Developer has performed all obligations required of it by the provisions of this Construction Agreement.

14. MISCELLANEOUS:

(a) Exhibits. All exhibits to this Construction Agreement constitute an integral part of this Construction Agreement as if fully rewritten herein.

(b) Entire Agreement. This Construction Agreement and the documents attached hereto as exhibits constitute the entire understanding and agreement between the Parties hereto concerning the subject matter hereof. All negotiations between the Parties hereto are merged into this Construction Agreement, and there are no representations, warranties, covenants, understandings or agreements, oral or otherwise, in relation hereto between the Parties other than those incorporated herein or to be delivered hereunder. Nothing expressed or implied in this Construction Agreement is intended to, or shall be construed so as to, grant or confer on any person, firm or corporation, other than the Parties hereto, any rights or privileges hereunder.

(c) Governing Law. This Construction Agreement is to be delivered, and shall be construed, in accordance with and governed by the laws of the State.

(d) Modifications. Except as herein otherwise provided, this Construction Agreement shall not be altered or modified unless such alteration or modification is set forth in writing, signed by the Service Director and the Developer, and no oral or verbal modification shall be sufficient to bind either party to any such purported modification.

(e) Headings. The headings in this Construction Agreement are intended solely for the convenience of reference and shall be given no effect in the construction or interpretation of this Construction Agreement.

(f) Execution in Counterparts. This Construction Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document.

(g) Precedent. It is specifically agreed that the various terms of this Construction Agreement shall not be considered or construed as a precedent for the terms of any construction agreement between the Developer and the City in the future.

IN WITNESS WHEREOF, the City and the Developer have, by and through their respective authorized agents, hereunto set their hands this day of 200 .

Name

WITNESSED BY:

Name (Printed)

Name (Printed)

STATE OF OHIO)

) ss

MEDINA COUNTY)

Before me, a Notary Public in and for the said County and State, personally appeared _____ who acknowledged that he or she was authorized to execute the foregoing instrument on behalf of _____, that he or she did sign the foregoing instrument and that the same is his or her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at _____, Ohio, this _____ day of _____, 200__.

Notary Public

IN WITNESS WHEREOF, the City of Brunswick has, by and through its respective authorized agent, hereunto set its hands this _____ day of _____, 200__.

Service Director

For the City of Brunswick

WITNESSED BY:

Name (Printed)

Name (Printed)

STATE OF OHIO)

) ss

MEDINA COUNTY)

Before me, a Notary Public in and for the said County and State, personally appeared the City of Brunswick, by and through _____, its Service Director, who acknowledged that he was authorized to execute the foregoing instrument on behalf of the City of Brunswick, that he did sign the foregoing instrument and that the same is his free act and deed as Service Director for the City of Brunswick.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at _____, Ohio, this ____ Day of _____, 2000__.

Notary Public

ACCEPTABLE TO:

City Manager

Director of Law

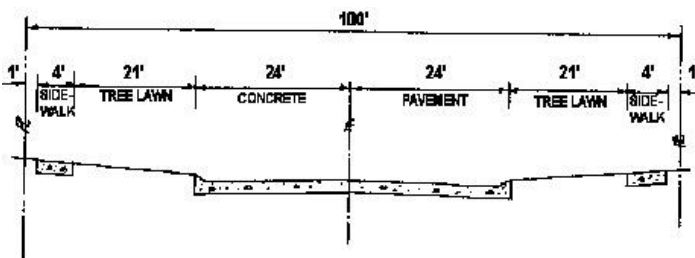
City Engineer

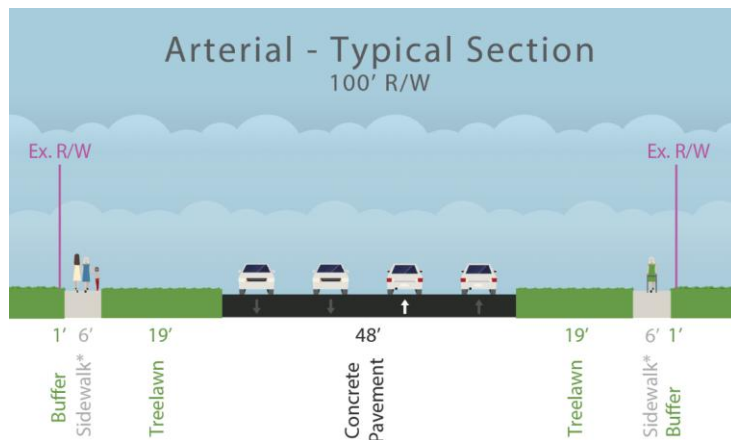
(Ord. 166-82. Passed 11-22-82. Ord. 8-03. Passed 2-10-03.)

APPENDIX H
ROAD CLASSIFICATIONS AND CROSS SECTIONS

ARTERIAL

100' R/W





*5' wide sidewalk in Residential Districts

PAVEMENT: 8" REINFORCED CONCRETE PAVEMENT W/THREE (3) INCH SUB-BASE & FOUR (4) INCH SHALLOW PIPE UNDERDRAIN.

WIDTH: 48 FEET INCLUDING 4" CURBS

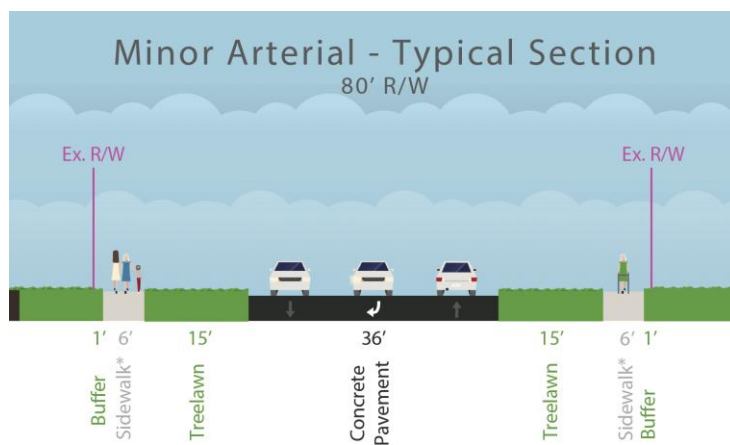
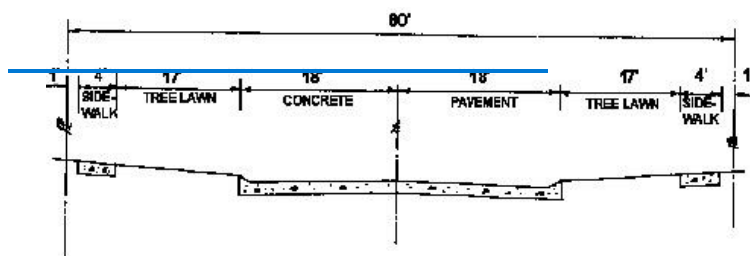
~~GRADE: 0.5% MINIMUM~~

~~— 5.0% MAXIMUM~~

TYPE 1

APPENDIX H ROAD CLASSIFICATIONS AND CROSS SECTIONS

MINOR ARTERIAL
80' R/W



*5' wide sidewalk in Residential Districts

PAVEMENT: 8" REINFORCED CONCRETE PAVEMENT W/THREE (3) INCH SUB-BASE & FOUR (4) INCH SHALLOW PIPE UNDERDRAIN.

WIDTH: 36 FEET INCLUDING 4" CURBS

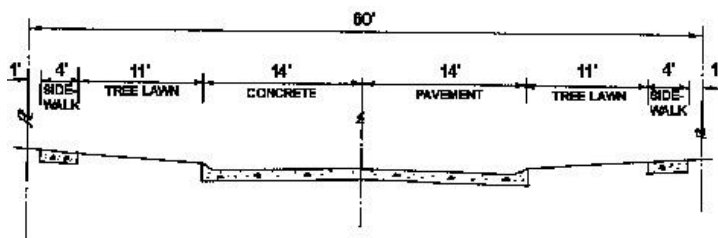
GRADE: 0.5% MINIMUM

— 5.0% MAXIMUM

TYPE 1A

APPENDIX H
ROAD CLASSIFICATIONS AND CROSS SECTIONS

COLLECTOR
60' R/W



PAVEMENT: 7" REINFORCED CONCRETE PAVEMENT W/THREE (3) INCH SUB-BASE & FOUR (4) INCH SHALLOW PIPE UNDERDRAIN.

WIDTH: 28 FEET INCLUDING 4" CURBS

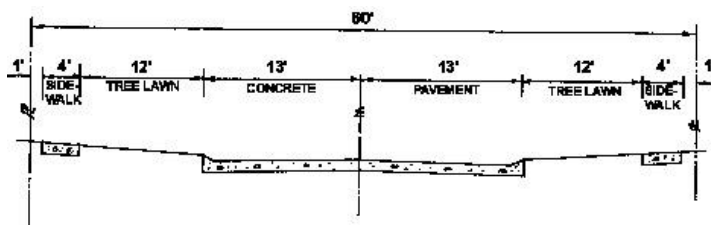
~~GRADE: 0.5% MINIMUM~~

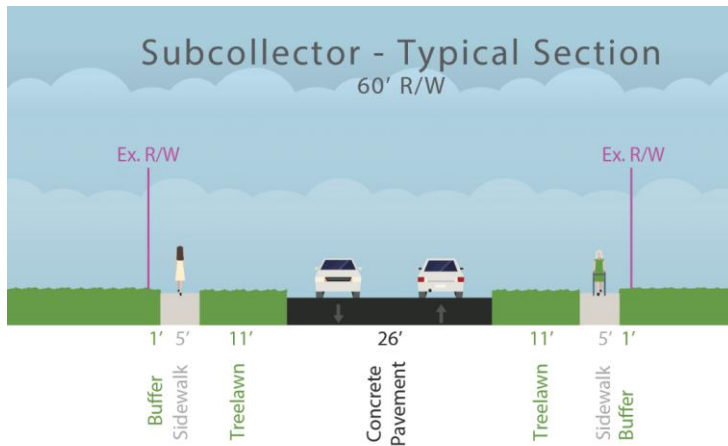
—7.0% MAXIMUM

TYPE 2

APPENDIX H ROAD CLASSIFICATIONS AND CROSS SECTIONS

SUBCOLLECTOR
60' R/W





PAVEMENT: 7" REINFORCED CONCRETE PAVEMENT W/THREE (3) INCH SUB-BASE & FOUR (4) INCH SHALLOW PIPE UNDERDRAIN.

WIDTH: 26 FEET INCLUDING 4" CURBS

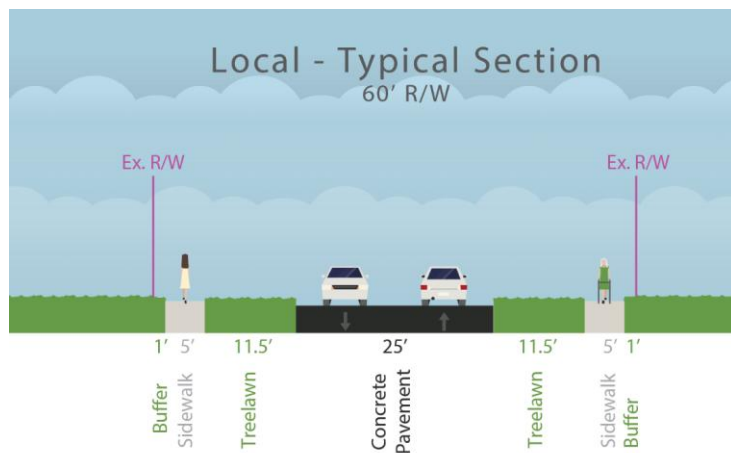
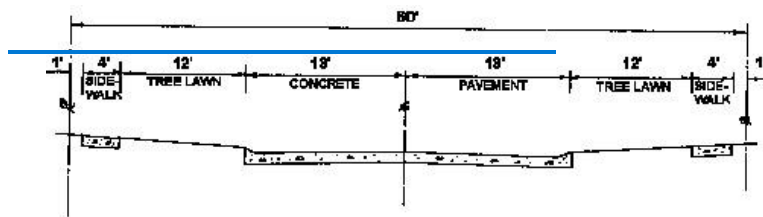
~~GRADE: 0.5% MINIMUM~~

~~7.0% MAXIMUM~~

TYPE 3

APPENDIX H ROAD CLASSIFICATIONS AND CROSS SECTIONS

LOCAL
60' R/W



PAVEMENT: 7" REINFORCED CONCRETE PAVEMENT W/THREE (3) INCH SUB-BASE & FOUR (4) INCH SHALLOW PIPE UNDERDRAIN.

WIDTH: 256 FEET INCLUDING 4" CURBS

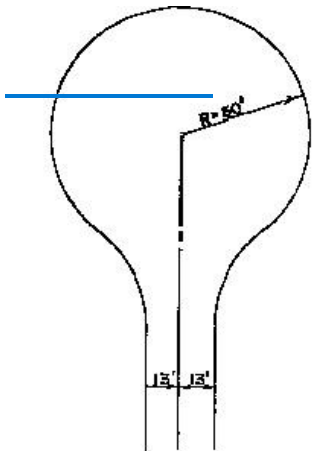
~~GRADE: 0.5% MINIMUM~~

~~8.0% MAXIMUM~~

TYPE 4

APPENDIX H
ROAD CLASSIFICATIONS AND CROSS SECTIONS

GUL-DE-SAG



-

PAVEMENT: 7" REINFORCED CONCRETE PAVEMENT WITH THREE INCH SUB-BASE & FOUR INCH SHALLOW PIPE UNDERDRAIN.

WIDTH: 100' DIAMETER

GRADE: 0.5% MINIMUM

8.0% MAXIMUM

-

TYPE-5

-

-

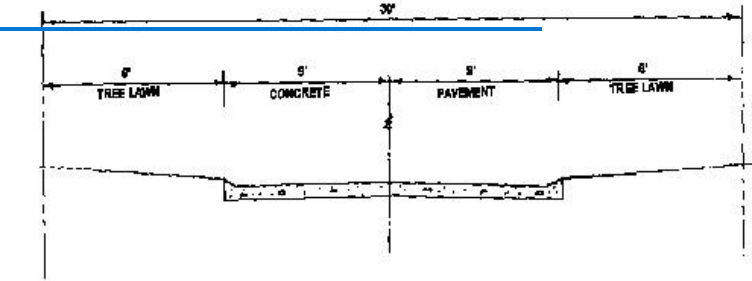
-

APPENDIX H

ROAD CLASSIFICATIONS AND CROSS SECTIONS

MARGINAL ACCESS ROAD
30' R/W

-
-



-

~~PAVEMENT: 7" REINFORCED CONCRETE PAVEMENT W/THREE (3) INCH SUB-BASE & FOUR (4) INCH SHALLOW PIPE UNDERDRAIN.~~

~~WIDTH: 18 FEET INCLUDING 4" CURBS~~

~~GRADE: 0.5% MINIMUM~~

~~5.0% MAXIMUM~~

-

TYPE 6

APPENDIX H
ROAD CLASSIFICATIONS AND CROSS SECTIONS

TYPE 7 RURAL RESIDENTIAL

-
-
-

-
(Ord. 82-82. Passed 6-28-82.)

-
-

APPENDIX H
ROAD CLASSIFICATIONS AND CROSS SECTIONS

CUL-DE-SAC (Repealed)

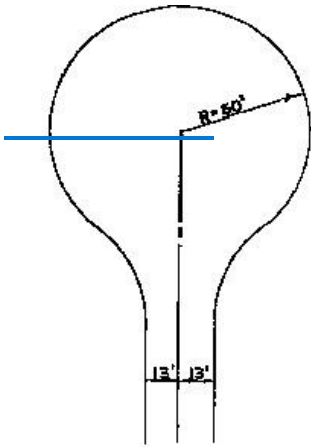
-
—EDITOR’S NOTE: Former Type 7B Cul-de-sac was repealed by Ordinance 78-79, passed June 11, 1979.

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-
-

APPENDIX H
ROAD CLASSIFICATIONS AND CROSS SECTIONS

CUL-DE-SAC
(RURAL)

-
-



~~PAVEMENT: SAME AS TYPE 7~~

~~WIDTH: 100' DIAMETER, EDGE TO EDGE~~

~~GRADE: 0.5% MINIMUM~~

~~— 8.0% MAXIMUM~~

-

TYPE 8

APPENDIX H

MULTI-USE PATH CROSS SECTION

PAVEMENT: 4" ODOT 304 Limestone Aggregate Base with 3" Asphalt Concrete Intermediate Course (1 lift), Type 2, (448). PG64-22

WIDTH: 10' wide, with 2' berm on either side

APPENDIX I —review by Medina County Tax Map
Final Plat Requirement:

EXAMPLES OF CERTIFICATIONS AND STATEMENTS

Brunswick, Ohio

1. Notarized certification by owners:

We the undersigned owners of the lands embraced within the subdivision hereby acknowledge this plat and subdivision to be our free act and deed, and to hereby dedicate to public use forever the streets, easements, parks and other public sites shown upon this plat.

Witness Owner

Witness Owner
State of Ohio
County) ss

Before me, a Notary Public in and for said County and State, personally appeared the above named and , husband and wife, who acknowledged the making of the foregoing instrument and the signing of this plat to be their free act and deed. In testimony whereof I have hereunto set my hand and affixed my official seal at Ohio, this day of , 19 .

Notary Public

2. Notarized certification by surveyor or engineer:

I hereby certify that I have surveyed the land shown on this plat, that this plat is a correct representation of the land surveyed and the subdivision thereof, and that I have found or set the pins and monuments shown, and that all lots conform to the City of Brunswick Zoning Ordinance.

Registered Surveyor
State of Ohio)
County)ss

Before me, a Notary Public, in and for said County and State, personally appeared the above named _____ who acknowledged the foregoing certificate to be his free act and deed. In testimony whereof I have hereunto set my hand and affixed by official seal at Ohio, this _____ day of _____ 19 .

3. Approval Statements:

Approved by the Brunswick Planning Commission this _____ day of _____ 19 .

Chairman

Secretary

Approved by the Brunswick City Engineer this ____ day of 2019 .

Engineer

Approved by the Medina County Board of Health this _____ day of 2019 .

Commissioner

Approved by the Medina County Sanitary Engineer this _____ day of , 2019 .

Sanitary Engineer

This Plat approved by the Council of the City of Brunswick for recording purposes only and said approval does not constitute the acceptance for public use of any streets or other lands which said plat indicates shall be dedicated to such use, by Ordinance No.

adopted this _____ day of _____ , 2019 .

Clerk

Received for recording this _____ day of , 2019 .

Recorder

Recorded this _____ day of , 2019 , at _____ A. M.
P.M. in Plat Book No. _____ , page .

Received for transfer this _____ day of _____ , 2019 .

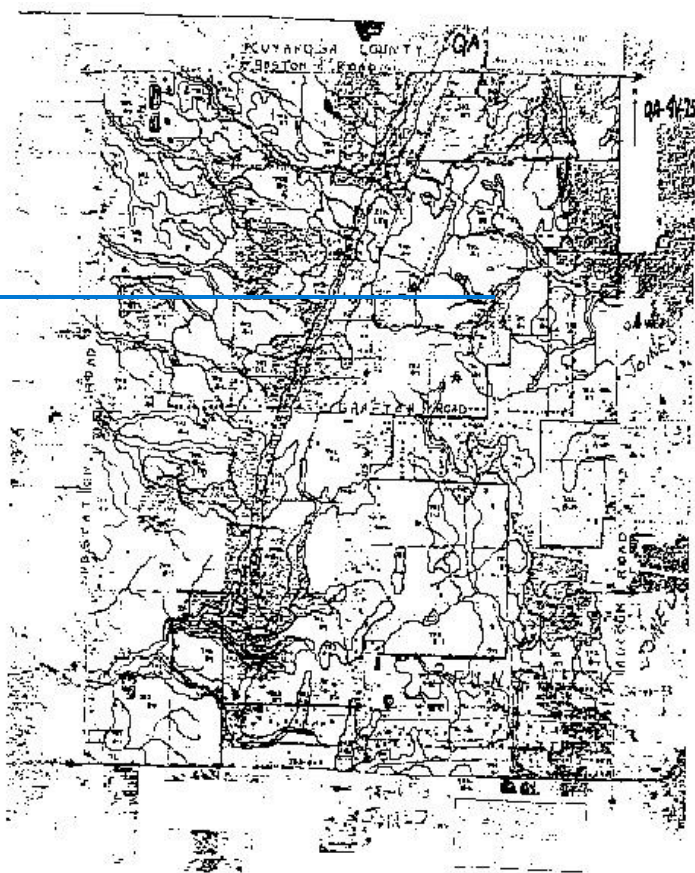
County Auditor

Received for transfer this day of , ~~2019~~.

Tax Map Draftsman

APPENDIX J

[SOIL SURVEY MAP](#)—See [USDA Natural Resources Conservation Service \(NRCS\) Web Soil Survey at https://websoilsurvey.nrcs.usda.gov/](#)



EDITOR'S NOTE: A copy of this map is on file with Medina County.

TABLE 1
SOIL ENGINEERING PROPERTIES AND INTERPRETATIONS

Soil Series

Depth to seasonal water table (feet)

Depth from surface (in.)

USDA texture

Engineering Classification

Permeability undisturbed soil in./hr.

Shrink swell potential

Unified

AASHTO

-

Potential

frost

heave

Corrosion

potential

Steel

Concrete

-

MAHON

-702

INC 1/2-

-1 1/2

0-6

6-32

32-73

silt

silt

silt

~~ML, CL~~

~~CL~~

~~CL~~

~~A-6, A-4~~

~~A-6, A-7~~

~~A-6~~

~~0.63-2.0~~

~~0.3-0.63~~

~~0.2~~

~~Low~~

~~Med~~

~~Med~~

~~High~~

~~—~~

~~High~~

~~High~~

~~High~~

~~High~~

~~Low~~

~~TRUMB~~

~~-701~~

~~ULL-0~~

~~1/2~~

~~-0-7~~

~~7-50~~

~~50-60~~

~~sil~~

~~siel~~

cl

ML, CL

CL

CL

A-4, A-6

A-7

A-6, A-7

0.2

0.2

0.2

Low

Mod

Mod

High

-

High

High

Mod

Mod

Low

-

Suitability as a source of:

Soil features affecting use of soils for:

Topsoil

Sand and gravel

Impermeable material

Embankments, including fills for ponds

Ponds and lakes reservoir area

Foundation SUBSTRATUM

Good to Fair;
wet soil conditions

MAHONING

Not suitable
Difficult to work soil when wet.

POOR:

Fair stability and compaction; slow seepage; moderate shrink-swell; difficult to work with soil material when wet; good piping resistance.

Seasonal high water table; slow seepage rate; usually suitable for dug ponds on level topography.

Severe: high water table and moderate shrink-swell; high compressibility.

Fair; hazard of excavation

Not suitable

Poor: difficult to work clay-like soil when wet.

Fair to good stability; slow permeability when compacted; clay-like material is hard to work when wet; may be used for impervious cores.

Seasonal high water table; slow seepage rate; normally suitable for dug ponds.

Severe: high water table; moderate shrink-swell; compressible.

-

-

-

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TABLE II
ESTIMATED DEGREE AND KIND OF SOIL LIMITATION FOR SPECIFIC LAND USES

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Soil Series and
Soil Mapping Units
Sewage Effluent Disposal
(on site)

Sewage Lagoons

Homesite Location

Lawns, landscaping, and golf fairways

Streets and parking lots

MAHONING

702

Severe; slow permeability; seasonal high water table.

Slight on 0–2% slopes. Moderate on 2.6% slopes.

Severe; seasonal high water table. Soft clay-like soils.

Moderate: moderately slow permeability; medium moisture supplying capacity and seasonal water table.

Severe: seasonal high water table and high potential frost heave and shrink swell.

TRUMBELL

701

Severe: slow permeability; seasonal high water table.

Slight.

Severe: seasonal high water table with some ponding.

Severe: seasonal high water table with some ponding. Permeability is slow.

Severe: seasonal high water table.

MAHONING

702

Athletic Fields

Parks and Play Areas

Campsites and Tents

Sanitary Landfills and Cemeteries

Remarks:

Severe: seasonal high water table and slow permeability.

Moderate: seasonal high water table.

Severe: seasonal high water table and slow permeability.

Severe: seasonal high water table; poor workability and traffic ability of soil material when wet.

TRUMBULL

701

Severe: seasonal high water table and slow permeability

Severe: seasonal high water table with some ponding.

Severe: seasonal high water table and slow permeability

Severe: seasonal high water table; poor workability and traffic ability of soil material when wet.

TITLE SIX - Zoning

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APPENDIX I ~~Existing SPD Special Planning District (Repealed), Joint Development
Overlay District (JDOD) Design Guidelines.~~

CHAPTER 1240

General Provisions

EDITOR'S NOTE: Recommended by Planning Commission April 10, 1997, adopted by Brunswick City Council May 12, 1997, pursuant to Ordinance 53-97, and effective June 11, 1997

1240.01 Short title.

1240.02 Purpose.

1240.03 Permissive code.

1240.04 Separability.

1240.05 Interpretation of standards.

1240.01 SHORT TITLE.

Title Six of Part Twelve - the Planning and Zoning Code shall be known and may be cited as the "Zoning Code of the City of Brunswick," or just the "Zoning Code."

1240.02 PURPOSE.

This Zoning Code of the City of Brunswick is enacted in accordance with an adopted Comprehensive Plan for the purpose of promoting the public health, safety, morals, convenience, comfort, prosperity and general welfare. This Zoning Code is enacted with the further purposes to promote orderly development, preserve property values, control density, enhance esthetics, and preserve Brunswick as a family-oriented community. To achieve these purposes, this Code:

- (a) Establishes land use classifications and divides the City into districts;
- (b) Imposes regulations, restrictions and prohibitions on the use and occupancy of real property;
- (c) Limits the height, area and bulk of buildings and other structures;
- (d) Provides for yards and other open areas around them;
- (e) Establishes standards of performance and design; and
- (f) Provides for the administration and enforcement hereof.

1240.03 PERMISSIVE CODE.

In the interpretation and application of the provisions of this Zoning Code, it shall be declared to be a permissive code. Any use not specifically permitted or otherwise provided for, is not permitted. The provisions of this Zoning Code, as most recently amended, shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.

1240.04 SEPARABILITY.

It is hereby declared that if any provision or provisions of this Zoning Code or the application thereof to any zoning lot, building or other structure or tract of land, is declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective or to the zoning lot, building or other structure or tract of land immediately involved in the controversy. All other provisions of this Zoning Code shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

1240.05 INTERPRETATION OF STANDARDS.

In their interpretation and application, the provisions of this Code shall be held to be minimum, uniform standards. Wherever this Code imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or Ordinances, the provisions of this Code shall govern.

CHAPTER 1242

Definitions

1242.01 General.

1242.02 Definitions.

CROSS REFERENCES

General Code definitions - see ADM. 202.02

Subdivision Regulations definitions - see P. & Z. 1220.06

Signs - see P. & Z. 1270.15

1242.01 GENERAL.

(a) Words used in this Zoning Code are used in their ordinary English usage. However, certain words defined in the Code shall have the meaning so indicated, unless the context clearly indicates a different meaning.

(b) The following rules shall apply in the interpretation and construction of this Code:

- (1) Words used in the present tense include the future.
- (2) The singular number includes the plural and the plural the singular.
- (3) The word "build" includes erect, convert, enlarge, reconstruct or structurally alter.
- (4) The word "building" includes the word "structure".
- (5) The word "shall" is mandatory; the words "may" and "should" are permissive.
- (6) The word "used" includes arranged, designed, constructed, altered, converted, occupied, rented, leased, or intended to be used.

1242.02 DEFINITIONS.

For the purposes of this Code, certain terms are defined as indicated below.

(1) Adverse Impact: a condition that creates, aggravates or leads to inadequate, unsafe or unhealthy conditions on a site proposed for development or on adjacent sites.

(Ord. 139-05. Passed 1-9-06.)

(1.1) Activity Area: An area on a property that is used for an activity that relates to the property's principal use, but is more than merely incidental to such principal use. Without limiting the foregoing, and by way of example only, parking areas and areas paved for emergency, vehicular, or pedestrian access to and about a property are merely incidental to its principal use, whereas staging, shipping/receiving, and storage areas are not merely incidental to the property's principal use. (Ord. 83- 09. Passed 10-26-09.)

(2) Alteration: as applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side, by increasing in height or by moving from one location or position to another.

(3) Antenna: any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (ex- including radar signals), wireless telecommunications signals or other communication signals.

(4) Architectural Feature: a prominent or significant part or element of a building, structure or site.

(5) Automobile Filling Station: any building or site used for retail dispensing and sales of vehicular fuels, servicing and repair of automobiles and accessory sales and installation of lubricants, tires, batteries and similar vehicle accessories.

(6) Automobile Repair: any general service, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of parts to motor vehicles.

(7) Automobile Sales: use of any building or site for the display and sales of new or used automobiles, light trucks, vans, or recreational vehicles, and including vehicle preparation and repair work conducted as an accessory use.

(8) Automobile Wash: any building or portion thereof used for washing automo-biles.

(9) Basement: that area directly below the floor joists, with a headroom of 7.5 feet or more from the finished floor to the lower elevation of the joists and with the finished floor 4.5 feet or more below the average grade.

(10) Basement, Full: a basement which has the same square foot area as the first floor living area. A basement with an area less than the first floor living area shall be considered a partial basement.

(11) Bed and Breakfast: an owner-occupied dwelling unit containing no more than four rooms where lodging, with or without meals, is provided for compensa-tion.

(12) Buffer Area: open spaces, landscaped areas, berms or any combination thereof used to physically separate and partially obstruct the view of one use or property from another so as to visually shield or block noise, lights or other nuisances.

(13) Building.

(a) Building: a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property.

(b) Building Height: the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the top story in the case of a flat roof, to the deck line in the case of a mansard roof and to the average height between the plate and ridge in the case of a gable, hip or gambrel roof. [Decorative elements, such as cupolas, are permitted on commercial and industrial buildings to a maximum height of 10-feet above the roof's highest point.](#)

(c) Principal Building: a building housing the principal activity performed on any lot.

(d) Accessory Building: a subordinate building on the same lot as the principal building or use.

(14) Building Line: a line, parallel to the street right-of-way line, beyond which no building or part thereof shall project.

(15) Building Scale: the relationship of a particular building, in terms of height, width and depth, to other nearby buildings. (Ord. 116-05. Passed 12-12-05.)

(16) Business Services: Commercial establishments primarily engaged in providing a service for a fee on a contract basis.

(Ord. 76-2022. Passed 11-14-22.)

(17) Caliper: the diameter of a deciduous tree trunk, measured at a height of 6 inches above ground level for trees up to 6 inches in diameter and 12 inches above ground level for larger trees.

(18) Cemetery: land used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, and mausoleums, if operated in connection with, and within the boundaries of, such cemetery.

(19) Central Sewer System: a common collection, treatment and disposal system to which individual lots are connected.

(20) Central Water System: a common distribution system to which individual lots are connected.

(21) Clinic: an establishment where patients are treated on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists or social workers and where the patients are not lodged overnight.

(22) Club: an association of persons for some common nonprofit purpose, but not including religious places of worship and groups organized primarily to render a service which is customarily carried on as a business.

(Ord. 116-05. Passed 12-12-05.)

(22.1) Commercial Event Center. (land use) means a facility located on private property within a commercial zoning district, wherein such use is conditionally permitted, that primarily functions to provide a facility for any type of social gathering and consisting of multipurpose meeting and/or recreational facilities, typically consisting of one or more meeting or multipurpose rooms and kitchen and/or outdoor barbecue facilities, that are available for use by various private groups for such activities as meetings, parties, weddings, receptions and dances.
(Ord. 47-15. Passed 9-14-15.)

(23) Commercial Use: A commercial use is an activity involving the sale of goods or services carried out for profit.

(24) Communication Tower: any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and alternative tower structures that camouflage or conceal the presence of antennas and towers. The term includes the structure and any support thereto. The term does not include amateur radio towers located on the property of the homeowner or wireless service provider structures.

(25) Community Character: the image of a community or area as defined by such factors as its built environment, natural features and open space elements, type of housing, architectural style, infrastructure, and the type and quality of public facilities and services.
(Ord. 139-05. Passed 1-9-06.)

(26) Comparable in Character: a use with similar characteristics to a specified use listed in a particular zoning district. No use principally or conditionally permitted in another zoning district shall be considered as comparable in character. (Ord. 68-2021. Passed 9-27-21.)

(27) Comprehensive Plan: the Development Policy Plan Update adopted by the City Planning Commission on January 5, 1995 and by City Council on February 13, 1995, or subsequent amendments thereto, intended to guide the future growth and development of the City of Brunswick.

(27.1) Contractor's Headquarters: means the chief place of business and office of the contractor and where the executive or management team is based. It is the primary location where the contractor consistently conducts its operations and is responsible for managing its activities and resources, including accounting and payment of taxes, formation documents, as well as documents for state filings and licenses.

(28) Convalescent Care Facility: a building or group of buildings, public or private, which provides personal care or nursing to patients who are ill or incapacitated or who, by reason of age or mental or physical infirmities are not capable of caring for themselves or which provides service for the rehabilitation of persons recovering from illness or incapacitation, excluding facilities for persons suffering from acute or chronic alcoholism or other drug dependency.

(28.1) Convenience Store: A small scale retail store used for the sale of goods used on an everyday basis by consumers including, but not limited to, pre-packaged food products, household items, newspapers and magazines and having a gross floor area of less than 5,000 square feet. Such store may also include an area used for food service provided by a restaurant.

(29) Density: the number of dwelling units developed per acre of land.

(30) Design Continuity: a unifying or connecting theme or physical feature for a particular setting or place, provided by one or more elements of the natural or created environment.

(31) Design Fit: continuity in scale, quality or character between new and existing development so as to avoid abrupt or severe differences.

(Ord. 139-05. Passed 1-9-06.)

(31.1) Designated Outdoor Refreshment Area (DORA): A specific area in which alcoholic beverages may be sold by licensed liquor establishments for outdoor consumption. The DORA is designed to make it easier to social distance, stroll within the specific outlined district and support local restaurants and bars. (Ord. 75-2022. Passed 11-14-22.)

(32) Dwelling.

(a) Dwelling: a building or portion thereof with living facilities for one or more human occupants.

(b) Dwelling Unit: a dwelling or portion thereof comprising living, dining, sleeping room or rooms, storage areas, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

(c) Multifamily Dwelling: a dwelling consisting of three or more dwelling units with varying arrangements of entrances and party walls.

(d) Single Family Attached Dwelling: dwelling units which are structurally attached to one another, but which maintain separate ground floor entrances. Also known as townhouses or row houses.

(Ord. 139-05. Passed 1-9-06.)

(e) Single Family Dwelling: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space. Minimum square footage of a single-family dwelling shall not include any area below the front grade. Same as "single family detached dwelling".

(Ord. 102-2020. Passed 2-22-21.)

(f) Two Family Dwelling: a dwelling consisting of 2 dwelling units, with each unit having a separate entrance. (Ord. 139-05. Passed 1-9-06.)

(32.1) Electronic Smoking Device: Any device that may be used to deliver any aerosolized or vaporized nicotine or any other substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic Smoking Device includes any component, part, or accessory to such a device, whether or not sold separately, and also includes any substance intended to be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic Smoking Device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(Ord. 17-2024. Passed 4-8-24.)

(33) Essential Service: Essential services, as determined by the Law Department, shall include erection, construction, alteration or maintenance, by public utility companies or municipal departments or commissions, of gas, electrical, steam or water transmission or distribution systems and of collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories, reasonably necessary for the furnishing of adequate service for the public health, safety or general welfare. Where practical, all utility wiring shall be buried underground. Essential service does not include public utility structures, as defined herein. ~~erection, construction, alteration or maintenance, by public utility companies or municipal departments or commissions, of gas, electrical, steam or water transmission or distribution systems and of collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories, reasonably necessary for the furnishing of adequate service for the public health, safety or general welfare. Essential service does not include public utility structures, as defined herein.~~

(34) Family: a group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability, as distinguished from a group occupying a boarding house, a lodging house or a club, fraternity or hotel.

(35) Fence: an artificially constructed barrier of any material or combination of materials intended to enclose, screen or separate areas.

(36) Fenestration: window treatment of a building or building facade.

(37) Floor Area, Minimum: usable floor area permanently enclosed and covered by a ceiling with a minimum dimension, between floor and ceiling, of eight feet, except as otherwise allowed by the Building and Housing Code. Living area shall not include basements, garages, porches, breezeways and terraces.

(37.1) Floor Area Ratio: The ratio of gross floor area of a building or buildings on a lot to total lot area. For the purpose of this definition, floor area excludes (1) habitable area, storage or parking located below-grade, (2) uninhabitable space and (3) 50% of above-

grade parking structures (attached or detached). Total lot area excludes all street right of way existing prior to approval of site plans.
(Ord. 139-05. Passed 1-9-06.)

(38) Funeral Home: a building used by a licensed mortician for burial preparation and funeral services.

(39) Garage: a detached accessory structure or a portion of the principal building providing for the storage of automobiles and other possessions of the family resident on the premises.

(40) Grade, Finished: the final elevation of the ground after development.

(41) Harmonious Relationship: the design, arrangement and location of buildings and other created or natural elements that are sufficiently consistent in

scale, character and siting with other buildings or created or natural elements in the area, so as to avoid abrupt or severe differences.

(42) Health Care Facility: a public or private institution principally engaged in providing services for health maintenance and the treatment of mental or physical conditions, including hospitals, diagnostic centers, rehabilitation centers, extended or long-term care facilities, outpatient clinics and associated accessory uses.

(43) Health Club: an establishment that provides facilities for aerobic exercise, running and jogging, exercise equipment, game courts, swimming facilities, saunas, showers and lockers.

(44) Home Office: an office for any profession, occupation or business which is incidental to the principal use of the dwelling, is conducted by the occupant of the dwelling and which does not alter the exterior of the property or the essential residential character of the neighborhood.

(45) Home Occupation: any occupation or use, other than a home office, which is incidental to the residential use of the dwelling, is conducted by the occupant of the dwelling and which does not alter the exterior of the dwelling or the essential residential character of the neighborhood.

(Ord. 53-97. Passed 5-12-97.)

(45.1) Hotel: includes any structure consisting of one or more buildings with a common entry containing any combination of more than five guestrooms that are each approved by the building code official having jurisdiction and the state fire marshal as meeting the requirements for transient sleeping rooms or extended stay temporary residence dwelling units, or as having features of such sleeping rooms and dwelling units within the same room, and such structure is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where transient sleeping accommodations is offered for pay to persons.

(45.24) Indoor Recreational Facility: An indoor facility for any number of uses such as game courts, playing fields, exercise equipment, exercise and/or dance floor areas, pools, locker rooms, spa, whirlpool or hot tub, and which may include an accessory retail shop for the sale of related equipment.

(Ord. 12-15. Passed 3-9-15.)

(46) Industrial Park: a tract of land planned, developed and operated as an integrated facility for a number of different industrial uses, with consideration to transportation facilities, circulation, parking, utility needs, aesthetics and compatibility.

(47) Industry, Light: activities which comply with the industrial performance standards and other requirements established in this Code and which are engaged in manufacture of finished products or parts, including processing, fabrication, assembly, treatment, packaging, storage and distribution, but excluding basic industrial processing.

(48) Industry, Heavy: activities engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes that potentially involve commonly recognized offensive conditions.

(49) Junk Yard: the use of more than 200 square feet of area, whether inside or outside a building, where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored or, handled.

(50) Landscaping: the deliberate use of vegetation and related features such as water, patterned walks, and rock to improve the appearance of a structure or property.

(51) Loading Space: an off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

(52) Lot.

(a) Lot: a parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or uses customarily incidental to it, including such yards, lot areas, and widths as are required by this Zoning Code.

(b) Corner Lot: a lot at the point of intersection of, and abutting on, two or more intersecting streets, the angle of intersection being not more than 135 degrees. Corner lots have two front yards, one side yard and one rear yard. See "yard."

(c) Interior Lot: a lot other than a corner lot.

(d) Lot Area: the computed horizontal area contained within the lot lines.

(e) Lot Lines: the lines defining the limits of a lot.

(f) Lot of Record: a lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder, or a lot created by metes and bounds, the deed to which is recorded with the Medina County Recorder.

(g) Minimum Lot Area: the smallest lot area established by this Code on which a use or structure may be located in a particular zoning district. All areas within street right-of-way lines shall be excluded in determining minimum lot area.

(h) Minimum Lot Width: the minimum width of a lot measured at the minimum building setback line, as specified in the zoning district in which the lot is located.

(i) Substandard Lot: a parcel of land that has less than the minimum area or other minimum dimensions required in the zone in which the lot is located.

(53) Motel: a facility [with multiple entrances](#) offering transient lodging accommodations to the general public and providing additional services such as meeting rooms, restaurants, entertainment and recreational facilities.

(54) Nightclub: a bar, restaurant, coffee house or similar commercial establishment where a dance floor and/or entertainment is provided. See "tavern."

(55) Nonconformity: a building, structure, use, lot or site existing at the time of the enactment of this Zoning Code or its amendments which does not conform to the regulations of the district in which it is located.

(56) Open Space.

(a) Open Space: an area of land which is in its natural state or is developed only for the raising of agricultural crops or for public outdoor recreation.

(b) Common Open Space: any outdoor area, not dedicated for public use, which is designed and intended for the common use and enjoyment of the residents or occupants of the development.

(c) Private Open Space: outdoor space that is provided for an individual dwelling unit, including but not limited to, a deck, yard, patio, balcony, or a combination thereof, which is specifically designed and constructed to be used and enjoyed by the resident(s) of a dwelling unit and which is adjacent to, accessible from, and at the same or approximate elevation of the dwelling unit.

(57) Outdoor Storage: keeping of any goods, material, merchandise, vehicles, or junk in the same place in an unenclosed area for more than 24 hours.

(58) Parking Space: an area providing for the temporary stopping of a vehicle for a period longer than required to load or unload persons or goods.

(59) Personal Services: activities conducted in a store, office, or other place of business catering to the personal needs of a customer, such as normally conducted by a barber, beautician, tailor, dressmaker, doctor, attorney, architect or a photocopy center.

(60) Place of Worship: a building, structure or use of land that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

(60.1) Plug-in Electric Vehicle: a plug-in electric vehicle or motor vehicle, as defined in Codified Ordinance Chapter 402, that can utilize an external source of electricity (such as a wall socket that connects to the power grid) to store electrical energy within its onboard rechargeable battery packs, to power an electric motor and help propelling the wheels.

(60.2) Plug-in Electric Vehicle Charging Station: a plug-in electric vehicle battery charging station located on a public or private parking space which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in a plug-in electric vehicle.

(61) Porch, Open: a roofed extension from the main dwelling unit. Such extension shall be considered open when no more than 35 per cent of the perimeter wall area is enclosed with solid wall materials or with screening, canvas, glass, plastic or any combination of materials. However, planters or railings of wood, metal, or comparable material not exceeding thirty inches in height from the decking or flooring shall not constitute part of the enclosure. Synonymous with "covered porch."

(62) Public Hearing: a public meeting announced and advertised as required by law, with the public given an opportunity to talk and participate.

(63) Public Utility: any person, firm, corporation, governmental agency or board fully authorized to furnish and furnishing, to the public, electricity, gas, steam, telephone, telegraphy, transportation, water or any other similar public service.

(64) Public Utility Structure: administration buildings, service yards, power plants, substations, switching stations, communication towers and other similar public utility structures owned or operated by a public utility, as distinguished from essential services as defined in this chapter.

(65) Recreation Facilities: public or private uses that are further classified as either extensive or intensive, depending on the services offered and the extent of use. Extensive recreation requires and utilizes considerable land area and include riding clubs, golf courses, fishing and parks. Intensive recreation requires less land and include miniature golf, swimming clubs, amusement parks, stadiums, arcades and bowling centers.

(66) Restaurant: an establishment where food is prepared, served and consumed primarily within the principal building. "Restaurant" also includes an establishment where most or all of the consumption takes place outside the confines of the restaurant, and where ordering and pick-up of food may take place from an automobile.

(67) Retail Sales: establishments engaged in selling goods or merchandise to the general public for personal or household consumption, including rendering services incidental to the sale of such goods.

(68) Right-of-Way Line: the boundary of land which is dedicated or otherwise made available and recorded for use by the public as a roadway, walk or other way. In addition to the roadway, the right-of-way lines typically enclose and include curbs, tree lawns, sidewalks, lighting, water and sewer lines and drainage facilities.

(69) Satellite Antenna: a parabolic or dish-shaped antenna or any other apparatus or device that is designed for the purpose of receiving communication signals.

(70) Scale of Development: the relationship of a particular project or development to its surroundings, in terms of size, height, bulk, intensity, and aesthetics.

(71) Screening: the method by which a view of one site from another adjacent site is shielded, concealed or hidden through the use of fences, walls, evergreen hedges, berms or other features.

(72) Self-Service Storage Facility: a building consisting of individual, small, self-contained units that are leased for the storage of business and household goods. Same as "mini-warehouse."

(73) Setback Line: lines are established by this Zoning Code generally parallel to and measured from the lot lines, defining the limits of the required yards in which no building or structure may be located, except as may be specifically provided in this Code or the Building and Housing Code. See "yard."

(74) Setback Line, Minimum Building: the line parallel to the front lot (right-of-way) line and at such distance from the front line as required by the minimum front yard in the district in which the lot is located. The front yard shall be measured from the proposed right-of-way line for highway improvements certified (journalized) by the Ohio Department of Transportation. See "lot width" and "yard, front."

(74.1) Short-term rental, is defined as any room or dwelling that is rented wholly or partly for a fee for less than thirty consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation. The following uses shall not be considered Short Term Rental Property.

(a) Residential dwelling units rented to the same occupant for six (6) continuous months or more;

(b) Bed and Breakfast establishments;

(c) Hotels.

(75) Sign: see sign definitions in Section 1270.15.

(76) Site Plan: a document or group of documents containing sketches, text, drawings, maps, photographs, data and other material intended to present and explain a proposed development, including physical design, siting of buildings and structures, vehicular and pedestrian access, the provision of improvements and the interrelationship of these elements. A site plan also includes information on existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands and waterways; landscaping, berms, buffers, screening devices and open spaces; facade or elevation drawings; signs and lighting; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the Planning Commission and, where specified, City Council.

(Ord. 135-02. Passed 1-13-03.)

(76.1) Small Box Discount Store: A retail store between 3,000 and 15,000 square feet that sells directly to consumers a limited assortment of physical goods, products, or merchandise, personal grooming and health products, household goods, and other consumer products, including food or beverages for off-premises consumption, most of which are sold for ten dollars (\$10.00) or less, and that does not dedicate at least fifteen percent (15%) of shelf space to fresh food and produce. (Ord. 27-2021. Passed 5-24-21.)

(77) Story: the portion of a building between the surface of one floor and the surface of the next above, or if there is no floor above, the space between the floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over 6 feet above average grade or if it is used for the principal use of the building.

(78) Street.

(a) Public Street: a public thoroughfare which has been dedicated to the public for public use and accepted by Council and which affords the principal means of access to abutting property.

(b) Private Street: a thoroughfare which affords the principal means of access to abutting properties, but which has not been dedicated to the public.
(Ord. 135-02. Passed 1-13-03.)

(78.1) Street Facade: The total width of any side of any building that faces a street, excluding any extension of an exterior wall beyond the building envelope. A building side "faces the street" if it is predominantly parallel with (+/-15) and visible from the right of way. A building that has no single side that "faces the street" shall be deemed to have a street facade for each wall oriented towards and visible from the right of way. A building on a corner lot has a street facade for each street.
(Ord. 116-05. Passed 12-12-05.)

(79) Streetscape: all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, awnings and marquees, signs and lighting.

(80) Structural Alteration: any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or in the dimensions or configurations of the roof and exterior walls.

(81) Structure: anything constructed or erected which requires location on or below the ground, including buildings, signs, fences, decks, pools, patios and gazebos.

(82) Swimming Pool: a private, residential swimming pool is an accessory use to a residential property.

(83) Tavern: an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches or snacks are available. See "nightclub."

(84) Theater: an outdoor or indoor area, building or part thereof devoted to showing motion pictures, or for dramatic, dance, musical or other live performances and may include related services such as food and beverage sales and other concessions.

(Ord. 135-02. Passed 1-13-03.)

(84.1) Tobacco Products:

(a) Any product containing, made of, or derived from tobacco or containing any form of nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, dissolved, inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff or snus;

(b) Any Electronic Smoking Device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; and

(c) Any component, part, or accessory of (a) or (b), whether or not any of these contain tobacco or nicotine, including, but not limited to, filters, rolling papers, blunt or hemp wraps, or pipes. Tobacco Products do not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(Ord. 17-2024. Passed 4-8-24.)

(85) Thoroughfare, Major or Collector Thoroughfare: those public streets designated as such on the Thoroughfare Plan duly adopted by the Brunswick City Planning Commission and Brunswick City Council.

(86) Trailer: a structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of goods or materials, goods or objects, or as a temporary office.

(87) Truck Terminal: an area and building where trucks load and unload freight and where freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

(88) Use.

(a) Use: the purpose for which structures or land are designed or for which structures or land are occupied or maintained.

(b) Use, Accessory or Accessory Structure: a use or structure subordinate to the principal use of a structure or land, which is located on the same lot as the principal use, and which serves a purpose incidental to the use of the principal structure or land use.

(c) Use, Conditionally Permitted: a use so listed in a zoning district and which is permitted only if a conditional zoning certificate is approved by the Brunswick City Planning Commission as provided in Chapter 1274 of this Zoning Code.

(d) Use, Principal: the main or primary purpose for which a building, structure or lot is designed or used according to this Zoning Code.

(e) Use, Principally Permitted: a use so listed in a zoning district and which is permitted outright in a district for which a zoning certificate shall be issued by the Chief Building and Zoning Inspector provided the applicant meets all applicable requirements of this Code, including site plan reviews as required by Chapter 1278.

(Ord. 135-02. Passed 1-13-03.)

(88.1) Vending/Dispensing Machines: An automated machine that provides items for sale including, but not limited to, snacks, beverages, cigarettes, and lottery tickets, to consumers after cash, a credit card or other form of payment is inserted, swiped or tapped for payment on or into the machine or otherwise made.

(88.2) ATM or Similar Financial Machines: An automated machine that provides for the deposit of cash or dispenses items including, but not limited to, cash to consumers after a bank card or credit cards is inserted, swiped or tapped for payment on or into the machine or otherwise made.

(Ord. 75-2022. Passed 11-14-22.)

(89) Wholesale Trade: establishments primarily engaged in selling merchandise to retailers, business users or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

(90) Wireless Service Provider Structure: any structure supporting one or more antennas or any functionally equivalent equipment used to transmit or receive signals using FCC unlicensed bands where the maximum height is 90 feet including the antennas but excluding any lightning protection elements. The term excludes direct to home satellite services.

(91) Yard.

(a) Yard: an open space on the same lot with a principal building that lies between the principal building and the nearest lot line, unoccupied and unobstructed by any portion of a structure from the ground upward, except for steps, uncovered porches and accessory structures expressly permitted by this Code or the Building and Housing Code.

(b) Front Yard: the yard extending the full width of the lot abutting a street or streets between the lot line(s) and the building line. Any yard abutting a street is a front yard. The front yard shall be measured from the proposed right-of-way line for highway improvements certified (journalized) by the Ohio Department of Transportation.

(c) Rear Yard: the yard extending across the full width of the lot between the rear lot line and the principal building, between the side lot lines

of an interior lot, or between a side lot line and a front yard of a corner lot, as the owner so designates.

(d) Required Yard: the horizontal open space between a lot line and a setback line that is the minimum area required to comply with the regulations of the district in which the lot

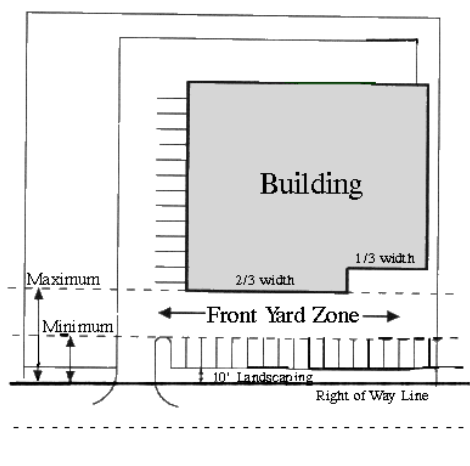
is located, and within which no structure shall be located except as expressly permitted by this Code.

(e) Side Yard: the yard between the side lot line and the building, extending from a front yard to a rear yard. A corner lot has only one side yard.

(f) Yard Width or Depth: the horizontal distance from a lot line to the principal building, measured perpendicular to the lot line.

(Ord. 135-02. Passed 1-13-03; Ord. 9-03. Passed 1-27-03.)

(g) Front Yard Zone: That portion of a lot within the area bounded by the minimum and maximum front yards for each district, within which all or some required percentage of the street facade of a building must be located. See Figure 1.



(Ord. 116-05. Passed 12-12-05.)

(92) Financial Institution: A bank organization or holding company or a bank organization, as defined in Ohio R.C. Chapter 5726, as may be amended from time to time, subject to the following: (a) no freestanding ATMs or similar financial machines shall be permitted unless they are an accessory use to an approved principal financial institution structure located on a single lot; (b) such freestanding ATM or similar financial machine shall be located within twenty (20) feet of the approved principal financial institution; and (c) such freestanding ATM or similar financial machine shall be constructed under cover.

(Ord. 76-2022. Passed 11-14-22.)

(93) Payday Lender: A nonbank financial organization, as defined in Ohio R.C. Chapter 5726, as may be amended from time to time, as licensed pursuant to Ohio R.C. Chapter 1321.

(Ord. 97-17. Passed 12-18-17.)

(94) Vape and Smoke Shop: A retail establishment that offers Electronic Smoking Devices and/or Tobacco Products for retail sale.

(Ord. 19-2024. Passed 4-8-24.)

CHAPTER 1244

Administration, Enforcement and Penalty

1244.01 Purpose.

1244.02 Enforcement by Building and Zoning Inspector.

1244.03 Responsibilities of the Building and Zoning Inspector.

1244.04 Responsibilities of the Planning Commission.

1244.05 Applications for zoning certificates.

1244.06 Zoning certificates required.

1244.07 Zoning compliance certificate.

1244.08 Violations declared a nuisance.

1244.09 Inspections; orders to correct.

1244.10 Correction period.

1244.99 Penalty.

CROSS REFERENCES

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

Planning Commission - see CHTR. Sec. 6.02; P. & Z. Ch. 1210

Board of Zoning Appeals - see P. & Z. Ch. 1246

Conditional zoning certificates - see P. & Z. Ch. 1274

1244.01 PURPOSE.

This Chapter establishes the powers and duties of the Building and Zoning Inspector and Planning Commission with respect to the administration and enforcement of the provisions of this Code.

1244.02 ENFORCEMENT BY THE BUILDING AND ZONING INSPECTOR.

The Chief Building and Zoning Inspector shall be designated by the City Manager. It shall be the duty of the Chief Building and Zoning Inspector to administer and enforce this Code in accordance with the provisions of this Chapter. All departments, officials, and public employees of the City vested with the duty and authority to issue permits or licenses, shall conform to the provisions of this Chapter.

1244.03 RESPONSIBILITIES OF THE BUILDING AND ZONING INSPECTOR.

The Building and Zoning Inspector shall have the following responsibilities and powers:

- (a) Enforce the provisions of this Code and interpret the meaning and application of its provisions.
- (b) Receive, review and make determinations on applications for zoning certificates and zoning compliance certificates.
- (c) Issue zoning certificates and zoning compliance certificates as provided by this Code, and keep records of same with notations of special conditions involved.
- (d) Review and process plans pursuant to the provisions of this Code.
- (e) Make determinations of whether violations of this Code exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Code.
- (f) Conduct inspections of buildings, improved sites and uses of land to determine compliance or non-compliance with this Code.
- (g) Maintain permanent and current records required by this Code, including but not limited to zoning certificates, inspection documents, and records of all variances, amendments and conditional uses. These records shall be available for use by City Council, Planning Commission, the Board of Zoning Appeals and the public.
- (h) Revoke a certificate or approval issued contrary to this Code or based on a false statement or misrepresentation in the application.

1244.04 RESPONSIBILITIES OF THE PLANNING COMMISSION.

(a) The Brunswick City Planning Commission shall have the following responsibilities and powers as they relate to this Code:

(1) Initiate Official Zoning Map or Code text changes, through recommendations to City Council, where the proposed change will further the recommendations of the adopted Comprehensive Plan and promote the best interest of the City of Brunswick and the public in general.

(2) Review all proposed amendments to the Official Zoning Map and to this Code and make recommendations on the proposed amendments to City Council.

(3) ~~Review all Special Planning District applications and make recommendations to City Council as provided in Chapter 1268 of this Code.~~

(4) Review and act on all conditional zoning certificate applications as listed in the respective zoning districts according to the provisions and criteria in Chapter 1274 of this Code.

(5) Review and act on site plans as provided in Chapter 1278 of this Code.

(6) Conduct a continuous review of the effectiveness and appropriateness of this Code and recommend such changes or amendments as it finds would be appropriate.
(Ord. 53-97. Passed 6-11-97.)

(b) Variances.

(1) In the course of exercising its site plan review powers under Chapter 1278, the Planning Commission may, in specific cases, with the consent of City Council, and upon proper written applications, vary or permit exceptions to any of the provisions of Chapters 1250 (R-R Rural Residential District), 1252 (R-L Low Density Residential District), 1254 (R-M Medium Density Residential District), ~~1256 (C-N Neighborhood Commercial District),~~ 1258 (C-H Highway Interchange Commercial District), 1260 (C-G General Commercial District), 1261 (GW-C Gateway Commercial District), 1262 (C-O Office Commercial District), ~~1264 (I-D Industrial Distribution District),~~ 1266 (I-L Light Industrial District), ~~1274 (Conditional Zoning Certificates),~~ if the Planning Commission expressly finds that both (1) such variance or exception will not violate the spirit of intent of the Chapter and (2) that a more harmonious and compatible development will result.
(Ord. 29-08. Passed 4-28-08.)

(2) Any applicant aggrieved by a Planning Commission decision concerning any variance application made pursuant to Section 1244.04(b)(1) shall have a right of appeal of that decision to the Board of Zoning Appeals, under Section 1246.07 of the City of Brunswick Codified Ordinances, as amended by Ordinance No. 147-06 adopted on January 23, 2006 and effective as of February 22, 2006.

(3) Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.
(Ord. 14-07. Passed 3-12- 07.)

(c) Planning Commission shall also have the responsibilities set forth in the Charter of the City of Brunswick.

1244.05 APPLICATIONS FOR ZONING CERTIFICATES.

All applications for zoning certificates shall be submitted to the Building and Zoning Inspector, who may issue zoning certificates when all applicable provisions of this Zoning Code have been complied with. All applications for conditional zoning certificates shall be made to the Building and Zoning Inspector and submitted to the Planning Commission, which may issue conditional zoning certificates in accordance with the provisions of Chapter 1274.

1244.06 ZONING CERTIFICATES REQUIRED.

(a) Before constructing, changing the use of or altering any building or structure, including accessory buildings, or changing the use of any premises, application shall be made to the Building and Zoning Inspector for a zoning certificate. The application shall include the following information:

- (1) A plot plan drawn to scale showing the exact dimensions of the lot to be built upon;
- (2) The location, dimensions, height and bulk of structures to be erected;
- (3) The intended use;
- (4) The proposed number of sleeping rooms, dwelling units, occupants, employees and other uses;
- (5) The yard, open area and parking space dimensions; and
- (6) Any other pertinent data necessary to determine and provide for the enforcement of this Zoning Code.

(b) The Building and Zoning Inspector shall issue a zoning certificate, if the application complies with the requirements of this Zoning Code.

(Ord. 1-04. Passed 5-24-04.)

(c) The zoning certificate shall become void one year after the date of issuance, unless construction is started. If no construction is started or use changed within one year of the date of issuance of the certificate, application for a new certificate shall be made.

1244.07 ZONING COMPLIANCE CERTIFICATE.

(a) Certificate Required. It shall be unlawful for any owner, lessee or tenant to occupy any building, structure or land, or part thereof, hereafter erected, created, changed,

converted or enlarged unless a zoning compliance certificate shall have been issued by the Building and Zoning Inspector after inspection. It shall further be unlawful for any owner, lessee or tenant to change the occupancy of any portion of a building or structure in a commercial or industrial zoning district unless a zoning compliance certificate shall have been issued by the Building and Zoning Inspector after inspection.

(b) Occupancy of Land. A zoning certificate of occupancy for the use of vacant land, or change in the use of land as herein provided, shall be applied for before any such land shall be occupied and used. A zoning certificate of occupancy shall be issued, provided such use is in conformance with the provisions of this Code, including site plans approved to the provisions of Chapter 1278.

(c) Occupancy of a Building. A zoning certificate of occupancy for a new building, the alteration or expansion of an existing building or a new occupancy of an existing building shall be applied for at the same time as the application for a building permit. A certificate of occupancy shall also be issued upon transfer of the property to a new owner. The certificate shall be issued after the new building, alteration or expansion is completed in conformity with the provisions of this Code and with site plans approved by the Planning Commission. (Ord. 42-2022. Passed 7-11-22.)

(d) Temporary Certificate. Pending the issuance of a regular certificate as provided above, a temporary zoning certificate of occupancy may be issued for a period not to exceed six months during the completion of the alteration, or partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in anyway altering the respective rights, duties or obligations of the owners or the City to the use or occupancy of the premises or any other matter covered by this Code. Such temporary zoning occupancy shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants and the eventual completion of all required improvements. Financial guarantees as required by Chapter 1278 shall not be released until the final certificate of zoning occupancy is issued.

1244.08 VIOLATIONS DECLARED A NUISANCE.

Any building erected, altered, moved, razed or converted or any use of land or premises carried on in violation of any provision of this Zoning Code is hereby declared to be a nuisance. Any building or land use activities which may be considered possible violations of the provisions of this Zoning Code and which are observed by any City official or resident shall be reported to the Building and Zoning Inspector.

1244.09 INSPECTIONS; ORDERS TO CORRECT.

The Building and Zoning Inspector shall inspect each alleged violation and shall, in writing, except for a repeat violation, as set forth in Section 1244.10, order the correction of all conditions which are found to be in violation of the provisions of this Zoning Code.

1244.10 CORRECTION PERIOD.

(a) 10-Day Correction. All violations, except repeat violations as set forth in subsection (b) hereof and violations as specified in subsection (d) below, shall be corrected within a period of ten days after the written correction order is issued, or within a longer period of time if an extension is indicated by the Building and Zoning Inspector. Any violation not corrected within the specified period of time, ten days after a written order is issued or within such period extended by the Building and Zoning Inspector, or a repeat violation, shall subject the responsible party to legal action initiated by a citation by the Building and Zoning Inspector.

(b) Repeat Violation. A repeat violation is any violation corrected after an order to correct has been issued, which violation occurs again within one year from the date of the issuance of such correction order.

(c) Department of Law. Where deemed necessary, a violation shall be reported to the Department of Law, which shall initiate and/or approve prosecution procedures.

(d) 24-Hour Correction. Violations of certain provisions of this Zoning Code, as specified in this Code, shall be corrected 24 hours after a written correction notice is received, either by personal service or certified mail. Correction of any violation of this Zoning Code which the Building and Zoning Inspector determines is immediately necessary to achieve the purposes of this Code as established in Section 1240.02 shall also be corrected 24 hours after a written correction notice is received. Any violation not corrected within 24 hours or within such period extended by the Building and Zoning Inspector, shall subject the responsible party to a citation by the Building and Zoning Inspector.

1244.11 REGISTRATION WITH POLICE DEPARTMENT

For cases of emergency and for safety protocols, upon obtaining a certificate of occupancy from the building department each commercial business owner must register the business with the Brunswick Police Department.

1244.99 PENALTY.

(a) Prohibitions.

(1) No person shall fail or refuse to comply with an order issued by the Building and Zoning Inspector. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

(2) No person shall construct, modify, alter, use or occupy any structure or property in violation of the Brunswick Zoning Code. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

(b) Penalties. Whosoever violates this code is guilty of a minor misdemeanor for each offense. If within one year of the date of the offense the offender has been convicted of or

pleads guilty to another violation of this Code, the offender is guilty of a misdemeanor of the third degree.

(c) Civil Remedies. The City of Brunswick, the City Manager on behalf of the City, or any officer designated by the City Manager on behalf of the City of Brunswick may, in addition to the criminal remedies provided in this Zoning Code, file suit for injunction against any violation of this Zoning Code, or if the violation has caused damages to the City of Brunswick, for a judgement for damages. Any person, property owner or occupant of property who can show that the person, property owner or occupant has suffered harm or whose property has suffered harm as a result of violations of this Zoning Code may file suit for injunction or damages to the fullest extent provided by law.

CHAPTER 1246 Board of Zoning Appeals

1246.01 General.

1246.02 Organization.

1246.03 Quorum.

1246.04 Vacancy.

1246.05 Meetings.

1246.06 Witnesses.

1246.07 Procedure.

1246.08 Clerk.

CROSS REFERENCES

Charter provisions - see CHTR. Sec. 6.04

Building and Zoning Inspectors - see ADM. 244.01; P. & Z. 1244.02 et seq.

Nonconformities - see P. & Z. Ch. 1272

Conditional zoning certificates - see P. & Z. Ch. 1274

1246.01 GENERAL.

The Board of Zoning Appeals shall be governed by the provisions of Section 6.04 of the Charter of the City of Brunswick.

1246.02 ORGANIZATION.

The Board of Zoning Appeals shall elect a Chairman and a Vice-Chairman from its membership, shall appoint a clerk and shall prescribe rules for the conduct of its affairs.

1246.03 QUORUM.

The Board of Zoning Appeals shall require a quorum of three members at all its meetings, and a majority of all the members in attendance shall be necessary to ~~a~~ffect any order.

1246.04 VACANCY.

In the event of the death or resignation of a member, the Mayor, with the approval of Council, shall make the appointment for the duration of the unexpired portion of the term of such member.

1246.05 MEETINGS.

The Board of Zoning Appeals shall meet at the call of its Chairman or two other members and at such other regular times as may, by ordinance, be determined. All meetings of the Board shall be public.

1246.06 WITNESSES.

The Chairman or Acting Chairman of the Board of Zoning Appeals may administer oaths and compel the attendance of witnesses in all matters coming within the purview of this Zoning Code.

1246.07 PROCEDURE.

(a) The Board of Zoning Appeals shall act in accordance with the procedure specified by law, including this Zoning Code. The Board shall keep minutes of its proceedings showing the vote, absence or failure to vote of each member upon every question. All appeals and applications made to the Board shall be in writing and on the forms prescribed therefor. Every appeal or application shall refer to the specified provision of the Zoning Code involved and shall exactly set forth the interpretation that is claimed, the use for which the certificate is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution, together with all documents

pertaining thereto, shall be filed in the office of the Board by case number under one of the following headings: Variances; Interpretation; or Certificate. In the event that the Board finds it necessary to draw upon any planning, legal, engineering or any other expert testimony, any costs incurred shall be charged to the applicant.

(b) Appeals.

(1) The Board shall hear and determine all appeals from any decision or action of the Building and/or Zoning Inspector, and/or the Planning Commission in the administration or enforcement of the City Zoning Code. The Board shall hear and determine all appeals resulting from the refusal of the Building and/or Zoning Inspector, and/or the Planning Commission, because of anything contained in said Zoning Code, to issue zoning certificates.

(2) All appeals shall be filed with the Board of Zoning Appeals within twenty (20) days following any action taken by the Building and/or Zoning Inspector, and/or the Planning Commission and shall be upon the form provided and the necessary fee shall be paid in advance. (Ord. 147-05. Passed 1-23-06.)

(c) Variances.

(1) Where there are practical difficulties of unnecessary or particular hardship in the way of carrying out the strict letter of the City Zoning Code, the Board shall have the power, in passing on appeals, to vary or modify any of the provisions of said Zoning Code relating to the use of land, buildings or structures so that the spirit of said Zoning Code shall be observed, public safety secured and substantial justice done, the Board shall have no power to grant variances in residentially zoned areas except those permitted in the residential zone in which the variance is sought and except in the R-R Rural Residential Zoning District upon a finding of the following minimum conditions:

- A. The property is a minimum of ten (10) acres in size;
- B. The property is adjacent to property in common ownership; and
- C. The proposed use of the property is not expressly prohibited.

(Ord. 46-12. Passed 5-21-12.)

(2) In every instance of the granting of a variance by the Board, there shall be a showing by the Board that:

A. The strict application of the provisions of the City Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of said Zoning Code;

B. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood; and

C. The granting of such variance will not be of substantial detriment to public interest or to property or improvements in such district in which the variance is sought and will not materially impair the purpose of the City Zoning Code.

(3) In specific instances the Board may permit such modification of the yard or lot area or width regulations as may be necessary to secure the appropriate improvement of a parcel of land that is too small to be improved without such modification, if such parcel was separately owned at the time of passage of the City Zoning Code or is adjacent to buildings that do not conform to the general restriction applicable to their location.

(4) In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety or welfare and to carry out the purposes and intent of the City Zoning Code.

(d) Public Notice. Public notice shall be given of hearings on any appeals by the publication of a notice once in a newspaper of general circulation within the City at least ten (10) days before the hearing. Written notice, by certified mail, return receipt requested, of a variance request to be considered by the Board of Zoning Appeals shall be given to the property owners residing within the corporation limits of the Municipality, and/or residing within Brunswick Hills Township, whose properties are within two hundred (200) feet in either direction from, and on both sides of the street on which the property is situated, the property for which a variance is requested, at least ten (10) days before the hearing.

(e) Review. To review, upon motion of any two (2) members of the Board, any rule, regulation or decision of the Board, but no such review shall prejudice the rights of any person who has in good faith acted thereon before it is reversed or modified.

(Ord. 147-05. Passed 1-23-06.)

(f) Continuances. Any applicant for a variance or appeal may, upon prior written notice to the Board, continue the scheduled hearing of its application to the next regularly scheduled Board meeting. In the event any continuation notice is received by the Board after the provision of public notice as contained in subsection (d) herein, such applicant shall be responsible for all costs incurred by the Board, including, without limitation, public notice expenses.

In the event an applicant for a variance or appeal fails to appear at the scheduled Board meeting, such applicant shall be entitled to one automatic continuance. In such event, the applicant shall be responsible for all costs incurred by the Board, including, without limitation, public notice expenses. Any additional failure to appear shall result in the Board dismissing the application for a variance or appeal with prejudice, which shall be deemed a denial of such application.

(g) Withdrawal. Any applicant for a variance or appeal may, upon prior written notice to the Board, withdraw such application one time without prejudice. In such event, the applicant shall forfeit any filing fee and, upon refileing such application, shall be responsible

for all fees associated therewith. Any additional withdrawal of the application shall be deemed a denial of such application.

(h) Time Period to Act. The Board shall approve or deny any application for a variance or appeal within 180 days of final submission. Failure to act upon an application within such specified time shall be deemed a denial of such application unless withdrawn by the applicant. (Ord. 102-13. Passed 12-16-13.)

1246.08 CLERK.

The position of Clerk to the Board of Zoning Appeals is hereby established. The duties and authority of the clerk shall be those prescribed by law and such additional duties and authority as may be conferred by the Board.

CHAPTER 1248

Districts and Boundaries

1248.01 Establishment of districts.

1248.02 Type of districts.

1248.03 Zoning Map.

1248.04 Interpretation of district boundaries.

1248.05 Vacation of public ways.

1248.06 Conformance with regulations.

1248.07 Amendments.

1248.08 Annexations.

CROSS REFERENCES

Zoning of annexed areas - see Ohio R.C. 303.25, 519.18

Basis of districting and zoning - see Ohio R.C. 713.10

Restrictions of Councilman, officers and employees re annexation and rezoning - see ADM. 258.02(a)(1), (2)

1248.01 ESTABLISHMENT OF DISTRICTS.

For the purpose of promoting the public health, safety, morals, convenience and general welfare, the City is hereby divided into districts, as enumerated in Section 1248.02, each being of such number, shape, kind and area and of such common unity of purpose and adaptability of use as is deemed most suitable to carry out the purposes of this Zoning Code.

1248.02 TYPE OF DISTRICTS.

Zoning Districts in the City are as follows:

R-R Rural Residential
R-L Low Density Residential
R-M Medium Density Residential
~~C-N Neighborhood Commercial~~
C-H Highway Interchange Commercial
C-G General Commercial
~~GW-C Gateway Commercial~~
C-O Office Commercial
~~I-D Industrial Distribution~~
I-L Light Industrial
SPD Special Planning Districts as
specifically approved by City Council
~~IDOD Joint Development Overlay District~~~~GW-C Gateway Commercial~~

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

1248.03 ZONING MAP.

The districts listed in Section 1248.02 are shown on the Official Zoning Map which, together with all explanatory matter therein, is hereby adopted as part of this Zoning Code and is hereby incorporated by reference into this Zoning Code. The Official Zoning Map, properly attested, shall remain on file in the office of the City Engineer or the Engineer's designee.

1248.04 INTERPRETATION OF DISTRICT BOUNDARIES.

Zoning district boundaries on the Official Zoning Map established in Section 1248.03 follow lot lines or the center lines of streets as they existed at the time of adoption of this Zoning Code, or the dimensions so indicated on the map. Where a district boundary obviously does not coincide with lot lines or center lines, or where it is not designated by dimensions, it shall be determined by the legal description. If a legal description is not available, boundaries shall be determined by the use of an engineer's scale, as measured on the Official Zoning Map. All questions concerning the exact location of district boundary lines shall be determined by the Building and Zoning Inspector. Appeals of this decision shall be determined by the Board of Zoning Appeals, according to Section 6.04 of the City Charter and Chapter 1246 .

1248.05 VACATION OF PUBLIC WAYS.

Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.

1248.06 CONFORMANCE WITH REGULATIONS

All land, buildings, structures or premises shall hereafter be used, and all buildings or part thereof or other structures, shall be located, erected, moved, reconstructed, extended, enlarged or altered in conformity with the regulations herein specified for the district in which it is located.

1248.07 AMENDMENTS.

(a) Procedure. Amendments to the Official Zoning Map or to the text of the Zoning Code may be initiated by the filing of an application for that purpose by one or more owners of property within the area proposed to be affected by the proposed amendment. Amendments may also be initiated by City Council or the Planning Commission. Proposed amendments shall be reviewed and notices provided as required by Section 6.02 of the Charter of the City of Brunswick.

(b) Applications. Amendment applications shall be submitted on a form prescribed by the Planning Commission for that purpose, and shall be accompanied by all required attachments and a fee as established in Chapter 1216. All applications for a zoning map or text amendment shall include:

(1) Evidence that the proposed map or text change is more in conformance with the adopted Comprehensive Plan than the existing map or text.

(2) Evidence that the proposed amendment would materialize in an equal or better Zoning Code than that existing.

A limitation upon the financial gain from the land in question shall not constitute unreasonable zoning or establish cause to change the existing zoning.

1248.08 ANNEXATIONS.

~~(a)~~ Applications to zone property proposed for annexation to the City may be filed at any time, provided that the public hearing required by Section 6.02(d) of the City Charter shall be held after expiration of the sixty-day period required by Ohio R.C. 709.04. If an application to zone property under Charter Section 6.02(d) is not pending, Council shall, by legislative action, place property annexed to the City in ~~such District as determined by Council subject to subsection (b) below the R-R Rural Residential District.~~ At any time, Council and/or the Planning Commission may informally review potential zoning of land prior to annexation of the land.

(b) The Community and Economic Development Director shall review all existing and/or proposed uses and/or improvements on a parcel seeking to annex into the City of Brunswick, whether an application to zone property under Charter Section 6.02(d) is pending or not, and provide a report to Council. To ensure the parcel(s) meets applicable Zoning Code requirements and as a condition to formal acceptance of annexation, the applicant and City Council shall enter into a legally binding agreement providing for one of the following: (1) confirming that the parcel meets the requirements of the Zoning District into which the parcel is proposed to be placed, (2) accepting annexation of the parcel into the Zoning District in which the same is proposed to be placed subject to the non-conformity provisions of Chapter 1272 of the Zoning Code, or (3) accepting annexation of the parcel into the Zoning District which same is proposed to be placed subject to such modifications of non-conformities as agreed to and determined by City Council, within a set time frame, as agreed to by both parties.

CHAPTER 1250

R-R Rural Residential District

1250.01 Purpose.

1250.02 Principally permitted uses.

1250.03 Permitted accessory uses.

1250.04 Conditionally permitted uses.

1250.05 Lot, height and floor area requirements.

1250.06 Family homes.

CROSS REFERENCES

Parking of commercial vehicles in residential districts - see TRAF. 452.13

Privies and septic tanks - see S.U. & P.S. Ch. 1044

Nonconforming uses - see P. & Z. Ch. 1272

Provisions applicable to all districts - see P. & Z. Ch 1280

1250.01 PURPOSE.

The R-R Rural Residential District is established to accommodate a population density of approximately one family per two acres in order to provide for very ~~low density~~low-density residential development and thereby prevent more intense development in areas without centralized sewer or water facilities. Uses that require a higher standard or greater concentration of public utilities shall be excluded from an R-R district. The R-R district is also intended as a temporary holding zone for newly-annexed land until the owner requests a permanent zoning classification.

1250.02 PRINCIPALLY PERMITTED USES.

Principally permitted uses in the R-R Rural Residential District shall be single family detached dwellings.

1250.03 PERMITTED ACCESSORY USES.

Permitted accessory uses shall be as follows:

- (a) Signs as regulated by Chapter 1270;
- (b) Any use or structure which is accessory and incidental to any of the R-R district principally or conditionally permitted uses.

1250.04 CONDITIONALLY PERMITTED USES.

The Planning Commission may issue conditional zoning certificates for the following uses, subject to the listed provisions of Chapter 1274:

- (a) Educational institutions, subject to Section 1274.08(a), (b), (e) and (h);
- (b) Religious places of worship, subject to Section 1274.08(a), (b), (e) and (h);
- (c) Public utility structures, except communication towers, subject to Section 1274.08(a), (d) and (e);
- (d) Governmentally-owned and/or operated recreational facilities, ~~except miniature golf~~, subject to Section 1274.08(a)(1) and (h);
- (e) Cemeteries, subject to Section 1274.08(a), (c), (e), and (h);
- (f) Privately-owned, extensive recreation facilities such as golf courses or riding academies, subject to Section 1274.08(a), (c), (d), (e), (g) and (h);
- (g) Governmentally-owned and/or operated buildings and facilities, other than those listed above, subject to Section 1274.08(a)(1), (c), (e), (g) and (h);
- (h) Bed and breakfast establishment; subject to Section 1274.08(b), (e) and 1274.12;
- (i) Home occupations, subject to Section 1274.09; and
- (j) Wireless service provider structures.

(Ord. 135-02. Passed 1-13-03; Ord. 9-03. Passed 1-27-03; Ord. 67-14. Passed 10-6-14.)

1250.05 LOT, HEIGHT AND FLOOR AREA REQUIREMENTS.

The lot, yard and height requirements in the R-R Rural Residential District are as follows:

- (a) Minimum lot area: 2 acres (87,120 square feet)
- (b) Minimum lot width: 200 feet
- (c) Minimum front yard width: 100 feet. For corner lots, minimum second front yard width: 75 feet.
- (d) Minimum side yard width: 25 feet
- (e) Minimum rear yard width: 50 feet
- (f) Maximum building height:
 - (1) Principally or conditionally permitted building: 35 feet
 - (2) Accessory building: 15 feet (Ord. 53-97. Passed 5-12-97.)
- (g) Minimum floor area, which minimum square footage of a single dwelling shall not include any area below the front grade:
 - (1) With a full basement: 1100 square feet

- (2) Without a full basement: 1300 square feet
(Ord. 103-2020. Passed 2-22-21.)

1250.06 FAMILY HOMES.

Provisions on family homes and adult family homes, as defined in the Ohio Revised Code, are established in Section 1280.14.

CHAPTER 1252

R-L Low Density Residential District

- 1252.01 Purpose.
1252.02 Principally permitted uses.
1252.03 Permitted accessory uses.
1252.04 Conditionally permitted uses.
1252.05 Lot, height and floor area requirements.
1252.06 Family homes.

CROSS REFERENCES

- Parking of commercial vehicles in residential districts - see TRAF. 452.13
Privies and septic tanks - see S.U. & P.S. Ch. 1044
Nonconforming uses - see P. & Z. Ch. 1272
Provisions applicable to all districts - see P. & Z. Ch 1280

1252.01 PURPOSE.

The R-L Low Density Residential District is established to encourage the development of low-density single family residential neighborhoods. Densities up to 2.2 families per acre are available with the use of the special single family cluster provisions in Chapter 1284. It is intended that the development permitted in the R-L district be serviced with public sewer and water facilities and accommodate residential structures of the type and character that presently exist in the District.

1252.02 PRINCIPALLY PERMITTED USES.

Principally permitted uses in the R-L Low Density Residential District shall be single family detached dwellings.

1252.03 PERMITTED ACCESSORY USES.

Permitted accessory uses shall be as follows:

- (a) Signs as regulated by Chapter 1270;
- (b) Any use or structure which is accessory and incidental to any of the R-L district principally or conditionally permitted uses.

1252.04 CONDITIONALLY PERMITTED USES.

The Planning Commission may issue conditional zoning certificates for the following uses, subject to the listed provisions of Chapter 1274.

- (a) Educational institutions, subject to Section 1274.08(a), (b), (e) and (h);
 - (b) Religious places of worship, subject to Section 1274.08(a), (b), (e) and (h);
 - (c) Public utility structures, except communication towers, subject to Section 1274.08(a), (d) and (e);
 - (d) Governmentally-owned and/or operated recreational facilities, ~~except miniature golf~~, subject to Section 1274.08(a)(1) and (h);
 - (e) Cemeteries, subject to Section 1274.08(a), (c), (e) and (h).
 - (f) Privately-owned, extensive recreational facilities such as golf courses or riding academies, subject to Section 1274.08(a), (c), (d), (e), (g) and (h);
 - (g) Governmentally-owned and/or operated buildings and facilities, other than those listed above, subject to Section 1274.08(a)(1), (c), (e), (g) and (h);
 - (h) (EDITOR'S NOTE: Former subsection (h) was deleted by Ordinance 90-2021, passed November 8, 2021.)
 - (i) Home occupations, subject to Section 1274.09;
 - (j) Single family cluster developments, subject to Section 1274.03 and Chapter 1284; and
 - (k) Wireless service provider structures.
- (Ord. 135-02. Passed 1-13-03; Ord. 9-03. Passed 1-27-03; Ord. 65-14. Passed 10-6-14.)

1252.05 LOT, HEIGHT AND FLOOR AREA REQUIREMENTS.

The lot, yard and height requirements in the R-L Low Density Residential District are as follows:

- (a) Minimum lot area: 0.5 acre (21,780 square feet)
- (b) Minimum lot width: 100 feet
- (c) Minimum front yard width: 40 feet. For corner lots, minimum second front yard width: 40 feet.
- (d) Minimum side yard width: 10 feet
- (e) Minimum rear yard width: 45 feet
- (f) Maximum building height:
 - (1) Principally or conditionally permitted building: 35 feet
 - (2) Accessory building: 15 feet

(Ord. 1-04. Passed 5-24-04.)

(g) Minimum floor area, which minimum square footage of a single-family dwelling shall not include any area below the front grade:

- (1) With a full basement: 1100 square feet
- (2) Without a full basement: 1300 square feet

(Ord. 104-2020. Passed 2-22-21.)

1252.06 FAMILY HOMES.

Provisions on family homes and adult family homes, as defined in the Ohio Revised Code, are established in Section 1280.14.

CHAPTER 1254

R-M Medium Density Residential District

1254.01 Purpose.

1254.02 Permitted accessory uses.

1254.03 Conditionally permitted uses.

1254.04 Lot, height and floor area requirements.

CROSS REFERENCES

Parking of commercial vehicles in residential districts - see TRAF. 452.13

Privies and septic tanks - see S.U. & P.S. Ch. 1044

Nonconforming uses - see P. & Z. Ch. 1272

Provisions applicable to all districts - see P. & Z. Ch 1280

1254.01 PURPOSE.

The R-M Medium Density Residential District is established to provide a location for a variety of detached and attached dwelling types at a density of up to four dwellings per acre. The R-M District is intended to accommodate detached, townhouse, attached and similar unit types principally as buffers between single family residential and commercial zones, and in other appropriate locations for higher density residential development. The R-M District includes open space and related standards to ensure quality development.

(Ord. 70-2021. Passed 9-27-21.)

1254.02 PERMITTED ACCESSORY USES.

Permitted accessory uses shall be as follows:

- (a) Signs as regulated by Chapter 1270;
- (b) Any use or structure which is accessory and incidental to any of the R-M district conditionally permitted uses.

1254.03 CONDITIONALLY PERMITTED USES.

The Planning Commission may issue conditional zoning certificates for the following uses, subject to the listed provisions of Chapter 1274.

- (a) Multifamily dwelling units, including but not limited to attached, detached, townhouse, patio and similar unit types, subject to Chapter 1286.

(Ord. 139-05. Passed 1-9-06.)

- (b) Educational institutions, subject to Section 1274.08(a), (b), (e) and (h);
- (c) Religious places of worship, subject to Section 1274.08(a), (b), (e) and (h);
- (d) Public utility structures, except communication towers, subject to Section 1274.08(a), (d), and (e);

(e) Governmentally-owned and/or operated recreational facilities, ~~except miniature golf~~, subject to Section 1274.08(a)(1) and (h);

(f) (EDITOR'S NOTE: Former subsection (f) was deleted by Ordinance 91-2021, passed November 8, 2021.)

(g) (EDITOR'S NOTE: Former subsection (g) was deleted by Ordinance 91-2021, passed November 8, 2021.)

(h) Governmentally-owned and/or operated buildings and facilities, other than those listed above, subject to Section 1274.08(a)(1), (c), (e), (g) and (h);

(i) (EDITOR'S NOTE: Former subsection (i) was deleted by Ordinance 91-2021, passed November 8, 2021.)

(j) (EDITOR'S NOTE: Former subsection (j) was deleted by Ordinance 105-2020, passed February 22, 2021);

(k) Group homes and adult family homes as specified in Section 1280.14(c), subject to Section 1274.08(b), (d) and (e) and 1280.14(d); and

(l) Wireless service provider structures.

(Ord. 135-02. Passed 1-13-03; Ord. 9-03. Passed 1-27-03; Ord. 66-14. Passed 10-6-14.)

1254.04 LOT, HEIGHT AND FLOOR AREA REQUIREMENTS.

The lot, yard and height requirements in the R-M Medium Density Residential District are as follows:

(a) Minimum lot area:

(1) For multifamily dwellings: See Section 1286.02(a).

(2) For all other uses: 20,000 square feet.

(b) Minimum lot width: 150 feet.

(c) Front Yard Zone.

(1) Minimum front yard: 30 feet.

(2) Maximum front yard:

A. Major arterial streets as designated on the Thoroughfare Plan where right of way is less than 90 feet: 75 feet.

B. Major arterial streets as designated on the Thoroughfare Plan where right of way is 90 feet or more: 60 feet.

C. Other streets: 60 feet.

- (3) Corner lots shall comply with the minimum and maximum for each street.
- (4) See front yard zone standards in Section 1260.07.
- (d) Minimum side yard width: 35 feet.
- (e) Minimum rear yard width: 35 feet.
- (f) The minimum side and rear yard widths shall be increased ten additional feet for each story above the first story. (Ord. 139-05. Passed 1-9-06.)
- (g) (EDITOR'S NOTE: Former subsection (g) was deleted by Ordinance 107-2020, passed February 22, 2021.):

~~CHAPTER 1256~~

~~C-N Neighborhood Commercial District~~

~~1256.01 Purpose.~~

~~1256.02 Principally permitted uses.~~

~~1256.03 Permitted accessory uses.~~

~~1256.04 Conditionally permitted uses.~~

~~1256.05 Lot, yard and height requirements.~~

~~1256.06 Site plan review.~~

~~1256.07 Front yard zone; modifications.~~

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~~CROSS REFERENCES~~

~~Signs—see P. & Z. Ch. 1270~~

~~Nonconformities—see P. & Z. Ch. 1272~~

~~Parking and site design—see P. & Z. Ch. 1276~~

~~Landscaping and screening—see P. & Z. Ch. 1282~~

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~~1256.01 PURPOSE.~~

~~—The C-N Neighborhood Commercial District is established to provide for uses to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. This District is intended to serve families living within a one-half to one-mile radius and should be located at the center of such drawing area. The C-N district encourages groupings of establishments located on a unified site and providing~~

~~adequate off-street parking facilities, as well as an efficient and safe method of handling vehicular and pedestrian traffic.~~

~~-~~

~~1256.02 PRINCIPALLY PERMITTED USES.~~

~~—Principally permitted uses in the C-N Neighborhood Commercial District shall be as follows:~~

- ~~—(a) Personal services;~~
- ~~—(b) Retail businesses;~~
- ~~—(c) Financial institutions;~~
- ~~—(d) Professional offices;~~
- ~~—(e) Educational institutions;~~
- ~~—(f) Medical and dental clinics and offices, veterinary clinics;~~
- ~~—(g) Restaurants and taverns;~~
- ~~—(h) Religious places of worship; and~~
- ~~—(i) Wireless service provider structures.~~
- ~~—(Ord. 135-02, Passed 1-13-03; Ord. 9-03, Passed 1-27-03.)~~

~~1256.03 PERMITTED ACCESSORY USES.~~

~~—Permitted accessory uses shall be as follows:~~

- ~~—(a) Signs as regulated by Chapter 1270;~~
- ~~—(b) Any use or structure which is accessory and incidental to any of the C-N district principally or conditionally permitted uses.~~

~~1256.04 CONDITIONALLY PERMITTED USES.~~

~~—The Planning Commission may issue conditional zoning certificates for the following uses, subject to the listed provisions of Chapter 1274:~~

- ~~—(a) Public utility structures, other than communication towers, subject to Section 1274.08(d);~~

~~—(b) Governmentally owned and/or operated recreational facilities, subject to Section 1274.08(a) and (h);~~

~~—(c) Cemeteries, subject to Section 1274.08(a);~~

~~—(d) Privately owned, recreational facilities, subject to Section 1274.08(a), (d) and (g);~~

~~—(e) Governmentally owned and/or operated buildings and facilities, other than those listed above, subject to Section 1274.08(d) and (g);~~

~~—(f) Bed and breakfast establishment, subject to Section 1274.12;~~

~~—(g) Convalescent care facility, subject to Section 1274.08(d) and (g);~~

~~—(h) Clubs, subject to Section 1274.08(a), (d), and (g);~~

~~—(i) Automobile filling stations, subject to Section 1274.08(d), (f), (g) and 1274.13;~~

~~—(j) Temporary retail sales, subject to Sections 1274.08(d) and 1274.10.~~

~~—(Ord. 135-02. Passed 1-13-03.)~~

~~—(k) Special annual permit for inflatable figures, subject to Chapter 1270 and Section and 1274.16. (Ord. 72-07. Passed 10-8-07.)~~

~~—(l) Murals as defined in Section 1270.15.~~

~~—(Ord. 112-07. Passed 1-14-08; Ord. 71-14. Passed 10-6-14.)~~

~~—(m) Vape and smoke shops shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any of the following are located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any of the following are located:~~

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

~~—(2) A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers.~~

~~—(3) A playground that is open to the public or City park.~~

~~—(Ord. 13-2024. Passed 4-8-24.)~~

~~—(n) Tattoo and body piercing parlors. (Ord. 137-17. Passed 2-12-18.)~~

~~1256.05 LOT, YARD AND HEIGHT REQUIREMENTS.~~

~~—The lot, yard and height requirements in the C-N Neighborhood Commercial District are as follows:~~

~~—(a) Front yard zone:~~

~~—(1) Minimum front yard: 30 feet.~~

~~—(2) Maximum front yard:~~

~~—A. Major arterial streets as designated on the Thoroughfare Plan where right of way is less than 90 feet: 75 feet.~~

~~—B. Major arterial streets as designated on the Thoroughfare Plan where right of way is 90 feet or more: 60 feet.~~

~~—C. Other streets: 60 feet.~~

~~—(3) Corner lots shall comply with the minimum and maximum for each street.~~

~~—(4) See front yard zone standards in Section 1260.07.~~

~~—(b) Minimum side yard width: 50 feet when adjacent to a residential district, on the side adjacent to the residential district only.~~

~~—(c) Minimum rear yard width: 25 feet, except 50 feet when adjacent to a residential district.~~

~~—(d) Maximum building height:~~

~~—(1) Principally or conditionally permitted building: 35 feet.~~

~~—(2) Accessory building: 15 feet.~~

~~—(e) See also the landscaping requirements in Chapter 1282, including Sections 1282.05 Total Landscape Area and Section 1282.06 Specific Landscaping and Screening Requirements.~~

~~—(Ord. 116-05, Passed 12-12-05.)~~

~~1256.06 SITE PLAN REVIEW.~~

~~—Site plans for all uses principally or conditionally permitted in the C-N district shall be reviewed and approved by the Planning Commission as provided in Chapter 1278. Site plans required by this chapter shall also comply with the provisions of Chapter 1276 Parking and Site Design and Chapter 1282 Landscaping and Screening.~~

~~1256.07 FRONT YARD ZONE; MODIFICATIONS.~~

~~Sites and buildings in the C-N zone shall also be subject to the front yard zone standards in Section 1260.07.~~

~~(Ord. 116-05, Passed 12-12-05.)~~

CHAPTER 1258

C-H Highway Interchange Commercial District

1258.01 Purpose.

1258.02 Principally permitted uses.

1258.02A Permitted accessory uses.

1258.03 Conditionally permitted uses.

1258.04 Lot, yard and height requirements.

1258.05 Supplemental regulations.

CROSS REFERENCES

Signs - see P. & Z. Ch. 1270

Nonconformities - see P. & Z. Ch. 1272

Parking and site design - see P. & Z. Ch. 1276

Landscaping and screening - see P. & Z. Ch. 1282

1258.01 PURPOSE.

Brunswick recognizes that the Interstate 71-Center Road interchange area is the principal access point to the community and that the vacant land in this immediate area is a strategic resource for future development of the City. It is the intent of the City that this area be reserved for significant, high visibility commercial uses which will reflect positively on the image of the community. The C-H Highway Interchange Commercial District is established to further these objectives, to provide for uses which accommodate travelers on Interstate 71 and to provide locations for other commercial uses which particularly benefit from the high visibility and regional accessibility offered by the Interstate. The C-H district is further intended to minimize interference with through traffic on Center Road and with traffic using the interchange ramps.

1258.02 PRINCIPALLY PERMITTED USES.

There shall be no principally permitted uses in the C-H Highway Interchange Commercial District.
(Ord. 54-06. Passed 7-26-06.)

1258.02A PERMITTED ACCESSORY USES.

Permitted accessory uses shall be as follows:

- (a) Signs as regulated by Chapter 1270;
 - (b) Any use or structure which is accessory and incidental to any of the C-H district conditionally permitted uses.
- (Ord. 7-99. Passed 2-22-99.)

1258.03 CONDITIONALLY PERMITTED USES.

The Planning Commission may issue conditional zoning certificates for the following uses, subject to the listed provisions of Chapter 1274:

- (a) ~~Motels and~~ hotels, subject to Section 1274.08(a), (d), and (g);
- (b) Public utility structures, other than communication towers, subject to Section 1274.08(d);
- (c) Communication towers, subject to Section 1274.14;
- (d) Governmentally-owned and/or operated buildings and facilities, other than those listed above, subject to Section 1274.08(a) and (h);
- (e) Automobile filling stations, subject to Section 1274.08(a), (d), (f), (g) and 1274.13;
- (f) Professional offices, subject to Section 1274.08(a) and (d);
- (g) Restaurants, subject to Section 1274.08(a) and (d);
- (h) Automotive repair garages, auto washes and related uses, subject to Section 1274.08(a), (d), (f), and (g);

(Ord. 54-06. Passed 7-26-06.)

(i) New and/or used vehicle sales, subject to Section 1274.08(a), (d), (f), (g) and 1274.11. This use is limited to parcels with frontage on Center Road within the C-H Highway Interchange Commercial District;

(Ord. 106-2020. Passed 2-22-21.)

- (j) Temporary retail sales, subject to Section 1274.08(d) and 1274.10;

(k) Theaters, subject to Section 1274.08(a) and (d).

(Ord. 54-06. Passed 7-26-06.)

(l) Single user, retail businesses with a minimum gross floor area of 40,000 square feet;

(m) Medical, dental, and veterinary hospitals or clinics with a minimum gross floor area of 10,000 square feet.

(Ord. 71-06. Passed 9-25-06.)

(n) Special annual permit for inflatable figures, subject to Section 1274.16. (Ord. 72-07. Passed 10-8-07.)

(o) Murals as defined in Section 1270.15.

(Ord. 113-07. Passed 1-14-08.)

(p) Electronic moving message/digital display signs.

(Ord. 12-09. Passed 4-27-09.)

1258.04 LOT, YARD AND HEIGHT REQUIREMENTS.

The lot, yard and height requirements in the C-H Highway Interchange Commercial District are as follows:

(a) The minimum lot area: one acre (43,560 square feet).

(b) The minimum front yard width shall be as follows:

(1) For major arterial thoroughfares, as designated on the Thoroughfare Plan:

A. For rights of way of 80 feet or more: 50 feet;

B. For rights of way of less than 80 feet: 70 feet;

(2) For other thoroughfares: 50 feet, and

(3) Corner lot second front yard width: 40 feet

(c) Minimum side yard width: 25 feet; 50 feet if adjacent to residential district.

(d) Minimum rear yard width: 25 feet; 50 feet if adjacent to residential district.

(e) Maximum building height:

(1) Principally or conditionally permitted buildings: 70 feet

(2) Accessory buildings: 15 feet

1258.05 SUPPLEMENTAL REGULATIONS.

(a) Site Plans. All uses in the C-H Highway Interchange Commercial District shall be permitted only after review and approval of site plans by the Planning Commission as provided in Chapter 1278, and upon a finding by the Commission that the plan is consistent with the purpose and specific requirements of the C-H district. The Commission may require review and approval of a general site plan for a specific parcel or for adjacent parcels prior to review of more detailed plans for a specific development site. Site plans required by this chapter shall also comply with the provisions of Chapter 1276 Parking and Site Design and Chapter 1282 Landscaping and Screening.

(b) Visibility. Sites shall be designed to be seen from both Interstate 71 and the access street. Service and storage areas shall be screened from view from Interstate 71, from the access street and from adjacent residential zones.

(c) Shared Drives. Shared access drives or other suitable means shall be used to minimize the number of driveway openings to arterial streets.

CHAPTER 1260

C-G General Commercial District

1260.01 Purpose.

1260.02 Principally permitted uses.

1260.03 Permitted accessory uses.

1260.04 Conditionally permitted uses.

1260.05 Yard and height requirements.

1260.06 Site plan review.

1260.07 Front yard zone.

CROSS REFERENCES

Signs - see P. & Z. Ch. 1270

Nonconformities - see P. & Z. Ch. 1272

Parking and site design - see P. & Z. Ch. 1276

Landscaping and screening - see P. & Z. Ch. 1282

1260.01 PURPOSE.

The C-G General Commercial District is established to provide for needs for both convenience goods and the more common and often recurring shopping goods, personal

services and household services. The C-G District also provides locations for multifamily development which do not detract from the commercial potential of frontage property on Pearl Road (U.S. 42) and Center Road (S.R. 303).

1260.02 PRINCIPALLY PERMITTED USES.

Principally permitted uses in the C-G General Commercial District shall be as follows:

- (a) Personal services;
 - (b) Retail businesses;
 - (c) Financial institutions;
 - (d) Professional offices;
 - (e) Medical and dental clinics and offices, veterinary hospitals and clinics;
 - (f) Educational institutions;
 - (g) Restaurants, taverns and nightclubs;
 - (h) Funeral homes;
 - ~~(i) Sexually oriented businesses;~~
 - (j) Religious places of worship;
 - (k) Theaters; ~~and~~
 - (l) Wireless service provider structures; and
 - (l) Private recreational facilities within existing buildings equal or less than 3,000 square feet in size, s-ubject to administration approvals. However, the administration can request planning commission review and approval if deemed necessary by the administration.
- (Ord. 7-99. Passed 2-22-99; Ord. 135-02. Passed 1-13-03; Ord. 9-03. Passed 1-27-03.)

1260.03 USES PERMITTED ACCESSORY.

Permitted accessory uses shall be as follows:

- (a) Signs as regulated by Chapter 1270;
- (b) Any use or structure which is accessory and incidental to any of the C-G district principally or conditionally permitted uses.

1260.04 CONDITIONALLY PERMITTED USES.

The Planning Commission may issue conditional zoning certificates for the following uses, subject to the listed provisions of Chapter 1274:

- (a) Public utility structures, except communication towers, subject to Section 1274.08(d);
- (b) Communication towers, subject to Section 1274.14;
- (c) Governmentally-owned and/or operated recreational facilities, subject to Section 1274.08(a), and (h);
- (d) Cemeteries, subject to Section 1274.08(a);
- (e) Privately-owned recreational facilities within an existing building an in excess of 3,000 square feet in size, or facilities within a new building, or outside facilities. subject to Section 1274.08(a), (d) and (g);
- (f) Governmentally-owned and/or operated buildings and facilities, other than those listed above, subject to Section 1274.08(d) and (g);
- (g) Bed and breakfast establishment; subject to Section 1274.12;
- (h) (EDITOR'S NOTE: Former subsection (h) was deleted by Ordinance 108-2020, passed February 22, 2021.);
- (i) Clubs, subject to Section 1274.08(a), (d), and (g);
- (j) Automobile filling stations, subject to Section 1274.08(d), (f) (g) and 1274.13;
- (k) Automobile repair, subject to Section 1274.08(a), (d), (f), and (g);
- (l) New vehicle sales, subject to Section 1274.08(d), (f) and (g) and 1274.11;
- (m) Building materials, lumber or garden sales, subject to Section 1274.08(d), (f) and (g);
- (n) Temporary retail sales, subject to Section 1274.08(d) and 1274.10.
(Ord. 135-02. Passed 1-13-03.)
- (o) (EDITOR'S NOTE: Former subsection (o) was deleted by Ordinance 92-2021, passed November 8, 2021.)
- (p) Special annual permit for inflatable figures, subject to Section 1274.16. (Ord. 72-07. Passed 10-8-07.)
- (q) Murals as defined in Section 1270.15. (Ord. 114-07. Passed 1-14-08.)
- (r) Electronic moving message/digital display signs.
(Ord. 12-09. Passed 4-27-09.)

(s) Commercial Event Center, as defined in Section 1242.02(22.1), subject to Section 1274.08(i). (Ord. 46-15. Passed 9-14-15.)

(t) Massage establishment, as defined in and subject to the requirements of Chapter 864. (Ord. 72-17. Passed 9-25-17.)

(u) Payday Lenders. (Ord. 98-17. Passed 12-18-17.)

(v) Vape and smoke shops, shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any of the following are located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any of the following are located:

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

(2) A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers.

(3) A playground that is open to the public or City park.

(Ord. 119-2022. Passed 2-27-23.)

(w) Tattoo and body piercing parlors. (Ord. 132-17. Passed 2-12-18.)

(x) Small Box Discount Stores, as defined in Codified Ordinance Section 1242.02(76.1), subject to a minimum distance of 10,560 feet between each Small Box Discount Store. (Ord. 107-2021. Passed 1-10-22.)

[\(y\) Car wash facilities subject to Section 1274.18\(a\) and \(b\);](#)

[\(z\) Sexually-oriented businesses.](#)

1260.05 YARD AND HEIGHT REQUIREMENTS.

Yard and height requirements in a C-G District are as follows:

(a) Front Yard Zone.

(1) Minimum front yard: 30 feet.

(2) Maximum front yard.

A. Major arterial streets as designated on the Thoroughfare Plan where right of way is less than 90 feet; 75 feet.

B. Major arterial streets as designated on the Thoroughfare Plan where right of way is 90 feet or more: 60 feet.

C. Other streets: 60 feet.

(3) Corner lots shall comply with the minimum and maximum for each street.

(4) See front yard zone standards in Section 1260.07.

(b) Minimum side yard width: 50 feet when adjacent to a residential district or use, on the side adjacent to the residential district or use only.

(c) Minimum rear yard width: 25 feet, 50 feet adjacent to a residential district or use.

(d) Maximum building height:

(1) Principally or conditionally permitted buildings: 45 feet.

(2) Accessory buildings: 15 feet.

(e) See also the landscaping requirements in Chapter 1282, including Sections 1282.05 Total Landscape Area and 1282.06 Specific Landscaping and Screening Requirements.

(Ord. 116-05. Passed 12-12-05.)

1260.06 SITE PLAN REVIEW.

Site plans shall be reviewed and approved by the Planning Commission as provided in Chapter 1278. All multifamily developments shall also require review and approval of site plans by City Council. Site plans required by this chapter shall also comply with the provisions of Chapter 1276 Parking and Site Design and Chapter 1282 Landscaping and Screening.

1260.07 FRONT YARD ZONE.

(a) Street Facades. Street facades shall be designed with offsets and other breaks in the vertical plane to create an interesting and varied streetscape. A minimum of two-thirds of a building's street facade shall fall within the front yard zone established above. Street facades greater than 60 feet in length shall incorporate one or more wall plane projections or recesses [with or without footers](#) having a minimum depth of at least 3 per cent of the street facade and extending at least 20 per cent of the [cumulative](#) length of the street facade.

(b) Parking Within Front Yard. Parking within the front yard zone established above, and extending between the front yard zone and the right of way line, shall be limited to a maximum width of 45 feet measured perpendicular to the right of way line. This dimension allows a single loaded parking bay as established in Table 1276-3 in Chapter 1276.

(c) Modifications. Planning Commission may approve front yards or front yard parking greater than the maximum in the following instances:

(1) An applicant demonstrates to the satisfaction of the Planning Commission that a greater yard is necessary for maneuvering or display for uses such as, without limitation, auto dealers, auto service stations, and garden centers.

(2) The master plan for the site shows that the negative effect of buildings with more than the maximum front yard will be offset by other buildings included in the master plan that will line the right of way in compliance with the maximum yard.

(3) An applicant demonstrates to the satisfaction of the Planning Commission that more front yard parking than a single loaded bay is necessary because of the unique characteristics of the business or the site.

(d) Review Standards. Before approving a front yard or front yard parking greater than the maximum, the Planning Commission shall find:

(1) That the objectives of the Pearl and Center Road Corridor Plan adopted by Ordinance 86-04 will be met, including the vision, goals and preferred characteristics in Chapter 3; and

(2) That the negative effects of greater building yards, including without limitation the impairment of pedestrian activity and streetscapes visually defined by a “sea of asphalt” will be outweighed by required landscaping and other required site amenities as provided below in Section 1260.07(e).

(e) Greater Yards or Parking. Where the Planning Commission approves a front yard or front yard parking exceeding the maximum, the Planning Commission shall, as part of its findings, require one or more of the following improvements to lessen the negative effects of larger front yards:

(1) Pedestrian amenities to create a physical and design linkage with the street, including, without limitation, plazas, benches, bike racks and landscaped or covered walkways.

(2) Structural elements such as walls or decorative metal fencing used to satisfy the purpose and intent of the maximum yard requirement. Such walls or fencing shall be a minimum height of 4 feet, constructed of materials similar to or harmonious with the street facades of near- by buildings, and shall have openings no wider than necessary for vehicles or pedestrians to pass through.

(3) Landscaping within adjacent parking areas equal to twice the minimum requirements in Section 1282.08(b).

(Ord. 116-05. Passed 12-12-05.)

CHAPTER 1261

GW-C Gateway Commercial District

- 1261.01 Purpose.
- 1261.02 Principally permitted uses.
- 1261.03 Permitted accessory uses.
- 1261.04 Conditionally permitted uses.
- 1261.05 Yard and height requirements.
- 1261.06 Site plan review.
- 1261.07 Front yard zone.

1261.01 PURPOSE.

The Gateway District (GW-C) is hereby established to provide for needs for both convenience goods and the more common and often recurring shopping goods, personal services and household services.

(Ord. 24-08. Passed 4-28-08.)

1261.02 PRINCIPALLY PERMITTED USES.

Principally permitted uses in the Gateway District shall be as follows:

- (a) Personal services;
- (b) Retail businesses;
- (c) Financial institutions;
- (d) Professional offices;
- (e) Medical and dental clinics and offices, veterinary hospitals and clinics;
- (f) Educational institutions;
- (g) Restaurants, taverns;
- (h) Funeral homes;
- (i) Religious places of worship;
- (j) Theaters;

(k) Private recreational facilities within existing buildings equal or less than 3,000 square feet in size, subject to administration approvals. However, the administration can request planning commission review and approval if deemed necessary by the administration.

(Ord. 24-08. Passed 4-28-08.)

1261.03 PERMITTED ACCESSORY USES.

Permitted accessory uses shall be as follows:

- (a) Signs as regulated by Chapter 1270;
- (b) Any use or structure which is accessory and incidental to any of the Gateway District principally or conditionally permitted uses.

(Ord. 24-08. Passed 4-28-08.)

1261.04 CONDITIONALLY PERMITTED USES.

The Planning Commission may issue conditional zoning certificates for the following uses, subject to the listed provisions of Chapter 1274:

- (a) Public utility structures, except communication towers, subject to Section 1274.08(d);
- (b) Governmentally owned and/or operated recreational facilities, subject to Section 1274.08(a) and (h);
- (c) (EDITOR'S NOTE: Former subsection (c) was deleted by Ordinance 69-2021, passed September 27, 2021.)
- (d) Privately owned recreational facilities within an existing building an in excess of 3,000 square feet in size, or facilities within a new building, or outside facilities, subject to Section 1274.08(a), (d) and (g);
- (e) Governmentally owned and/or operated buildings and facilities, other than those listed above, subject to Section 1274.08(d) and (g);
- (f) Bed and breakfast establishment, subject to Section 1274.12;
- (g) (EDITOR'S NOTE: Former subsection (g) was deleted by Ordinance 109-2020, passed February 22, 2021.);
- (h) Clubs, subject to Section 1274.08(a), (d) and (g);
- (i) Automobile filling stations, subject to Section 1274.08(d), (f) and (g) and Section 1274.13;
- (j) Automobile repair, subject to Section 1274.08(a), (d), (f), and (g);
- (k) New vehicle sales, subject to Section 1274.08(d), (f) and (g) and Section 1274.11;
- (l) Building materials, lumber or garden sales, subject to Section 1274.08(d), (f) and (g);

(m) Temporary retail sales, subject to Section 1274.08(d) and Section 1274.10.

(n) Wireless service provider structures subject to Section 1274.15; and

(o) Nightclubs. (Ord. 24-08. Passed 4-28-08; Ord. 68-14. Passed 10-6-14.)

(p) Electronic moving message/digital display signs.

(Ord. 12-09. Passed 4-27-09.)

(q) Commercial Event Center, as defined in Section 1242.02(22.1), subject to Section 1274.08(i). (Ord. 45-15. Passed 9-14-15.)

(r) (EDITOR'S NOTE: Former subsection (r) was deleted by Ordinance 69-2021, passed September 27, 2021.)

(s) Vape and smoke shops shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any of the following are located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any of the following are located:

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

(2) A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers.

(3) A playground that is open to the public or City park.

(Ord. 120-2022. Passed 2-27-23.)

(t) Tattoo and body piercing parlors.

(Ord. 136-17. Passed 2-12-18.)

1261.05 YARD AND HEIGHT REQUIREMENTS.

Yard and height requirements in a GW-C District are as follows:

(a) Front Yard Zone.

(1) Minimum front yard: 30 feet.

(2) Maximum front yard.

A. Major arterial streets as designated on the Thoroughfare Plan where right of way is less than 90 feet: 75 feet.

B. Major arterial streets as designated on the Thoroughfare Plan where right of way is 90 feet or more: 60 feet.

C. Other streets: 60 feet.

(3) Corner lots shall comply with the minimum and maximum for each street.

(4) See front yard zone standards in Section 1260.07.

(b) Minimum Side Yard Width: 50 feet when adjacent to a residential district or use, on the side adjacent to the residential district or use only.

(c) Minimum Rear Yard Width: 25 feet, 50 feet adjacent to a residential district or use.

(d) Maximum Building Height.

(1) Principally or conditionally permitted buildings: 45 feet.

(2) Accessory buildings: 15 feet.

(e) See also the landscaping requirements in Chapter 1282, including Section 1282.05 Total Landscaping Area and Section 1282.06 Specific Landscaping and Screening Requirements.

(Ord. 24-08. Passed 4-28-08.)

1261.06 SITE PLAN REVIEW.

Site plans shall be reviewed and approved by the Planning Commission as provided in Chapter 1278. Site plans required by this chapter shall also comply with the provisions of Chapter 1276 Parking and Site Design and Chapter 1282 Landscaping and Screening.

(Ord. 24-08. Passed 4-28-08.)

1261.07 FRONT YARD ZONE.

(a) Street Facades. Street facades shall be designed with offsets and other breaks in the vertical plane to create an interesting and varied streetscape. A minimum of two-thirds of a building's street facade shall fall within the front yard zone established above. Street facades greater than 60 feet in length shall incorporate one or more wall plane projections or recesses having a minimum depth or at least three percent (3%) of the street facade and extending at least twenty percent (20%) of the length of the street facade.

(b) Parking Within Front Yard. Parking within the front yard zone established above, and extending between the front yard zone and the right of way line, shall be limited to a

maximum width of 45 feet measured perpendicular to the right of way line. This dimension allows a single loaded parking bay as established in Table 1276-3 in Chapter 1276.

(c) Modifications. Planning Commission may approve front yards or front yard parking greater than the maximum in the following instances:

(1) An applicant demonstrates to the satisfaction of the Planning Commission that a greater yard is necessary for maneuvering or display for uses such as, without limitation, auto dealers, auto service stations, and garden centers.

(2) The master plan for the site shows that the negative effect of buildings with more than the maximum front yard will be offset by other buildings included in the master plan that will line the right-of-way in compliance with the maximum yard.

(3) An applicant demonstrates to the satisfaction of the Planning Commission that more front yard parking than a single loaded bay is necessary because of the unique characteristics of the business or site.

(d) Review Standards. Before approving a front yard or front yard parking greater than the maximum, the Planning Commission shall find:

(1) That the objectives of the Pearl and Center Road Corridor Plan adopted by Ordinance 86-04 will be met, including the vision, goals and preferred characteristics in Chapter 3 of the Corridor Plan; and

(2) That the negative effects of greater building yards, including without limitation the impairment of pedestrian activity and streetscapes visually defined by a "sea of asphalt" will be outweighed by required landscaping and other required site amenities as provided below in subsection (e) hereof.

(e) Greater Yards or Parking. Where the Planning Commission approves a front yard or front yard parking exceeding the maximum, the Planning Commission shall, as part of its findings, require one or more of the following improvements to lessen the negative effects of larger front yards:

(1) Pedestrian amenities to create a physical and design linkage with the street, including, without limitation, plazas, benches, bike racks and landscaped or covered walkways.

(2) Structural elements such as walls or decorative metal fencing used to satisfy the purpose and intent of the maximum yard requirement. Such walls or fencing shall be a minimum height of 4 feet, constructed of materials similar to or harmonious with the street facades of nearby buildings, and shall have openings no wider than necessary for vehicles or pedestrians to pass through.

(3) Landscaping within adjacent parking areas equal to twice the minimum requirements in Section 1282.08(b).

(Ord. 24-08. Passed 4-28-08.)

CHAPTER 1262

C-O Office Commercial District

1262.01 Purpose.

1262.02 Principally permitted uses.

1262.03 Permitted accessory uses.

1262.04 Conditionally permitted uses.

1262.05 Lot, yard height and floor area regulations.

1262.06 Supplementary regulations.

1262.07 Front yard zone.

CROSS REFERENCES

Signs - see P. & Z. Ch. 1270

Nonconformities - see P. & Z. Ch. 1272

Parking and site design - see P. & Z. Ch. 1276

Landscaping and screening - see P. & Z. Ch. 1282

1262.01 PURPOSE.

The C-O Office Commercial District is established to allow professional offices and other small-scale commercial uses with similar characteristics to operate within residential structures along State highways in areas adjacent to commercial zoning districts. The purpose of the C-O district is to allow alternative land uses while retaining single-family residences as permitted uses in the district. The district allows non-residential uses which can be accommodated within a converted residential structure, which can be compatible with single family residences, whether located in the C-O district or in adjacent residential districts, and which do not present excessive demands for parking. The C-O district includes development standards to prevent land use conflicts between uses within the C-O District and between C-O district uses and adjacent residential districts. The regulations of this district shall not be interpreted to prevent construction of new buildings for any of the listed permitted or conditionally permitted uses.

1262.02 PRINCIPALLY PERMITTED USES.

Principally permitted uses in the C-O Commercial Office District shall be as follows:

- (a) Single family detached dwellings;
- (b) Offices for real estate, insurance, accounting, medical, financial, administrative, travel and related services;
- (c) Small-scale retail uses such as gift shops, hobby stores, books, jewelry, antiques and apparel;
- (d) Personal services such as barber or beauty shops, dance or music studios, artist or photographic studios or galleries, shoe repair shops and tailors or dressmakers;
- (e) Uses which are comparable in character to the above and in accordance with the purposes of the C-O District and the provisions of Section 1280.01(b).

1262.03 PERMITTED ACCESSORY USES.

Permitted accessory uses shall be as follows:

- (a) Signs as regulated by Chapter 1270;
- (b) Any use or structure which is accessory and incidental to any of the C-O district principally or conditionally permitted uses.

1262.04 CONDITIONALLY PERMITTED USES.

The Planning Commission may issue conditional zoning certificates for the following uses, subject to the listed provisions of Chapter 1274:

- (a) Public utility structures, except communication towers, subject to Section 1274.08(d);
- (b) Governmentally owned and/or operated buildings and facilities, subject to Section 1274.08 (d) and (g);
- (c) Bed and breakfast establishments, subject to Section 1274.12; and
- (d) Wireless service provider structures, subject to Section 1274.08 (d) and (e) and Section 1274.15.

(Ord. 9-03. Passed 1-27-03.)

- (e) Special annual permit for inflatable figures, subject to Section 1274.15.

(Ord. 72- 07. Passed 10-8-07.)

- (f) Murals as defined in Section 1270.16(c)(11).

(Ord. 115-07. Passed 1-14-08.)

(g) Massage establishment, as defined in and subject to the requirements of Chapter 864. (Ord. 71-17. Passed 9-25-17.)

(h) Payday Lenders. (Ord. 99-17. Passed 12-18-17.)

(i) Tattoo and body piercing parlors. (Ord. 133-17. Passed 2-12-18.)

1262.05 LOT, YARD HEIGHT AND FLOOR AREA REGULATIONS.

Area and height regulations in a C-O District are as follows:

(a) Minimum lot area shall be as follows:

(1) Single-family residences 0.5 acre (21,780 square feet)

(2) All other uses: none.

(b) Minimum lot width:

(1) Single-family residences: 100 feet; and

(2) All other uses: none.

(c) Front yard zone:

(1) Minimum front yard: 35 feet.

(2) Maximum front yard: 40 feet.

(3) Corner lots: Minimum second front yard: 25 feet. Maximum 40 feet.

(4) See front yard zone standards in Section 1260.07.

(d) Minimum side yard width: 10 feet. See Section 1262.06(d).

(e) Minimum rear yard width: 25 feet.

(f) Minimum floor area for single family residences:

(1) With a full basement: 1100 square feet.

(2) Without a full basement: 1300 square feet.

(g) Maximum building height:

(1) Principally or conditionally permitted buildings: 35 feet.

(2) Accessory buildings: 15 feet.

(Ord. 116-05. Passed 12-12-05.)

1262.06 SUPPLEMENTARY REGULATIONS.

(a) Site Plan Review. A site plan shall be reviewed and approved by the Planning Commission for any parcel prior to conversion from residential to commercial use, or prior to changes in a previously approved commercial site. Site plans shall be submitted to and reviewed by the Planning Commission and City Council according to the procedures and requirements of Chapter 1278. Site plans required by this chapter shall also comply with the provisions of Chapter 1276 Parking and Site Design and Chapter 1282 Landscaping and Screening.

(b) Parking. Off street parking shall be provided as required by Chapter 1276. Shared parking drives between adjacent commercial uses are encouraged. A 10-foot landscaped strip between street rights of way and parking areas shall be provided and maintained for commercial uses.

(c) Commercial Uses. Commercial uses shall comply with the following:

(1) A minimum of 50 percent of the front yard shall be landscaped with grass, existing plant material or trees and with additional plant material from Lists A through E of Chapter 1282. The 50 percent landscaped area includes the 10-foot strip required in subsection (b) above. The front yard is the portion of the lot bound by the right-of-way line, the side lines and the front wall of the principal building.

(2) No accessory building shall be located in a required rear yard (25 feet) or side yard (10 feet). See Section 1262.06(d).

(3) There shall be no outdoor material storage or outdoor retail sales.

(4) All commercial uses shall provide exterior security lighting. Exterior lighting shall not shine on adjacent properties and shall be fixed to the building or mounted on supports which do not exceed ten feet in height.

(5) Required side yards (ten feet) shall not be used for parking when adjacent to a residential use, either in the C-O District or in an adjacent residential district. Adjacent to a residence, a required side yard may be used for a drive, to within five feet of the property line. The remaining five feet shall be landscaped. See Section 1262.06(d).

(6) A landscaped and screened buffer strip fifteen feet in width shall be installed and maintained along rear property lines when adjacent to a residence. See Section 1262.06(d).

(d) Waiver. The requirements of the C-O District listed below shall be waived for adjacent residential properties within the C-O District with the prior written consent of the adjacent residential property owner. It shall be the responsibility of the owner or developer to obtain the consent in a form approved by the Law Director. The following provisions are subject to the waiver:

(1) The side yard width requirement in Section 1262.05(d), on one side only;

(2) The side yard restrictions in Section 1262.06(c)(2) and in Section 1262.06(c)(5);
and

(3) The rear yard buffer requirement in Section 1262.06(c)(6).

No other requirements of the C-O District shall be subject to this waiver, nor shall the waiver apply to yards adjacent to a residential district.

(e) Signs. Residential properties shall comply with the sign regulations set forth in Chapter 1270, including Table A. Commercial sites shall comply with the requirements of Chapter 1270 and may display one of the following sign types:

(1) A permanent ground sign with a maximum area of 35 square feet, a maximum height of 6 feet and with external illumination only; or

(2) A wall sign with a maximum area equal to the length of the wall on which it is placed and with external illumination only.

(Ord. 116-05. Passed 12-12-05.)

1262.07 FRONT YARD ZONE.

Sites and buildings in the C-N Zone shall also be subject to the front yard zone standards in Section 1260.07.

(Ord. 116-05. Passed 12-12-05.)

CHAPTER 1264

I-D Industrial Distribution District (Repealed)

(EDITOR'S NOTE: Former Chapter 1264 was repealed by Ordinance 32-2021, passed June 14, 2021.)

CHAPTER 1266

I-L Light Industrial District

1266.01 Purpose.

1266.02 Principally permitted uses.

1266.03 Permitted accessory uses.

1266.04 Conditionally permitted uses.

1266.05 Area and height regulations.

1266.06 Outdoor production and storage.

1266.07 Performance standards.

1266.08 Site plan.

CROSS REFERENCES

Signs - see P. & Z. Ch. 1270

Nonconformities - see P. & Z. Ch. 1272

Parking and site design - see P. & Z. Ch. 1276

Landscaping and screening - see P. & Z. Ch. 1282

1266.01 PURPOSE.

The I-L Light Industrial District is established to accommodate light industrial uses in the fields of manufacturing, processing, wholesale activities, assembling, fabrication, distribution, technology, smart manufacturing, artificial intelligence, and research and development, free from the encroachment of residential, retail and institutional uses. The I-L District is intended to focus upon and accommodate a broad spectrum of clean value added industries operating under high performance standards with strong employment. The I-L District allows uses which a) benefit from relatively greater isolation from non-industrial uses, and b) generates more and larger truck traffic requiring a close proximity to the I-71 Center Road (S.R. 303) interchange.

(Ord. 71-2021. Passed 9-27-21.)

1266.02 PRINCIPALLY PERMITTED USES.

The following uses are permitted in an I-L Light Industrial District:

- (a) Light industry in the form of manufacturing, fabricating, processing, assembling and packaging of materials or substances into new products;
- (b) Wholesale establishments;
- (c) Contractor's headquarters or plant;
- (d) Machine shop;
- (e) Laboratories and research facilities;
- (f) Building materials sale yards and lumber yards;

(g) General administrative and business offices;

(h) The Planning Commission, with the approval of Council, shall have the power to permit any other use comparable in character to any of the specified uses listed in this section; and

(i) Wireless service provider structures.

(Ord. 34-2020. Passed 7-27-20.)

1266.03 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in an I-L Light Industrial District:

(a) Signs, as regulated by Chapter 1270 ;

(b) Accessory uses clearly incidental to the uses principally or conditionally permitted on the same premises; and

(c) Outdoor storage, subject to Section 1266.06.

1266.04 CONDITIONALLY PERMITTED USES.

The Planning Commission may issue conditional zoning certificates for uses listed herein, subject to the applicable provisions of Chapter 1274:

(a) Governmentally-owned and/or operated buildings and facilities, subject to Section 1274.08(d) and (g);

(b) Public utility structures, except communication towers, subject to Section 1274.08(d); and

(c) Communication towers, subject to section 1274.14.

(Ord. 34-07. Passed 4-27-07.)

(d) (EDITOR'S NOTE: Former subsection (d) was repealed by Ordinance 23-2021, passed April 26, 2021.)

(e) (EDITOR'S NOTE: Former subsection (e) was repealed by Ordinance 28-2021, passed May 24, 2021.)

(f) (EDITOR'S NOTE: Former subsection (f) was repealed by Ordinance 28-2021, passed May 24, 2021.)

~~—(g) Medical and adult use marijuana processors, as licensed under Ohio Revised Code Chapter 3796 and Chapter 3780 respectively.~~

(Ord. 14-2025. Passed 5-12-25.)

(g) Medical and adult use processors, as licensed under Ohio Revised Code Chapter 3796.

(h) Warehousing, excluding self-service storage facility or mini-warehouses, that is accessory to and necessary for the support of a principally or conditionally permitted use.

(Ord. 34-2020. Passed 7-27-20.)

1266.05 AREA AND HEIGHT REGULATIONS.

Lot area, yard and height regulations in an I-L Light Industrial District are as follows:

- (a) Minimum lot area: one acre.
- (b) Minimum lot width: 100 feet, except 275 feet where the side yard abuts a residential district.
- (c) Minimum front yard width: 50 feet. Corner lot second front yard width: 50 feet.
- (d) Minimum side yard: 25 feet, except 200 feet where the side yard is adjacent to a residential district.
- (e) Minimum rear yard: 25 feet, except 200 feet where the rear yard is adjacent to a residential district.
- (f) Maximum building height: 55 feet.
- (g) Adjacent to R District. Where the side or rear lot line abuts a residential district, 50 feet of the minimum side yard width or rear yard depth, measured from the side or rear lot line, shall be used as a screening yard as required by Chapter 1282, Landscaping and Screening. The remaining 150 feet of space may be used for off-street parking, for loading space or for any permitted purpose other than a building or permanent structure or any type of processing activity.
- (h) Buffering and Landscaping. Required front yards in an I-D district shall be landscaped as required by Chapter 1282, and shall not be used for parking, loading or material storage. However, parking and loading may be located in one of the required front yards of a corner lot. All landscaping shall be installed and maintained as required by Chapter 1282. Landscaping and buffering provided shall also be used to minimize or eliminate potential annoyances such as those resulting from noise, light glare, and wind, as well as to screen unsightly buildings, and outdoor storage areas from view.

1266.06 OUTDOOR PRODUCTION AND STORAGE.

All business, production, servicing, processing and storage shall take place within completely enclosed buildings, except as may be shown on site plans approved by the Planning Commission as provided in Chapter 1278. Where approved by the Commission, outdoor storage shall be permitted only as an accessory use, and shall be incidental and subordinate to a principal use permitted in the I-L District, subject to the following:

(a) Outdoor storage shall be screened from view from all streets (including Interstate 71) and from adjacent residential districts. Screening may include building walls, solid fences, mounds, landscaping or any combination thereof which forms a year-round solid screen.

(b) All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be attractive to rodents or insects shall be stored outdoors only in closed containers designed for that purpose.

1266.07 PERFORMANCE STANDARDS.

Any assembly, production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products within the I-L District shall be conducted so as not to create odor, dust, noise, vibrations, smoke, glare, radiation, or electromagnetic interference in amounts greater than those permitted by appropriate Federal, State and/or performance standards established in this section.

(a) Noise. All uses in the I-L District shall comply with the noise standards established in Chapter 634 of the Brunswick Codified Ordinances.

(b) Glare. All exterior lighting and all lighting or glare resulting from industrial processes shall be installed and/or shielded in such a manner that the light source will be sufficiently obscured to prevent glare on public streets and walkways or into any residential district. All exterior lighting shall comply with the standards in Section 1276.12.

(c) Electromagnetic Interference. Electromagnetic interference with radio and television reception is prohibited.

(d) Vibration. All uses shall cause no inherent and recurring generated vibration perceptible without instrumentation at any point along the boundary of the I-L District.

(e) Odor. The release of materials capable of becoming odorous either by bacterial decomposition or chemical reaction in amounts perceptible at the property line shall be prohibited. Any process which may involve the creation or emission of any odors shall be provided with a secondary system so that control will be maintained if the primary system should fail.

(f) Hazardous Materials. It is the intent of the City of Brunswick to limit the manufacture, processing, generation, storage or other use of hazardous materials in order to preserve the health and safety of persons both near the I-L District as well as those who are employed within the I-L District. Toward that end, all uses which employ hazardous materials are subject to the following:

(1) Uses which employ hazardous materials classified in the H-1, H-2 or H-3 Use Groups, as defined in Chapter 3 of the Ohio Basic Building Code (OBBC), shall be permitted, subject to the following:

A. Buildings with gross floor areas of 50,000 square feet, or less, shall have no more than 10 per cent of the gross floor area so classified by the OBBC; and

B. Buildings with gross floor areas of more than 50,000 square feet shall have no more than 5 per cent of the gross floor area so classified by the OBBC.

(2) Uses which employ chemicals which are health hazards as defined and classified in the H-4 Use Group by Chapter 3 of the OBBC shall be prohibited.

(3) The above limitations or prohibitions on use of hazardous materials shall also apply to outdoor storage, subject also to the outdoor storage requirements in Section 1266.05 above.

1266.08 SITE PLAN.

(a) Review Required. All uses in the I-L Light Industrial District shall be permitted only after review and approval of site plans by the Planning Commission as provided in Chapter 1278. Site plans required by this chapter shall also comply with the provisions of Chapter 1276 Parking and Site Design and Chapter 1282 Landscaping and Screening.

(b) Compliance with Performance Standards. In addition to the other information required by Chapter 1278- to be included on site plans, all site plans in the I-L zone shall include information showing compliance with the performance standards in Section 1266.07-. This information shall also include non-proprietary information on production processes, raw materials, by-products, waste products, discharges into the air or the sanitary or storm sewer systems, and the nature and extent of any outdoor storage. The quantity of any hazardous materials employed by the applicant and the Material Safety Data Sheets (MSDS) must be included. The Division of Permits and Inspections may also require that the above information accompany applications for zoning certificates in the I-L zone where a site plan review is not required.

(c) Additional Studies. The Commission may determine the necessity of additional studies or expert advice as to the applicant's compliance with the performance standards in Section 1266.07-. The cost of securing such studies or advice shall be borne by the applicant.

(d) Planning Commission Modifications - Less Restrictive. The Planning Commission may modify the specific performance standards in Section 1266.07- in individual, unique situations where such standards are clearly inapplicable. The concurring vote of 3 members of the Planning Commission shall be required to modify any of the specific requirements of Section 1266.07 -as authorized by this subsection. In modifying such standards, the Commission shall make specific findings as follows:

- (1) That the objectives of the I-L District, as stated in Section 1266.01, will be met;
- (2) That the intent of the specific performance standard will be maintained;
- (3) That near-by residential areas will be reasonably protected; and
- (4) That the public interest will be served.

(e) More Restrictive. The Commission, by a majority vote of the members in attendance, may impose more restrictive requirements where warranted by conditions on the site, on the adjacent street system or on adjacent property.

CHAPTER 1268

SPD Special Planning District – (Repealed)

Chapter 1268 SPD Special Planning District has been repealed from the City of Brunswick's Zoning Code effective XX/XX. No new SPDs shall be created after XX/XX. Existing SPD The text from Chapter 1268 has been moved to Appendix I – Existing SPD Special Planning District remains for reference as SPDs previously established reference back to this Chapter in the code.

Existing SPD regulations established before XX/XX (SPD 1 through SPD 11) can be amended and revised as necessary and follow the procedures detailed in Chapter 1248.07. Proposed amendments shall be reviewed and notices provided as required by Section 6.02 of the Charter of the City of Brunswick.

Existing SPDs established before XX/XX can be expanded in area if the parcel seeking inclusion into the existing SPD is contiguous to the existing SPD boundary and follow the procedures detailed in Chapter 1248.07. Proposed amendments shall be reviewed and notices provided as required by Section 6.02 of the Charter of the City of Brunswick.

See Appendix I – Existing SPD Special Planning District for existing SPD regulations.

CHAPTER 1270

Signs

- 1270.01 Purpose and objectives.
- 1270.02 General provisions.
- 1270.03 Measurement standards.
- 1270.04 General design criteria.
- 1270.05 Tables of basic design and regulatory elements.
- 1270.06 WayfindingInstructional signs.
- 1270.07 Wall signs.
- 1270.08 High rise signs.

Commented [RS2]: Existing spds chapter name1

Commented [RS3R2]: Added and relocated chapter 1268

1270.09 Changeable copy boards.

1270.10 Temporary signs.

1270.11 Prohibited signs.

1270.12 Nonconforming signs.

1270.13 Inflatable signs.

1270.14 Administration.

1270.15 Definitions.

1270.16 Murals.

1270.17 Electronic moving message/digital display signs.

1270.99 Penalty.

CROSS REFERENCES

Power to regulate advertising - see Ohio R.C. 715.65

Advertising, billposting and handbills - see GEN. OFF. Ch. 608

Unauthorized signs - see TRAF. 414.07

1270.01 PURPOSE AND OBJECTIVES.

(a) Purpose. It is the purpose of these regulations to permit the use of signs as a means of communication in the City; to maintain and enhance the City's natural and manmade environment; to encourage an attractive and healthy economic environment; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

(b) Objectives. It is further the purpose of this chapter to achieve the following signage objectives through regulation of signs, including provisions to control the type, design, size, location and maintenance thereof:

(1) To promote clarity and effectiveness in sign communications, by encouraging signs of high-quality graphic design that are visible, legible and readable in the circumstances in which they are seen;

(2) To protect the general public from damage and injury caused by the distractions, hazards and obstructions caused by signs of excessive size or number;

(3) To eliminate any conflict between signs which would be hazardous to the safety of the motoring public or pedestrians;

(4) To control the design of signs so that their appearance will be aesthetically harmonious with their surroundings;

(5) To promote attractive and maintain high value residential districts;

(6) To provide reasonable, yet appropriate, conditions for signs in nonresidential districts by relating the size, type and design of signs to the type and size of establishments;

(7) To ensure among businesses an equitable distribution of the right to identify a place or activity with a visible on-premises sign by preventing signs which block other signs and cause confusing visual clutter;

(8) To provide for appropriate signs for the encouragement of industrial development; and

(9) To preserve the value of property by assuring the compatibility of signs with surrounding land uses.

(c) Findings. The purposes and objectives stated above are based on the following findings concerning signs:

(1) Without adequate regulation and design standards, signs are a nuisance;

(2) That business and other institutions located along public and private streets have a need to identify themselves and their activities to motorists and pedestrians by means of signs;

(3) That excessive signs with respect to structural type, size and number create dangerous traffic conditions, intrude on motorist and pedestrian enjoyment of the natural and manmade beauty of the City, and as such, are detrimental to the public health, safety and general welfare of the City;

(4) In view of the foregoing, all signs not conforming with the provisions of this chapter are hereby declared a nuisance. It is further declared that the regulations contained in this chapter are necessary to abate the nuisance and to achieve the purposes of this chapter; and

(5) Regulation of certain types of signs, including instructional and nameplates/addresses, are necessary to protect the health, safety and welfare of the residents of the City.

(Ord. 20-13. Passed 4-22-13.)

1270.02 GENERAL PROVISIONS.

The following regulations shall apply to all signs in the City:

(a) No sign shall be erected unless it is in compliance with the regulations of this Chapter and the Building Code.

(b) No sign shall obstruct or interfere with traffic or traffic visibility, or resemble or imitate signs or signals erected by the City or other governmental agency for the regulation of traffic or parking.

(c) No sign, whether free standing, ground-mounted or attached to a building or other structure, may project over any public street, sidewalk or other public right-of-way, except as expressly permitted in this Chapter.

(d) Any Sign which is permanently mounted shall bear, in a permanent position, a clearly legible identification stating the name and address of the owner of the sign, and the person, firm or corporation responsible for its construction, and the date of erection.

(e) No sign shall be permitted as the principal use on a premises. Signs shall only be permitted as accessory uses. (Ord. 20-13. Passed 4-22-13.)

1270.03 MEASUREMENT STANDARDS.

The area of a sign shall be determined as follows:

(a) Free-standing. The area of a free-standing sign includes all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but does not include any supporting framework, bracing or other structure incidental to the display. When a sign has two identical sides, back-to-back, the area shall be calculated for one side only. When a sign has more than two sides, the total area of all sides of the sign shall not exceed twice the maximum area for a two-sided sign.

(b) Wall Sign. For a wall sign, the sign area is considered to include all lettering, wording, accompanying designs or symbols and background material, but does not include any supporting framework and bracing which are incidental to the display. Where the sign consists of individual letters or symbols attached to, or painted on, a building surface or window, the area shall be considered to be only the rectangular area of the letters or symbols.

(c) Maximum Area. For wall signs, the maximum area is based on the horizontal width of the wall on which the sign is attached.

(d) Lettering Size. Except as otherwise provided herein, lettering on all signs shall be a minimum of two (2) inches in height.

(Ord. 20-13. Passed 4-22-13.)

1270.04 GENERAL DESIGN CRITERIA.

A sign, as permitted in the various zoning districts in the City, and as described in Tables A through C, Basic Design and Regulatory Elements, shall be designed, constructed and maintained to conform to the purposes and objectives in Section 1270.01; as well as the following general design criteria:

(a) Flashing Light. No sign shall have animation, moving parts, flashing lights or changing colors, except part of a sign, which by means of changes in copy or moving parts, indicates time or temperature. Signs may be illuminated by either external or internal sources of light. However, no illuminated sign shall be permitted where any part of such sign flashes on or off or displays changing degrees of intensity. This regulation applies to signs located outside buildings and to window signs inside buildings which can be observed from the outside.

(b) Visibility at Intersections. No temporary or permanent sign over 3.75 feet in height shall be erected or maintained within fifty feet of an intersection, as measured from the point of intersection of the right-of-way lines.

(c) Horizontal Dimensions. Required setbacks from property or right-of-way lines shall be the horizontal distance between the sign structure and the property or right-of-way line. No portion of the sign shall extend across a right-of-way or property line.

(d) Number of Signs. The number of signs permitted shall be subject to the requirements of Tables A through C, Basic Design and Regulatory Elements, which follow the text of this chapter.

(Ord. 20-13. Passed 4-22-13.)

(e) Style and Color. The style (or design) of Signs shall be consistent throughout a particular building, the colors of Signs shall be compatible with the color of the building facade and other existing and proposed Signs.

1270.05 TABLES OF BASIC DESIGN AND REGULATORY ELEMENTS.

All signs are subject to Tables A through C, Basic Design and Regulatory Elements, which follow the text of this chapter.

(Ord. 20-13. Passed 4-22-13.)

1270.06 ~~WAYFINDING~~INSTRUCTIONAL SIGNS.

WayfindingInstructional signs that are clearly intended for instructional purposes shall be permitted as needed are an on-premise sign used to direct vehicles to parking areas or indicate points of entry or exit for a facility or off-street parking lot. Such signs are clearly intended for wayfinding purposes shall be permitted as needed provided such signs comply with the following:

- (a) The signs are not larger than necessary to serve the intended [wayfinding](#) ~~instructional~~ purpose;
- (b) The number of ~~wayfinding~~[instructional](#) signs located on the site are the minimum needed to serve the intended instructional purpose;
- (c) (EDITOR'S NOTE: Former subsection (c) was repealed by Ordinance 33-2021, passed June 14, 2021.)
- (d) The signs are not in a location and do not possess design characteristics that constitute or serve to attract attention beyond the perimeter of the site.

(Ord. 20-13. Passed 4-22-13.)

(e) The signs may contain information such as "Lot A", "Green Lot", "in", "enter", "entrance", "out", "exit", "do not enter" or similar directives. Signs shall not include any business information other than the business logo and/or name.

1270.07 WALL SIGNS.

All wall signs shall comply with the following standards:

- (a) General. All wall signs are subject to the requirements of the Tables of Basic Design and Regulatory Elements in Tables A through C. Wall signs may be attached flat to, or pinned away from, the wall, but not project from the wall more than twelve inches.
- (b) Multiple Signs. Where an activity or use has frontage on more than one dedicated right-of-way, such activity or use may display one wall sign oriented to each right-of-way. Where a building has multiple tenants or occupants, each tenant may display an individual wall sign. The maximum sign face for each tenant shall be determined by the horizontal width of the space occupied by the tenant.

(Ord. 20-13. Passed 4-22-13.)

1270.08 HIGH-RISE SIGNS.

Each [principle use or service on a property or series of contiguous properties](#) ~~property/Unified Site~~ located in C-H District ~~or a conditionally permitted use under Section 1266.04(d) in the 1-L District~~ within 900 feet of the centerline of Interstate 71 may have one High-Rise Sign located in a commercial ~~or industrial~~ district and designed to be seen from I-71. Such High-Rise Sign shall be an accessory use to a principally permitted or conditionally permitted use and shall be located within 900 feet of the I-71 centerline and shall be located within 50 feet of the principal parking area for the [property/Unified Site](#)~~principle use or service~~. Such High-Rise Signs shall have a maximum area of 120 square feet. The top elevation of such High-Rise Signs shall be less than 1215.20.5 feet USGS datum, which is equal to 505 feet above the pavement elevation of I-71 at the S.R. 303 overpass. (Ord. 20-13. Passed 4-22-13.)

1270.09 CHANGEABLE COPY BOARDS.

Changeable copy boards are permitted, provided that the changeable copy portion of the sign does not exceed fifty percent (50%) of the total area of the sign.

(Ord. 20-13. Passed 4-22-13.)

1270.10 TEMPORARY SIGNS.

(a) Temporary signs are those designed to be used for a limited period of time and does not include signs that have first amendment protections. Temporary signs~~and~~ shall comply with the following:

(1) Temporary signs are permitted as provided in Tables A, Band C, except as otherwise provided by state and/or federal law. Such signs shall be subject to all requirements of the Ohio Basic Building Code, including the National Electric Code, and shall be located, used and maintained so as not to result in a hazard or nuisance for motorists or adjacent property owners.

(2) Notwithstanding the signs prohibited by Section 1270.11, the following types of signs are permitted as temporary signs:

- A. Pennants or banners;
- B. Signs constructed of nondurable material;
- C. Revolving search light; and
- D. Any other type of sign that is not expressly prohibited by this chapter.

(Ord. 20-13. Passed 4-22-13.)

(3) Temporary signs shall be removed within forty-eight (48) hours of expiration of the temporary sign permit. Temporary signs shall be permitted for not more than a total of fifty (50) days per calendar year, except as otherwise provided by state and/or federal law.

(Ord. 33-2021. Passed 6-14-21.)

(4) Temporary signs that are erected in order to advertise the sale or lease of real property upon which they are erected shall be removed within seven (7) days after the real property is sold or leased. There shall be no maximum number of days per calendar year such temporary signs may be permitted. No permit shall be required for temporary signs erected in order to advertise the sale or lease of real property.

(Ord. 20-13. Passed 4-22-13.)

(5) For commercial or industrial development, project signs shall not be erected prior to issuance of a building permit and must be removed upon issuance of a certificate of occupancy. Project signs for a residential subdivision shall be removed upon eighty percent (80%) occupancy of the development. (Ord. 113-2020. Passed 2-22-21.)

(b) Temporary relief from the temporary sign regulations shall be provided as follows:

(1) Persons and/or entities owning or leasing property in commercial or industrial zoning districts in the City upon which their business is located may, upon issuance of necessary permits by the City and execution of a Stipulated Agreement, in such form as promulgated by the City Manager, may erect authorized temporary signage in such manner as permitted by Section 1270.10(a) and (b).

(2) The maximum total number of permits and the durational requirements for display of temporary signage contained in Codified Ordinance Section 1270.10(a) shall be waived.

(3) The temporary relief granted herein is effective from November 15th through December 31st annually.

(4) The City Manager may, in his/her sole discretion, refuse to issue permits for temporary relief from the temporary sign regulations where the Applicant: (a) previously violated a Stipulated Agreement relative to such temporary relief; (b) is presently in violation of any regulations contained in Codified Ordinance Chapter 1270; or (c) is presently in violation of any other regulation of the Codified Ordinances, including, without limitation, the Building Code, the Zoning Code or the Business Regulation and Taxation Code.

(Ord. 96-2020. Passed 2-8-21.)

1270.11 PROHIBITED SIGNS.

The following types of signs are prohibited in the City, except as otherwise specifically authorized by this chapter:

- (a) Portable signs or trailer signs;
- (b) Roof signs;
- (c) Projecting signs;
- (d) Signs using flashing lights;
- (e) Pennants or banners;
- (f) A-frame or sandwich board signs;
- (g) Signs resembling traffic control devices or signs;
- (h) Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes;
- (i) Abandoned signs;
- (j) Miscellaneous signs or posters tacked or posted on poles, walls, fences or other structures;

(k) Off-premises signs;

(l) Signs constructed of nondurable materials such as paper or cloth, except for temporary signs as specifically authorized by this chapter; and

(m) Pole Signs, as defined herein.

(Ord. 20-13. Passed 4-22-13.)

(n) Streamers. (Ord. 135-17. Passed 2-12-18.)

[\(o\) Three dimensional holographic signs](#)

[\(p\) Billboards](#)

1270.12 NONCONFORMING SIGNS.

(a) Generally. In addition to providing specific standards for every new sign, this chapter is intended to cause every sign in violation of any provision of this chapter to eventually be removed, altered or replaced so as to conform with this chapter. This section shall be used in the regulation of nonconforming signs, in addition to the requirements for nonconformities in Chapter 1272.

(b) Authority to Continue Existing Nonconformities. A permanent sign which is nonconforming, which was erected pursuant to a City permit, which was in place on the effective date of this chapter and which remains or becomes nonconforming upon the adoption of this chapter, or any subsequent amendment thereto, may be continued only in accordance with the following regulations:

(1) Repairs. Ordinary repairs and nonstructural alterations may be made to a nonconforming sign. No structural alteration shall be made in, to or upon such nonconforming sign, except those required by law to make the sign conform to this chapter.

(2) Additions and enlargements. A nonconforming sign shall not be added to or enlarged in any manner, except to make the sign conform to this chapter.

(3) Moving. A nonconforming sign shall not be moved in whole or in part to any other location unless such sign and the use thereof is made to conform to this chapter.

(4) Restoration of damaged signs. A nonconforming sign, which is destroyed or damaged by fire or other cause to the extent that the cost of restoration thereof exceeds fifty percent of the replacement cost of such sign, shall not be restored unless it is made to conform to this chapter. If such damage or destruction is less than fifty percent of the replacement cost, no repair or construction shall be done unless restoration is started within six months from the date of the partial destruction and is diligently pursued to completion.

(5) Discontinuance of use. A nonconforming sign, the use of which is discontinued for thirty days, shall thereafter conform to this chapter.

(6) Change of use. Where a business use or identity associated with a non-conforming sign at the time of the adoption of this chapter thereafter terminates or changes, such termination or change of use shall require termination of the nonconforming sign, and such sign shall thereafter conform to this chapter.

(Ord. 20-13. Passed 4-22-13.)

1270.13 INFLATABLE SIGNS.

Inflatable signs referenced in this chapter pertain to all inflatable structures, signs, balloons, figures, sculptures, playground equipment, etc. used for the purpose of advertising and not intended for human occupancy.

Inflatable signs shall be permitted only in accordance with the following regulations and other applicable regulations of this chapter.

(a) The company that installs inflatable signs must be a properly registered contractor and provide a Certificate of Insurance in the amount of two million dollars (\$2,000,000). No bond is required.

(b) Construction, erection, safety and maintenance of all inflatable signs shall be in accordance with all local and state regulations, including the International Fire Prevention Code and the current edition of the Ohio Building Code.

(c) Inflatable signs shall be secured in an approved manner so as not to encroach upon the air rights of adjoining properties, including street right-of-way.

(d) Inflatable signs shall not be installed below or within ten feet horizontally of any electrical conductors, phone conductors, CATV conductors, fire alarm conductors or any other similar installations.

(e) The inflatable structure shall be ground-mounted or attached to supports and guy wires ground-mounted or securely attached to the building roof, pending confirmation that the imposed loads of the inflatable do not exceed the live load used in its design. No inflatable structure will be permitted to be secured to any mechanical equipment, parapet walls or other items normally found on the roof of a structure.

(f) The location of the inflatable structure shall not create a nuisance to adjacent or surrounding properties.

(g) Each applicant must pay a fee of thirty dollars (\$30.00) to obtain an inflatable sign permit.

(h) Each applicant who uses an inflatable display is limited to no more than four times per year.

(i) The duration of each inflatable display shall comply with conditions of Temporary Signs, as contained in Tables A-C.

(j) Each applicant who uses an inflatable sign is required to wait at least thirty days before subsequent use.

(k) No more than one inflatable sign shall be permitted at any one property and/or business unit.

(l) Signage on the inflatable shall be limited to no more than eight words.

(m) A special annual permit may be obtained for inflatable figures which shall not contain any form of lettering or advertisement. This permit will be allowed as a conditionally permitted use in the commercial districts, per Section 1274.16, and must be approved by the Planning Commission and City Council. Such permit must be obtained by a registered and bonded contractor for a twelve-month calendar year, renewable annually. The contractor must inspect the condition of the inflatable every thirty days for condition of the equipment and to ensure anchoring/structural devices are stable for the intended use. The Building Inspector must inspect the initial installation, as well as any annual renewals. The annual fee for this special permit shall be one hundred fifty dollars (\$150.00).

(n) The contractor registered for installation of inflatables accepts full responsibility for the imposed design loads, and anchoring devices either ground-mounted or rooftop. The City reserves the right to request a report from an Ohio Registered Structural Engineer at the contractor's expense if questionable structural issues arise.

(o) Refer to Basic Design and Regulatory Elements Tables for modifications. (Ord. 20-13. Passed 4-22-13.)

1270.14 ADMINISTRATION.

(a) Permit Required. Except as otherwise provided in these Codified Ordinances, no person shall erect, construct, enlarge, move or convert a sign in the City without first obtaining a permit for such sign from the Division of Building. A fee, as established in Chapter 1216, shall accompany an application for such permit. Where a non-conforming sign(s) exists on the property subject to a permit application, no permit shall issue until such time as such non-conforming sign(s) is made to conform with the requirements of this chapter. (Ord. 72-2021. Passed 9-27-21.)

(b) Permit Exceptions. The actions in subsections (b)(1) to (3) hereof do not require a permit for an existing conforming sign. Requirements for changes to nonconforming signs are set forth in Section 1270.12.

(1) Changing of the advertising copy or message on an existing changeable copy sign or a similar approved sign, whether illuminated or non-illuminated;

(2) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes or replacement of the plastic face, provided that it is due to a change caused by breakage and/or deterioration of the face and not for the substitution of a new or different advertisement; and

(3) Any other operation which does not modify the sign or sign structure for any existing conforming sign.

(c) Planning Commission Review. The Planning Commission shall review, as part of a site plan review, the site location of all free-standing identification signs.

(d) Maintenance. Every sign in the City, including signs for which a permit is not required, shall be maintained in good structural condition at all times. The Division of Building shall inspect and have the authority to order the repair, alteration or removal of signs which become dilapidated.

(e) Dangerous Signs. The Division may declare a sign unlawful and order its removal if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons of the Division for stating that the sign constitutes a safety hazard to the general public.

(f) Removal by City. In emergency cases, the Division may cause the immediate removal of a dangerous or defective sign without notice. The cost of removal of the sign by the City shall be considered a debt owed to the City by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the City or by assessment against the property. The cost of removal shall include any incidental expense incurred by the City in connection with the sign removal.

(g) Abandoned Signs. Except as otherwise provided in these Codified Ordinances, a non-conforming sign (including all pole signs) which is located on property which becomes vacant and unoccupied for a period of four months or more, or a sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned and must be removed and such signs are hereby declared to be a nuisance. All abandoned signs are prohibited and shall be removed by the owners of the signs or the owners of the property at such owners' expense. A monument or ground sign which is located on property which becomes vacant and unoccupied for a period of four (4) months or more, and otherwise conforms to the provisions of this chapter, shall have its sign face removed and made neutral by replacement of the former sign face with a opaque sign face, by reversing the existing sign face, by replacing the existing sign face with a sign face made of the same material and same background color or by replacing with a sign face indicating the availability of the premises upon which the sign is located; the conforming sign structure may remain in place. Abatement of nuisance abandoned signs shall be accomplished pursuant to the provisions of Chapter 678 of the Codified Ordinances. The penalty provisions of Chapter 678 shall be applicable to the abatement of nuisance abandoned signs.

(h) Building Code Review. All signs shall be subject to the applicable requirements of the Ohio Basic Building Code. In case of a conflict between any provision of this chapter and a provision of such Code, the more restrictive requirement shall apply.

(Ord. 20-13. Passed 4-22-13; Ord. 5-16. Passed 2-8-16.)

1270.15 DEFINITIONS.

In addition to the general definitions in Chapter 1242, the following definitions apply specifically to this Chapter 1270:

(a) Sign. "Sign" means any display figure, painting, drawing, banner, flag, placard, pennant, poster or other device intended to be read from a dedicated right of way, which is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product. A sign may be a message painted or placed on, or attached directly or indirectly to, a structure, natural object or vehicle. For the purposes of construction and zoning regulations, including abandonment and removal of signs, "signs" includes "sign structure." "Sign" does not include the following: nameplates, house/address numbers, flags of a non-commercial symbolic meaning, public regulatory and safety devices authorized by the City or other regulatory agency, holiday decorations and postings evidencing property boundaries.

(b) Classification by Structural Type. (See Diagram attached hereto).

(1) "Changeable copy sign" means a sign utilizing letters or pictorial panels which are readily changeable, which are not bolted or otherwise fastened to the sign panel and which can be changed without the use of tools.

(2) "Free-standing sign" means a sign which is not attached to a building, fence or similar structure.

(3) "Ground sign" means a free-standing monument sign which has its supporting base designed as an integral part of the sign and which rests totally or primarily on the ground at grade level.

(4) "Illuminated sign" means a sign which transmits light, either by means of exposed tubing or lamps on its surface or internal light transmitted through sign faces.

(5) "Pole sign" means a sign not attached to a building, fence or similar structure, which is erected on a freestanding mast or pole(s), excluding High Rise Signs as provided in Section 1270.08.

(6) "Indirectly illuminated sign" means a sign which reflects light from an external source intentionally directed on it.

(7) "Portable sign" means a sign not permanently attached to the ground or a structure.

(8) "Projecting sign" means a sign, other than a wall sign, which is attached to and projects from a structure or building face.

(9) "Roof sign" means a sign which has its principal support on the roof or walls of a building and which has more than half of its vertical dimension above the roof peak or above an extension of the building facade.

(10) "Wall sign" means a sign painted on or attached to the exterior face of an exterior wall of a building, parallel with the wall and projecting not more than twelve inches therefrom.

(11) "Mural" means a graphic (artistic) expression applied directly to a building or structure, as defined in Section 1242.02(13), which is not intended for advertisement purposes.

(12) "Electronic moving message/digital display sign" means a sign, or portion thereof, that displays electronic text information; still images, graphics, or pictures, with or without information; defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization, or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays.

(13) "Monument sign" means a sign whose vertical dimension is greater than its width, and whose lowest horizontal component that extends across the entire width of the sign is two feet or 1/4 of the width from the ground, or has a ~~supporting base/columns~~supporting base/column resting totally or primarily at grade level. Monument signs shall be solely permitted on Unified Sites in accordance with the requirements of Table B.

(14) "Window Sign" means a Sign painted on, attached or affixed to the interior or exterior surface of windows or doors of a building or otherwise intended to be seen through a window or door.

(15) "Three dimensional holographic sign" A holographic sign is a type of display technology that utilizes light diffraction to create three-dimensional (3D) images without the need for a two dimensional surface.

(16) "Billboard" means any sign situated on private premises on which the written or pictorial information is not directly related to the use of the land on which such sign is located.

(c) Other Definitions.

(1) "Abandoned sign" means a sign which no longer correctly identifies any person or advertises a bona fide business or activity conducted or product available on the premises where such sign is displayed.

(2) "Logo" means the distinctive, commonly recognized company signature, trademark or identifying symbol as used in company advertising, letterheads or other signage.

(3) "Nonconforming sign" means an advertising structure or sign which was lawfully erected and maintained prior to the enactment of this chapter and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter.

(4) "Sign structure" means a structure which supports, has supported or is capable of supporting, a sign.

(5) "Unified Site" means a property or properties that are serviced by integrated and common parking areas, access drives and related design features, which may include commercial and/or industrial land uses.

(6) "Nameplate" means a sign indicating the name, address or profession of a person occupying a lot or a part of a building.

(7) "Instructional sign" means signs that are clearly intended for instruction purposes.

(Ord. 20-13. Passed 4-22-13.)

1270.16 MURALS.

Murals, as defined in Section 1270.15(b)(11), shall be a conditionally permitted use in the commercial districts in accordance with the following regulations and other applicable regulations of this chapter.

(a) The owner of record of the building or structure on which the proposed mural is to be placed shall, in writing, consent to the placement of said mural on the property and shall agree to restore the wall, facade or surface upon which the mural is placed to its prior existing condition if and at such time the mural is not maintained by the applicant.

(1) The permit application shall include a statement detailing the applicant's plans for the maintenance, repair or removal of the mural.

(2) Upon removal of the mural, the entire wall face shall be painted by the owner(s) or person in possession of the wall with quality exterior paint guaranteed by the manufacturer to last a period of ten years or more.

(b) Neither the mural, nor placement of the mural, shall constitute a significant traffic safety hazard; endanger public health or safety; or be injurious to the use and enjoyment of other property in the immediate vicinity of the proposed location.

(c) Murals shall be non-verbal [artform](#), shall not include trademarks, excluding the nameplate of the artist.

(Ord. 20-13. Passed 4-22-13.)

1270.17 ELECTRONIC MOVING MESSAGE/DIGITAL DISPLAY SIGNS.

Electronic moving message/digital display signs, as defined in Section 1270.15(b) (12), shall be conditionally permitted only in the C-H Highway Interchange Commercial District, C-G General Commercial District, ~~and the GWC Gateway Commercial District, and the I-L Light Industrial District~~ in accordance, with the following regulations and other applicable regulations of this chapter.

(a) Electronic moving message/digital display signs, as defined in Section 1270.15(b)(12), shall comply with the following:

(1) Frequency. Copy (lettering) change shall not be more frequent than once per 15 seconds. There shall be a three (3)-second "pause" in which a still image or blank screen is shown following every message.

(2) Prohibited signs.

A Flashing sign a directly or indirectly illuminated sign, or portion thereof, that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling, or sparkling;

B. Spinning;

C. Rotating;

~~D. Exploding or running text; and~~

~~E.D. Video- imagery produced by signs that have the capability of processing up to 30 frames per second; and-~~

~~F. Movies – signs that play movies or movie clips~~

~~—(3) Color. Copy (lettering) shall be limited to two colors on an electronic moving message/digital display sign with a uniform and non-changing contrasting background. Colors shall remain uniform and shall not alternate within any word or message.~~

(4) Illumination. An applicant shall provide a photometric plan outlining proposed illumination levels (in footcandles). Illumination levels shall not exceed one footcandle, as measured from adjacent rights-of- way and residential uses and districts.

(5) Spacing. There shall be a minimum distance of 70 feet between electronic moving message/digital display signs.

(6) Number of signs. One electronic moving message/digital display sign shall be permitted per unified site.

(7) Maintenance. At no time shall the total face illumination area fall below 98%.

(b) Electronic moving message/digital display signs shall be limited to ground signs only, subject to number, size, and setback requirements in Section 1270.05- Table B. The total height shall be a maximum of seven (7) feet above finished grade at the sign location,

including berming, contouring, or mounding. The sign face shall have a maximum 5-ft. height and a maximum 2-ft. exposed base. The changeable copy portion shall not exceed fifty percent (50%) of the total area of the sign.

(c) All electronic moving message/digital display signs, and parts thereof, shall be securely constructed in conformance with applicable City Building, Fire and Electrical Codes, and the applicable standards of this chapter. All signs shall have a surface of facing materials which are durable for the intended life of the sign. All signs shall be attached in compliance with applicable local and state codes.

(Ord. 20-13. Passed 4-22-13.)

(8) Any ELECTRONIC MOVING MESSAGE/DIGITAL DISPLAY SIGNS that are displayed from the inside of a business through a window visible from the roadway are considered window signs and must also comply with Section 1270.18.

1270.18 WINDOW SIGNS

Window signs, as defined in Section 1270.15(b) (14), shall be permitted only in the C-H Highway Interchange Commercial District, C-G General Commercial District, and the GWC Gateway Commercial District in accordance with the following regulations and other applicable regulations of this chapter.

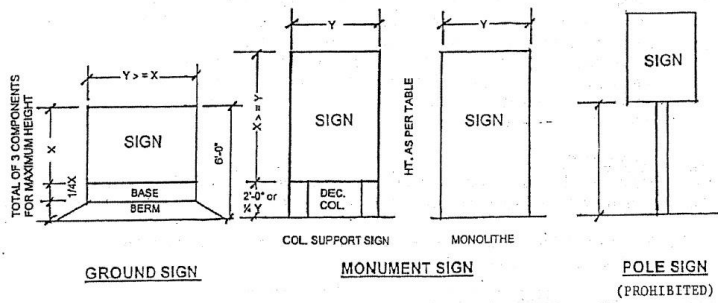
(1) Determining window area. The window area of a building shall be the total glass area of framed window opening.

(2) Maximum area. Window signs shall occupy a maximum of 50% of the window area for each tenant with a roadway frontage as detailed within Table B. If additional size is desired, to ensure the safety and welfare of the general public, the property owner must gain approval in writing from the administration and submit the request as part of the development's site plan.

1270.99 PENALTY.

Any violation of this chapter where no penalty is otherwise specifically provided for shall result in a penalty as provided in Section 1244.99.

(Ord. 20-13. Passed 4-22-13.)



3 TYPES OF FREE-STANDING SIGNS

Table A: R-R, R-L, R-M Residential Districts Basic Design and Regulatory Elements

Type of Sign Permitted	Number of Signs Permitted	Maximum Sign Face (S.F.)	Minimum ROW Setback (ft.)	Side Line Setback (ft.)	Maximum Height (ft.)	Permit Required	Lighting Permitted	Other Special Requirements
Ground (multi-family, residential development and conditional uses permitted in Residential Districts)	1/entrance	25	10	15	5.7' for sign face and maximum 2' high exposed base	Yes	Yes	
Wall	1	One times wall width	Building	Building	---	Yes	Yes	
Temporary	4	32 sq. ft./property	Height of sign	15	5	Yes	No	See Sections 1270.10 and 1216.08
Inflatable	1	Not to exceed height	Equal to height	Equal to height	30	Yes	Yes Int./Ext.	See Sections 1270.10 (duration) and 1270.13
Wayfinding/Instructional	See Section 1270.06	4	1	5	2	Yes	Yes	See Section 1270.06

Table B: C-N, C-G, GW-C, C-O, AND C-H Commercial Districts Basic Design and Regulatory Elements

Type of Sign Permitted	Number of Signs Permitted	Maximum Sign Face (sq. ft.)	Minimum ROW Setback (ft.)	Side Line Setback (ft.)	Maximum Height (ft.)	Permit Required	Lighting Permitted	Other Special Requirements
Wall (for buildings setback 300 feet or less from the roadway right-of-way line): C-N, C-G, GW-C, and C-H Wall: C-O	1 per street frontage/tenant 1 per street frontage/tenant	2 times wall Width 1 times wall	Building Building	Building Building	---- ----	Yes Yes	Yes External only	Maximum area: ~~20050~~ sq.ft. See Section 1270.07 Limited to either wall or ground See Section 1262.06(e)
Wall (for buildings whose setback exceeds 300 feet from the roadway right-of-way line): C-G, GW-C, and C-H	Multiple per street frontage/tenant	2 times wall Width	Building	Building	----	Yes	Yes	Maximum area (total of all signs per frontage/tenant): Setback 301 - 400 ft - 250 sq.ft. Setback 401 - 500 ft - 300 sq. ft. Setback exceeds 501ft - 350 sq. ft. See Section 1270.07
Ground	1 per street frontage	40	2	15	57' for sign face and maximum 2' high exposed base	Yes	Yes Back lit or Internal	25 ft. from Residential District. See Section 1270.17 for electronic moving message/digital display requirements. 500' minimum distance between signs.
Monument- Unified Site with minimum of five (5) tenants and 15,000 square feet gross floor area	1 per street frontage	90	2	15	20	Yes	Yes Back lit or Internal	25 ft. from Residential District. 500' minimum distance between signs.
Monument- Unified Site with minimum ten (10) tenants	1 per street frontage	160	2	15	40	Yes	Yes Back lit or Internal	25 ft. from Residential District.

and 60,000 square feet gross floor area								500' minimum distance between signs.
Pole	---	---	---	---	---	---	---	Pole signs are prohibited. See Section 1270.11.

Table B: ~~C-N~~, C-G, GW-C, C-O, and C-H Commercial Districts Basic Design and Regulatory Elements

Type of Sign Permitted	Number of Signs Permitted	Maximum Sign Face (sq. ft.)	Minimum ROW Setback (ft.)	Side Line Setback (ft.)	Maximum Height (ft.)	Permit Required	Lighting Permitted	Other Special Requirements
High Rise (<u>only in C-H District</u>)	1 <u>per principal use or service on a property or a series of contiguous properties</u>	120	Located within 900' of the I-71 centerline & within 50' of the principal parking area	Located within 900' of the I-71 centerline & within 50' of the principal parking area	~~505'~~ above the pavement elevation of I-71 at the S.R. 303 overpass	Yes	Yes	See Section 1270.08 Permitted in C-H District ~~or conditionally permitted use~~
Inflatable	1	Not to exceed height	Equal to height	Equal to height	30	Yes	Yes Int./Ext.	See Sections 1270.10 (duration) and 1270.13
Murals	1 per building	Entire area of bldg. wall on uninterrupted plane	---	---	---	Yes	Yes	See Section 1270.16
Temporary	4	32 sq. ft./property	Height of sign	15	5	Yes	No	See Sections 1270.10 and 1216.08
<u>Wayfinding Instructional</u>	See Section 1270.06	4	1	5	2	Yes	Yes	See Section 1270.06

Commented [RS4]: Section was repealed by ordinance in 2021

Table C: I-L and I-D Industrial Districts Basic Design and Regulatory Elements

Type of Sign Permitted	Number of Signs Permitted	Maximum Sign Face (S.F.)	Minimum ROW	Side Line	Maximum Height (ft.)	Permit Required	Lighting Permitted	Other Special Requirements

			Setback (ft.)	Setback (ft.)				
Wall	1 per street frontage/tenant	3 times the wall width	Building	Building	---	Yes	Yes	See Section 1270.07
Ground	1 per street frontage/entrance	40	5	15	57' for sign face and maximum 2' high exposed base	Yes	Yes	More than 200 ft. from a residential district. 500' minimum distance between signs.
Pole Signs	---	---	---	---	---	---	---	Pole signs are prohibited. See Section 1270.11 .
Temporary	4	32 sq.ft./property	Height of sign	15	5	Yes	No	See Sections 1270.10 and 1216.08
Inflatable	1	Not to exceed height	Equal to height	Equal to height	30	Yes	Yes Int./Ext.	See Sections 1270.10 (duration) and 1270.13
Wayfinding Instructional	See Section 1270.06	4	1	5	2	Yes	Yes	See Section 1270.06

(Ord. 33-2021. Passed 6-14-21.)

CHAPTER 1272 Nonconformities

1272.01 Purpose.

1272.02 Policy.

1272.03 Prior construction.

1272.04 Certificates of non-conformity.

1272.05 Nonconforming uses of land or structures.

1272.06 Nonconforming structures.

1272.07 Nonconforming sites.

1272.08 Nonconforming vacant lots.

1272.09 Repairs and maintenance.

1272.10 Nonconforming signs.

CROSS REFERENCES

Nonconforming uses, retroactive measures - see Ohio R.C. 713.15

Nonconformity defined - see P. & Z. 1242.02(53)

1272.01 PURPOSE.

Certain lots, structures, developed sites and uses of land or structures which were lawful at the time of their establishment are made nonconforming under the provisions of this Code. This chapter provides for the continuance of nonconformities, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. While it is the intent of this Code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. It is further the intent of this Zoning Code that nonconformities shall not be used as grounds for adding other structures prohibited elsewhere in the same zoning district, nor shall nonconformities be enlarged, extended or expanded except as otherwise provided herein.

1272.02 POLICY.

Nonconformities are declared by this Code to be incompatible with permitted uses in the districts in which such uses are located. To further the purposes of this chapter, regulations are established for various types of nonconformities, as follows:

- (a) Nonconforming uses of land or structures;
- (b) Nonconforming structures in terms of setbacks, lot area or other dimensional standards;
- (c) Nonconforming sites in terms of number of parking spaces, landscaping or other site development standards; and
- (d) Nonconforming vacant lots of record.

1272.03 PRIOR CONSTRUCTION.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has

been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

1272.04 CERTIFICATES OF NONCONFORMITY.

The Building and Zoning Inspector may issue, and shall issue upon the request of any owner, a certificate for any structure, use of land and/or structure, or lot that certifies that the structure, use of the land and/or structure, or lot is a valid nonconformity. The certificate shall specify the reason why the structure, use or lot is a nonconformity, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. The fee for such a certificate shall be the same as a minor zoning certificate.

1272.05 NONCONFORMING USES OF LAND OR STRUCTURES.

If a lawful use of land, or use of land and a structure in combination, exists at the effective date of adoption or amendment of this Code that would not be allowed in the district under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) Enlarging. No structure devoted to a use not permitted by this Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(b) Extending. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside such building.

(c) Another Nonconforming Use. If no structural alterations are made, any nonconforming use of land, or land and a structure in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use. In reviewing such appeal, the Board shall determine whether the proposed use is equally or more compatible to the district than the existing nonconforming use. The Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Code.

(d) Resuming. Any use of land, or use of land and structure in combination, on or in which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district. The nonconforming use may not thereafter be resumed. (Ord. 53-97. Passed 5-12-97.)

(e) Discontinued. When a nonconforming use of land, or land and a structure in combination, is discontinued or abandoned for more than six months (except when government action impedes access to the premises), the land or structure shall not thereafter be used except in conformity with the regulations of the district in which it is located. The intent to continue a nonconforming use shall not be evidence of its continuance.

(Ord. 51-11. Passed 9-12-11.)

(f) Destruction. When a structure housing a nonconforming use is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Code. Where nonconforming use status applies to land and a structure in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(g) Moving. No nonconforming uses of land shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Code.

(h) Additional Structure. No additional structure not conforming to the requirements of this Code shall be erected in connection with any nonconforming use of land.

(i) Conditional Use. Any use which is approved as a conditionally permitted use in a district under the terms of this Code shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

1272.06 NONCONFORMING STRUCTURES.

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

(a) Enlarged. Any nonconforming structure or portion thereof may be enlarged or altered if the nonconformity is not increased. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.

(b) Destruction. When a nonconforming structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure, as determined by a third-party appraisal, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Code.

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

(d) Single Family Dwellings. The limitations on enlarging, rebuilding and moving nonconforming structures in subsections (a)-(c) above shall not apply to single family dwellings located in residential zoning districts. A nonconforming single-family dwelling located in a residential zoning district may be enlarged, rebuilt or moved within the setback limits otherwise established for that district.

1272.07 NONCONFORMING SITES.

Improved sites with nonconforming development standards, such as paving, landscaping, buffering, number of parking spaces or other site development standards as specifically required for that zoning district or use, may continue to exist, subject to the following:

(a) Compliance. To the extent practical, such nonconforming sites shall be brought into compliance with all applicable development standards as part of the site plan review process as required by Chapter 1278 when building additions or other site improvements requiring a site plan review are proposed.

(b) Compliance Agreements. Where the Planning Commission determines that it is clearly not practical or not in the public interest to bring a nonconforming site into total compliance with all applicable development standards, the Commission may secure agreements to provide reasonable, lesser improvements which will protect the interests of the both the applicant and neighboring property owners. All new site improvements shall comply with current development standards.

1272.08 NONCONFORMING VACANT LOTS.

(a) Prior to 1964. Any parcel of land zoned for single family dwellings and containing no existing dwelling, which parcel was a lot of record on the plat records or other official records of the Medina County Recorder at the time of the adoption of Ordinance 75-64, passed December 13, 1964, may nevertheless be used as a site for such a dwelling, provided it complies with the following provisions:

(1) Such parcel of land, either alone or when replatted or otherwise combined with all or a part of an adjoining parcel of land, shall have a minimum area of 9,600 square feet and has a minimum lot width of eighty feet on a public street; and

(2) Such parcel of land complies with front and side yard setbacks otherwise required of building lots in that zone and if the rear yard is a minimum of 25 feet.

(3) In no event shall a building permit be issued for any such nonconforming lot unless adequate central water and sanitary sewer facilities are available thereto.

(4) No property owner thereof shall sell or convey a parcel of land which is nonconforming in size and contains a residence structure without also selling or conveying such vacant, adjoining or adjacent parcels of land standing in common ownership. No property owner shall sell or convey any part of a property if, by so doing, the total area, the

frontage or the required yards thereof are reduced below those required by the provisions of this Zoning Code.

(b) Since 1964 Any vacant parcel of land zoned for single family dwellings and created as a lot of record on the plat records of the Medina County Recorder between December 13, 1964 and the adoption of this Zoning Code, may be used as a site for such a dwelling, provided such dwelling and all front and side yards comply with the provisions of the applicable zoning district and if the rear yard is a minimum of 25 feet.

(c) Transition Lots. Any vacant parcel of land zoned for single family dwellings and shown as a building lot on an preliminary subdivision plan approved prior to the effective date of this Zoning Code but which is not recorded on that date may be used as a site for a dwelling. Such dwelling and all front and side yards shall comply with the provisions of the applicable zoning district, except that the rear yard shall be a minimum of 25 feet.

1272.09 REPAIRS AND MAINTENANCE.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

1272.10 NONCONFORMING SIGNS.

Nonconforming signs shall comply with the requirements therefor in Chapter 1270.

CHAPTER 1274 Conditional Zoning Certificates

1274.01 Purpose.

1274.02 Conditional zoning certificate required.

1274.03 Application.

1274.04 Hearing and notice.

1274.05 Review and action by the Commission.

1274.06 Issuance, expiration and amendment.

1274.07 Standards for all conditional uses.

1274.08 Specific conditions applying to multiple uses.

- 1274.09 Home occupations.
- 1274.10 Temporary retail sales.
- 1274.11 Vehicle sales.
- 1274.12 Bed and breakfast.
- 1274.13 Automobile filling stations.
- 1274.14 Communication towers.
- 1274.15 Wireless service provider structures.
- 1274.16 Annual permit for inflatable figures.
- 1274.17 Additional conditional use standards for vape and smoke shops.
- [1274.18 Car Wash Facility](#)

CROSS REFERENCES

Public hearings on zoning - see CHTR. Sec. 6.02(d)

Powers and duties of the Planning Commission - see CHTR. Sec. 6.02

1274.01 PURPOSE.

The purpose of this Chapter is to establish procedures and regulations for uses which have the potential to be made compatible with the use characteristics of the districts in which they are listed as conditional uses. Because of the nature of these uses, additional control and public comment concerning their location, design, intensity, configuration and community impacts are necessary to ensure compatibility with other near-by uses.

1274.02 CONDITIONAL ZONING CERTIFICATE REQUIRED.

(a) Certificate Required. A conditional zoning certificate shall be required for any use listed in this Code as a conditionally permitted use. Applications for conditional zoning certificates shall be submitted, reviewed and acted upon according to the procedures and standards established below.

(b) Implication. Listing of a particular use as a conditionally permitted use in a district shall not imply any rights for approval of such use for any property or property owner. A

use listed as a conditionally permitted use is not permitted by right. Listing as a conditional use affords the opportunity to submit an application for a conditional zoning certificate for public comment and for review and action by the Planning Commission. Such application may be approved or denied on the basis of the requirements and standards contained in this chapter.

1274.03 APPLICATION.

(a) Application. Any owner or lessee of property for which a conditionally permitted use is proposed shall make application for a conditional zoning certificate on a form for that purpose submitted to the Division of Building.

(b) Contents. Along with such other information as the Planning Commission may require, each application shall include the following:

(1) A fee as established in Chapter 1216;

(2) A list of the names and tax mailing addresses of the owners of record of all properties located within 200 feet of the property, as listed on the County Auditor's current tax list or the County Treasurer's mailing list;

(3) The specific conditionally permitted use for which approval is sought, along with a description, as appropriate, of goods and services, hours of operation, number of employees, nature and volume of delivery activity and such other information as will fully convey to the Planning Commission and to the public the nature of the proposed use and its potential impacts;

(4) A narrative statement addressing the compatibility of the proposed use with nearby properties and with the comprehensive plan, and addressing the general standards in Section 1274.07 and, as applicable, the detailed supplementary requirements for the specific use;

(5) Such other information as the Planning Commission deems is necessary to make a determination on compliance of the proposed use with the applicable standards and regulations. If the Commission determines that additional studies or expert advice are necessary to evaluate the effects of a proposed use, the cost of such studies or advice shall be borne by the applicant.

(Ord. 53-97. Passed 5-12-97; Ord. 5-16. Passed 2-8-16.)

1274.04 HEARING AND NOTICE.

(a) Hearing. Prior to acting on any pending application, the Planning Commission shall hold a public hearing on such application. The Commission shall hear and consider the comments and evidence presented by the public as to the standards and requirements set forth in this Code which are applicable to the proposed conditional use.

(b) Notice. Written notice of the hearing shall be mailed to the owners of all property within 200 feet of the property on which the conditional use is proposed. Notice shall be sent by first class mail not less than ten calendar days prior to the date of the hearing. Notice shall also be published in a newspaper of general circulation in Brunswick not less than ten days prior to the hearing.

1274.05 REVIEW AND ACTION BY THE COMMISSION.

(a) Concurrent Reviews. To the extent practical, the Commission shall conduct conditional zoning reviews concurrently with other required reviews of the same project, such as site plan reviews as required by Chapter 1278 or subdivision reviews as required by Chapter 1224.

(b) Administration Review. The Chief Building Official or designee shall coordinate reviews of pending conditional zoning applications by the various City departments. The Director shall present such written reports to the Commission in timely fashion, prior to Commission action on the pending application.

(c) Time Period. The Commission shall act as soon as practical on the pending application, but in no event shall the Commission act later than 30 days after the date of the public hearing. The review period may be extended by agreement with the applicant.

(d) Form of Action. The Planning Commission shall, after review of the application and all other information presented, take one of the following actions:

(1) Approve a conditional zoning certificate based upon findings of compliance with all standards and requirements of this Code and subject to conditions established by the Commission; or

(2) Deny a conditional zoning application. In denying an application, the Commission shall clearly state the reason(s) for this action.

(e) Conditions. In approving a conditional zoning certificate, the Planning Commission may establish such additional conditions as it deems necessary to protect the public welfare, preserve the purpose and intent of this Zoning Code, to protect the character of the surrounding properties and neighborhood, and to mitigate any special characteristics of the use. Such conditions may include, but shall not be limited to, factors such as location and setbacks; landscaping, screening and buffers; access and circulation for vehicles, bicycles and pedestrians; noise control; development features such as paving, parking, and signs; hours and methods of operation; site maintenance, including landscaping; and means to control effects such as odors, dust, and refuse mater. The Commission may also establish time limits if the proposed use is to be temporary or requirements for periodic reviews by the Commission to insure continuing compliance with the conditional zoning certificate or to review changed circumstances.

(f) Reapplication. No application for a conditional zoning certificate which has been denied wholly or in part by the Commission shall be resubmitted until the expiration of one

year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Commission.

(Ord. 53-97. Passed 6-11-97; Ord. 5-16. Passed 2-8-16.)

1274.06 ISSUANCE, EXPIRATION AND AMENDMENT.

(a) Issuance of Certificate. Subsequent to approval by the Planning Commission, the Commission shall issue a conditional zoning certificate stating the conditionally permitted use and all conditions of the approval. Approved certificates shall be signed by the applicant and by the Commission.

(b) Expiration. Approval of a conditional zoning certificate shall expire, and the certificate shall become null and void, in the following cases:

(1) The applicant does not commence operation of the conditionally permitted use within one year of the date the certificate is issued or does not complete required improvements within 3 years, or within such other time periods as stated in the certificate; or

(2) The conditionally permitted use ceases for a period of one year; or

(3) The conditional zoning certificate is revoked by the Commission according to the procedures established below.

The Commission may approve a request from the applicant to extend the time period to establish or re-establish the conditional use.

(c) Revocation. The Planning Commission may make a preliminary determination that violations of the certificate necessitate revoking a conditional zoning certificate. Upon making such preliminary determination, the Commission shall set a public hearing date, notify the certificate holder, notify property owners as provided in Section 1274.04 (b) above, and request reports on the matter from the Building and Zoning Inspector. Subsequent to the public hearing, the Commission shall take action to affirm, revoke, or amend the certificate.

(d) Transfer. A conditional zoning certificate may transfer to a new owner when a property or business is sold, subject to approval of the Planning Commission. The new owner shall be bound by the conditions of the certificate as long as the conditionally permitted use is continued. Prior to transfer of ownership, the proposed new owner shall submit a statement to the Commission that the new owner will comply with all provisions of the conditional zoning certificate. Failure of the new owner to notify the Commission of the sale shall not relieve the new owner of responsibility for compliance with the certificate.

(e) Amendment. The owner of a business or property for which a conditional zoning certificate is in effect may request amendment of the certificate. The Commission may determine that the proposed amendment requires review and notice according to the procedures for a new permit established in Sections 1274.04 and 1274.05 above.

1274.07 STANDARDS FOR ALL CONDITIONAL USES.

In review of a conditional use application, the Planning Commission shall consider whether there is adequate evidence that the proposed conditionally permitted use is consistent with the following standards:

(a) The proposed use shall be harmonious with the existing or intended community character of the neighborhood.

(b) The proposed use shall not have an adverse impact on the use of adjacent property or the community as a whole.

(c) The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, stormwater facilities, water, sewer, or schools.

(d) The proposed use shall be in accord with the general and specific objectives of the Zoning Code and comprehensive plan and any other applicable plans and ordinances of the City of Brunswick.

(e) The proposed use shall be consistent with a use specifically listed as a conditionally permitted use in the zoning district in which it is proposed to be located.

1274.08 SPECIFIC CONDITIONS APPLYING TO MULTIPLE USES.

The following specific conditions apply to those conditionally permitted uses which indicate the particular specific condition in the various residential, commercial or industrial zoning districts:

(a) In residential districts, all structures and activity areas shall be located at least 100 feet from all property lines. In commercial districts, all structures and activity areas shall be located at least 100 feet from a residential district or from a multifamily property line.

(Ord. 9-03. Passed 1-27-03.)

(1) For educational institutions and governmentally owned and/or operated buildings in residential districts, all structures and activity areas shall be located at least seventy-five feet from all residential property lines. This shall not include sports fields.

(2) Construction trailers in residential districts shall be permitted to be located a minimum of fifty feet from a neighboring residential property line during the construction period only. A permit must be obtained from the Division of Building. (Ord. 111-2020. Passed 2-22-21.)

(b) Such use shall be located on a collector, minor arterial or arterial street as designated on the currently-adopted thoroughfare plan.

(c) Such use shall be located on a minor arterial or arterial street as designated on the currently-adopted thoroughfare plan.

(d) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.

(e) Such use shall also require review and approval of site plans as provided in Chapter 1278.

(f) All activities, except those required to be performed at the fuel pumps, shall be carried on inside a building. If work is performed on a vehicle, such vehicle shall be entirely within the building.

(g) Loudspeakers causing a hazard or annoyance to adjacent residential properties are prohibited.

(h) Such use may display one wall sign and one freestanding sign as specified in Table A of Chapter 1270.
(Ord. 9-03. Passed 1-27-03.)

(i) In commercial districts, all structures and activity areas shall be located at least 100 feet from a residential district or from a multifamily property line, subject to the following:

(1) In commercial districts, both parking space areas and areas paved for emergency, vehicular, or pedestrian access to and about the property, including any fences surrounding such areas, shall, for setback purposes, be required to comply only with Section 1276.09(a), as such section relates to "parking";

(2) The Planning Commission shall have authority to require, for both parking space areas and areas paved for emergency, vehicular, or pedestrian access to and about the property in commercial districts, a greater setback from adjacent residential districts or adjacent multifamily properties up to a maximum of fifty feet, upon a showing by the preponderance of competent, probative evidence that the setbacks permitted in Section 1276.09(a) will result in a substantial adverse impact on the value of such adjacent residential district or multifamily development; and

(3) No applicant for a conditional zoning certificate shall be required to demonstrate the absence of the substantial adverse impact identified in Section 1274.08(i)(2) as a condition to receiving a certificate, but may rebut other evidence introduced ~~that~~ purports that purport to show such impact. (Ord. 84-09. Passed 10-26-09.)

1274.09 HOME OCCUPATIONS.

Home occupations are conditionally permitted uses in the R-R and R-L zoning districts, subject to the specific conditions listed below. Home offices as defined in Chapter 1242 are permitted by right in any dwelling unit, subject to the requirements of Section 1280.11.

(a) Such uses shall be conducted by the occupants with no additional non-resident employees.

(b) Such occupations shall be carried on entirely within the dwelling and not in an accessory building.

(c) The home occupation shall not occupy more than twenty percent of the living floor area of any one dwelling unit.

(d) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted elsewhere.

(e) No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public way or adjacent property.

(f) No advertising sign shall be permitted.

(g) The home occupation shall not utilize mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, causes fluctuation in line voltage, vibration, heat, glare or other nuisances outside the dwelling unit in which it is located.

(h) There shall be no outside storage of any kind related to the home occupation. There shall be no display of products associated with the home occupation.

(i) Delivery or shipping of supplies and materials shall be accomplished by private automobile or regular mail service. Small delivery vehicles of the type normally used for small parcel deliveries to single family dwellings may be used, provided such vehicles shall make no more than two deliveries or shipments per week. At no time shall semitrailer type vehicles be used for deliveries or shipping.

(j) Prohibited home occupations shall include auto repair, clinics, hospitals, barber or beauty shops, tourist homes, animal hospitals or kennels, and gun or ammunition sales, among others. (Ord. 53-97. Passed 5-12-97.)

(k) Customers shall not be permitted to enter upon the property or dwelling unit upon which the home occupation is conducted.

(Ord. 34-2021. Passed 6-14-21.)

1274.10 TEMPORARY RETAIL SALES.

Temporary retail sales by transient vendors with no permanent business address in the City of Brunswick, and which are not accessory to a principal use on the property, are

conditionally permitted in the ~~C-N~~, C-H, C-G and GW-C Districts, subject to the indicated specific conditions in Section 1274.08 and the conditions listed below.

(Ord. 25-08. Passed 4-28-08.)

(a) The Planning Commission shall set time limits for the duration of the temporary retail sales and limits for daily hours of operation. The Commission may require an appropriate financial guarantee to ensure prompt removal of the temporary activity, including removal of trash and any other debris associated with the activity.

(b) Applications shall include copies of a current vendor's license or transient vendor's license and written permission from the property owner to temporarily use the property, including any terms and conditions of that approval.

(c) All display booths, stands, merchandise displays and other temporary structures shall comply with all front, side and rear yard setbacks required for the applicable zoning district.

(d) The temporary retail sales shall provide off-street parking and circulation areas complying with the requirements of Chapter 1276, both for the temporary use and for any other permanent uses on the site.

(e) Temporary electrical service shall comply with the requirements of the Ohio Basic Building Code and have a permit from the Division of Building. All signs shall comply with the provisions of Chapter 1270.

(f) Temporary retail sales shall include the sale of merchandise only, and shall not involve any repair, assembly, preparation or other similar non-retail activities.

(g) All temporary sales activities shall clearly display, in a prominent position within the product display area, the following information:

(1) Name, address and phone number where the transient vendor can be reached so customers can seek redress for faulty merchandise or service; and

(2) Name, address and phone number of the manufacturer or distributor of the offered product or service should it be other than the transient vendor.

(3) The conditional zoning certificate approved by the Brunswick City Planning Commission.

(h) Violations of this section shall be corrected or cited according to the provisions of Section 1244.10(d).

(i) The requirements for temporary retail sales shall not apply to any educational, civic, religious, or charitable organization which has a permanent location within the City, Medina County, or the immediate surrounding area.

(Ord. 53-97. Passed 5-12-97; Ord. 5-16. Passed 2-8-16.)

1274.11 VEHICLE SALES.

New vehicle sales are conditionally permitted in the C-G and GW-C zones. New and/ or used vehicle sales are conditionally permitted in the C-H zone. Both uses subject to the indicated specific conditions in Section 1274.08 and the conditions listed below.

(Ord. 26-08. Passed 4-28-08.)

(a) Such uses may include sales, leasing, renting and related services of passenger cars, vans, trucks and recreational vehicles, and accessory service and repair operations.

(b) Each use shall have a minimum site area of 3 acres. Each use shall include one or more buildings for vehicle display, sales and service with an aggregate minimum floor area of 15,000 square feet.

(c) All areas used for vehicle display, and areas used for customer, employee and other short-term parking and circulation shall be shown on site plans approved by the Planning Commission for this purpose and shall be paved according to the requirements of Chapter 1276. With Commission approval, areas for vehicle and storage may be unpaved. Parking areas designated for display or inventory may depart from the required standards for design of parking spaces and aisles in Chapter 1276.

1274.12 BED AND BREAKFAST.

Bed and breakfast establishments are conditionally permitted in the residential and commercial districts, subject to the indicated specific conditions in Section 1274.08 and the conditions listed below.

(a) Such use shall remain secondary to the principal residential use, and shall be occupied and managed by the property owner. A minimum of 500 square feet of gross interior floor area shall be available for each rental unit and the owner's unit.

(b) Food service shall be limited to breakfast served only to overnight paying guests with no additional fee. Cooking in individual guest bedrooms is prohibited.

(c) Paved parking complying with the requirements of Chapter 1276 shall be provided for permanent residents and for transient guests. Parking areas shall be designed and screened to lessen their intrusion into a residential area.

(d) Signage shall be limited nameplate mounted on the building wall and not exceeding 4 square feet.

1274.13 AUTOMOBILE FILLING STATIONS.

Automobile filling stations are conditionally permitted in the commercial districts, subject to the indicated specific conditions in Section 1274.08 and the conditions listed below.

(a) The minimum lot size shall be 20,000 square feet and minimum lot width shall be 125 feet. Pump islands and canopies shall be a minimum of 15 feet from any property or right of way line.

(b) All driveway approaches shall comply with the requirements of Chapter 1276. Combined driveways with adjacent commercial uses are encouraged. Site plans shall designate tank truck routes.

(c) Adjacent to a residential district, a multifamily use or a place of public assembly, there shall be a solid fence, wall or hedge along the common property line. The fence, wall or hedge shall have a minimum height of 6 feet, and shall be designed to provide clear views of approaching traffic for drivers entering or exiting the site.

(d) All parking shall comply with the requirements of Chapter 1276-. Additional parking shall be provided for non--automotive uses on the site, such as convenience stores. No parking of new or used vehicles for sale or junk vehicles is permitted, except in compliance with the requirements of Section 1276.11-.

(e) A pedestrian safety curb at least six inches high shall be installed along all street right-of-way lines except at driveway approaches.

(f) All automobile filling stations shall maintain restrooms available to the public and shall maintain free water and compressed air for vehicles. [Signage shall be installed at each water and air supply hose stating this is a free service for which the public shall not be charged.](#)

(g) The exterior of filling station buildings shall be harmonious with other commercial buildings in the area. Exterior walls shall be primarily brick, stone or wood comparable to other commercial buildings. Filling station sites shall comply with the landscaping requirements in Chapter 1282.

(h) All outdoor storage and display shall comply with the requirements of Section 1280.12. Accessory rental of trucks or trailers shall require Planning Commission approval and shall not be stored within the minimum front yard setback(s).

(i) No body work or paint spraying and no major motor repairs or transmission or motor overhauls shall be permitted except for the removal and/or installation of new or rebuilt units.

(j) No use of pennants, banners, streamers, whirligigs, "point of sale" materials (except product identification on pumps, pump island light poles and motor oil cabinets) shall be permitted, except as provided for temporary special event signs. No rubbish in unscreened outside areas shall be permitted.

(k) No automobile filling stations shall be permitted to be located within 5,280 feet of any existing automobile filling station, as measured from the nearest property lines of each respective property and/or unified site. This restriction does not apply to any automobile filling station that is currently operating in accordance with all applicable law as of the effective date of this section.

1274.14 COMMUNICATION TOWERS.

Communication towers, other than amateur radio towers located on the property of the homeowner, are conditionally permitted in the C-H Highway Interchange Commercial Zoning District, I-L Light Industrial Zoning District and C-G General Commercial Zoning District, subject to the indicated special conditions in Section 1274.08 and the conditions listed below:

- (a) All conditionally permitted towers and associated accessory structures shall be located at least 200 feet from all property lines, or 110 percent of the tower height, whichever is greater. Where such towers are located on property abutting a residential zoning district or use, the towers shall be located at least 300 feet from the property line adjacent to a residential zoning district or use.
- (b) Such towers shall be located in areas where intrusion into a residential or commercial district is minimized. Conditionally permitted towers located along the I-71 corridor in conditionally permitted zoning districts shall be located so that the tower does not detract from the appearance of the City as seen from I-71.
- (c) The base of the tower shall be fenced, landscaped and screened to provide security and to lessen the intrusion into the residential, commercial or industrial zoning district.
- (d) Signage or other forms of advertising are prohibited on the towers, except as specifically approved by the Planning Commission. Security lights are required at the base of the tower; other lights on the tower are prohibited except as specifically required by the Federal Aviation Agency (FAA).
- (e) It is the policy of the City of Brunswick to require co-location of communication towers to the maximum extent feasible. All applicants for towers shall demonstrate to the satisfaction of the Planning Commission that co-location on an existing tower is not possible, based on factors such as location, structural capacity, radio frequency interference, or incompatibility resulting from mechanical, electrical or technological factors.

(Ord. 70-14. Passed 10-6-14.)

1274.15 WIRELESS SERVICE PROVIDER STRUCTURES.

Wireless service provider (WSP) structures, as defined in Section 1242.02, are conditionally permitted uses in the residential districts and the C-O district. They are also conditionally permitted uses in all SPD districts unless the SPD guidelines specifically indicate to the contrary. WSP structures in these districts are subject to the indicated specific conditions in Section 1274.08, the requirements of Section 1280.15 and the provisions below:

- (a) The applicants shall demonstrate that the proposed WSP structure will be designed and sited to have the least adverse visual effect on residential properties in the immediate area.

(b) The applicants shall demonstrate that the proposed WSP antenna(s) cannot be located on an existing structure.

(c) Locations should be chosen where existing trees will buffer views of the structure from adjoining properties.

(Ord. 9-03. Passed 1-27-03.)

1274.16 ANNUAL PERMIT FOR INFLATABLE FIGURES.

Inflatable figures to be displayed for a 12-month period are a conditionally permitted use in the commercial districts, subject to the conditions and requirements of Section 1270.15(m) and those listed below:

(a) A minimum roof top of 1,500 square feet shall be required.

(b) Only one inflatable figure per property shall be permitted.

(c) The Planning Commission and City Council shall approve all permit applications.
(Ord. 71-07. Passed 10-8-07.)

1274.17 ADDITIONAL CONDITIONAL USE STANDARDS FOR VAPE AND SMOKE SHOPS.

Vape and smoke shops are conditionally permitted uses in specified Zoning Districts in the City, as same may be amended from time to time. In addition to the specific requirements contained in the Zoning Code for each specified Zoning District, vape and smoke shops are subject to the specific provisions of this Chapter 1274 and the provisions below:

(a) No vape/smoke shop shall be permitted to be located within 1,000 feet of any existing vape/smoke shop, as measured from the nearest property lines of each respective property and/or unified site. This restriction does not apply to any vape/smoke shop that is currently operating in accordance with all applicable law as of the effective date of this section.

(b) Any Conditional Use Permit issued pursuant to this Chapter shall be valid only with respect to the person/entity and location for which same was issued. The transfer of any Conditional Use Permit issues pursuant to this Chapter is prohibited.

(c) Any Conditional Use Permit issued shall be revoked and the person/entity and location for which same was issued shall be prohibited from applying for or being issued a new Conditional Use Permit for a period of one (1) year from the date of revocation consistent with the penalty provisions contained in Section 636.19. (Ord. 18-2024. Passed 4-8-24.)

[1274.18 CAR WASH FACILITY](#)

[\(a\) No car wash facility shall be permitted to be located within 5,280 feet of any existing car wash facility, as measured from the nearest property lines of each respective property and/or unified site. This restriction does not apply to any car wash facility that is currently operating in accordance with all applicable law as of the effective date of this section.](#)

[\(b\) Self-service vacuum machines shall be located no closer to the public right-of-way than the front building wall of the car wash. If self-service vacuum machines are visible from the public right-of-way, they must be screened with landscaping that reaches a minimum of six feet in height and ensures 100% coverage year-round. Buffering effect shall conform with Section 1282.04\(b\)\(7\). Deciduous trees, fences, and walls are prohibited.](#)

CHAPTER 1276

Parking and Site Design

1276.01 Purposes.

1276.02 General.

1276.03 Measurement standards.

1276.04 Schedule of off-street parking requirements.

1276.05 Shopping center parking.

1276.06 Modification to required number of spaces.

1276.07 Shared parking.

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1276.10 Design standards for parking areas and driveways.

1276.11 Off-street loading.

1276.12 Dumpsters; fire lanes.

1276.13 Auto service parking.

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[1276.16 Overnight and paid parking](#)

Tables

CROSS REFERENCES

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

Parking generally - see TRAF. Ch. 452

Parking lots - see TRAF. Ch. 454

1276.01 PURPOSES.

Parking and site design requirements are hereby established in order to achieve, among others, the following purposes:

- (a) Prevent congestion so that streets can be utilized more fully for the movement of vehicular traffic;
- (b) Ensure adequate off-street parking and circulation which will accommodate peak parking demands;
- (c) Avoid the negative effects of excessive pavement areas, which include unused parking, threatening pedestrian environments, increased run-off, increased micro-temperatures and decreased opportunity for landscaping;
- (d) Promote safe and convenient pedestrian and vehicular movement, both on- site and between the site and adjacent streets;
- (e) Provide site design standards to promote attractive, efficient and profitable residential, commercial and industrial areas for the benefit of the entire community; and
- (f) Provide flexible parking and site design standards which can adapt to unique, individual situations.

(Ord. 50-05. Passed 4-25-05.)

1276.02 GENERAL.

(a) **Parking Plans.** Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking and loading spaces in accordance with the provisions of this Chapter. Parking plans shall be part of site plans as required by Chapter 1278 for all uses except single family detached dwellings.

(b) **Change in Parking.** Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of 10 percent or 5 spaces, whichever is greater, in the number of existing parking spaces, parking plans shall be submitted as required by Chapter 1278 and such spaces shall be provided on the basis of the enlargement or change.

(Ord. 50-05. Passed 4-25-05.)

1276.03 MEASUREMENT STANDARDS.

In computing the number of parking spaces required by this Chapter, the following standards shall apply:

(a) Gross Floor Area. Where gross floor area (GFA) is designated as the standard for determining parking space requirements, GFA shall be the sum of the gross horizontal area of all floors of the building, without deduction for hallways, stairs, closets, interior walls or other accessory areas.

(b) Gross Leasable Area. Where gross leasable area (GLA) is the standard, GLA means the total floor area designed for the exclusive use of a tenant or occupant, whether owned or leased.

(c) Net Floor Area. Where net floor area (NFA) is the standard, NFA means the area used for service to the public, excluding areas used principally for non- public purposes such as storage, incidental repair, processing, show windows, dressing rooms and rest rooms.

(d) Seating Capacity. Where parking for places of assembly is based on seating capacity, the capacity shall be determined by the number of seating units indicated on plans or based on the number of occupants as prescribed by the Ohio Basic Building Code.

(e) Unlisted Uses. For buildings, uses or activities not listed in Section 1276.04-, the Planning Commission shall apply a parking requirement which the Commission finds most appropriate for the proposed building, use or activity.

(Ord. 50-05. Passed 4-25-05.)

1276.04 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS.

Table 1276-1 establishes the minimum and maximum number of off-street parking spaces permitted for the uses indicated. In cases where the minimum parking standard established in Table 1276-1 are greater than the maximum allowable spaces, then the maximum standard shall also apply as the minimum. Fractions of parking spaces are increased to the nearest whole space. The Planning Commission may modify the minimum or maximum number of spaces required according to the procedures in Sections 1276.06 and 1276.15.

(Ord. 50-05. Passed 4-25-05.)

1276.05 SHOPPING CENTER PARKING.

The minimum and maximum parking spaces for shopping centers required in Table 1276-1 are based on typical tenant mixes where restaurant, theater and entertainment uses occupy up to 20 percent of gross leasable area (GLA) of a shopping center. In cases where restaurant, theater and entertainment uses occupy more than 20 per cent of GLA,

the mixed-use parking methodology in Section 1276.07(b) shall be used to determine the minimum number of parking spaces required. In such cases, the maximum number of allowable spaces shall not exceed the minimum by more than 25 per cent.

(Ord. 50-05. Passed 4-25-05.)

1276.06 MODIFICATION TO REQUIRED NUMBER OF SPACES.

Applicants may present data to the Planning Commission demonstrating that the standard parking requirements in Table 1276-1 may not be appropriate for a particular use or development proposal, including less parking than the required minimum or more than the required maximum. In such cases, the applicant shall have the responsibility of presenting data and other supporting evidence that another standard is more appropriate, based on factors such as unusual automobile ownership or use patterns of employees, tenants or other users, or where the nature of the operational aspects of the proposed use warrants unique parking arrangements. In reviewing such requests, the Planning Commission shall be guided by the procedures and standards in Section 1276.15.

(Ord. 50-05. Passed 4-25-05.)

1276.07 SHARED PARKING.

[Cross-access easements shall be required to reduce the number of curb cuts along the adjacent roadway for all shared parking agreements.](#)

(a) Institutions and Places of Assembly. Institutions and places of assembly may make arrangements with business establishments which normally have different hours of operation for sharing up to, but not more than, 25 percent of their parking requirement, subject to approval by the Planning Commission. In considering a request for shared parking, the Commission shall review the peak parking demand hours for the different uses, the extent to which those peak hours are off-setting and the cumulative peak parking demand for the different uses. The Commission shall require a written agreement covering off-site shared parking.

(b) Mixed Use Development. Developments which contain a mix of uses on the same parcel, as set forth in Table 1276-02 may reduce the amount of required parking in accordance with the following methodology:

(1) Determine the minimum parking requirements in accordance with Table 1276-1 for each land use as if it were a separate use;

(2) Multiple each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 1276-2;

(3) Calculate the total parking demand for each time period;

(4) Select the column with the highest total and use 80% of this number as the required minimum number of parking spaces.

(Ord. 50-05. Passed 4-25-05.)

1276.08 HANDICAPPED PARKING.

Parking lots shall include spaces reserved for physically handicapped persons. The number of spaces and their location, signage and dimensions shall be in accordance with the Ohio Building Code.

(Ord. 50-05. Passed 4-25-05.)

1276.09 LOCATION AND CONTINUATION OF PARKING AND LOADING FACILITIES.

(a) Yard Restrictions. Parking and loading areas shall not occupy any part of a required front yard in an I-L District, except that parking and loading may be located in one of the front yards on a corner lot. A 5-ft. side yard setback for a driveway or parking shall be permitted, provided it does not occupy any required front yard and is adjacent to another industrial-zoned parcel. For a multifamily development, parking shall not occupy any part of a required front yard and shall be at least five feet from a side or rear property line. In all Commercial Districts, uses shall provide and maintain a landscaped strip, as required in Chapter 1282, with a minimum width of 10 feet adjacent to all street right-of-way lines. In Commercial Districts, other than C-O Districts, parking shall be at least five feet from a side or rear property line when adjacent to a Residential District or to a multifamily development.

(b) Distance of Parking Spaces from Use. Parking spaces required for dwelling units shall be located on the lot. Parking spaces required for commercial and industrial uses shall be located on the lot or within 500 feet of the use, measured along lines of public access to the property, but shall not be allowed in Residential Districts.

(c) Continuation and Maintenance of Facilities. Off-street parking and loading facilities accessory to an existing use shall be continued and maintained in operation and shall not be reduced below the requirements of this chapter or detached from the use to which they are accessory, unless an equivalent number of spaces is provided for such use in another location approved by the Commission.

(Ord. 50-05. Passed 4-25-05.)

1276.10 DESIGN STANDARDS FOR PARKING AREAS AND DRIVEWAYS.

(a) Generally. This section shall apply to all uses, including single-family residential driveways. Parking areas and driveways shall be designed so as to interfere as little as possible with traffic movement on adjacent streets and with the use of adjacent property.

(b) Dimensions. Parking spaces and aisles shall be arranged and marked to provide orderly and safe parking and circulation in accordance with the dimensions in Table 1276-3 following the text of this chapter.

(c) Pavement and Curbing. Parking areas and driveways shall be graded and drained in accordance with the City's Storm Water Drainage Manual adopted by Ordinance 22-81, passed April 27, 1981, or as subsequently amended. All parking areas, driveways and aprons, including single family dwellings, shall be paved with either concrete or asphalt, according to specifications approved by the City Engineer, based on subgrade conditions and traffic loads. Bumper guards or curbs shall be required at the perimeter of parking lots and in other necessary locations to define the limits of paved areas designated for parking. Not more than two feet of the nineteen-foot stall depth in Table 1276-3 may extend across the curb or bumper guard into an unpaved overhang area, provided that vehicles will not extend across a property line, right-of-way line or public sidewalk.

(d) Driveway Widths. Driveways widths shall comply with the requirements in Table 1276-4 following the text of this chapter. The Planning Commission may permit wider driveways of three or more lanes for those drives with a high volume of traffic. In the case of a four-lane drive, the lanes shall be designed as two adjacent entrance and exit lanes separated by a barrier with a minimum width of six feet.

(e) Locations. Except for single family detached dwellings, driveways to parking areas shall be located according to the requirements in Table 1276-5 following the text of this chapter. The Planning Commission may modify these requirements in order to minimize conflicts with traffic on adjacent streets.

(f) Forward Movement. Parking areas shall be designed so that all vehicles may be driven forward into the street, except for single-family detached dwellings located on local or sub-collector streets. Single-family detached dwellings located on collector, minor arterial or arterial streets, as designated on the City's Thoroughfare Plan, shall comply with this requirement.

(g) Sight Distance. All driveways shall exit onto adjacent streets in locations which afford an adequate unobstructed sight distance as determined by the City Engineer.

(h) Landscaping. Landscaping and screening shall be provided as required in Chapter 1282.

(i) Internal Access. The Planning Commission may require parking areas for adjacent commercial sites to be designed to provide internal pedestrian and vehicle access between sites. Such access points shall be in well-defined locations, and landscaping or other visual or physical barriers along the balance of common property lines shall be maintained. The Commission may also require the existence and location of internal access points to be guaranteed through easements or other means.

(j) Drive-In Storage Areas. Drive-in facilities which provide services to customers waiting in their cars, such as fast-food pick-up windows, drive-in bank windows and car washes, shall provide a storage area for waiting vehicles of at least 130 feet, in order to ensure that waiting vehicles will not extend into a public right-of-way or interfere with on-site traffic movement. The Planning Commission may increase the required storage area for a use which requires additional vehicle storage space. To the extent possible, storage areas should be segregated from aisles so that parking spaces are not blocked.

(k) Maintenance. Parking areas and related driveways, landscaping and screening shall be maintained in good condition and free of holes, dust, dirt, trash and other debris. Striping of parking spaces and signage for handicapped parking spaces and fire lanes shall also be maintained in good, legible condition.

(Ord. 50-05. Passed 4-25-05.)

1276.11 OFF-STREET LOADING.

(a) Spaces Required. Off-street loading spaces shall be required for industrial uses and for those commercial uses which have frequent truck deliveries. No truck loading or unloading shall be conducted in a public street. Loading areas shall be exclusive of areas designated for parking or for aisles and shall not be used for repair or servicing of vehicles.

(b) Location. Loading spaces may be located in any area not excluded for parking by Section 1276.09 (a). Except for corner lots, loading spaces shall not be located adjacent to the front wall of a building and shall generally be oriented parallel to the access street. Where loading spaces are oriented perpendicular to the street, landscaping, screening walls or other means shall be provided to screen the loading area from the street. Loading and circulation areas shall be so located to allow forward vehicle movement to and from adjacent streets in a manner which will least interfere with on-site and off-site traffic movement.

(c) Improvements. Loading areas and related truck parking and circulation areas shall be improved according to specifications approved by the City Engineer, based on sub grade conditions and traffic loads.

(Ord. 50-05. Passed 4-25-05.)

1276.12 DUMPSTERS; FIRE LANES.

(a) Dumpsters. Where required, dumpsters shall be placed in locations accessible to refuse trucks. In commercial, multifamily and other nonindustrial areas, dumpsters shall be screened from view from adjacent property and streets by an enclosure constructed of materials comparable to the building.

(b) Fire Lanes. Fire lanes, as designated by the Fire Chief according to the provisions of Chapter 1606 of the Fire Prevention Code, shall be included on site plans.

(Ord. 50-05. Passed 4-25-05.)

1276.13 AUTO SERVICE PARKING.

(a) Spaces. Auto service uses, including gasoline stations and automotive repair garages, shall provide a minimum number of short-term parking spaces as specified in Section Table 1276-1.

(b) Duration. No vehicle awaiting service shall remain in a short-term parking area for any period exceeding forty-eight hours. This subsection (b) shall be enforced by the Building and Zoning Inspector according to the provisions of Section 1244.10 (d).

(c) Enclosures. Vehicles remaining on the auto service site for more than forty- eight hours shall be stored either in an enclosed building or within an open area enclosed on all sides by a fence or wall. The fence or wall shall have a minimum height of six feet and may be composed of landscaping, mounds, building walls, fences or combinations thereof which provide a solid screen from adjacent properties to the side and rear. On corner lots, the solid screen shall also face the side street frontage.

(d) Compliance. Auto service uses existing at the time of passage of this section (November 28, 1988) shall be in full compliance with paragraphs (b) and (c) above by November 1, 1990.

(Ord. 50-05. Passed 4-25-05.)

1276.14 EXTERIOR LIGHTING.

Parking and circulation areas, pedestrian areas and related outdoor use areas shall be illuminated to provide safety and security for the users of these areas, to provide security for property, and to maintain privacy for adjacent residential properties. Exterior lighting shall be designed, installed and maintained according to the following standards:

(a) Illumination Levels. Except as provided in (b) below, exterior lighting shall provide minimum maintained horizontal footcandle (fc) illumination as follows:

Activity Type	Maintained Footcandles
Parking and pedestrian area	0.6 fc minimum
Property security only	0.2 fc minimum
Vehicle use only	1.0 fc average

~~Exterior lighting in parking and pedestrian areas may be reduced to the property security level during hours when these areas are not in use.~~

(b) Residential Parking. The minimum illumination levels in (a) above shall not apply to residential or multiple family parking areas with ten or fewer parking spaces. These areas

shall be provided with appropriate residential-type luminaires as shown on site plans approved by the Planning Commission according to the provisions of Chapter 1278.

(c) Uniformity Ratio. Average illumination levels shall not exceed four times the minimum level.

(d) Light Trespass. In order to maintain privacy, exterior lighting shall be designed and maintained ~~to provide a maximum of one horizontal footcandle illumination at side or rear property lines which are adjacent to a residential use or zoning district, when measured at grade, 10 feet beyond the property line to a maximum as follows:~~

Adjacent Single-Family Residential 0.3 footcandles

Adjacent Multi-Family Residential 0.5 footcandles

(e) Time Restrictions. Parking lot illumination for parking lots in all commercial districts (C-G, C-H, GW-C), industrial districts (I-L), and in SPD-2 exceeding 150 spaces shall be reduced by 50% of full lighting levels at 10:00 p.m. or within one hour after the use for which the parking is used closes, whichever is later, subject to the following:

1. Lighting levels may be reduced either by turning off 50% of the fixtures or by reducing the lighting level of all fixtures, or an appropriate combination of techniques.

2. At the option of the property owner to enhance security, full lighting may be maintained for all spaces within 150 feet of the main entrance.

(e) Luminaire Height.

(1) The maximum luminaire height in the C-0 Office-Commercial District shall be 10 feet.

(2) The maximum luminaire height in other districts shall be twenty-five feet, unless the property is directly adjacent to a residential use, then maximum luminaire height shall be twenty feet. However, the City Planning Commission may approve greater heights upon a showing by the applicant that the additional height complies with both of the following standards:

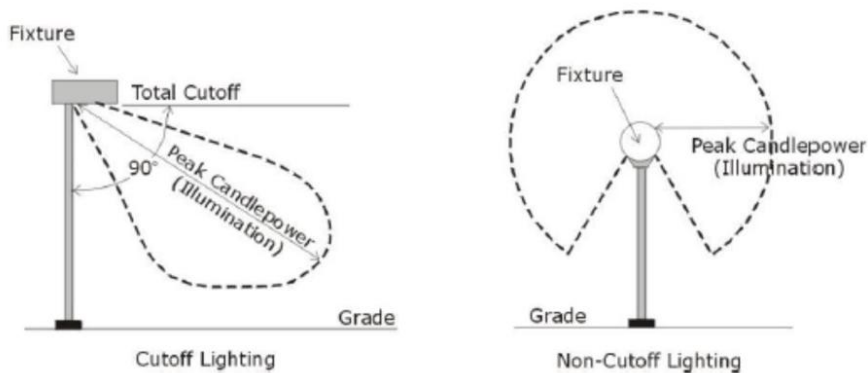
A. The additional height is necessary to efficiently illuminate outdoor areas; and

B. The additional height will have no adverse effect on adjacent properties and meet light trespass requirements detailed in 1276.14 (d).

(f) Glare. Exterior lighting shall be designed and maintained so that glare is not cast on adjacent properties, regardless of use, or on adjacent streets. Except in industrial districts, all luminaires over ten feet in height shall be cut-off types which include shields or other devices which eliminate all light above an angle of 85 degrees, as measured from the nadir of the vertical axis of the light source. See Figure 2 at the end of this Chapter. For the purpose of this subsection, glare is defined as the brightness of a light source which causes eye discomfort.

(g) Shielding.

- A. Lighting provided for security or visibility on any site shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from any residential district or use.
- B. Lighting attached to buildings or other structures shall not permit light to be directed horizontally. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. If the exterior walls of a structure are to be illuminated, the lights must be mounted at the top of the wall and aimed down. Ground or pole-mounted floodlights are not allowed for façade lighting.
- C. All exterior lighting, including but not limited to doorways, architectural, accent, landscape, signs, decorative, security, floodlighting, or area lighting shall be "total cutoff type" or no portion of the lamp, reflector, lens, or refracting system may extend beyond the housing or shield so as to create or allow glare to be visible from offsite. An illustration of "cutoff type" lighting is shown below.



- D. Building perimeter wall lights shall be cutoff type and shall direct the light down. The lamp shall not be visible from normal viewing angles. Exterior emergency lighting shall be provided at all exit doors.
- E. ~~Decorative incandescent lights 100 watts or lower~~ and accent lighting do not require shielding.
- F. Lighting required by the Building Code for emergency egress when operating emergency conditions is exempt from this requirement.

(hg) Intermittent Light. No intermittent, flickering, moving, strobe or similar types of light, either inside or outside a building, shall be visible from the street or from adjacent properties.

(i) Car Dealerships. Illumination Levels for exterior lighting shall provide maximum maintained horizontal footcandle (fc) illumination of 50 footcandles. Car dealerships shall meet all other requirements of 1276.14.

~~(j)~~ Exclusions. The standards in this section do not apply to street lighting or to outdoor recreation activities. Lighting not being reviewed for site plan conformity shall be excluded from the provisions of subsection (a) of this section.

~~(k)~~ Enforcement. Site plans submitted to the City Planning Commission shall include data analyses, prepared by persons competent to do so, that the proposed exterior lighting system complies with the standards in this section. Subsections (d) and (e) hereof shall be corrected or cited according to the provisions of Section 1244.10 (d).

(Ord. 50-05. Passed 4-25-05.)

1276.15 SITE PLAN REVIEW; MODIFICATIONS; ENFORCEMENT.

(a) Planning Commission Review. Off-street parking, loading and related site improvements shall be provided and maintained for all uses in conformity with this chapter. Required features and improvements shall be shown on site plans presented for Planning Commission review as provided in Chapter 1278-. Site plans and/or conditional zoning certificates shall also include explicit statements or calculations on how the total number of parking spaces required by Section 1276.04 -for the particular building, activity or use shown on the site plan was determined.

(b) Planning Commission Modifications - Less Restrictive. The Planning Commission may modify the specific standards of this Chapter and approve less restrictive parking or site design improvements in individual, unique situations where such standards are clearly inapplicable. The concurring vote of 3 members of the Planning Commission shall be required to approve a less restrictive improvement as authorized by this subsection. In modifying any requirement of this chapter, the Commission shall find that the objectives of this chapter, as stated in Section 1276.01-, will be met, that the intent of the specific requirement will be maintained and that the public interest will be served.

(c) More Restrictive. The Commission, by a majority vote of the members in attendance, may impose more restrictive requirements where warranted by conditions on the site, on the adjacent street system or on adjacent property.

(d) Enforcement. This Chapter shall be enforced by the Division of Building. The Division shall not issue permits for the construction, alteration or change of a use group of any building, use or activity unless an adequate number of parking spaces exists on the site or is shown on a site plan approved by the Commission.

(Ord. 50-05. Passed 4-25-05; Ord. 5-16. Passed 2-8-16.)

1276.16 OVERNIGHT AND PAID PARKING.

(a) Overnight parking in all commercial districts (C-H, C-G, and GW-C) and in SPD-2 is prohibited. Overnight parking is defined as any vehicle parked in an off-street parking lot between the hours of 2:00 a.m. and 5:00 a.m.

(b) Paid parking in any off-street parking lot within all commercial districts (C-H, C-G, GW-C), all industrial districts (I-L), and within SPD-2 is prohibited.

Table 1276-1 - **Schedule of Minimum and Maximum Off-Street Parking Requirements**

Building Use or Activity	Number of Off-Street Parking Spaces	
	Minimum Required	Maximum Required
Residential		
(1) Single family dwelling units	4 per dwelling unit, including 2 spaces in a garage	None
(2) Multifamily dwelling units	2 per dwelling unit, including 1 space in a garage ⁽¹⁾	None
(3) Senior Resident dwelling units	1.5 per dwelling unit	None
(4) Bed and breakfast	1 per rented room, plus 2 per resident family	None
Community Facilities and Institutions		
(1) Art galleries, libraries, museums and community centers	20% of maximum occupant load, as determined by Ohio Basic Building Code	<u>125% of the minimum 4-per 1000 square feet GFA</u>
(2) Auditoriums, stadiums, gymnasiums and places of worship	1 per 4 seats of areas used for public assembly	<u>125% of the minimum</u> ~~None~~

(3) Elementary, middle and high schools, colleges, trade or business schools	The parking needs for these uses shall be sufficient to meet all parking needs of the proposed use. No parking, loading or servicing shall be located on street right of ways or landscaped areas.	None
(4) Child care, nursery schools	1 per employee, with a minimum of 8 spaces, plus 1 off-street passenger loading space per 8 pupils	125% of the minimum
(5) Health facilities, general and special hospitals	2 per bed	125% of the minimum ~~None~~
(6) Nursing homes, sanitariums	1 per 2 beds	125% of the minimum ~~None~~
(c) Recreation		
(1) Bowling centers	4 per lane, plus lounge, billiard and other recreational space	125% of the minimum ~~6 per lane, plus lounge, billiard and other recreational space~~
(2) Indoor theaters	1 for each 4 seats	125% of the minimum ~~1 for each 3 seats~~
(3) Skating rinks, billiard parlors, sports and amusement center	2 per 1,000 square feet GFA, indoor or outdoor; additional spaces required for lounge, restaurant or retail area	125% of the minimum ~~5 per 1,000 square feet GFA, indoor or outdoor~~
(4) Miniature golf	1 per hole	125% of the minimum ~~2 per hole~~

(5) Dance halls, assembly rooms, lodges and fraternal clubs	1 per 3 persons at maximum occupancy	~~125% of the minimum 5 per 1000 square feet GFA~~
(6) Tennis or racquet-ball courts	2 per court, plus 5 spaces per 1,000 square feet GFA general activity area, plus 1 per 2 seats in lounge or restaurant	~~125% of the minimum 3 per court~~
(7) Swimming pools	Spaces equal to 30% of design capacity	~~125% of the minimum~~ None
(d) Business and Offices		
(1) Shopping centers (2) (minimum of 5 uses)	3.5 per 1000 square feet GLA	~~125% of the minimum 5 per 1000 square feet GLA~~
(A) 15,000 to 399,999 square feet GLA	4 per 1000 square feet GLA	~~5 per 1000 square feet GLA~~
(B) More than 400,000 square feet GLA		
(2) Furniture, appliances, house furnishings and similar show rooms	2 per 1000 square feet NFA, with a minimum of 6 spaces	~~125% of the minimum 4 per 1000 square feet NFA, with a minimum of 6 spaces~~
(3) Other retail stores and services	4 per 1000 square feet NFA, with a minimum of 6 spaces	~~125% of the minimum 6 per 1000 square feet NFA, with a minimum of 6 spaces~~
(4) Places serving food and drink	1 per 2 seats	~~125% of the minimum 1 per 1.6 seats~~
(5) Offices	3.5 per 1000 square feet GLA, with a minimum of 4 spaces	~~125% of the minimum 5 per 1000 square feet GLA, with a minimum of 4 spaces~~
(A) Non-medical or veterinary	4 per 1000 square feet GLA, with a minimum of 6	~~6 per 1000 square feet GLA, with a minimum of 6~~
(B) Medical		

(6) Funeral homes	8 spaces per 1000 square feet NFA	~~125% of the minimum 10 spaces per 1000 square feet NFA~~
(7) Auto service	Greater of 2 spaces per bay, with a minimum of 8 spaces, or 2 spaces per 1000 square feet GFA	~~125% of the minimum Greater of 3 spaces per bay, with a minimum of 8 spaces, or spaces per 1000 square feet GFA~~
(8) Hotels, ~~motels~~	1 per rental room, plus 2 spaces per 1000 square feet NFA for places of assembly, restaurants	~~125% of the minimum 1 per rental room, plus 5 spaces per 1000 square feet NFA for places of assembly, restaurants~~
(e) Industrial	1 per employee on the two largest consecutive shifts, plus 25% for guests, company vehicles and employment growth	~~125% of the minimum None~~

Notes:

1. In the case of owner-occupied multiple family units, the Planning Commission may require a minimum of 2 outdoor spaces per unit, in addition to garage space(s).

2. See also Section 1276.05

3. The Planning Commission may grant the ability to exceed the maximum parking requirement set forth in this section in the event that the applicant or property owner can show that industry standards or elements specific to the development result in the need to allow for additional parking spaces, and that the provision of additional parking will not be detrimental to the general welfare, safety, infrastructure, traffic congestion, or public interest of the community. Planning Commission, may at their discretion, recommend the applicant hire an independent consultant that reports to the City to determine parking needs at the expense of the applicant. -If the maximum parking requirements are exceeded, one of the following mitigating design elements are required:

(A) Landscaping requirements for the site shall be increased by at least 10% percent above the minimum amount required in Section 1282.08 and shall be allocated to provide enhanced buffering of all on-site parking; or

(B) Internal landscape islands for the on-site parking shall be increased by at least 5% percent above the minimum percentage requirements in Section 1282.08; or:

(C) Pervious pavement (including pavers or pervious pavement) is used for at least 5% of the parking spaces. The design of any areas surfaced with a pervious surface shall be reviewed and approved by the City Engineer.

Table 1276-2
Shared Parking Allowances by Land Use

A. Land Use	Weekday		Weekend		
	B. Daytime*	C. Evening*	D. Daytime*	E. Evening*	F. Nighttime*
Office, Industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment, Recreation	40%	100%	80%	100%	10%

*Key Daytime: 6am - 5pm

Evening: 5pm - midnight

Nighttime: Midnight - 6 am

See proposed Section 1276.07(b)

Table 1276-3
Parking Area Dimensions

Parking Angle (A)	0°	30°	45°	60°	90°
B. Stall width (ft.)	9	9	9	9	9
C. 19 ft. stall to curb (ft.)	9	17.3	19.8	21.0	19
D. Aisle width (ft.): one way traffic	12	11	13	18	24
two way traffic	24	-	-	-	24
E. Curb length per car (ft.)	23	18	12.7	10.4	9
F. Total bay width (ft.) (wall-to-wall)	30*	45.6	52.5	60.0	62
G. Center-to-center width (ft.) (assuming front bumper overhangs)	-	37.8	46.5	55.5	-

* 42' for two way traffic

Figure 1

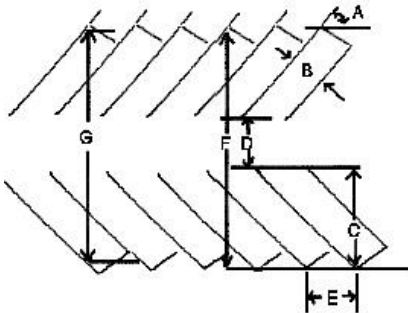


Figure 2

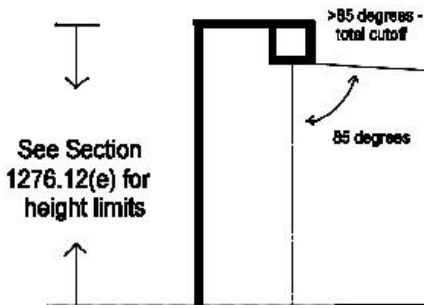


Table 1276-4
Driveway Widths*

	Width at Right-of-Way(ft.)		Width at Curb (ft.)	
	Maximum	Minimum	Maximum	Minimum
Drives for single family residential	20	10	30	18
Drives with frequent truck use	40	24	90	-
Other Drives	30	20	45	30

* For drives with 3 or more lanes, see Section 1276.10(d)

Table 1276-5
Driveway Locations

Number of Parking Spaces Served	Minimum Distance from Edge of Drive to R/W at Nearest Intersecting Street (a) (ft.)	Minimum Distance between Centerline of Drives (b) (ft.)	Maximum Number of Drives (c)
1-59	50	50	2
60-299	100	75	2
300-999	150	100	2
1,000 plus	200	200	3

(a) Measured along R/W line. Where R/W lines intersect on a chord or arc, extend R/W lines to intersect at a point.

(b) Distance between driveways on a single street.

(c) Total drives to a single street.

CHAPTER 1278 Site Plan Review

1278.01 Purpose.

1278.02 Review required.

1278.03 [Meeting Procedures](#)

[1278.04](#) Review procedures.

1278.054 Administration and enforcement.

1278.065 Design guidelines.

1278.076 Relationship to plans and policies.

1278.087 Open space.

1278.098 Building design and character.

1278.1009 Circulation.

1278.110 Signs.

1278.121 Climate considerations/energy conservation.

CROSS REFERENCES

Public hearings on zoning - see CHTR. Sec. 6.02(d)

Powers and duties of the Planning Commission - see CHTR. Sec. 6.02

1278.01 PURPOSE.

Procedures and design guidelines for review of site plans are established to achieve, among others, the following purposes:

- (a) To provide for the integration of new developments with the surrounding environment.
- (b) To ~~en~~sure that new development will make proper use of the natural environment.
- (c) To ~~en~~sure that sites are properly designed for traffic circulation and emergency access.
- (d) To provide assurances that a single development, or one built in progressive stages, will be completed in accord with the approved design.
- (e) To assure compliance with the specific requirements of the Zoning Code.

1278.02 REVIEW REQUIRED.

(a) All permitted and conditionally permitted uses in the commercial and industrial districts and all indicated conditionally permitted uses in residential districts shall be subject to the site plan review procedures and guidelines of this chapter, except as otherwise provided herein. The Planning Commission, and City Council where indicated, shall approve a detailed site plan prior to approval of building permits in any of the following circumstances:

- (1) Vacant land is proposed for development;
- (2) Additional buildings or building additions are proposed for a developed site, except as otherwise provided herein; and
- (3) Developed sites are to be modified by changes in use group as defined by the Ohio Basic Building Code, vehicular circulation, drive entrances from adjacent streets, parking area design or parking demand as determined by Chapter 1276.

(Ord. 12-16. Passed 5-9-16.)

(4) Upon new tenant/occupied space, all parking and landscape design shall be reviewed by the Planning Commission and meet the requirements of Chapter 1276 if either of the following apply:

A. The space exceeds 15,000 square feet or twenty-five percent (25%) of the gross leasable area of the site.

B. The space has been empty for four (4) months or more.

(5) Upon new tenant/occupied space, all parking and landscape design shall be reviewed by the Community and Economic Development Director, Chief Building Official and City Engineer and meet the requirements of Chapter 1276 if either of the following apply:

A. The space is less than 15,000 square feet or twenty-five percent (25%) of the gross leasable area of the site.

B. The space has been empty for four (4) months or more.

(Ord. 122-2022. Passed 2-27-23.)

(b) The Planning Commission may determine that a site plan review is not required where only inconsequential changes are proposed for a site.

(Ord. 12-16. Passed 5-9-16.)

(c) The City Administration, Community and Economic Development Director, or the Director's designee, may determine that a site plan review is not required where only inconsequential changes are proposed.

(de) Additionally, a building permit application to amend an approved site plan in an industrial zoning district, which application fully complies with all applicable municipal zoning and land use requirements, will not require Planning Commission approval, provided the following conditions are met: (1) the total aggregate cost does not exceed two hundred one hundred fifty thousand dollars (\$20150,000.00); (2) the proposed change does not increase the impervious surface area of the site by more than 0.1 acres, as determined by the City Engineer; and (3) the building permit application is reviewed, certified and approved in writing by the City Engineer and Chief Building Official as meeting all applicable municipal zoning and land use requirements. The exception to Planning Commission Approval shall not be utilized more than once after approval of the final site plan. Notwithstanding anything to the contrary contained herein, the Community and Economic Development Director, Chief Building Official, or designee, shall have the discretion to refer any building permit application to the Planning Commission for review and approval.

(ed) Additionally, a building permit application to amend an approved site plan in a commercial zoning district, which application fully complies with all applicable municipal zoning and land use requirements, will not require Planning Commission approval, provided the following conditions are met: (1) the total aggregate cost does not exceed seventy five fifty thousand dollars (\$7550,000.00); (2) the proposed change does not increase the impervious surface area of the site by more than 0.1 acres, as determined by the City Engineer; and (3) the building permit application is reviewed, certified and approved in writing by the City Engineer and Chief Building Official as meeting all

applicable municipal zoning and land use requirements. This exception to Planning Commission Approval shall not be utilized more than once after approval of the final site plan. Notwithstanding anything to the contrary contained herein, the Community and Economic Development Director, Chief Building Official, or designee, shall have the discretion to refer any building permit application to the Planning Commission for review and approval.

(Ord. 43-2022. Passed 7-11-22.)

1278.03 Meeting Procedures

Planning Commission meetings shall be held using the following procedures:

- a) The Planning Commission Chair shall address all items in the Planning Commission Staff Report in a timely and concise manner.
- b) The Planning Commission shall make inquiries where appropriate.
- c) If a public hearing is not required by code, the Planning Commission Chair may allow public comment to take place during the meeting while the project is being reviewed.
- d) Following their review, the Planning Commission shall take action on the site plan

1278.043 REVIEW PROCEDURES.

Site plans shall be reviewed in 4 stages, to be known as sketch plan, discussion plan, detailed site plan and engineering. Review procedures for each stage are established as follows:

(a) Sketch Plan. The applicant shall meet with the Community and Economic Development Director or other authorized administrative official to review a sketch plan of the proposed development. The purpose of this meeting is to familiarize the applicant with applicable City plans, requirements, design guidelines and review procedures.

(Ord. 53-97. Passed 6-11-97; Ord. 5-16. Passed 2-8-16.)

(b) Discussion Plan. The applicant shall submit the required fee established by Section 1216.03-, an application and the specified number of copies of a discussion site plan. The purpose of the discussion plan is to allow an applicant to meet with the Planning Commission prior to preparation of a more costly detailed site plan. The discussion plan shall be drawn to scale, and shall include sufficient information to convey to the Planning Commission the applicant's intent. The Planning Commission shall complete its review of the discussion plan within 30 days of the first meeting on the plan, unless the applicant

agrees to a longer review period. In reviewing the discussion plan, the Planning Commission shall take one of the following actions:

- (1) Hold the discussion plan for further information or review, subject to the 30-day limitation above; or
- (2) Move the discussion plan to a detailed site plan review, with changes indicated by the Commission; or
- (3) Reject the discussion plan, stating the specific reasons therefor.

The Commission's action to move a discussion plan to a detailed plan review does not bind the Commission to approve elements of the detailed plan which were not part of the discussion plan.

(c) Detailed Plan. After the discussion plan review with the Planning Commission, the applicant shall submit the specified number of copies of the detailed site plan. The plan shall include all data required by subsection (d) below, plus any other data or changes indicated by the Planning Commission at the discussion meeting. The Planning Commission may approve, approve with modifications or conditions, or reject the detailed site plan.

(d) Detailed Plan Contents. The detailed site plan shall include, unless waived by the Planning Commission as not being applicable, all data, plans and supporting documents required by the applicable zoning district and/or listed on application material maintained for that purpose by the Commission. The Planning Commission may also require submission of appropriate additional data, plans or documents.

(e) Decision. The Planning Commission shall complete its review of the detailed site plan within 21 days of the first meeting on the detailed plan, unless the applicant agrees to a longer review period, by taking one of the following actions:

(1) Approval. In the event that the Commission approves a detailed site plan, the Commission shall notify the applicant in writing of its decision. The Chairman and Recording Secretary of the Commission shall sign and date a copy or copies of the approved plans and this copy shall become the officially approved site plan.

(2) Disapproval. In the event that the Commission disapproves a detailed site plan, the Commission shall notify the applicant in writing of its decision, stating the reasons for this action. When a site plan is disapproved, it may not be resubmitted to the Commission for review in less than one year from the date of the decision, unless correcting revisions have been made to the original plans. All resubmittals shall follow the application requirements set forth in this Chapter.

(f) Council Review. Before the building permits can be issued, City Council shall review and approve, by motion, detailed site plans for all multiple family dwellings and for all site plans in the C-O district.

(Ord. 53-97. Passed 6-11-97.)

(g) Engineering Review. The City Engineer shall approve all site plans. This review may be conducted simultaneously with the detailed site plan review by the Planning Commission, or subsequent to that review. At the time that plans, profiles and specifications are submitted for review, the City Engineer shall prepare an estimate of cost for office checking of all improvement plans. The applicant shall thereupon deposit an amount of money equal to such estimated cost. All work done by the Engineer, in connection with checking, computing and correcting such plans for improvements, shall be charged against such deposit. If, during the progress of the work, the cost thereof appears to exceed the amount so deposited, the Engineer shall notify the applicant of this fact and shall do no further work in connection with such review until the applicant has deposited the additional sum of money deemed necessary by the Engineer to cover the cost of the work. The applicant shall also pay to the City Engineer a fee to defray the total cost of field inspection of any improvements within a public right-of-way or easement. The inspection fee shall be determined by the City Engineer. The inspector's salary shall be paid from the inspection fee. The rate per hour will be the inspector's regular rate per hour, as paid by the City Engineer, plus seventy-five percent (75%). The applicant shall be held responsible for all inspection fees, which shall be payable monthly. The financial guarantee posted by the applicant guarantees the payment of all engineering review and inspection fees, no financial guarantees shall be released until all engineering review and inspection fees have been paid in full. [Any traffic studies required shall be approved by the City Engineer.](#)

(Ord. 122- 06. Passed 1-8-07.)

(h) Consultants. During the course of reviewing a site plan, the Planning Commission or Council may find that the assistance of a qualified consultant is necessary to fully determine the effects of the proposal. The applicant shall pick the consultant, subject to Planning Commission approval, and shall bear the costs of the consultant.

(i) Conditional Zoning Reviews. Site plan reviews for conditionally permitted uses shall be reviewed in accordance with the procedures of this chapter. Site plan reviews and conditional zoning reviews required by Chapter 1274 are designed to proceed simultaneously.

(j) Small Projects. [For small projects, under 2,000 square feet in building size, the City Administration, Community and Economic Development Director, or the Director's designee, may agree to waive the discussion plan meeting. For small projects or other developments as approved by the Planning Commission, the Commission may agree to waive the discussion plan meeting.](#)

(k) Expiration. Approval of a detailed site plan shall automatically expire if applications have not been made to the Division of Building for building permits within one year after the date of the Planning Commission's or, if applicable, City Council's approval. If applications have not been made at the end of one year, any deposit of a financial guarantee shall be returned to the depositor, and each reapplication thereafter shall be accompanied by the required data and fees. The Commission may extend the one-year time period. (Ord. 53-97. Passed 5-12-97; Ord. 5-16. Passed 2-8-16.)

[~~1278.04~~1278.05](#) ADMINISTRATION AND ENFORCEMENT.

(a) Conformity with Approved Plan. The use, placement and dimensions of all buildings, driveways, sidewalks, parking and loading areas, curb cuts, traffic control devices and activity areas and the installation of landscaping, fences, walks, drainage systems and all other site features shall conform to the approved site plan. After approval of a site plan and the deposit of a performance bond or other financial guarantee in the specified amount, the Division of Building may issue a building permit specifying the conditions of the approved plan.

(Ord. 53-97. Passed 5-12-97; Ord. 5-16. Passed 2-8-16.)

(b) Financial Guarantee. A cash performance bond or other financial guarantee shall be placed with the City to ensure that all site features, including, but not limited to, parking, drainage, sidewalks, screening, exterior lighting and landscaping, conform to the approved site plan. The cash bond shall be in an amount equal to the cost of the construction of these items, based on an estimate provided by the City Engineer, and shall be in a form approved by the Law Department. The guarantee shall be for an indefinite period and shall provide for the complete construction of the above improvements. This bond shall incorporate the bond required by Chapter 12 of the Brunswick Dwelling House Code.

[~~1278.05~~1278.06](#) DESIGN GUIDELINES.

The design guidelines in the following sections are intended to encourage creativity, imagination and skill in site and building design. Site plans shall be prepared in accordance with, and review and action on site plans by the Planning Commission and City Council shall be based on, the design guidelines listed in Sections [~~1278.06~~1278.07](#) through [~~1278.11~~1278.12](#) below. The design guidelines of this chapter are intended to supplement the specific requirements and design guidelines of the applicable zoning district, as well as Chapter 1276 Parking and Site Design, Chapter 1282 Landscaping and Screening and the Subdivision Regulations of the City of Brunswick.

[~~1278.06~~1278.07](#) RELATIONSHIP TO PLANS AND POLICIES.

(a) City Plans. The site plan should reflect all adopted City plans and policies affecting the site, including neighborhood plans, key area plans, master concept plans or previously adopted planned unit residential or planned commercial or industrial development plans.

(b) Purpose Statement. The site plan should be consistent with the purpose statement for the zoning district in which it is located.

[~~1278.07~~1278.08](#) OPEN SPACE.

(a) Natural Features. Natural topographic and landscape features of the site should be incorporated into the development wherever possible.

(b) Proportion. Buildings and open spaces should be in proportion and scale with existing structures and spaces in the surrounding area.

(c) Relationship to Buildings. A site should not be so overcrowded as to cause an unbalanced relationship of buildings to open spaces. Open space areas should not be unduly isolated from one another by unrelated physical obstructions such as buildings and paved vehicular area, but should be linked by open space corridors of reasonable width.

(d) Natural Separations. When possible, natural separations should be created on the site by careful planning of streets and clustering of buildings using natural land features and open space for separation. Cul de sacs and loop streets, coupled with open spaces, should be used to achieve separation and create identity for sub-areas on the site.

(e) Storm Water Runoff. Consistent with the requirements of the adopted Storm Water Drainage Manual, storm water runoff from the development should be handled, as much as possible, through a natural system of swales and detention and retention facilities. These should be designed as an integral part of the open space amenities or the parking and circulation system on the site.

1278.081278.09 BUILDING DESIGN AND CHARACTER.

(a) Privacy. As development intensities increase, greater opportunities for privacy should be provided by utilizing fences or walls to enclose internal views. Consideration shall be given in building design and location to the privacy of occupants of adjacent buildings.

(b) Site Amenity. The primary living area of a dwelling or the primary activity area of a building should be oriented toward a natural site amenity where possible.

(c) Building Placement. Buildings should be placed in an orderly, non-random fashion. Excessively long, unbroken building facades should be avoided.

(d) Context. New development and infill development should be viewed in the context of a cluster, block, neighborhood, or the entire community. Developments should be designed to be architecturally compatible with nearby structures or to screen incompatible elements of nearby development.

(e) Compatible. Within the requirements of the applicable zoning district, the height, scale and setback of each building should be compatible with existing or purposed adjoining buildings. Architectural style should not necessarily duplicate adjoining structures, but should be compatible in overall form, texture, color and rhythm. Compatibility can be enhanced by the use of building materials and roof lines comparable to near-by development. However, metal siding, either horizontal or vertical, shall be limited to a maximum of 50% of the building's front and any street-facing façade.

(f) Consistency. Consistency in architectural style should be provided within a development or an infill area.

(g) Style. The architectural style should be carried out in as authentic manner as possible.

(h) Variety. Variety can be provided within a particular architectural style by subtly varying building form, setbacks, colors and materials.

(i) Off-Site Impacts. Building and landscape design should be used to reduce adverse off-site visual impacts resulting from mechanical or service areas.

(j) Bulk. The apparent bulk of a building can be lessened with the use of facade articulation and pitched roofs.

(k) Service Areas. Service and storage areas, dumpsters, mechanical equipment and other utility features shall be screened from view from the street and neighboring properties using materials harmonious with the building.

~~1278.09~~1278.10 CIRCULATION.

(a) Street Network. Short loop streets, cul de sacs and residential streets should be used for access to low density residential land uses in order to provide a safer living environment and a stronger sense of neighborhood identity. Access to arterial streets should be limited, where possible, to higher intensity land uses.

(b) Public Safety. On-site circulation shall be designed as to make possible adequate fire and police protection.

(c) Street Alignment.

(1) Natural Features. A combination tangent/curve street network should be used to respect the existing natural features of a site, provide visual interest and create a more practical alignment for efficient site planning of building clusters.

(2) Grading. Horizontal and vertical alignment of streets should be designed to minimize grading. This includes working with the existing grade rather than against the grade to avoid excessive cut or fill. Particular effort should be directed toward securing the flattest possible grade near intersections.

(d) Pedestrian Circulation.

~~(1)~~ ~~(1)~~ Sidewalks shall be designed as networks which provide safe pedestrian connections between buildings and parking areas, recreation areas, transit shelters, streets and other destinations. Walks shall be provided between buildings and the street and between buildings and parking areas. Sidewalks in the I-L District shall only be required between the building and parking areas.

(2) Separation. Pedestrian and vehicular circulation should be separated as much as possible, either through crosswalk/pavement markings, signalization or complete grade separation.

(3) Widths. Walkways which provide access to parking, trash disposal facilities, mailboxes, service areas and community facilities, should generally be 4 feet in width. Common area paths designed to carry heavier pedestrian traffic should generally be 5 to 6 feet in width in order to accommodate 2 pedestrian lanes or one pedestrian lane and one bicycle lane.

(4) Crossings. Path and sidewalk crossings should be located where there is good sight along the road. Street crossings should occur at intersections.

(5) Parking. Off-street parking areas should be located within convenient walking distance to the use being served. Handicapped parking should be as near as possible to the structure to avoid crossing parking aisles.

(e) Parking Lots and Garages

(1) Parking Lot Design. Parking areas shall contribute positively to overall site design through the use of landscaping, decorative walls, berms and other design features. Traffic islands should be provided to define circulation paths and to break up the monotony of continuously paved areas.

(2) Access Points. When locating points of ingress and egress, consideration should be given to the location of existing access points, adjacent to and directly across the street from the site. Curb cuts should be shared by adjoining uses whenever possible.

(3) Drive-throughs. Drive through establishments, such as banks, should be located to allow stacking space for peak hour operation and not restrict other parking lot circulation.

(4) Garages. Detached residential garages and carports should respect the location of adjacent garages and driveways and should be architecturally compatible with the principal structures on the site. When possible, garages should be incorporated as a screening element in the overall site plan and used to create private outdoor spaces and block objectionable views.

(e) Other Modes. In addition to the above, site design shall also consider other transportation modes, including public transit and bicycles. Large retail and other major destinations shall provide transit shelters. Bicycle parking and racks shall be provided where appropriate.

~~1278.10~~ 1278.11 SIGNS.

(a) Scale. All signs, including wall, free standing and window display, should be an integral part of the overall building and site design, not as an afterthought. All signs shall be of a complimentary scale and proportion in design and in visual relationship to the site and its

structures. Signs within a development should be compatible with each other and signs should not compete for attention with signs on adjoining premises.

(b) Harmonious. The colors, materials and lighting of every sign should be restrained, and harmonious with the building site to which it relates. Signs should define or enhance architectural elements of the building, not obscure or destroy them.

(c) Graphic Elements. The number of graphic elements on each sign should be held to the minimum level needed to convey the sign's major message. The graphic elements should reflect simplicity, neatness and minimum wording to avoid visual clutter and to improve legibility. Signs should identify the name and type of establishment and not advertise products or brand names.

(d) Coordination. Signage on each building should be coordinated and consolidated.

~~1278.11~~1278.12 CLIMATE CONSIDERATIONS/ENERGY CONSERVATION.

(a) Heating Periods. Consideration should be given to both over and under heated periods of the year when determining building locations. Desirable slope exposure is south-southeast.

(b) Winter and Summer Sun. To maximize the effect of solar radiation in winter months and maximize shade in the summer months:

(1) Deciduous trees should be used for summer shade and winter warmth;

(2) Active living spaces should be oriented to the south for winter warmth; and

(3) Buildings overhangs should be designed to shield the high summer sun and expose the area to the lower winter sun.

(c) Winter and Summer Wind. To reduce the impact of winter winds but maximize summer breezes:

(1) Steeply pitched roofs should be used on the windward side to deflect wind and reduce the roof area effected by the winds;

(2) Blank walls, garages or storage uses should be used on north exposures;

(3) North entrances should be protected with earth mounds, evergreens, and walls and fences; and

(4) Natural ventilation with prevailing summer breezes should be allowed for whenever possible.

CHAPTER 1280

Provisions Applicable To All Districts

1280.01 General regulations.

- 1280.02 Height exceptions.
- 1280.03 Residential front yard modifications.
- 1280.04 Water and sewer facilities.
- 1280.05 Dwellings in non-residential districts.
- 1280.06 Accessory buildings and structures.
- 1280.07 Visibility.
- 1280.08 Drainage channels.
- 1280.09 Essential services.
- 1280.10 Sidewalks in commercial districts.
- 1280.11 Home offices.
- 1280.12 Outdoor sales and display.
- 1280.13 Satellite antennas.
- 1280.14 State preemptions.
- 1280.15 Wireless service provider structures.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1242

Administration, enforcement and penalty - see P. & Z. Ch. 1244

1280.01 GENERAL REGULATIONS.

(a) Permitted Uses. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged, for any purpose other than is permitted in the district in which the building or land is located.

(b) Comparable in Character. The Planning Commission, with the approval of Council, shall have the power to permit any use comparable in character to any of the specified uses listed under the principally permitted uses, permitted accessory uses or conditionally permitted uses section of any district.

(c) **Conformity with Regulations.** No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area, height, number of families and yard regulations of the district in which the building is located.

(d) **Principal Building.** Every principal building shall be located on a lot having frontage on a public street. No more than one principal building shall be permitted on any one lot presently used or zoned for a single-family dwelling.

(e) **Lots, Yards and Open Space.** No space which, for the purpose of a building or dwelling group, has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by this Zoning Code, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement of or for any other building.

(f) **Approval of Plats.** No proposed plat of a new subdivision shall be approved unless the lots within such plat equal or exceed the minimum lot size, width and depth requirements set forth in the various districts of this Zoning Code.

(g) **Inconsistencies.** In the event that any of the requirements or regulatory provisions of this Zoning Code are found to be internally incompatible or inconsistent, one with another, the more restrictive or greater requirement shall be deemed in each case to be applicable. (Ord. 53-97. Passed 5-12-97.)

(h) **Prohibited Uses.** No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Zoning Code and any additional conditions or requirements prescribed, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water-carried waste. Trailers, basement homes, tents and other temporary living quarters shall be prohibited. Additionally, medical and adult use marijuana cultivators and retail dispensaries, as licensed under Ohio Revised Code Chapters 3796 and 3780 respectively, are prohibited in all Zoning Districts and Special Planning Districts of the City. (Ord. 13-2025. Passed 5-12-25.)

1280.02 HEIGHT EXCEPTIONS.

(a) **Allowable Exceptions.** No structure shall be erected or altered to exceed the height limit established for the district in which the building is located. However, the following structure types may exceed the applicable height limits: roof structures which enclose elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures.

(b) **Height Limits for Exceptions.** Radio, television and wireless aerials or masts may be erected to any height. No other such structure shall be erected to exceed by more than fifteen feet the height limits of the district in which it is located, shall have a total area

greater than twenty-five percent of the roof area of the building, or shall be used for any residential purpose.

1280.03 RESIDENTIAL FRONT YARD MODIFICATIONS.

The required front yard setback depth of a lot in any residential district shall be modified where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same block front is greater than the minimum front yard setback required in the applicable zoning district. In such case, the front yard setback shall not be less than the average depth of such existing front yards on the two lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining. However, that the depth of a front yard on any lot need not exceed 100 feet.

1280.04 WATER AND SEWER FACILITIES.

(a) Permits. No building permit or zoning certificate shall be issued without evidence that the Medina County Sanitary Engineer's office, the Medina County Health Department or the Ohio Environmental Protection Agency has approved the proposed sanitary sewage disposal facilities for the use for which the building permit or zoning certificate has been requested.

(b) Without Sewer and Water. Where central sanitary sewage facilities and/or water facilities served by the City public water system are not available, the R-R District minimum lot area, width and required yards shall apply. All other requirements of the district in which the area is located shall apply.

1280.05 DWELLINGS IN NONRESIDENTIAL DISTRICTS.

Living quarters within a building located in any commercial district may be permitted, provided that they are for the sole use of the owner, lessee or manager of the business, or quarters for a watchman or caretaker. Such living quarters shall conform to regulations therefor as specified in Chapter 1254.

1280.06 ACCESSORY BUILDINGS AND STRUCTURES. *

All accessory buildings and structures shall comply with the following provisions:

(a) Incidental to Principal Use. In all districts, accessory uses and buildings shall be clearly incidental to the principal uses permitted on the same premises, and shall comply with requirements of the individual zoning district.

(Ord. 35-2021. Passed 6-14-21.)

(b) Attached Buildings. An accessory building attached to the principal building on a lot shall be made structurally a part thereof and shall comply in all respects with the requirements of this Zoning Code applicable to the principal building. The attached accessory building shall be constructed of materials comparable to the principal building. However, non-enclosed patio roofs, and/or covered porches shall be permitted to extend not more than 10 feet within the minimum front yard setback line.

(c) Detached Buildings. In residential districts, detached accessory buildings, including private garages, shall be located between the front of the dwelling and the rear lot line. All detached accessory structures exceeding 100 square feet shall be constructed of materials harmonious, as defined in Section 1242.02(41) of this Code, to the principal building. Detached accessory buildings measuring up to 240 square feet shall be located a minimum of 5 feet from the side and rear property lines and a minimum of 15 feet from the rear of the principal building. Detached accessory buildings exceeding 240 square feet shall be located a minimum of 10 feet from the side and rear property lines and a minimum of 15 feet from the rear of the principal building. Only one shed shall be permitted per lot containing a residential building. No accessory buildings shall be permitted on vacant land. (Ord. 44-2022. Passed 7-11-22.)

(d) Lot Coverage. For lots improved with one or two-family dwellings, the total area of such lot that is covered or occupied by buildings shall not exceed 20 per cent of the lot area. The combined land area occupied by all detached accessory buildings on such a lot shall not exceed 800 square feet.

(e) Swimming Pools. Outdoor swimming pools, as defined and regulated by Chapter 1472 of the Codified Ordinances, are not subject to the 20 per cent coverage and 800 square foot limitations of subsection ©) above. Setback requirements for pools are established in Section 1472.03 of the Building and Housing Code. (Ord. 53-97. Passed 5-12-97.)

(f) Commercial or Industrial Districts. Accessory buildings in commercial or industrial districts shall be located in compliance with the minimum side and rear yard setbacks established for the principal building.

(Ord. 35-2021. Passed 6-14-21.)

*Note: Accessory buildings include sheds.

1280.07 VISIBILITY.

No wall, fence or shrubbery shall be erected, maintained or planted on any private property in such manner or location that it obstructs or interferes with traffic visibility on a curve or at any street intersection.

1280.08 DRAINAGE CHANNELS.

Drainage channels and swales are essential for the maintenance of the health and general welfare of the residents. Any encroachment upon or filling or destruction of such drainage channels or swales as shown on approved subdivision plans, site plans or individual lot plans is hereby deemed a violation of this Zoning Code.

1280.09 ESSENTIAL SERVICES.

Essential services as defined in Chapter 1242 shall be permitted as authorized under any franchise or as regulated by any law of the State or ordinance of the City, and shall be exempt from the application of this Zoning Code.

1280.10 SIDEWALKS IN COMMERCIAL DISTRICTS.

The owners of all new or redeveloped commercial properties shall be responsible for constructing sidewalks within the rights of way of all adjacent streets as part of the site improvements. Such sidewalks shall be included on site plans approved by the Planning Commission and shall be designed and located according to plans approved by the City Engineer.

1280.11 HOME OFFICES.

Home offices, as defined in Chapter 1242, are allowed as an accessory use to a dwelling in any zoning district, without a permit. Home offices are distinct from home occupations as defined in Chapter 1242 and regulated in Section 1274.09. Examples of home offices are, among others, telecommuters, secretarial services, and outside sales or mail order businesses where the products are not stored in the dwelling. Home offices are subject to the following:

- (a) Such use shall be limited to office functions only. All products and services shall be transmitted to and from the residence electronically, by regular mail service or by small delivery vehicles normally used for small parcel deliveries to single family dwellings.
- (b) Other than office supplies, there shall be no display or storage of products or materials of any kind within the dwelling, in accessory buildings, or outdoors on the same lot.
- (c) Customers shall not come to the dwelling.
- (d) Such uses shall be conducted by the dwelling occupant with no non-resident employees.
- (e) Such use shall be carried on entirely within the dwelling and not in an accessory building.

(f) No activity, materials or equipment indicative of the use shall be visible from any public street or from adjacent dwellings.

(g) The home office shall not utilize mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, causes fluctuation in line voltage or other nuisances outside the dwelling unit in which it is located.

(h) No advertising sign shall be permitted.

1280.12 OUTDOOR SALES AND DISPLAY.

In commercial zoning districts, all product display, sales activity, food service and other related commercial activities shall be conducted within a completely enclosed building, unless areas for such outdoor activities are clearly indicated on site plans approved for that purpose by the Planning Commission. Such outdoor activities shall be accessory to a principally permitted or conditionally permitted use on the same parcel. All outdoor product display, sales activity, food service and related activities are further subject to the following:

(a) No commercial product display, sales or other activities may be conducted within a required front yard setback area, unless specifically approved by the Planning Commission.

(b) There shall be no product display, sales or other activities in required parking areas or in vehicle or pedestrian circulation areas, unless specifically approved by the Planning Commission.

(c) Outdoor product display or sales areas shall be located so that visibility into or out of the site, or into and out of the building, is not impaired.

(d) To prevent hazards from fire and impaired visibility, product display areas shall not be located at service station pump islands.

(e) ~~Outdoor vending machines are prohibited. Propane tank lockers are conditionally permitted. Outdoor vending machines, other than newspaper boxes, may not be placed, outside without approval of the Planning Commission and, if so approved, shall be located against an exterior building wall. There shall be no more than one outdoor vending machine per site.~~

~~—(Ord. 77-2022. Passed 11-14-22.)~~

(f) A freestanding ATM or similar financial machine shall not be considered a financial institution. (Ord. 78-2022. Passed 11-14-22.)

1280.13 SATELLITE ANTENNAS.

The requirements listed below shall apply to all satellite antennas in residential zones with diameters of more than 3 feet and to all satellite antennas in commercial or industrial

zones with diameters of more than 6 feet. Satellite antennas with diameters of 3 feet or less in residential zones or 6 feet or less in commercial or industrial zones are exempt from the requirements of this section.

(a) Permits. A satellite antenna shall require a zoning certificate as established by Section 1244.06 and a building permit. Fees for the zoning certificate and the building permit shall be the same as for an accessory building of less than 199 square feet.

(b) Location. In all Residential and Commercial Districts, a satellite antenna shall be located between the rear of the principal building and the rear lot line. A satellite antenna shall be located so that all points on the antenna will be at least five feet from a rear or side property line when the antenna is parallel to the ground. A satellite antenna shall not be located on a roof.

(c) Height. A satellite antenna, including its mounting structure, shall not exceed a height above grade of fifteen feet.

(d) Signs Prohibited. Signs, as defined in Chapter 1270, shall not be attached to a satellite antenna, nor shall a satellite antenna be used as part of a sign structure.

(e) Installation. Satellite antennas shall be installed and mounted to meet or exceed the manufacturer's specifications and shall be grounded to comply with the current edition of the National Electrical Code. Wiring between the antenna and any other structure shall be installed underground.

(f) Appeals. In reviewing applications to vary provisions of this section, the Board of Zoning Appeals shall consider the need for appropriate screening, landscaping or other measures to conceal the satellite antenna from the street and/or from adjoining properties.

1280.14 STATE PREEMPTIONS.

The State of Ohio has preempted local government regulation of family homes, adult family homes and child day care, as follows:

(a) Family Homes. Section ~~5123.19(K)~~ [5119.341\(a\)](#) of the Ohio Revised Code states that licensed family homes for the care of 6 to 8 ~~intellectuallymentally retarded~~ or developmentally disabled persons shall be a permitted use in any residential zoning district, subject to the same lot area, yard and related requirements that are uniformly imposed on all single family residences within the district.

(b) Adult Family Homes. Section 3722.03(A) of the Ohio Revised Code states that adult family homes for the care of 3 to 5 unrelated adults shall be a permitted use in any residential zoning district, subject to the same lot area, yard and related requirements that are uniformly imposed on all single-family residences within the district.

(c) Group and Adult Group Homes. Group homes for the care of 9 to 16 ~~mentally retarded or intellectually~~ developmentally disabled persons and adult group homes for the care of 6 to 16 unrelated adults are conditionally permitted uses in the R-M District, subject

to reasonable standards and conditions as specified in the R-M District, as required by Sections ~~5119.341(B)~~ ~~5123.19(L)~~ and ~~3721.023722.03(B)~~ of the Ohio Revised Code, respectively.

~~—(d) Spacing Standard. In order to prevent an excessive concentration of family and group homes, all family and group homes as defined in Section 5123.19(A) of the Ohio Revised Code and all adult family and adult group homes as defined in Section 3722.01 of the Ohio Revised Code shall be located a minimum of 2000 feet from another such family or group home. Measurements shall be performed by the Chief Building and Zoning Inspector by measuring straight lines between a proposed and all existing group or family homes.~~

(~~d~~e) Family Day Care. Section 5104.054 of the Ohio Revised Code states that Type B family day care homes which provide care for one to 6 children at one time shall be a permitted use in all zoning districts in which residential uses are permitted.

1280.15 WIRELESS SERVICE PROVIDER STRUCTURES.

(a) General. Wireless service provider (WSP) structures, as defined in Section 1242.02, are conditionally permitted uses in the residential districts and the C-O district. They are also conditionally permitted uses in all SPD districts unless the SPD guidelines specifically indicate to the contrary. In districts where they are listed as permitted uses, wireless service provided structures may be issued zoning certificates without review under Chapter 1278, subject to the requirements below:

(1) In districts where they are conditionally permitted, WSP structures shall be located 110 percent of the tower height away from all property lines. In districts where they are permitted uses, WSP structures shall be located 110 percent of the tower height from a residential district or a multiple family property line;

(2) Subject to the provisions in subsection (a) above, WSP structures shall comply with the yard requirements of the applicable zoning district;

(3) WSP structures shall not use guy wires for support. WSP structures shall be self-supporting or use a horizontal support brace attached to a building;

(4) WSP structures shall be no higher than the minimum height necessary and shall not exceed 90 feet high;

(5) WSP structures shall include a sign no larger than 4 square feet containing the name(s) of the owner(s) and operator(s) of the antenna and emergency phone number(s). The sign shall not be lighted; and

(6) WSP structures shall be grounded and shall be attached to the ground and to supporting buildings according to the requirements of the Ohio Building Code.

(b) Recertification. The owner or operator of approved WSP structures shall submit a written request for recertification within 2 years thereafter. The recertification request shall include information on changes to the WSP structure or antennas since the original

approval and shall certify that the structure and antennas remain in compliance with all applicable codes and ordinances, including the performance security required by subsection (d) below. The recertification requests shall be reviewed by the Planning Commission for a WSP structure approved as a conditional use and by the Division of Permits and Inspections (Division) for other WSP structures. If, after such review, the Planning Commission or Division determines the WSP facilities remain in substantial compliance with the original approval and all applicable codes and ordinances, the Commission or Division shall recertify the WSP structure and antennas for an additional 2- year period. If the Commission or Division determines that the WSP structure and antennas are not in substantial compliance with the original approval and all applicable codes and ordinances, the Commission or Division shall notify the owner or operator that certification has lapsed and the structure and antenna shall be removed. Such determinations shall be in writing and supported by substantial evidence contained in a written record.

(c) Removal. The City of Brunswick may determine that the health, safety and welfare of the City warrant removal of the WSP structure under one or more of the following circumstances:

- (1) Certification of the WSP structure has lapsed as provided above;
- (2) The WSP structure has been abandoned for a period exceeding 90 days;
- (3) The WSP structure is in a state of disrepair constituting a health or safety hazard;
- (4) The WSP structure has been installed or modified without approval by the City of Brunswick; or
- (5) The bond required in subsection (d) below has lapsed.

(d) Performance Security. The applicant of the owner of record of the WSP structure shall deposit with the City a bond or other form of security acceptable to the Law Director in an amount of five thousand dollars (\$5,000) for each WSP structure. The bond's initial term and all subsequent extensions shall be for a minimum of 2 years and shall not be subject to reduction or cancellation of coverage without at least 30 days prior written notice to the City. Alternatively, the applicant or owner may provide a cash deposit of one thousand dollars (\$1,000). The performance security shall be in place at the time of the initial application for the WSP or the application for decertification. The performance security is intended to assure the faithful performance of the terms and conditions of the Zoning Ordinance and shall remain in full force and effect until the WSP structure is removed.

(Ord. 9-03. Passed 1-27-03.)

CHAPTER 1282 Landscaping and Screening

1282.01 Purpose.

1282.02 Applicability.

- 1282.03 General submission requirements.
- 1282.04 Landscaping materials and standards.
- 1282.05 Total landscape area.
- 1282.06 Specific landscaping and screening requirements.
- 1282.07 Easements, sight distance.
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- 1282.09 Service structure screening.
- 1282.10 Modifications.
- 1282.11 Plant lists.

CROSS REFERENCES

Fences - see BLDG. Ch. 1464

1282.01 PURPOSE.

The purpose of this Chapter is to provide minimum land development standards to provide attractive views from roads and adjacent properties; to screen from view visually undesirable uses; to require screening between incompatible land uses and to protect the health, safety and welfare of the citizens of the City of Brunswick through the reduction of noise, air and visual pollution, and headlight glare.

(Ord. 50-05. Passed 4-25-05.)

1282.02 APPLICABILITY.

(a) Site Plan Review. This section shall apply whenever a site plan review is required as provided in Section 1278.02-. Landscaping and screening plans required by this Chapter 1282- shall be included as an integral component of site plan submittal and review procedures in Chapter 1278-. No site plan shall receive final approval unless a landscaping and screening plan has been submitted and approved.

(b) Compliance. No zoning compliance certificate as provided in Section 1244.07 shall be issued unless the following criteria are fully satisfied with regard to the approved landscape and screening plan:

(1) Such plan has been fully implemented on the site, inspected and approved by the Division of Building; or,

(2) Such plan, because of seasonal conditions, cannot be implemented immediately, but has been insured by a financial guarantee as provided by Section ~~1278.04~~[1278.05](#) in an amount equal to the cost of the improvements plus a 10 percent allowance for administrative costs, inflation and potential damage to existing vegetation or improvements.

(Ord. 50-05. Passed 4-25-05; Ord. 5-16. Passed 2-8-16.)

1282.03 GENERAL SUBMISSION REQUIREMENTS.

Any property to which this section applies shall submit a landscape and screening plan to the Planning Commission as part of the site plan review process required in Chapter 1278. Such plans shall be prepared by a design professional practicing within the professional's area of competence. The site plan shall contain all of the information listed on application material maintained for that purpose by the Planning Commission.

(Ord. 50-05. Passed 4-25-05.)

1282.04 LANDSCAPING MATERIALS AND STANDARDS.

New development shall provide landscaping and screening yards as provided in Section 1282.06. Walls and fences, plants, and mounds, as listed in subsections (a)-(c) below, are suitable for screening use individually or in combination with each other to create a dense screen, subject to review and approval by the Planning Commission.

(a) Walls and Fences. Walls and fences used to fulfill screening requirements shall be so detailed on the site plan. Walls and fences shall be constructed of weather-proof materials, including pressure treated, redwood or cedar lumber and aluminum or galvanized hardware. Except as specifically noted, chain link fences with or without wooded or synthetic slat material shall not be allowed when used to satisfy landscaping and screening requirements. Chain link fences may be used to screen outdoor storage areas and auto service enclosures required by Section 1276.11.

(b) Plants. All plants are to be living and part of the acceptable plant lists in Section 1282.11. Plant materials used in conformance with the provisions of this section shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under state regulations. Trees shall be balled and burlapped or in containers. Shrubs, vines and ground covers can be planted as bare root as well as balled and burlapped or containers. Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the City.

(1) Deciduous Trees. Deciduous trees shall have a minimum caliper of at least 2 ½ inches conforming to acceptable nursery industry procedures at the time of planting. If

deciduous trees are to be used for screening purposes, additional materials listed in this section must be used to create a dense buffer.

(2) Evergreen Trees. Evergreen trees shall be a minimum of 6 feet in height at the time of planting. Evergreen plantings shall be designed to provide an effective, dense screen within 4 years of planting.

(3) Shrubs and Hedges. Shrubs and hedges shall be at least 36 inches in height at the time of planting, when plant material is used for screening. All shrubs and hedges shall be designed to provide an effective, dense screen and mature height of at least 6 feet within 4 years after the date of the final approval of each planting, except as required in Section 1282.08(a). The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.

(4) Grass or Ground Cover. Grass of the fescus, bluegrass or perennial rye families shall be planted in species normally grown as permanent lawns in Medina County. In swales or other areas subject to erosion, solid sod, erosion reducing net, or suitable mulch shall be used and nurse-grass seed shall be sown for immediate protection until complete coverage is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted in such a manner as to provide 75 percent complete coverage after two growing seasons.

(5) Existing Material. The Planning Commission may approve the use of existing plant material to comply with the landscaping and screening requirements of this Chapter. In reviewing such proposals, the Commission shall consider whether the existing material is capable of performing the landscaping or screening functions required by this Chapter, by reason of its size, density, location, deciduous or evergreen foliage, and other characteristics. The Commission shall also consider the likelihood that the plant material will survive construction-related disruptions, including soil compaction and changes in grading and drainage. Existing vegetation shall be preserved in accordance with acceptable nursery industry procedures.

(6) Mulch. Mulch shall be shredded hardwood bark installed to a depth of 3 inches. Rock or shredded rubber shall not be used to mulch landscape beds. Mulch beds shall be delineated on landscape plans.

(7) Buffering Effect. The desired buffering effect shall be achieved not later than twelve months after the initial installation as detailed in 1282.06. The Planning Commission may extend this period of time when a hardship would be created because of expected growth or material shortages, but the Commission shall not extend such period beyond two growing seasons from the time the initial installation was to have been or has been installed.

(c) Mounds. Mounds or berms may be used as physical barriers which block or screen a view. Differences in elevation between areas requiring screening do not constitute a mound. Mounds shall conform to the following standards:

(1) The maximum side slope shall be 3 feet horizontal to one foot vertical (3:1). The design shall be reviewed by the Planning Commission to ensure that proper erosion prevention and control practices have been utilized and that irrigation or other means are provided to ensure plant material will have sufficient moisture for survival.

(2) Mounds shall be designed with physical variations in height and alignment throughout their length.

(3) Landscape plant material installed on mounds shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.

(4) The landscape plan shall show sufficient detail to demonstrate compliance with the above provisions, including a plan and profile of the mound, soil types and construction techniques.

(5) Mounds shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.

(6) The base of a mound shall be located a minimum of 2 feet from any right-of-way or property line, unless drainage issues required a greater separation.

(7) Adequate ground cover shall be used and maintained to prevent erosion.

(d) Maintenance. All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The property owner shall be responsible for continued, perpetual maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Violation of these installation and maintenance provisions shall be grounds for the Division of Permits and Inspections to refuse a zoning compliance certificate, require replacement of the landscape material or institute legal proceedings to enforce the provisions of this Chapter.

(e) Screening Yards. Screening yards shall be composed of continuous landscaping and related screening materials to the minimum widths specified in Section 1282.06-. Once a screening yard has been approved by the Planning Commission and established by the owner, it may not be used, disturbed or altered for any purpose.

(f) Conflicts. When an activity or land use falls under more than one of the categories listed in the table in Section 1282.06-, the most stringent of the requirements shall be applied.

(Ord. 50-05. Passed 4-25-05.)

1282.05 TOTAL LANDSCAPE AREA.

All developed sites, with the exception of industrial sites and single-family homes, shall include landscaping equal to a minimum of 10 per cent of the total lot area. All landscaping

required by Section 1282.06 shall be counted toward the 10 per cent minimum, excepting screening yards required by Section 1282.06(a). Total landscaping exceeding the 10 per cent minimum still requires compliance with all applicable requirements of Section 1282.06. Required landscaping may be in the form of lawns, trees, shrubs, water surface or, with Planning Commission approval, natural areas.

(Ord. 50-05. Passed 4-25-05.)

1282.06 SPECIFIC LANDSCAPING AND SCREENING REQUIREMENTS.

All required landscaping and screening yards shall meet the following requirements, as applicable:

When	Is Proposed to Abut	A Minimum Screening Yard ~~and Buffering Effect~~ of	Required Plant and Screening Material
(a) Any Commercial Use	Any Residential Zone or Land Use, with the exception of nonconforming residential use per 1272.05	25' side and/or rear screening yard is required with....	EITHER: Trees from Tree List A , 25'-35' on-center plus a double row 6' hedge from Shrub List ; OR 6' wall, fence or mount plus 3' hedge from Shrub List D plus trees from Tree List A , 25' to 35' on-center; OR Double row, staggered planting of trees from Tree List C , 15' on-center ~~Exception for nonconforming residence added as a result of 2/1 work session. 25' screening yard would not be required when a C use is next to a nonconforming house~~
		...an eighty percent summer opacity and sixty percent winter opacity when viewed from two to ten feet above ground level.	

(b) Any Industrial Use	Any Residential Zone	50' side and/or rear screening yard is required with...	EITHER: 40' wide, 6' tall mound plus a double row of staggered trees from Tree List C , 15' on-center; OR Double row of staggered trees from Tree List C , 15' on-center plus double row of mixed trees from Lists A, B and C Tree List , 20' on-center; OR Existing trees and brush forming a solid screen, provided that any disturbance in 50' screening yard is replaced with above.
		...an eighty percent summer opacity and sixty percent a hundred percent summer opacity and an eighty percent winter opacity when viewed from two to ten feet above ground level.	
(c) Any Multiple Family Use	Any Residential Zone or Use (Except Another Multiple Family Use)	15' side and/or rear screening yard is required with...	EITHER: Trees from List A Tree List , 25' to 35' on-center plus a double row 6' hedge from List E Shrub List ; OR 6' wall, fence, or mound with trees from Tree List A , 25' to 35' on-center; OR Double row, staggered planting of trees from Tree List C , 15' on-center.
		...an eighty percent summer opacity and sixty percent winter opacity when viewed from two to ten feet above ground level.	
(d) Any School, Church or Institutional Use	Any Residential Zone or Land	15' side and/or rear screening yard is required with...	EITHER: staggered double row of evergreens and trees from Lists B and C Tree List , 15' on-center plus a single row of 6' tall hedge from List E Shrub List ; OR
		...an eighty percent summer opacity and sixty percent a hundred percent summer opacity and	

		~~an eighty percent~~ winter opacity when viewed from two to ten feet above ground level.	6' tall wall or fence and trees from ~~Tree List~~ ~~A~~ , 25'-35' on- center

When	Is Proposed to Abut	A Minimum Screening Yard...	Required Plant and Screening Material
(e) Any Commercial Use	Public or Private or Private Right-of- Way	10% of total front yard area not used for parking or circulation must be landscaped with...	Trees, shrubs, planting beds, and/or perennial borders and beds in a design selected by the owner. This landscaping is in addition to parking lot interior landscaping required by this section and Section 1282.08(b). 10% area includes 10' strip at R/W required by this Chapter and Section 1276.07(a).
(f) Any Industrial Use	Public or Private Right-of-Way	5% of total front yard area must be landscaped with...	Trees, shrubs, planting beds, and/or perennial borders and beds in a design selected by the owner.
(g) Parking Area for any use other than industrial or single-family residence*	Public or Private Right-of-Way	10' perimeter screening strip adjacent to right-of- way with...	EITHER: Trees from ~~Tree List~~ ~~A~~ , 25' to 35' on-center with a row of shrubs from ~~Shrub List~~ ~~D or E~~ , 3' to 4' on-center; OR Trees from ~~Tree List~~ ~~B~~ , 20' to 30' on-center with a row of shrubs from ~~Shrub List~~ ~~D or E~~ , 3' to 4' on-center (1 tree minimum) See Section 1282.08(a) Corridor Plan (page 75) recommends adding 3' to 4' spacing for shrubs

			Change from 5' to 10' right of way strip suggested at 2/1 work session
(h) Parking Area, except industrial land uses	Not Applicable	Interior landscaping area of at least 20 square feet per parking space	See Section 1282.08(b). See annotation at 1282.08(b)
(i)			Subsection (i) eliminated as result of 2/1 work session - conflicts with (a).

* Perimeter screening may also count as parking area perimeter and headlight screening.

1282.07 EASEMENTS, SIGHT DISTANCE.

(a) Easements. Required landscaping may be placed wholly or partially in utility or other easements providing all requirements can be fulfilled and approval is granted by the holder of the easements. Trees placed under overhead utility wires must be from List B, in Section 1282.11.

(b) Sight Distance. Landscaping and screening yards shall not be established to block the sight distance at street or drive intersections, as provided in Section 1280.07. Within the sight distance triangle, only ground cover and trees with at least six feet of limbless trunk shall be permitted. The sight triangle shall consist of the area between points 30 feet along both intersecting streets, whether public or private, from their respective edge of pavements.

(Ord. 50-05. Passed 4-25-05.)

1282.08 PARKING AREAS.

Parking areas shall be provided with perimeter and interior screening and landscaping, as follows:

(a) Perimeter Screening. Perimeter landscaping for any outdoor parking area shall be provided according to Section 1282.06 (g). Parking lots shall have perimeter screening strips of a minimum width of 5 feet containing plant material from Lists D or E that will achieve a decorative planting with a minimum height of 4 feet, except for the required trees.

(Ord. 50-05. Passed 4-25-05.)

(b) Interior Landscaping. Parking areas shall provide interior landscaping, as provided in Section 1282.06(h). Interior landscaping shall equal a minimum of twenty (20) square feet per parking space, exclusive of foundation landscaping or any other landscaping required by Section 1282.06. Such landscaping shall be in areas of uncompacted, well-drained soil within or directly adjacent to the parking and circulation areas. All tenant/occupied buildings spaces on a unified site shall meet the minimum interior landscaping requirements.

(Ord. 123-2022. Passed 2-27-23.)

(1) Design. A minimum of 60 percent of the interior landscape area required by this section shall be surrounded by paved areas and located within tree islands, medians, at the end of parking bays or between rows of parking spaces. All required interior landscaping shall be within curbed areas with a least dimension of 8 feet. There shall be a minimum of 4 feet between all trees and the edge of the pavement where the vehicles overhang.

(2) Interior Landscaping Specifications. One tree ~~listed on Plant List A~~ and 8 shrubs ~~listed in the Tree and Shrub Lists in Section 1282.11 from Lists D or E~~ shall be planted for each 15 parking spaces. Trees and shrubs shall be selected and maintained to retain visibility between 3 feet and 5 feet above ground.

(Ord. 50-05. Passed 4-25-05.)

1282.09 SERVICE STRUCTURE SCREENING.

Service structures shall be screened from all streets and from adjacent residential properties. Service structures include, but shall not be limited to, loading docks, propane tanks, dumpsters, electrical transformers, and utility vaults.

(a) Location of Screening. All service structures shall be screened on all sides by a continuous planting of evergreens, fences or mounds. Screening material shall be one foot more in height than the height of the structure to be enclosed, except that any such screening shall not be required to exceed 10 feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material shall be of average height sufficient to meet the height requirements of this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.

(b) Curbs to Protect Screening Material. Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular basis, a curb to contain the placement of the container shall be provided within the screening material. The curbing shall be at least one foot from the screening material and shall be designed to prevent possible damage to the screening when the container is

moved or emptied.
(Ord. 50-05. Passed 4-25-05.)

1282.10 MODIFICATIONS.

(a) Less Restrictive. The Planning Commission may approve a less restrictive landscaping or screening improvement in individual, unique situations where the requirements of this Chapter are clearly inapplicable. In approving less restrictive requirements, the Commission shall find that the purpose of this chapter, as stated in Section 1282.01, will be met, that the intent of the specific requirement will be maintained and that the public interest will be served. The concurring vote of 3 members of the Planning Commission shall be required to modify any of the specific requirements of this Chapter as authorized by this subsection.

(b) More Restrictive. The Commission, by a majority vote of the members in attendance, may impose more restrictive requirements where warranted by conditions on the site, on the adjacent street system or on adjacent property.

(Ord. 50-05. Passed 4-25-05.)

1282.11 PLANT LISTS.

The [tree and shrub](#) plants ~~lists on Lists A through E~~ below shall be used to comply with the landscaping and screening requirements of this chapter. Other plants that are comparable in size and characteristics and which are also hardy in Zone 5 of the USDA Plant Hardiness Zone Map may also be used within the landscaping or screening yard areas, subject to Planning Commission approval.

[Tree List – The trees listed below are separated into categories based on mature heights: Large – 60', Medium - 40' and Small - 20'.](#)

Large Trees	
Abies nordmanniana	Nordmann fir
Acer x freemanii [Autumn Blaze]*	Freeman maple
Acer rubrum	red maple
Aesculus flava	yellow buckeye
Betula nigra [Heritage]	river birch
Betula nigra [City Slicker]	river birch
Cedrus libani var. stenocoma	cedar of Lebanon
Diospyros virginiana	common persimmon
Ginkgo biloba	gingko
Gleditsia triacanthos [Imperial]	honeylocust
Gleditsia triacanthos [Shademaster]	honeylocust
Gleditsia triacanthos [Skyline]	honeylocust

Gleditsia triacanthos [Street Keeper]	honeylocust
Gymnocladus dioica 'Espresso'	Kentucky coffee-tree
Gymnocladus dioica [Prairie Titan]	Kentucky coffee-tree
Gymnocladus dioica 'Stately Manor'	Kentucky coffee-tree
Cercidiphyllum japonicum	katsura tree
Liquidambar styraciflua 'Moraine'	sweetgum
Liquidambar styraciflua 'Variegata'	variegated sweetgum
Liriodendron tulipifera	tuliptree
Liriodendron tulipifera [Emerald City]	tuliptree
Magnolia acuminata	cucumber magnolia
Metasequoia glyptostroboides	dawn redwood
Nyssa sylvatica	tupelo
Ostrya virginiana	hop hornbeam
Picea omorika	Serbian spruce
Picea orientalis	Oriental spruce
Pinus strobus	eastern white pine
Pinus rigida	pitch pine
Pinus rigida x taeda	pitch-lob pine
Platanus x acerifolia [Exclamation!]	London planetree
Platanus occidentalis	sycamore
Quercus bicolor	swamp white oak
Quercus imbricaria	shingle oak
Quercus lyrata	overcup oak
Quercus macrocarpa	bur oak
Quercus muehlenbergii	chinkapin oak
Quercus palustris	pin oak
Quercus palustris [Green Pillar]	pin oak
Quercus phellos	willow oak
Quercus x warei [Regal Prince]	hybrid oak
Quercus rubra	red oak
Quercus shumardii	Shumard oak
Styphnolobium japonicum [Regent]	Japanese pagodatree
Taxodium distichum	bald cypress
Thuja occidentalis	arborvitae
Thuja plicata	western redcedar
Thuja 'Green Giant'	giant arborvitae
Tilia americana	basswood
Tilia cordata [Green Spire]	littleleaf linden
Tilia tomentosa	silver linden
Tilia x euchlora	Crimean linden
Ulmus americana 'Princeton'	American elm
Ulmus americana 'Jefferson'	American elm
Ulmus 'Regal'	elm

Ulmus [Triumph]	elm
Zelkova serrata [Green Vase]	Japanese zelkova
Zelkova serrata 'Musashino'	Japanese zelkova
Zelkova serrata [Village Green]	Japanese zelkova

Medium Trees	
Acer griseum*	paperbark maple
Acer miyabei*	Miyabei maple
Acer triflorum*	three-flower maple
Aesculus glabra	Ohio buckeye
Amelanchier x grandiflora	apple serviceberry
Carpinus betulus [Emerald Avenue]	upright European hornbeam
Carpinus caroliniana	American hornbeam
Celtis laevigata	hackberry
Celtis "Magnifica"	hybrid hackberry
Cladrastis kentukea	American yellowwood
Cornus florida "Appalachian Spring"	flowering dogwood
Cornus kousa	Asian flowering dogwood
Crataegus viridis 'Winter King'	green hawthorn
Halesia tetraptera	Carolina silverbell
Juniperus virginiana 'Canaertii'	eastern redcedar
Liriodendron tulipifera 'Little Volunteer'	tuliptree
Maackia amurensis	Amur maackia
Maclura pomifera "Whiteshield"	Osage-orange
Magnolia "Butterflies"	yellow-flowered magnolia
Magnolia "Coral Lake"	magnolia
Magnolia 'Daybreak'	magnolia
Magnolia 'Elizabeth'	magnolia
Magnolia 'Yellow Bird'	magnolia
Magnolia tripetala	umbrella magnolia
Parrotia persica 'Vanessa'	Persian parrotia
Pinus virginiana	Virginia pine
Quercus x warei [Kindred Spirit]	hybrid white oak
Ulmus davidiana [Emerald Sunshine]	white elm

Small Trees	
Acer buergerianum*	trident maple
Aesculus pavia	red buckeye
Asimina triloba	pawpaw
Cercis canadensis	eastern redbud
Chionanthus retusus	Chinese fringetree

Juniperus chinensis 'Keteleeri'	upright Chinese juniper
Magnolia 'Golden Gift'	magnolia
Magnolia stellata	star magnolia
Magnolia virginiana	sweet bay magnolia
Magnolia x loebneri	Loebner magnolia
Malus 'Bob White'	flowering crabapple
Malus "Prairifire"	flowering crabapple
Malus [Red Jewel]	flowering crabapple
Malus [Sugar Tyme]	flowering crabapple
Quercus prinoides	dwarf chinquapin oak
Syringa pekinensis "Great Wall"	Chinese tree lilac
Syringa reticulata 'Ivory Silk'	Japanese tree lilac
Tilia cordata [Summer Sprite]	littleleaf linden
Zelkova serrata [City Sprite]	Japanese zelkova

[Shrub List](#)

Arborvitae Species
Aronia Berries (Chokeberries)
Azalea Species
Barberry Species
Bayberry Species
Bird's Nest Spruce
Blue Ice Bog Rosemary
Bottlebrush Buckeye
Boxwood
Burning Bush
Bush Honeysuckle Species
Butterfly Bush Species
Cotoneaster Species
Cypress (False) Species
Cypress Species
Dappled Willow
Deutzia Species
Dogwood Species
Dusky Maiden
Dwarf Alberta Spruce
Dwarf Mountain Pine
Elderberry Species
Enci Mugo Pine
Fine Line Buckthorn
Forsythia
Fothergilla - Dwarf
Golden Privet Species

Goshiki Species
Hemlock
Hibiscus Species
Hummingbird Summersweet Species
Hydrangea Species
Japanese Holly Species
Juniper Species
Leucothoe Species
Lilac Species
Magnolia Species
Mountain Fire Pieris
Ninebark Summer Wine and Tiny Wine
Norway Spruce
Purple Leaf Sand Cherry (Dwarf Red-Leaf Plum)
Queen Bee Chaste Tree
Rhododendron Species
Serviceberry Species
Spiraea Species
Sumac Species
Sweetspire Species
Viburnum Species
Weigela Species
Wisteria Species
Yew Species
Yucca Species

(Ord. 50-05. Passed 4-25-05.)

CHAPTER 1284

Single Family Cluster Development

1284.01 Purpose.

1284.02 Overview.

1284.03 Uses.

1284.04 Land Planning Criteria.

1284.05 Single family cluster units.

1284.06 Design criteria.

1284.07 Common open space design.

1284.08 Common open space disposition.

1284.09 Improvements.

1284.10 School sites.

CROSS REFERENCES

Board of Zoning Appeals - see P. & Z. Ch. 1246

Signs - see P. & Z. Ch. 1270

Nonconditional uses - see P. & Z. Ch. 1272

Conditional zoning certificate - see P. & Z. Ch. 1274

1284.01 PURPOSE.

It is the purpose of this chapter to obtain a more creative and imaginative residential environment than would otherwise be possible through strict application of the minimum requirements of the R-L Low Density Residential District, while maintaining the same population densities established in the R-L District. The single-family cluster developments are intended to achieve, in a unified development, more flexible spacing of lots and buildings and encourage the following:

- (a) In larger projects, a wider variety of dwelling types including conventional single family and single-family cluster dwellings;
- (b) A more efficient use of land than is generally possible in the R-L zone, resulting in decreased improvement costs;
- (c) The creation of functional and interesting residential areas;
- (d) The provision of readily accessible recreation and open spaces;
- (e) The conservation of natural landscape amenities; and
- (f) The separation of pedestrian and vehicular circulation.

1284.02 OVERVIEW.

- (a) Description. A single-family cluster development is a subdivision with some or all of the lots are reduced below the R-L district minimum lot size, but where the overall gross

density complies with the maximum R-L density of 2.2 units per gross acre. These projects require that the planning for the lots and the locations of the houses on the lots be done at the same time. Because the exact location of each house is predetermined, greater flexibility in development standards can be possible while assuring the single-family character of the zone is maintained.

(b) Review Procedures. Single family cluster developments are conditionally permissible uses in the R-L Low Density Residential District. Any developer may submit plans in accordance with the provisions of this chapter and other applicable provisions of the Planning and Zoning Code. Site plans for single family cluster groupings shall be further reviewed according to the procedures and requirements of Chapter 1278 Site Plan Review.

1284.03 USES.

Buildings and land shall be used only for the following purposes:

- (a) Single-family dwellings;
- (b) Single-family cluster dwellings in projects with 25 or more gross acres;
- (c) Open spaces and recreation facilities on private land for the exclusive use of the residents, or publicly-owned.
- (d) Accessory buildings or uses which are clearly secondary and incidental to a permitted principal use of the same lot.
- (e) Any of the conditionally permitted uses listed in Section 1252.04, subject to the procedures and applicable provisions of Chapter 1274.

1284.04 LAND PLANNING CRITERIA.

- (a) Area and Density Regulations.

(1) Development Area. The minimum area to qualify for single family cluster development shall be not less than 15 gross acres, excluding all street rights of way existing prior to approval of the single-family cluster development. The Commission may, by the concurring vote of 3 members of the Commission, allow areas of less than 15 acres if it determines that the single-family cluster development can adequately meet the intent of Section 1284.01. Single family cluster dwellings are permitted only in subdivisions with a minimum area of 25 gross acres.

(2) Maximum Density. The gross density of the entire development area shall not exceed 2.2 dwelling units per acre.

(3) Common Open Space. The total common open space shall be not less than 30 per cent of the gross acreage of the entire development. Common open space in a single-family

cluster development shall be further subject to the requirements of Sections 1284.07 and 1284.08.

(4) Parking. Parking in a single-family cluster development shall comply with the requirements set forth in Chapter 1276, except as noted below. All driveways and parking areas shall be concrete.

(b) Conventional Single-Family Dwellings. Within a single-family cluster development, conventional single-family dwellings, lots and yards shall comply with the applicable R-L district requirements, except as noted below:

(1) Minimum lot area: 13,600 square feet

(2) Minimum lot width: 85 feet

(3) Minimum front yard width shall average 40 feet for each phase of the subdivision and may vary between 35 feet and 45 feet. Not more than three adjacent yards shall be the same.

(4) On cul-de-sac lots, the minimum side yard width shall be 5 feet, provided that a minimum of 15 feet is maintained between adjacent dwellings.

(5) Minimum rear yard: 35 feet

(6) Required yards for accessory buildings shall be as required in Section 1280.06. (Ord. 53-97. Passed 6-11-97.)

(7) On lots where the dwelling has the garage door(s) oriented perpendicular to the access street, the minimum side yard setback on the garage side shall be fifteen (15) feet and the minimum side yard setback on the side of the dwelling opposite the garage shall be five (5) feet. The minimum distance from any side loaded garage door to the property line shall be twenty-six (26) feet, as shown on Exhibit A. In no case, however, shall the minimum separation between dwellings be less than twenty (20), except where the dwelling is on a cul-de-sac, as provided above in Section 1284.04(b)(4). All driveways shall be a minimum of five (5) feet from the property line. Aprons in front of the garage door(s), and their associated tapers, may be within one (1) foot of the property line, provided they do not interfere with drainage swales or other storm water features.

(Ord. 4-07. Passed 3-12-07.)

1284.05 SINGLE FAMILY CLUSTER UNITS.

Within a single-family cluster development approved by the Planning Commission, single family cluster dwellings, if any, shall comply with all requirements of the R-L district, except as specifically provided below.

(a) General. The design criteria set forth in this section are intended to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open space and landscape features. The single-family cluster dwellings

may be arranged in various groups, courts, sequences or clusters with open spaces organized and related to the dwellings so as to provide privacy and to form a unified composition of buildings and space. Design criteria for single family cluster units are further established below and in Section 1284.06.

(b) Unit Types. Single family cluster dwellings may be unit types variously known as zero lot line, patio, atrium, townhouse, duplex, or triplex, or may even be a specially designed free-standing unit. Within the design criteria established in this chapter, single family cluster dwellings may include any type of dwelling ownership or physical arrangement.

(c) Number of Units. Not more than 35 per cent of the total dwelling units within any single-family cluster development shall be allocated to single family cluster units. The balance shall be allocated to conventional single family detached dwellings. Not more than 3 single family cluster units may be physically attached via common or adjoining walls.

(d) Required Yards. Single family cluster dwellings shall maintain the following yards:

(1) Front yard

A. Private street or drive: 20 feet from garage door to sidewalk or drive, whichever is closer.

B. Cul de sac or loop street: 20 feet from garage door to right of way line.

C. Other public street: same front yard as conventional single family.

D. Front yards and facades shall be designed to create an interesting and varied streetscape.

(Ord. 53-97. Passed 6-11-97.)

E. Minimum building front yard setback: 15 feet to right-of-way line or street pavement edge, whichever is greater.

(Ord. 131-06. Passed 2-26-07.)

(2) Rear yard: 15 feet from any open space area and 50 feet from any conventional single family property line, inside or outside the single-family cluster development. Where the single-family cluster dwelling is adjacent to common open space with a minimum dimension of 50 feet, an open porch may extend to within 5 feet of the open space area.

(Ord. 53-97. Passed 6-11-97.)

(3) Side yard: a minimum of 5 feet, with a minimum of 10 feet between adjacent buildings. On cul-de-sac lots, there will be a minimum of 3 feet and 7 feet, as per Exhibit A, on file with the Planning Commission.

(Ord. 127-06. Passed 2-12-07.)

(4) The Planning Commission may modify the above required yards to provide greater or lesser distances in order to achieve the objectives stated in Section 1284.01.

(e) Parking. Within groups of single-family cluster units, additional guest parking shall be provided at a ratio of one space for each 5 such units. Additional guest off-street parking areas may be required by the Commission if it determines that such additional parking is necessary to adequately serve the needs of the cluster area.

(f) Floor Area. Single family cluster dwellings shall comply with the same minimum floor area requirements as the R-L District in Section 1252.05(g).

(g) Lot Coverage. Single family cluster dwellings and lots shall be exempt from the lot coverage limitation in Section 1280.06(d).

1284.06 DESIGN CRITERIA.

In addition to the requirements of Section 1284.05 above, single family cluster dwellings and groups of such dwellings shall be designed and sited according to the criteria established below:

(a) Unity in groups of single-family cluster dwellings shall be created through use of common architectural and design elements such as color, building mass, roof lines, facade treatment, color, landscaping, setbacks and related features. However, these same elements shall also be used to prevent uniformity in design elements within a cluster.

(b) Visual monotony created by excessive block lengths shall be avoided.

(c) Architectural and/or landscape elements that provide a logical transition to adjoining uses shall be provided.

(d) Where practical, existing landscape features shall be incorporated into the design of clusters. Where these existing features are not available, landscape design shall be used to create interesting and varied streetscapes and living areas.

(e) Visual access shall be provided for drivers backing from garages or driveways into the adjacent street. On corner lots, buildings, landscaping and appurtenances shall be situated and set back to provide unobstructed visual clearance at intersections.

(f) Cluster units and adjacent open space networks shall be designed to provide views of the open space from the street.

(g) Cluster units shall be designed with consideration for visual and acoustic privacy, adequate light and air, and the relationship between indoor and outdoor spaces, whether private or common.

(h) Each cluster unit shall be designed to include private outdoor space. Private outdoor space shall be located and designed to maximize its utility and privacy to the unit it serves, especially in relation to adjacent units. Particular care must be given to outdoor privacy when two-story cluster units are used. Private open space shall be provided at the minimum rate of 100 square feet per cluster dwelling unit.

(i) In addition to its other uses, landscaping shall also be used to lessen the intrusion of appurtenances such as transformer housings, cable pedestals, condensers, heat pumps, mailboxes and related items. Fire hydrants shall be located to be visually prominent.

(j) Garages shall be designed and located so that they are not the dominant visual element of the building or streetscape. All attached garages shall comply with one of the following: (Ord. 164-99. Passed 11-22-99.)

(1) The garage door shall be a maximum of two (2) feet forward (towards the primary access street) of either the front wall of the main living area, if there is no covered porch, or the front porch line, provided the porch is both covered with a roof and has a concrete frost depth foundation. In no instance shall the garage door be more than six (6) feet in front of the main living area.

(Ord. 87-10. Passed 11-8-10.)

(2) The garage door shall be oriented perpendicular, or mainly perpendicular, to the access street.

All attached garages shall be fully integrated into the building mass.

(k) Doorways shall be defined and articulated with architectural elements such as lintels, pediments, porches or overhangs. Doorways shall be compatible with the building as a whole and with the doors themselves.

(l) There shall be a maximum of 16 inches between exterior wall finishes and the final grade. Exposed foundation walls shall be covered with brick, stone or masonry with a surface design.

(Ord. 164-99. Passed 11-22-99.)

1284.07 COMMON OPEN SPACE DESIGN.

The common open space required by Section 1284.04(a)(3) shall be reserved in perpetuity for such use. Open space shall be designed and appropriate instruments shall be created according to the criteria established below.

(a) Open space shall be available and accessible to all residents of the single-family cluster development, and shall be designed primarily for their use. Common open space shall be exclusive of all streets, non-recreational buildings and individually-owned land. Each dwelling unit within the single-family cluster development should be designed to abut common open space areas.

(b) In order to ensure that all portions of the open space network are useful for that purpose, no portion of the common open space shall have a dimension of less than fifty feet, subject to modification by the Planning Commission for smaller sections which are particularly well-designed and meet the objectives of this Chapter 1284.

(c) Common open space areas may be improved with appropriate recreation facilities and structures, such as tennis courts, pools, pavilions or other recreation features.

(d) Significant natural amenities, such as outcroppings, tree stands, ponds, ravines and stream channels should be left in their natural state and considered part of the required open space, subject to these standards.

(e) Public open space and the adjacent circulation system should be designed to limit through traffic on local streets. Public open space which is to be developed as a major activity center such as a swimming pool or recreation center should be located on a thoroughfare designed to accommodate the resulting trip desires and traffic volumes.

(f) Common open space shall be designed as a network of spaces offering pedestrian access throughout the subdivision and to maximize the number of homes which are adjacent to the open space. Common open spaces shall also include street frontage, particularly in cluster areas, to relieve the streetscape and to allow views into the open areas from the street.

(g) Stormwater detention areas may receive full credit towards the open space requirement in Section 1284.04(a)(3) if they are designed and improved for an appropriate open space or recreation use (such as a lake or play-field) in addition to storm-water detention; single purpose detention basins shall be excluded from the minimum open space requirement.

1284.08 COMMON OPEN SPACE DISPOSITION.

(a) Legal Instruments. Single family cluster developments shall receive approval subject to submission, prior to final subdivision approval, of legal instruments setting forth a plan or manner of permanent care and maintenance of common open spaces and recreation facilities. Approval by the Law Director of such instruments shall be based on the following standards:

(1) The instruments shall guarantee that open space as shown on the final development plan will remain as such. The Planning Commission may require that all development rights to the open space be deeded to the City or such other appropriate public body, or that permanent restrictive covenants be attached to the open space.

(2) Common open space and recreation facilities shall be deeded to a homeowners' association, funded community trust or any similar entity as approved by the Law Director. If a private entity is to hold title to common open space and recreation facilities, such entity shall not be dissolved nor shall it dispose of any common open space or recreation facility without first offering to dedicate the same to the City. Membership in a homeowners' association shall be mandatory of all property owners with the single-family cluster development.

(3) Such instruments shall convey to the City and other appropriate governmental bodies the right of entrance to the common open space and recreation facilities for

emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public interest. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions with the costs levied as a lien against the property. Advance notice is not necessary for emergency entrance onto such common area and facilities.

(b) Phasing. When the single-family cluster development is improved in phases, common open space in each phase shall equal the minimum percentage required for the entire development by Section 1284.04(a)(3). Where common open space is not provided in proportionate amounts for each phase, the Planning Commission may specify an appropriate financial guarantee in the conditional zoning certificate. Open space improvements in a particular shall be constructed at the same time as the other public improvements for that same phase, unless otherwise approved by the Planning Commission.

(c) Parkland and Open Space Dedication. Open space gained through clustering as required by this chapter shall be separate from the open space required by Chapter 1232 "Parkland and Open Space Dedication". The open space required by Chapter 1284 may be credited towards the fulfillment of the requirements of Chapter 1232, subject to the following:

(1) Credit for private open space as provided in Section 1232.13 may be approved by the Planning Commission only for open space in excess of the 30 per cent minimum required by Section 1284.04(a)(3).

(2) Credit for open space and recreation improvements shall be applied as provided in Section 1232.13, including the maximum credit limit established in Section 1232.13(b).

(3) Single family cluster subdivisions shall not be eligible for the lot size and frontage reductions in Section 1232.14.

(4) Open space in a single-family cluster development in excess of the 30 per cent minimum may be considered for dedication to the City according to the procedures and criteria in Section 1232.11.

1284.09 IMPROVEMENTS.

(a) Utilities. Utility improvements in a cluster area, if approved by the Planning Commission and City Engineer, need not be installed in a dedicated right of way. In all instances where such improvements are not installed in a dedicated right of way, the developer shall grant temporary and/or permanent easements providing for access to the utilities by the City or other utility companies.

(b) Public or Private Streets. Except as otherwise specified in this chapter, all public improvements shall be designed and constructed according to the requirements of the

Subdivision Regulations. Each single-family cluster unit shall have access to a public streets or to a private street constructed to City street standards.

1284.10 SCHOOL SITES.

(a) Should the Planning Commission, in cooperation with the Brunswick Board of Education, determine that it is in the best interest of the City to locate a public school site within the development area, the Commission shall so advise the developer and the preliminary subdivision plan shall incorporate such school site in a location, and of a size, acceptable to the Planning Commission and the Board of Education.

(b) Up to one-half of the required school site area may comprise required open space as required in Section 1284.04(a)(3), provided the portion of the school site area is deeded to the Brunswick Board of Education.

CHAPTER 1286
Multifamily and Mixed-Use Development

1286.01 Overview.

1286.02 Lot, height and floor area requirements.

1286.03 Basic development standards.

1286.04 Open space standards.

1286.05 ~~(Repealed) C-G Multifamily locational standards.~~

1286.06 ~~(Repealed) Mixed-use development.~~

1286.07 Supplemental requirements.

1286.01 OVERVIEW.

Multifamily dwellings are conditionally permitted uses in the R-M- ~~District~~ and C-G ~~Districts~~, subject to the development, open space and locational standards of this Chapter 1286. Multifamily dwellings are subject to the specific sections of this chapter as indicated in the following table:

Development Standard Location	Development & Open Space Standards Sec. 1286.02 - 1286.04	~~Mixed Use Standards Sec. 1286.06~~	Supplemental Requirements Sec. 1286.07

R-M District	Required	~~Prohibited~~	Yes
~~C-G District~~			
~~500' Intersection Radius~~	~~Prohibited – Sec. 1286.05(b)~~		
~~Less than 350' from C/L~~	Required	Required	Yes
~~More than 350' from C/L~~	Required	Optional	Yes

(Ord. 139-05. Passed 1-9-06.)

1286.02 LOT, HEIGHT AND FLOOR AREA REQUIREMENTS.

The lot, yard and height requirements for multifamily development in the R-M ~~and C-G~~ district ~~is~~ are as follows:

(Ord. 139-05. Passed 1-9-06.)

- (a) Minimum lot area: Twenty-acre minimum site area.

(Ord. 110-2020. Passed 2-22-21.)

- (b) The minimum floor area per unit in multifamily dwellings shall be:

- (1) For each one-~~re~~-bedroom dwelling unit, 800 square feet; and
- (2) For each additional bedroom, per dwelling unit, 150 square feet.

- (c) Other yard and height provisions shall be as required in the applicable R-M district (Section 1254.04), ~~or C-G district (Section 1260.05).~~

(Ord. 139-05. Passed 1-9-06.)

1286.03 BASIC DEVELOPMENT STANDARDS.

- (a) Unit Types. Notwithstanding the definition in Chapter 1242, multifamily residential dwellings may include a variety of unit types, including but not limited to attached, detached, townhouse, patio and similar unit types. Multifamily dwellings may also include a variety of unit types, including fee simple, footprint and condominium.

(Ord. 110-2020. Passed 2-22-21.)

(b) Landscaping. Required front yards in a multifamily development shall be landscaped and shall not be used for parking or any other purpose, except driveways to reach designated parking areas. Landscaping shall comply with the requirements of Chapter 1282.

(c) Landscaping Adjacent to Commercial Uses. Multifamily developments which are located behind commercial uses shall maintain a landscaped area with a 50-foot minimum width between multifamily buildings and the nearest commercial building or commercial parking or circulation area. This area shall be landscaped with lawns and planting beds as required by Chapter 1282, except for driveways to reach designated parking areas. The landscaped area may be included as part of the open spaces required by Section 1286.03 if it is under the control of and available to the residents of the multifamily development.

(d) Building Spacing. A multifamily development shall be considered as one building for the purpose of determining front, side and rear yard requirements, the entire group as a unit requiring one front yard, one side yard and two side yards as specified for the R-M District. All buildings in a multifamily development shall be a minimum of 20 feet apart. All garage doors shall be a minimum of 20 feet from a sidewalk or a private drive or street.

(e) Design Standards. All multifamily buildings and sites shall be developed to comply with the following design standards: (Ord. 139-05. Passed 1-9-06.)

(1) Attached or townhouse-type dwellings shall have a maximum of 2 units attached in a single building.

(Ord. 110-2020. Passed 2-22-21.)

(2) Garages shall be designed and located so that they are not the dominant visual element of the building or streetscape. All attached garages shall comply with one of the following:

A. The garage door shall be set back a minimum of two feet further from the primary access street, whether public or private, than the front wall of the main living area; or

B. The garage door shall be oriented perpendicular, or mainly perpendicular, to the access street.

All attached garages shall be fully integrated into the building mass.

(3) Multifamily buildings shall use offsets, projections, recess and other comparable design elements to avoid long, uninterrupted wall or roof planes. Blank walls are prohibited, except where necessary to maintain privacy.

(4) Doorways shall be defined and articulated with architectural elements such as lintels, pediments, porches or overhangs. Doorways shall be compatible with the building as a whole and with the doors themselves.

(5) There shall be a maximum of 16 inches between exterior wall finishes and the final grade. Exposed foundation walls shall be covered with brick, stone or masonry with a surface design.

(6) Sidewalks shall form a network of pedestrian paths with a logical continuity. Walks shall be designed around large trees and outcroppings without being overly rigid in their placement.

(7) Open space areas shall be planted with trees, shrubs, hedges, ground covers and grasses, unless existing vegetation is to be retained. Landscaping shall be integrated with other functional and ornamental site characteristics to reinforce the character of the area.

(Ord. 139-05. Passed 1-9-06.)

1286.04 OPEN SPACE STANDARDS.

(a) Intent. The multifamily design standards in this section and Section 1286.02 are intended to insure adequate open spaces, recreation areas and related design standards for the benefits of the residents of a multifamily complex, comparable to a single-family neighborhood. (Ord. 139-05. Passed 1-9-06.)

(b) Common Open Space. Each multifamily development shall provide common open space equal to a minimum of 35 percent of the development area, excluding right-of-way. As used in this chapter, common open space includes outdoor areas or enclosed recreational areas designed for use by all of the residents, and their guests, of a multifamily complex. Common open space includes lawns and other landscaped areas, natural areas, paved terraces and sitting areas and indoor or outdoor recreation areas. Common open space excludes all areas within 20 feet of a building wall, vehicle parking or circulation areas, and individually controlled land. Common open space in excess of the above minimum may be considered for park and recreation credits as provided in Chapter 1232.

(Ord. 110-2020. Passed 2-22-21.)

(c) Recreation Space. Each multifamily development shall provide recreation space equal to a minimum of 5.8 percent of the development area, excluding right-of-way. Recreation space is a component part of the open space area required by (b) above. Recreation space shall be appropriately improved for use by residents and their guests, and shall include a mix of activities such as play apparatus; active use areas for tennis, basketball or comparable activities; areas for sitting or gathering; open play fields; and walkways or other recreation improvements (excepting walks adjacent to a private street or drive). All recreation space shall have a least dimension of 50 feet. In multifamily developments of 4 acres or less, the recreation area shall be located in a single block of land. In developments of more than 4 acres, at least one recreation area shall be a block with minimum dimensions of 100 feet by 100 feet and the balance shall be in large blocks to support its intended recreation use. Improvements to recreation space may be considered for park and recreation credits as provided by Chapter 1232.

(d) Private Open Space. Each multifamily dwelling unit shall be provided private open space at the ratio of 100 square feet per unit. Private open space shall not occupy any

portion of the common open space or recreation space required in subsections (b) and (c) above. Private open space shall be specifically designed and constructed to be used and enjoyed by the residents of an individual dwelling unit, and shall be located adjacent to and reasonably accessible from the dwelling unit. Such space shall be screened or otherwise designed to provide privacy for the intended users.

(e) Exclusions. Stormwater detention areas may receive full credit towards the common open space requirement in (b) above if they are designed and improved for an appropriate open space use (such as a lake or playfield) in addition to stormwater detention. Single purpose detention basins shall not receive credit toward the open space requirement. Water areas shall not exceed 50 percent of the minimum recreation area in (c) above.

(Ord. 139-05. Passed 1-9-06.)

~~1286.05 C-G MULTIFAMILY LOCATIONAL STANDARDS.~~

~~—(a) Overview. Multifamily dwellings in the C-G District are conditionally permitted uses as provided in Section 1260.04(o), subject to the general development standards in Section 1286.02 through 1286.04. Within the C-G zone, multifamily dwellings are further subject to the locational standards in this section and to the mixed-use development standards in Section 1286.06.~~

~~(Ord. 139-05. Passed 1-9-06.)~~

~~—(b) Excluded Areas. In order to reservepreserve the street frontage around key intersections for retail, office or other commercial uses, multifamily dwellings are prohibited within the C-G district within 500 feet of the following intersections:~~

- ~~—Pearl Road and Boston Road~~
- ~~—Pearl Road and Grafton Road~~
- ~~—Pearl Road and Center Road~~
- ~~—Pearl Road and Laurel Road~~
- ~~—Pearl Road and Sleepy Hollow Road~~
- ~~—Center Road and Hadcock Road/Maxwell Boulevard~~
- ~~—Center Road and N. Carpenter Road~~
- ~~—Center Road and S. Carpenter Road~~
- ~~—Center Road and W. 130th Street~~
- ~~—W. 130th Street and Laurel Road~~
- ~~—(Ord. 110-2020. Passed 2-22-21.)~~

~~—(c) Measurement Standards. Measurement of the 500-foot boundary shall begin at the point where the two centerlines intersect and shall be measured in a straight line without regard for intervening structures. Where the 500-foot boundary crosses through a parcel, the following rules of interpretation shall apply:~~

~~—(1) Where more than half of the street frontage of the parcel, measured along the right of way line, is within the 500-foot boundary, the entire parcel shall be considered within the 500-foot boundary.~~

~~—(2) Where less than half of the street frontage of the parcel, measured along the right of way line, is beyond the 500-foot boundary, the entire parcel shall be considered outside the 500-foot boundary.~~

~~—(d) Mixed Use Areas. Subject to the exclusions in subsection (b), multifamily dwellings in the C-G District located 350 feet or less from the centerlines of Pearl Road (US 42) and Center Road (SR 303) shall comply with the development and open space standards in Sections 1286.01 through 1286.03 and shall also comply with the mixed-use development standards in Section 1286.06.~~

~~—(e) Other Areas. Subject to the exclusions in subsections (b) and (d), multifamily dwellings in the C-G District located more than 350 feet from the centerlines of Pearl Road (US 42) and Center Road (SR 303) are conditionally permitted, subject to Sections 1268.01 through 1268.04. At the option of the applicant and with approval of the Planning Commission, the mixed-use development standards in Section 1286.06 may be used.~~

~~{Ord. 139-05. Passed 1-9-06.}~~

~~1286.06 MIXED-USE DEVELOPMENT.~~

~~—(a) Intended for Mixed Use Development Areas. In creating opportunities for mixed use development within the C-G district, the City of Brunswick intends to encourage a mix of retail, service, office, housing, live-work units, and public activities to coexist in a manner that reflects human scale and emphasizes pedestrian orientation, taking advantage of the vitality and synergy that mixed uses can bring to the community. Further, the community will benefit from mixed use developments that are walkable, less reliant on the automobile and encourage social interaction.~~

~~—(b) Design Criteria. In addition to the development and open space standards in Sections 1286.02 and 1286.03, the following design criteria shall apply within a mixed-use development:~~

~~—(1) Multifamily dwellings shall be combined with one or more other uses which are permitted or conditionally permitted in the C-G district.~~

~~—(2) Uses may be mixed vertically (in a single building), horizontally in separate buildings, or both. {Ord. 139-05. Passed 1-9-06.}~~

~~—(3) Non-multifamily uses shall occupy a minimum of 30 percent of total floor area of the mixed-use development.~~

~~—(Ord. 110-2020. Passed 2-22-21.)~~

~~—(4) The ratio of total floor area to land area within the mixed-use development shall be 0.5:1, which is typically expressed as FAR 0.5. The FAR shall be the basic limit of development intensity, and the density provisions in Section 1286.02(a) shall not apply.~~

~~—(5) Commercial and multifamily uses shall be fully integrated in terms of architecture and circulation, including pedestrian circulation. Opportunities for shared parking as provided in Section 1276.07 shall be fully utilized. Sidewalks shall connect buildings and activity areas with each other and with the street sidewalks.~~

~~—(6) Buildings facing Pearl or Center Road with ground floor commercial space shall comply with the front yard zone provisions in Section 1286.02 and shall provide the 10-foot landscaped strip along the street right of way required by Section 1284.06(g). Buildings facing Pearl or Center Road with ground floor multifamily spaces shall comply with the front yard zone provisions in Section 1286.02 and the front yard landscaping provision in Section 1276.09(a).~~

~~—(7) To ensure that space approved for commercial use within a mixed-use development is in fact used for that purpose, space intended for commercial use shall incorporate a minimum of 50 percent glass (clear or translucent) between the height of 3 feet and 8 feet above grade in ground floor front elevations.~~

~~—(8) Site plans presented for PC review shall clearly demonstrate that the buildings and site are designed and intended for mixed-use development. Space approved for commercial use shall not be converted to any other use.
(Ord. 139-05. Passed 1-9-06.)~~

1286.07 SUPPLEMENTAL REQUIREMENTS.

(a) Planning Commission Modification. The Planning Commission may modify the strict requirements of this chapter if it finds that privacy, light and openness are improved because of skillful design in the arrangement of buildings, open spaces, landscaping or other site features. The Commission may also require wider yards, where an adjoining building is near a lot line, and such features as fences and planting to protect adjoining residences. The Commission shall not decrease the yard width, common open space, recreation space or private open space requirements in order to allow the maximum number of units permitted in the R-M ~~or C-G~~ District, nor shall the Commission increase the maximum allowable density or floor area ratio permitted in this District.

(b) Site Plan Review. All multifamily developments shall require review and approval of site plans as provided in Chapter 1278, including approval by City Council. Multifamily site plans shall clearly depict the required common open space, recreation space and private open space areas, including proposed improvements thereto, required by this chapter. Site

plans required by the chapter shall also comply with the provisions of Chapter 1276 Parking and Site Design and Chapter 1282 Landscaping and Screening.

(Ord. 139-05. Passed 1-9-06.)

CHAPTER 1288

S-R Senior Residence District

1288.01 Purpose.

1288.02 Definition.

1288.03 Principally permitted uses.

1288.04 Conditionally permitted uses.

1288.05 Lot, height, and floor area requirements.

1288.06 Basic development standards.

1288.07 Open space standards.

1288.08 Site planning criteria.

1288.09 Parking.

CROSS REFERENCES

Common Open Space - see P. & Z. Ch. 1232

Signs - see P. & Z. Ch. 1270

Landscaping and screening - see P. & Z. Ch. 1282

1288.01 PURPOSE.

The Senior Residence District is being proposed to accommodate, in a unified development, creative planned community design which is also functionally suitable to meet the housing needs of the elderly. The purposes of this District are to provide for higher density development in locations served by sewer and water, to add to the available housing choices within the community, and to better serve this segment of the population.

(Ord. 53-07. Passed 6-11-07.)

1288.02 DEFINITION

A Senior Residence District is defined as a self-contained development for individuals fifty- five years of age and older, or for individuals less than fifty-five years of age when residing with a spouse or sibling fifty-five years of age or order.

(Ord. 53-07. Passed 6-11-07.)

1288.03 PRINCIPALLY PERMITTED USES.

Principally permitted uses in the Senior Residence District shall be dwelling facilities, such as apartments, and other attached multifamily or detached dwellings.

(Ord. 53-07. Passed 6-11-07.)

1288.04 CONDITIONALLY PERMITTED USES.

Conditionally permitted uses shall be as follows:

- (a) Signs as regulated by Chapter 1270;
- (b) Any use or structure which is accessory and incidental to any of the Senior Residence District permitted uses.

(Ord. 53-07. Passed 6-11-07.)

1288.05 LOT, HEIGHT, AND FLOOR AREA REQUIREMENTS.

The lot, yard and height requirements in the Senior Residence District are as follows:

- (a) Minimum lot area: Two-acre minimum site area (87,120 square feet).
- (b) Minimum floor area per unit in multifamily dwellings shall be:
 - (1) For each one-bedroom dwelling unit, 650 square feet; and
 - (2) For each additional bedroom, per dwelling unit, 120 square feet.

(Ord. 53-07. Passed 6-11-07.)

- (c) Maximum building height: 30 feet. (Ord. 112-2020. Passed 2-22-21.)

(d) Density: a maximum of 15 units per floor per acre, with a maximum of 2 floors per acre. Percentages of acres shall be increased or decreased to the nearest whole number.

- (e) Front yard setback:

- (1) Minimum front yard setback: 30 feet
- (2) Maximum front yard setback:

A. Major arterial streets as designated on the Thoroughfare Plan where right-of-way is less than 90 feet: 75 feet.

B. Major arterial streets as designated on the Thoroughfare Plan where right-of-way is 90 feet or more: 60 feet.

C. Other streets: 60 feet.

(3) Corner lots shall comply with the minimum and maximum for each street.

(f) Minimum side yard setback: 15 feet, 50 feet when adjacent to a residential district or use, on the side adjacent to the residential district or use only.

(g) Minimum rear yard setback: 25 feet, 50 feet when adjacent to a residential district or use.

(Ord. 53-07. Passed 6-11-07.)

1288.06 BASIC DEVELOPMENT STANDARDS.

(a) Unit Types. Senior Residence dwellings may include a variety of unit types, including but not limited to attached, detached, townhouse, patio and similar unit types.

(b) Landscaping. Required front yards in a Senior Residence development shall be landscaped and shall not be used for parking or any other purpose, except driveways to reach designated parking areas. See Chapter 1282 Landscaping and Screening.

(c) Building Spacing. A multifamily Senior Residence development shall be considered as one building for the purpose of determining front, side and rear yard requirements. Setbacks shall be measured from the nearest structure. Individual buildings, including their terraces, decks and patios, shall be separated by at least 30 feet, except when windows of living areas and patios, decks and terraces face each other, they shall be separated by at least 40 feet, unless visions obscuring landscaping, walls or fences are provided between such patios, decks, or terraces.

(d) Design Standards. Senior Residence buildings and sites shall be developed to comply with the following design standards:

(1) Multifamily buildings with central hallways shall have a maximum of 60 units per building. Attached or townhouse-type dwellings shall have a maximum of 12 units attached in a single building.

(2) Garages shall be designed and located so they are not the dominant visual element of the building or streetscape. All attached garages shall comply with one of the following:

A. The garage door shall be set back a minimum of two feet further from the primary access street, whether public or private, than the front wall of the main living area; or

B. The garage door shall be oriented perpendicular, or mainly perpendicular, to the access street.

C. All attached garages shall be fully integrated into the building mass.
(Ord. 53-07. Passed 6-11-07.)

1288.07 OPEN SPACE STANDARDS.

(a) Intent. The multifamily Senior Residence design standards in this section are intended to insure adequate open spaces, recreation areas and related design standards for the benefits of the residents.

(b) Common Open Space. Each Senior Residence development shall provide common open space equal to a minimum of thirty percent (30%) of the development area, excluding right-of-way. As used in this chapter, common open space includes outdoor areas or enclosed recreational areas designed for use by all of the residents, and their guests. Common open space includes lawns and other landscaped areas, natural areas, paved terraces and sitting areas, and indoor or outdoor recreation areas. Common open space excludes all areas within 20 feet of a building wall, vehicle parking or circulation areas, and individually controlled land. Common open space in excess of the above minimum may be considered for park and recreation credits as provided in Chapter 1232.

(c) Recreation Space. Each Senior Residence development shall provide a minimum of 500 square feet of recreation space. In developments of more than 4 acres, at least one recreation area shall be a block with minimum dimensions of 100 feet by 100 feet. and the balance shall be in large blocks to support its intended recreation use. Improvements to recreation space may be considered for park and recreation credits as provided by Chapter 1232.

(d) Private Open Space. Each Senior Residence dwelling unit shall be provided private open space at the ratio of 60 square feet per unit. Private open space shall not occupy any portion of the common open space or recreation space required in subsections (b) and (c) above. Private open space shall be specifically designed and constructed to be used and enjoyed by the residents of an individual dwelling unit. Such space shall be screened or otherwise designed to provide privacy for the intended users.

(Ord. 53-07. Passed 6-11-07.)

1288.08 SITE PLANNING CRITERIA.

(a) Ancillary Facilities. All developments designed for the elderly shall contain the following ancillary facilities: a multipurpose senior center, health and counseling offices, craft and meeting rooms, a lounge area, areas for passive and active recreation, and any and all other amenities required in buildings for the elderly in new construction designed for the elderly.

(b) Special Safety and Convenience Features. A project for this age group should be designed ~~speciall~~especially for this purpose, incorporating necessary safety and convenience features. In general, the site amenities provided should be more attractive than for multifamily projects, since the elderly people spend nearly all their time on the site. The yards and passive recreation areas should be extensive in quantity and fully landscaped. There should be a composition of small, intimate, private yard and court areas for a variety of passive activities.

(1) Vehicular circulation drives shall be only at the perimeter of the project. Parking areas may penetrate into the perimeter of the site. The interior of the site shall be assigned completely to pedestrian use.

(2) Abrupt grades shall be avoided, and all changes in grades in the walk system shall be accomplished by ramps. There shall not be more than two exterior steps to any buildings used by the occupants, and all buildings of two or more stories measured from the main entrance shall be served by elevators.

(Ord. 53-07. Passed 6-11-07.)

1288.09 PARKING.

There shall be a minimum of 1.5 off-street parking spaces per dwelling unit, per Table 1276.1. See Chapter 1276 Parking and Site Design.

(Ord. 53-07. Passed 6-11-07.)

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CHAPTER 1290

~~Overlay District~~Joint Development Overlay District (JDOD)

1290.01 Purpose.

1290.02 ~~Effect of underlying zone designation.~~Election of Regulations.

1290.03 Identification.

1290.04 Establishment of ~~Joint Development Overlay Districts.~~

1290.05 ~~General Design Regulations.~~Guidelines.

1290.06 ~~Permitted And Conditionally Permitted Uses.~~Classification.

1290.07 ~~Site Development.~~Joint Development Overlay District (JDOD).

1290.08 ~~Vehicular Circulation And Access.~~Development approval required.

1290.09 Landscaping.

1290.10 Location, Orientation, Size And Shape Of Buildings.

1290.11 Exterior Renovation Or Alterations Of Existing Structures.

1290.12 Building Materials.

1290.13 Outdoor Storage And Displays.

1290.14 Signs.

1290.15 Supplemental Requirements.

1290.16 Development Approvals Required.

1290.17 Exemptions.

1290.18~~0~~ Application procedures.

1290.19~~4~~ Maintenance.

1290.01 PURPOSE.

The purpose of the Joint Development Overlay District (JDOD) regulations is to assist with the development and redevelopment of land and structures to be compatible with the environment and to protect the quality of the urban environment. JDODs are meant to promote mixed-use development and encourage uniform, high-quality design. The purpose of Overlay District regulations is to assist with the development of land and structures to be compatible with the environment and to protect the quality of the urban environment in those locations where the characteristics of the area are of significant public value and are

~~vulnerable to damage by development permitted under conventional zoning and building regulations. Overlay Districts are established to provide additional land use controls and are superimposed over existing zoning districts. Property within an Overlay District is also subject to the provisions of its underlying zoning designation; provided, however, where the provisions of the Overlay District are more restrictive than the provisions of the underlying zoning designation, the provisions of the Overlay District shall apply. Overlay Districts~~JDODs are intended to serve one or more of the following purposes:

(a) To implement land use and urban design recommendations and standards set forth in neighborhood or corridor area plans, which plans have been adopted as part of the City's Comprehensive Plan;

(b) To provide uniformity in the design standards applicable to arterial corridors having varied underlying zoning;

(c) To provide uniform standards for mitigating the impact of intensive commercial uses adjacent to low density residential uses; and

(d) To protect the public and property owners from blighting influences which might be caused by application of conventional land use regulations to properties and areas having sensitive environmental qualities;

~~—(e) To protect the public from unsafe buildings or unstable land which would be caused by uncontrolled development;~~

(ef) To prevent significant damage to the economic value and efficiency of operation of existing properties and/or new developments due to the interdependence of their visual and functional relationships;

~~—(g) To protect the public from blighting influences in areas of high public investment which have added substantial value to a neighborhood; and~~

(feh) To provide for the protection of special features in the natural and built environment.

(Ord. 115-2020. Passed 2-22-21.)

1290.02 ~~EFFECT OF UNDERLYING ZONE DESIGNATION-ELECTION OF REGULATIONS~~

~~—All of the provisions of the underlying zone district shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable Overlay District; provided, however, an Overlay District shall not be used to add to the specific permitted uses in the underlying district.~~

(Ord. 115-2020. Passed 2-22-21.) A developer must elect to follow either the existing base zoning regulations or the JDOD regulations for any development within the JDOD. A

Commented [RS5]: keep

Commented [RS6R5]: kept

Commented [RS7]: If we are allowing the developer to choose, then this needs to be rewritten.

A developer must elect to follow either the existing base zoning regulations or the JDOD regulations for any development within the JDOD. A developer shall not use portions of both the existing base zoning and the JDOD regulations for developments within the JDOD.

developer shall not use portions of both the existing base zoning and the JDOD regulations for developments within the JDOD.

1290.03 IDENTIFICATION.

The location of all ~~Overlay Districts~~Joint Development Overlay Districts shall be shown on the Zoning Map of the City of Brunswick as an Overlay superimposed in specific areas over existing zones.

(Ord. 115-2020. Passed 2-22-21.)

1290.04 ESTABLISHMENT OF ~~JOINT DEVELOPMENT OVERLAY~~OVERLAY DISTRICTS.

~~City Council~~ may, from time to time, ~~expand, amend, or create~~create Overlay Districts JDODs as defined and containing the characteristics, as set forth in Section 1290.01. The procedure for creating ~~JDODs~~Overlay Districts shall be the same as those for approving a map amendment as set out in Section 6.02 of the City Charter. (Ord. 115-2020. Passed 2-22-21.)

Commented [RS8]: Do we want council to expand or amend these districts? This allows for someone to petition council to be added to a JDOD? Aren't we trying to get away from that?

1290.05 ~~GUIDELINES~~GENERAL DESIGN REGULATIONS.

- a) The Planning Commission shall use these regulations in their review of development applications in areas designated as Joint Development Overlay Districts on the official Zoning Map of the City of Brunswick.
- b) The Planning Commission shall have the authority to interpret and apply these regulations on a case by case basis and have no binding authority to consider a previous decision or case when making decisions on individual cases that may be in front of them for review and approval.
- c) Pursuant to Section 1278.0(h), during the course of reviewing a site plan, the Planning Commission or City Council may find that the assistance of a qualified consultant is necessary to fully determine the effects of the proposal. The applicant shall pick the consultant, subject to Planning Commission approval, and shall bear the costs of the consultant.

~~The Planning Commission shall prepare, pursuant to this Chapter, Overlay District Development Guidelines. The Overlay District Development Guidelines shall describe in words and/or illustrations the special and distinctive characteristics which are to be protected and the development features which will be reviewed for impact within an Overlay District. The Overlay District Development Guidelines shall be recommended to City Council, which after adoption, shall be considered a part of the Zoning Ordinance when the application is for a property within an Overlay District.~~

(Ord. 115-2020. Passed 2-22-21.)

Commented [RS9]: This essentially acts similarly to an SPD. This section should define the applicable limits and set the standards.

Commented [RS10R9]: Isn't this Appendix I?

1290.06 CLASSIFICATION.

~~—Overlay Districts shall be classified by categories, according to the provisions and qualifications as described in Section 1290.07. The findings and purpose statement and characteristics identified in Section 1290.07 shall be used to determine areas appropriate for designation.~~

~~(Ord. 115-2020, Passed 2-22-21.)~~

1290.07 JOINT DEVELOPMENT OVERLAY DISTRICT (JDOD).

~~—(a) Findings and Purposes. A joint development overlay district (JDOD) is identified as one of the corridors listed in the City's Comprehensive Plan, or a similar area, that is experiencing an increased demand for commercial uses. It is important that the visual appearance and composition of these areas be maintained in order to put forth a positive image of Brunswick at these important locations in the City. It is in the interest of the City to protect and enhance the built features of such joint development corridors by:~~

~~—(1) Preventing the deterioration of property and the extension of blighting conditions.~~

~~—(2) Revitalizing and protecting private investment which improves and stimulates the economic vitality and social character of the area.~~

~~—(3) Enhancing the aesthetic and architectural compatibility within neighborhoods and commercial areas.~~

~~—(b) Characteristics. JDOD, as herein defined, shall be found to contain at least one of the following characteristics:~~

~~—(1) Function as a destination area in the City of Brunswick;~~

~~—(2) Possess mixture of residential and nonresidential uses;~~

~~—(3) Exhibit a current trend or potential for the further conversion of residential uses to nonresidential uses; and~~

~~—(4) Contain a mixture of residential and nonresidential zoning classifications within the corridor.~~

~~—(c) Guidelines. Guidelines for the JDOD are located in Appendix I of this Zoning Code.~~

~~(Ord. 115-2020, Passed 2-22-21.)~~

1290.06 PERMITTED AND CONDITIONALLY PERMITTED USES.

(a) There are no permitted uses in the Joint Development Overlay Districts.

Commented [RS11]: Currently we only conditionally allow hotels and retail under apartments in the JDOD. I think we should consider expanding retail or office uses.

Commented [RS12]: Should this be moved under 1290.05?d

The Planning Commission may issue conditional zoning certificates for the following uses:

(b) Townhomes, single-family attached units, single-family detached residential units, apartments (including studio apartments), work-live units, flats, home offices above garages, retail below apartments and hotels.

(c) Personal services;

(d) Retail businesses;

(e) Financial institutions;

(f) Professional offices;

(g) Medical and dental clinics and offices, veterinary hospitals and clinics;

(h) Educational institutions;

(i) Restaurants, taverns and nightclubs;

(j) Theaters;

(k) Hotels, as described below, shall be permitted only in the following instances:

(1) Hotels, has the same meaning set forth in Section 3731.01 of the Ohio Revised Code, subject to the exceptions set forth in Section 3731.03 of the Revised Code, and shall be permitted in the JDOD with the following requirements:

(2) Any such hotel may not have guest rooms that are directly accessible from outside the building;

(3) Any such hotel must include an indoor dining area in which at least breakfast is served to guests (other than through vending machines) for consumption on the premises at tables, booths and/or counters.

(4) Any such hotel must include a minimum of 4,000 square feet of meeting/ banquet space separate

(5) Any such hotel must include an indoor swimming pool;

(6) Any such hotel must include a fitness center; and

(7) Any such hotel must include a business center or typical business center amenities, such as printers, fax machines, copiers, etc.

1290.07 SITE DEVELOPMENT.

(a) A proposed development within the JDOD shall be not less than 10 acres of contiguous land and the required minimum frontage on a public street is 300 feet. In satisfying this requirement, the development area may be bisected by a public dedicated or private street as long as all parcels within the development area are controlled or owned by a person or a group of owners acting jointly in accordance with the requirements of this chapter.

(b) Uses may be mixed vertically (in a single building), horizontally in separate buildings, or both.

(c) Non-residential uses shall occupy a minimum of 30 percent of total floor area of the mixed use development.

(d) Density: The maximum density permitted for residential units is six and one-half (6.5) units per acre. The maximum density permitted for commercial

development is fifteen (15) units per floor, per acre, with a maximum of two (2) floors per acre.

(e) Parking areas shall be treated to minimize the visual impact of parked cars, as viewed from the public right-of-way and adjacent properties, through the use of plantings, as required in Chapter 1282 Landscaping and Screening.

(f) Minimum parking requirements established in Table 1276-1 of Chapter 1276 Parking and Site Design shall also be the maximum parking requirements, in order to reduce the amount of impervious surface.

(g) Shared parking with adjacent properties is encouraged.

(h) All trash/recycling receptacles shall be contained in a dumpster enclosure constructed of materials comparable to the building or stored inside the building.

(i) Lighting shall comply with Section 1276.14.

(j) Outdoor Activities. Outdoor eating areas may encroach into the sidewalk, but must leave a minimum of eight (8) feet width clear for walking. Outdoor eating areas are encouraged to establish an edge to the eating area through the use of moveable bollards, plantings, or a fence with a maximum height of two (2) feet, six (6) inches.

Commented [RS13]: Look up width for ada

Commented [RS14R13]: I would keep this at 8 feet - That is what is recommended in ODOT's Multimodal Design Guide in Table 4-1 for commercial areas.

1290.08 VEHICULAR CIRCULATION AND ACCESS.

(a) Provide for the safe and functional movement of vehicles and pedestrians both on and off-site.

(b) Give consideration to the location of existing access points, adjacent to and directly across the street from the site.

(c) Vehicular circulation between parcels is encouraged. Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems to minimize curb cuts along the street.

(d) Pursuant to Section 1278.09(d), pedestrian access shall be supplied to provide safe pedestrian connections between buildings and parking areas, recreation areas, transit shelters, street, and other destinations. Walks shall be provided between buildings and the street.

1290.09 LANDSCAPING.

(a) Landscaping shall be installed pursuant to Chapter 1282 Landscaping and Screening.

(b) Interior landscape islands shall be installed in large existing parking lots in compliance with Section 1282.08(b) to break up the "sea of asphalt" and reduce the amount of impervious surface.

1290.10 LOCATION, ORIENTATION, SIZE AND SHAPE OF BUILDINGS.

(a) Preserve the linear continuity of buildings by placing primary building facades parallel to the street. The traditional regional character of the surrounding area should be used as a guide for establishing an appropriate architectural style. The ground floor level should be highly animated and provide visual interest and human scale. The roof lines should be varied. Brick or stone should be considered as a unifying material or element that is common to Joint Development Overlay District

buildings. A variety of colors for materials should be used, but those colors should be chosen as part of an overall palette, so that facades relate to each another.

(b) New and remodeled buildings should be compatible with their surroundings. Architectural style, bulk, shape, massing, scale and form of new and remodeled buildings, and the shape between and around buildings should be consistent with the character of the area and be in harmony with neighboring buildings, pursuant to Section 1278.08.

(c) All buildings shall provide a pedestrian entrance oriented to the street.

1290.11 EXTERIOR RENOVATION OR ALTERATIONS OF EXISTING STRUCTURES.

(a) The removal or alteration of historic materials or distinctive architectural features should be avoided when possible.

(b) Architectural elements shall be sensitively designed to reflect detailing associated with the particular style of building.

(c) The design elements and scale of a building addition shall be compatible with design elements of the principal structure, in particular, building materials and colors, roof lines, shapes, and window proportions and alignment.

1290.12 BUILDING MATERIALS.

(a) Building walls:

(1) Walls facing a public street or parking area shall be designed in small sections to break up the appearance of a long horizontal wall. JDOD facades should use building elements such as canopies or projections to break up the appearance of a long wall. Alternately, changes in material or color can be used to break up the appearance of a long wall.

(2) Buildings shall be clad appropriately to suggest an enduring and regional character. Brick, stone, precast concrete, cement siding, smooth finish premium vinyl siding, and stucco are among the materials that may be used. Precast concrete should be used in the manner of stone but panels should not be embossed with brick or stone patterns. Split-face block is discouraged, particularly on front and side elevations, unless it is an accent material. When split-face block is used, alternating coursing, varied block size, and change in material depth should be used to give the appearance of stone.

(3) Standard modular brick is encouraged, but brick face dimensions of up to four (4) inches x twelve (12) inches are permitted.

(4) Stucco or EIFS systems are permitted 4 feet above finish floor level. If stucco is used as a primary material, it shall incorporate changes in depth, plane and other architectural features to add detail and interest to a facade and to avoid the appearance of a monolithic wall.

(5) Metal and other appropriate regional materials may be used as accent materials.

(6) All walls facing a public street or parking area shall be animated by a change in color, material, fenestration, or change in the depth of material of at least 8 inches.

(7) Brick or stone shall be laid in a true bonding pattern (no stack bond allowed).

(8) The maximum length of a facade that faces a public street or parking area that is "blank", meaning of one contiguous material and color without fenestration, accents, or change in material, color, or plane, is twenty (20) linear feet.

(9) All facades shall be animated with changes in material and/or color. Additionally, designs of facades with a base, middle, and top are encouraged.

Commented [RS15]: Remove change in color as a basis for material façade change in (6) and (8)

Commented [RS16R15]: Removed color references from both

Commented [RS17]: This needs to be at least 8 inches or a percentage of the length of the wall??

Commented [RS18R17]: So, in looking at this more, all (8) is doing is defining the maximum length of a blank wall. Added depth change of 8 inches to number (6)

- (10) Glass storefronts to encourage window shopping should be maximized.
- (b) Building elements. Lintels in masonry walls should be articulated with elements such as brick soldier courses, stone, or precast concrete.
- (c) Windows and doors.
 - (1) Windows shall be of square or vertical proportion.
 - (2) Clear glass shall be the primary glass used at ground level on street facades.
- (d) Building roofs, parapets, and cornices.
 - (1) Roofs may be pitched and flat or a combination thereof.
 - (2) If roofs are flat, elevations facing the street should incorporate a cornice to top the building. Cornices may be projected brick, stone, precast courses, or molded fiberglass. They should be scaled appropriately to the building mass and be a minimum of one foot in height.
- (e) Building height. Buildings of two and three stories are encouraged. The building height for the primary building mass shall be no less than twenty (20) feet. Canopies shall be designed to provide architectural enhancement.

1290.13 OUTDOOR STORAGE AND DISPLAYS.

- (a) No commercial product display, sales or other activities may be conducted within a required front yard setback area without Planning Commission approval.
- (b) Outdoor storage shall be screened from view from all streets (including Interstate 71) and from adjacent residential districts. Screening may include building walls, solid fences, mounds, landscaping or any combination thereof which forms a year-round solid screen.

1290.14 SIGNS.

All signage shall comply with the requirements in Chapter ~~Section 1270.05 – Table B. Plaza identification monument signs shall not exceed twenty (20) feet in height.~~

Commented [RS19]: just refer to sign section

1290.15 SUPPLEMENTAL REQUIREMENTS.

Planning Commission Modification. The Planning Commission may modify the strict requirements of this Chapter if it finds that privacy, light and openness are improved because of skillful design in the arrangement of buildings, open spaces, landscaping or other site features. The Commission may also require wider yards where an adjoining building is near a lot line, and such features as fences and plantings to protect adjoining residences.

1290.1608 DEVELOPMENT APPROVALS REQUIRED.

(a) The guidelines and regulations of this Chapter shall only apply to the proposed addition or improvement unless the addition or improvement results in a square footage that is greater than fifty percent (50%) of the square footage of the existing structure or building. If the proposed addition or improvement exceeds fifty percent (50%) of the square footage of the existing building or structure, then the entire property shall be brought into compliance with these guidelines and regulations.

(b) No alteration or change shall be made to any property within a JDOD-an Overlay District, except as exempted by Section 1290.1709 until approvals have been given by the Planning Commission. No Building or Zoning Permit shall be issued for any site improvement, construction, reconstruction, alteration or demolition of any structure now

or hereafter in ~~a JDODan Overlay District~~, unless approvals have been issued by the Planning Commission.

(c) Minor building improvements may be administratively reviewed and approved by the Community & Economic Development Director for compliance with the guidelines. Any improvement which is not in compliance with the guidelines or is determined by the Community & Economic Development Director to be beyond the scope of minor building improvements will be forwarded to the Planning Commission for review.

Minor building improvements shall include the following:

- (1) Fences, arbors, and pergolas
- (2) Siding, roofing, and window replacement
- (3) Façade alterations which are minor in scale
- (4) Signage

(Ord. 115-2020. Passed 2-22-21.)

1290.1799 EXEMPTIONS.

The following are exempt from the provisions of this chapter:

- (a) Any permit determined by the Community & Economic Development Director to be necessary for the immediate public health or safety.
- (b) Any residential permits for rear decks, pools or accessory structures.
- (c) Permits for interior alterations and repairs.
- (d) Permits for construction of public utilities in the public right-of-way.
- (e) Maintenance of property as described in Section 1290.194.

(Ord. 115-2020. Passed 2-22-21.)

1290.180 APPLICATION PROCEDURES.

Any application submitted for review as provided for by this Zoning Code shall be in accordance with the following procedures:

- (a) Submission to the Planning Commission. Application for Planning Commission action shall be submitted to the Planning & Zoning Coordinator on a Site Plan Review Application. Each application shall be accompanied by the payment of the required fee as specified in Section 1216.01, which shall not be refundable.

(b) Data Required with Application. In order for an application to be reviewed and approved, the applicant shall submit drawings, photographs, specifications and material samples as outlined below. A minimum of twelve (12) sets of drawings and color renderings and one material sample shall be submitted. Any approvals for development within this district shall be required to submit a traffic impact study unless this requirement is specifically waived by the Community & Economic Development Director or City Engineer. These items shall accurately represent the proposed alterations or additions and new construction. The following are the submission requirements:

(1) Alterations to existing buildings.

- A. Photographs of existing conditions.
- B. Drawings indicating any changes to the physical appearance.
- C. An outline describing work and the procedures to be performed.

D. Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.

(2) New buildings.

- A. Photographs of the proposed site and adjoining buildings.

B. Site plan and elevation drawings showing the design, indicating drives, roads, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials, finishes and other features accurately representing the proposed design.

C. Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.

(3) Additions to existing buildings.

- A. Photographs of the existing building and adjoining buildings.

B. Site plan and elevation drawings showing the design, indicating drives, road, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials, finishes and other features accurately representing the proposed design.

C. Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.

(4) Demolition and moving.

- A. Photographs of the existing building in detail and as it sits on the site.
- B. A written request from the owner indicating reasons for the demolition or moving.

(c) Review and Action by the Planning Commission.

(1) The criteria contained [in the Overlay District Development Guidelines within this Chapter](#) shall be used by the Planning Commission to guide their decision. [These criteria](#)

~~shall be in addition to the zoning regulations for the property, although if there is a conflict between the zoning regulations and the criteria of this Chapter, the criteria of this Chapter shall apply. The Overlay District Development Guidelines shall be considered a part of the Zoning Ordinance once it is approved as set forth in Section 1290.05.~~

(2) The Planning Commission shall determine whether the proposed change will be appropriate to the preservation of the environmental, architectural or historic character of the ~~IDOD~~Overlay District pursuant to the criteria included ~~in the Overlay District Development Guidelines within this Chapter.~~

(3) The Planning Commission shall review the application at one or more of its regular meetings, and within forty-five (45) days of such item's first appearance on the agenda, approve, approve with modification or disapprove the application. For demolition of a building, the Commission shall follow the guidelines as set forth in Section 1468 of the Codified Ordinances of the City of Brunswick.

(4) Approvals by the Planning Commission shall be valid for one year from the date of final action and shall be automatically revoked if construction has not begun within one year after the date of the Commission's approval.

(Ord. 115-2020. Passed 2-22-21.)

1290.1~~91~~ MAINTENANCE.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any property within ~~an Overlay District~~ a JDOD, nor shall anything in this Chapter be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which in the view of the Chief Building Official and/or Community & Economic Development Director is required for the public safety because of an unsafe, insecure or dangerous condition.

(Ord. 115-2020. Passed 2-22-21.)

CHAPTER 1292

Electric Vehicle Charging Stations

1292.01 Definitions.

1292.02 PEV charging stations/EVSE on residential property.

1292.03 PEV charging stations/EVSE on non-residential property.

1292.04 Parking.

1292.05 Signage.

1292.06 Hours of operation.

1292.07 Lighting.

1292.08 Permits/income tax.

1292.09 Maintenance.

1292.01 DEFINITIONS.

(a) "PEV" means a plug-in electric Vehicle or Motor Vehicle, as defined in Codified Ordinance Chapter 402, that can utilize an external source of electricity (such as a wall socket that connects to the power grid) to store electrical energy within its onboard rechargeable battery packs, to power an electric motor and help propelling the wheels.

(b) "Charging Station" means a PEV battery charging station located on a public or private parking space which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in a PEV. Charging Stations are outlined as follows:

(1) AC Level 1 chargers use a standard 120V household outlet, but provide slow charging speeds, usually a minimum of 24 hours.

(2) AC Level 2 charging stations require a 240V outlet and charge in approximately four to ten hours.

(3) AC Level 3/DC Level 2, known as DC Fast Charging Stations, charge in approximately 30 to 45 minutes.

(c) "EVSE" means an electric vehicle supply equipment, as defined in the National Electric Code, is the installation and/or maintenance of AC Level 1, AC Level 2 and AC Level 3/DC Level 2 Charging Stations. Any required building permits, electrical permits or other applicable permits shall be obtained prior to the location, construction, installation, or operation of EVSE in the City of Brunswick.

(d) A "charging service station" means that four or more charging stations are located on the same site within close proximity to each other and are the primary business within that site. Other retail items (non-charging fees) are also available for purchase on site.

(e) A "site" means a parcel of land bounded by a property line or a designated portion of a public right-of-way.

(Ord. 45-2023. Passed 9-25-23.)

1292.02 PEV CHARGING STATIONS/EVSE ON RESIDENTIAL PROPERTY.

(a) PEV Charging Stations/EVSE shall be permitted in all residential districts and residential Special Planning Districts, subject to the following regulations:

(1) PEV Charging Stations/EVSE on residential properties shall not be located within the front, side or rear setbacks of the subject property.

(2) Residential properties with more than five exterior PEV Charging Stations/EVSE shall provide adequate screening thereof from adjacent residential properties/uses with landscaping, fencing, or a combination thereof and achieve at least 50% opacity at installation.

(3) PEV Charging Stations/EVSE shall only be utilized by the residents of the subject property or their invited guests without charge.

(4) A certificate of zoning compliance issued by the Division of Building shall be required for PEV Charging Stations/EVSE located on residential properties. (Ord. 45-2023. Passed 9-25-23.)

1292.03 PEV CHARGING STATIONS/EVSE ON NON-RESIDENTIAL PROPERTY.

(a) PEV Charging Stations/EVSE shall be conditionally permitted in the GW-C Gateway Commercial District, C-G General Commercial District, ~~C-N Neighborhood Commercial District~~, C-H Highway Interchange Commercial District, I-L Light Industrial District, and commercial portions of Special Planning Districts, subject to the following regulations:

(1) PEV Charging Stations/EVSE located at new/used car dealerships in the C-G General Commercial and C-H Highway Interchange Districts or Automobile Filling Stations are permitted to be approved administratively by the Division of Building. Government-owned or operated properties located in any Zoning District may also be approved administratively by the Division of Building.

(2) Properties with five or less PEV Charging Stations/EVSE that do not have overhead canopies shall be conditionally permitted as follows:

A. Conditional use approval pursuant to Chapter 1274 and site plan approval pursuant to Chapter 1278.

B. PEV Charging Stations/EVSE shall not be located within the front yard setback of the applicable zoning district and shall be located the greater of ten feet or the required setback in the applicable zoning district from the side or rear property lines. PEV Charging Stations/EVSE shall be located no less than thirty feet from property line of any adjacent residential zoning district.

C. If a for-fee public PEV Charging Station/EVSE is installed, only AC Level 2 and AC Level 3/DC Level 2 PEV Charging Stations/EVSE shall be permitted.

D. The height of PEV Charging Station/EVSE shall not exceed ~~sevensix~~ feet six inches. All connections must be retractable and stored so as not to impede the parking space.

E. The size of a PEV Charging Station/EVSE shall not exceed four square feet.

F. When cords and connectors are not in use, retraction devices or locations for storage shall be located sufficiently above the pedestrian surface and the parking lot as to reduce conflicts with pedestrians and vehicle maneuvering.

G. Screening shall be required for charging stations and/or related mechanical equipment such as transformers in excess of 60 inches in height and 30 square feet. Screening shall comply with the requirements of Chapter 1282.09.

(3) Properties with more than five PEV Charging Stations/EVSE, or PEV Charging Stations/EVSE that include overhead canopies, shall be permitted per the following:

A. Conditional use approval pursuant to Chapter 1274 and site plan approval pursuant to Chapter 1278.

B. PEV Charging Stations/EVSE shall not be located within the front or rear setbacks of the applicable zoning district and shall be located no less than thirty feet from the property line of any adjacent residential zoning district. PEV Charging Stations/EVSE shall be permitted within the side yard setback in a location so as not to obstruct vehicular or pedestrian circulation and shall be located a minimum of ten feet from the side property line. All PEV Charging Stations/EVSE shall be installed within a landscaped island.

C. PEV Charging Stations/EVSE located adjacent to residential properties/uses or within the side yard setback shall be screened with landscaping, fencing, or a combination thereof and achieve a least 50% opacity at installation.

(Ord. 45-2023. Passed 9-25-23.)

1292.04 PARKING.

Parking spaces designated for PEV Charging Stations/EVSE shall not apply to the required minimum number of parking spaces in Chapter 1276, with the exception of new/used car dealerships. Parking space identification for PEV Charging Stations/EVSE shall be installed as follows: "Electric vehicle charging station" and "\$100 fine for non-electric vehicles".

(Ord. 45-2023. Passed 9-25-23.)

1292.05 SIGNAGE.

Signage shall be located only on the PEV Charging Station/EVSE and shall not exceed two square feet. Video monitors shall not exceed one square foot. No poles or signage shall be located above the height of the base PEV Charging Station/EVSE unit.

(Ord. 45-2023. Passed 9-25-23.)

1292.06 HOURS OF OPERATION.

PEV Charging Stations/EVSE shall be permitted to be open only during normal business hours of the establishment where they are located.

(Ord. 45-2023. Passed 9-25-23.)

1292.07 LIGHTING.

Lighting shall be installed in compliance with Section 1276.14(a), whereby a minimum 0.6 footcandle level shall be provided for PEV Charging Stations/EVSE and associated pedestrian areas.

(Ord. 45-2023. Passed 9-25-23.)

1292.08 PERMITS/INCOME TAX.

The property owner shall be responsible for obtaining necessary PEV Charging Station/EVSE station permits from the Division of Building and register with the City of Brunswick Tax Department. The City Income Tax form must also be completed and filed with the application. (Ord. 45-2023. Passed 9-25-23.)

1292.09 MAINTENANCE.

The property owner shall be responsible for the continued maintenance of the PEV Charging Station/EVSE. If the PEV Charging Station/EVSE is non-operational for a period of greater than three months, it shall be removed within thirty days. Testing of the PEV Charging Station/EVSE shall be performed on-demand as requested by the Division of Building. (Ord. 45-2023. Passed 9-25-23.)

CHAPTER 1294

Short Term Rental Property

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[1294.01 DEFINITIONS.](#)

["Dwelling" means any building or structure which is occupied or intended for occupancy in whole or in part as a home, residence, or sleeping place for one or more persons.](#)

["Owner" means an individual\(s\), corporation, or partnership that has legal title to and control of a dwelling.](#)

["Permanent Occupant" means persons who reside in a dwelling more than 51% of the time during a calendar year; the dwelling in which the persons reside shall be referred to as their primary residence.](#)

["Primary Residence" means a residence that is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver's license, tax documents, lease copy, or a utility bill. An owner or permanent occupant can only have one primary residence.](#)

[A "short-term rental" is defined as any room or dwelling that is rented wholly or partly for a fee for less than thirty consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation. The following uses shall not be considered Short Term Rental Property.](#)

[_\(a\) Residential dwelling units rented to the same occupant for thirty \(30\) continuous days or more;](#)

[_\(b\) Bed and Breakfast establishments;](#)

[_\(c\) Hotels.](#)

["Transient Guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty \(30\) consecutive days.](#)

1294.02 NON-OWNER OCCUPIED PROHIBITED.

A residential non-owner--occupied short term rental property is prohibited. For the purposes of this section, "owner occupied" means the owner of the property permanently resides in the STRP as their primary place of residence.

1294.03 LOCATION.

A residential STRP is not permitted within the Low Density Residential (R-L) District or within 300 feet buffer zone of another residential STRP in other residential districts.

1294.04 PERMIT; FEE.

No person or entity shall operate a STRP or advertise a residential property for use as a STRP without the owner of the property first having obtained a STRP permit issued by the Zoning Administrator, and paid a five--hundred dollar (\$500.00) permit fee. STRP permits are annual permits and shall be renewed by January 15th.

1294.05 PERMIT APPLICATION.

The STRP permit application form shall include the following minimum information:

(a) The name, telephone number, address, and email address of the owner ("responsible party") residing at the STRP that is accountable for addressing all maintenance and safety concerns;

(b) Two pieces of evidence that the dwelling is the occupant's primary residence, or two pieces of evidence of ownership of the dwelling;

(c) The number of sleeping rooms being offered to transient guests;

(d) Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than one million dollars (\$1,000,000) per occurrence;

(e) If the STRP unit shares a common wall or a common driveway with another property owner, proof of written notification to such neighboring property owner(s) prior to filing the application; and

(f) Certification from the City of Brunswick Fire Department that the property has passed inspection.

1294.06 PARKING.

Any need for parking generated by the use by the property as a residential STRP shall be in the driveway, garage, or a parking area on the lot, except for short-term parking of less than one hour.

1294.07 SIGNS OR ADVERTISING PROHIBITED.

Signs, advertising, or any other display on the property indicating that the dwelling unit is being utilized, in whole or in part, as a STRP is prohibited.

1294.08 SWIMMING POOL AND OUTDOOR AMENITY RESTRICTIONS

Short-term rentals of a temporary or permanent swimming pool and/or outdoor amenities including patios, gazebos, and ponds on the property are prohibited.

1294.09 NOISE RESTRICTIONS.

All STRP occupants shall abide by all applicable noise restrictions contained in the City of Brunswick's Codified Ordinance.

1294.10 SMOKE ALARMS.

The STRP shall have approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:

- (a) In all sleeping areas.
- (b) In every room in the path of the means of egress from the sleeping areas to the door leading from the sleeping unit.
- (c) In each story within the sleeping unit, including basements.

1294.11 RECREATIONAL VEHICLES, BUSES OR TRAILERS.

No recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the STRP use.

1294.12 MINIMUM AGE.

The principal rental of a STRP unit shall be at least twenty-five (25) years of age.

1294.13 MAXIMUM OCCUPANCY.

The maximum number of paying guests permitted on a STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four (4). The occupancy maximum shall be conspicuously posted within the STRP unit.

1294.14 TAXES.

The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law and County and City ordinances.

1294.15 PERMIT NONTRANSFERABLE.

A STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property.

1294.16 DENIAL OR REVOCATION OF PERMIT.

(a) Upon the filing of three or more complaints within a calendar year regarding a STRP permit, including responses by the Brunswick Police Department to the property in

response to complaints, the Zoning Administrator shall notify the permit holder in writing of such complaints.

(b) If the Zoning Administrator determines that violations of this section or any other ordinance or law relating to STRPs have occurred, the permit to operate a STRP may be revoked.

(c) Before revoking any permit, the Zoning Administrator shall give the permit holder fifteen (15) days written notice of the alleged violation(s) against him/her.

(d) A STRP permit that has been denied or revoked may be appealed to the Board of Zoning Appeals within twenty (20) days of the date of the denial or revocation.

1294.99 PENALTIES.

(a) Any person, firm, entity, or corporation violating any provision of this Chapter shall be subject to a fine of up to five hundred dollars (\$500.00) for the first offense. Upon any person, firm, entity, or corporation being found guilty of a second violation of the same provision within one (1) year shall be subject to a fine of up to one thousand dollars (\$1,000.00). Each day of violation shall constitute a separate offense.

(b) Three (3) or more violations of any of the provisions of this Chapter within one (1) year shall result in the permanent revocation of the registration required to operate an STRP of the dwelling that is the subject of the violation.

APPENDIX A DEVELOPMENT GUIDELINES LAUREL GLENS SPECIAL PLANNING DISTRICT NUMBER 1

Section A Overview

These development guidelines, together with the concept plan, comprise the conceptual development plan required by Chapter 1268 for the Laurel Glens Special Planning District Number 1 (SPD-1). As such, the conceptual development plan is the zoning and development requirements for the 53-acre Laurel Glen SPD-1 area. All provisions of Part 12 of the Brunswick Codified Ordinances remain applicable to SPD-1, unless clearly indicated to the contrary in the development guidelines below.

Section B Purpose

The purpose of the Laurel Glens Special Planning District is to create a zoning district designed exclusively for low density, attached or detached homes, all of which are individually owned. SPD-1 is intended to create an opportunity for flexible and innovative site design and to allow density averaging across the zoning boundaries which existed prior to the SPD-1 designation. More particular purposes for creating SPD-1 are as follows:

(1) To allow site designers and developers to use ingenuity and imagination in keeping with the overall land use and open space objectives of the Comprehensive Plan, while departing from the strict application of use, setback, height lot size and related requirements of the Zoning Code;

(2) To allow more creative and flexible design of the built environment than possible with existing zoning;

(3) To allow creative use of the clustering and density averaging concepts to concentrate homes on the site in order to maximize common open space, and in recognition of the difficult site conditions and limited sanitary sewer capacity for the property.

Section C Uses

(1) Permitted Accessory Uses. Signs as regulated by Chapter 1270 and any use or structure which is accessory and incidental to a SPD-1 conditionally permitted use.

(2) Conditionally Permitted Accessory Uses. Condominium or cluster dwelling units, including but not limited to attached, detached, townhouse, patio and similar unit types, subject to the SPD-1 development guidelines and the conditional zoning procedures in Chapter 1274.

Section D Density, Separation and Floor Area Requirements

(1) Density. Maximum density shall be 3.12 units per gross acre. Actual density may be less, based on the limited sanitary sewer capacity, topography, required open space, building spacing or other considerations.

(2) Minimum Front Yard Widths

- (a) Public cul-de-sac or loop street: 25 feet from garage door to right of way line
- (b) Other public street with through traffic: 30 feet from garage door to right of way line
- (c) Private drive, cul-de-sac or loop street: 25 feet from garage door to sidewalk or drive, whichever is closer
- (d) Other private street with through traffic: 30 feet from garage door to sidewalk or drive, whichever is closer
- (e) Yard adjacent to Laurel Road: 50 feet from right of way line

(3) Minimum Building Separations

- (a) Dwellings shall be located 50 feet from the SPD-1 boundary.
- (b) Dwellings shall be located 15 feet from all common open space. Where the dwelling is adjacent to common open space with a minimum dimension of 50 feet, open porches may extend to within 5 feet of the common open space.
- (c) Building walls with opposing windows shall be a minimum of 20 feet apart. Where neither wall has a window, buildings may be 10 feet apart.

(d) Where the back of a building is adjacent to another building, there shall be a minimum separation of 50 feet. The Planning Commission may approve a lesser separation where site design insures privacy for private open spaces.

(4) Maximum Building Height

(a) Principally or conditionally permitted building: 35 feet

(b) Accessory building: 15 feet

(5) Minimum floor area: 1,150 square feet

Section E Development Standards

(1) Unit types. Unit types may include detached buildings or attached buildings containing up to 5 dwelling units per building. All dwelling units shall have direct access to the outdoors without use of a central or common hall or stairway. All units shall be individually owned as condominiums or as cluster units as defined in these development guidelines.

(2) Landscaping. The required yard adjacent to Laurel Road shall be landscaped and shall not be used for parking or any other purpose, except driveways to reach designated parking areas. Landscaping shall comply with the requirements of Chapter 1282, including the 15-foot screening yard required in Section 1282.05(c).

(3) Design standards:

(a) Garages shall be designed and located so that they are not the dominant visual element of the building when seen from the primary access street, whether public or private. No more than 2 consecutive units shall have their garage doors located forward of the primary entrance doors.

(b) Structures buildings shall use offsets, projections, recesses and other comparable design elements to avoid long, uninterrupted wall or roof planes. Blank walls are prohibited, except where necessary to maintain privacy.

(c) Doorways shall be defined and articulated with architectural elements such as lintels, pediments, porches or overhangs. Doorways shall be compatible with the building as a whole and with the doors themselves.

(d) There shall be a maximum of 16 inches between exterior wall finishes and the final grade. Exposed foundation walls shall be covered with brick, stone or masonry with a surface design.

(e) Sidewalks shall form a network of pedestrian paths with a logical continuity. Walks shall be designed around large trees and outcroppings without being overly rigid in their placement.

(f) Open space areas shall be planted with trees, shrubs, hedges, ground covers and grasses, unless existing vegetation is to be retained. Landscaping shall be integrated with other functional and ornamental site characteristics to reinforce the character of the area.

(4) Parking. Each dwelling unit shall have 2.5 parking spaces, including one space per unit in a garage which is physically attached to and directly accessible from the dwelling unit. Guest parking shall be provided at a ratio of one space for 5 units. The Commission may require additional off-street guest spaces if it determines such additional parking is necessary to serve the needs of the homes in the immediate area.

Section F Common Open Space

(1) Common open space shall be a minimum of 50 per cent of the gross acreage of the SPD-1 area, and shall be reserved in perpetuity for such use. Common open space shall be designed and appropriate instruments shall be created according to the criteria established below and in Section G.

(2) Open space shall be available and accessible to all residents of SPD-1 and shall be designed primarily for their use. Common open space shall be exclusive of all streets, non-recreational buildings and individually-owned land.

(3) In order to ensure that all portions of the open space network are useful for that purpose, no portion of the common open space shall have a dimension of less than 50 feet, subject to modification by the Planning Commission for smaller sections which are particularly well-designed and meet the purposes of SPD-1.

(4) Common open space areas may be improved with appropriate recreation facilities and structures, such as tennis courts, pools, pavilions or other recreation features.

(5) Significant natural amenities, such as outcroppings, tree stands, ponds, ravines and stream channels should be left in their natural state and considered part of the required open space, subject to these standards.

(6) Common open space shall be designed as a network of spaces offering pedestrian access throughout SPD-1 and to maximize the number of homes which are adjacent to the open space. Common open spaces shall also include street frontage to relieve the streetscape and to allow views into the open areas from the street.

Section G Common Open Space Disposition

Common open space within SPD-1 shall be subject to the provisions in Section 1284.08, subsections (a), (b) and (c) regarding legal instruments, phasing and park fee requirements.

Section H Private Open Space

Each dwelling unit within SPD-1 shall be provided private open space at the ratio of 100 square feet per unit. Private open space shall not occupy any portion of the common open space required in Section F above. Private open space shall be specifically designed and constructed to be used and enjoyed by the residents of an individual dwelling unit, and shall be located adjacent to and reasonably accessible from the dwelling unit. Such space shall be screened or otherwise designed to provide privacy for the intended users.

Section I Supplemental Requirements.

(1) Planning Commission Modification. The Planning Commission may modify the strict requirements of the development guidelines if it finds that privacy, light and openness are improved because of skillful design in the arrangement of buildings, open spaces, landscaping or other site features. The Commission may also require wider yards, where an adjoining building is near a lot line, and may require such features as fences and planting to protect adjoining residences. The Commission shall not decrease the yard width, common open space, or private open space requirements in order to allow the maximum number of units permitted in SPD-1, nor shall the Commission increase the maximum allowable density permitted in SPD-1.

(2) Site Plan Review. Each development phase of SPD-1 shall require review and approval of site plans as provided in Chapter 1278, including approval by City Council. Site plans shall clearly depict the required common open space and private open space areas, including proposed improvements thereto, required by the development guidelines. Site plans shall also comply with the provisions of Chapter 1276 Parking and Site Design and Chapter 1282 Landscaping and Screening.

Section J Definitions

As used in these development guidelines, certain terms are defined as follows:

(1) Condominium: the same as defined in Chapter 5311 of the Ohio Revised Code.

(2) Cluster dwelling unit: an ownership arrangement where the individual unit owner holds fee simple title to the land beneath the foundation and may also own some amount of land around the foundation. A cluster units may be a detached structure or may be attached to other dwelling units within the same structure.

(Ord. 137-98. Passed 9-14-98.)

APPENDIX B VICINITY MAP

The purpose of the Brunswick Town Center Special Planning District is to create a zoning district designed to accommodate a mixed use, pedestrian-oriented town center that includes both privately- and publicly-owned land. More particular purposes for creating SPD-2 are as follows:

- (1) To allow development of a mix of retail, office, service, public, residential and related uses, as well as major public open spaces that together will function as a focal point, gathering place and town center for the entire Brunswick community.
- (2) To create an opportunity for flexible and innovative site design based on traditional town planning principles.
- (3) To preserve Brunswick Lake as an essential component of the town center, along with the associated major wetlands and stream corridors near the lake. These are areas with substantial natural characteristics that are worthy of preservation as public open space.

Section C Conceptual Plan

The plan titled "Brunswick, Ohio Conceptual Master Plan" and dated June 27, 2002, which is attached to and made a part of the conceptual development plan, shall be the conceptual plan for SPD-2 as required by Section 1268.04(a) of the Zoning Code. The conceptual plan, which is a framework for preparing more detailed site and subdivision plans, shows representative footprints for individual buildings. As specific tenants and building owners make commitments to the project, building shapes will be adjusted to meet their particular needs.

Section D Development Guidelines

- (1) Guidelines. The document titled "Brunswick Town Center Special Planning District Number 2" and dated June 27, 2002, which is attached to and made a part of the conceptual development plan, shall be the development guidelines for SPD-2 as required by Section 1268.04(b) of the Zoning Code. The development guidelines list permitted and accessory uses within five separate subdistricts, as envisioned by Section 1268.04(c) of the Zoning Code. Boundaries of the five subdistricts are depicted on the conceptual plan.
- (2) Effect. The Development Guidelines adopted in (1) above, in conjunction with the Conceptual Plan, shall be the zoning regulations for the SPD-2 area. The Conceptual Development Plan, consisting of the Conceptual Plan and the Development Guidelines, shall supersede provisions to the contrary in the Zoning Code.

Section E Common Open Space Disposition

Common open space within SPD-2 shall be subject to the provisions in Section 1284.08, regarding legal instruments, phasing and park fee requirements.

Section F Supplemental Requirements

- (1) Planning Commission Modification. The Planning Commission may modify the strict requirements of the development guidelines if it finds that privacy, light and openness are improved because of skillful design in the arrangement of buildings, open spaces,

landscaping or other site features. The Commission may require wider yards, where an adjoining building is near a lot line, and may require such features as fences and plantings to protect adjoining residences. The Commission may approve minor shifts in the boundaries between the five subdistricts.

(2) Site Plan Review. Site plans shall be reviewed by the Planning Commission for conformity with the Conceptual Development Plan. Site plans shall be submitted and reviewed for each development site within SPD-2 as required by Chapter 1278, except that site plans for the Southwest and Peninsula neighborhoods may be submitted for each development phase. For site plans which fully comply with the Conceptual Development Plan, the discussion plan stage in Section ~~1278.03~~1278.04(b) and the Council review stage in Section ~~1278.03~~1278.04(f) are not required.

(3) Subdivision Regulations. The Brunswick Subdivision regulations shall apply to SPD-2, unless provisions in the Conceptual Development Plan clearly indicate to the contrary. Subdivision improvements to be financed through an assessment procedure after petitioning by 100% of the property owners shall be exempt from the financial guarantee normally required as part of the construction agreement in Section 1230.04 of the Subdivision Regulations.

(Ord. 76-02. Passed 7-22-02.)

BRUNSWICK TOWN CENTER

SPECIAL PLANNING DISTRICT NUMBER 2

CITY OF BRUNSWICK
ZAREMBA
CENTERPOINT PROPERTIES



CITY ARCHITECTURE

As approved by Brunswick
City Planning Commission
June 27, 2002

BRUNSWICK TOWN CENTER

SPECIAL PLANNING DISTRICT NUMBER

DESIGN GUIDELINES

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SPECIAL PLANNING DISTRICT NUMBER 2

DESIGN GUIDELINES

I. OVERVIEW

The Brunswick Town Center Project is a mixed-use development designed to serve the City of Brunswick's need for a community focal point, gathering place, and City Center. The centerpiece of the development is Brunswick Lake, a site that provides spectacular natural beauty, and is unique to the City of Brunswick. The site offers pedestrian access to a number of existing neighborhoods and community facilities, located on a main City thoroughfare, Route 303.

The Brunswick Town Center has been designed according to traditional town planning principles, adapted to the patterns of today. A Conceptual Development plan has been created working with the City and developers that illustrates the types of buildings, streets, blocks and neighborhoods envisioned for this site. Divided into five distinct and unique neighborhoods or districts, the plan provides living, shopping, and entertainment opportunities, as well as community services, in an environment that offers a unique natural setting. The lakefront is open to the public over the vast majority of the site and is planned to incorporate a variety of public and pedestrian amenities.

(Ord. 76-02. Passed 7-22-02.)

II. THE NEIGHBORHOODS

The Main Street District

The central focus and community gathering place of the Brunswick Town Center is the Main Street District. Sited along Route 303, on the eastern edge of the lake, this district is composed of a mixture of uses that include: two large anchor stores to draw people to the site; smaller shops and services lining a tree-lined boulevard with the potential for office space on buildings' upper levels; community buildings, including a potential community pavilion at the lakefront; and opportunities for residential uses to occur either above shops or in individual apartment buildings. Main Street begins with its entrance at Route 303 and terminates with a grand view of the lakefront at Brunswick Lake Street. Buildings are

envisioned to line one side of Brunswick Lake Street, providing the backdrop for community events and festivals along the lakefront.

The Southwest Neighborhood

The Southwest Neighborhood is a residential district of approximately 100 homes. Designed as a traditional neighborhood, the plan creates common green spaces for public use, and a fully public lakefront to be shared by residents and visitors alike. Two house types occur in this district. Courtyard homes front a large neighborhood park that is oriented toward the lake. Private courtyards are a common feature of these homes. An alley system puts garages at the rear of the courtyard homes and allows wide front porches and main entrances at the street. Front-Loaded homes occur at the edges of the site, with main entrances and garages accessed off the neighborhood streets.

The Peninsula Neighborhood

~~A single street lined with unique custom homes located along the spine of the peninsula is the address for the Peninsula Neighborhood. Special features such as architectural towers will offer homes spectacular views of the Brunswick Lake landscape. The entire edge of the peninsula is open to the public and will be designed with trails and other public amenities for public access. A special pavilion will be located at the tip of the peninsula as part of the trail system.~~

The Northwest Neighborhood

A mixed-use district with the potential for office development that is oriented toward the lake and visible from Route 303, the Northwest Neighborhood provides a natural setting combined with high visibility. The Northwest Neighborhood is envisioned as a unique office environment with the potential for residential uses to occur on upper levels or in separate buildings, and for retail uses to occur on ground floors of buildings. In addition, the Northwest Neighborhood is suitable for institutional uses such as medical or educational facilities.

The Southeast Neighborhood

Topography and wetlands make the Southeast Neighborhood unique. Residential neighborhoods of medium density are designed around the site's natural features. Additionally, a site for a prominent Civic Building along Brunswick Lake Street is reserved in the Southeast Neighborhood. Curvilinear streets and irregular shaped blocks create a "hill town" type of character. This allows for many homes to have natural views and connections to the land that will be preserved as wetland environments. The district, closest to the Main Street District, is designed with a higher density, providing more opportunities for activity and vibrancy in the Main Street District at different times of the day or the week.

(Ord. 76-02. Passed 7-22-02.)

PLAN EVOLUTION

As the process of implementing the Conceptual Development Plan proceeds changes will occur. The Plan shows approximate and representative shapes and footprints of buildings only. As specific uses and tenants make commitments to the project, building shapes will be adjusted to meet their particular needs. The overall character of the spaces and places will be developed based on the Plan's framework. Landscaping, public spaces, and signage will be developed over time.

(Ord. 76-02. Passed 7-22-02.)

SOUTHWEST NEIGHBORHOOD

General Requirements

A. Uses.

1. Principle use: Single-family detached residential units.
2. Home occupations as conditional use, subject to Section 1274.09.
3. Accessory Uses: Studios above garages in Type 1 buildings only; signs as regulated by Chapter 1270; accessory uses or structures.

B. Density.

The maximum density permitted in the Southwest Neighborhood is 6.5 units/acre. This is not inclusive of units above garages. One unit above each garage is the maximum permitted.

C. Landscaping.

1. Detailed future landscaping plans will be submitted to the City by the developer. Plans will include landscaping strategies for the public areas along the lakefront, as well as public open spaces such as the neighborhood park. In addition, general minimum requirements for landscaping of private yards will be submitted to the City for approval.
2. In addition to landscaping/streetscaping requirements in Brunswick Town Center Special Planning District 2, on-lot landscaping shall be installed by the building and consist of one tree matching the species and caliper of the corresponding street tree, two bushes of evergreen species, minimum 3 gallon size, per the requirements in Section 1282.11(e), installed in a mulched bed in front of the home and soil stabilization temporary seeding of the final grade on the lot. Temporary seeding shall be in accordance with the guidelines for the same in the 'Abbreviated SWP3 for Individual Lot Residential Construction'. This landscaping shall be installed within six months of final grade, weather permitting. (Ord. 13-13. Passed 3-25- 13.)

D. Infrastructure.

Refer to the drawings of Infrastructure Guidelines in Section IV.H. of this document for the design and development of infrastructure in the Southwest Neighborhood. In general, parking in the Southwest Neighborhood is only permitted on one side of the street. The

opposite side of the street is open for fire hydrants to occur unobstructed. (Ord. 76-02. Passed 7-22-02.)

E. Screening/Fencing.

A tree line exists along the south and west property lines that shall be maintained. A minimum distance of 25 feet from these property lines shall be established as a "Do Not Disturb" zone. The purpose of the buffer is to preserve the natural environmental and provide visual screening between adjacent communities.

Developer to provide City with copies of signed buyer acknowledgement Contact Addendum form from homeowners who purchase lots containing a "Do Not Disturb" zone. Contract Addendum to restate owners' limitation of "Do Not Disturb" zone and responsibility for required maintenance. Acknowledgement to also restate: In the event of non-compliance or failure to properly maintain the "Do No Disturb" zone, the Homeowners' Association has the duty, power and authority to perform required maintenance and assess the individual subplot owner as required.

To preserve, protect and enhance the "Do Not Disturb" zone, with a plan created by a licensed arborist submitted to and approved by the City, maintenance of the "Do Not Disturb" zone, including selective pruning and/or removal of dead/diseased trees may be completed as outlined in an approved plan. Restorative and supplemental replanting may also be performed in the "Do Not Disturb" zone under the licensed arborist's plan.

A "Low-Sight Impact Preservation Fence" is defined as an "Extruded aluminum, square post, smooth top, three rail fence that is sixty (60) inches tall and black in color."

In order to maintain the integrity of the treed visual buffer area, the developer shall install a Low-Sight Impact Preservation Fence across the rear property lines with posts located on the property lines of Sublots 14 through 20 and 31 through 34. The owners of Sublots 14 through 20 and 31 through 34 may install a Low-Sight Impact Preservation Fence along their side property lines through the "Do Not Disturb" zone in order to protect and enclosed their backyards. No trees may be impacted by the installation of the fence unless specifically stated in a licensed arborist's plan. In order to maintain design consistency, any additional fencing on Sublots 14 through 20 and 31 through 34 must match the Low-Sight Impact Preservation Fence development standards, and must be approved by the Homeowners' Association. Any fencing installed within the community is subject to application and granting of a permit by the City.

(Ord. 2-16. Passed 2-18-16.)

F. Exterior Lighting.

The developer should submit an ornamental lighting standard for use in the public right-of-way to the City for approval. Light fixtures should be pole mounted and should not exceed 15 feet in height. Alleys should be lit with automatically timed light fixtures that are mounted to garages. Location and spacing of light poles as well as light levels should be in accordance with the City of Brunswick's existing standards.

G. Architectural Review Committee.

An Architectural Review Committee shall be established as part of the Homeowner's Association, set up by the developer. This Committee shall have the authority to review changes to the exterior of buildings. No changes to the exterior of buildings shall occur without the approval of the Architectural Review Committee.

H. Floor Area Requirements.

1. Units shall have a minimum floor area of 1,300 square feet. A maximum of 20% of the units may have a floor area less than 1500 square feet.

2. All units shall have full basements.

(Ord. 76-02. Passed 7-22-02; Ord. 96-02. Passed 10-28-02.)

TYPE I BUILDINGS: Courtyard Homes

A. Building setbacks/build-to lines.

1. Front yard build-to line: 21 feet from property line to main face of building

2. Side yard setback:

zero lot line side: 0 feet

4 feet minimum on corner lot

opposite side: 8 feet minimum

3. Rear yard setback: 4 feet from property line

4. Encroachments: A porch, bay window, or balcony may encroach into front setback area by a maximum of 9 feet

B. Building configuration and materials.

1. Building walls

a. Buildings may be clad in vinyl siding, wood siding, cement siding, brick, or stone. Stucco may be used from the second-floor level up.

b. When using brick, a standard modular brick shall be used.

c. All exposed foundation walls shall be faced with brick.

2. Building elements

a. Window trim is required around all windows on front elevations of non-masonry walls and should be a minimum of 3½ inches wide.

b. Corner boards are required on non-masonry walls on front facades and should be a minimum of 4 inches wide.

c. Frieze trim is required under overhangs and gables on front elevations.

- d. Porch columns shall have a 6-inch x 6-inch minimum cross-section or diameter.
- e. Railing/column details in combination are encouraged to vary from house to house.
- f. Lintels in masonry walls should be brick soldier courses, stone, or precast concrete.
- g. Trim and corner boards may be wood, vinyl, or fypon.
- h. Overhangs at eaves shall be a minimum of 8 inches.
- i. No exposed wolmanized wood is permitted on the front facade.
- j. No two houses in a row should have the same color combination of wall, trim, windows, and shutters.
- k. Where wood-burning fireplaces occur, chimneys shall be faced with brick.
- l. Where direct-vent fireplaces occur, the exterior shed shall be designed to be integrated into the architecture.

3. Windows and doors.

- a. Elevations along the zero-lot line shall not have windows, with the following exception: Windows with sill heights that are 5 feet above finished floor levels.
- b. Rear elevations should have a minimum of two windows per elevation.
- c. Windows shall be of square or vertical proportion.
- d. Accent windows may be circular, half-round, or octagonal. One accent window maximum per elevation is permitted unless used in a pair.

4. Building roofs. Primary roofs shall have a minimum 6:12 roof pitch. Porches may have a minimum 3:12 roof pitch.

5. Building height. Maximum building height is 35 feet above grade for primary structure.

6. Building entries/porches.

- a. All homes shall provide an identifiable entry.
- b. Where overhangs occur at a front door, a ~~2-foot-deep~~ 2-foot-deep overhang is encouraged.
- c. All full porches shall be a minimum of 6 feet deep. Entry coverings and stoops shall be a minimum of 3 feet deep.

7. Garages.

- a. Garages shall be attached
- b. Garages must be located at the rear of the house and accessed off of alleys.

8. Courtyards.

- a. Each unit is required to have a courtyard a minimum of 300 square feet in area.
- b. Courtyards shall be a minimum of 12 feet in width. Refer to drawing on page 296.
- c. Courtyards should be shielded from the street by a portion of the building mass, a garden wall, or an ornamental fence.
- d. Courtyards shall be accessed from the interior of the house.

(Ord. 76-02. Passed 7-22-02.)

TYPE II BUILDINGS: Front-Loaded Homes

A. Building Setbacks/Build-to Lines.

- 1. Front yard build-to line: 21 feet from property line to main face of building
- 2. Side yard setback: 3 feet minimum. from property line; 10 feet aggregate
- 3. Rear yard setback: 30 feet minimum, from property line (Ord. 13-13. Passed 3-25-13.)
- 4. Encroachments: On all exterior sublots within the community (Sublots 14 through 24 and 27 through 48), a porch bay window, or balcony may encroach into the front setback area by a maximum of 9 feet. On all interior sublots of the subdivision (Sublots 1 through 13, 25 and 26, and 49 through 61), an uncovered deck or patio may encroach into the rear setback area by a maximum of 9 feet.
- 5. Side yards adjacent to park land by Brunswick Lake: Sublots which have a side yard adjacent to park land by Brunswick Lake (Sublots 21 and 22 on the site plan) shall be allowed a reduction of rear yard setback minimums of up to 20 feet for 30% of the width of the rear yard.
(Ord. 2-16. Passed 2-8-16.)

B. Building Configuration and Materials.

1. Building Walls

- a. Buildings may be clad in vinyl siding, wood siding, cement siding, brick, or stone. Stucco may be used from the second-floor level up.
- b. When using brick, a standard modular brick shall be used. (Ord. 76-02. Passed 7-22-02.)
- c. There shall be a maximum of 16 inches and a minimum of 8 inches between exterior wall finishes and the final grade. On home elevations facing a street, the exposed

foundation shall be covered with brick or stone. On the other elevations, the exposed foundation walls shall be covered with brick, stone or masonry with a surface design. (Poured walls shall be permitted). (Ord. 13-13. Passed 3-11-13.)

2. Building elements.

- a. Window trim is required around all windows on front elevations of non-masonry walls and should be a minimum of 3½ inches wide.
- b. Corner boards are required on non-masonry walls on front facades and should be a minimum of 4 inches wide.
- c. Frieze trim is required under overhangs and gables on front elevations.
- d. Porch columns shall have a 6-inch x 6-inch minimum cross-section or diameter. Railing/column details in combination are encouraged to vary from house to house.
- e. Lintels in masonry walls should be brick soldier courses, stone, or precast concrete.
- f. Overhangs at eaves shall be a minimum of 8 inches.
- g. Trim and corner boards may be wood, vinyl, or fypon.
- h. No exposed wolmanized wood is permitted on front facades.
- i. No two houses in a row should have the same color combination of wall, trim, windows, and shutters.
- j. Where wood-burning fireplaces occur, chimneys shall be faced with brick.
- k. Where direct-vent fireplaces occur, the exterior shed shall be designed to be integrated into the architecture.

3. Windows and doors.

- a. Rear elevations should have a minimum of two windows per elevation.
- b. Windows shall be of square or vertical proportion.
- c. Accent windows may be circular, half-round, or octagonal. One accent window maximum per elevation is permitted, unless used in a pair.

4. Building roofs. Primary roofs shall have a minimum 6:12 roof pitch. Porches may have a minimum 3:12 roof pitch.

5. Building height. Maximum building height is 35 feet above grade for primary structure.

6. Building entries/porches.

- a. All homes shall provide an identifiable entry.

b. Where overhangs occur at a front door, a ~~2-foot-deep~~2-foot-deep overhang is encouraged.

c. All full porches shall be a minimum of 6 feet deep. Entry coverings and stoops shall be a minimum of 3 feet deep.

(Ord. 76-02. Passed 7-22-02.)

d. A minimum of 50% of the homes which are not part of the original Phase 1 approved by the City on July 28, 2003, shall have a full covered front porch, as defined in Section B.6.c. of the Type II Buildings: Front-Loaded Homes in the Southwest Neighborhood of Brunswick Town Center SPD-2. To be consistent with the existing subdivisions, homes on the south side of Brunswick Lake Parkway (Sublots 1 through 13), and homes on the south side of Sandlewood Drive (Sublots 34 through 37 and 51 through 61) shall have a full covered front porch.

(Ord. 13-13. Passed 3-25-13.)

7. Garages.

a. Garages may be attached or detached.

b. Front elevations shall be designed to de-emphasize the visual impact of the garage. A garage should be set back a minimum of 2 feet from the primary mass of the house. Second floors may project over the garage. Porches and other architectural elements may project beyond the face of the garage. Single- car garage doors are encouraged to lessen the scale of a two- car garage door.

(Ord. 76-02. Passed 7-22-02.)

PENINSULA NEIGHBORHOOD

General Requirements

~~A. Uses.~~

~~1. Principal uses: Single-family attached and detached residential units.~~

~~2. Home occupations as conditional use, subject to Section 1274.09.~~

~~3. Accessory Uses: Signs as regulated by Chapter 1270; accessory uses or structures.~~

~~B. Density. The maximum density permitted in the Peninsula Neighborhood is 7 units/acre. This is not inclusive of units above garage. One unit above each garage is the maximum permitted.~~

~~C. Landscaping. Detailed future landscaping plans will be submitted to the City by the developer. Plans will include landscaping strategies for the public areas along the lakefront. In addition, general minimum requirements for landscaping of private yards will be submitted to the City for approval.~~

~~—D. Infrastructure. Refer to the drawings of Infrastructure Guidelines in Section IV.H. of this document for the design and development of infrastructure in the Peninsula Neighborhood. In general, parking in the Peninsula Neighborhood is only permitted on one side of the street. The opposite side of the street is open for fire hydrants to occur unobstructed.~~

~~—E. Exterior Lighting. The developer should submit an ornamental lighting standard to the City for approval. Light should be pole mounted and not to exceed 15 feet in height. Location and spacing of light poles, as well as light levels should be in accordance with the City of Brunswick's standards.~~

~~—F. Architectural Review Committee. An Architectural Review Committee shall be established as part of the Homeowner's Association, set up by the developer. This Committee shall have the authority to review changes to the exterior of buildings. No changes to the exterior of buildings shall occur without the approval of the Architectural Review Committee.~~

~~—G. Floor Area Requirements. Units shall comply with minimum floor area requirements in Section 1252.05(g).~~

~~—(Ord. 76-02. Passed 7-22-02.)~~

TYPE III Buildings: Peninsula Homes

~~—A. Building Setbacks/Build-to Lines.~~

~~-~~

- ~~1. Front yard setback: 15 feet from property line to face of main building~~
- ~~2. Side yard setback: 3 feet minimum; 10 feet aggregate~~
- ~~3. Rear yard setback: 20 feet minimum from property line~~
- ~~4. Encroachments: A porch, bay window or balcony may encroach into front setback area by a maximum of 3 feet~~

~~—B. Design Intent. The Peninsula Neighborhood is intended to be developed with fine custom homes. Each house should be unique yet part of a common architectural style or language to be established by the developer. Lots are shallow, and fences or screening along rear lot lines should be designed sensitively with the natural scenery in mind. Rear facades should be designed to take advantage of the natural scenery. Tower elements are encouraged to capture views of the lake and to create unique architectural features.~~

~~—C. Building Configuration and Materials.~~

~~—1. Building walls.~~

~~—a. Buildings may be clad in vinyl siding, wood siding, cement siding, brick, or stone. Stucco may be used from the second floor level up.~~

~~—b. When using brick, a standard modular brick shall be used.~~

- ~~—c. All exposed foundation walls shall be faced with brick.~~
- ~~—2. Building elements.~~
 - ~~—a. Window trim is required around all windows on front elevations of non-masonry walls and should be a minimum of 3½ inches wide.~~
 - ~~—b. Corner boards are required on non-masonry walls on front facades and should be a minimum of 4 inches wide.~~
 - ~~—c. Freeze trim is required under overhangs and gables on front elevations.~~
 - ~~—d. Porch columns shall have a 6-inch x 6-inch minimum cross-section or diameter.~~
 - ~~—e. Railing/column details in combination are encouraged to vary from house to house.~~
 - ~~—f. Lintels in masonry walls should be articulated with elements such as brick soldier courses, stone, or precast concrete.~~
 - ~~—g. Trim and corner boards may be wood, vinyl, or fypon.~~
 - ~~—h. Overhangs at eaves shall be a minimum of 8 inches.~~
 - ~~—i. No exposed wolmanized wood is permitted on front facades.~~
 - ~~—j. No two houses in a row should have the same color combination of wall, trim, windows, and shutters.~~
 - ~~—k. Where wood-burning fireplaces occur, chimneys shall be faced with brick.~~
 - ~~—l. Where direct-vent fireplaces occur, the exterior shed shall be designed to be integrated into the architecture.~~
- ~~—3. Windows and doors.~~
 - ~~—a. Rear elevations should have a minimum of two windows per elevation.~~
 - ~~—b. Windows shall be of square or vertical proportion.~~
 - ~~—c. Accent windows may be circular, half-round, or octagonal. One accent window maximum per elevation is permitted, unless used in a pair.~~
- ~~—4. Building roofs. Primary roofs shall have a minimum 4:12 roof pitch. Porches have a minimum 3:12 roof pitch.~~
- ~~—5. Building height.~~
 - ~~—a. Maximum building height is 44 feet above grade for primary structure.~~
 - ~~—b. There is no maximum building height for architectural elements such as towers that are less than 200 square feet in lot coverage, but these elements shall be kept below the overall average tree height.~~

~~—6. Building entries/porches.~~

~~—a. All homes shall provide an identifiable entry.~~

~~—b. Where overhangs occur at a front door, a 2-foot deep minimum overhang is encouraged.~~

~~—c. All full porches shall be a minimum of 6 feet deep. Entry coverings and stoops shall be a minimum of 3 feet deep.~~

~~—7. Garages.~~

~~—a. Garages shall be attached.~~

~~—b. Front elevations shall be designed to de-emphasize the visual impact of the garage. A garage shall be set back a minimum of 2 feet from the primary mass of the house. Second floors may project over the garage. Porches and other architectural elements may project beyond the face of the garage. Single-car garage doors are encouraged to lessen the scale of a two-car garage door.~~

~~—(Ord. 76-02, Passed 7-22-02.)~~

MAIN STREET DISTRICT

General Requirements

A. Uses Permitted. Permitted uses in the Main Street District shall be as listed below, with the exception of the prohibited uses listed in division B below.

1. Personal services;
2. Retail businesses;
3. Financial institutions;
4. Professional offices;
5. Medical and dental clinics and offices;
6. Educational institutions;
7. Restaurants and nightclubs;
8. Religious place of worship;
9. Public utility structural, except communication towers;
10. Privately-owned, and/or operated buildings and facilities;
11. Governmentally-owned, intensive recreation facilities;
12. Clubs;
13. Automobile filling stations in Type VI buildings only, subject to Section 1274.13;

14. Building materials, lumber or garden sales;

15. Multi-family dwellings, limited to floors above the street level;

16. Any use or structure that is accessory and incidental to any of the above uses

17. Massage establishments, as defined in Chapter 864, shall be permitted as a conditionally permitted use, subject to the provisions of Chapter 864 and 1274.

(Ord. 138-17. Passed 2-12-18.)

18. Vape and smoke shops, which shall be permitted as a conditionally permitted use subject to the provisions of Chapter 1274, shall not be permitted within 3,500 feet of any parcel of unified site within or outside of the City of Brunswick corporate boundaries upon which any of the following are located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any of the following are located:

a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

b. A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers.

c. A playground that is open to the public or a City park.

(Ord. 11-2024. Passed 4-8-24.)

19. Tattoo and body piercing parlors. (Ord. 138-17. Passed 2-12-18.).

B. Uses Prohibited.

1. Automobile sales or repair;

2. Any discount operation of the type which regularly or with significant frequency sells merchandise of the types or quantities known as "odd lots," "close out," "clearance," "cancellation," "seconds," "factory reject," "sample," "floor model," or "demonstrator;"

3. Mortuary or funeral parlor;

4. Coin operated laundry, except in combination with a permitted use;

5. Tavern;

6. Any business or use operated on a part-time basis or any basis that does not include at least normal business hours;

7. Any business principally selling or displaying goods or merchandise not in stock on the premise;

8. Animal clinic;
 9. Dry cleaning plant;
 10. Vending machines, with the exception of newspapers and machines located inside a building;
 11. Sexually oriented businesses;
 12. Drive-through windows, with the exception of Type IV and Type VI buildings. The Planning Commission may approve such uses elsewhere in the Main Street District if the applicant satisfactorily demonstrates the use will not disrupt pedestrian movement and will be otherwise consistent with the express design intent of the Main Street District. (Ord. 73-17. Passed 9-25-17.)
- C. Permitted Accessory Uses.
1. Signs as regulated by SPD-2 guidelines;
 2. Accessory uses or structures.
- D. Parking.
1. Off-street parking. Shared parking is encouraged throughout the district.
 2. Parking spaces. Standard parking spaces shall be a minimum of 9 feet wide. Handicapped spaces shall meet ADA regulations. ~~Ten-foot-wide~~Ten-foot-wide spaces are permitted but ~~9-foot-wide~~9-foot-wide spaces are preferred in order to minimize the area of pavement needed for parking areas.
 3. Main street parking. Angled parking is provided along sections of Main Street.
- E. Landscaping. Detailed future landscaping plans will be submitted to the City by the developer. Plans will include landscaping strategies for the public areas along the lakefront, as well as public open spaces such as the Main Street Boulevard.
- F. Service Areas; Screening. All service areas must be screened from view from a public street or public parking area. A building mass, portion of a building mass, garden wall, landscaping, or an ornamental fence with landscaping are among the methods that can be used to screen a service area. Additionally, dumpsters, transformers, generators, and other mechanical units must be screened from view from a public street or public parking area, using the methods described above. Rooftop equipment does not need to be screened if it is located so that it cannot be seen from a public street or parking area. Screening does not need to occur at the point of access to a service area.
- G. Exterior Lighting.
1. Ornamental lighting standard/pedestrian areas. The developer must submit a standard pole-mounted light fixture to the City for approval. This fixture, to be used along the Main Street and along sidewalks and pedestrian areas throughout the district, should

not exceed 15 feet in height. Location and spacing of light poles should be consistent with existing ordinances of the City of Brunswick.

2. Parking fields. Parking areas that front Center Road and service areas may be lit with light poles up to 35 feet in height.

3. Lighting levels. A ~~two foot-candle~~two-foot-candle lighting level should be the average minimum maintained in the parking fields of the anchor stores. A one foot-candle level should be the average minimum maintained along the Main Street.

H. Patio Furniture. General future guidelines will be submitted for standards for patio furniture to be used in outdoor dining areas. All tenants will be required to adhere to such guidelines.

I. Infrastructure. Refer to the drawings of Infrastructure Guidelines in Section IV.H. of this document for the design and development of infrastructure in the Main Street District.

(Ord. 76-02. Passed 7-22-02.)

TYPE IV BUILDINGS: Anchor Tenant Buildings

A. Building Setbacks/Build-to Lines. Refer to Main Street District Guidelines Plan drawings in Section IV.F. for buildable areas and setback requirements.

B. Design Intent. Because of the large scale of anchor tenant buildings, every effort must be made to break down the appearance of facades that face a public street or parking area. An anchor tenant store should ideally be designed to appear as a grouping of smaller stores with the focus on the anchor tenant's main entrance. Multiple entrances into a single anchor tenant store are encouraged, particularly when a semi-independent use is part of that facility. (i.e. a video store or pharmacy as part of a supermarket, or a garden center as part of a home improvement store).

C. Building Configuration and Materials.

1. Building walls.

a. Elevations should be designed according to the general architectural character represented in the renderings in Section IV.B.

b. Walls facing a public street or public parking area should be designed in small sections to break up the appearance of a long horizontal wall. Building elements such as canopies, porches, bays or projections should be used to break up the appearance of a long wall.

c. Buildings shall be clad in enduring materials such as brick, stone, and ground-face block. Split-face block is permitted if it is screened by another building, or on rear elevations. Additionally, split-face block may be used on front or side elevations if it is used as a base course or accent material. Concrete products made to simulate brick such as "design brick" are also permitted. Precast concrete panels should only be used on the rear or side facades of anchor tenant buildings.

d. Stucco or EIFS systems are only permitted 4 feet above finished floor level. If stucco is used as a primary material, it should incorporate changes in depth, plane and other architectural features to add detail and interest to a facade and to avoid the appearance of a monolithic wall.

e. Accent materials such as tile, metal, or other appropriate traditional regional materials are encouraged. Metal shall not be used as a primary material on a facade.

f. All walls facing a public street or parking area shall be animated by change in color, material, fenestration, or change in the depth of material.

g. Brick, stone, or block shall be laid in a true bonding pattern (No stack bond.)

h. The maximum area of a front facade or a facade that faces a public street that is "blank," meaning of one contiguous material and color without fenestration, accents, or change in material or color, is 1,250 square feet. The maximum area of blank wall on a side facade that cannot be seen from a public street but that faces a public parking area is 4,800 square feet.

i. Where "blank" facades that face a public street or parking area are necessary, trees spaced less than 20 feet on center should be used in front of these facades to gain visual interest and human scale.

j. Front facades and side facades that face a public street shall be animated with changes in material and/or color. Additionally, all facades shall be designed to have a base, middle, and top.

2. Windows and doors.

a. Windows shall be of square or vertical proportion.

b. The primary glass used on front facades and particularly around entrances shall be clear glass. Glass should be used to break up the box-like, interior-oriented character of anchor tenant buildings, and to connect the interior of the store to the outside. Spandrel glass or display window glass may be used to supplement clear glass areas and to animate a facade. Where display windows occur, they shall be lit from within the store.

3. Building roofs, parapets, and cornices.

a. If a change in parapet height exceeds 2 feet, the parapet shall return 90 degrees on both sides by a minimum of 1 foot, 4 inches.

b. Elevations or portions of elevations that are visible from a public street or parking area should incorporate a cornice to top the building. Cornices may be projected brick, stone, or precast courses, or molded fiberglass. They should be scaled appropriately to the building mass and be a minimum of 1 foot in height.

4. Building height. Maximum building height is 50 feet above ground level finish floor. This includes entrance parapets, architectural elements, and other accent features.

5. Building entrances and exits. All entrances and exits intended for use by the public shall incorporate glass areas, using clear glass, exclusive of the doors, facing a public street or public parking area.

6. Additions and expansions. Any additions or expansions to an existing store must be architecturally consistent to the existing structure in the use of color, materials, fenestration, scale, and other architectural features.

C. Outdoor Displays.

1. Items for outdoor display shall be under cover with some screening. They may be set behind a transparent or semi-transparent wall plane. This wall plane may be in the form of a glass/greenhouse-type wall, an arcade with a canopy or awning above, a pavilion, a trellis, or an ornamental fence.

2. If visible from a public street or parking area, merchandise shall not be displayed directly on the ground or on pallets. Additionally, merchandise should be a minimum of 1 foot high off the ground, and should not exceed 4 feet high if visible from a public street or parking area.

3. An 8-foot clear minimum distance shall be maintained for walking when outdoor displays occur at sidewalks.

4. Sales may not occur outside of stores. Merchandise located outdoors is for display purposes only.

5. At no time will temporary tent sales be permitted within tenant's parking lot or sidewalks.

D. Lot Coverage. The maximum lot building area coverage for anchor tenant buildings shall not exceed 135,000 square feet. This area is exclusive of parking, sidewalks, and associated non-merchandisable landscaped areas.

(Ord. 76-02. Passed 7-22-02.)

TYPE V BUILDINGS: Main Street Buildings

A. Building Setbacks/Build-to Lines.

1. Refer to Main Street District Guidelines Plan in Section IV.F. for location of Main Street buildings.

2. Main Street buildings shall maximize frontage along Main Street. At least 75% of a building's frontage should be located along the Main Street build-to line indicated on the Main Street District Guidelines Plan. Refer to the "Section Through Main Street" infrastructure drawing for dimensions.

B. Design Intent. The Main Street Buildings should be designed to express the character of a small-town main street. The traditional regional character of the surrounding area should be used as a guide for establishing an appropriate architectural style. The ground floor level should be highly animated and provide visual interest and human scale. The roof

lines should be varied. Brick or stone should be considered as a unifying material or element that is common to the Main Street buildings. A variety of colors for materials should be used, but those colors should be chosen as part of an overall palette, so that facades relate to each another.

C. Building Configuration and Materials.

1. Building walls.

a. Walls facing a public street or parking area shall be designed in small sections to break up the appearance of a long horizontal wall. Main Street buildings shall appear as a street of small individual storefronts, in the manner of a traditional main street. Building elements such as canopies, porches, bays or projections should be used to break up the appearance of a long wall. Alternately, changes in material or color can be used to break up the appearance of a long wall.

b. Buildings shall be clad appropriately to suggest an enduring and regional character. Brick, stone, precast concrete, cement siding, smooth finish premium vinyl siding, and stucco are among the materials that may be used. Precast concrete should be used in the manner of stone but panels should not be embossed with brick or stone patterns. Split-face block is discouraged, particularly on front and side elevations, unless it is an accent material. When split-face block is used, alternating coursing, varied block size, and change in material depth should be used to give the appearance of stone.

c. Standard modular brick is encouraged, but brick face dimensions of up to 4 inches x 12 inches are permitted.

d. Stucco or EIFS systems are permitted 4 feet above finish floor level. If stucco is used as a primary material, it shall incorporate changes in depth, plane and other architectural features to add detail and interest to a facade and to avoid the appearance of a monolithic wall.

e. Metal and other appropriate regional materials may be used as accent materials.

f. All walls facing a public street or parking area shall be animated by a change in color, material, fenestration, or change in the depth of material.

g. Brick or stone shall be laid in a true bonding pattern (no stack bond allowed).

h. The maximum length of a facade that faces a public street or parking area that is "blank," meaning of one contiguous material and color without fenestration, accents, or change in material, color, or plane, is 20 linear feet.

i. All facades shall be animated with changes in material and/or color. Additionally, designs of facades with a base, middle, and top are encouraged.

j. Glass storefronts to encourage window shopping should be maximized.

2. Building elements. Lintels in masonry walls should be articulated with elements such as brick soldier courses, stone, or precast concrete.

3. Windows and doors.

- a. Windows shall be of square or vertical proportion.
- b. Clear glass shall be the primary glass used at ground level on the Main Street facades.

4. Building roofs, parapets, and cornices.

- a. Roofs may be pitched or flat or a combination thereof.
- b. Rooflines should be designed to reinforce the notion of small, individual storefronts.
- c. If roofs are flat, elevations facing Main Street should incorporate a cornice to top the building. Cornices may be projected brick, stone, or precast courses, or molded fiberglass. They should be scaled appropriately to the building mass and be a minimum of 1 foot in height.

5. Building height. Buildings of 2 to 4 stories are encouraged. If a building is one story, elevations may be designed to suggest that a second story exists. For example, transoms, dormers, clerestory windows, or windows with spandrel glass, are among the methods that can be used to suggest a second story. The building height for the primary building mass shall be no less than 16 feet. Bays, canopies, or porches may be less than 16 feet in height.

6. Building entrances and exits. All buildings or portions of buildings that front Main Street shall provide an identifiable public entry accessed from Main Street.

D. Outdoor Displays and Outdoor Activities.

- 1. Items for outdoor display may encroach into the sidewalk area by a maximum of 5 feet.
- 2. Outdoor eating areas may encroach into the sidewalk but must leave a minimum of 8 feet width clear for walking. Outdoor eating areas are encouraged to establish an edge to the eating area through the use of movable bollards, planting, or a fence with a maximum height of 2 feet, 6 inches.

(Ord. 76-02. Passed 7-22-02.)

TYPE VI BUILDINGS: Outparcel Buildings

A. Building Setbacks/Build-to Lines. Refer to Main Street District Guidelines Plan in Section IV.F. for buildable areas and setback requirements.

B. Design Intent. Outparcel buildings are used infrequently in the conceptual development plan. They are useful to mark a corner of two streets where a large parking field must occur. The design quality of outparcel buildings should be no less than the other buildings in the Main Street District. Their small scale allows them to be designed as pavilions with human scale architectural elements and details on all building facades.

Where service must occur, it should be carefully integrated to disguise the service requirements as much as possible.

C. Building Configuration and Materials.

1. Building walls.

a. Walls facing a public street or parking area shall be designed in small sections to break up the appearance of a long horizontal wall. Building elements such as canopies, porches, bays or projections should be used to break up the appearance of a long wall. Alternately, changes in material or color can be used to break up the appearance of a long wall.

b. Buildings shall be clad appropriately to suggest an enduring and regional character. Standard modular brick, stone, precast concrete, or cement siding are among the materials that may be used. Precast concrete panels should be used in the manner of stone, but panels should not be embossed with brick or stone patterns. Split-face block should only be used as a base course or accent material. When split-face block is used, alternating coursing, varied block size, and change in material depth should be used to give the appearance of stone.

c. Standard modular brick is encouraged, but brick face dimensions of up to 4 inches x 12 inches are permitted.

d. Stucco or EIFS systems are permitted 4 feet above finish floor level. If stucco is used as a primary material, it shall incorporate changes in depth, plane and other architectural features to add detail and interest to a facade, and to avoid the appearance of a monolithic wall.

e. Metal, tile, and other appropriate regional materials may be used as an accent material.

f. All walls facing a public street or parking area must be animated by change in color, material, fenestration, or change in the depth of material.

g. Brick or stone should be laid in a true bonding pattern (no stack bond allowed).

h. The maximum length of a facade that faces a public street or parking area that is "blank," meaning of one contiguous material and color without fenestration, accents, or change in material or color, is 20 linear feet.

i. All facades should be animated with changes in material and color. Additionally, all facades should be designed to have a base, middle, and top.

2. Building elements. Lintels in masonry walls should be articulated with brick soldier courses, stone, or precast concrete.

3. Windows and doors.

a. Windows shall be of square or vertical proportion.

b. Clear glass should be the primary glass used at ground level.

4. Building roofs, parapets, and cornices.

a. Roofs may be pitched or flat or a combination thereof.

b. If roofs are flat, elevations should incorporate a cornice to top the building.

Cornices may be projected brick, stone, or precast courses, or molded fiberglass. They should be scaled appropriately to the building mass and be a minimum of 1 foot in height.

5. Building height. Buildings of 2 stories are encouraged. If a building is one story, elevations may be designed to suggest that a second story exists. For example, transoms, clerestory windows, or windows with spandrel glass are among the methods that can be used to suggest a second story. The building height for the primary building mass shall be no less than 16 feet. Bays, canopies, or porches may be less than 16 feet in height.

6. Building entrances and exits. All buildings shall provide an identifiable public entry.

C. Outdoor Activities. Outdoor eating areas may encroach into the sidewalk, but must leave a minimum of 8-feet width clear for walking. Outdoor eating areas are encouraged to establish an edge to the eating area through the use of moveable bollards, planting, or a fence with a maximum height of 2 feet, 6 inches.

D. Lot Coverage. The maximum lot coverage for outparcel buildings shall not exceed 8,000 square feet. This area is exclusive of parking, sidewalks, outdoor dining areas, and associated landscape areas.

(Ord. 76-02. Passed 7-22-02.)

TYPE VII BUILDINGS: Public Buildings

A. Building Setbacks/Build-to Lines.

1. Refer to Main Street District Guidelines Plan, Section IV.F., for buildable areas and setback requirements when building in the Main Street District.

B. Design Intent. Public buildings play an important role in the development of community life. To be seen as symbols of the community, they must be designed with dignity and distinctiveness. Enduring and quality materials should be used. They should be designed as buildings that fit into their context, and should incorporate elements characteristic of traditional regional public architecture.

C. Building Configuration and Materials.

1. Building walls.

a. When a wall of a public building faces the main street, it shall be designed as a pedestrian-oriented experience, with multiple views into the building to continue the effect of the retail frontage.

b. Walls facing a public street or public parking area should be designed in small sections to break up the appearance of a long horizontal wall and to emphasize verticality. Building elements such as canopies, porches, bays or projections may be used to break up the appearance of a long wall.

c. Buildings shall be clad in enduring materials such as brick, stone, or granite.

d. Stucco shall not be the primary material used on a public building.

e. Accent materials such as tile, metal, or other appropriate traditional regional materials are encouraged.

f. All walls facing a public street or parking area shall be animated by change in color, material, fenestration, or change in the depth of material.

g. Brick or stone shall be laid in a true bonding pattern (no stack bond.)

h. All facades, including rear elevations, shall be animated with changes in material and/or color. Additionally, all facades shall be designed to have a base, middle and top.

2. Windows and doors.

a. Windows shall be of square or vertical proportion.

b. The primary glass used on a public building shall be clear glass.

3. Building roofs, parapets, and cornices.

a. If a change in parapet height exceeds 2 feet, the parapet shall return 90 degrees on both sides by a minimum of 1 foot, 4 inches.

b. Elevations or portions of elevations that are visible from a public street or parking area should incorporate a cornice or other architectural element to top the building. Cornices may be projected brick, stone, or precast courses, or molded fiberglass. They should be scaled appropriately to the building mass and be a minimum of 8 feet in height.

4. Building height. Maximum building height is 50 feet above ground level finish floor. This includes entrance parapets, architectural elements, and other accent features.

5. Building entrances and exits. All entrances and exits intended for use by the public shall incorporate glass areas, using clear glass, exclusive of the doors, facing a public street or public parking area. Entrances shall be highly inviting and identifiable to signal that the public building is part of the public realm.

(Ord. 76-02. Passed 7-22-02.)

NORTHWEST NEIGHBORHOOD

General Requirements

A. Uses Permitted. Permitted uses (or conditionally permitted uses as indicated) in the Northwest Neighborhood shall be as listed below:

1. Office.

1. Office.

2. Commercial/retail (secondary use: not to exceed 25% of a building's area.)

3. Work/live space.

4. Public with approval from the City Planning Commission

5. Residential with approval from the City Planning Commission. Up to 50% of site area, not including wetlands, may be used for residential development. 100 units is the maximum number of residential units permitted in the Northwest Neighborhood.

6. Sit-down restaurants where food and beverages are served to the public on demand from a menu during stated business hours, served in reusable containers and dinnerware, and consumed on the premises at tables, booths or counters. The use may include outdoor dining for the contiguous restaurant and may also include incidental curbside pickup and carry-out services. This use shall be exempt from the parking maximum in B.1. below, but shared parking is encouraged. Buildings shall comply with design guidelines for Type VI Outparcel Buildings. Fast food restaurants where customers order and are served food at a counter or in a vehicle in packages prepared to leave the premises shall be prohibited. No drive-through pickup windows shall be permitted.

(Ord. 76-02. Passed 7-22-02; Ord. 82-03. Passed 7-28-03.)

7. Hotel. The term "hotel" has the same meaning set forth in Section 3731.01 of the Revised Code, subject to the exceptions set forth in Section 3731.03 of the Revised Code, except that any such hotel may not have guest rooms that are directly accessible from outside the building and must include as indoor dining area in which at least breakfast is served to guests (other than through vending machines) for consumption on the premises at tables, booths and/or counters.

8. Financial institution. "Financial institution" means any headquarters or branch of a national bank or banking association, a bank as defined by Section 1101.01 of the Revised Code, subject to inspection by the State Superintendent of Financial Institutions, any domestic association as defined in Section 1151.01 of the Revised Code, or any savings bank as defined in Section 1161.01 of the Revised Code.
(Ord. 115-08. Passed 1-12-09.)

9. Vape and smoke shops, which shall be permitted as a conditionally permitted use subject to the provisions of Chapter 1274, shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any of the following are located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any of the following are located:

a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

b. A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers.

c. A playground that is open to the public or a City park.

(Ord. 14-2024. Passed 4-8-24.)

B. Parking.

1. Off-street parking. Surface lot spaces for off-street parking shall not exceed 6 spaces/1,000 square feet of gross building area. Additional parking may be added if it is structured parking. Shared parking is encouraged throughout the district.

2. Parking spaces. Standard parking spaces shall be a minimum of 9 feet wide. ~~Ten-foot wide~~Ten-foot-wide spaces are permitted, but ~~9-foot wide~~9-foot-wide spaces are preferred in order to minimize the area of pavement needed for parking areas. Handicapped spaces shall meet ADA regulations.

C. Service Areas; Screening. All service areas shall be screened from view from a public street or public parking area. A building mass, portion of a building mass, garden wall, landscaping, or an ornamental fence with landscaping are among the methods that can be used to screen a service area. Additionally, dumpsters, transformers, generators, and other mechanical units must be screened from view from a public street or public parking area using the methods described above. Rooftop equipment does not need to be screened if it is located so that it cannot be seen from a public street or parking area. Screening does not need to occur at the point of access to a service area.

D. Exterior Lighting.

1. Ornamental lighting standard/pedestrian areas. The developer should submit a standard pole-mounted light fixture to the City for approval. This fixture, to be used along pedestrian areas throughout the district, should not exceed 15 feet in height. Location and spacing of light fixtures as well as light levels should be in accordance with existing City of Brunswick standards.

2. Parking fields. Parking fields and service areas may be lit with light poles up to 35 feet in height.

E. Landscaping. Detailed future landscaping plans will be submitted to the City by the developer. Plans will include landscaping strategies for the public areas along the lakefront, as well as public open spaces.

F. Infrastructure. Refer to the drawings of Infrastructure Guidelines in Section IV.H. of this document for design and development of infrastructure in the Northwest Neighborhood.

G. Accessory Uses.

1. Signs as regulated SPD-2 guidelines.
2. Accessory use structures.

(Ord. 76-02. Passed 7-22-02; Ord. 82-03. Passed 7-28-03.)

TYPE VIII BUILDINGS: Office Buildings

A. Building Setbacks/Build-to Lines.

1. Maximum setback: 150 feet from Center Road.
2. Minimum setback: 20 feet from Center Road.

B. Design Intent.

1. The Northwest Neighborhood is primarily planned for office uses, particularly along Center Road. Buildings that face Brunswick Lake may be office or residential uses. Office buildings may incorporate retail space for uses that support office buildings, such as restaurants on ground floors. Office buildings may be designed as living/working buildings that incorporate a residential suite on top of a small (average 2,000 square feet) office suite. In addition, office buildings may be of a larger scale to accommodate a corporate or institutional user.

2. The design of office buildings should be dignified, and articulated with changes of color, material, and fenestration patterns. Office buildings should be designed to achieve a sense of scale, interest, and character. Human scale architectural elements and details should be incorporated into building elevations. Eclecticism is encouraged, and styles of individual buildings may range from traditional to art deco and contemporary. The ensemble of buildings in the district should aim to achieve the animation of a small downtown with a potpourri of building styles. When classical elements such as the orders (doric, ionic, etc.) are used, they should be scaled according to traditional established classical rules and proportions.

3. The placement of office buildings should be developed to encourage synergy between buildings. Since 4 sides of an office building are typically exposed to a public street or parking area, side and rear elevations should be animated with changes in material, color, and/or fenestration. Where service occurs, it should be carefully integrated or screened from view from public streets.

C. Building Configuration and Materials.

1. Building walls.

a. Walls facing a public street or parking area shall be designed to break up the appearance of a long horizontal wall. Building elements such as canopies, porches, bays, or window patterns should be used to break up the appearance of a long wall. Alternately, changes in material or color can be used to break up the appearance of a long wall.

b. Buildings should be clad appropriately to suggest an enduring and regional character. Brick, stone, granite, precast concrete, cement siding, ground-face block and sandblasted block are among the materials that may be used. Precast concrete panels should be used in the manner of stone, but panels should not be embossed with brick or stone patterns. Split-face block shall not be used as the primary material on front facades, but may be used as an accent material. When block is used, alternating coursing, varied block size, and change in material depth are encouraged to give the appearance of stone.

c. Where brick is used, standard modular brick is encouraged.

d. Stucco or EIFS systems are only permitted 10 feet above finish floor level. Stucco should only be used as an accent material and not as a primary material.

e. Metal, tile, and other appropriate regional materials may be used as accent materials.

f. All walls facing a public street or parking area shall be animated by change in color, material, fenestration, or change in the depth of material.

g. Brick or stone should be laid in a true bonding pattern (no stack bond allowed).

h. "Blank" facades, meaning one contiguous material and color without fenestration, accents, or change in material or color, should be avoided.

i. All facades shall be animated with changes in material and color. Additionally, all facades shall be designed to have a base, middle, and top.

2. Building elements. Lintels in masonry walls should be articulated with brick soldier courses, stone, or precast concrete.

3. Windows and doors.

a. Windows of square or vertical proportion are encouraged.

b. Clear glass should be the primary glass used. Tinted and reflective glass are permitted.

4. Building roofs, parapets, and cornices.

a. Roofs may be pitched or flat or a combination thereof.

b. If roofs are flat, elevations should incorporate a cornice, top or cap to the building. Building masses may step back toward the top, or cornices may be articulated with brick, stone, precast courses, or molded fiberglass. Cornices should be scaled appropriately to the building mass and be a minimum of 1 foot in height. If roofs are pitched, the maximum building height should be measured to the midpoint of the pitch.

5. Building height. Buildings of 2 to 4 stories are encouraged. If a building is one story, elevations should be designed to suggest that a second story exists. For example, transoms, accent panels, clerestory windows, or windows with spandrel glass are among the methods that can be used to suggest a second story. The building height for the primary building

mass shall be no less than 16 feet. Bays, canopies, or porches may be less than 16 feet in height. Maximum building height is 60 feet.

6. Building entrances and exits. All buildings shall provide an identifiable public entry.

D. Outdoor Activities. Outdoor eating areas may encroach into the sidewalk, but must leave a minimum of 6 feet width clear for walking. Outdoor eating areas are encouraged to establish an edge to the eating area through the use of moveable bollards, planting, or a fence with a maximum height of 2 feet, 6 inches.

E. Lot Coverage. The maximum lot coverage for office buildings shall not exceed 50,000 square feet. This area is exclusive of parking, sidewalks, outdoor dining areas, and associated landscape areas.

(Ord. 76-02. Passed 7-22-02.)

SOUTHEAST NEIGHBORHOOD

General Requirements

A. Uses Permitted.

1. Principal uses: Townhomes and public buildings.

2. Accessory Uses: Signs as regulated by Chapter 1270; accessory use structures for commercial and public buildings only

3. Conditional Uses. Home occupations, hotels, vape and smoke shops, and tattoo and body piercing parlors as conditional uses, subject to Section 1274.09. Vape and smoke shops shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any of the following are located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any of the following are located:

a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

b. A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers.

c. A playground that is open to the public or a City park.

(Ord. 12-2024. Passed 4-8-24.)

4. Main Street District permitted uses, (as detailed in the Main Street District, General Requirements, Section A), are also permitted in the Southeast Neighborhood with the exception of automobile filling stations (Main Street District Section (A)(13)), building

materials, lumber or garden sales (Main Street District Section (A)(14)) and tattoo and body piercing parlors (Main Street District Section (A)(19)).

5. Small box discount stores, as defined in Section 1242.02(76.1) are prohibited in the Southeast Neighborhood.

(Ord. 29-2021. Passed 5-4-21.)

B. Density. The maximum density permitted in the Southeast Neighborhood is 17 units/acre.

C. Landscaping. Detailed landscaping plans will be submitted to the City by the developer. Plans will include landscaping strategies for wetland areas. In addition, general requirements for landscaping of private yards will be submitted to the City for approval.

D. Exterior Lighting. The developer will submit an ornamental lighting standard to the City for approval. Light fixtures should be pole-mounted and not exceed 15 feet in height. Location and spacing of light fixtures as well as light levels should be in accordance with the City of Brunswick's existing standards.

E. Architectural Review Committee. An Architectural Review Committee shall be established as part of the Homeowner's Association, set up by the developer. This Committee shall have the authority to review changes to the exterior of buildings. No changes to the exterior of buildings shall occur without the approval of the Architectural Review Committee.

(Ord. 76-02. Passed 7-22-02.)

F. Minimum floor area shall be 1,250 square feet, not to include any area below the front grade. (Ord. 29-2021. Passed 5-24-21.)

TYPE IX BUILDINGS: Townhomes and Hotels (Ord. 29-2021. Passed 5-24-21.)

A. Building Setbacks/Build-to Lines.

1. Front yard build-to line: 15 feet from property line to face of main building for rear-loaded townhomes; 18 feet from property line to garage for front-loaded buildings

2. Side yard setback: 10-foot minimum between townhome buildings

3. Rear yard setback: 20-foot minimum from property line for front-loaded townhomes; 18 feet from garage face to property line for rear-loaded townhomes

4. Encroachments: A porch, bay window, or balcony may encroach into front setback area by a maximum of 8 feet.

B. Design Intent.

1. The Southeast Neighborhood is a unique setting due to the natural topography and wetlands. It is planned around these natural features, resulting in an irregular street and block layout reminiscent of "hill town" development. Homes are sited to take advantage of

natural features and views. The architecture should be full of animation and different in style from the Peninsula and Southwest Neighborhoods. The plan retains much of the existing trees and other vegetation. Materials and colors may reflect the natural features, using earth tones and natural materials such as wood, brick or stone.

2. Brunswick Lake Street is a special address within the Southeast Neighborhood. Several options exist for its development. The preferred option is a combination of retail and civic development as shown in the Conceptual Development Plan drawing, Section IV.A. A special civic building such as a library would act as an anchor to draw people down the main street and take advantage of this prominent lake-view address.

C. Building Configuration and Materials.

1. Building walls.

a. Buildings may be clad in vinyl siding, wood siding, cement siding, brick, stucco, or stone.

b. When using brick, a standard modular brick shall be used.

2. Building elements.

a. Window trim is required around all windows on front elevations of walls clad in siding, and should be a minimum of 3½ inches wide.

b. Corner boards are required on non-masonry walls on front facades and should be a minimum of 4 inches wide.

c. Frieze trim is required under overhangs and gables on front elevations.

d. Porch columns shall have a 6-inch x 6-inch minimum cross-section or diameter.

e. Railing/column details in combination are encouraged to vary from house to house.

f. Lintels in masonry walls should be articulated with elements such as brick soldier courses, stone, or precast concrete.

g. Trim and corner boards may be wood, vinyl, or fiber.

h. Overhangs at eaves shall be a minimum of 8 inches.

i. No exposed weathered wood is permitted on front facades.

j. Where wood-burning fireplaces occur, chimneys shall be faced with brick.

k. Where direct-vent fireplaces occur, the exterior shed shall be designed to be integrated into the architecture.

3. Windows and doors.

a. Rear elevations should have a minimum of 2 windows per elevation.

b. Windows shall be of square or vertical proportion.

c. Accent windows may be circular, half-round, or octagonal. One accent window maximum per elevation is permitted, unless used in a pair.

4. Building roofs. Primary roofs must have a minimum 4:12 roof pitch. Secondary roofs and porches may have a minimum 3:12 roof pitch.

(Ord. 76-02. Passed 7-22-02.)

5. Building height. Maximum building height is 44 feet above grade for primary structure, except the maximum height for a primary hotel structure is 50 feet above grade. (Ord. 95-14. Passed 1-26-15.)

6. Building entries/porches.

a. All homes shall provide an identifiable entry.

b. Where overhangs occur at a front door, a ~~2-foot-deep~~2-foot-deep minimum overhang is encouraged.

c. All porches shall be a minimum of 6 feet deep. Stoops and entry areas shall be a minimum of 3 feet deep.

7. Garages.

a. Garages may be attached or detached.

b. Where garages occur on front elevations, facades shall be designed to de-emphasize the visual impact of the garage. A garage should be set back from the primary mass of the house, or elements such as bay windows should project over the garage. Porches and other architectural elements may project beyond the face of the garage. Single-car garage doors are encouraged to lessen the scale of a two-car garage door.

(Ord. 76-02. Passed 7-22-02.)

TYPE X BUILDINGS: Hotel

A. Definition.

1. Hotel. The term "hotel" has the same meaning set forth in Section 3731.01 of the Revised Code, subject to the exceptions set forth in Section 3731.03 of the Revised Code, except that:

a. any such hotel may not have guest rooms that are directly accessible from outside the building;

b. any such hotel must include an indoor dining area in which at least breakfast is served to guests (other than through vending machines) for consumption on the premises at tables, booths and/or counters;

c. any such hotel must include a minimum of 2,500 square feet of meeting/banquet space, separate from the indoor dining area;

d. any such hotel must include an indoor swimming pool;

e. any such hotel must include a fitness center; and

f. any such hotel must include a business center or typical business center amenities, such as printers, fax machines, copiers, etc.

B. Building Setbacks/Build-to-Lines. Minimum setback is 40 feet from any property line.

C. Design Intent.

1. The Southeast Neighborhood is a unique setting due to the natural features. It is planned around these natural features and the hotel should incorporate views of, and access to the natural features.

2. The hotel should be oriented toward Town Center Boulevard and direct access limited to Town Center Boulevard.

3. The architecture should reflect the natural features, such as earth tones and natural materials such as wood, brick or stone, or synthetic materials which appropriately simulate the appearance thereof.

D. Building Configuration Materials.

1. Building walls.

a. Walls facing a public street or parking area shall be designed in small sections to break up the appearance of a long horizontal wall. Building elements such as canopies, porches, bays, or projections should be used to break up the appearance of a long wall. Alternately, changes in material or color can be used to break up the appearance of a long wall.

b. Buildings shall be clad appropriately to suggest an enduring and regional character. Standard modular brick, stone (or synthetic materials which appropriately simulate the appearance thereof), precast concrete or cement siding are among the materials that may be used. Precast concrete panels should be used in the manner of stone, but panels should not be embossed with brick or stone patterns. Split-faced block should only be used as a base course or accent material. When split-face block is used, alternating coursing, varied block size, and change in material depth should be used to give the appearance of stone.

c. Building masses should be broken and shaped with architectural elements which may include the following: gables, different roof types, dormers and variable heights.

d. Stucco or EIFS systems should only be used as an accent material and not as a primary material.

e. Accent materials such as tile, metal, or other appropriate traditional regional materials are encouraged. Metal shall not be used as a primary material on a facade.

~~f. ⁷~~

~~g.~~ Brick or stone should be laid in a true bonding pattern (no stack bond allowed).

~~g. h.~~ All facades should use offsets, projections, recess and other comparable design elements to avoid long, uninterrupted wall or roof planes. Blank walls are prohibited, except where necessary to maintain privacy.

2. Building elements. Lintels in masonry walls should be articulated with brick soldier courses, stone or precast concrete.

3. Windows and doors.

a. Windows shall be of square or vertical proportion.

b. Clear glass should be the primary glass used at ground level.

4. Building roofs, parapets, and cornices.

a. Roofs may be pitched or flat or a combination thereof.

b. If roofs are flat, elevations should incorporate a cornice to top the building. Cornices may be projected brick, stone, or precast courses, or molded fiberglass. They should be scaled appropriately to the building mass and be a minimum of 1 foot in height.

5. Building height. Maximum building height is 50 feet above ground level finish floor. This includes entrance parapets, architectural elements and other accent features.

6. Building entrances and exits. All buildings shall provide an identifiable public entry.

E. Service Areas; Screening. All service areas shall be screened from view from a public street or public parking area. A building mass, portion of a building mass, garden wall, landscaping or an ornamental fence with landscaping are among the methods that can be used to screen a service area. Additionally, dumpsters, transformers, generators, and other mechanical units must be screened from view from a public street or public parking area using the methods described above. Rooftop equipment does not need to be screened if it is located so that it cannot be seen from a public street or parking area. Screening does not need to occur at the point of access to a service area.

F. Parking. Parking shall comply with Section 1276.

(Ord. 111-14. Passed 1-26-15.)

III. LANDSCAPING/STREETSCAPING

A. Street Trees (all streets).

1. Spacing. Street trees shall be spaced equally on individual streets. Spacing should be proportionate to the particular setting. For example, Brunswick Lake Drive will require a wider spacing than a neighborhood street in the Southeast Neighborhood. Landscape plans will be submitted with development plans detailing spacing of street trees.

2. Tree type.

a. In order to attain a coherence and geometry to a streetscape, streets should be planted with one or two different tree types. Individual streets shall not be planted with a variety of species, which creates an incoherent and ill-defined street. Species could vary, however from street to street, to protect against disease, and to avoid the issue of a monoculture. If two different tree types are planted on an individual street, they should be spaced and located in an orderly and rhythmic pattern. The street shall not be divided into two halves with each half of the street planted with a particular tree type.

b. Medium to large trees at maturity should be planted in tree lawns in residential neighborhoods. Small trees such as ornamental trees shall not be used as street trees.

c. Trees shall be planted as close as possible to curbs in order to achieve a canopy affect over the street.

d. Tree grates should not be used due to compression of the root structure. Trees shall be planted in tree lawns or tree pits. Tree pits should be landscaped with ground cover or perennials. Brick or cobblestone paving in sand beds may be used to fill tree pits.

B. Public Spaces. The developer will submit landscaping plans for public spaces to the City for approval. The following general guidelines should be adhered to in the development of landscaped plans for public spaces:

1. Public spaces should be landscaped so as to achieve a coherent and unified environment.

2. Medians and boulevards should follow the same guidelines set forth for street trees. Ornamental trees, however, may be introduced into public spaces. Edges of streets along medians and public spaces should be defined primarily with large tree types.

3. Crosswalks in key public areas, particularly in the Main Street District, should be defined with special paving, or an alternate concrete color.

4. Opportunities for seasonal decoration should be considered in the landscape design of public spaces, particularly in the Main Street District.

5. Opportunities for public art should be identified in landscaped plans of public spaces.

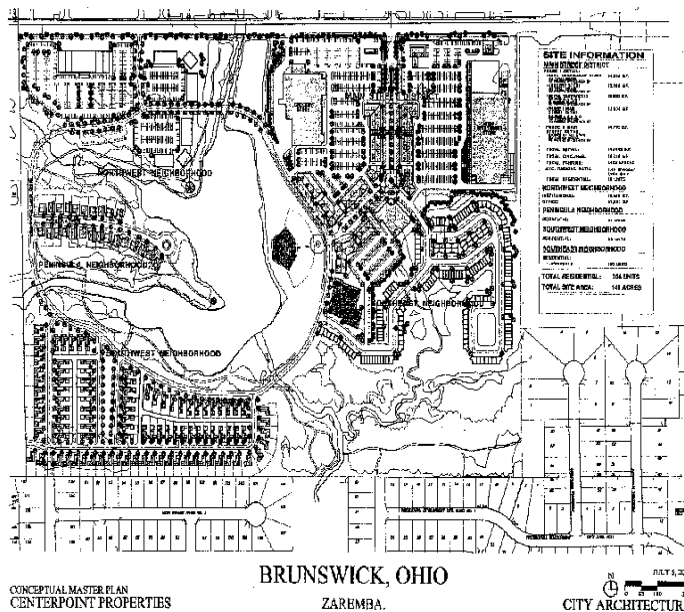
6. A program for placement of seasonal banners and kiosks should be established for the Main Street District.

C. Parking Lots. Parking lot landscaping should follow Chapter 1282 of the Brunswick Zoning Code.

(Ord. 76-02. Passed 7-22-02.)

IV. DRAWINGS

A: Conceptual Development Plan

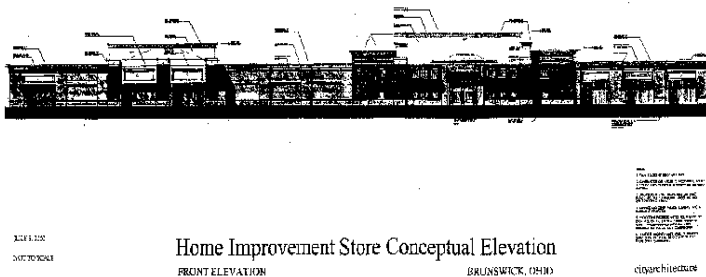


(Ord. 76-02. Passed 7-22-02.)

B: Anchor Tenant Typical Elevations



(Ord. 76-02. Passed 7-22- 02.)



(Ord. 76-02. Passed 7- 22-02.)

C: Perspectives Main Street District Looking Toward the Lake



(Ord. 76-02. Passed 7-22-02.)

C: Perspectives
Main Street District Looking South



(Ord. 76-02. Passed 7-22-02.)

C: Perspectives
Brunswick Lake Drive Looking Northwest



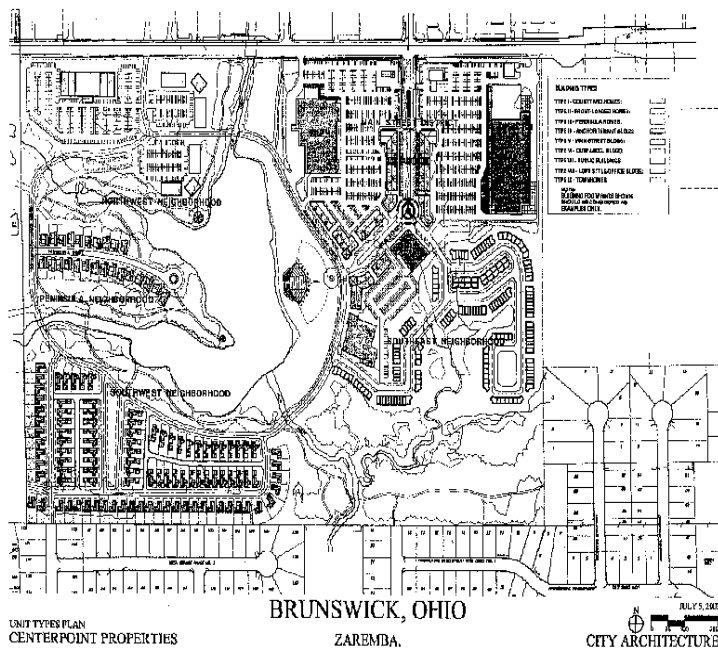
(Ord. 76-02. Passed 7-22-02.)

C: Perspectives
Southwest Neighborhood Residential District Looking Toward the Lake



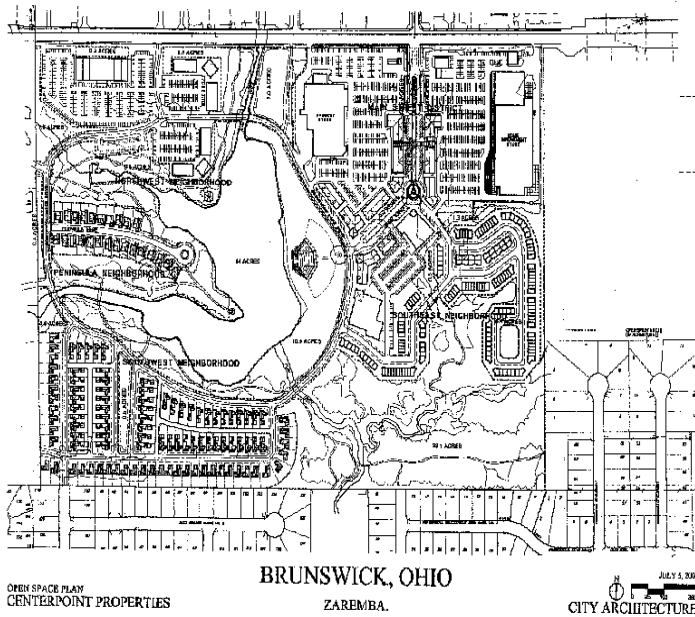
(Ord. 76-02. Passed 7-22-02.)

D: Building Types Plan



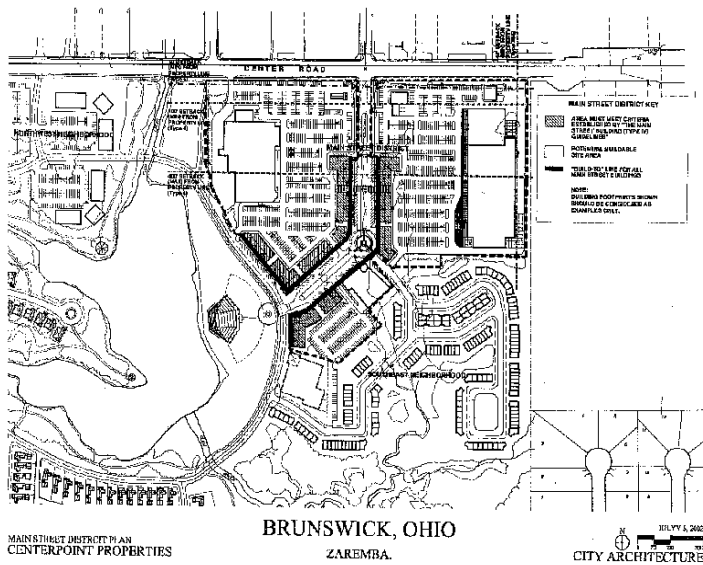
(Ord. 76-02. Passed 7-22-02.)

E: Open Space Plan



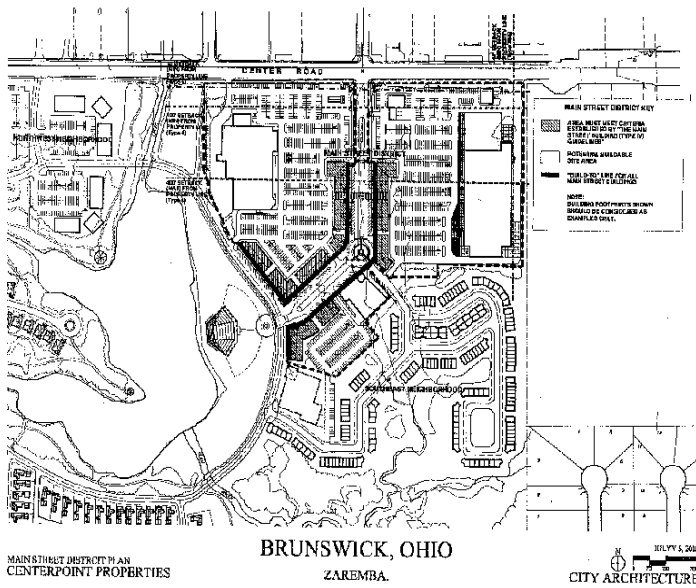
(Ord. 76-02. Passed 7-22-02.)

F: Main Street District Guidelines Plan



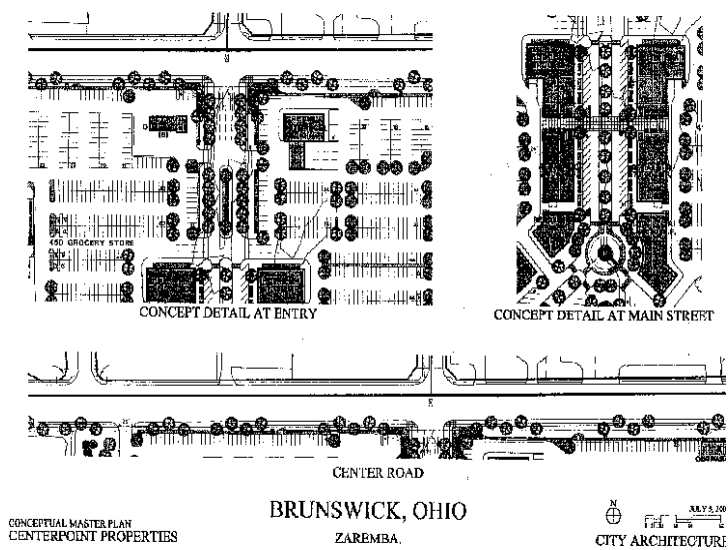
(Ord. 76-02. Passed 7-22-02.)

G: Main Street District Conceptual Landscape Plans Main Street District Plan



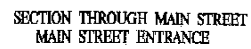
(Ord. 76-02. Passed 7-22-02.)

G: Main Street District Conceptual Landscape Plans Conceptual Master Plan



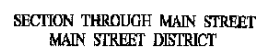
(Ord. 76-02. Passed 7-22-02.)

H: Infrastructure Guidelines Section Through Main Street; Main Street Entrance



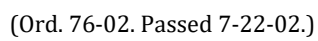
H: Infrastructure Guidelines

Section Through Main Street; Main Street District



H: Infrastructure Guidelines

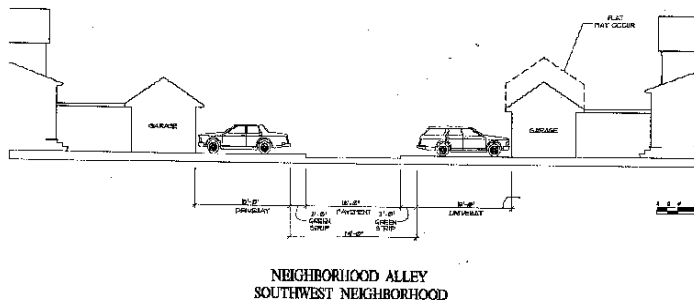
Section Through Brunswick Lake Drive



H: Infrastructure Guidelines
Neighborhood Street; Southwest Neighborhood

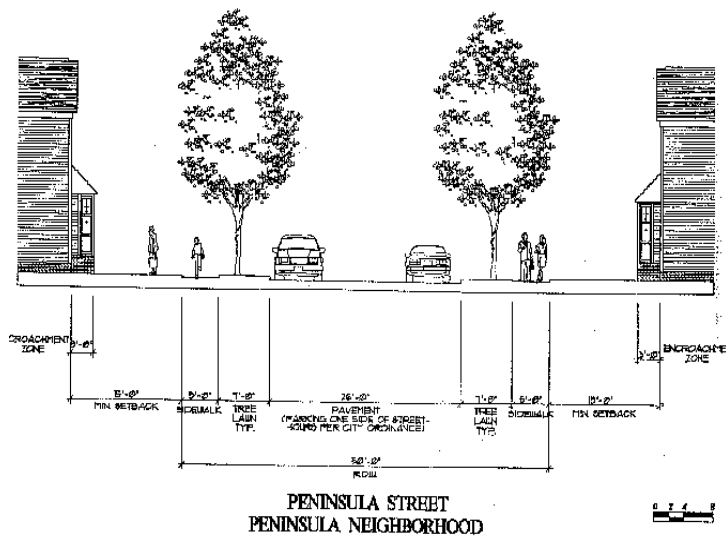
(Ord. 76- 02. Passed 7-22-02.)

H: Infrastructure Guidelines
Neighborhood Alley; Southwest Neighborhood



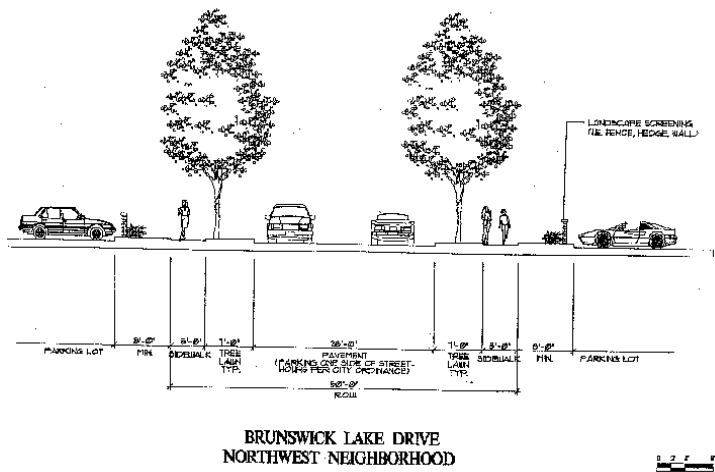
(Ord. 76-02. Passed 7-22-02.)

H: Infrastructure Guidelines
Peninsula Street; Peninsula Neighborhood



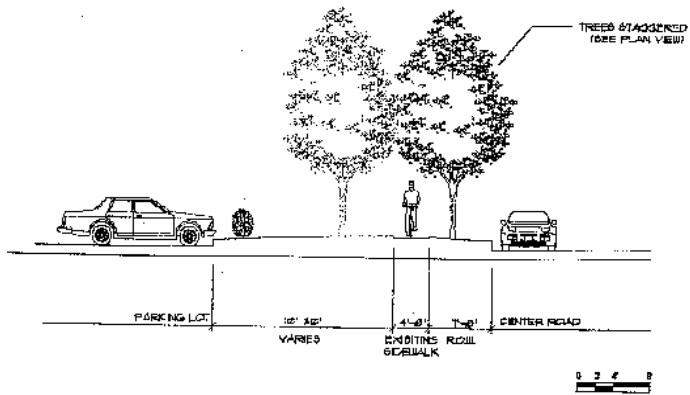
(Ord. 76-02. Passed 7-22-02.)

H: Infrastructure Guidelines
Brunswick Lake Drive; Northwest Neighborhood



(Ord. 76-02. Passed 7-22-02.)

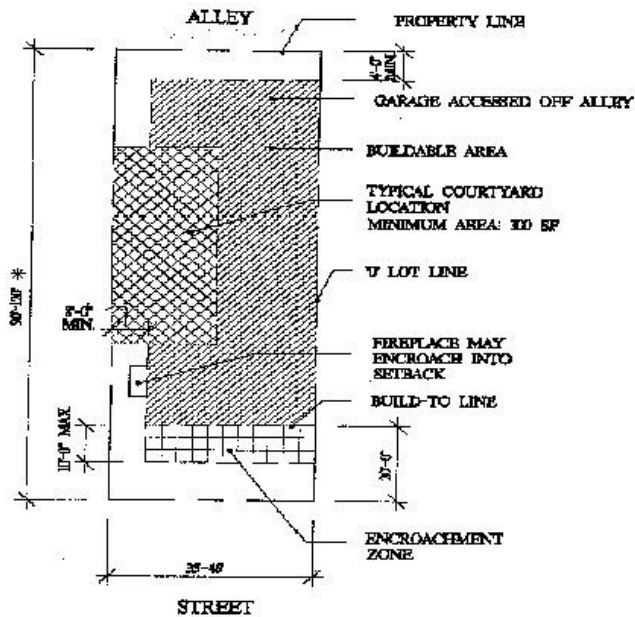
H: Infrastructure Guidelines
Center Road Section



CENTER ROAD SECTION

(Ord. 76-02. Passed 7-22-02.)

I: Courtyard Homes; Typical Site Plan



* THIS DIMENSION MAY BE LONGER ON AN ATYPICAL LOT. REFER TO CONCEPTUAL DEVELOPMENT PLAN

TYPE I COURTYARD HOMES TYPICAL SITE PLAN

(Ord. 76-02. Passed 7-22-02.)

V. SIGNAGE GUIDELINES.

Brunswick Town Center–Special Planning District Number 2

Part I: General Signage Guidelines

Commercial-less than 20,000 Sq. Ft.

Commercial-greater than 20,000 Sq. Ft.

Institutional/Office

General

Type

Identification

- Primary

- Ancillary

Identification

- Primary

- Ancillary

Identification

- Primary

- Ancillary

Directional

- Primary signs are wall-mounted or ground-mounted

- Ancillary signs are marquee, awning or window signs

Quantity

- One primary sign/business (wall-mounted)

- One primary sign/business (ground-mounted, type 6 only)

- One ancillary sign/business (except window signs)

- One wall-mounted rear facade sign for Main Street commercial only

- Two primary (wall-mounted)

- One primary (ground-mounted)

- Six ancillary

One primary sign/business**

No more than 2/access drive

** If a building is multi-tenant, one additional sign is permitted to identify the building as a whole

Configuration

- Wall-mounted, marquee, awning
- Ground-mounted (Type 6 only)
- Pole-mounted (Type 6 only)

(marquee signs are projecting signs perpendicular to the building face)

- Wall-mounted
- Ground-mounted
- Wall-mounted
- Ground-mounted

Pole-mounted signs, on type 6 buildings only, must coordinate with the development signage and street furniture (See Part II of table)

Size

Primary wall-mounted: Not to exceed 2 sq. ft./linear foot of building frontage

Primary ground-mounted: Not to exceed 24 sq. ft./face

Ancillary: Marquee, awning signs not to exceed 12 sq. ft.; must not project more than 3 ft. from building face.

Pole-mounted not to exceed 15 sq. ft. per side

Window signs not to exceed 25% of total clear glass area

Rear facade: not to exceed 1 sq. ft./linear ft. of business frontage

- Primary (wall) - not to exceed 2 sq. ft./linear ft. of business frontage
- Primary (ground) - Not to exceed 50 sq. ft. per side
- Ancillary - not to exceed 200 sq. ft. total
- Window signs not to exceed 25% of total clear glass area
- Wall-mounted - 1 sq. ft./linear ft. of business frontage, not to exceed 50 sq. ft.
- Ground-mounted not to exceed 24 sq. ft./ face of sign
- Directional not to exceed 24 sq.ft. each

Height

Pole-mounted - not to exceed 15 ft.

Allow 8 ft., 6 in. clear height below all signs

- Ground-mounted not to exceed 6 ft. high
- Ground-mounted not to exceed 6 ft. high

Material

Primary - Rohm & Haas plexiglass faces; metal

- Primary - Acrylic
- Ancillary - Acrylic
- Metal
- Fiberglass

Signs painted on walls not permitted in any district

Color

Subdued colors

Avoid primary and bright colors

Colors should coordinate with development signage wherever possible. See Part II of Table

Location

Signs affixed to buildings should fit within architectural framework of building

Awnings/marquees - must be located below cornice

Signs affixed to buildings should fit within architectural framework of building

Signs affixed to buildings should fit within architectural framework of building

No signs shall be permitted in the public right-of-way, except marquee or awning signs.

Marquee signs may project into the public ROW by a maximum of 3 ft. Awnings may project into ROW by 8 ft. maximum. Roof-top signs are not permitted in any district

Illumination

Individual internally backlit channel letters (except pole-mounted signs, which may be externally lit only)

Externally lit

Primary - individual internally backlit channel letters

Individual internally backlit channel letters

Externally lit

Illuminated sign cabinets not permitted in any district

Temporary Signs: Refer to Zoning Code Chapter 1270.

(Ord. 76-02. Passed 7-22-02.)

Brunswick Town Center–Special Planning District Number 2

Part II: Development Signage Guidelines

Development Signage Guidelines

General

Type

Directional, special event, identification

Quantity

Banners: 2 per light pole

Other: To be determined with Planning Commission approval

Configuration

Ground-mounted, pole-mounted, kiosks, banners

Size

Banners: 36 in. x 120 in. maximum; 30 in. x 98 in. minimum

Pole-mounted: Not to exceed 24 sq. ft. per face

Ground-mounted: Not to exceed 50 sq. ft. per face

Kiosk: Not to exceed 64 sq. ft ground area

Height

Pole-mounted: Not to exceed 15 ft. height

Ground-mounted: Not to exceed 6 ft. height

Kiosk: Not to exceed 12 ft. height, excluding roof

Material

Banners: Flame-retardant canvas fabric only. Vinyl banners shall not be used.

Other: Acrylic, metal

Color

Colors for all development signage should be coordinated within their respective neighborhoods

Location

Development signs may be located within the Main Street median or within the sidewalk areas along Main Street. Additionally, signs may be located within connector areas between Main Street buildings, and at sidewalks along rear of Main Street buildings. Signs may not obstruct an 8-ft. path along Main Street sidewalks at front of buildings

Illumination

Signs should be externally lit or internally lit channel letters. Faces of signs within kiosks may be backlit.

Pole-mounted signs may not be internally lit in any manner but must be externally lit

(Ord. 76-02. Passed 7-22-02.)

APPENDIX D

THE RESERVE AT AUTUMN CREEK

Section A Overview

These development guidelines, with the concept plan, comprise the conceptual development plan required by Chapter 1268 for the Autumn Creek-Reserve at Autumn Creek (or "Autumn Creek") Special Planning District Number 3 (SPD3). As such, the conceptual development plan is the zoning and development requirements for the 152-acre Autumn Creek SPD-3 area. All provisions of Part Twelve of the Brunswick Codified

Ordinances remain applicable to SPD-3, unless clearly indicated to the contrary in the development guidelines below.

Section B Purpose

The purpose of the Autumn Creek Special Planning District is to create a zoning district designed for low density, attached and detached homes, all of which are individually owned, with an opportunity for flexible and innovative site design to enhance the preservation of the site's unique natural features. More particular purposes for creating SPD-3 are as follows:

- (1) To allow site designers and developers to use ingenuity and imagination in keeping with the overall land use and open space objectives of the City's Comprehensive Plan, while departing from some specific requirements of the Zoning Code;
- (2) To allow more creative and flexible design of the built environment than possible with existing zoning, including a more desirable mix of attached and detached dwellings; and
- (3) To allow creative use of the clustering to concentrate homes on the site to maximize common open space, and to minimize disturbance of wetlands, flood plains, riparian setbacks and other natural areas.

Section C Definitions

As used in these development guidelines, certain terms are defined as follows:

- (1) Single family clusters which consist of:
 - (a) Single family cluster dwellings (restricted to the southwest nine (9) acres: an ownership arrangement where the individual dwelling unit owner holds fee simple title to the dwelling unit and may also own land beneath the foundation or a small lot around the foundation. Single family cluster dwellings may be a detached structure or may be attached to other dwelling units within the same structure.
 - (b) Single family cluster lots: a detached dwelling on a lot that complies with the provisions of Section H.
- (2) Conventional single-family lot: a detached dwelling on a lot that complies with the provisions of Chapter 1252, Chapter 1284 and Section G.

Section D Uses

Buildings and land shall be used only for the following purposes:

- (1) Conventional single-family lots, as defined in Section C;
- (2) Single family clusters -which consist of single-family cluster lots and single-family cluster dwellings, as defined in Section C;
- (3) Open spaces and recreation facilities on private land for the exclusive use of the residents, or publicly-owned;

(4) Accessory buildings or uses which are clearly secondary and incidental to a permitted principal use of the same lot, as specified on the conceptual development plan and in these regulations;

(5) No conditionally permitted uses listed in Section 1252.04, shall be permitted.

Section E Density, Unit Mix and Open Space

(1) Maximum Density. The gross density of the entire development area shall not exceed 1.7 dwelling units per net acre. Net acres exclude all street rights-of-way existing prior to approval of SPD-3.

(2) Unit Mix. A minimum of 55 percent of the units in SPD-3 shall be designed for conventional single family lots as defined in Section C. The balance of the units shall be designed for single family clusters- either lots or dwellings - as defined in Section C. No more than 18 percent of the units shall be single family cluster dwellings.

(3) Common Open Space. The total common open space shall be not less than 40 percent of the net acreage of the entire development. Common open space shall be further subject to the requirements of Section K.

Section F Conventional Single-Family Lots: Height and Floor Area

Within Autumn Creek SPD, conventional single-family lots and yards shall comply with the applicable R-L district requirements, except as provided below:

(1) Minimum lot area: 13,600 square feet.

(2) Minimum lot width: 85 feet.

(3) Minimum front yard width shall vary between 35 feet and 45 feet, provided each subdivision phase maintains an average front yard width of 40 feet, and shall be specified on subdivision plats. No more than two adjacent yards shall be the same width. On the perimeter of SPD-3, a front yard width shall be no more than 10 feet less or greater than the nearest lot in the adjoining subdivision.

(4) For corner lot, minimum second front yard: vary between 35 and 45 feet as specified in F(3) above.

(5) On cul-de-sac lots, the minimum side yard width shall be 5 feet, provided that an area of 15 feet is maintained between adjacent dwellings.

(6) Minimum rear yard: 35 feet.

(7) The limitations for accessory buildings or projections of the principal building on the individual residential lot shall be limited as follows:

(a) Non-enclosed patio roofs and/or covered porches shall be permitted to extend into the front yard a maximum of ten (10) feet.

(b) One (1) detached accessory building is permitted and shall be limited to the rear yard, shall not be greater than one-hundred (100) sq. ft., shall be designed with materials and style similar to the principal dwelling on the property and shall otherwise be in accordance with Section 1280.06 (c).

(c) Only in-ground swimming pools are permitted as defined and regulated by Chapter 1472 of the Codified Ordinances. These pools are not subject to the 20 percent coverage and the square foot limitations of subsection (b) above. Setback requirements for pools are established in Section 1472.03 of the Building and Housing Code.

(d) Fences are permitted in the rear yards to a maximum height of five (5) feet and shall be limited to white vinyl, if generally opaque, or decorative fences of wrought iron or of similar materials and openness.

(e) Rear yards shall have no paved areas intended for active recreational purposes such as basketball, or similar activities.

(8) The total area of the lot that is covered with principal and accessory buildings shall not exceed 20% of the lot area.

(9) Floor Area. Dwellings on a conventional single-family lot shall comply with the following minimum floor areas: 25 percent of the units shall be from 2,000 to 2,300 square feet and the remaining 75 percent shall be a minimum of 2,300 square feet exclusive of basements and garages. The first floor of the dwelling shall not be less than 900 sq. ft.

Section G Conventional Single-Family Lots: Design Standards

Conventional single family lots shall comply with the following design standards:

(1) There shall be a minimum of 16 inches between exterior wall finishes and the final grade. On elevations facing a street the exposed foundation shall be covered with brick or stone. On the other elevations exposed foundation walls shall be covered with brick, stone or masonry with a surface design. (Poured walls shall be permitted.)

(2) Conventional lots shall have their principal frontage on interior streets, and no lot shall have a driveway that directly enters Grafton Road.

(3) Chimneys for all gas or wood burning fireplaces shall have masonry exteriors, with the exception of direct vent fireplaces.

(4) All homes shall have overhangs at the soffit and gutter with a minimum of 12 inches.

(5) Garages shall be designed and located so that they are not the dominant visual element of the building or streetscape. Attached garages shall be fully integrated into the building mass.

(6) Twenty-five percent of all homes shall have 100 percent of the surface area of walls facing the street clad with brick or stone to add interest, value and character to the streetscape. Seventy (70%) percent of the remaining conventional single-family homes will have some brick or stone treatment or accent to enhance interest, value and character,

such treatment shall approximate 20 percent of total surface area facing the streetscape. This provision shall also apply to exposed foundation walls facing the street and shall apply to only one wall facing the street for corner lots.

(7) Trees shall be planted in the street right of way in front of each conventional single-family home. Tree plans showing characteristics of acceptable varieties, sizes, spacing and planting requirements shall be prepared by a landscape architect or certified arborist and approved by the Planning Commission. Tree plans may specify that specific varieties shall be uniformly planted on an entire street or neighborhood, or may specify that each homeowner may individually select from the approved tree list. The trees required by this section shall be in lieu of trees required by Section 1230.01 of the Subdivision Regulations.

(8) All homes shall have full basements, under the main part of the structure unless such basements are not practicable because of the unique environmental characteristics of the site in relationship to the proposed location of the dwelling units and are adjacent to a flood plain. Add-on family rooms, garages and similar structures beyond the basic habitable area of the home shall not require full basements. The main part of the structure shall be the standard floor plan of any given model, with a minimum of a basement of 900 square feet.

Section H Single Family Cluster Lots: General Requirements

Single family cluster lots shall comply with all requirements of the R-L district, except as specifically provided below.

(1) Number of Units. A maximum of 45 percent of the total dwelling units within SPD-3 shall be single family cluster lots. The balance of the units shall be conventional single family detached dwellings.

(2) Required Yards. Single family cluster lots shall maintain the following yards:

(a) Front yard: 25 feet from garage door to right-of-way line and 20 feet from the front of the dwelling to the right-of-way line.

(b) Other public street with through traffic: 30 feet from garage door to right-of-way line.

(c) Yard adjacent to Grafton Road: 50 feet from right-of-way line.

(d) Side yard setbacks shall be a minimum of five (5) feet on each side.

(e) Rear yard: 30 feet from any open space area and 50 feet from any conventional single family property line, inside or outside the single-family cluster lot. Where the single-family cluster lot is adjacent to common open space with a minimum dimension of 50 feet, an open porch may extend to within 15 feet of the open space area.

(f) Floor Area. Dwellings on single family cluster lots shall comply with the following minimum floor area: 1,500 square feet for a 2-story dwelling and 1,350 sq. ft. for a ranch unit. Ranch units shall not exceed fifty (50) percent of the units on the single-family cluster lots.

(g) Lot Coverage. Single family cluster lots shall have a maximum building coverage of 35%.

(h) Single family cluster lots shall include front yard trees comparable to the street trees required by Section G(7).

(i) One (1) guest parking space shall be provided for every five (5) lots.

(3) Garages shall be designed and located so that the garage door shall be a maximum of two (2) feet forward of the living area of the dwelling, if there is no covered porch, and a maximum of six (-6) feet forward of the living area if there is a covered porch on the front of the dwelling. All garages shall be attached and shall be fully integrated into the building mass.

Section I Single Family Cluster Dwellings: General Requirements

Single family cluster dwellings shall comply with all requirements of the R-L district, except as specifically provided below.

(1) General. The design criteria set forth in this section are intended to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open space and landscape features. Single family cluster dwellings may be arranged in various groups, courts, sequences or clusters with open spaces organized and related to the dwellings to provide privacy and to form a unified composition of buildings and space. Design criteria for single family cluster units are further established below and in Section J.

(2) Unit Types. Single family cluster dwellings may be unit types variously known as zero lot line, patio, atrium, townhouse, duplex, or triplex, or may be a specially designed detached unit. Within the design criteria established in this chapter, single- family cluster dwellings may include any type of physical arrangement, except no more than 3 single family cluster units may be physically attached via co-on or adjoining walls in a single structure.

(3) Dwellings shall be a minimum of 50 feet from the I-71 right-of-way and 50 feet from any other SPD-3 boundary.

(4) Minimum Building Separations. Buildings shall maintain a 10-foot minimum separation, provided windows on the opposing walls have a minimum horizontal separation of two (2) feet when measured from edge of window to edge of window. Where opposing windows have less than two (2) feet of horizontal separation, building walls shall be a minimum of 20 feet apart.

(5) Floor Area. Single family cluster dwellings shall comply with the following minimum floor area: 1,500 square feet for a 2-story dwelling and 1,350 sq. ft. for a ranch unit. Ranch units shall not exceed twenty (20) percent of the single-family cluster dwellings.

(6) Lot Coverage. Single family cluster dwellings shall be exempt from any lot coverage limitations.

(7) Parking. Within groups of attached single family cluster dwellings, additional guest parking shall be provided at a ratio of one space for each 3 such dwelling. Within groups of detached single family cluster dwelling, additional guest parking shall be provided at a ratio of one space for each 5 such dwellings. Additional guest parking areas may be required by the Commission if it determines that such additional parking is necessary to adequately serve the needs of the cluster area.

Section J Single Family Cluster Dwellings: Design Standards

In addition to the requirements of Section I above, single family cluster dwellings and groups of such dwellings shall be designed and sited according to the criteria established below:

- (1) Unity in groups of single-family cluster dwellings shall be created through use of common architectural and design elements such as color, building mass, roof lines, facade treatment, color, landscaping, setbacks and related features. However, these same elements shall also be used to prevent excessive uniformity in design elements within a cluster.
- (2) Front yards and facades shall be designed to create an interesting and varied streetscape. Visual monotony created by excessive block lengths shall be avoided.
- (3) Architectural and/or landscape elements that provide a logical transition to adjoining uses shall be provided.
- (4) Where practical, existing landscape features shall be incorporated into the design of clusters. Where these existing features are not available, landscape design shall be used to create interesting and varied streetscapes and living areas.
- (5) Visual access shall be provided for drivers backing from garages or driveways into the adjacent street. Buildings, landscaping and appurtenances shall be situated and set back to provide unobstructed visual clearance at intersections.
- (6) Cluster units and adjacent open space networks shall be designed to provide views of the open space from the street.
- (7) Cluster dwellings shall be designed with consideration for visual and acoustic privacy, adequate light and air, and the relationship between indoor and outdoor spaces, whether private or common.
- (8) Each cluster dwelling shall be designed to include private outdoor space at the minimum rate of 100 square feet per cluster dwelling. Private outdoor space shall be located and designed to maximize its utility and privacy to the dwelling it serves, especially in relation to adjacent units. Particular care must be given to outdoor privacy when two-story cluster dwellings are used.
- (9) Besides its other uses, landscaping shall also be used to lessen the intrusion of appurtenances such as transformer housings, cable pedestals, condensers, heat pumps, mailboxes and related items. Fire hydrants shall be located to be visually prominent.

(10) Doorways shall be defined and articulated with architectural elements such as lintels, pediments, porches or overhangs. Doorways shall be compatible with the building as a whole and with the doors themselves.

(11) There shall be a minimum of 16 inches between exterior wall finishes and the final grade. On elevations facing a street the exposed foundation shall be covered with brick or stone. On the other elevations the exposed foundation walls shall be covered with brick, stone or masonry with a surface design. (Poured walls shall be permitted.)

(12) For seventy (70) percent of the single family detached units, 25 percent of the surface area of walls facing the street shall be clad with brick or stone to add interest, value and character to the streetscape. This provision shall also apply to exposed foundation walls facing the street and shall apply to only one wall facing the street for corner lots.

(13) Chimneys for all gas or wood burning fireplaces shall have masonry exteriors, with the exception of direct vent fireplaces.

(14) All homes shall have overhangs at the soffit and gutter with a minimum of 12 inches.

Section K Common Open Space

The common open space required by Section E shall be reserved in perpetuity for such use. Open space shall be designed and appropriate instruments shall be created according to the provisions of Sections 1284.08 and 1284.09. The use of or activities in the common open space shall be confined to natural resource preservation and unpaved walking trails. Paved trails may be considered with the approval of the Planning Commission.

Section L Improvements

Utilities and streets, whether public or private, shall comply with Section 1284.09.

Section M Supplemental Provisions

(1) Planning Commission Modification. The Planning Commission may modify the strict requirements of the development guidelines if it finds that privacy, light and openness are improved because of skillful design in the arrangement of buildings, open spaces, landscaping or other site features. The Commission may also require, where an adjoining building is near a lot line, such features as fences and planting to protect adjoining residences. The Commission shall not decrease the lot areas, yard widths, common open space, or private open space requirements to allow the maximum density, permitted in SPD3, nor shall the Commission increase the maximum allowable density permitted in SPD-3.

(2) Supplemental Requirements. Autumn Creek SPD-3 shall be reviewed and approved according to the procedures in Chapter 1268, including the conceptual development plan and these development guidelines. In approving the conceptual development plan, or any portions thereof, the Planning Commission may attach written supplemental requirements to the plan. These supplemental requirements may be adopted by the Commission without a public hearing or action by City Council.

(3) Site Plan Review. Site plans for individual phases of this development and for the single-family cluster dwellings (which applies to the 9 acres in the southwest corner of the site) shall be further reviewed by the Planning Commission according to the procedures and requirements of Chapter 1278, Site Plan Review, including approval by City Council. Site plans shall clearly depict the required common open space and private open space areas, including proposed improvements thereto, required by the development guidelines. Site plans shall also comply with the provisions of Chapter 1276, Parking and Site Design, and Chapter 1282, Landscaping and Screening.

APPENDIX E GREENBRIAR COLONY SPECIAL PLANNING DISTRICT NUMBER 4

Section A Overview

These development guidelines, together with the concept plan, comprise the conceptual development plan required by Chapter 1268 for Greenbriar Colony. As such, the conceptual development plan is the zoning and development requirements for the 23.6-acre Greenbriar Colony SPD-4 area. All provisions of Part Twelve of the Brunswick Codified ordinances remain applicable to SPD-4, unless clearly indicated to the contrary in the development guidelines below.

Section B Purpose

The purpose of the Greenbriar Colony Special Planning District is to create a zoning district designed exclusively for low density, attached or detached homes, all of which are individually owned. SPD-4 is intended to create an opportunity for flexible and innovative site design and to allow density averaging across the zoning boundaries which exists prior to the SPD-4 designation. More particular purposes for creating SPD-4 are as follows:

- (1) To allow site designers and developers to use ingenuity and imagination in keeping with the overall land use and open space objectives of the Comprehensive Plan, while departing from the strict application of use, setback, height, lot size and related requirements of the Zoning Code;
- (2) To allow more creative and flexible design of the built environment than possible with existing zoning;
- (3) To allow creative use of the clustering and density averaging concepts to concentrate homes on the site in order to maximize common open space.

Section C Uses

- (1) Permitted Accessory Uses. Signs as regulated by Chapter 1270 and any use or structure which is accessory and incidental to a SPD-4 permitted use.
- (2) Permitted Uses. Condominium or cluster dwelling units, including but not limited to attached, detached, townhouse, patio and similar unit types, subject to the SPD-4 development guidelines and the site plan review procedures in Chapter 1278.

Section D Density, Separation and Floor Area Requirements

(1) Density. Maximum density shall be 4.15 units per net acre (excluding right of way). Actual density may be less, based on topography, required open space, building spacing or other considerations.

(2) Minimum Front Yard Widths.

(a) Public cul-de-sac or loop street: 25 feet from garage door to right of way line.

(b) Other public street with through traffic: 30 feet from garage door to right of way line

(c) Private drive, cul-de-sac or loop street: 25 feet from garage door to sidewalk or drive, whichever is closer.

(d) Other private street with through traffic: 30 feet from garage door to sidewalks or drive, whichever is closer

(e) Common driveways along Judita Drive: 20 feet from garage door to drive.

(f) Judita Drive: 35 feet from garage door to right of way.

(g) Judita Drive: 7 feet from right of way line to common drive.

(3) Minimum Building Separation.

(a) Dwellings shall be located 35 feet from the SPD-4 boundary for a one- story building and 10 feet more for each additional story.

(b) Dwellings shall be located 15 feet from all common open space. Where the dwelling is adjacent to common open space with a minimum dimension of 50 feet, open porches and decks may extend to within 5 feet of the common open space. Where the 50-foot dimension does not exist, open porches may extend to within 15 feet of the open space and decks may extend to within 10 feet of the open space.

(c) Building walls with opposing windows shall be a minimum of 20 feet apart. Where neither wall has a window or where one wall has a window and one wall does not, buildings may be 10 feet apart.

(d) Where the back of a building is adjacent to another building, there shall be a minimum separation of 50 feet. The Planning Commission may approve a lesser separation where site design insures privacy for private open spaces.

(4) Maximum Building Height.

(a) Principally permitted building: 35 feet.

(b) Accessory building: 15 feet

(5) Minimum floor area: 1,150 square feet.

Section E Development Standards

(1) Unit Types. Unit types may include detached buildings or attached buildings containing up to 4 dwelling units per building. All dwelling units shall have direct access to the outdoors without use of a central or common hall or stairway. All units shall be individually owned as condominiums or as cluster units as defined in these development guidelines.

(2) Landscaping. Landscaping shall comply with the requirements of Chapter 1282, including the 15-foot screening yard required in Section 1282.05(c).

(3) Design Standards:

(a) Garages shall be designed and located so that they are not the dominant visual element of the building or streetscape. All garages shall comply with one of the following:

(1) The garage door shall be set back a minimum of two feet further from the access street, whether public or private, than the front wall of the main living area; or

(2) The garage door shall be oriented perpendicular, or mainly perpendicular, to the access street.

All garages shall be fully integrated into the building mass.

(b) Structures buildings shall use offsets, projections, recesses and other comparable design elements to avoid long, uninterrupted wall or roof planes. Blank walls are prohibited, except where necessary to maintain privacy.

(c) Doorways shall be defined and articulated with architectural elements such as lintels, pediments, porches or overhangs. Doorways shall be compatible with the building as a whole and with the door themselves.

(d) There shall be a maximum of 16 inches between exterior wall finishes and the final grade. Exposed foundation walls shall be covered with brick, stone or masonry with a surface design.

(e) Sidewalks shall form a network of pedestrian paths with a logical continuity. Walks shall be designed around large trees and outcroppings without being overly rigid in their placement.

(f) Open space areas shall be planted with trees, shrubs, hedges, ground covers and grasses, unless existing vegetation is to be retained. Landscaping shall be integrated with other functional and ornamental site characteristics to reinforce the character of the area.

(4) Parking. Each dwelling unit shall have 2.5 parking spaces, including one space per unit in a garage which is physically attached to and directly accessible from the dwelling unit.

Section F Common ~~O~~pen Space

(1) Common open space shall be a minimum of 30 percent of the net acreage (excluding right of way) of the SPD-4 area, and shall be reserved in perpetuity for such use. Common

open space shall be designed and appropriate instruments shall be created according to the criteria established below and in Section G.

(2) Open space shall be available and accessible to all residents of SPD-4 and shall be designed primarily for their use. Common open space shall be exclusive of all streets, non-recreational buildings and individually-owned land.

(3) In order to ensure that all portions of the open space network are useful for that purpose, no portion of the common open space shall have a dimension of less than 50 feet, subject to modification by the Planning Commission for smaller sections which are particularly well-designed and meet the purposes of SPD-1.

(4) Common open space areas may be improved with appropriate recreation facilities and structures, such as tennis courts, pools, pavilions or other recreational features.

(5) Significant natural amenities, such as outcroppings, tree stands, ponds, ravines and stream channels should be left in their natural state and considered part of the required open space, subject to these standards.

(6) Common open space shall be designed as a network of spaces offering pedestrian access throughout SPD-4 and to maximize the number of homes which are adjacent to the open space.

Section G Common Open Space Disposition

(a) Intent. The design standards in this section are intended to insure adequate open spaces, recreation areas and related design standards for the benefit of the residents of the SPD-4 area, comparable to a single-family complex.

(b) Common Open Space. The development in the SPD-4 area shall provide common open space equal to a minimum of 30 percent of the development area, excluding right-of-way. As used in this chapter, common open space includes outdoor areas or enclosed recreational areas designed for use by all of the residents, and their guests, of the SPD-4 development. Common open space includes lawns and other landscaped areas, natural areas, paved terraces and sitting areas and indoor or outdoor recreation areas. Common open space excludes vehicle parking or circulation areas, and individually controlled land. Common open space in excess of the above minimum may be considered for park and recreation credits as provided in Chapter 1232.

(c) Recreation Space. The SPD-4 development shall provide recreation space equal to a minimum of 5.8 percent of the gross development area. Recreation space is a component part of the open space required by (b) above. Recreation space shall be appropriately improved for use by residents and their guests, and shall include a mix of activities such as play apparatus; active use areas for tennis, basketball or comparable activities; areas for sitting or gathering; open play fields; and walkways or other recreation improvements (excepting walks adjacent to a private street or drive). All recreation space shall have a least dimension of 50 feet. At least one recreation area shall be a block with minimum dimensions of 100 feet by 100 feet and the balance shall be in large blocks to support its

intended recreation use. Improvements to recreation space may be considered for park and recreation credits as provided by Chapter 1232.

(d) Private Open Space. Each multifamily dwelling unit shall be provided open space at the ratio of 100 square feet per unit. Private open space shall not occupy any portion of the common open space or recreation space required in subsections (b) and (c)

above. Private open space shall be specifically designed and constructed to be used and enjoyed by the residents of an individual dwelling unit, and shall be located adjacent to and reasonably accessible from the dwelling unit. Such space shall be screened or otherwise designed to provide privacy for the intended users.

(e) Exclusions. Stormwater detention areas may receive full credit towards the common open space requirement in (b) above if they are designed and improved for an appropriate open space use (such as a lake or playfield) in addition to stormwater detention. Single purpose detention basins shall not receive credit toward the open space requirement. Water areas shall not exceed 50 percent of the minimum recreation area in (c) above.

Section H Supplemental Requirements.

(1) Planning Commission Modification. The Planning Commission may modify the strict requirements of the development guidelines if it finds that privacy, light and openness are improved because of skillful design in the arrangement of buildings, open spaces, landscaping or other site features. The Commission may also require wider yards, where an adjoining building is near a lot line, and may require such features as fences and planting to protect adjoining residences. The Commission shall not decrease the yard width, common open space, or private open space requirements in order to allow the maximum number of units permitted in SPD-4, nor shall the Commission increase the maximum allowable density permitted in SPD-4.

(2) Site Plan Review. Each development phase of SPD-4 shall require review and approval of site plans as provided in Chapter 1278, including approval by City Council. Site plans shall clearly depict the required common open space and private open space areas, including proposed improvements thereto, required by the development guidelines. Site plans shall also comply with the provisions of Chapter 1276 Parking and Site Design and Chapter 1282 Landscaping and Screening.

(3) Supplemental Provisions. In reviewing the Greenbriar Colony SPD-4 development plan, or any portions thereof, the Planning Commission may attach written supplemental provisions to the plan. These supplemental requirements may be adopted by the Commission without a public hearing or action by City Council.

Section I Definitions

As used in these development guidelines, certain terms are defined as follows:

(1) Condominium: the same as defined in Chapter 5311 of the Ohio Revised Code.

(2) Cluster dwelling unit: an ownership arrangement where the individual unit owner holds fee simple title to the land beneath the foundation and may also own some amount of

land around the foundation. A cluster may be a detached structure or may be attached to other dwelling units within the same structure.

(Ord. 118-03. Passed 11-10-03.)

APPENDIX F

SENIOR DEVELOPMENT SPECIAL PLANNING DISTRICT NUMBER 5

Design Guidelines

Special Planning District Number 5 (SPD-5)

1) DEFINITION

a) This SPD-5 is defined as a self-contained, care-based, residential development for individuals fifty-five years of age and older, or for individuals less than fifty-five years of age when residing with a spouse or sibling fifty-five years of age or older. All residents will have some degree of services and medical care available to them.

2) SITE PLANNING CRITERIA

a) Ancillary Facilities. This senior-living development shall contain the following ancillary facilities: a multipurpose activity room, dining room, health and counseling office, meeting room, a lounge area, area for passive and active recreation, and any and all other amenities required to meet the needs of the senior residents.

b) Special Safety and Convenience Features. This senior-living development shall be designed specifically for seniors, incorporating necessary safety and convenience features.

i) The site amenities provided should be more attractive than for multifamily projects, since the elderly people spend nearly all their time on the site.

ii) The yards and passive recreation areas should be extensive in quantity and fully landscaped.

iii) There should be a composition of small, intimate, private yard and court areas for a variety of passive activities.

iv) All pedestrian walkways designed for the use by residents shall be accessible. In addition, at least one accessible route within the site shall be provided from any public transportation stops, accessible parking, all resident facilities, accessible passenger loading zones, and public streets or sidewalks to an accessible entrance to each housing unit.

c) The Neighborhoods. The site shall be divided into two neighborhoods to provide specific regulations for each side. The West Neighborhood shall be approximately 7.5 acres on the West side of the property. The East Neighborhood shall be approximately 8.7 acres on the East side of the property. The specific regulations for each neighborhood shall be specified in this SPD-5 guidelines.

3) BASIC DEVELOPMENT STANDARDS FOR THE ENTIRE DEVELOPMENT SITE

- a) Minimum front yard setback: 30 feet
- b) Minimum side yard setback: 50 feet

—c) Minimum rear yard setback: 50 feet

d) Landscaping Requirements

i) The front yard to the West of the SPD-5 development shall be landscaped and shall not be used for parking or any other purpose, except driveways to reach designated parking areas. The following shall be allowed in this area: a sign and retaining wall with fall-protection fence that is properly landscaped to soften the façade. The fall-protection fencing shall be approximately 3-4 feet tall, built of wrought iron, or similar material. See Chapter 1282 Landscaping and Screening and 1270 Signs for other regulations.

ii) The South side yard shall be landscaped to provide a buffer between the residential neighborhood to the South and the SPD-5 development area. This area may be used for stormwater management, including wetland and stream enhancement. The SPD-5 development will not increase water detention on the properties to the South and will improve water drainage for those properties.

(1) The buffer area to the South shall be maximized by thoughtful placement of built components, such as buildings and roads to the North of this buffer. The natural vegetation, and especially large trees, within this buffered area shall be protected to the extent possible. The construction process, addressing of drainage issues, and stream enhancement efforts shall be done with sensitivity and care to avoid damage to trees and root systems within this buffered area. Where it is impossible to save trees during the construction process, drainage work, and stream enhancement efforts, appropriate trees shall be replanted.

iii) The North side yard shall be landscaped to provide a buffer between the church property to the North and the SPD-5 development area. This area accommodates a large wetland area in the East neighborhood. In the West neighborhood, this area may accommodate necessary retaining walls with fall-protection fence that are properly landscaped to soften the façade, outdoor patios and recreation areas, and sidewalks that could link to activities on the church property. The fall-protection fencing shall be approximately 3-4 feet tall, built of wrought iron, or similar material. Landscaping will be provided in this yard area to screen loading areas, dumpsters, and other utility uses. An access road and staff parking will be located in this area and will be properly screened from the church property.

(1) The natural vegetation, and especially large trees, within the buffered area to the North shall be protected, to the extent possible. Construction shall be done with sensitivity and care to avoid damage to trees and root systems within this buffered area.

iv) The rear yard to the East of the SPD-5 development shall be landscaped to provide a buffer between the residential neighborhood to the South and East and the SPD-5 development area. This area shall provide an easement to the City of Brunswick that will allow for the use of a public, connection drive from Alice Avenue to Gaynard Avenue. A private access drive to the SPD-5 development area will be located in this area from the new connection drive. This access point shall be gated with a "breakaway" gate used only for emergencies. A turn-around road is located in this area for emergency vehicles and visitors. All drives shall be located a minimum of 10 feet from the property line and shall be landscaped.

(1) The natural vegetation, and especially large trees, within the buffered area to the East shall be protected, to the extent possible. Construction shall be done with sensitivity and care to avoid damage to trees and root systems within this buffered area. Additional trees of appropriate species, both evergreen and deciduous, will also be added in this East end buffer to enhance the buffer's effectiveness.

v) Trees of an appropriate species and mature size shall be planted along the main roadways on both sides, and in other locations, as appropriate to add shade, reduce wind, and enhance aesthetics of the site. Thought shall be given in the selection and placement of new trees to the following:

(1) The tree species' hardiness, appropriateness for the climate, and susceptibility to disease and pests.

(2) The tree species' messiness, speed of growth, and maintenance requirements

(3) The appropriateness of the mature trees size, shape, and overall aesthetic appeal to the scale and texture of the built and natural environment in which it will be placed

(4) The root structure's potential damage to walks, roadways, foundations, pipes, and other structural elements

(5) The potential rubbing of a mature tree's branches on buildings

(6) A growing tree's potential for interference with snow removal and clear sight lines of vehicular traffic.

vi) The landscape design shall be regulated by chapter 1282 Landscaping and Screening.

e) Lighting Standards: Lighting shall be provided near all circulation areas, buildings, and recreation areas where appropriate. The lighting design shall follow the guidelines below to promote safety, conserve resources, reduce effects on neighbors, and avoid light pollution.

i) Exterior lighting shall be designed and located at a pedestrian scale consistent with pedestrian movements and the neighborhood.

ii) The site shall be lite in a way that promotes use of the area after dark and addresses safety concerns.

iii) Lighting shall be spaced together closely to create an even lighting of the sidewalk, features a white light, and be concealed or shielded to avoid glare.

iv) Lighting poles and fixtures shall be compatible with the function and design of the feature and the aesthetics of the property.

v) The position of a lamp along a pedestrian walkway shall not exceed fifteen feet in height above the surface of the walkway.

vi) Total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit, which is 2.5 lumens per SF of hardscape. The following shall be provided to the zoning commission prior to final plat approval:

(a) A calculation of the total square footage of hardscape in the project, the total allowable lumens, and the total lumens and foot-candles of outdoor lighting to be installed.

(b) A table showing all exterior luminaires to be installed, their output in lumens, and the height at which they will be installed.

(c) In addition, all exterior lighting shall comply with the requirements, as outlined in 1276.14 of the City of Brunswick Planning and Zoning Code.

f) Common Open Space: Each SPD-5 development shall provide common open space equal to a minimum of thirty percent (30%) of the development area. Common open space includes outdoor areas or enclosed recreational areas designed for use by all the residents, and their guests. Common open space includes lawns and other landscaped areas, natural areas, paved terraces and sitting areas, and indoor or outdoor recreation areas. Common open space excludes all areas within 20 feet of a building wall, vehicle parking or circulation areas.

g) Parking and Road Standards

i) All parking spaces shall be 9 feet by 19 feet.

ii) All drives between 90-degree parking spaces shall be 24 feet.

iii) All other drives shall be a minimum of 20 feet.

iv) The West entry drive shall match the width of the existing access road from Pearl and then shall taper to a minimum of 25 feet to the property line. From the property line, the road shall taper to 22 feet.

h) Stormwater Standards

i) All stormwater and drainage requirements as outlined in Section 1230.01 and Sections 1234 and 1236 will apply to this SPD-5. Where conflicts arise between these sections, the more stringent standard shall be followed.

4) THE WEST NEIGHBORHOOD

a) PERMITTED USES:

i) Congregate Living

(1) These types of residences include services provided on-site, within the building, that provide basic daily needs for the residents. Such services may include, but are not limited to housekeeping, transportation and basic daily care. Such facilities may include, but are not limited to dining, spa, beauty/barber shop, fitness, activity, indoor living spaces, and outdoor living/activity spaces. Types of permitted congregate living are as follows:

(2) Assisted Living

(a) A coordinated array of supportive personal and health services, available 24 hours a day, to residents who need those services in a residential setting. Promotes self-direction and participation in decisions that emphasize independence, privacy, dignity, and homelike surroundings. Such facilities may include, but are not limited to dining, spa, beauty/barber shop, fitness, activity, indoor living spaces, and supervised outdoor living spaces.

(b) Each unit shall contain: a sleeping area/bedroom, closet, bathroom, kitchenette, living space.

(3) Memory Care

(a) Assisted or Skilled Nursing care specifically for those who have Alzheimer's, dementia, or other age-associated memory impairments. Such facilities may include, but are not limited to dining, spa, beauty/barber shop, fitness, activity, indoor living spaces, and secured outdoor living spaces.

(b) Each unit shall contain: a sleeping area/bedroom, closet, and bathroom.

(4) Skilled Nursing

(a) Residential facility providing daily nursing and/or rehabilitative care that can be performed only by or under the supervision of skilled medical personnel. Such facilities may include, but are not limited to dining, and indoor living/activity spaces.

(b) Each unit shall contain: a sleeping area, closet, and bathroom.

ii) Accessory Structures

(1) The dumpster enclosure shall have 3 sides of masonry that matches the façade of the congregate living building, with the 4th side being an opaque gate for access, as specified on the conceptual development plan and in these regulations. This enclosure shall be buffered with landscaping.

(2) The generator enclosure shall have walls, approximately 10 feet in height, clad in a mix of materials including masonry to match the congregate living building, as specified on the conceptual development plan and in these regulations. This enclosure shall be buffered with landscaping.

(3) An entry sign that matches in style, design, and materials the congregate living building, and as regulated by Chapter 1270.

(4) Other accessory structures shall be permitted in the recreation areas to provide shelter, recreational activity space, and/or storage for recreational activities. These structures shall match the style, design, and materials of the independent living buildings, be secondary in scale, and no more than 25 feet tall.

b) SITE AND BUILDING REQUIREMENTS

i) Minimum lot area: 7.5-acre neighborhood area

ii) Minimum floor area per unit: Minimum 360 square feet per unit, plus minimum 120 square feet for each additional bedroom or bed (see supporting documents for comparable unit sizes)

iii) Maximum building height: 50 feet, this will accommodate a 2-story building and keeps with the scale of the surrounding buildings.

iv) Density: a maximum of 15 units per acre

v) Accessibility Standards:

(1) All facilities shall meet the accessibility standards as outlined in the Ohio Administrative Code 4101:1-11-01

vi) Building Design Standards:

(1) Buildings shall have a maximum of 112 units.

(2) The front façade of the building shall provide a varying shape to break up the face of the building and to avoid walls in excess of 50 feet.

(3) A single material covering the exterior of a building shall not exceed 50% of the total façade. There shall be a minimum of 3 materials used on the building, one of which must be masonry.

(4) Style and materials shall match those used in the East Neighborhood.

(5) Earth tones will prevail in the color scheme throughout the West Neighborhood.

(6) All overhangs must be a minimum of 12 inches.

(7) All roofs will maintain at least a 4/12 pitch, with the predominant roof structures at a minimum of 6/12 pitch. Long rooflines shall be broken up through the use of gables, dormers, or other design elements.

(8) A means, such as a snow retention system, will be installed to ensure the safety of pedestrians from the dangers of snow falling from roof surfaces onto pedestrians below.

(9) Roofing colors shall be complementary to and darker than the predominant siding material.

(10) All exterior materials shall be low maintenance and durable, with resistance to moisture, wind, and sunlight.

(11) Windows throughout the development shall be generous in size and number to allow for sunlight to enter the interior spaces. Windows shall have a consistent mullion design throughout the development.

vii) Building Spacing:

(1) The congregate living building, including their terraces, decks and patios, shall be separated by at least 30 feet to other buildings, except when windows of living areas and patios, decks and terraces face each other, they shall be separated by at least 40 feet, unless visions obscuring landscaping, walls or fences are provided between such patios, decks, or terraces.

viii) Recreation Space: minimum of 60 square feet of common recreation space per unit is required. This space shall be grouped in large blocks, secured where necessary, and well landscaped.

ix) Private Open Space: not required for congregate living facilities because of safety concerns. (see supporting documents for references)

x) Parking Requirements: there shall be a minimum of .5 parking spaces per dwelling unit, per Table 1276.1. See Chapter 1276 Parking and Site Design.

5) THE EAST NEIGHBORHOOD

a) PERMITTED USES:

i) Independent Living with Services

(1) These residents will be participants in the on-site, medical care community while maintaining a degree of independence. They will benefit from services that may include, but are not limited to transportation, home health assistance, meals, maintenance, housekeeping, and concierge services. These residences may be attached units with private garages and entrances.

(2) Each unit shall contain: a bedroom, closet, bathroom, kitchen, living space, at least a 1 car-garage, and 60 square feet of private open space such as a patio.

ii) Accessory Structures

(1) The maintenance and storage building shall match the style, design, and materials of the independent living buildings, be no larger than 30 feet by 30 feet, be no more than 25 feet tall, and as specified on the conceptual development plan and in these regulations. This building shall be buffered with landscaping.

(2) Other accessory structures shall be permitted in the recreation areas to provide shelter, recreational activity space, and storage for recreational activities. These structures shall match the style, design, and materials of the independent living buildings, be secondary in scale, and no more than 25 feet tall.

b) SITE AND BUILDING REQUIREMENTS IN THE EAST NEIGHBORHOOD

- i) Minimum lot area: 7.5-acre neighborhood area, 16 acres for total site
- ii) Minimum floor area per unit: Minimum 1000 square feet for each one-bedroom unit; plus minimum 120 square feet for each additional bedroom
- iii) Maximum building height: 35 feet, this will accommodate a single-story building and keeps with the scale of the surrounding neighborhood.
- iv) Density: a maximum of 5 units per acre
- v) Accessibility Standards:
 - (1) All housing units shall have at least one accessible entrance. To the extent feasibly, all entrances and exterior private spaces for use by residents such as porches, decks, balconies, and walks shall be accessible. Where accessibility to secondary entrances and private spaces is not feasible, there shall not be more than two steps to these areas.
- vi) Building Design Standards:
 - (1) Buildings shall have a maximum of 4 units attached in a single building.
 - (2) The front façade of each building shall provide a varying shape to break up the face of the building.
 - (3) A single material covering the exterior of a building shall not exceed 50% of the total façade. There shall be a minimum of 3 materials used on the building, one of which must be masonry.
 - (4) Style and materials shall match those used in the West Neighborhood.
 - (5) All overhangs must be a minimum of 12 inches.
 - (6) Earth tones will prevail in the color scheme throughout the East Neighborhood.
 - (7) All roofs will maintain at least a 6/12 pitch. Long rooflines shall be broken up through the use of gables, dormers, or other design elements.
 - (8) Roofing colors shall be complementary to and darker than the predominant siding material.
 - (9) All exterior materials shall be low maintenance and durable, with resistance to moisture, wind, and sunlight.
 - (10) Windows shall be generous in size and number to allow for sunlight to enter the interior spaces. Windows shall have a consistent mullion design throughout the development.
 - (11) Garages shall be designed and located so they are not the dominant visual element of the building or streetscape. All attached garages shall comply with the following:

(a) The garage door shall be set back a minimum of 25 feet from the road or sidewalk, whichever is closer, and shall be set back a minimum of 2 feet from the front façade of the building.

(b) All attached garages shall be fully integrated into the building mass.

vii) Building Spacing:

(1) Independent living residences, including their terraces, decks, and patios require setbacks of:

(a) 15 feet front yard setback to sidewalk or road, whichever is closer; and 25 feet from garage door to sidewalk or road, whichever is closer.

(b) 20 feet side yard setback to another single-family structure or road

(c) 30 feet rear yard setback to another single-family structure or road

viii) Recreation Space: minimum of 500 square feet of common recreation space per unit is required. In developments of more than 4 acres, at least one recreation area shall be a block with minimum dimensions of 100 feet by 100 feet and the balance shall be in large blocks to support its intended recreation use.

ix) Private Open Space: minimum of 60 square feet per unit is required. Private open space shall not occupy any portion of the common open space or recreation space already required. Private open space shall be specifically designed and constructed to be used and enjoyed by the residents of an individual dwelling unit. Such space shall be screened or otherwise designed to provide privacy for the intended users.

x) Parking Requirements: there shall be a minimum of 2 off-street parking spaces per dwelling unit, one of which shall be in a garage attached to its corresponding unit. In addition, 1 off-street visitor space per every 5 units shall be provided. See Table 1276.1. See Chapter 1276 Parking and Site Design.

(Ord. 13-19. Passed 2-25-19.)

APPENDIX G Design Guidelines

Meadow View Special Planning District Number #6

Section A Overview.

These development guidelines, together with the concept plan, comprise the conceptual development plan required by Chapter 1268 for Meadow View. As such, the conceptual development plan is the zoning and development requirements for the 1985 acres SPD-6 area. All provisions of Part Twelve of the Brunswick Codified ordinances remain applicable to SPD- 6, unless clearly indicated to the contrary in the development guidelines below.

Section B Purpose.

The purpose of the Meadow View Special Planning District is to create a zoning district designed exclusively for low density, detached cluster homes, all of which are individually owned. SPD-6 is intended to create an opportunity for flexible and innovative site design and to allow density averaging across the zoning boundaries which exists prior to the SPD-6 designation. More particular purposes for creating SPD-6 are as follows:

- (1) To allow site designers and developers to integrate the concept of "Building Envelopes", within which all structures and their respective appurtenances shall be constructed.
- (2) To allow site designers and developers to use ingenuity and imagination in keeping with the overall land use and open space objectives of the Comprehensive Plan, while departing from the strict application of use, setback, lot size and related requirements of the Zoning Code;
- (3) To allow more creative and flexible design of the built environment than possible with existing zoning;
- (4) To allow creative use of the clustering and density averaging concepts to concentrate homes on the site in order to maximize common open space.

Section C Uses.

- (1) Permitted Accessory Uses. Signs as regulated by Chapter 1270 and any use or structure which is accessory and incidental to a SPD-6 permitted use.
- (2) Permitted Uses. Detached cluster dwelling units including single and two-story unit types with option of patios and/or raised decks subject to the SPD development guidelines and the site plan review procedures in Chapter 1278.

Section D Density Separation and Floor Area Requirements.

- (1) Density. Maximum density shall be 3 units per net acre. Actual density may be less, based on topography, required open space, building spacing or other considerations.
- (2) Minimum Envelope Size.
 - (a) Width of Envelopes shall be at least 4'-4" at Building Line
 - (b) Depth of Envelopes shall be at least 60'
- (3) Minimum Front Yard Widths.
 - (a) Public Street with 50' ROW: 16 feet from front of structure to right of way line, Back of Sidewalk will be 4' inside R/W. Allowing for 20' from back of sidewalk to front of building envelope.
- (4) Minimum Building Separation.

(a) Building Envelopes shall be located 20 feet from the SPD- 6 boundary on the North, South and East.

(b) Building Envelopes shall be located 40' from the Road ROW on the West SPD- 6 Boundary at South Carpenter Road

(c) Building Envelopes shall be at a minimum 15' from any other Building Envelopes, Structures shall by rule also be a minimum of 15' from each other. ~~Not~~ ~~withstanding~~ ~~notwithstanding~~ roof overhangs and gutters. 24" of variance outside of the building envelope will be given to roof or building overhangs, gutters and downspouts, fireplaces and bay windows.

(d) Any Decks or Patios either on grade or raised must also fit inside of the Building Envelope provided.

(5) Maximum Building Height.

(a) Principally permitted building: 35 feet

(6) Minimum floor area.

(a) Minimum Living Area Single Floor (Ranch) Building Type - 1200 Square Feet

(b) Minimum Living Area - Multiple Floor Building Type (Two Story) Up or Down 1500 Square Feet with 1000 Square Feet minimum on the Main Living Floor.

(c) Only Floor Levels Entirely above grade shall be included in the calculation of minimum square footage requirements.

Section E Development Standards.

(1) Unit Types. Unit types shall be detached buildings containing 1 dwelling unit per building. All dwelling units shall have direct access to the outdoors without use of a common walkway.

Units shall be individually owned as cluster units as defined in these development guidelines.

(2) Landscaping. Landscaping shall comply with the requirements of Chapter 1282 - Street Trees shall not be provided. In lieu of street trees each residence shall provide in its landscape plan an appropriately sized tree in the front yard between the home and the sidewalk. Type and Size to be approved by the Architectural Review Committee (ARC) as set forth in the approved HOA Documents.

(3) Design Standards.

(a) Primary Entryways (Front Door) shall be defined and articulated with architectural elements such as lintels, pediments, porches or overhangs and trimmed with a minimum 6"

width material. Doorways shall be compatible with the building as a whole and with the door themselves.

(b) All Structures shall have Architectural Continuity of Design.

(c) Street Lighting.

A. Lighting will be provided by each dwelling unit in the form of an Electric Lamp Post installed in a uniform location. Lamp Post shall be installed 24" to the house side of the sidewalk for homes with a sidewalk. For homes without a sidewalk Lamp Post shall be installed in the same location as if a sidewalk existed.

i. Said lights and location will be uniform in design and location throughout the Meadow View neighborhood.

ii. Post light to be selected and designed to limit light pollution upwards and focus light downward.

iii. Light bulbs and colors shall remain uniform as approved by the Meadow View Association.

B. Street Lighting Installed as Required by City of Brunswick Guidelines at Intersections and Cul De Sacs - Appropriately Sized and Downward Directional Lighting to be Selected.

(d) Prohibited Structures.

A. Pools both above ground, in ground temporary or permanent are expressly prohibited.

B. Accessory Buildings such as but not limited to Sheds/Storage Buildings are expressly prohibited.

C. Permitted Buildings - The Meadow View Association shall be permitted to build and maintain a maintenance building and pavilion as needed and shown on the approved site plans.

(e) All Structures shall have 8" Width Frieze Boards, 6" Width window trim and Architectural Grade Materials on the Street Facing Primary "Front" Elevations of the Structure.

A. Street Facing Primary Elevations are permitted to have a Maximum of 40% horizontal vinyl lap siding. 60% of Primary Elevations shall be Architectural Grade Materials as defined below and ALWAYS Included at least 2 different combinations of such materials.

i. Architectural Grade Materials Shall Include - Brick, Stone (Manufactured or Natural), Vinyl Shake Style Shingles, Vinyl Vertical Board & Batten Siding. Other Materials as approved by the Meadow View Association ARC but never to include horizontal Vinyl Siding.

ii. Method of Calculating Percentage of Surface Area for this purpose - Surface Area the Primary Street Facing Elevation of the Home after deducting Window, Door and Garage Door Areas.

B. Street Facing Primary Elevations of all Structures shall include at least 3 - "Three Dimensional Architectural Features"

i. Three Dimensional Architectural Features shall include but not be limited to:

- a. Street Facing Gables with Design Elements Installed
- b. Dormers
- c. Front Porches
- d. Decorative Three- Dimensional Roofs

e. Items Similar to the Architectural Elements as shown on the approved Plan Elevation Views Attached herein.

C. Sides and Rear of Structures shall use Architectural Elements to create visual interest and limit long spans of uninterrupted horizontal vinyl siding or similar materials. No Continuous Spans longer than 16 Feet shall be allowed without an Architectural Element.

i. Architectural Elements shall include details such as but not limited to: Windows, Shutters, Changes in Texture/Finish and Materials, Trim Boards, Recesses and Offsets.

(f) Garages.

A. Garage Faces and Doors shall be a maximum of 2' forward (Towards the primary access street) of either the front wall of the main living area, if there is no covered porch; or the front porch line, provided the porch is both covered with a roof and has foundation and frost footing. In no instance shall the garage face/door be more than 8' in front of the main living area.

B. All Garage Doors shall have a minimum of 6" trim on all three sides

(g) Street Facing Primary Elevations shall have Brick or Stone (Manufactured or Natural) covering the exposed foundation walls to Grade.

(h) Sides and Rear of home exposed foundation walls shall be covered with vinyl siding, brick, stone or masonry with a surface design. Poured Concrete with a Brick Pattern is considered a surface design for sides and rear of homes. There shall be a maximum of 16 inches between exterior wall finishes and the final grade.

(i) Sidewalks shall form a network of pedestrian paths with a logical continuity. Walks shall be designed around large trees and outcroppings without being overly rigid in their placement. Walkability of the neighborhood for residents shall be given priority in site design.

(j) Open space areas shall be planted with trees, shrubs, hedges, ground covers and grasses, unless existing vegetation is to be retained. Landscaping shall be integrated with other functional and ornamental site characteristics to reinforce the character of the area.

(k) Each dwelling unit shall have 2 parking spaces per unit in a garage which is physically attached to and directly accessible from the dwelling unit. Each dwelling unit shall also have a drive specified above wherein 2 standard automobiles can be parked as well.

(l) Diversity of Plan Designs, Elevation Designs and Colors.

A. No dwellings will be constructed with the same siding color next door to a dwelling that has the same primary siding color. A minimum of two homes must separate the same primary siding color from each other.

B. The same floor plan/elevation design will not be constructed side to side. A Minimum of two homes must separate the same floor plan/ elevation design from each other.

C. If the same floor plan design is proposed on two adjacent sites, both plans must be approved directly by the Meadow View ARC to insure diversity in form and architectural design elements for the Elevation View.

Section F Common Open Space.

(1) Common open space shall be a minimum of 30 percent of the net acreage (excluding right of way) of the SPD-6 area, and shall be reserved in perpetuity for such use. Common open space shall be designed and appropriate instruments shall be created according to the criteria established below and in Section G.

(2) Open space shall be available and accessible to all residents of SPD- 6 and shall be designed primarily for their use. Common open space shall be exclusive of all streets, non-recreational buildings and individually-owned building envelopes.

(3) Common open space areas shall be improved with appropriate recreation facilities and structures, such as pavilions or other recreational features.

(4) Significant natural amenities, such as outcroppings, tree stands, ponds, ravines and stream channels should be left in their natural state and considered part of the required open space, subject to these standards.

(5) Common open space shall be designed as a network of spaces offering pedestrian access throughout SPD-4 and to maximize the number of homes which are adjacent to the open space.

Section G Common Open Space Disposition.

(1) Intent. The design standards in this section are intended to insure adequate open spaces, recreation areas and related design standards for the benefit of the residents of the SPD-6 area.

(2) Common Open Space. The development in the SPD- 6 area shall provide common open space equal to a minimum of 30 percent of the development area, excluding right-of-way. As used in this chapter, common open space includes outdoor areas or enclosed recreational areas designed for use by all the residents, and their guests, of the SPD- 6 development. Common open space includes lawns and other landscaped areas, natural areas, paved terraces and sitting areas and indoor or outdoor recreation areas. Common open space excludes vehicle parking or circulation areas, and individually controlled building envelopes. Common open space in excess of the above minimum may be considered for park and recreation credits as provided in Chapter 1232.

(3) Private Outdoor (Open) Space. Each Building Envelope shall contain private outdoor space at the ratio of 200 square feet per building envelope at a minimum.

(a) Minimum Dimension of 10' is required for one side/boundary of said Private Open Space.

(b) Private open space shall not occupy any portion of the common open space or recreation space required in subsections (1) and (2) above. As such all Private Outdoor Space shall be contained within the Building Envelope for each cluster home residence.

(c) Private open space shall be specifically designed and constructed to be used and enjoyed by the residents of an individual dwelling unit, and shall be located adjacent to and reasonably accessible from the rear of the dwelling unit.

(d) Private open space can be outdoor space covered and/or not covered and can be integral to the structure of the dwelling unit as long as it is "Outdoor" space not heated and temperature-controlled space.

(4) Exclusions. Stormwater Management areas may receive full credit towards the common open space requirement in (b) above if they are designed and improved for an appropriate open space use (such as a lake or playfield) in addition to stormwater detention. Single purpose detention basins shall not receive credit toward the open space requirement. Water areas shall not exceed 50 percent of the minimum recreation area in (c) above.

Section H Supplemental Requirements.

(1) Planning Commission Modification. The Planning Commission may modify the strict requirements of the development guidelines if it finds that privacy, light and openness are improved because of skillful design in the arrangement of buildings, open spaces, landscaping or other site features. The Commission shall not decrease the yard width, common open space, or private open space requirements in order to allow the maximum number of units permitted in SPD-6, nor shall the Commission increase the maximum allowable density permitted in SPD-6.

(2) Site Plan Review. Each development phase of SPD-6 shall require review and approval of site plans as provided in Chapter 1278, including approval by City Council. Site plans shall clearly depict the required common open space and private open space areas, including proposed improvements thereto, required by the development guidelines. Site

plans shall also comply with the provisions of Chapter 1276 Parking and Site Design and Chapter 1282 Landscaping and Screening.

(3) Supplemental Provisions. In reviewing the Meadow View SPD- 6 development plan, or any portions thereof, the Planning Commission may attach written supplemental provisions to the plan. These supplemental requirements may be adopted by the Commission without a public hearing or action by City Council.

Section I Definitions.

As used in these development guidelines, certain terms are defined as follows:

(1) Cluster dwelling unit: an ownership arrangement where the individual unit owner holds fee simple title to the land beneath the foundation and may also own some amount of land around the foundation herein referred to as the "Building Envelope". Such Envelopes are defined and shown on the recorded plat for the Meadow View Subdivision.

(Ord. 10-2021. Passed 3-8-21.)

APPENDIX H

DEVELOPMENT GUIDELINES OAK RIDGE PRESERVE SPECIAL PLANNING DISTRICT NUMBER 7

Section A: Overview.

These development guidelines, together with the concept plan, comprise the conceptual development plan required by Chapter 1268 for Oak Ridge Preserve. As such, the conceptual development plan is the zoning and development requirements for the 12.7 acre Oak Ridge Preserve SPD-7 area. All provisions of Part Twelve of the Brunswick Codified ordinances remain applicable to SPD-7, unless clearly indicated to the contrary in the development guidelines below.

Section B: Purpose.

The purpose of the Oak Ridge Preserve Special Planning District is to create a zoning district designed exclusively for low density, detached homes, all of which are individually owned. SPD-7 is intended to create an opportunity for flexible and innovative site design and to allow density averaging across the zoning boundaries which exists prior to the SPD-7 designation. More particular purposes for creating SPD-7 are as follows:

- (1) To allow site designers and developers to use ingenuity and imagination in keeping with the overall land use and open space objectives of the Comprehensive Plan, while departing from the strict application of use, setback, height, lot size and related requirements of the Zoning Code;
- (2) To allow more creative and flexible design of the natural and developed environment within SPD 7 than would otherwise not be possible by adhering to the existing zoning;
- (3) To allow creative use of the clustering and density averaging concepts to preserve the natural beauty of the land while maximizing the enjoyment of homeowners in the uniquely

picturesque qualities of Oak Ridge Preserve and leaving much of the land untouched as common space for the community.

Section C: Uses.

- (1) Permitted Accessory Uses. Signs as regulated by Chapter 1270 and any use or structure which is accessory and incidental to a SPD-7 permitted use.
- (2) Permitted Uses. Detached cluster dwelling units, including single and two-story unit types with the option of patios or raised decks subject to the SPD-7 development guidelines and the site plan review procedures in Chapter 1278.

Section D: Density, Separation and Floor Area Requirements.

- (1) Density. Maximum density shall be 2.7 units per net acre. Actual density may be less, based on topography, required open space, building spacing or other considerations.
- (2) Minimum Boundary Setbacks. Building envelopes shall be located 50 feet from the Pearl Road ROW, 20 feet from the Northern and Southern boundaries, and 40 feet from the Western boundary of SPD-7.
- (3) Minimum Building Setbacks.
 - (a) Minimum of 20 feet from front of building envelope to nearest edge of pavement or sidewalk.
 - (b) Minimum 5' rear yard setback.
 - (c) Buildings will be separated by a minimum of 10 feet. 24 inches of variance outside of the building envelope will be given to roof or building overhangs, gutters and downspouts, fireplaces and bay windows.
 - (d) Open porches and decks either at grade or raised must also fit inside of the building envelope as outlined on the plan. Only low-sight impact preservation fences with a maximum height of 5' are permitted.
- (4) Maximum Building Height.
 - (a) Principally permitted building: 35 feet.
 - (b) Accessory buildings or pools: Not permitted.
- (5) Minimum Floor Area: 1,200 square feet.
 - (a) Minimum Living Area - Single Floor Ranch Building Type - 1200 sq. ft.
 - (b) Minimum Living Area - Multiple Floor Building (Two Story) - 1450 sq. ft.
 - (c) Only floor levels that are entirely above grade shall be included in the calculation of minimum square footage.

(6) Sidewalk to start 4' inside of ROW.

(7) Driveways shall be minimum 22' feet in length.

Section E: Development Standards.

(1) Unit Types.

(a) Unit types shall include detached buildings containing only 1 dwelling unit per building.

(b) All dwelling units shall have direct access to the outdoors without use of a common walkway.

(c) All units shall be individually owned as cluster homes as defined in these development guidelines.

(d) Private driveway maintenance shall be managed by the builder until 60% of the units on the private drives are sold. Then the responsibility shall shift to those homeowners living on the private driveways, per requirements and fees set out in the community HOA and signed off on by Homeowners at closing. Homeowners will be solely responsible for snow removal and any maintenance of the private drive in perpetuity. HOA will also collect fees from all homeowners in the cluster development to maintain any ponds or other common areas within SPD 7.

(2) Landscaping. Landscaping shall comply with the requirements of Chapter 1282.

(3) Design Standards.

(a) Minimum building envelope shall be 40' in width and 70' in depth with minimum private open space of 200 sq. ft. per unit. No structure will exceed the building envelope, such as porches, patios or decks.

(b) Lighting fixtures shall ensure adequate lighting while reducing glare and light trespass.

(c) Garages shall be designed and located so that they are not the dominant visual element of the building or streetscape. All garages shall be integrated into the building and trimmed in a minimum of 6" width materials.

(d) Structures shall use offsets, projections, recesses and other comparable design elements to avoid long, uninterrupted wall or roof planes. The use of a variety of enduring materials shall be used.

(e) Doorways shall be defined and articulated with architectural elements such as lintels, pediments, porches or overhangs. Doorways shall be compatible with the building as a whole and with the door themselves.

(f) Exposed foundation walls shall be covered with brick, stone, masonry or vinyl siding. Exposed formed in place concrete is acceptable no more than 4 inches above grade on front elevation and 16 inches above grade on side and rear elevations.

(g) Sidewalks shall form a network of pedestrian paths with a logical continuity while allowing for maximum preservation of the natural landscape. Walks shall be designed around large trees and outcroppings without being overly rigid in their placement. Walkability of the neighborhood for residents shall be given priority in site design.

(h) Open space areas shall be planted with trees, shrubs, hedges, ground covers and grasses, unless existing vegetation is to be retained. Landscaping shall be integrated with other functional and ornamental site characteristics to reinforce the character of the area.

(i) There shall be no less than a 50 ft. right of way from back of sidewalk as outlined in development plan.

(4) Parking. Each dwelling unit shall have 4 parking spaces, including a minimum of two spaces per unit in a garage which is physically attached to and directly accessible from the dwelling unit.

(a) No on street parking permitted. Parking in driveways or designated guest parking spots only.

(b) Guest parking shall be provided with off street parking spaces throughout the SPD.

Section F: Common Open Space.

(1) Common open space shall be a minimum of 30 percent of the net acreage (excluding right of way) of the SPD-7 area, and shall be reserved in perpetuity for such use. Common open space shall be designed and appropriate instruments shall be created according to the criteria established below and in Section G.

(2) Open space shall be available and accessible to all residents of SPD-7 and shall be designed primarily for their use. Common open space shall be exclusive of all streets, non-recreational buildings and individually-owned land.

(3) In order to ensure that all portions of the open space network are useful for that purpose, no portion of the common open space shall have a dimension of less than 50 feet, subject to modification by the Planning Commission for smaller sections which are particularly well-designed and meet the purposes of SPD-7.

(4) Significant natural amenities, such as outcroppings, tree stands, ponds, ravines and stream channels should be left in their natural state and considered part of the required open space, subject to these standards.

(5) Park benches shall be placed strategically in open spaces to take advantage of the overlooks and natural beauty of the site.

(6) Common open space shall be designed as a network of spaces offering pedestrian access and walkability throughout SPD-7 while maintaining the natural beauty of the area and maximize the number of homes which are adjacent to the open space.

(7) Mowing shall occur in right of way, over utility easements, in common open space where benches and picnic areas shall be developed, and around the storm water

management areas. Other areas shall be left in their natural state. No Mow Zones shall be designated to preserve the natural beauty of the streams and forested areas within the SPD.

Section G Common Open Space Disposition.

(1) Intent. The design standards in this section are intended to insure adequate open spaces, recreation areas and related design standards for the benefit of the residents of the SPD-7 area, comparable to a single-family complex.

(2) Common Open Space. The development in the SPD-7 area shall provide common open space equal to a minimum of 30 percent of the development area, excluding right-of-way. As used in this chapter, common open space includes outdoor areas designed for use by all of the residents, and their guests, of the SPD-7 development. Common open space includes lawns and other landscaped areas, natural areas, paved terraces and sitting areas and outdoor recreation areas. Common open space excludes vehicle parking or circulation areas, and individually controlled land. Common open space in excess of the above minimum may be considered for park and recreation credits as provided in Chapter 1232.

(3) Private Open Space. Each building envelope shall be provided open space at the ratio of 200 square feet per unit minimum. Private open space shall not occupy any portion of the common open space required in subsection (b) above. Private open space shall be specifically designed and constructed to be used and enjoyed by the residents of an individual dwelling unit, and shall be located adjacent to and reasonably accessible from the dwelling unit. Such space shall be screened or otherwise designed to provide privacy for the intended users.

(4) Exclusions. Stormwater detention areas may receive full credit towards the common open space requirement in (b) above if they are designed and improved for an appropriate open space use (such as a lake or playfield) in addition to stormwater detention. Single purpose detention basins shall not receive credit toward the open space requirement.

Section H: Supplemental Requirements.

(1) Planning Commission Modification. The Planning Commission may modify the strict requirements of the development guidelines if it finds that privacy, light and openness are improved because of skillful design in the arrangement of buildings, open spaces, landscaping or other site features. The Commission may also require wider yards, where an adjoining building is near a lot line, and may require such features as fences and planting to protect adjoining residences. The Commission shall not decrease the yard width, common open space, or private open space requirements in order to allow the maximum number of units permitted in SPD-7, nor shall the Commission increase the maximum allowable density permitted in SPD-7.

(2) Site Plan Review. Each development phase of SPD-7 shall require review and approval of site plans as provided in Chapter 1278, including approval by City Council. Site plans shall clearly depict the required common open space and private open space areas, including proposed improvements thereto, required by the development guidelines. Site

plans shall also comply with the provisions of Chapter 1276 Parking and Site Design and Chapter 1282 Landscaping and Screening.

(3) Supplemental Provisions. In reviewing the SPD-7 development plan, or any portions thereof, the Planning Commission may attach written supplemental provisions to the plan. These supplemental requirements may be adopted by the Commission without a public hearing or action by City Council.

Section I: Definitions.

As used in these development guidelines, certain terms are defined as follows:

(1) Cluster dwelling unit: an ownership arrangement where the individual unit owner holds fee simple title to the land beneath the foundation and may also own some amount of land around the foundation. A cluster may be a detached structure or may be attached to other dwelling units within the same structure.

(Ord. 68-2020. Passed 12-14-20.)

[APPENDIX I - Existing SPD Special Planning District](#)

[The regulations detailed below are for existing SPDs only \(SPD 1 – SPD 11\) and are located here for reference. No new SPDs can be created as of XX/XX.](#)

1268.01 Purpose.

1268.02 Overview.

1268.03 Designation.

1268.04 Conceptual development plan.

1268.05 Limitations and required conditions.

1268.06 Concept plan and SPD adoption.

1268.07 Effect of adoption.

1268.08 Recording.

CROSS REFERENCES

Signs - see P. & Z. Ch. 1270

Nonconformities - see P. & Z. Ch. 1272

Parking and site design - see P. & Z. Ch. 1276

Landscaping and screening - see P. & Z. Ch. 1282

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Adoption of Laurel Glens Special Planning District Conceptual Development Plan - see P. & Z. Title Six, Appendix A and B

Adoption of Brunswick Town Center Special Planning District Number 2 Conceptual Development Plan - see P. & Z. Title Six, Appendix C

1268.01 PURPOSE.

The purposes of the SPD Special Planning District are as follows:

(a) to regulate the development and use of property in areas throughout the City that contain sensitive or unique environmental, historic, architectural, or other features which require additional protections and flexibility not provided through the application of the Zoning Code;

(b) to promote creative and sensitive site planning;

(c) to provide for a greater range or mixture of compatible uses than would be allowable in the standard zoning districts of this Code, while also requiring features that protect against negative impacts of incompatible land uses or harm to the environment;

(d) to provide an effective method for the City to guide the development of such areas so as to preserve unique characteristics or to provide for the greater range or mixture of land uses when appropriate; and

(e) to create a regulatory structure which will allow more flexible and creative design of the built environment, within the limits of the approved conceptual development plan, than is possible with the lot-by-lot design approach of a conventional zoning district.

1268.02 OVERVIEW.

(a) Scope. A SP district as approved by City Council is a separate and distinct zoning district. A SP district may include any combinations of uses, lot area, setbacks, buffer areas and other features as included within the conceptual development plan approved by the Planning Commission and City Council.

(b) General Procedure. The procedures to create a SP district are generally as follows:

(1) Prior to enactment of a SP district, Planning Commission and City Council review a conceptual development plan for the entire area proposed for the SP district, as provided in Section 1268.04.

(2) The conceptual development plan, consisting of text, graphics and/or maps, is adopted by City Council as an appendix to the Zoning Code at the same time as the amendment to create the SP designation on the Official Zoning Map.

(3) The adopted conceptual development plan is the basis for preparation and review of more detailed site plans as provided in Chapter 1278 and subdivision plans as provided in the Subdivision Regulations.

(4) More specific detailed requirements and procedures are established below.

1268.03 DESIGNATION.

The SP district shall be designated by the abbreviation "SPD" - followed by a number specific to the designation on the Official Zoning Map. All property so classified is subject to the provisions of this Chapter and to the conceptual development plan adopted pursuant to this Chapter.

1268.04 CONCEPTUAL DEVELOPMENT PLAN .

For each specific SPD established by the City, a separate conceptual development plan shall be created and adopted by Council, following the procedures set forth in this Chapter. [Prior to planning commission submittal, the applicant shall provide these items listed below to the administration for review prior to presenting to planning commission.](#) A conceptual development plan consists of maps, text and/or graphics encompassing the following ~~four~~^{three} elements: the conceptual plan, development guidelines, ~~and~~ status of uses, [and justification for establishing an SPD.](#)

(a) Conceptual Plan. The conceptual plan shall be drawn at a usable scale, shall include an accurate legal description of the proposed SPD and shall include the following as a minimum:

(1) Circulation systems identifying all major pedestrian and vehicular ways;

(2) Schematic presentation of basic land uses and their relationship to existing vegetation, topography, and other natural features of the site, including descriptions of proposed uses in the non-residential portions of the site;

(3) Density of residential areas and an indication of the structure type(s);

(4) Transitions between the SP district and adjacent districts, i.e., buffers and access. Plan must include adjoining land uses.

(b) Development Guidelines. The conceptual development plan will establish guidelines for development in the SPD, either incorporated into the conceptual plan or contained in a separate written text. The following list is to be used as a guide, but is not necessarily inclusive of all requirements.

- (1) Location, size, materials and use of all buildings;
 - (2) Open space and density;
 - (3) Landscaping, buffers, screening and environmental and natural resource protection;
 - (4) Minimum lot areas, frontage, width, setbacks, and maximum building height;
 - (5) Floor area ratios, lot coverage, minimum floor area;
 - (6) Parking, signage and exterior lighting;
 - (7) Exterior renovation, altering or demolition; and
 - (8) Erosion and sedimentation control.
- (c) Status of Uses. Land uses shall be depicted within the conceptual development plan. The Conceptual Development Plan may be divided into subdistricts and may contain provisions for principally permitted uses, accessory uses, and conditionally permitted uses.
- (d) Justification of SPD. Describe why an SPD is needed to complete this development project. To obtain a greater development density will not be considered a justification for proposing an SPD.

1268.05 LIMITATIONS AND REQUIRED CONDITIONS.

- (a) Minimum SPD Area. In order to gain the full benefits of the design flexibility offered by SPD designation, the minimum area to be considered for an SP district shall be 10 acres. The Planning Commission and City Council may consider areas of less than 10 acres if they determine that the proposed SPD is necessary to achieve the purposes of Section 1268.01.
- (b) Density. The Special Planning District shall not be used to achieve densities or development conditions which are clearly contrary to the recommendations of the most recently-adopted comprehensive plan and contrary to the intent and the specific regulations of the existing zoning district or districts of the land proposed for SPD designation. The SP district shall not be used to achieve densities or other development conditions which are clearly contrary to the recommendations of the most recently-adopted comprehensive plan and contrary to the intent and the specific regulations of the existing zoning district or districts of the land proposed for SPD designation.
- (c) Required Conditions. Prior to City Council considering the creation of an SPD, the administration must review and provide written approval that one of the following conditions listed below exist within the proposed SPD. In order for Following administration written approval, and approval by Planning Commission, City Council can consider the creation of an SPD, it Council must first make written findings that the proposed SPD will meet the objectives of Section 1268.01, and that one or more of the following conditions exist within the proposed SPD:

(1) A concentration of existing or proposed retail, service or industrial establishments serving as a business activity center for the community.

(2) Land that is occupied by substantial natural characteristics worthy of preservation or which are historic aids to the identification of residential communities.

(3) Lands which call for ingenuity and imagination by site designers and developers in keeping with overall land use and open space objectives of the Comprehensive Plan, while departing from the strict application of use, setback, height, lot size and related requirements of the Zoning Code.

1268.06 CONCEPT PLAN AND SPD ADOPTION.

(a) Concept Plan Review. The Planning Commission and City Council may hold joint reviews of a proposed conceptual development plan and SPD designation. They may also seek public comment on a proposed conceptual development plan through public meetings or public hearings.

(b) SPD Adoption. The establishment of an SPD requires formal amendments to the Zoning Code and Official Zoning Map according to the procedures in Section 6.02 of the Charter of the City of Brunswick, including the required public hearing. The ordinance enacting the SPD amendments shall include the required findings set forth in Section 1268.05 and shall also adopt by reference the conceptual development plan. The process of enacting a SP district and reviewing a conceptual development plan may be initiated by City Council, Planning Commission or a property owner.

1268.07 EFFECT OF ADOPTION.

(a) Code Appendix. The conceptual development plan for each SP district shall be adopted as an appendix to the Zoning Code and shall, upon its effective date, supersede any conflicting requirements of this Code. Where an SPD requirement is silent on a specific point, the appropriate sections of the Zoning Code shall apply.

(b) Site and Subdivision Plans. The approved conceptual development plan shall be the basis for preparation of more detailed site plans for individual development sites as required by Chapter 1278. The conceptual development plan shall also be the basis for preliminary and final subdivision plans as required by the Subdivision Regulations. With the approval of the Planning Commission, conceptual development plans, site plans and/or subdivision plans may be reviewed simultaneously.

(c) Changes. Changes to the conceptual development plan of more than a cosmetic nature shall also be approved by City Council by ordinance.

(d) Time Limit. Once an SP district is created, it may only be changed through the Charter provisions for zoning amendments. The conceptual development plan shall remain in effect until changed by ordinance of Council as required for the initial adoption in Section 1268.06. If construction for a project in a Special Planning District has not commenced within one year after City Council approval of the SPD designation, the property shall revert back to its previous original zoning classification. The Planning Commission may grant a single extension of up to one year at the request of the property owner.

Commented [RS21]: Planning commission can grant an extension for up to one year if developer asks planning commission for an extension

Commented [RS22]: Per SPD or previous

Commented [RS23R22]: previous

1268.08 RECORDING.

Upon approval of the conceptual development plan, City Council may direct that the terms and conditions of the approval to be recited in a recordable instrument, approved as to form by the Law Director. The recordable instrument shall recite that the conditions of the Special Planning District are covenants that run with the land and are enforceable by the City. The Law Director shall cause such terms and conditions to be recorded with Medina County.

= JOINT DEVELOPMENT OVERLAY DISTRICT (JDOD) DESIGN GUIDELINES

JDOD.1 Purpose.

JDOD.2 General design regulations.

JDOD.3 Conditionally Permitted and prohibited uses.

JDOD.4 Site development.

JDOD.5 Vehicular circulation and access.

JDOD.6 Landscaping.

JDOD.7 Location, orientation, size and shape of buildings.

JDOD.8 Exterior renovation or alterations of existing structures.

JDOD.9 Building materials.

JDOD.10 Outdoor storage and displays.

JDOD.11 Supplemental requirements.

JDOD.12 Signs.

—

~~JDOD.1 PURPOSE.~~

~~—The purpose of the Joint Development Overlay District (JDOD) regulations is to assist with the development and redevelopment of land and structures to be compatible with the environment and to protect the quality of the urban environment in those locations where the characteristics of the area are of significant public value and are vulnerable to damage by development permitted under conventional zoning and building regulations. These regulations shall be administered as per Chapter 1290, Overlay Districts, of this Zoning Code. Mixed use development, as outlined in Section 1286.06, is highly encouraged. (Ord. 73-2021. Passed 9-27-21.)~~

Commented [RS24]: What is difference between 1286.06 and the JDOD? 1286.06 allows more mixing of uses in C-G districts. These seem redundant.

Commented [RS25R24]: Do we want to allow mixed use in all C-G districts? All the JDOD seems to add is hotels conditionally.

~~JDOD.2 GENERAL DESIGN REGULATIONS.~~

~~—The Planning Commission shall use these regulations in their review of development applications in areas designated as Joint Development Overlay Districts on the official Zoning Map of the City of Brunswick.~~

~~—The Planning Commission shall have the authority to interpret and apply these regulations on a case by case case by case basis and have no binding authority to consider a previous decision or case when making decisions on individual cases that may be in front of them for review and approval.~~

~~—Pursuant to Section 1278.0(h), during the course of reviewing a site plan, the Planning Commission or City Council may find that the assistance of a qualified consultant is necessary to fully determine the effects of the proposal. The applicant shall pick the consultant, subject to Planning Commission approval, and shall bear the costs of the consultant.~~

~~—The following Joint Development Overlay Districts (JDOD) have been established:~~

~~—JDOD 1 K-Mart Plaza: 3301– 3303 Center Road and 1259 North Carpenter Rd.~~

~~—JDOD 2 Brunswick Plaza: 1480 Pearl Road~~

~~—JDOD 3 Laurel Square Plaza: 1733 Pearl Road~~

~~—JDOD 4 Hickory Ridge Plaza: 1055 through 1095 Pearl Road~~

~~(Ord. 73-2021. Passed 9-27-21.)~~

Commented [RS26]: These would be removed and referenced to the zoning map (all except brunswick plaza, which is in a SPD, are still within JDOD)

~~JDOD.3 PERMITTED AND CONDITIONALLY PERMITTED USES.~~

~~(a) Conditionally Permitted Uses: Townhomes, single-family attached units, single-family detached residential units, apartments (including studio apartments), work-live units, flats, home offices above garages, retail below apartments and hotels.~~

Commented [RS27]: No issue with everything being conditionally permitted, but we need to expand the conditional uses. Seems like 1286.06 makes sense.

Commented [RS28]: I would think we don't want just homes in these areas?? Again, similar to 1286.06 there is a min retail requirement of 30% of total floor area

~~(b) Hotels, as described below, shall be permitted in the JDOD-1 District only in the following instances:~~

~~—(1) Hotels, has the same meaning set forth in Section 3731.01 of the Ohio Revised Code, subject to the exceptions set forth in Section 3731.03 of the Revised Code, and shall be permitted in the Overlay District with the following requirements:~~

~~—(2) Any such hotel may not have guest rooms that are directly accessible from outside the building;~~

~~—(3) Any such hotel must include an indoor dining area in which at least breakfast is served to guests (other than through vending machines) for consumption on the premises at tables, booths and/or counters.~~

~~—(4) Any such hotel must include a minimum of 4,000 square feet of meeting/ banquet space separate~~

~~—(5) Any such hotel must include an indoor swimming pool;~~

~~—(6) Any such hotel must include a fitness center; and~~

~~—(7) Any such hotel must include a business center or typical business center amenities, such as printers, fax machines, copiers, etc.~~

~~(c) There are no permitted uses in the Joint Development Overlay Districts.~~

~~(Ord. 73-2021, Passed 9-27-21; Ord. 93-2021, Passed 11-8-21.)~~

JDOD.4 SITE DEVELOPMENT:

~~(a) Density: The maximum density permitted for residential units is six and one-half (6.5) units per acre. The maximum density permitted for commercial development is fifteen (15) units per floor, per acre, with a maximum of two (2) floors per acre.~~

~~(b) Parking areas shall be treated to minimize the visual impact of parked cars, as viewed from the public right of way and adjacent properties, through the use of plantings, as required in Chapter 1282 Landscaping and Screening.~~

~~(c) Minimum parking requirements established in Table 1276-1 of Chapter 1276 Parking and Site Design shall also be the maximum parking requirements, in order to reduce the amount of impervious surface.~~

~~(d) Shared parking with adjacent properties is encouraged.~~

~~(e) All trash/recycling receptacles shall be contained in a dumpster enclosure constructed of materials comparable to the building or stored inside the building.~~

~~(f) Lighting shall comply with Section 1276.14.~~

Commented [RS29]: It makes sense to only allow these by the interchange but again, hotels are allowed under C-H so are we trying to mix homes and hotels?

Commented [RS30]: Should we still implement a hard height cap?

~~(g) Outdoor Activities. Outdoor eating areas may encroach into the sidewalk, but must leave a minimum of eight (8) feet width clear for walking. Outdoor eating areas are encouraged to establish an edge to the eating area through the use of moveable bollards, plantings, or a fence with a maximum height of two (2) feet, six (6) inches.~~

~~—(Ord. 73-2021. Passed 9-27-21.)~~

~~JDOD.5 VEHICULAR CIRCULATION AND ACCESS.~~

~~(a) Provide for the safe and functional movement of vehicles and pedestrians both on and off site.~~

~~(b) Give consideration to the location of existing access points, adjacent to and directly across the street from the site.~~

~~(c) Vehicular circulation between parcels is encouraged. Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems to minimize curb cuts along the street.~~

~~(d) Pursuant to Section 1278.09(d), pedestrian access shall be supplied to provide safe pedestrian connections between buildings and parking areas, recreation areas, transit shelters, street, and other destinations. Walks shall be provided between buildings and the street.~~

~~—(Ord. 73-2021. Passed 9-27-21.)~~

~~JDOD.6 LANDSCAPING.~~

~~(a) Landscaping shall be installed pursuant to Chapter 1282 Landscaping and Screening.~~

~~(b) Interior landscape islands shall be installed in large existing parking lots in compliance with Section 1282.08(b) to break up the "sea of asphalt" and reduce the amount of impervious surface.~~

~~—(Ord. 73-2021. Passed 9-27-21.)~~

~~JDOD.7 LOCATION, ORIENTATION, SIZE AND SHAPE OF BUILDINGS.~~

~~(a) Preserve the linear continuity of buildings by placing primary building facades parallel to the street. The traditional regional character of the surrounding area should be used as a guide for establishing an appropriate architectural style. The ground floor level should be highly animated and provide visual interest and human scale. The roof lines should be varied. Brick or stone should be considered as a unifying material or element that is common to Joint Development Overlay District buildings. A variety of colors for materials~~

~~should be used, but those colors should be chosen as part of an overall palette, so that facades relate to each another.~~

~~(b) New and remodeled buildings should be compatible with their surroundings. Architectural style, bulk, shape, massing, scale and form of new and remodeled buildings, and the shape between and around buildings should be consistent with the character of the area and be in harmony with neighboring buildings, pursuant to Section 1278.08.~~

~~(c) All buildings shall provide a pedestrian entrance oriented to the street.~~

~~—(Ord. 73-2021. Passed 9-27-21.)~~

~~JDOD.8 EXTERIOR RENOVATION OR ALTERATIONS OF EXISTING STRUCTURES.~~

~~(a) The removal or alteration of historic materials or distinctive architectural features should be avoided when possible.~~

~~(b) Architectural elements shall be sensitively designed to reflect detailing associated with the particular style of building.~~

~~(c) The design elements and scale of a building addition shall be compatible with design elements of the principal structure, in particular, building materials and colors, roof lines, shapes, and window proportions and alignment.~~

~~—(Ord. 73-2021. Passed 9-27-21.)~~

~~JDOD.9 BUILDING MATERIALS.~~

~~(a) Building walls:~~

~~—(1) Walls facing a public street or parking area shall be designed in small sections to break up the appearance of a long horizontal wall. Overlay District facades should use building elements such as canopies or projections to break up the appearance of a long wall. Alternately, changes in material or color can be used to break up the appearance of a long wall.~~

~~—(2) Buildings shall be clad appropriately to suggest an enduring and regional character. Brick, stone, precast concrete, cement siding, smooth finish premium vinyl siding, and stucco are among the materials that may be used. Precast concrete should be used in the manner of stone but panels should not be embossed with brick or stone patterns. Split face block is discouraged, particularly on front and side elevations, unless it is an accent material. When split face block is used, alternating coursing, varied block size, and change in material depth should be used to give the appearance of stone.~~

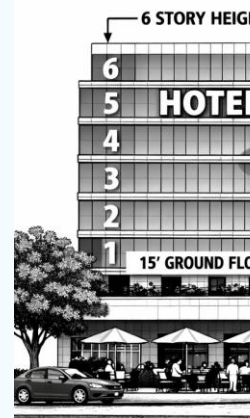
~~—(3) Standard modular brick is encouraged, but brick face dimensions of up to four (4) inches x twelve (12) inches are permitted.~~

Commented [RS31]: Should add step downs here

1. Building Height & Massing

a) Height Step-Down or Step-Back Measures

- i. Applicable when any building exceeds two (2) stories or thirty feet (30') and is within fifty feet (50') of the R-L District.
- ii. Buildings shall step down in height as they approach a residential dwelling in the R-L District, as illustrated by Figure 5.5(b). Step down height shall not exceed 30 feet in height.
- iii. Upper-story step-back may be used.
- iv. Step down widths shall be at least 15 feet in width.



Commented [RS32R31]:

Commented [RS33R31]: We can revise this figure - screwed around with AI for this

~~—(4) Stucco or EIFS systems are permitted 4 feet above finish floor level. If stucco is used as a primary material, it shall incorporate changes in depth, plane and other architectural features to add detail and interest to a facade and to avoid the appearance of a monolithic wall.~~

~~—(5) Metal and other appropriate regional materials may be used as accent materials.~~

~~—(6) All walls facing a public street or parking area shall be animated by a change in color, material, fenestration, or change in the depth of material.~~

~~—(7) Brick or stone shall be laid in a true bonding pattern (no stack bond allowed).~~

~~—(8) The maximum length of a facade that faces a public street or parking area that is "blank", meaning of one contiguous material and color without fenestration, accents, or change in material, color, or plane, is twenty (20) linear feet.~~

~~—(9) All facades shall be animated with changes in material and/or color. Additionally, designs of facades with a base, middle, and top are encouraged.~~

~~—(10) Glass storefronts to encourage window shopping should be maximized.~~

~~(b) Building elements. Lintels in masonry walls should be articulated with elements such as brick soldier courses, stone, or precast concrete.~~

~~(c) Windows and doors.~~

~~—(1) Windows shall be of square or vertical proportion.~~

~~—(2) Clear glass shall be the primary glass used at ground level on street facades.~~

~~(d) Building roofs, parapets, and cornices.~~

~~—(1) Roofs may be pitched and flat or a combination thereof.~~

~~—(2) If roofs are flat, elevations facing the street should incorporate a cornice to top the building. Cornices may be projected brick, stone, precast courses, or molded fiberglass. They should be scaled appropriately to the building mass and be a minimum of one foot in height.~~

~~(e) Building height. Buildings of two and three stories are encouraged. The building height for the primary building mass shall be no less than twenty (20) feet. Canopies shall be designed to provide architectural enhancement.~~

~~—(Ord. 73-2021, Passed 9-27-21.)~~

JDOD.10 OUTDOOR STORAGE AND DISPLAYS.

~~(a) No commercial product display, sales or other activities may be conducted within a required front yard setback area without Planning Commission approval.~~

~~(b) Outdoor storage shall be screened from view from all streets (including Interstate 71) and from adjacent residential districts. Screening may include building walls, solid fences, mounds, landscaping or any combination thereof which forms a year-round solid screen.~~

~~—(Ord. 73-2021, Passed 9-27-21.)~~

~~JDOD.11 SUPPLEMENTAL REQUIREMENTS.~~

~~—Planning Commission Modification. The Planning Commission may modify the strict requirements of this Chapter if it finds that privacy, light and openness are improved because of skillful design in the arrangement of buildings, open spaces, landscaping or other site features. The Commission may also require wider yards where an adjoining building is near a lot line, and such features as fences and plantings to protect adjoining residences. (Ord. 73-2021, Passed 9-27-21.)~~

~~JDOD.12 SIGNS.~~

~~—All signage shall comply with the requirements in Section 1270.05 – Table B. Plaza identification monument signs shall not exceed twenty (20) feet in height.~~

~~(Ord. 73-2021, Passed 9-27-21.)~~

APPENDIX J

MARKET 42 - SPECIAL PLANNING DISTRICT NUMBER 8

CHAPTER 1 - RESIDENTIAL GUIDELINES

SECTION 1.1 - OVERVIEW.

These development guidelines, together with the concept plan, comprise the conceptual development plan required by Chapter 1268 for Market 42. As such, the conceptual development plan is the zoning and development requirements for the 8.1934-acre SPD-8 area. All provisions of Part Twelve of the Brunswick Codified ordinances remain applicable to SPD-8, unless clearly indicated to the contrary in the development guidelines below.
(Ord. 83-2022, Passed 10-24-22.)

SECTION 1.2 - PURPOSE.

The purpose of the Market 42 Special Planning District is to create a zoning district designed for a mixed-use project for this unique parcel which is positioned in both commercial and residential zoning districts. SPD-8 is intended to create an opportunity for flexible and innovative site design due to very challenging topography and shape of the parcel. SPD-8 would provide needed connectivity between existing residential neighborhoods through creative design of Paired Villa living in the very limited space adjacent to current residential properties while also bringing a new Market District style of

shopping and dining to the Pearl Road commercial entry corridor. This mixed-use project would provide common architectural Farmhouse features throughout, while preserving the protected natural environmental features of the parcel. The Paired Villas would be dedicated parcels with fee simple ownership, with density minimized and open space maximized. More particular purposes for creating SPD-8 are as follows:

(1) To allow site designers and developers to integrate the concept of "Building Envelopes", within which all structures and their respective appurtenances shall be constructed.

(2) To allow site designers and developers to use ingenuity and imagination in keeping with the overall land use and open space objectives of the Comprehensive Plan, while departing from the strict application of use, setback, lot size and related requirements of the Zoning Code to accommodate this mixed-use development.

(3) To allow more creative and flexible design of the built environment than possible with existing zoning, to allow an integrated connectivity and range of compatible use between the residential and commercial components of the development. This flexibility will further harmonize the transition between residential and commercial zones of adjacent parcels.

(4) To allow creative use of the clustering and density averaging concepts to concentrate both Paired Villas and commercial interactivity on the site in order to maximize common open space and to protect and preserve the unique natural features of the site. By clustering homes in the manner described, more of these unique features, including trees, natural buffers and wetlands will be preserved than would be under traditional zoning.

(Ord. 83-2022. Passed 10-24-22.)

SECTION 1.3 - RESIDENTIAL USES.

(1) Permitted Accessory Uses. Residential signs as regulated by Chapter 1270 and any use or structure which is accessory and incidental to an SPD-8 permitted use.

(2) Permitted Uses Residential. Fee Simple Lots supporting attached two-story Paired Villa dwellings with option of patios and/or raised decks subject to the SPD development guidelines and the site plan review procedures in Chapter 1278.

(Ord. 83-2022. Passed 10-24-22.)

SECTION 1.4 - RESIDENTIAL DENSITY, SEPARATION & FLOOR AREA

REQUIREMENTS.

(1) Density. Maximum anticipated density shall be 3.2 units per acre, which shall be calculated based upon the developable net acreage of the District, less the areas designated for commercial use.

(a) Such areas shall include the Principal Commercial structure and associated parking for patrons of the commercial aspect of the District.

(2) Minimum Front Yard Widths. Public Street with 50' ROW: 19 feet from front of structure to right of way line, Back of Sidewalk will be 1' inside R/W. Allowing for 20' from back of sidewalk to front of building envelope.

(3) Minimum Building Separation.

(a) Building envelopes shall be located a minimum of 15 feet from the SPD-8 boundary on all sides with the exception the northern boundary, which shall require a minimum of 45', as per the attached exhibit of the preliminary subdivision plan. Building Envelopes shall be at a minimum 15 feet from any other Building Envelopes. Structures shall by rule also be a minimum of 15 feet from each other. Notwithstanding roof overhangs and gutters, 24" of variance outside of the building envelope will be given to roof or building overhangs, gutters and downspouts, fireplaces and bay windows.

(b) Any Decks or Patios either on grade or raised must also fit inside of the Building Envelope provided.

(c) A Minimum of 50' of separation shall be maintained between residential units and principally permitted commercial structures within and adjacent to the District.

(4) Maximum Building Height.

(a) Principally permitted building: 35 feet.

(5) Minimum floor area.

(a) Minimum Living Area - Single Floor (Ranch) Building Type 1,600 Square Feet

(b) Minimum Living Area Multiple Floor Building Type (Two Story) Up or Down 1,800 Square Feet

(c) Lower-Level Finished Space Area for Buildings Constructed with Daylight Windows of 36" Height or greater or Walk Out-Doors shall not be considered Living Area for Square Footage calculation of Total Living Area.

(d) Outdoor Living Area - Each unit will be provided with a minimum 200' of outdoor living immediately to the rear of each Paired Villa, and within the Building Envelope of same unit. This Outdoor Living Area will have no measure less than 10'.

(Ord. 83-2022. Passed 10-24-22.)

SECTION 1.5 - RESIDENTIAL DEVELOPMENT STANDARDS.

(1) Unit Types. Unit types shall be Paired Villas containing 1 and/or 2 dwelling units per building. All dwelling units shall have direct access to the outdoors without use

of a common walkway. Units shall be individually owned as fee simple lots as defined in these development guidelines.

(2) Landscaping. Landscaping shall comply with the requirements of Chapter 1282. To the extent possible, the existing trees on the site will be preserved where possible and integrated with new plantings to maintain the natural look and feel of the site and to provide and maintain natural buffers with surrounding properties.

(3) Design Standards:

(a) Overall Design - of all residential units will be the 'modern farmhouse' conceptual design, as presented with all SPD-8 entitlement submittals.

(b) Primary Entryways (Front Door) - shall be compatible with the building as a whole and with the door themselves.

(c) All Structures - shall have Architectural Continuity of Design, using the 'modern farmhouse' as the overriding design standard.

(d) Elevations - Natural stone shall be present up to the bottom of the first-floor windows on all street facing primary elevations; stamped brick to grade shall be permitted on all other non-street facing elevations. The balance of the Structure shall be Vinyl Vertical Board & Batten Siding and Horizontal Vinyl Siding with dark windows. On all street facing elevations, structures shall use offsets, projections, recesses and other comparable design elements to avoid long, uninterrupted wall or roof planes, and Modern Farmhouse textures and materials will be used to enhance the overall Farmer's Market styling.

(e) Garage Doors - shall be white and gridded or textured to conform to the Modern Farmhouse concept. Garage doors shall be a maximum of 2' forward (towards the primary access street) of either the front wall of the main living area, if there is no covered porch; or the front porch line, provided the porch is covered with a roof and has a concrete frost depth foundation. In no instance shall the garage door be more than 6' in front of the main living area.

(f) Sidewalks - shall form a network of pedestrian paths with a logical continuity. Walks shall be designed around large trees and outcroppings without being overly rigid in their placement. Walkability of the neighborhood for residents and connectivity to both neighboring residential properties and the commercial corridor shall be given priority in site design.

(g) Open space areas shall be planted with trees, shrubs, hedges, ground covers and grasses, unless existing vegetation is to be retained. Landscaping shall be integrated with other functional and ornamental site characteristics to reinforce the character of the area.

(h) Parking - for each dwelling shall have 2 parking spaces per unit in a garage which is physically attached to and directly accessible from the dwelling unit. Each dwelling unit shall also have a drive specified above wherein 2 standard automobiles can be parked as well.

(i) Street parking - will be limited to one side of the street, opposite of hydrants, and will not be permitted within the cul-de-sacs. This will allow for the reasonable

accommodation and clear path of entry and egress for fire and other emergency vehicles to and from the site.

(j) Exposed Foundation Walls - Exposed foundation walls shall be covered with brick, stone, masonry or vinyl siding on primary street facing elevations. Exposed formed-in-place concrete is acceptable no more than 4 inches above grade on front elevations and 16 inches above grade on side and rear elevations.

(4) Street Lighting:

(a) Shall be installed as Required by City of Brunswick Guidelines at Intersections and Cul De Sacs.

a. Such street lighting shall be appropriately sized and downward directional lighting shall be Selected.

(b) Lighting will be provided by each dwelling unit in the form of an Electric Lamp Post installed in a uniform location. Lamp Posts shall be installed 24" to the house side of the sidewalk for homes with a sidewalk. For homes without a sidewalk, Lamp Posts shall be installed in the same location as if a sidewalk existed.

(c) Said lights and location shall be uniform in design and location throughout the Market 42 neighborhood.

(d) Post light to be selected and designed to limit light pollution upwards and focus light downward.

(e) Light bulbs and colors shall remain uniform as approved by the Market 42 Homeowner's Association.

(Ord. 83-2022. Passed 10-24-22.)

CHAPTER 2 - COMMERCIAL GUIDELINES

SECTION 2.1 - COMMERCIAL USES.

(1) Permitted Accessory Uses. Commercial signage in accordance with this SPD-8 and any use or structure which is accessory and incidental to an SPD-8 permitted use. Such permitted commercial signage shall include those as defined in Ordinance

1270.15 (b) as;

- a. Free-standing signs;
- b. Ground signs;
- c. Illuminated signs;
- d. Indirectly illuminated signs;
- e. Murals;

f. Electronic Moving Message/Digital Display Signs; and

g. Monuments.

(2) Principally Permitted Uses Commercial. Commercial space shall be limited in its principal use to activities involving the following;

a. Retail businesses;

i. Retail uses shall principally include those pertaining to the preparation, sale, and service of food and other consumable items.

ii. The sale of wine, beer and spirits shall be permitted in accordance with the laws of the State of Ohio.

iii. Other Ancillary Retail enterprises are permitted, so long as they are complimentary to the principal use of the District and conform to these SPD guidelines.

i. Such Ancillary Retail enterprises include, but are not limited to florists, merchandisers, beauty products, etc.

b. Restaurants, taverns;

c. Professional offices, not to exceed 15% of the enclosed building space;

d. Event Space;

i. General common use Event Space is not to exceed 35% of the indoor area and outdoor terrace.

(3) Conditionally Permitted Uses - Commercial. Conditionally Permitted Uses shall be permitted in the District, so long as these activities do not comprise more than a maximum of 30% of the Commercial space in the District. Such Conditionally Permitted Uses include;

a. Financial institutions;

i. Freestanding exterior ATMs shall not be permitted

b. Personal services;

(4) Use Restrictions Commercial. In no event shall any business in the SPD-8 District consist of the following, as defined by the Codified Ordinances of City of Brunswick;

a. Payday Lenders;

b. Automobile filling stations;

c. Automobile service or repair stations;

d. Sexually-oriented or 'adult-themed' businesses;

e. Any other use not specifically listed.

(Ord. 83-2022. Passed 10-24-22.)

SECTION 2.2 - YARD AND HEIGHT REQUIREMENTS.

(1) Front Yard Setback for commercial properties shall be a minimum of 30 feet from the Pearl Road Right of Way.

(2) Side Yard Setback for commercial properties shall be a minimum of 15 feet from any adjacent commercial use.

(3) Maximum Building Height for commercial structures shall be no greater than 35 feet.

(4) Rear Yard Setback for commercial properties shall be a minimum of 20 feet from any adjacent commercial or residential property line.

(a) In no event shall any commercial structure encroach within these defined setbacks, however, such Side and Rear Yard Setbacks shall not apply to designated parking areas designed to maximize patronage to such commercial businesses within the structure.

(b) The parking setback from the side and rear property lines shall be a minimum of 5 feet.

(5) Front Yard Zone. No part of the primary commercial structure shall exist within the Front Yard Setback. Designated commercial signage in conformance with this SPD-8, patio and recreational areas, as well as ingress and egress areas to and from the property are however principally permitted to exist within such Front Yard Zone.

(6) Use Separation. A Minimum of 50' of separation shall be maintained between residential units and principally permitted commercial structures within and adjacent to the District. (Ord. 83-2022. Passed 10-24-22.)

SECTION 2.3- COMMERCIAL DEVELOPMENT STANDARDS.

Exterior building materials are permitted to match the material design palette. This will include:

- (1) Pre-finished standing seam metal roof
- (2) Aluminum storefront window/door glazing
- (3) Pre-finished vertical ribbed metal siding
- (4) Pre-finished smooth panel metal siding
- (5) Masonry brick veneer
- (6) Stained wood or composite trim boards
- (7) Break metal trim

(8) Formed concrete consistent with the design intent

Exposed foundations min. 4" above grade will be finished with parge coat for consistent finish or covered with brick, stone, painted or integral color masonry, or metal siding. (Ord. 83-2022. Passed 10-24-22.)

CHAPTER 3 - GENERALLY APPLICABLE GUIDELINES

SECTION 3.1 - COMMON OPEN SPACE.

(1) Common open space shall be a minimum of 30 percent of the net acreage (excluding right of ways) of the SPD-8 area and shall be reserved in perpetuity for such use. Common open space shall be designed, and appropriate instruments shall be created according to the criteria ~~established~~established below and within these SPD-8 Guidelines.

(2) Open space shall be available and accessible to all residents of the City of Brunswick and shall be designed primarily for their use. Common open space shall be exclusive of all streets, non-recreational buildings and individually owned building envelopes.

(3) Common open space areas may be improved with appropriate recreation facilities and structures, such as pavilions or other recreational features.

(4) Significant natural amenities, such as outcroppings, tree stands, ponds, ravines and stream channels should be left in their natural state and considered part of the

required open space, subject to these standards.

(a) Retention basins present on the property shall be both functional and recreational in nature and will be designed for the use and enjoyment of pedestrians and residents of the City of Brunswick.

(b) Delineated Wetlands Areas shall be accounted for as part of the Common Open Space but shall not be disturbed or accessible to pedestrian traffic other than the use of designated trails and/or boardwalks throughout the Delineated Wetlands Area. This shall ensure that these environmentally beneficial and significant natural features are preserved for the benefit of the residents of the City of Brunswick.

(5) Common open space shall be designed as to accommodate a network of spaces offering pedestrian access throughout SPD-8 and to maximize the number of homes which are adjacent to the open space.

(Ord. 83-2022. Passed 10-24-22.)

SECTION 3.2 - COMMON OPEN SPACE DISPOSITION.

(1) Intent. The design standards in this section are intended to insure adequate open spaces, recreation areas and related design standards for the benefit of the residents of the SPD-8 area.

(2) Common Open Space. The development in the SPD-8 area shall provide common open space equal to a minimum of 30 percent of the development area, excluding right-of-

way. As used in this chapter, common open space includes outdoor areas or enclosed recreational areas designed for use by all of the residents, and their guests, of the SPD-8 development. Common open space includes lawns and other landscaped areas, natural areas, paved terraces and sitting areas and indoor or outdoor recreation areas. Common open space excludes vehicle parking or circulation areas, and individually controlled building envelopes. Common open space in excess of the above minimum may be considered for park and recreation credits as provided in Chapter 1232.

(3) Public Recreational Space. The SPD will include recreational trails and amenities linking both the commercial and residential portions of the District with adjacent residential properties. These trails and amenities will be publicly accessible and will contribute to the enhancement of pedestrian activity in the City of Brunswick. The Public Recreational Space however will be screened from private residences so as to ensure a buffer between public and private uses. The maintenance costs for the Public Recreational Space shall be split between the commercial and residential entities encompassing the District in an agreement satisfactory to both parties involved.

(4) Private Outdoor (Open) Space. Each Building Envelope shall contain private outdoor space in the fee simple lot. Private open space shall not occupy any portion of the common open space or recreation space required in subsections (1) and (2) above. Private Outdoor Space shall be contained within the Building Envelope for each Paired Villa residence. Private open space shall be specifically designed and constructed to be used and enjoyed by the residents of an individual dwelling unit and shall be located adjacent to and reasonably accessible from the dwelling unit. The Designated Private Open Space area of the Building Envelope can be built on and used as outdoor living area.

(5) Exclusions. Stormwater Management areas may receive full credit towards the common open space requirement.

(Ord. 83-2022. Passed 10-24-22.)

SECTION 3.3 - SUPPLEMENTAL REQUIREMENTS.

(1) Planning Commission Modification. The Planning Commission may modify the strict requirements of the development guidelines if it finds that privacy, light and openness are improved because of skillful design in the arrangement of buildings, open spaces, landscaping or other site features. The Commission shall not decrease the yard width, common open space, or private open space requirements in order to allow the maximum number of units permitted in SPD-8, nor shall the Commission increase the maximum allowable density permitted in SPD-8.

(2) Site Plan Review. Each development phase of SPD-8 shall require review and approval of site plans as provided in Chapter 1278, including approval by City Council. Site plans shall clearly depict the required common open space and private open space areas, including proposed improvements thereto, required by the development guidelines. Site plans shall also comply with the provisions of Chapter 1276 Parking and Site Design and Chapter 1282 Landscaping and Screening.

(3) Supplemental Provisions. In reviewing the Market 42 SPD-8 development plan, or any portions thereof, the Planning Commission may attach written supplemental provisions to the plan. These supplemental requirements may be adopted by the Commission without a public hearing or action by City Council.

(Ord. 83-2022. Passed 10-24-22.)

SECTION 3.4 - DEFINITIONS.

As used in these development guidelines, certain terms are defined as follows:

(1) Paired Villa unit: an ownership arrangement where the individual unit owner holds fee simple title to the land beneath the foundation and may also own some amount of land around the foundation. A Paired Villa may be a detached structure or may be attached to other dwelling units within the same structure. (Ord. 83-2022. Passed 10-24-22.)

CODIFIED ORDINANCES OF BRUNSWICK

APPENDIX K DEVELOPMENT GUIDELINES NEW BRUNSWICK SPECIAL PLANNING DISTRICT NUMBER 9

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SECTION A OVERVIEW.

These Development Guidelines, with the Concept Plan, comprise the Conceptual Development Plan required by Chapter 1268 for the New Brunswick Special Planning District Number 9 (SPD-9). As such, the Conceptual Development Plan is the zoning and development requirements for the 20-acre New Brunswick SPD-9 area. All provisions of Part Twelve of the Brunswick Codified Ordinances remain applicable to SPD-9, unless clearly indicated to the contrary in the Conceptual Development Plan.

(Ord. 12-2025. Passed 3-10-25.)

SECTION B PURPOSE.

The purpose of the New Brunswick Special Planning District is to create a zoning district designed for a mix of high and medium density residential areas and mixed-use buildings adjacent to new and existing commercial areas. More particular purposes for creating SPD-9 are as follows:

- (1) To allow site designers and developers to use ingenuity and imagination in keeping with the overall land use and open space objectives of the City's Comprehensive Plan, while departing from some specific requirements of the Zoning Code;
- (2) To allow more creative and flexible design of the built environment than possible with existing zoning;
- (3) To create pedestrian access from the planned residential areas to the adjacent new and existing commercial areas and services.

(Ord. 12-2025. Passed 3-10-25.)

SECTION C CONCEPTUAL PLAN.

The plan titled "Conceptual Plan New Brunswick Development" and dated December 5, 2024, which is attached to and made a part of the conceptual development plan, shall be the conceptual plan for SPD-9 as required by Section 1268.04(a) of the Zoning Code. The conceptual plan, which is a framework for preparing more detailed site and subdivision plans, shows representative footprints for individual buildings. The Apartment, Commercial, and Mixed Use building shapes will be adjusted slightly for final building structural & architectural designs. The Townhome building shapes will also be slightly adjusted when a home builder is chosen and makes a commitment to the project.

(Ord. 12-2025. Passed 3-10-25.)

SECTION D DEVELOPMENT GUIDELINES.

(1) Guidelines. The document titled "Development Guidelines, New Brunswick Special Planning District Number 9" and dated December 5, 2024, which is attached to and made a part of the conceptual development plan, shall be the development guidelines for SPD-9 as required by Section 1268.04(b) of the Zoning Code.

(2) Effect. The Development Guidelines adopted in (1) above, in conjunction with the Conceptual Plan, shall be the zoning regulations for the SPD-9 area. The Conceptual Development Plan, consisting of the Conceptual Plan and the Development Guidelines, shall supersede provisions to the contrary in the Zoning Code.

(Ord. 12-2025. Passed 3-10-25.)

SECTION E USES.

The conceptual plan includes the following four Subdistricts;

- (1) Apartments
- (2) Mixed Use
- (3) Townhomes
- (4) Commercial

(Ord. 12-2025. Passed 3-10-25.)

SECTION F COMPLIANCE (1268.04).

This section is provided as a more detailed means of demonstrating compliance with The City of Brunswick Planning and Zoning Code Chapter 1268.04, CONCEPTUAL DEVELOPMENT PLAN, subsections (a) Conceptual Plan, and (b) Development Guidelines, and (c) Status of Uses. The Chapter has been excerpted and the appropriate location of each item within the Conceptual Plan or Development Guidelines is indicated below:

A conceptual development plan consists of maps, text and/or graphics encompassing the following three elements: the conceptual plan, development guidelines and status of uses.

(a) Conceptual Plan. The conceptual plan shall be drawn at a usable scale, shall include an accurate legal description of the proposed SPD and shall include the following as a minimum:

- (1) Circulation systems identifying all major pedestrian and vehicular ways;

Please refer to sheets 1 & 5 of the Conceptual Plan. Please also refer to the sheet titled "Vehicle Access Exhibit".

(2) Schematic presentation of basic land uses and their relationship to existing vegetation, topography, and other natural features of the site, including descriptions of proposed uses in the non-residential portions of the site;

Please refer to sheets 1 & 2 of the Conceptual Plan.

(3) Density of residential areas and an indication of the structure type(s);

Please refer to sheet 1 of the Conceptual Plan.

(4) Transitions between the SP district and adjacent districts, i.e., buffers and access. Plan must include adjoining land uses.

Please refer to sheet 1 of the Conceptual Plan.

(b) Development Guidelines. The conceptual development plan will establish guidelines for development in the SPD, either incorporated into the conceptual plan or contained in a separate written text. The following list is to be used as a guide, but is not necessarily inclusive of all requirements.

(1) Location, size, materials and use of all buildings;

Please refer to Conceptual Plan for the locations and sizes of structures. Please also refer to Sections H, I, J, K in this Development Guidelines document and the Incorporated reference imagery depicted.

(2) Open space and density;

Please refer to sheet 1 of the Conceptual Plan.

(3) Landscaping, buffers, screening and environmental and natural resource protection;

Please refer to sheet 1 of the Conceptual Plan for general landscape concepts, including the delineation between deciduous and evergreen trees.

(4) Minimum lot areas, frontage, width, setbacks, and maximum building height;

Please refer to sheets 1 from the site plan set of documents titled Conceptual Plan New Brunswick Development for lot areas, frontage, width, and setbacks. Please refer to Sections H, I, J, K of this Development Guidelines document for building height Information.

(5) Floor area ratios, lot coverage, minimum floor area;

Please refer to sheet 1 of the Conceptual Plan.

(6) Parking, signage and exterior lighting;

Please refer to sheet 1 of the Conceptual Plan for locations of structures, as well as this Development Guidelines document and the Incorporated reference Imagery depicted within. Please also see the document titled "Brunswick Development Site Lighting Photometric Study".

(7) Exterior renovation, altering or demolition; and

There are no existing structures to remain within the proposed SPD.

(8) Erosion and sedimentation control.

Erosion and sedimentation control will comply with Chapter 1234 of the City of Brunswick Planning and Zoning Code. Final construction plans will be submitted to the City Engineer for review and approval.

(c) Status of Uses. Land uses shall be depicted within the conceptual development plan. The Conceptual Development Plan may be divided into subdistricts and may contain provisions for principally permitted uses, accessory uses, and conditionally permitted uses.

Please refer to the included Subdistrict Exhibit. In addition, the following describes which buildings identified on sheet 1 of the Conceptual Plan correspond with the uses identified in Section E of the Development Guidelines:

- Apartments: Bldg. C, Bldg. D, Bldg. E, Bldg. F, and adjacent "Garages" buildings.
- Mixed Use: Bldg. A, Bldg. B, and adjacent "Garages" buildings.
- Commercial: Bldg. G
- Townhomes: All other buildings as depicted in the southwest portion of the site.

(Ord. 12-2025. Passed 3-10-25.)

SECTION G DEFINITIONS.

As used in these development guidelines, certain terms are defined as follows:

Building Frontage - Primary- A building frontage that abuts a street listed as a primary street.

Building Frontage- Secondary - A building frontage that abuts an alley or street not listed as a primary street.

Building Front Setback- Except as otherwise specified herein, the front setback shall be defined as the distance from the property line to the front of the building or structure facing the street.

Building Rear Setback- Except as otherwise specified herein, the rear setback shall be defined as the distance from the wall or plane, opposite the primary frontage, to the rear lot line, and not from a deck, balcony, or patio in the rear yard.

Footcandle - A unit of light intensity that is equal to the amount of light falling on one square foot area from a one candela light source at a distance of one foot (one lumen per square foot).

Gable - The triangular section of wall at the end of a pitched roof, occupying the space between the two slopes of the roof, or the whole end wall of a building or wing having a pitched roof.

Masonry Materials - Consist of natural or engineered stone, traditional or engineered brick.

Natural Materials- Consist of Masonry Materials, as well as wood, excluding sheet goods 4 feet by 8 feet or larger, and including cement composite lap or board & batten siding, glass, and metal.

Pedestrian Scale - To design buildings, site plans, streets and open space that are aimed toward pedestrians using them.

Shorter Side Elevations - When a building is of a rectangular oblong form, the shorter side elevations are the two elevations that are shortest in length and opposing in form. If a building includes a turn, but is otherwise of a rectangular oblong form, the shorter side elevations are those that would be opposing if no turn were to exist.

Gross Floor Area (GFA) - The total floor area of the particular use.

(Ord. 12-2025. Passed 3-10-25.)

General Requirements & Design Standards by Subdistrict

SECTION H APARTMENTS.

(a) Uses Permitted.

- (1) Multi-family dwellings;
- (2) Any use or structure that is accessory and incidental to the above use

(b) Development Standards.

(1) Setbacks.

- A. Minimum building setback as indicated on the Conceptual Site Plan.

(2) Building types.

- A. Three- and Four-story buildings.

(3) Building Height.

- A. Maximum building height: 65 feet.

(4) Parking Guidelines.

- A. Studio and 1-bedroom units: 1.5 spaces per dwelling unit, including 0.5 spaces in a garage.

B. 2-bedroom or more units: 2.0 spaces per dwelling unit, including 1 space in a garage

C. Parking minimums may include on-street parking spaces.

D. There are no parking maximums.

(5) Private Open Space.

A. Each multifamily dwelling unit shall be provided private open space at the ratio of 40 square feet per unit.

(c) Architecture Standards.

(1) Style/Character.

A. Buildings shall receive four-sided architectural treatments, including Natural Materials and pedestrian scaled exterior architectural features.

B. Buildings shall have some bipartite or tripartite exterior organization, meaning they shall be designed with a minimum of a base and cap.

C. Single-story garage structures shall be required to follow Architecture Standards listed under section 4 "Materials and Configurations" subsections (a), (d), (e), and (f) only, as well as sections 5, 6, 7, 8, 9, 10 & 11 in their entirety. Subsection 4(a) shall be interpreted to exclude the garage doors from the total material percentages.

(2) Details

A. The use of architectural detailing is strongly encouraged to provide scale and interest to the building. Examples of detailing include stone or masonry foundations and water tables, masonry opening trim such as cast stone, rowlock, or soldier course sills and lintels, the use of balusters, awnings, or expressive contemporary architectural elements such as frames, reveals, projections, and similar gestures to articulate form and depth.

(3) Mass/Scale.

A. Facade treatment should be formed to break the appearance into multiple forms to better relate to the pedestrian scale. Detail elements (as outlined above) should be used to create pedestrian scale.

(4) Materials and Configurations.

A. Exterior wall surfaces of buildings adjacent to main thoroughfares should consist of 60 percent Natural Materials including windows. Smooth metal panels may also be used in combination with other materials. The balance of the building elevations shall include materials consistent with those on the front in varying percentages with a minimum of 30 percent Natural Materials including windows. EIFS shall not be more than 10% of any exterior wall surface.

B. Glass openings shall be a minimum of 10% of the entire exterior wall.

C. There shall be no blank, un-articulated building wall exceeding 30 feet in length. Any wall exceeding 30 feet in length except at the shorter side elevations, shall include offsets such as projections, change(s) in wall plane, or recesses. Offset distance should be at least 24 inches and is encouraged to be more. Offsets shall extend at least 20 percent of the entire facade in any direction. Balconies on all upper levels shall be considered as a change in plane. Shorter side elevations shall include variations in materials, glass openings, and architectural detailing as a means of articulating form and depth to avoid the appearance of blank walls.

D. Colors shall be muted (of low or medium saturation) with low reflectivity. Accent and trim colors must complement the effect of the primary building color. Bold, brash, intense, bright, fluorescent, or metallic accent colors are prohibited, unless approved by the Planning and Zoning Commission for very limited application.

E. While muted colors generally work best as a dominant, overall color, a brighter color may be appropriate for accent elements, such as building form gestures, door and window frames, and architectural details.

F. Color palettes for new buildings shall be compatible with the colors of adjacent structures planned within this site. Architectural detailing shall complement the facade and coordinate with adjacent buildings. Roof colors shall be muted and compatible with the dominant building color.

(5) Roof.

A. Materials: For sloped roofs: natural or simulated slate or asphalt tile, wood shakes, dimensional shingles, standing seam metal, copper metal, or flat roof systems.

B. Minimum 8 inches roof overhangs are required on all pitched roofs.

C. Sloping roofs shall have a minimum pitch of 4/12 and a maximum 12/12.

D. The use of eaves, rakes, cornice lines and etc. are strongly encouraged to add visual interest.

(6) Openings.

A. Wood, vinyl, aluminum, aluminum clad, steel and fiberglass are acceptable.

B. Glass can be tinted or clear; reflective glass shall not be permitted.

(7) Mechanical Equipment/Screening.

A. If located on a roof or exterior to the building, all mechanical equipment and utilities shall be screened from adjacent roads and sidewalks.

B. Mechanical/utility screening shall be an integral part of the building structure and architecture and not give the appearance of being "tacked on" to the exterior surfaces.

(8) Landscaping.

A. Detailed future Landscaping plans shall be submitted to the city by the developer.

(9) Lighting.

A. Architecture Building-Mounted Lighting: Building mounted lighting may be used to highlight specific architecture features or primary customer or building entrances. General floodlighting of building facades is not permitted.

B. Decorative building lighting shall be dimmable.

(10) Site Lighting.

A. Lighting shall be provided near all circulation areas, buildings and recreation areas where appropriate. The lighting design shall follow guidelines to promote safety and conserve resources. Appropriately sized and downward directional lighting to be selected to reduce effects on neighbors and avoid light pollution.

B. All exterior lighting shall comply with requirements of the City of Brunswick Planning and Zoning Code.

(11) Signage.

A. Signage in this district is intended to identify to the user the location of a specific business. Signage must be subservient to the overall design and impression of the architecture.

B. Building signage shall comply with Section 1270 within the Brunswick Zoning Code.

C. Ground mounted signage must be incorporated with a masonry base of at least 24 inches in heights consisting of stone, natural stone, or matching materials found on the main building.

(12) Typical Conceptual Elevation.

A. Please refer to Section M for a typical conceptual elevation that exemplifies the guidelines outlined in Section H.C.1 through Section H.C.12.

(Ord. 12-2025. Passed 3-10-25.)

SECTION I MIXED USE.

(a) Uses Permitted.

- (1) Multi-family dwellings;
- (2) Personal services;
- (3) Retail businesses;
- (4) Financial institutions;

- (5) Professional offices;
- (6) Medical and dental clinics and offices;
- (7) A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens;
- (8) Restaurants, taverns and nightclubs;
- (9) Any use or structure that is accessory and incidental to any of the above uses.
- (b) Development Standards.
 - (1) Setbacks.
 - A. Minimum building and pavement front setback from S.R. 303: as indicated on the Conceptual Site Plan
 - (2) Building Height.
 - A. Maximum building height: 65 feet
 - (3) Parking Guidelines.
 - A. Studio and 1-bedroom units: 1.5 spaces per dwelling unit, including 0.5 spaces in a garage.
 - B. 2-bedroom or more units: 2.0 spaces per dwelling unit, including 1 space in garage.
 - C. Retail businesses, financial institutions, professional offices, medical and dental clinics and offices: 1 per 750 sf. GFA
 - D. Personal services, restaurants, tavern and nightclubs: 1 per 500 sf. GFA
 - E. Child care facilities, nursery schools, pre-schools, kindergartens: 3 per 1,000 sf. GFA.
 - F. Parking minimums may include on-street parking spaces.
 - G. There are no parking maximums
 - H. Private Open Space:
 - 1. Each multifamily dwelling unit shall be provided private open space at the ratio of 40 square feet per unit.
- (c) Architecture Standards.
 - (1) Style/Character.
 - A. Buildings shall receive four-sided architectural treatments, including Natural Materials and pedestrian scaled exterior architectural features.

B. Buildings shall have some bipartite or tripartite exterior organization, meaning they shall be designed with a minimum of a base and cap.

C. Single-story garage structures shall be required to follow Architecture Standards listed under section 4 "Materials and Configurations" subsections (a), (d), (e), and (f) only, as well as sections 5, 6, 7, 8, 9, 10 & 11 in their entirety. Subsection 4(a) shall be interpreted to exclude the garage doors from the total material percentages.

(2) Details.

A. The use of architectural detailing is strongly encouraged to provide scale and interest to the building. Examples of detailing include stone or masonry foundations and water tables, masonry opening trim such as cast stone, rowlock, or soldier course sills and lintels, the use of balusters, awnings, or expressive contemporary architectural elements such as frames, reveals, projections, and similar gestures to articulate form and depth.

(3) Mass/Scale.

A. Facade treatment should be formed to break the appearance into multiple forms to better relate to the pedestrian scale. Detail elements (as outlined above) should be used to create pedestrian scale.

(4) Materials and Configurations.

A. Exterior wall surfaces of buildings adjacent to main thoroughfares should consist of 60 percent Natural Materials including windows. Smooth metal panels may also be used in combination with other materials. The balance of the building elevations shall include materials consistent with those on the front in varying percentages with a minimum of 30 percent Natural Materials including windows. EIFS shall not be more than 10% of any exterior wall service.

B. Glass openings shall be a minimum of 10 percent of the entire exterior wall.

C. There shall be no blank, un-articulated building wall exceeding 30 feet in length. Any wall exceeding 30 feet in length except at the shorter side elevations, shall include offsets such as projections, change(s) in wall plane, or recesses. Offset distance should be at least 24 inches and is encouraged to be more. Offsets shall extend at least 20 percent of the entire facade in any direction. Balconies on all upper levels shall be considered as a change in plane. Shorter side elevations shall include variations in materials, glass openings, and architectural detailing as a means of articulating form and depth to avoid the appearance of blank walls.

D. Colors shall be muted (of low or medium saturation) with low reflectivity. Accent and trim colors must complement the effect of the primary building color. Bold, brash, intense, bright, fluorescent, or metallic accent colors are prohibited, unless approved by the Planning and Zoning Commission for very limited application.

E. While muted colors generally work best as a dominant, overall color, a brighter color may be appropriate for accent elements, such as building form gestures, door and window frames, and architectural details.

F. Color palettes for new buildings shall be compatible with the colors of adjacent structures planned within this site. Architectural detailing shall complement the facade and coordinate with adjacent buildings. Roof colors shall be muted and compatible with the dominant building color.

(5) Roof.

A. Materials: For sloped roofs: natural or simulated slate or asphalt tile, wood shakes, dimensional shingles, standing seam metal, copper metal, or flat roof systems.

B. Minimum 8 inches roof overhangs are required on all pitched roofs.

C. Sloping roofs shall have a minimum pitch of 4/12 and a maximum 12/12.

D. The use of eaves, rakes, cornice lines and etc. are strongly encouraged to add visual interest.

(6) Openings.

A. Wood, vinyl, aluminum, aluminum clad, steel and fiberglass are acceptable.

B. Glass can be tinted or clear; reflective glass shall not be permitted.

(7) Mechanical Equipment/Screening.

A. If located on the roof or exterior to the building, all mechanical equipment and utilities shall be screened from adjacent roads and sidewalks.

B. Mechanical/utility screening shall be an integral part of the building structure and architecture and not give the appearance of being "tacked on" to the exterior surfaces.

(8) Landscaping.

A. Detailed future Landscaping plans shall be submitted to the city by the developer.

(9) Lighting.

A. Architecture Building-Mounted Lighting: Building mounted lighting may be used to highlight specific architecture features or primary customer or building entrances. General floodlighting of building facades is not permitted.

B. Decorative building lighting shall be dimmable.

(10) Site Lighting.

A. Lighting shall be provided near all circulation areas, buildings and recreation areas where appropriate. The lighting design shall follow guidelines to promote safety and conserve resources. Appropriately sized and downward directional lighting to be selected to reduce effects on neighbors and avoid light pollution.

B. All exterior lighting shall comply with requirements of the City of Brunswick Planning and Zoning Code.

(11) Signage.

A. Signage in this district is intended to identify to the user the location of a specific business. Signage must be subservient to the overall design and impression of the architecture.

B. Building signage shall comply with Section 1270 within the Brunswick Zoning Code.

C. Ground mounted signage must be incorporated with a masonry base of at least 24 inches in heights consisting of stone, natural stone, or matching materials found on the main building.

(Ord. 12-2025. Passed 3-10-25.)

SECTION J TOWNHOMES.

(a) Development Standards.

(1) Setbacks.

A. Minimum building front setback: 20 feet (Edge of Pavement)

B. Rear yard setback: as indicated on the Conceptual Site Plan.

(i) Wood decks and balconies may extend up to 12 feet beyond plane of rear wall.

a. Private open space shall be a minimum of 80 square feet per unit.

C. Minimum building separation: 25 feet

D. Units' widths should be a minimum of 24 feet

(2) Intensity of Use.

A. The overall gross residential density for development shall not exceed 6.0 units per acre.

B. Building Heights

(i) Maximum building height: Two stories.

(3) Prohibited Accessories.

A. Sheds or other accessory structures of any type are prohibited

B. Swimming Pools of any type are prohibited.

(b) Architecture Standards.

(1) Style/Character.

A. Buildings shall receive architectural treatments on the front side of the unit including Natural Materials and pedestrian scaled architectural features.

B. Development should be consistent in the style of an attached townhome, characterized as a single family home which shared one or more walls with another independently owned unit(s).

C. Colors shall be muted (of low or medium saturation) with low reflectivity. Accent and trim colors must complement the effect of the primary building color. Bold, brash, intense, bright, fluorescent, or metallic accent colors are prohibited, unless approved by the Planning and Zoning Commission for very limited application.

(2) Mass/Scale.

A. Mass and scale should emulate the style and character description listed above description.

B. Facade treatments should be formed to break the appearance into smaller facades to better related to a pedestrian/human scale.

C. Garages may be designed as a dominant visual element of the building or streetscape. Attached garages shall comply with one of the following:

i. When the garage door is oriented parallel, or mainly parallel, to the access street:

1. When a singular mass contains the garage space, and no living area, and the garage door is oriented parallel, or mainly parallel, to the access street, it may project a maximum of four feet closer to the primary access street, whether public or private, than the front wall of the main living area; or

2. When a singular mass contains the garage space, and no living area, and the garage door is oriented perpendicular, or mainly perpendicular, to the access street, it may project a maximum of ten feet closer to the primary access street, whether public or private, than the front wall of the main living area; or

3. When a singular mass contains garage space as well as any type of living area, it may project a maximum of 24 feet closer to the primary access street, whether public or private, than the front wall of the main living area.

(c) General Architecture Standards for the Townhomes Subdistrict.

(1) Details.

A. The use of architecture detailing is encouraged to provide scale and interest to the building. Examples of detailing include frieze boards, quoins, columns, balusters, and other similar items.

B. The front elevation excluding garage doors, shall include materials consistent with those with a minimum of 40% Natural Materials. Stucco and EIFS shall be used in moderation.

(i) Brick shall be in a traditional masonry pattern, in standard sizes. Brick may have the appearance of painted or "washed" if in context with the architectural theme being portrayed.

(ii) Stone shall be of natural or engineered stone with a smooth or natural finish. Spilt face stone is acceptable in limited situations. Stone should be laid in a random ashlar pattern.

(iii) Siding should be of traditional profiles such as 4"-8" horizontal and/or vertical beveled. Siding shall be wood or a simulated grain.

(b) Vinyl should be a minimum 0.30 mm thickness.

(2) Roof.

A. Materials:

(i) Natural or simulated slate or tile, wood shakes, dimensional asphalt shingles, standing seam metal, and copper are acceptable materials.

(ii) Natural colors are acceptable.

B. Pitched roofs shall have a minimum 8" roof overhang, and be appropriate for the style of the house.

C. Primary sloping roofs shall have a minimum pitch of 5/12. Roof pitches for secondary sloping roofs, including accessory design elements such as shed dormers or similar expressions, may have a reduced slope of no less than 3/12.

(3) Openings. (images and/or graphic to be provided)

A. Wood, aluminum, aluminum clad, steel, vinyl and fiberglass are acceptable.

B. Glass should be clear. Windows only on garage doors or into bathrooms may be clear, frosted, tinted, or stained glass.

C. Skylights are permitted only when appropriately screened from street views.

D. Cupolas, dormers, lanterns, belvederes or window bays are permitted, provided they are consistent with the architecture style.

E. All windows may have grids. If installed, the grids shall be applied to the exterior or interior of windows.

F. Front doors shall be of a style appropriate of the architectural style of the house.

(4) Garages.

A. Each dwelling unit shall have 2 parking spaces per unit in a garage which is physically attached to and directly accessible from the dwelling unit. Each dwelling unit shall also have a drive wherein 2 standard automobiles can be parked as well.

B. Garages may be front or side facing.

C. Garage doors may be natural or synthetic materials.

D. Garage front walls within a building of attached units shall have alternate offsets to not create a dominant straight wall visual effect.

(5) Fencing.

A. Intent: While fencing is often necessary to buffer between properties, they can create a visually-monotonous presence. These standards provide that fencing is visually-appealing, complement the design of the building, and provide visual interest.

B. The maximum heights of a fence shall be 6 feet.

C. No fences are permitted in the front or side yard of townhomes.

D. Fences shall be decorative in nature and be constructed of vinyl in a "clay" finish. Solid wood, stacked spilt rail, post and rail style, and chain linked fences are prohibited.

(6) Utility/Mechanical Screening.

A. All mechanical and above-ground utilities shall be screened with wires and other associated elements neatly organized and hidden where possible.

B. Utility meters, air conditioning equipment, exhaust pipes, valve covers, irrigation equipment, satellite dishes and other service structures shall be located to the side or rear of the building. If located on the side of the building, these elements should be screened.

(7) Street Lighting.

A. Street lighting shall be installed at intersections and Cul De Sacs and along street runs as required by the City of Brunswick Planning and Zoning Code. Appropriately sized and downward directional lighting to be selected to reduce effects on neighbors and avoid light pollution.

(8) Open Space - The Townhome Subdistrict shall have two types of Open Space - Common and Private.

A. Common Open Space shall be the areas shown on the plan that go between the main building structures and behind those buildings to the outer perimeter property lines, the stormwater management ponds within this Subdistrict and any park areas. It will also include the sidewalk along the streets and sidewalks connecting to the other Subdistricts.

B. Private Open Space shall be the areas directly behind and adjacent to each unit and as shown on the Conceptual Site Plan. Private open space may be screened and or landscaped and specifically used and enjoyed by the residents to provide privacy. The added landscape and screening are to be maintained by the unit owner.

(9) Mailboxes.

A. Individual and shared community mailboxes shall meet the federal standards set by the United States Postal Service.

B. The design of the shared community mailbox shall be of high quality, with aesthetic appeal.

(Ord. 12-2025. Passed 3-10-25.)

SECTION K COMMERCIAL.

(a) Uses Permitted.

(1) Personal services;

(2) Retail businesses;

(3) Financial institutions;

(4) Professional offices;

(5) Medical and dental clinics and offices;

(6) Veterinary hospitals, clinics & services;

(7) Educational institutions;

(8) A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens;

(9) Restaurants, taverns and nightclubs;

(10) Drive-Through Windows;

(11) Any use or structure that is accessory and incidental to any of the above uses.

(b) Development Standards.

(1) Yard Setbacks; as indicated on the Conceptual plan

(2) Building Height; Maximum building height: 45 feet

(c) Building Configuration and Materials.

(1) Building walls.

A. Walls facing a public street shall be designed in sections to break up the appearance of a long horizontal wall. Building elements such as canopies, porches, bays or projections should be used to break up the appearance of a long wall. Alternately, changes in material or color can be used to break up the appearance of a long wall.

B. Buildings shall be clad appropriately to suggest an enduring and regional character. Standard modular brick, stone, precast concrete, or cement siding are among the

materials that may be used. Precast concrete panels should be used in the manner of stone, but panels should not be embossed with brick or stone patterns. Split-face block should only be used as a base course or accent material. When split-face block is used, alternating coursing, varied block size, and change in material depth should be used to give the appearance of stone.

C. Standard modular brick is encouraged, but brick face dimensions of up to 4 inches x 12 inches are permitted.

D. If stucco or EIFS is used as a primary material, it shall incorporate changes in depth, plane, and other architectural features to add detail and interest to a facade, and to avoid the appearance of a monolithic wall, or be supplemented by other primary materials with aforementioned changes in depth, plane, related to the stucco or EIFS systems.

E. Metal, tile, and other appropriate regional materials may be used as an accent material.

F. The maximum length of a facade that faces a public street or parking area that is "blank," meaning of one contiguous material and color without fenestration, accents, or change in material or color, is 30 linear feet.

G. All facades should be animated with changes in material and color.

(2) Building elements. Lintels in masonry walls should be articulated with brick soldier courses, stone, or precast concrete.

(3) Windows and doors.

A. Windows or their mullion configuration shall be of square or vertical proportion.

B. Clear glass should be the primary glass used at ground level.

(4) Building roofs, parapets, and cornices.

A. Roofs may be pitched or flat or a combination thereof.

(5) Building entrances. All buildings shall provide an identifiable public entry.

(6) Site Lighting.

A. Site lighting shall be provided near all circulation areas and buildings where appropriate. The lighting design shall follow guidelines to promote safety and conserve resources. Appropriately sized and downward directional lighting to be selected to reduce effects on neighbors and avoid light pollution.

B. All exterior lighting shall comply with requirements of the City of Brunswick Planning and Zoning code.

(7) Landscaping.

A. Detailed future Landscaping plans shall be submitted to the city by the developer.

(8) Lighting.

A. Architecture Building-Mounted Lighting: Building mounted lighting may be used to highlight specific architecture features or primary customer or building entrances. General floodlighting of building facades is not permitted.

B. Decorative building lighting shall be dimmable.

(9) Signage.

A. Signage in this district is intended to identify to the user the location of a specific business. Signage must be subservient to the overall design and impression of the architecture.

B. Building signage shall comply with Section 1270 within the Brunswick Zoning Code.

C. Ground mounted signage must be incorporated with a masonry base of at least 24 inches in heights consisting of stone, natural stone, or matching materials found on the main building.

(Ord. 12-2025. Passed 3-10-25.)

SECTION L SUPPLEMENTAL REQUIREMENTS.

(1) Planning Commission Modification. The Planning Commission may modify the strict requirements of the development guidelines if it finds that privacy, light and openness are improved because of skillful design in the arrangement of buildings, open spaces, landscaping or other site features. The Commission may require such features as fences and plantings to protect adjoining residences. The Commission may approve minor shifts in the boundaries between the four subdistricts.

(2) Supplemental Requirements. New Brunswick SPD-9 shall be reviewed and approved according to the procedures in Chapter 1268, including the Conceptual Development Plan and these development guidelines. In approving the conceptual development plan, or any portions thereof, the Planning Commission may attach written supplemental requirements to the plan. These supplemental requirements may be adopted by the Commission without a public hearing or action by City Council.

(3) Site Plan Review. Site plans shall be reviewed by the Planning Commission for conformity with the Conceptual Development Plan. Site plans shall be submitted and reviewed for each subdistrict within SPD-9 as required by Chapter 1278. For site plans which fully comply with the Conceptual Development Plan, the discussion plan stage in Section 1278.03(b) and the Council review stage in Section 1278.03(f) are not required.

(Ord. 12-2025. Passed 3-10-25.)

SECTION M DRAWINGS AND REFERENCE IMAGERY.

I. Concept Plan - Please refer to the separate attached document titled, "Conceptual Plan New Brunswick Development".

II. Please refer to the separate attached document titled, "Proposed Drive Sections New Brunswick Development"

- a. Private Drive Section - Center Steet Access Drive @ Bldg's 'A' & 'B'
- b. Private Drive Section - Pearl Road Access Drive @ Bldg's 'D' & 'E'

III. Typical Conceptual Elevations:

- a. Apartments: Please refer to the following documents identified as:
 - i. PZSK3, PZSK4, PZSK5, PZSK6, PZSK7 (garages only)
- b. Mixed Use
 - i. PZSK1, PZSK2
- c. Townhomes
 - i. Townhouse Type 1
 - ii. Townhouse Type 2
- d. Commercial
 - i. PZSK7

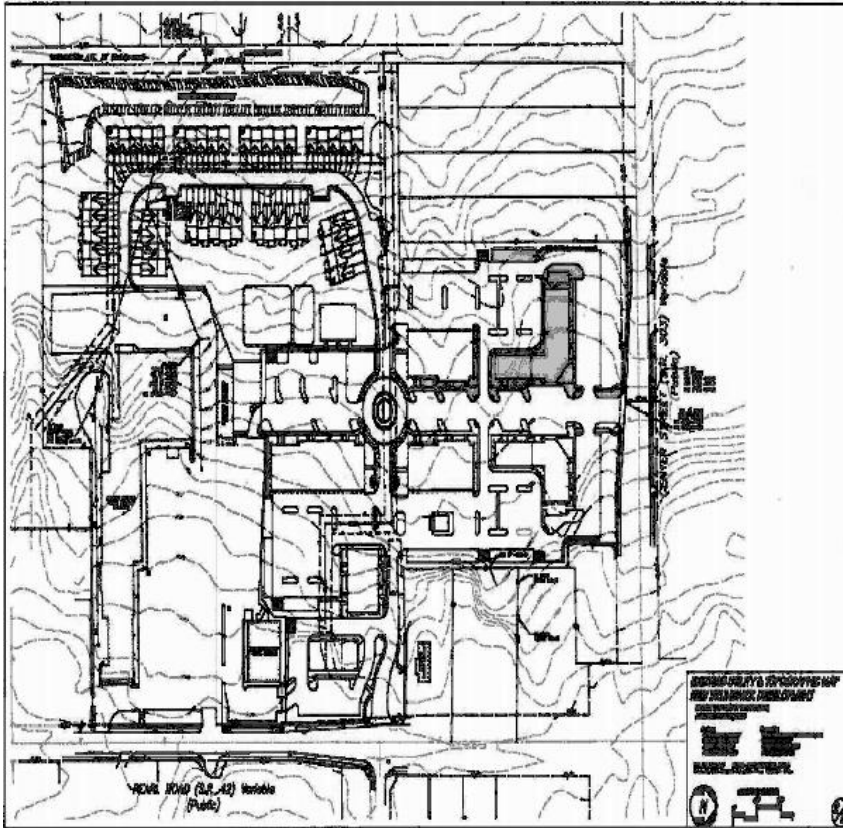
IV. Conceptual 3D imagery: Please note these represent general building designs and site relationships. Landscaping features and plantings shown are purely conceptual and not representative of final landscape design in quantity, type, or arrangement of plantings.

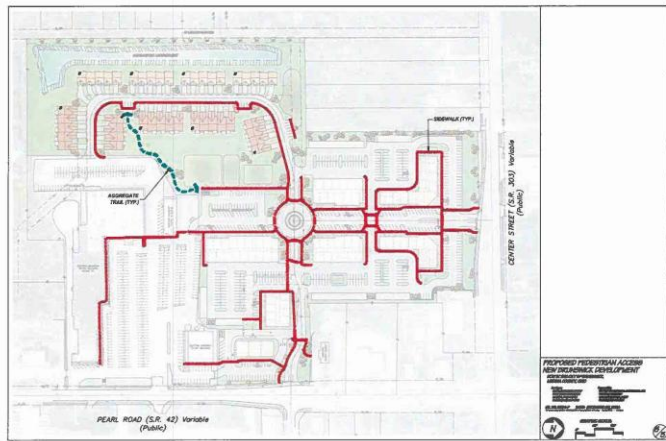
a. PZSK9, PZSK10, PZSK11, PZSK12, PZSK13, PZSK14, PZSK15, PZSK16, PZSK17, PZSK18, PZSK19, PZSK20, PZSK21

V. Please refer to the document titled "Brunswick Development Site Lighting Photometric Study" for the lighting study.

VI. Please refer to the document titled "Brunswick Subdistrict Exhibit" for demarcation of the uses corresponding with Section E.

I. Conceptual Plan New Brunswick Development



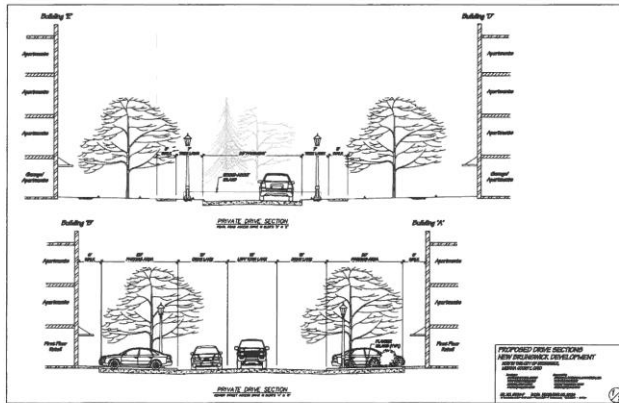


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II. Please refer to the separate attached document titled, "Proposed Drive Sections New Brunswick Development"

- a. Private Drive Section - Center Steet Access Drive @ Bldg's 'A' & 'B'
- b. Private Drive Section - Pearl Road Access Drive @ Bldg's 'D' & 'E'

- II. Proposed Drive Sections New Brunswick Development
- Private Drive Section - Center Street Access Drive @ Bldg's 'A' & 'B'
 - Private Drive Section - Pearl Road Access Drive @ Bldg's 'D' & 'E'



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III. Typical Conceptual Elevations:

- Apartments: Please refer to the following documents identified as:
 - PZSK3, PZSK4, PZSK5, PZSK6, PZSK7 (garages only)

- III. Typical Conceptual Elevations:
- Apartments:
 - PZSK3, PZSK4, PZSK5, PZSK6, PZSK7 (garages only)



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b. Mixed Use
i. PZSK1, PZSK2



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c. Townhomes

i. Townhouse Type 1

ii. Townhouse Type 2

Townhouse Type 1

- c. Townhomes
 - i. Townhouse Type 1
 - ii. Townhouse Type 2

Townhouse Type 1



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Townhouse Type 2

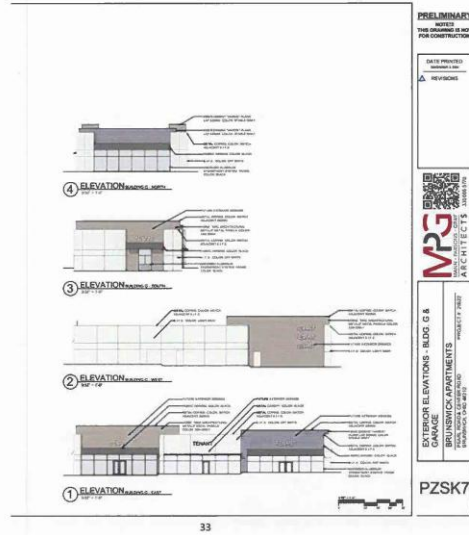
Townhouse Type 2



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- d. Commercial
 - i. PZSK7

d. Commercial
i. PZSK7



IV. Conceptual 3D imagery:

Please note these represent general building designs and site relationships. Landscaping features and plantings shown are purely conceptual and not representative of final landscape design in quantity, type, or arrangement of plantings.

a. PZSK9, PZSK10, PZSK11, PZSK12, PZSK13, PZSK14, PZSK15, PZSK16, PZSK17, PZSK18, PZSK19, PZSK20, PZSK21

IV. Conceptual 3D Imagery: Please note these represent general building designs and site relationships. Landscaping features and plantings shown are purely conceptual and not representative of final landscape design in quantity, type, or arrangement of plantings.

a. PZSK9, PZSK10, PZSK11, PZSK12, PZSK13, PZSK14, PZSK15, PZSK16, PZSK17, PZSK18, PZSK19, PZSK20, PZSK21



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PROJECT INFORMATION		SHEET NAME	SHEET NO.
 BRUNOVICH APARTMENTS DATE: DECEMBER 3, 2014 PROJECT NO: 19402	3D VIEW - BUILDING A		PZSK11

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PROJECT INFORMATION		SHEET NAME	SHEET NO.
 BRUNOVICH APARTMENTS DATE: DECEMBER 3, 2014 PROJECT NO: 19402	3D VIEW - BUILDING B		PZSK12

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	BRUNSWICK APARTMENTS DATE: DECEMBER 3, 2024 PROJECT NO: 20002	PROJECT INFORMATION	SHEET NAME 3D VIEW - BUILDING C	SHEET NO. P25K13

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	BRUNSWICK APARTMENTS DATE: DECEMBER 3, 2024 PROJECT NO: 20002	PROJECT INFORMATION	SHEET NAME 3D VIEW - BUILDING C REAR	SHEET NO. P25K14

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PROJECT INFORMATION		SHEET NAME	SHEET NO.
 BRANSON APARTMENTS DATE: DECEMBER 3, 2024 PROJECT NO: 20002		3D VIEW - BUILDING D	PZSR15

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PROJECT INFORMATION		SHEET NAME	SHEET NO.
 BRANSON APARTMENTS DATE: DECEMBER 3, 2024 PROJECT NO: 20002		3D VIEW - BUILDING E	PZSR16

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PROJECT INFORMATION		SHEET NAME	SHEET NO.
 BRANDMOR APARTMENTS DATE: DECEMBER 3, 2024 PROJECT NO. 28627		3D VIEW - BUILDING F	P28K17

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PROJECT INFORMATION		SHEET NAME	SHEET NO.
 BRANDMOR APARTMENTS DATE: DECEMBER 3, 2024 PROJECT NO. 28627		3D VIEW - BUILDING G	P28K18

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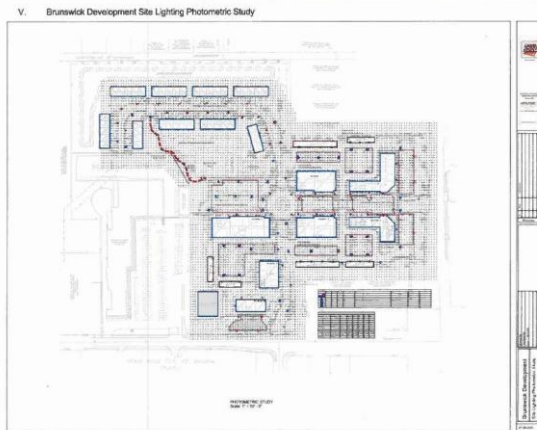


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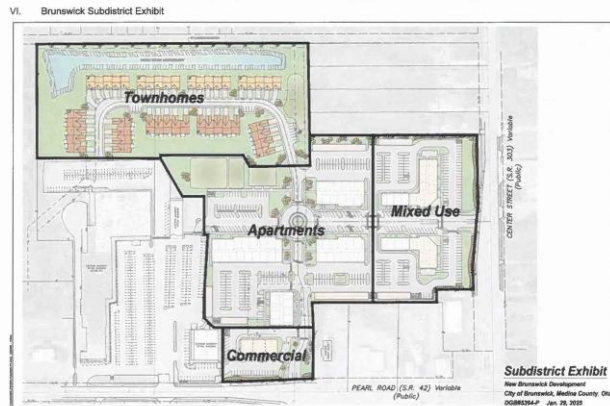
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V. Brunswick Development Site Lighting Photometric Study



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VI. Brunswick Subdistrict Exhibit



(Ord. 12-2025. Passed 3-10-25.)

CODIFIED ORDINANCES OF BRUNSWICK

APPENDIX L

SPECIAL PLANNING DISTRICT NUMBER 10 MAPLESIDE FARMS

Section I: Overview

These development guidelines, together with the conceptual plan, comprise the conceptual development plan required by Chapter 1268 for the Mapleside Farms Special Planning District Number 10 (SPD-10). As such, the conceptual development plan is the zoning and development requirements for the 110.7838-acre Mapleside Farms SPD-10 area, as specified by Section 1268.04 of the Zoning Code. All provisions of Part Twelve of the Brunswick Codified Ordinances remain applicable to SPD-10, unless clearly indicated to the contrary in the conceptual development plan.

Section II: Purpose

The purpose of the Mapleside Farms Special Planning District is to create a zoning district designed to accommodate an agricultural mixed-use development in an area currently zoned as Rural-Residential and General-Commercial. More particular purposes for creating SPD-10 are as follows:

1. To preserve historic Mapleside Farms as an essential component of the City of Brunswick, and to ensure it can remain an integral part of the fabric of the city into the future.
2. To create an opportunity for flexible and innovative site design allowing the public to interact with agricultural practices and techniques at various scales for people from different backgrounds and with different abilities.
3. To provide the owners of the property with flexibility in developing their property as a family business that is also their homestead.
4. To protect sensitive environmental features associated with the property including stream corridors and woodlands. These are areas with substantial natural characteristics that are worthy of preservation.

Section III: Conceptual Plan

The plan titled "Conceptual Master Plan for Mapleside Farms SPD 10" and dated November 5, 2024 which is attached to and made a part of the conceptual development plan, shall be the conceptual plan for SPD-10 as required by Section 1268.04(a) of the Zoning Code. The conceptual plan, which is a framework for developing the site, shows representative areas for different proposed uses on the property.

Section IV: Development Guidelines

1. Guidelines. The document titled "Mapleside Farms Special Planning District Number 10" and dated November 5, 2024 which is attached to and made a part of the conceptual development plan, shall be the development guidelines for SPD-10 as required by Section 1268.04(b) of the Zoning Code. The development guidelines list permitted uses, and accessory uses, as envisioned by Section 1268.04(c) of the Zoning Code.
2. Effect. The Development Guidelines adopted in (1) above, in conjunction with the Conceptual Plan, shall be the zoning regulations for the SPD-10 area. The Conceptual Development Plan, consisting of the Conceptual Plan and the Development Guidelines, shall supersede provisions to the contrary in the Zoning Code.
3. Site Plan Review: Site plans shall be reviewed by the Planning Commission for conformity with the Conceptual Development Plan. Site plans shall be submitted and reviewed for each development site within SPD-10 as required by Chapter 1278.

MAPLESIDE FARMS SPECIAL PLANNING DISTRICT NUMBER 10 DESIGN GUIDELINES

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 - B. The Falls and The Grove Districts
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SPECIAL PLANNING DISTRICT NUMBER 10 DESIGN GUIDELINES

I. OVERVIEW

A. Comprehensive Planning:

It is important to situate the farm's future into the context of local planning efforts including the City of Brunswick Comprehensive Plan and the Pearl/Center Roads Corridor Plan.

The Comprehensive plan specifically mentions Mapleside Farms as a "District Anchor" (Implementation Strategy, Page 102) and details opportunities for turning the Mapleside Farms District into a community center and regional destination:

"Leveraging Mapleside Farms as a District Anchor: Community and stakeholder input cited the North Gateway/Mapleside Farms district along Pearl Road, south of Boston Road, and Laurel Square as gateway areas with opportunities for community-scaled retail centers and potential for increased placemaking beyond standard "Welcome to the City" signage.

Opportunities for Gateway placemaking include: Concentration of future multi-family housing around these mixed-use development nodes to foster a sense of community and increase walkability."

The Comprehensive Plan also lays out goals and considerations for Multi-Use projects along Pearl road, with the following guidelines (Page 17):

"Mixed-use is designated along both Pearl Road and the western portion of Center Road in the City. These areas are currently commercial corridors, but by providing for mixed-uses, market forces would drive the development. The City should eliminate the 350 foot limit for commercial development and strive to create mixed-use developments along these corridors. Development should be controlled using strict design standards - to ensure the public realm is attractive and safe - but the uses could include retail, restaurant, residential or other uses as market forces change."

The Mapleside Farms District is also noted in several places in the Pearl/Center Road Corridor plan, specifically as a "Regional Destination" on page 24:

The future uses that Mapleside Farms could accommodate with more flexible development guidelines matches up squarely with the Economic and Social Character vision and goals set forth in the Corridor plan (pages 40-41), namely:

"- The Corridors will provide retail, service, dining and entertainment opportunities, as well as safe and enjoyable physical amenities, designed to meet the needs of all ages, including young people and young families.

"-The Corridors will continue to support a variety of unique destination opportunities that will draw visitors from across northern Ohio"

The Pearl/Center Roads Corridor Plan further details strategies for future economic development with flexible design strategies that allow for a mix of uses on page 56:

"Emphasize mixed-use developments, and place priority for incentives or support on developments that offer more than one type of business. As Brunswick's existing corridors indicate, locations that focus on only one type of commercial activity do not do well in the modern economic climate. Not only should uses be mixed throughout the corridor, but Brunswick's existing and new developments will maintain their economic value longer if they provide a rich, mutually-reinforcing mix of uses as well."

B. Rezoning:

Under current zoning, new development on 96 acres of the 110 acre Mapleside Farms property would be limited to Rural-Residential (R-R). This incentivizes the future development of the property as a series of residential subdivisions, potentially removing a beloved and economically important district anchor from the community. Rural Residential zoning is also at odds with the City of Brunswick comprehensive plan which envisions this area as a multi-use district that responds to the needs of the community. An SPD would allow for the development of a regional destination that conforms with current planning and economic development goals and can adapt to modern community and consumer demands as well as changes in agricultural practices. Flexible design and zoning will also ensure the property remains a viable homestead for future generations of property owners, with the opportunity to create a unique mixed-use neighborhood for residents of Brunswick.

II. DEVELOPMENT GUIDELINES

A. The Orchard District

a. Purpose: The Orchard District is established to preserve the farm's rich agricultural history, maintaining its status as an agricultural hub, while continuing to produce and process fruits and other farm products.

b. Principally Permitted Uses

i. Agricultural production as defined in the Brunswick City Codified Ordinances including the production and processing of fruits, vegetables, and animal husbandry and any use which is accessory and incidental to agricultural use subject to Planning Commission approval;

1. Inclusive of orchards and commercial agricultural products

2. Inclusive of any agricultural use necessary for the operation of an approved commercial use

3. Inclusive of irrigation facilities and ponds
4. The selling or growing of Cannabis and Cannabis products is not permitted, subject to local ordinances;
- c. Accessory Uses
 1. Community and Educational Programming;
 11. Use of Off-Road Vehicles, including but not limited to:
 1. Gators, golf carts, tractors and other machinery;
 - a. Any equipment which is accessory and incidental to any of the principally permitted uses;
 - m. Preservation or creation of natural areas and open space;
 - iv. Festivals, events, and celebrations;
 - v. Agritourism;
 1. Agriculturally-related activity for educational, historical, cultural, or recreational purposes conducted on a farm that allows the general public to enjoy such an activity subject to Planning Commission approval.
 - vi. Underground utilities and required infrastructure to support development in other districts
- d. Guidelines and General Requirements
 - i. Minimum setback for all buildings shall be 50ft from any property line, unless adjoining property is owned by the same operator as the SPD
 - B. The Grove and The Falls Districts:
 - a. Purpose: The Grove and The Falls Districts will focus on offering tranquil, nature-immersed overnight accommodations through cottages and barns that allow visitors to extend their stay and fully experience the beauty of the farm.
 - b. Principally Permitted Uses
 - i. Short term rental dwellings, consisting of rental periods of 1-30 consecutive days
 - ii. Long term rental dwellings, consisting of rental periods greater than 31 consecutive days;
 - iii. Accessory amenity buildings
 - iv. Storage buildings accessory to uses in the Orchard District

1. Maximum of 2 buildings per district, not to exceed 10,000 sq feet per building
 - c. Lot, Height, and Floor Area Requirements
 - i. Maximum density per District: 8 units per acre, consisting of any combination of attached and detached units
 11. Maximum area per District: 16 acres
 - iii. Minimum setback from adjacent property lines: 50ft, 1v. Minimum separation between units: 15ft
 - v. Minimum floor area (without basement): 250 sqft v1. Maximum building height: 35ft
 - d. Open Space Requirements
 - i. Each cottage unit shall be provided private open space at the ratio of 50 square feet per unit. Private open space shall not occupy any portion of the common open space or recreation space required above. Private open space shall be specifically designed and constructed to be used and enjoyed by the residents of an individual cottage unit, and shall be located adjacent to and reasonably accessible from the unit.
- C. The Overlook District:
- a. Purpose: The Overlook District is established as the commercial and operational core of Mapleside Farms, housing the winery, multifamily residences, and other commercial activities, including a boutique hotel and spa. This district will blend modern amenities with the farm's historic charm, providing a year-round draw for visitors.
 - b. Principally Permitted Uses
 1. Live music and performing arts venues;
 - ii. Wineries, distilleries, and breweries;
 - m. Wedding venues and commercial event centers, as defined in Section 1242.02 (22.1);
 - 1v. Single and multi-family Residential are conditionally permitted, as further defined below;
 - v. Markets, farmers markets, and temporary retail sales;
 - vi. Retail sales are conditionally permitted, as defined in Section 1242.02(67); vn. Personal services such as barber or beauty shops, health and wellness offices, artist or photographic studios or galleries, as defined in Section 1242.02(59);
 - viii. Restaurants and taverns;

1x. Hotels with Spa services are conditionally permitted;

x. Festivals;

xi. Uses which are comparable in character to the above subject to Planning Commission approval;

xn. Agricultural uses (as defined in The Orchard District, above);

xiii. Any use or structure which is accessory and incidental to any of the principally permitted uses subject to Planning Commission approval.

c. Yard and Height Requirements

1. Front Yard Zone

i. Minimum front yard: 40 feet

2. Maximum front yard: 60 feet

ii. Minimum side yard width: 50 feet when adjacent to a residential district or use, on the side adjacent to the residential district or use only.

iii. Minimum rear yard width: 25 feet, 50 feet adjacent to a residential district or use.

iv. Maximum building height: 45 feet.

d. Multifamily dwelling requirements

i. Lot, Height, and Floor Area Requirements

1. Minimum floor area per unit:

a. For each one bedroom dwelling unit, 800 square feet; and

b. For each additional bedroom, per dwelling unit, 150 square feet.

ii. Development Standards

1. Density

a. Multifamily density in the Overlook District will be limited to 4 units per acre

2. Unit Types

a. Multifamily residential dwellings may include a variety of unit types, including but not limited to attached, detached, townhouse, patio and similar unit types. Multifamily dwellings may also include a variety of unit types, including fee simple, footprint and condominium.

3. Landscaping

a. Required front yards in a multifamily development shall be landscaped and shall not be used for parking or any other purpose, except driveways to reach designated parking areas. Landscaping shall comply with the requirements of Chapter 1282.

4. Landscaping Adjacent to Commercial Uses

a. Multifamily developments which are located behind commercial uses shall maintain a landscaped area with a

25-foot minimum width between multifamily buildings and the nearest commercial building or commercial parking or circulation area. This area shall be landscaped with lawns and planting beds, except for driveways to reach designated parking areas.

5. Building Spacing

a. A multifamily development shall be considered as one building for the purpose of determining front, side and rear yard requirements, the entire group as a unit requiring one front yard, one side yard and two side yards. All buildings in a multifamily development shall be a minimum of 20 feet apart. All garage doors shall be a minimum of 10 feet from a sidewalk or a private drive or street.

iii. Design Standards.

1. Attached or townhouse-type dwellings shall have a maximum of 4 units attached in a single building.

2. Garages shall be designed and located so that they are not the dominant visual element of the building or streetscape. All attached garages shall comply with one of the following:

a. The garage door shall be set back a minimum of two feet further from the primary access street, whether public or private, than the front wall of the main living area; or

b. The garage door shall be oriented perpendicular, or mainly perpendicular, to the access street. All attached garages shall be fully integrated into the building mass.

3. Multifamily buildings shall use offsets, projections, recess and other comparable design elements to avoid long, uninterrupted wall or roof planes. Blank walls are prohibited, except where necessary to maintain privacy.

4. Doorways shall be defined and articulated with architectural elements such as intels, pediments, porches or overhangs. Doorways shall be compatible with the building as a whole and with the doors themselves.

5. There shall be a maximum of 16 inches between exterior wall finishes and the final grade. Exposed foundation walls shall be covered with brick, stone or masonry with a surface design.

6. Sidewalks shall form a network of pedestrian paths with a logical continuity. Walks shall be designed around large trees and outcroppings without being overly rigid in their placement. Pedestrian connectivity to Pearl Road will be designed into the overall project layout as appropriate during development.

7. Landscaping shall be integrated with other functional and ornamental site characteristics to reinforce the character of the area.

e. Mixed Use Development Areas

i. Multifamily dwellings in The Overlook District can be combined with one or more other uses which are permitted in the district

ii. Design Criteria

1. Uses may be mixed vertically (in a single building), horizontally in separate buildings, or both.

2. Non-multifamily uses shall occupy a minimum of 30 percent of total floor area of the mixed use development.

3. Commercial and multifamily uses shall be fully integrated in terms of architecture and circulation, including pedestrian circulation. Sidewalks shall connect buildings and activity areas with each other and with the street sidewalks.

4. Buildings facing Pearl Road with ground floor commercial space shall comply with the front yard zone provisions for the Overlook District and shall provide a 10-foot landscaped strip along the street right of way required by Section 1284.06(g).

5. To insure that space approved for commercial use within a mixed use development is in fact used for that purpose, space intended for commercial use shall incorporate a minimum of 50 percent glass (clear or translucent) between the height of 3 feet and 8 feet above grade in ground floor front elevations.

D. The Homestead Conservation District

a. Purpose: The Homestead District is established to ensure that current and future property owners have the opportunity to reside on the property at densities up to 2 units per acre.

b. Principally Permitted Uses

1. Single family detached dwellings;

ii. Signs as regulated by Chapter 1270;

iii. Agricultural uses as defined in The Orchard District above;

c. Lot, Height and Floor Area Requirements

i. Minimum lot width: 55 feet

11. Minimum lot depth: 130 feet

iii. Minimum front yard width: 30 feet. For corner lots, minimum second front yard width: 30 feet.

iv. Minimum side yard width: 7.5 feet

v. Minimum rear yard width: 30 feet

vi. Maximum building height: 35 feet

vu. Minimum floor area, which minimum square footage of a single family dwelling shall not include any area below the front grade:

I. With a full basement: 1100 square feet

2. Without a full basement: 1300 square feet

d. Open Space Requirements

1. The Homestead Conservation District shall provide common open space equal to a minimum of 30 percent of the development area, excluding right-of-way. Open space includes non-residential lawns and other landscaped areas, natural areas, paved terraces and sitting areas and agricultural areas.

E. DEVELOPMENT STANDARDS

a. Building Character and Materials

i. The buildings across Mapleside Farms will be constructed using a blend of natural and sustainable materials to reflect the Farm's rustic charm while ensuring durability and environmental responsibility. The primary materials include timber, wood, stone, brick, and large glass windows to enhance the views and connect indoor spaces with the natural landscape. Additionally, sustainable composite materials will be incorporated to align with modern sustainability practices, offering strength and longevity. These materials will be used consistently across the districts, ensuring a cohesive aesthetic while allowing flexibility in design where appropriate for each district's unique character.

b. Structures can be developed in accordance with their intended purpose and adapt to changing conditions on the property, including:

1. To allow multiple uses subject to Planning Commission approval

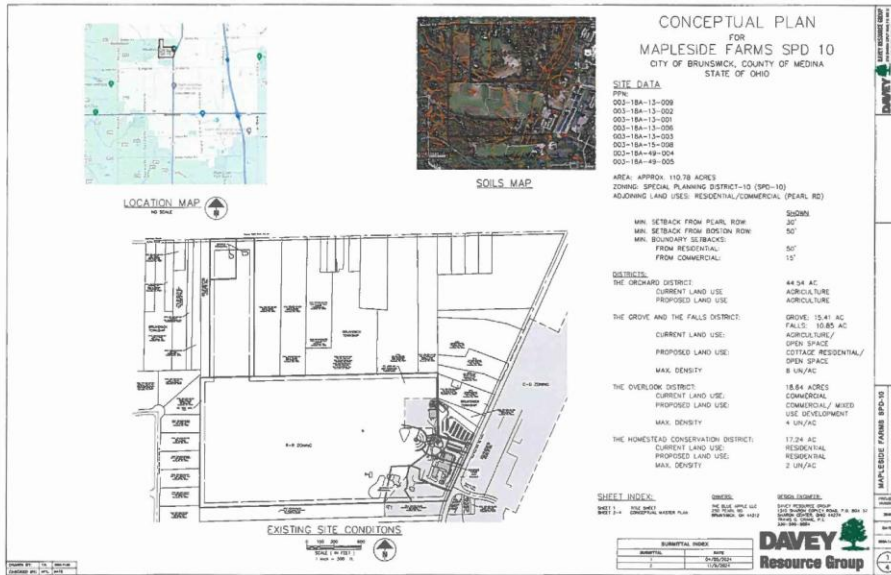
I. Uses include equipment and general storage operational to the farm and seasonal public access.

11. Structures that are necessary for the processing and/or distribution of agricultural products as defined in Section II(A)(b) above

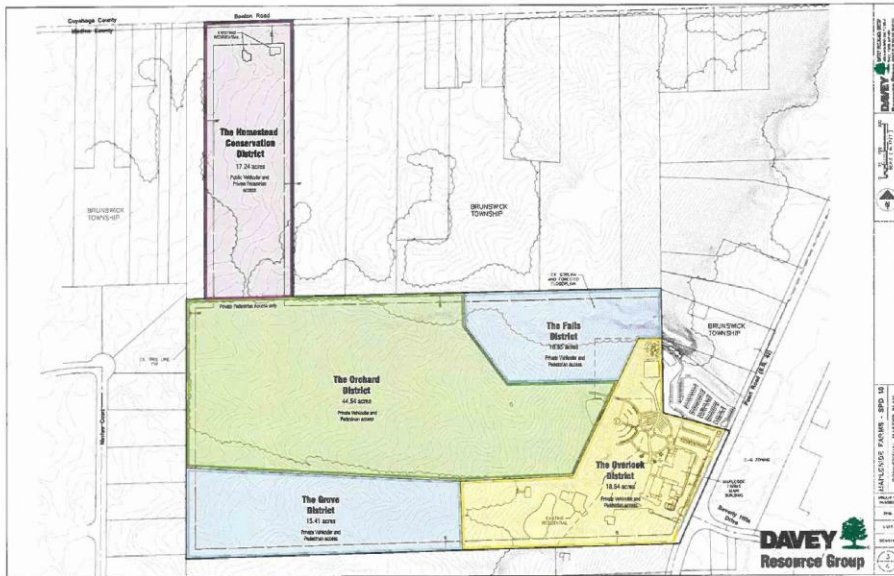
iii. Residential structures may be combined with commercial or agricultural structures subject to Planning Commission approval

c. The SPD shall provide common open space equal to a minimum of 35 percent of the development area, excluding right-of-way. Common open space includes outdoor areas or enclosed recreational areas designed for use by all of the residents, and their guests. Common open space includes lawns and other landscaped areas, natural areas, paved terraces and sitting areas and indoor or outdoor recreation areas, and agricultural areas.

d. Stormwater retention areas and ponds may receive full credit towards the common open space requirement in (b) above. Water areas shall not exceed percent of the minimum recreation area in (b) above.









PROPOSED LEGISLATION



DATE: 7/13/2026

TO: Members of City Council

FROM: Committee of the Whole

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 36-2026** - A resolution appointing Nicholas J. Hanek as City Manager/Safety Director of the City of Brunswick. **1st Reading** (To be brought from Committee-of-the-Whole, *Council/Joseph Delsanter*)

BACKGROUND: Carl S. DeForest will be separating employment, and Brunswick City Council is in the process of selecting and appointing a replacement as City Manager/Safety Director. Pursuant to Section 4.01(a) of the Brunswick City Charter, City Council appoints the City Manager/Safety Director, with a minimum of five (5) votes being necessary for appointment, who shall serve for an indefinite tenure at the pleasure of City Council.

PURPOSE AND EXPLANATION: Brunswick City Council had prepared the attached Employment Agreement and Resolution appointing Nicholas J. Hanek as City Manager/Safety Director effective April 5, 2027.

IMPLEMENTATION SCHEDULE: The intent is to be read for first reading on July 13, 2026.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Costs will be calculated in accordance with the agreement and included in the 2027 proposed appropriation budget.

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 36-2026

BY: Committee-of-the-Whole

A RESOLUTION APPOINTING NICHOLAS J. HANEK AS CITY
MANAGER/SAFETY DIRECTOR OF THE CITY OF BRUNSWICK.

WHEREAS: Pursuant to Section 4.01(a) of the Brunswick City Charter, City Council appoints the City Manager/Safety Director, with a minimum of five (5) votes being necessary for appointment, who shall serve for an indefinite tenure at the pleasure of City Council.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: That Nicholas J. Hanek is hereby appointed as the City Manager/Safety Director of the City of Brunswick commencing April 5, 2027, who shall serve in such capacity for an indefinite tenure at the pleasure of City Council, pursuant to the terms and conditions of the Employment Agreement attached hereto as Exhibit "A".

SECTION 2: That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _ NAYS __

ATTEST: _____
Clerk of Council
Laura E. Timura, MMC

CITY OF BRUNSWICK

EMPLOYMENT AGREEMENT

This Employment Agreement (the "Agreement") is made and entered into this ____ day of _____, 2026, by and between the Council of the City of Brunswick, Ohio (the "Council"), a Municipal Corporation, hereinafter called "Employer", and Nicholas J. Hanek, hereinafter called "Employee" (collectively referred to herein as the "Parties") both of whom agree and understand as follows:

WITNESSETH:

WHEREAS, Employer desires to enter into an Employment Agreement with Nicholas J. Hanek covering salary and benefits for the position of City Manager/Safety Director of the City of Brunswick (the "City"), which employment is to commence on April 5, 2027 (the "Effective Date");

WHEREAS, it is the desire of the Council to provide certain benefits, to establish certain conditions of employment and to set working conditions of said Employee; and

WHEREAS, the Parties acknowledge that, at or prior to the Effective Date, Employee shall be a member of the International City/County Management Association ("ICMA") and that Employee will be subject to the ICMA Code of Ethics.

WHEREAS, the Parties further acknowledge that Employee is licensed to practice law in the State of Ohio and is subject to the Ohio Rules of Professional Conduct.

NOW THEREFORE, in consideration of the mutual covenants herein contained, the Parties hereto agree as follows:

SECTION 1: DEFINITIONS

Except as qualified or otherwise revised in this Agreement, the terms herein listed shall denote the following:

A. "Benefits" shall mean and refer collectively to the following:

1. Sick Leave
2. Vacation Time
3. Automobile Allowance
4. Health Insurance
5. Life Insurance
6. Professional Development Expenses
7. Fidelity Bond
8. Cellular Telephone
9. Deferred Compensation

- B. "Charter" shall mean and refer to the Charter of the City of Brunswick, Ohio.
- C. "Compensation" shall mean and refer collectively to the "Salary" plus "Benefits".
- D. "Salary" shall mean and refer to the base annual salary, without addition of any other Benefit or element of Compensation included.

SECTION 2: DUTIES OF EMPLOYEE

Employer hereby agrees to the employment of said Employee, Nicholas J. Hanek, as City Manager/Safety Director of the City to perform such functions and duties as are specified in the Charter, including, but not limited to, Article IV, setting forth the appointment, qualifications, removal, resident requirements, and powers and duties, and to perform such functions and duties under the laws of the City of Brunswick and the State of Ohio and to perform other legally permissible and proper duties and functions as Council shall from time to time assign (collectively referred to herein as the "Duties").

SECTION 3: TERM

This Agreement shall remain in full force and effect until terminated by the Employer or the Employee as provided in Section 5 or 6 of this Agreement.

Subject only to the provisions set forth in Section 4 and 5 of this Agreement, nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Council to suspend or terminate the services of Employee at any time. The Parties recognize and accept that neither the existence nor the terms of this Agreement alter Employee's status as an at-will employee of the City.

In addition, nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Employee to resign at any time, subject only to the provisions set forth in Sections 5 and 6 of this Agreement.

SECTION 4: SUSPENSION

Employer may suspend the Employee from his Duties at any time, with or without cause, pursuant to Article IV, Section 4.01 of the Charter, with or without continuation of some or all of Employee's Compensation, as five (5) members of the seven (7) constituted Council shall determine in their unfettered discretion.

SECTION 5: TERMINATION AND SEVERANCE BENEFITS

Employer may terminate Employee at any time, with or without cause, subject to the provisions of Article IV, Section 4.01 of the Charter, and subject to the provisions of this Section 5 of this Agreement.

In the event Employee is terminated for conviction of a crime of moral turpitude or of a felony ("for cause termination"), Employee is entitled to no Compensation of any kind under

this Agreement, including without limitation any Severance Benefits (defined below), for any period following the date of the commission of such crime.

Severance Benefits shall be paid to the Employee when employment is terminated by Council, for reasons other than for cause termination, then in that event Employer agrees to pay Employee a lump sum cash payment, unless otherwise agreed to by the Employer and Employee, due on the date designated as the last upon which Employee will perform Duties pursuant to this Agreement (the "Termination Date"), comprising the following Compensation elements (hereinafter collectively the "Severance Benefits");

1. Six (6) months of Salary, without payment of Employee's contribution to Ohio Public Employees Retirement System; and
2. Vacation Time accumulated and unused as of the Termination Date, subject to Section 12 of this Agreement.

Council, in any termination or removal proceeding, other than for cause termination as defined in this Agreement, shall not be bound by the requirements of Article IV, Section 4.01, of the Brunswick City Charter. Nothing in this Section 5, of this Agreement or the Charter creates, or shall be construed as creating, anything other than an at-will employment relationship between Employer and Employee.

Council, in any termination other than one involving a crime of moral turpitude or a felony, shall provide the Employee with thirty (30) calendar days written notice of intent to terminate. Nothing in this Section 5, of this Agreement or the Charter creates, or shall be construed as creating, anything other than an at-will employment relationship between Employer and Employee. The termination or removal procedure set forth in this Agreement for terminations other than for cause termination are in lieu of any inconsistent removal procedure contained in the Brunswick City Charter. In consideration of the Severance Benefits, the Employee waives any right to the removal procedures as set forth in Section 4.01 of the Charter for terminations other than for cause.

Employee agrees that in the event he is terminated under Section 5 of this Agreement or he resigns pursuant to Section 6 of this Agreement, he shall, within thirty (30) days before separation, create a satisfactory detailed exit report to Council describing all current activities and projects as well as detailing ongoing City matters and business interests to assist in any transition. Employee further agrees he will, at his own expense, take all necessary action and participate with any necessary transition with a successor City Manager/Safety Director as requested by Council. Employee also agrees that he will not use any information, data or source against the Employer to hinder City income revenue sources, or to attempt to have any business (current or prospective at the time of separation) move from or not enter the City.

If the Employer, citizens or Council act to amend any provision of the Charter pertaining to the role, powers, duties, authority or responsibilities of the Employee's position that substantially changes the form of government, the Employee shall have the right to declare that such amendments constitute termination.

If the Employee resigns following a formal offer to accept resignation by the Employer in terminations other than for cause as defined in this Section, then the Employee may declare a termination as of the date of resignation.

SECTION 6: RESIGNATION

Employee may voluntarily resign his position with Employer upon no less than three (3) months advance written notice, unless the Parties agree otherwise in writing. Such resignation shall be deemed effective upon the last date of the advance notice period given (the "Resignation Date"). Employee shall not be permitted to utilize Vacation Time during such three (3) month written notice period.

Notwithstanding anything to the contrary in this Agreement, in the event that Employee resigns, Severance Benefits, which will be due to Employee on the Resignation Date, shall comprise and include only Vacation Time accumulated and unused as of the Resignation Date, subject to the applicable provisions and restrictions of Section 13(A) of this Agreement. In the event the Employee has utilized Vacation Time which was credited but not yet accrued, the Employee shall reimburse the Employer on a pro-rata basis.

Neither Employee's tender of resignation nor intent to resign shall affect, impair or diminish either Employer's right to suspend or terminate Employee, or any other right of Employer's under the Charter or this Agreement, including without limitation, provisions in Section 5 herein resulting in Employee being denied all Severance Benefits or other compensation.

SECTION 7: SALARY

The Employee's Salary shall be set at One Hundred Sixty-Five Thousand Dollars (\$165,000.00) annually, effective from the Effective Date until modified or amended by official action of Council. The Salary shall be payable in installments at the same time and in the same manner as other Managerial employees of the Employer are paid. Employee shall receive a two and three-quarters percent (2.75%) pay increase each subsequent year effective January 1st.

Effective April 5, 2027, the Employee shall receive longevity payment according to the schedule for all other administrative employees. As of April 5, 2027, Employee will start at the eleven (11) year rate.

It is recognized and accepted by the Parties that Employee is an exempt employee for purposes of the Fair Labor Standards Act, 29 U.S.C.A. § 201 *et seq.*, and is not eligible for either overtime pay or compensatory time pay.

SECTION 8: PERFORMANCE EVALUATION

The Council may review and evaluate the performance of the Employee annually in advance of the adoption of the annual operating budget. Said review and evaluation shall be in accordance with specific criteria developed jointly by Employer and Employee. Said criteria may be added to or deleted from as the Council may from time to time determine upon prior notice to Employee. Further, the Council may choose to provide the Employee with a

summary written statement of the findings of Council concerning Employee's performance and provide an adequate opportunity for Employee to discuss his evaluation with the Council.

Annually, the council and the Employee shall define and reduce to writing such goals and performance objectives that they determine to be necessary for the proper operation of the City and in the attainment of the Council's policy objectives and shall further establish a relative priority among those various goals and objectives. Such goals and performance objectives shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided.

In effective the provisions of this Section, the council and Employee mutually agree to abide by the provisions of applicable law and the Brunswick City Charter.

SECTION 9: HOURS OF WORK

It is recognized that Employee must devote a great deal of time outside the normal office hours to business of the Employer.

Accordingly, and solely for the purpose of calculating Severance Benefits under Sections 5 and 6 of this Agreement, amounts determined pursuant to this Agreement requiring a dollar value of e.g., one (1) hour or of one (1) day of Employee's work time will be calculated using the following assumed values:

1. Ten (10) worked hours/day, or fifty (50) worked hours/week, or 2,600 worked hours/year
2. Value of one (1) work hour = (Base Salary/2,600 hours/year)
3. Value of one (1) work day = (Base Salary/2,600 hours/year) x 10 hours/day

Subject to Council's discretion under the Charter, nothing in this Section or in this Agreement shall be deemed to set or require a fixed minimum number of hours to be worked daily by Employee.

SECTION 10: RESIDENCY

Per Charter Section 4.02, Employee will maintain residency in the City during the term of his employment and will establish such residency within six (6) months from the Effective Date. This is a material term of this Agreement and a material term of Employee's employment.

SECTION 11: AUTOMOBILE ALLOWANCE

Employee's duties require use of a motor vehicle. Employer will provide a set Automobile Allowance per month (full or partial month) of no more than Four Hundred Fifty Dollars (\$450.00) effective the first payroll after the Effective Date of this Agreement.

SECTION 12: VACATION TIME AND SICK LEAVE

Employee shall accrue, and have credited to his personal account, Vacation Time at the rate of five (5) weeks per calendar year as prorated to the Effective Date. The Vacation Time in this Section is eligible for use by the Employee effective as of April 5, 2027 and January 1st of each successive calendar year, subject to any credit or reimbursement by the Employee upon resignation or termination as set forth in this Agreement.

For purposes of determining Severance Benefits under Section 5 of this Agreement or reimbursement upon resignation, Vacation Time shall be deemed to accrue at the rate of one and one-quarter (1.25) week per calendar quarter, with one and one-quarter (1.25) week accruing on the first date in January, April, July and October of each year during the term of this Agreement.

- a. For purposes of determining Severance Benefits or reimbursement, the value of any Vacation Time already used but not yet accrued shall be deducted from the total Vacation Time determined to be accrued to calculate a net amount of Vacation Time owed to Employee or reimbursed by the Employer to the Employer.

Unused Vacation Time will carry over to the next calendar year.

Employee shall accrue, and have credited to his personal account, Sick Leave at the rate of four and six-tenths (4.6) hours for every eighty (80) hours of work. Additionally, Employee's personal account shall include Employee's previously accrued Sick Leave in accordance with Ohio Administrative Code Rule 123:1-32-10 upon formal transfer thereof from the Ohio Public Employee's Retirement System, which transfer shall be the sole responsibility of Employee.

1. Employee shall accrue his Sick Leave in accordance with the procedures and policies set forth in the then current Brunswick Employee Handbook and Policy Manual.
2. Employee may accumulate Sick Leave and roll unused hours forward from year to year during the term of this Agreement.
3. When Employee's employment with Employer ends due to Employee's retirement, Employee may redeem, provided he is pensionable, unused Sick Leave by accepting the cash equivalent value of one-fourth (1/4) of the gross accumulated unused Sick Leave hours, not to exceed two hundred forty (240) hours as certified by the Director of Finance. Further, in order to receive a Sick Leave conversion payment under this Section, the Employee must be eligible to receive a pension from any State of Ohio pension system (i.e., he must be "pensionable").

SECTION 13: HEALTH AND LIFE INSURANCE

Within ninety (90) days of the Effective Date, Employer agrees to provide medical, prescription, dental and vision insurance coverage for Employee and his dependents equal to that which is provided to all other employees of the Employer under the plan covering such benefits currently in effect for such employees (the "Insurance Coverage").

Further, as of the Effective Date, the City will utilize its best efforts to provide Insurance Coverage to Employee and his dependents and, accordingly, will request Employee be granted Insurance Coverage prior to the normal ninety (90) day waiting period. However, it is the insurance carrier's Underwriting Department that makes the final determination as to such insurance coverage, which Employee expressly recognizes.

Employee shall pay the same monthly premium contribution for insurance coverage as other City employees based upon the Plan chosen and the Policy of the City.

The Employer will provide, at Employer's expense, Life Insurance on Employee with a death benefit in the amount equal to two (2) years of Salary.

If requested by Employer, Employee agrees to submit to three (3) annual drug screening tests at times randomly selected by Employer, in Employer's sole discretion, the cost of which shall be paid by the Employer.

SECTION 14: RETIREMENT CONTRIBUTIONS

Employer further agrees to pay the Employee's share of contribution to the Ohio Public Employee's Retirement System ("OPERS") pursuant to applicable City policy, Employee Handbook and Policy Manual.

Employer agrees to pay into a City Deferred Compensation Plan of Employee's choosing, on the Employee's behalf, the amount of Six Percent (6%) of the Employee's base salary in equal proportionate amounts each pay period.

SECTION 15: DUES AND SUBSCRIPTIONS, PROFESSIONAL DEVELOPMENT, CIVIC ORGANIZATIONS AND GENERAL EXPENSES

As the City Manager/Safety Director of the City, the Employee will be responsible for all administration and policies of the City, and the Employer agrees to budget and pay for all reasonable professional dues and subscriptions of Employee necessary for his continuation and full participation in national, regional, and local Associations and Organizations necessary and desirable for his continued professional participation, growth and advancement for the good of the Employer, including but not limited to: (a) the International City/County Management Association ("ICMA"); (b) the biennial lawyer registration fee to the Ohio Supreme Court to maintain active status; and (c) the costs to complete Continuing Legal Education courses as required by the Ohio Supreme Court. Payment of such professional dues and subscriptions shall require Council approval.

Employer may, at its discretion, also approve and pay for reasonable official travel and subsistence expenses of Employee for professional meetings and conferences for the professional development of Employee and to adequately pursue necessary official functions for the Employer.

Employer recognizes the desirability of representation in and before local civic and other organizations. Employee is authorized to become a member of such civic clubs or organizations, for which Employer may elect, at its discretion, to pay all reasonable expenses relative thereto.

SECTION 16: INDEMNIFICATION

In addition to that required under State and Local law, and under the Charter, Employer shall defend Employee against any tort, professional liability action, claim, suit, demand or other legal action (collectively "Claims"), whether groundless or otherwise, arising out of any alleged act or omission occurring in the performance of the Employee's Duties, if and only if Employee acted in good faith and in a manner he reasonable believed to be in or not opposed to the best interests of the Employer, and, with respect to any criminal action or proceeding, if and only if he had no reasonable cause to believe his conduct was unlawful.

Employer will cooperate fully in endeavoring to compromise and settle any such Claims and shall pay the amount of any settlement or judgment rendered in such Claims, to the extent that such is not covered by insurance. Employer shall bear the costs of all expenses incurred in defending any such Claims against the Employee as a result of performance of the Employee's duties as City Manager/Safety Director, subject to the conditions as set forth in Section 17 herein.

Notwithstanding anything to the contrary herein, in no event will Employer pay any amount attributable to punitive damages awarded against Employee, or for which he is liable, or any amount attributable to penal fines or restitution orders arising out of Employee's unlawful appropriation of funds or property owned by or in the lawful possession or custody of Employer.

SECTION 17: BONDING

Employer shall bear the full cost of any fidelity or other bond or bonds required of the Employee under any law, ordinance, or Charter provision.

SECTION 18: CELLULAR TELEPHONE

Employee shall be provided with a cellular telephone, at Employer's cost, through the City's current cellular telephone package.

SECTION 19: OTHER TEMS AND CONDITIONS OF EMPLOYMENT

The Council, in consultation with Employee, shall fix any other terms and conditions of employment as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the

provisions of this Agreement, the Charter, or any other applicable law or constitutional provision.

Except to the extent modified by this Agreement, all provisions of the Charter and the Brunswick City Code, the Employee Handbook and Policy Manual, and the regulations and rules of the Employer relating to vacation and sick leave, retirement and pension system contributions, holidays, and other benefits and working conditions as they now exist or hereafter may be amended, shall apply to Employee as they would to other employees of the Employer in addition to said Benefits enumerated specifically for the benefit of Employee.

SECTION 20: NO REDUCTION OF BENEFITS

Employer shall not at any time during the Term of this Agreement, reduce the Salary, Compensation, or other Benefits of Employee set forth herein unless agreed to by both Parties hereto in writing.

SECTION 21: NOTICES

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage pre-paid, addressed as follows:

EMPLOYER: Clerk of the Brunswick City Council
4095 Center Road
Brunswick, OH 44212

And

Brunswick City Law Director
4095 Center Road
Brunswick, OH 44212

EMPLOYEE: Nicholas J. Hanek
4236 Cherryshire Drive
Brunswick, OH 44212

Alternatively, notice as required pursuant to this Agreement may be personally served in the same manner as is provided by the Ohio Rules of Civil Procedure. Notice shall be deemed given as of the date of personal service or, as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

SECTION 22: SEVERABILITY

In the event that any portion of this Agreement shall be found to be invalid or unenforceable by a court of competent jurisdiction, it is agreed that the invalidity or unenforceability shall not affect any other portion of this Agreement, and the remaining covenants and restrictions shall remain in full force and effect.

SECTION 23: GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

SECTION 24: GENERAL PROVISIONS

The City Manager/Safety Director is the highest appointed official of the City of Brunswick. He is, therefore, required at all times, on duty and off, to conduct himself in an ethical, civil and appropriate manner, with integrity, befitting his high public position in the Brunswick community. The City Manager/Safety Director shall conform at all times to the ICMA Code of Ethics, the Ohio Rules of Professional Conduct, the City of Brunswick Employee Handbook and Policy Manual, all applicable laws and ordinances of Brunswick, Ohio, including the City Charter, and all applicable federal and state laws.

This Agreement embodies the entire agreement and understanding between the Employer and Employee, and there are no other agreements, representations, warranties, or understandings, oral or written, between the Parties with respect to the subject matter of this Agreement. Neither has either Party hereto in executing this Agreement relied upon any statements, facts or representations not included herein.

No modification or change of this Agreement shall be valid unless made in a writing signed by both Parties hereto.

This Agreement shall be binding upon and inure to the benefit of the heirs at law, next of kin, and personal representatives of the Employee and to any successor or assign of Employer.

In any controversy involving the Parties hereto that arise out of or relates to the existence, interpretation, breach and/or enforcement of this Agreement, the Parties shall each bear their own attorney's fees and costs of litigation.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties hereto have caused this Employment Agreement to be executed as of the date first indicated above.

CITY OF BRUNSWICK
BY IT'S COUNCIL MEMBERS

NICHOLAS J. HANEK

Joe Delsanter, Vice Mayor Pro Tempore

Mike Abella Jr.

Kristy Piper

Tim Smith

Keith Kuczma

Nate Witsaman

ATTESTED TO BY:

Laura E. Timura, MMC
Clerk of Council

APPROVED AS TO FORM:

Dennis A. Nevar, Law Director
City of Brunswick, Ohio