

ORDINANCE NO. 2021-36

Introduced by Mark Claus

AN ORDINANCE AMENDING SECTIONS 1129.06 – DESIGN AND CONSTRUCTION STANDARDS, 1129.11 – ADMINISTRATIVE PROCEDURES, 1139.02 – BOARD OF BUILDING AND ZONING APPEALS, 1141.01 – PURPOSE, 1141.02 – DEFINITIONS, 1141.03 – RESERVED, 1141.04 – POWERS AND DUTIES OF THE PLANNING COMMISSION RELATING TO DESIGN REVIEW, 1141.05 – TRIGGERING MECHANISM FOR DESIGN REVIEW, 1141.08 – FINAL DECISION, 1141.09 – MINIMUM MAINTENANCE REQUIREMENT, 1141.10 - EXCLUSIONS, 1141.99 – PENALTY, 1313.02 – REQUIREMENTS, AND 1313.03 PROCEDURE FOR FILING AND REVIEW OF THE CITY OF HURON CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Sections 1126.06 – Design and Construction Standards, 1129.11 – Administrative Procedures, 1139.02 – Board of Building and Zoning Appeals; 1141.01 – Purpose, 1141.02 – Definitions, 1141.03 – Reserved, 1141.04 – Powers and Duties of the Planning Commission Relating to Design Review, 1141.05 – Triggering Mechanism for Design Review, 1141.08 – Final Decision, 1141.09 – Minimum Maintenance Requirement, 1141.10 – Exclusions, 1141.99 – Penalty, 1313.02 – Requirements, and 1313.03 Procedure for Filing and Review of the Codified Ordinances of the City of Huron which currently reads as follows: (refer to Exhibit “A” attached), shall be and hereby are amended.


SECTION 2. That Sections 1126.06 – Design and Construction Standards, 1129.11 – Administrative Procedures, 1139.02 – Board of Building and Zoning Appeals; 1141.01 – Purpose, 1141.02 – Definitions, 1141.03 – Reserved, 1141.04 – Powers and Duties of the Planning Commission Relating to Design Review, 1141.05 – Triggering Mechanism for Design Review, 1141.08 – Final Decision, 1141.09 – Minimum Maintenance Requirement, 1141.10 – Exclusions, 1141.99 – Penalty, 1313.02 – Requirements, and 1313.03 Procedure for Filing and Review of the Codified Ordinances of the City of Huron are hereby amended to read as follows: (refer to Exhibit “B” attached).

SECTION 3. That Sections 1126.06 – Design and Construction Standards, 1129.11 – Administrative Procedures, 1139.02 – Board of Building and Zoning Appeals; 1141.01 – Purpose, 1141.02 – Definitions, 1141.03 – Reserved, 1141.04 – Powers and Duties of the Planning Commission Relating to Design Review, 1141.05 – Triggering Mechanism for Design Review, 1141.08 – Final Decision, 1141.09 – Minimum Maintenance Requirement, 1141.10 – Exclusions, 1141.99 – Penalty, 1313.02 – Requirements, and 1313.03 Procedure for Filing and Review of the Codified Ordinances of the City of Huron, as existing prior to the adoption of this Ordinance shall be, and the same hereby are, repealed.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such

formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the further reason that, in order to effectively address and manage further proposed development within the municipality, and to ensure the appropriate public body addresses design review matters, it is imperative this Ordinance be effective immediately; WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption in accordance with the provisions of this Ordinance.



Sam Artino, Mayor

ATTEST: 

Clerk of Council

ADOPTED: 26 OCT 2021



Exhibit A

Ord. 1129.06

1129.06 DESIGN AND CONSTRUCTION STANDARDS.

In addition to assuring compliance with the numerical standards of these regulations, the Planning Commission and Design Review Board, when approving signs, shall consider the proposed general design, arrangement, texture, material, colors, lighting placement and the appropriateness of the proposed sign in relationship to other signs and the other structures both on the premises and in the surrounding areas, and only approve signs which are consistent with the intent, purposes, standards and criteria of the sign regulations. Specific standards for determining the appropriateness of the sign shall include, but not be limited to the following conditions:

- (a) The lettering shall be large enough to be easily read from the public street but not out of scale with the building, site or streetscape.
- (b) The number of items (letters, symbols, shapes) shall be consistent with the amount of information which can be comprehended by the viewer, reflect simplicity, avoid visual clutter and improve legibility.
- (c) The shape of the sign shall not create visual clutter.
- (d) Signs shall have an appropriate contrast and be designed with a limited number of, and with the harmonious use of, colors. Signs and awnings, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block. Continuity of design means uniformity of background colors or harmonious use of a limited range of complementary background colors.
- (e) The size, style and location of the sign shall be appropriate to the activity of the site as prescribed elsewhere in these regulations.
- (f) The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture. The sign shall reflect the primary purpose of identifying the name and type of establishment.
- (g) The sign should be consolidated into a minimum number of elements.
- (h) Instructional signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.
- (i) A sign should be constructed with a minimum of different types of material so as to provide a consistent overall appearance.
- (j) All signs in business and industrial districts may be illuminated provided that light sources to illuminate such signs shall be shielded from all adjacent residential buildings and streets, and shall not be of such brightness so as to cause glare hazardous to pedestrians or motorists, or as to cause reasonable objection from adjacent residential districts.
- (k) No flashing or moving parts shall be permitted for any sign or advertising display within the City.
- (l) No paper or similarly pliable material posters shall be applied directly to the wall, building or pole or other support. Letters or pictures in the form of advertising that are printed or painted directly on the wall of a building are prohibited, except for window signs pursuant to this chapter and conditionally permitted murals.
- (m) No sign shall be erected, located or maintained in a location where it interferes with free vision of traffic approaching any intersection of streets, roads, alleys, private drives or other vehicular ways; not where it may interfere with, obstruct the view, or be confused with an authorized traffic sign or safety device. No sign or advertising device shall be permitted which, by color, location or design, resembles or conflicts with traffic control signs or devices.
- (n) No signs shall be placed, erected or maintained so as to obstruct, in any manner, any fire escape or window, door, exit or entrance to or from any building, or otherwise be placed in the City's right-of-way.
- (o) No sign shall be placed, erected or maintained in a manner which will interfere with the proper and convenient protection of property by the Division of Fire.

- (p) Pennants, banners, streamers, whirligig devices, balloons, inflatable devices, and other similar devices are prohibited except for banners and pennants when part of public information signs installed by the City.
- (q) Billboards and other off-premise signs are prohibited.
- (r) Signs of any type may not be affixed or attached to any utility infrastructure or public infrastructure within the public right-of-way.
- (s) All signs shall be designed, constructed, and erected in a professional and workmanlike manner, in conformance with all applicable building codes, and with materials which are durable for the intended life of the sign. Signs shall be designed, constructed, fastened or anchored to withstand various weather elements.
- (t) For any sign which projects above a public right-of-way, the sign owner shall obtain and maintain in force liability insurance for such sign in such form and in such amount as the Law Director may reasonably determine. Proof of such insurance shall be required prior to obtaining a permit.
- (u) Freestanding signs shall be designed and located so as not to obstruct a driver's visibility entering or exiting property or to be a safety hazard to pedestrians or vehicles, and shall comply with the requirements set forth by the Chief of Police for maintaining clear sight at an intersection.
- (v) "Feather Signs" are prohibited.
- (w) The City Council has full review and approval authority for any sign erected in the median of State Route 6 between the walk-over bridge and Williams Street. (Ord. 2015-8. Passed 8-25-15.)

Ord. 1129.11

1129.11 ADMINISTRATIVE PROCEDURES.

Subject to the exceptions noted herein, no sign shall be erected, placed or maintained within the City limits without first obtaining a sign permit from the Zoning Inspector, upon review by the Zoning Inspector and approval from the Design Review Subcommittee, and paying the required fee. Signs containing electrical components also shall be subject to the provisions of the City Electrical Code and the permit fees required thereunder.

- (a) Compliance with this Section. No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all provisions of this Chapter have been met and all proper permits have been obtained.
- (b) Application for Sign Permit. Any application for a sign permit shall be submitted to the City and include the following information or exhibits:
 - (1) A site drawing and measurements, depicting a rendition of the proposed sign, the specific location of intended posting in relation to all existing buildings and site amenities, the immediately surrounding area, and other required information which demonstrates compliance with all provisions concerning such signs, such landscape provisions, design specifications, and construction specifications.
 - (2) Name, address, and contact information of the applicant.
 - (3) Any required electrical permit.
- (c) Permit Issuance. The Zoning Inspector shall review the permit application and related documents, and shall examine the proposed site of erection. If he finds that the requirements of this section have been met, and that the proposed sign is appropriate to its proposed setting, he shall forward the application to the Design Review Subcommittee for final approval. Upon review and issuance of a sign permit, and the work authorized under the permit is not completed within six (6) months of its issuance, the permit shall become null and void.
- (d) A permit shall not be required for the following signs when such signs are in full compliance with these sign regulations:

- (1) A safety/security sign in a residential district
- (2) A building identification sign in any district
- (3) House identification, real estate, contractor sign, or political signs not exceeding nine square feet in area and located on the appropriate privately owned property or project area
- (4) Any changes to the message display area of a previously approved bulletin or changeable copy type sign
- (5) Holiday themed decorations
- (e) A permit shall be required for the following signs:
 - (1) Multiple-family and conditional uses in residential districts.
 - A. Residential or institutional identification signs;
 - B. Instructional and directional signs that are within five (5) feet of the public right of way;
 - C. All permanent signs that exceed two (2) square feet in area.
 - (2) Business, Industrial, Parking and Park districts.
 - A. Freestanding signs, ground signs, and monument signs (when permitted);
 - B. Projecting, canopy signs, awning signs, and marque signs;
 - C. Wall signs, professional occupation signs, roof signs, and suspended signs;
 - D. Changeable copy, time and temperature signs, and electronic message board signs;
 - E. Illuminated or flashing signs;
 - F. Instructional and directional that are within five (5) feet of the public right of way; and,
 - G. Permanent window signs including any elements that are painted on the window.
- (e) Existing signs. Signs not conforming to this section but which were legal when erected may be continued in use under a special nonconforming permit. This authorization shall not extend beyond the time that the sign requires removal, replacement, relocation or major repair or renovation costing at least half the amount required for a new sign of similar size and construction. Nonconforming signs that are being brought into compliance are subject to the application review process as described in this Code.
- (f) Inspection, correction and removal. If the Zoning Inspector finds that any sign is unsafe or insecure or not maintained in accordance with the requirements of this section, he shall issue written notice to the permit holder directing its correction or removal. If the notice is not complied with within three (3) days of receipt, the Zoning Inspector shall initiate legal process to remove the sign or to enforce compliance. If the sign presents an immediate peril to persons or property, the requirement of notice is waived and the sign may be summarily removed.
- (g) Fees. Fees for all signs, including temporary and portable, shall be that prescribed by the City Council in Section 1321.12 of the Codified Ordinances. (Ord. 2015-8. Passed 8-25-15.)

Ord. 1139.02

1139.02 BOARD OF BUILDING AND ZONING APPEALS.

- (a) Appointment. There is hereby created a Board of Building and Zoning Appeals consisting of five members who shall be residents who hold no other City office or employment, selected by Council, one each year for overlapping terms of five years. It shall have all the power and authority conferred upon

boards of zoning appeals by state law and such other duties as may be imposed upon it by state law. Its members shall serve without compensation.

(b) Procedure. The Board shall adopt its own rules, in accordance with this chapter and elect its own officers annually. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(c) Quorum. Three members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official or any other duly authorized administrative officer, or to decide in favor of an applicant in any matter on which it is required to pass under this Zoning Ordinance, of every such determination shall be stated. A member of the Board shall not be qualified to vote if he has not attended the public hearing or if he has a direct or indirect interest in the issue appealed.

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

(e) Applications, Appeals, Hearings and Stay of Proceedings. An application in cases in which the Board has original jurisdiction under the provisions of this chapter, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Inspector, who shall transmit same to the Board. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Inspector. Such appeal shall be taken within thirty days after the decision, by filing with the secretary of the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

If an application or appeal is received at least five days before a regularly scheduled meeting of the Board, it shall act within forty-five days after such meeting. Failure to act within such period shall be considered approval. Before making any decisions on an application or appeal, the Board shall hold a public hearing at such times as shall be determined by the Board itself. Special hearings can be arranged at the call of the Chairman. Notices of the time and place of hearings shall be mailed, by regular first-class mail, not less than three days prior to the date of the hearing, to the appellant and to affected property owners owning property located within 100 feet of the property that is the subject of the application or appeal, as the names of such owners appear in the current records of the County Auditor's office, or such notice may be given by publication for two successive weeks prior thereto in a newspaper of general circulation in the City.

Failure to notify any affected property owner, as hereinbefore defined, shall have no effect upon the validity of the proceedings taken by the Board. Each application or appeal shall be accompanied by a fee as prescribed by Council in Section 1321.12 of the Building Code to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings. At the hearing, any party may appear in person or be represented by an agent or attorney.

Any person or persons, jointly or severally aggrieved by the decision of the Board, may appeal to the Court of Common Pleas that such decision is unreasonable or unlawful. Such petition shall be presented to the Court within thirty days after the filing of the decision in the office of the Board.

A certified copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and

he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

A decision of the Board shall not become final until the expiration of five days from the date such decision is made, unless the Board finds the immediate taking of effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board after notice of appeal is filed with him, that by reason of acts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Court of Common Pleas on application, on notice to the Zoning Inspector, or by judicial proceedings and on due cause shown.

(f) Powers. The Board of Building and Zoning Appeals shall have the following powers:

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

In addition to permitting the conditional uses and special exceptions hereinbefore specified, the Board shall have the power to permit the following conditional uses and special exceptions:

- (1) Nonconforming uses; substitution. The substitution of a nonconforming use existing at the time of enactment of this chapter by another nonconforming use, if no structural alterations except those required by law or resolution are made, provided however, that in an R District, no change shall be authorized by the Board to any use which is not a permitted or conditional use in any R District and in a B District, no change shall be authorized to any use which is not a permitted or conditional use in any B District.
- (2) Nonconforming uses; extension. The extension of a nonconforming building upon the lot occupied by such building or on an adjoining lot, provided that such lot was under the same ownership as the lot in question at the time the use of such building became a nonconforming use, that the value of such extension shall not exceed in all twenty-five percent (25%) of the assessed valuation for tax purposes of the existing building devoted to a nonconforming use, that such extension shall be within a distance of not more than fifty feet of the existing building or premises, that such extension shall in any case be undertaken within five years of the enactment of this chapter; and provided further however, that the Board shall not authorize any extension or enlargement which would result in violation of the provisions of this chapter with respect to any adjoining premises.
- (3) Extension of use on border of district. The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than twenty-five feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.
- (4) Conditional industrial uses. Permitted in the I-1 and I-2 Districts, certain of the industries or uses listed in Sections 1125.04 and 1125.05 as conditionally permitted. In doing so, the Board may require the installation, operation and maintenance in connection with the proposed use, of such devices or such methods of operation, as may in the opinion of the Board be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, water-carried waste, noise, vibration or similar objectionable features, and may further impose such conditions regarding

the extent of open spaces between such industries or uses and surrounding properties, where such distance is not specifically indicated, as will tend to prevent or reduce the harm which might otherwise result from the proposed use of surrounding properties and neighborhoods.

- (5) Temporary structures and uses. The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this chapter for the district in which it is located, provided that such use is of a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit for not more than a twelve-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

- (6) Conditional uses: wind energy conversion systems.

A. Purpose. The purpose of subsection (f)(6) hereof is to preserve and protect the public health and safety and to promote the orderly land use and development in the City of Huron by the implementation of standards and procedures by which the installation and operation of Wind Energy Conversion Systems (WECS) (wind turbines) shall be governed as a conditional use in any zoning district of the City.

B. Definitions.

1. A wind energy conversion system (WECS) includes any or all of the following components.
 - a. A turbine with propeller type blades;
 - b. A vertical rotor;
 - c. Other means of capturing the energy of the moving air;
 - d. A tower or a mounting structure;
 - e. An electrical power generator with associated electrical power transmission circuitry;
 - f. A battery or other means of storing energy;
 - g. Other means of transmitting energy (hydraulic, mechanical, etc.);
 - h. Mechanical control mechanisms;
 - i. Electrical/electronic/computer circuitry;
 - j. A foundation;
 - k. Enclosures.
2. Total height means the distance measured from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.
3. Small wind energy conversion system means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which will be used primarily to reduce on-site consumption of electrical power.
4. Windmill rotor means that portion of the windmill which includes the blades, hub and shaft.
5. Windmill tower means the supporting structure on which the rotor, turbine and accessory equipment are mounted.
6. Commercial wind energy conversion system means a wind energy conversion system consisting of more than one wind turbine and tower, and a wind energy conversion system which will be used primarily for off-site consumption of electrical power.

7. Wind turbine means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator or rotor; and includes the turbine, rotor, blade, tower, base and pad transformer (if any) in addition to the wind energy conversion systems designed to mount directly on the roof of existing buildings including residences.
8. Applicant means the person or entity filing an application for a conditional use permit under this subsection (f)(6).

C. Applicability.

1. This subsection is applicable to all Wind Energy Conversion Systems (WECS), small and commercial; and Wind Turbines as defined in this section which are proposed to be constructed or located after the effective date of this section.
2. Wind Energy Conversion Systems and Wind Turbines constructed or located prior to the effective date of this subsection shall not be required to meet the provisions of this subsection provided that any physical modification to such pre-existing Wind Energy Conversion System (WECS) or Wind Turbine that materially alters the size, type and number of any such WECS or Wind Turbine shall require compliance with this subsection. If any preexisting WECS or Wind Turbine is destroyed or damaged to the extent of more than 50 percent of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this section.

D. Permit requirement.

1. No Wind Energy Conversion System, small or commercial, or Wind Turbine shall be constructed or located within the City of Huron unless a conditional use permit has been issued to the applicant.
2. The conditional use permit application shall be made in compliance with this subsection and be accompanied with a fee for appearances before the Board of Building and Zoning Appeals.
3. Any physical modification to an existing and permitted Wind Energy Conversion System or Wind Turbine that materially alters the size, type and number of such WECS shall require a permit modification under this subsection. Like-kind replacements shall not require a permit modification.
4. An applicant who proposes to construct or locate a Wind Turbine, as defined in this subsection, on the roof of an existing structure shall be required to apply for a conditional use permit and request a variance from the Board of Building and Zoning Appeals.

E. Small Wind Energy Conversion System Requirements.

1. Permitted locations. A small wind energy conversion system is permitted in any zoning district.
2. Setbacks.
 - a. Property lines. A small wind energy conversion system or tower shall be set back from the nearest property line, public road right-of-way and communication and electrical line not less than 1.0 times its total height.
3. Design standards.
 - a. Monopole or freestanding design. The design of the small wind energy conversion system or tower shall be of a monopole or freestanding design without guy wires.

- b. Minimum blade height. The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 30 feet above any structure or obstacle within 50 feet of the tower.
- c. Access. No tower shall have a climbing apparatus within 15 feet of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked.
- d. Noise. No small wind energy conversion system shall generate sounds exceeding 60 dBA as measured at 100 feet from the tower. Noise generated from any small WECS shall also comply with existing City noise ordinance.
- e. Visual appearance. Small wind energy conversion or tower systems shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No small wind energy conversion system or tower shall be lighted unless required by the FAA. No flags, streamers, decorations, advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy conversion system and/or tower.
- f. Electrical interconnections. All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.
- g. Signal interference. Efforts shall be made to site small wind energy conversion systems, or towers, to reduce that likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy conversion system or tower owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy conversion system or tower shall cause permanent and material interference with television or other communication signals.

F. Permit applications. Application for a small wind energy conversion system and/or tower shall include the following information:

- 1. Site plan to scale showing the location of the proposed small wind energy conversion system and/or tower and the locations of all existing buildings, structures and property lines, along with distances; and,
- 2. Elevations of the site to scale showing the height, design and configuration of the small wind energy conversion system and the height and distance to all existing structures, buildings, electrical lines and property lines; and
- 3. Standard drawings and an engineering analysis of the systems tower, including weight capacity; and,
- 4. A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site; and,
- 5. Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system; including, the name and address of the manufacturer, model and serial number; and,
- 6. Emergency and normal shutdown procedures; and,

7. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes; and,
8. Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator; unless, the system will not be connected to the electricity grid.

G. Commercial wind energy conversion system requirements.

1. Permissible locations. A commercial wind energy conversion system may be permitted as a conditional use (special exception) in all commercial and/or Industrial Districts.
2. Setbacks.
 - a. Property lines. A commercial wind energy conversion system shall be set back from the nearest property line and public road right-of-way not less than 1.0 times the total height of installation.
 - b. Other uses. No commercial wind energy conversion system shall be located within 1,000 feet of a platted subdivision, park, church, school or playground.
 - c. Inhabited structures. A commercial wind energy conversion system shall be set back from the nearest inhabited building, power line or communication line, not less than 1.0 times its total height.
3. Design standards. A commercial wind energy conversion system shall comply with the design standards set forth for small wind energy conversion systems in this section.
4. Permit applications. A commercial wind energy conversion system shall comply with the permit application requirements set forth for small wind energy conversion systems in this section.
5. Commercial Wind Energy Conversion Systems shall not be permitted without approval by the Planning Commission and Design Review Board.

H. Non-use.

1. Any small wind energy conversion system, commercial wind energy conversion system or tower which complies with the terms of this section which is not used for two (2) years, excluding repairs, shall be removed within six (6) months most closely following the two (2) year period. Failure to remove the system shall be deemed a violation of this subsection.
2. Any small wind energy conversion system or commercial wind energy conversion system which is non-conforming and which is not used for one (1) year, excluding repairs, shall be removed within six (6) months most closely following the one (1) year period. Failure to remove the system shall be deemed a violation of this subsection.

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

(h) Administrative Review; Appeals. The Board shall have the power to hear and decide appeals filed as hereinbefore provided, where it is alleged by the appellant that there is error in any order, requirement, decision, determination, grant or refusal made by the Building Official or other administrative official in the enforcement and/or interpretation of the provisions of this chapter.

(i) Variances. The Board shall have the power to authorize variance from the terms, provisions or requirements of this chapter upon appeal in a specific case filed as hereinbefore provided:

- (1) Where by reason of the size, shape, physical and/or topographic characteristics of the specific parcel of land on the effective date of this chapter, or other extraordinary physical situation or condition of this property or of the land immediately adjoining the property in question, the literal enforcement of the provisions or requirements of this chapter would result in denial of all economic use of the land, or
- (2) Where a developer of land files an application with the Planning Commission to subdivide, resubdivide or divide a parcel of land and one or more of the lots intended to be created thereby do not meet the requirements of the chapter and, by reason of unique physical conditions relative to this specific property, a literal enforcement of the provisions or requirements of this chapter will be physically impossible or economically destructive of all economic use of the land.

(j) Conditions in Granting a Variance.

- (1) In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the chapter and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence, guarantee, bond, surety or other security as it may deem necessary to enforce compliance with the conditions attached to such variance.
- (2) The variance granted shall be in direct response to the unique problem presented. That is, a problem in application of side yards shall be met with variance of side yard requirements, not by variance in permitted land use.
- (3) The variance granted shall be the least variance required to respond to the problem.
- (4) The variance granted shall not be a substantial detriment to adjacent property or impair the purposes of this chapter or the public interest.

(k) Certifications in Variance. Upon granting a variance under one of the two conditions specified in subsection (i) hereof, the Board shall certify to the Zoning Inspector and to the Planning Commission:

- (1) That the conditions of either subsection (i)(1) or (2) hereof permitting the granting of the variance, have been met.
- (2) The manner in which the conditions specified in subsection (j)(2) to (4) hereof have been met, and
- (3) The special conditions of the variance, if any, as authorized in subsection (j)(1) hereof.

(l) Board May Reverse Orders. In exercising its power, the Board may in conformity with the provisions of statute and of this chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken.(Ord. 2012-32. Passed 7-24-12.)

Ord. 1141.01

1141.01 PURPOSE.

The purpose of this chapter is to establish procedures whereby buildings, structures, and signage are reviewed for architectural design features and neighborhood compatibility. This section is in effect for all buildings and structures, except for one and two family dwellings, and their accessory uses throughout the Corporate limits.
(Ord. 2011-10. Passed 3-22-11.)

Ord. 1141.02

1141.02 DEFINITIONS.

The following definitions shall apply only to the provisions of the Design Review Regulations of the Codified Ordinances of the City of Huron (Hereinafter referred to as the "City"):

- (a) "Alter or alteration" means any material change in an external architectural feature of any commercial/industrial property which lies within the corporate limits of the city, including demolition, removal, construction, modification to existing signage or placement of new signage, roofs, windows, siding, awnings/canopies, additions, doors/entrances, but not including the landscaping of real property. Repainting a structure the same color and color scheme as existed immediately prior to such repainting shall not constitute an alteration.
- (b) "Applicant" means any owner, owners, person(s), association, partnership, or corporation who applies for a zoning and/or building permit in order to undertake any change on property subject to this chapter.
- (c) "External Architectural Feature" means the architectural style, general design and arrangement of the exterior of a structure including, but not limited to, the type, color (for new construction and rehabilitation), and texture of the building material, doors, windows, roof, porches and other appurtenant fixtures.
- (a) "Commercial/Industrial Buildings and/or Structures" means all buildings and/or structures with the exception of one, and two family dwelling units and their accessory buildings and/or structures.
- (b) "Preservation District" any area within the corporate limits of Huron, Ohio, designated by Council to be subject to the provisions of this Chapter.
- (c) "Member" any member of the Huron City Planning Commission as established under the provisions of this Chapter.
- (d) "Council" the Huron City Council
- (e) "Review Committee" the subcommittee of the Huron City Planning Commission established under the provisions of this Chapter and the Rules and Regulations of the Planning Commission. (Ord. 2011-10. Passed 3-22-11.)

Ord. 1141.03

1141.03 ESTABLISHMENT OF DESIGN REVIEW COMMITTEE.

There is hereby established a Design Review Committee which shall have the powers and duties as are hereinafter set forth in this Chapter. The Committee shall be a subcommittee of the Planning Commission and shall consist of three members, who shall be appointed by the Chairman of the Commission. Design Review Subcommittee members shall be appointed with due regard for the need to include Commission members or others that have the necessary technical expertise to review applicable projects. Members shall be appointed in accordance with the rules and regulations of the Planning Commission. (Ord. 2011-10. Passed 3-22-11.)

Ord. 1141.04

1141.04 POWERS AND DUTIES OF THE DESIGN REVIEW SUBCOMMITTEE.

The Review Committee shall perform its duties under the guidelines established by the Commission. The City Manager shall provide such staff assistance as is necessary and available. All municipal departments and agencies shall cooperate in expediting the work of the Review Committee.

The Committee shall adopt rules and regulations, consistent with this Chapter, governing its procedures and transactions. The Committee shall meet as required to carry out the review of applications

for projects, and such other related work as may be accepted through request of Council or undertaken on its own motion. Meetings shall be held in accordance with the rules of the Committee as required when there are applications to be considered and not less than once annually. Special meetings may be held at the call of the chairperson of the Committee.

Within the Corporate limits, the Review Committee shall review any proposed new construction, alterations to property, and signage as herein defined. The Review Committee's approval of such new construction, alterations, and signage shall be secured before any owner of property may commence work thereon.

In reviewing proposed new construction, alterations, and signage, the Review Committee shall at a minimum use as evaluative criteria, the following:

- (a) Materials shall be appropriate for the use of the proposed structures, weathering, and the relationship to other materials, including those used on adjacent structures.
- (b) Colors and textures shall be appropriate for the size and scale of proposed structures, weathering, and the relationship to other colors and textures, including those used on adjacent structures.
- (c) Architectural details and ornamentation shall be meaningful to the overall design and appropriate for the size and scale of proposed structures, weathering, and the relationship to other architectural details and ornamentation, including those used on adjacent structures. Detailing such as trim, moldings, bands of contrasting siding or brick, and varying textures of concrete or stone are encouraged as part of an overall design which is in-scale with the building and carefully related to other elements.
- (d) Mechanical equipment shall be of appropriate size and scale in relation to rooftop appearance, sidewall openings, sound levels, smoke and other nuisances. The location, color, size type, and screening of mechanical equipment, whether on the roof, walls, or ground, shall be designed to be concealed, and/or to be compatible with or attractively complement the other elements of the structures and site improvements.
- (e) Windows, doors, and other openings shall be so located on the facades and be of such dimensions as are appropriate for the style, scale, and orientation of the building and in a pattern which contributes to a balanced facade appearance. Customer entrances should be accentuated. Decorative elements, caps, brickwork, and trim are encouraged around windows and doors to add interest to the overall design.
- (f) Architectural styles similar to or compatible with existing historical buildings of uses adjacent to or across the street from the site shall be encouraged. Compatibility and complementarity among existing and proposed new structures shall be encouraged in all locations.
- (g) Scale of new construction should be similar to that of the majority of surrounding buildings.
- (h) Varied roof lines, roof details and features such as dormers, turrets, eave breaks, and overhangs are encouraged in new construction as a means to break up the mass of large buildings and to provide visual interest.
- (i) Wall mounted signs shall be design to fit within and complement the architectural forms, colors, and textures of the building, shall fit within any architectural space specifically designed for signs, and shall not cover architectural features. Signs located as part of a series of signs (as in a shopping center), shall be designed with compatibility of location, size, shape, style, material, illumination, and color with other signs in the series.
- (j) Sign colors shall complement the color of the building façade on which the sign is mounted, letters and symbols shall be in scale with the building and its features. Excessive information and clutter is discouraged.
- (k) Freestanding signs shall be designed to fit within and complement the characteristics of the site, building, and wall signs in terms of color, materials, texture, and scale.
- (l) Alterations and additions to existing buildings shall be compatible in scale, material, color, placement, and character with the existing buildings.

- (m) Distinctive architectural features of existing buildings should not be altered or removed unless replaced with features of similar composition, texture, color, design, and other characteristics. Restoration of historic features and building characteristics shall be encouraged.
- (n) Side and rear walls shall be so designed as to relate to and be compatible with the front or main entry wall and overall design of the building, although they may be less detailed and articulated.
- (o) Site features such as fences, walls, and signs compatible in color, texture, scale, materials, and other characteristics with the main building shall be encouraged. (Ord. 2011-10. Passed 3-22-11.)

Ord. 1141.05

1141.05 TRIGGERING MECHANISM FOR DESIGN REVIEW.

Once a property owner applies for the required site plan review, or in the case of a sign, for a permit, the applicable Design Review Committee application will be forwarded to them. All property owners within the Corporate limits must receive Design Review Committee and Planning Commission approval prior to building permit issuance. (Ord. 2011-10. Passed 3-22-11.)

Ord. 1141.08

1141.08 FINAL DECISION.

As the Design Review Subcommittee is subordinate to the Planning Commission, action taken by the Committee will be in the form of a recommendation to the Planning Commission. The final decision on architectural reviews will rest with the Planning Commission. Appeals of the final decision of the Planning Commission will be in accordance with Section 1313.03 (f) of the Codified Ordinances. (Ord. 2011-10. Passed 3-22-11.)

Ord. 1141.09

1141.09 MINIMUM MAINTENANCE REQUIREMENT.

The owner of any structure within the Corporate limits shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration, whether the building is vacant or inhabited. (Ord. 2011-10. Passed 3-22-11.)

Ord. 1141.10

1141.10 EXCLUSIONS.

Normal and ordinary maintenance functions performed on buildings within the Preservation District and the removal/demolition of declared public nuisances (e.g. fire damaged buildings) that pose a threat to the health and safety of the general public shall be excluded from this chapter. (Ord. 2011-10. Passed 3-22-11.)

Ord. 1141.99

1141.99 PENALTY.

(a) Whoever constructs, reconstructs, alters, changes, or demolishes, any exterior feature of any structure, work or art, object, or area in violation of this chapter, or whoever maintains, changes, or installs a sign in violation of this chapter, shall be deemed in violation of the Zoning Code and such violation shall be punishable under Section 1139.01 (h) and (i) of the Zoning Code.

(b) Each day of violation shall constitute a separate distinct violation for as long as one (1) year with respect to alterations and for as long as two (2) years with respect to demolition. (Ord. 2011-10. Passed 3-22-11.)

Ord. 1313.02

1313.02 REQUIREMENTS.

(a) Upon the filing of an application for a building permit for every building or structure, other than a single family or a two family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information:

- (1) A scale drawing showing:
 - A. Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site.
 - B. The location of vehicular ingress and egress and parking spaces, (both existing and proposed) and the dimensions of the same.
 - C. The extent and type of parking lot and driveway paving.
 - D. The location and dimensions of all pedestrian ways and/or sidewalks.
 - E. The location and size of all existing and proposed utilities.
 - F. Complete building elevations and signage including color renderings of the same
 - G. Lighting plan for the site including style and intensity of all parking lot and building mounted lights.
 - H. The plan and method of disposing of all surface water from development area, which drainage plan shall be in accordance with Section 1115.03 of the Subdivision Regulations.
- (2) A written statement containing the following:
 - A. A legal description of the site and a statement of the present ownership of all the land included within the site development area.
 - B. A statement of ownership (names and addresses) and the present use of all properties located within 150 feet of the exterior boundaries of the subject development site.
 - C. A general indication of the expected schedules and/or phases of development.

(b) Design review responsibilities (architectural review) shall be performed as a subcommittee of the Planning Commission and shall be in accordance with the rules and regulations of the Commission for every building or structural with the exception of one and two family dwellings. Design review shall also include the Subcommittee's review of all signage. The standards used by the Commission for design review shall be in accordance with Chapter 1135.

(c) Upon the filing of an application for a building permit for a single family or a two family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information: A scale drawing showing:

- (1) Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site. house number.
- (2) The location of vehicular ingress and egress and the dimensions of the same.
- (3) The location and dimensions of all pedestrian ways and/or sidewalks.
- (4) The location and size of all existing and proposed utilities.
- (5) Complete building elevations.
- (6) The method of disposing of all surface water from the development area.

(d) Upon the filing of an application for a Building Permit for a Plan of Development larger than 1 acre in size of disturbed area, the applicant shall submit a comprehensive Storm Water Pollution Prevention Plan (SWPPP) to the City Engineer for review. The SWPPP shall meet the requirements set forth in the Title Three, Chapter(s) 1315 and 1317. (Ord. 2013-39. Passed 9-24-13.)

Ord. 1313.03

1313.03 PROCEDURE FOR FILING AND REVIEW.

(a) For all site plans (including design review requirements), with the exception of single or two family projects, seven (7) copies of the site development plan and all accessory and supporting documents shall be submitted to the Zoning Inspector/Building Official.

(1) For design review submittal, the developer shall submit seven (7) copies of the architectural plan, including accurate color renderings, landscaping, and lighting, and all other materials needed to allow the Design Review Subcommittee to make an accurate review of the project in accordance with Chapter 1135. This submittal can be done at the time of filing for the site plan or can be done after the preliminary approval of the site plan by the Commission. The Commission can not give final approval of the plan and the zoning and building permit may not be issued until the Commission gives their final approval of the complete plan, including the design review portion.

(b) For all Development Projects disturbing 1 or more acres, three (3) copies of the Site SWPPP and all accessory and supporting documents shall be submitted to the City Engineer. The engineer shall review the plans and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(c) SWPPP Plans for site larger than one (1) acre must receive approval from the City Engineer before a Building Permit can be issued.

(d) Site development plans for a building site for single family or two family dwellings may be approved by the Zoning Inspector/Building Official without further review by the Planning Commission.

(e) Site development plans for all building sites other than for single family or two family dwellings shall be submitted by the Zoning Inspector/Building Official to the Planning Commission for review within thirty days of the filing of the plan.

(f) The Planning Commission shall consider such plan at a public meeting; notice of which meeting shall be served by regular mail to all property owners within 150 feet of the exterior boundaries of the subject site. Such public meeting shall be the next regularly scheduled meeting of the Planning Commission provided the plan is filed with the Zoning Inspector/Building Official by the applicant at least ten (10) days prior to the date of the regular meeting.

(g) Within thirty (30) days from the date of the public meeting considering such change, the Planning Commission shall approve, deny or modify the plan.

(h) Any property owner entitled to notice of the Planning Commission's review(including the design review aspect), as herein provided, and each person submitting a site development plan, shall be entitled to appeal the decision of the Zoning Inspector/Building Official and/or the Planning Commission in approving, modifying, or denying the plan, to the City Council. Such appeal shall be perfected by filing a notice in writing with the Clerk of Council within five (5) days of the decision being appealed. Such notice of appeal shall state in detail the reasons or reason why the decision is being appealed. Any applicant aggrieved by the decision of the City Council, on the appeal described in Subsection (a) above, may appeal said final decision to the Court of the Common Pleas that such decision was unreasonable or unlawful. Such petition shall be filed with the Court within thirty (30) days of the meeting of the City Council at which said decision was made.

(i) The Zoning Inspector/Building Official shall not issue a Zoning Permit or a Building Permit and or a Certificate of Occupancy for the structure/project, until all the requirements of the Planning Commission, including design review and SWPPP review, have been fully complied with.

(j) An approval for a site plan and SWPPP shall be in effect for a period of two (2) years from the date of the Commission's approval. If the project is not started with continual work being performed within that time, the approval shall be voided. (Ord. 2013-39. Passed 9-24-13.)

Exhibit B

Ord. 1129.06

1129.06 DESIGN AND CONSTRUCTION STANDARDS.

In addition to assuring compliance with the numerical standards of these regulations, the Planning Commission, when approving signs, shall consider the proposed general design, arrangement, texture, material, colors, lighting placement and the appropriateness of the proposed sign in relationship to other signs and the other structures both on the premises and in the surrounding areas, and only approve signs which are consistent with the intent, purposes, standards and criteria of the sign regulations. Specific standards for determining the appropriateness of the sign shall include, but not be limited to the following conditions:

- (a) The lettering shall be large enough to be easily read from the public street but not out of scale with the building, site or streetscape.
- (b) The number of items (letters, symbols, shapes) shall be consistent with the amount of information which can be comprehended by the viewer, reflect simplicity, avoid visual clutter and improve legibility.
- (c) The shape of the sign shall not create visual clutter.
- (d) Signs shall have an appropriate contrast and be designed with a limited number of, and with the harmonious use of, colors. Signs and awnings, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block. Continuity of design means uniformity of background colors or harmonious use of a limited range of complementary background colors.
- (e) The size, style and location of the sign shall be appropriate to the activity of the site as prescribed elsewhere in these regulations.
- (f) The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture. The sign shall reflect the primary purpose of identifying the name and type of establishment.
- (g) The sign should be consolidated into a minimum number of elements.
- (h) Instructional signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.
- (i) A sign should be constructed with a minimum of different types of material so as to provide a consistent overall appearance.
- (j) All signs in business and industrial districts may be illuminated provided that light sources to illuminate such signs shall be shielded from all adjacent residential buildings and streets, and shall not be of such brightness so as to cause glare hazardous to pedestrians or motorists, or as to cause reasonable objection from adjacent residential districts.
- (k) No flashing or moving parts shall be permitted for any sign or advertising display within the City.
- (l) No paper or similarly pliable material posters shall be applied directly to the wall, building or pole or other support. Letters or pictures in the form of advertising that are printed or painted directly on the wall of a building are prohibited, except for window signs pursuant to this chapter and conditionally permitted murals.
- (m) No sign shall be erected, located or maintained in a location where it interferes with free vision of traffic approaching any intersection of streets, roads, alleys, private drives or other vehicular ways; not where it may interfere with, obstruct the view, or be confused with an authorized traffic sign or safety device. No sign or advertising device shall be permitted which, by color, location or design, resembles or conflicts with traffic control signs or devices.
- (n) No signs shall be placed, erected or maintained so as to obstruct, in any manner, any fire escape or window, door, exit or entrance to or from any building, or otherwise be placed in the City's right-of-way.
- (o) No sign shall be placed, erected or maintained in a manner which will interfere with the proper and convenient protection of property by the Division of Fire.

- (p) Pennants, banners, streamers, whirligig devices, balloons, inflatable devices, and other similar devices are prohibited except for banners and pennants when part of public information signs installed by the City.
- (q) Billboards and other off-premise signs are prohibited.
- (r) Signs of any type may not be affixed or attached to any utility infrastructure or public infrastructure within the public right-of-way.
- (s) All signs shall be designed, constructed, and erected in a professional and workmanlike manner, in conformance with all applicable building codes, and with materials which are durable for the intended life of the sign. Signs shall be designed, constructed, fastened or anchored to withstand various weather elements.
- (t) For any sign which projects above a public right-of-way, the sign owner shall obtain and maintain in force liability insurance for such sign in such form and in such amount as the Law Director may reasonably determine. Proof of such insurance shall be required prior to obtaining a permit.
- (u) Freestanding signs shall be designed and located so as not to obstruct a driver's visibility entering or exiting property or to be a safety hazard to pedestrians or vehicles, and shall comply with the requirements set forth by the Chief of Police for maintaining clear sight at an intersection.
- (v) "Feather Signs" are prohibited.
- (w) The City Council has full review and approval authority for any sign erected in the median of State Route 6 between the walk-over bridge and Williams Street.

Ord. 1129.11

1129.11 ADMINISTRATIVE PROCEDURES.

Subject to the exceptions noted herein, no sign shall be erected, placed or maintained within the City limits without first obtaining a sign permit from the Zoning Inspector, upon review by the Zoning Inspector and approval from the Planning Commission, and paying the required fee. Signs containing electrical components also shall be subject to the provisions of the City Electrical Code and the permit fees required thereunder.

- (a) Compliance with this Section. No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all provisions of this Chapter have been met and all proper permits have been obtained.
- (b) Application for Sign Permit. Any application for a sign permit shall be submitted to the City and include the following information or exhibits:
 - (1) A site drawing and measurements, depicting a rendition of the proposed sign, the specific location of intended posting in relation to all existing buildings and site amenities, the immediately surrounding area, and other required information which demonstrates compliance with all provisions concerning such signs, such landscape provisions, design specifications, and construction specifications.
 - (2) Name, address, and contact information of the applicant.
 - (3) Any required electrical permit.
- (c) Permit Issuance. The Zoning Inspector shall review the permit application and related documents, and shall examine the proposed site of erection. If he finds that the requirements of this section have been met, and that the proposed sign is appropriate to its proposed setting, he shall forward the application to the Planning Commission for final approval. Upon review and issuance of a sign permit, and the work authorized under the permit is not completed within six (6) months of its issuance, the permit shall become null and void.
- (d) A permit shall not be required for the following signs when such signs are in full compliance with these sign regulations:
 - (1) A safety/security sign in a residential district
 - (2) A building identification sign in any district

- (3) House identification, real estate, contractor sign, or political signs not exceeding nine square feet in area and located on the appropriate privately owned property or project area
- (4) Any changes to the message display area of a previously approved bulletin or changeable copy type sign
- (5) Holiday themed decorations
- (e) A permit shall be required for the following signs:
 - (1) Multiple-family and conditional uses in residential districts.
 - A. Residential or institutional identification signs;
 - B. Instructional and directional signs that are within five (5) feet of the public right of way;
 - C. All permanent signs that exceed two (2) square feet in area.
 - (2) Business, Industrial, Parking and Park districts.
 - A. Freestanding signs, ground signs, and monument signs (when permitted);
 - B. Projecting, canopy signs, awning signs, and marque signs;
 - C. Wall signs, professional occupation signs, roof signs, and suspended signs;
 - D. Changeable copy, time and temperature signs, and electronic message board signs;
 - E. Illuminated or flashing signs;
 - F. Instructional and directional that are within five (5) feet of the public right of way; and,
 - G. Permanent window signs including any elements that are painted on the window.
- (e) Existing signs. Signs not conforming to this section but which were legal when erected may be continued in use under a special nonconforming permit. This authorization shall not extend beyond the time that the sign requires removal, replacement, relocation or major repair or renovation costing at least half the amount required for a new sign of similar size and construction. Nonconforming signs that are being brought into compliance are subject to the application review process as described in this Code.
- (f) Inspection, correction and removal. If the Zoning Inspector finds that any sign is unsafe or insecure or not maintained in accordance with the requirements of this section, he shall issue written notice to the permit holder directing its correction or removal. If the notice is not complied with within three (3) days of receipt, the Zoning Inspector shall initiate legal process to remove the sign or to enforce compliance. If the sign presents an immediate peril to persons or property, the requirement of notice is waived and the sign may be summarily removed.
- (g) Fees. Fees for all signs, including temporary and portable, shall be that prescribed by the City Council in Section 1321.12 of the Codified Ordinances.

Ord. 1139.02

1139.02 BOARD OF BUILDING AND ZONING APPEALS.

(a) Appointment. There is hereby created a Board of Building and Zoning Appeals consisting of five members who shall be residents who hold no other City office or employment, selected by Council, one each year for overlapping terms of five years. It shall have all the power and authority conferred upon boards of zoning appeals by state law and such other duties as may be imposed upon it by state law. Its members shall serve without compensation.

(b) Procedure. The Board shall adopt its own rules, in accordance with this chapter and elect its own officers annually. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(c) Quorum. Three members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official or any other duly authorized administrative officer, or to decide in favor of an applicant in any matter on which it is required to pass under this Zoning Ordinance, of every such determination shall be stated. A member of the Board shall not be qualified to vote if he has not attended the public hearing or if he has a direct or indirect interest in the issue appealed.

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

(e) Applications, Appeals, Hearings and Stay of Proceedings. An application in cases in which the Board has original jurisdiction under the provisions of this chapter, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Inspector, who shall transmit same to the Board. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Inspector. Such appeal shall be taken within thirty days after the decision, by filing with the secretary of the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

If an application or appeal is received at least five days before a regularly scheduled meeting of the Board, it shall act within forty-five days after such meeting. Failure to act within such period shall be considered approval. Before making any decisions on an application or appeal, the Board shall hold a public hearing at such times as shall be determined by the Board itself. Special hearings can be arranged at the call of the Chairman. Notices of the time and place of hearings shall be mailed, by regular first-class mail, not less than three days prior to the date of the hearing, to the appellant and to affected property owners owning property located within 100 feet of the property that is the subject of the application or appeal, as the names of such owners appear in the current records of the County Auditor's office, or such notice may be given by publication for two successive weeks prior thereto in a newspaper of general circulation in the City.

Failure to notify any affected property owner, as hereinbefore defined, shall have no effect upon the validity of the proceedings taken by the Board. Each application or appeal shall be accompanied by a fee as prescribed by Council in Section 1321.12 of the Building Code to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings. At the hearing, any party may appear in person or be represented by an agent or attorney.

Any person or persons, jointly or severally aggrieved by the decision of the Board, may appeal to the Court of Common Pleas that such decision is unreasonable or unlawful. Such petition shall be presented to the Court within thirty days after the filing of the decision in the office of the Board.

A certified copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

A decision of the Board shall not become final until the expiration of five days from the date such decision is made, unless the Board finds the immediate taking of effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board after notice of appeal is filed with him, that by reason of acts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Court of Common Pleas on application, on notice to the Zoning Inspector, or by judicial proceedings and on due cause shown.

(f) Powers. The Board of Building and Zoning Appeals shall have the following powers:

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

In addition to permitting the conditional uses and special exceptions hereinbefore specified, the Board shall have the power to permit the following conditional uses and special exceptions:

- (1) Nonconforming uses; substitution. The substitution of a nonconforming use existing at the time of enactment of this chapter by another nonconforming use, if no structural alterations except those required by law or resolution are made, provided however, that in an R District, no change shall be authorized by the Board to any use which is not a permitted or conditional use in any R District and in a B District, no change shall be authorized to any use which is not a permitted or conditional use in any B District.
- (2) Nonconforming uses; extension. The extension of a nonconforming building upon the lot occupied by such building or on an adjoining lot, provided that such lot was under the same ownership as the lot in question at the time the use of such building became a nonconforming use, that the value of such extension shall not exceed in all twenty-five percent (25%) of the assessed valuation for tax purposes of the existing building devoted to a nonconforming use, that such extension shall be within a distance of not more than fifty feet of the existing building or premises, that such extension shall in any case be undertaken within five years of the enactment of this chapter; and provided further however, that the Board shall not authorize any extension or enlargement which would result in violation of the provisions of this chapter with respect to any adjoining premises.
- (3) Extension of use on border of district. The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than twenty-five feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.
- (4) Conditional industrial uses. Permitted in the I-1 and I-2 Districts, certain of the industries or uses listed in Sections 1125.04 and 1125.05 as conditionally permitted. In doing so, the Board may require the installation, operation and maintenance in connection with the proposed use, of such devices or such methods of operation, as may in the opinion of the Board be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, water-carried waste, noise, vibration or similar objectionable features, and may further impose such conditions regarding the extent of open spaces between such industries or uses and surrounding properties, where such distance is not specifically indicated, as will tend to prevent or reduce the harm which might otherwise result from the proposed use of surrounding properties and neighborhoods.
- (5) Temporary structures and uses. The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed

elsewhere in this chapter for the district in which it is located, provided that such use is of a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit for not more than a twelve-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

(6) Conditional uses: wind energy conversion systems.

A. Purpose. The purpose of subsection (f)(6) hereof is to preserve and protect the public health and safety and to promote the orderly land use and development in the City of Huron by the implementation of standards and procedures by which the installation and operation of Wind Energy Conversion Systems (WECS) (wind turbines) shall be governed as a conditional use in any zoning district of the City.

B. Definitions.

1. A wind energy conversion system (WECS) includes any or all of the following components.
 - a. A turbine with propeller type blades;
 - b. A vertical rotor;
 - c. Other means of capturing the energy of the moving air;
 - d. A tower or a mounting structure;
 - e. An electrical power generator with associated electrical power transmission circuitry;
 - f. A battery or other means of storing energy;
 - g. Other means of transmitting energy (hydraulic, mechanical, etc.);
 - h. Mechanical control mechanisms;
 - i. Electrical/electronic/computer circuitry;
 - j. A foundation;
 - k. Enclosures.
2. Total height means the distance measured from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.
3. Small wind energy conversion system means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which will be used primarily to reduce on-site consumption of electrical power.
4. Windmill rotor means that portion of the windmill which includes the blades, hub and shaft.
5. Windmill tower means the supporting structure on which the rotor, turbine and accessory equipment are mounted.
6. Commercial wind energy conversion system means a wind energy conversion system consisting of more than one wind turbine and tower, and a wind energy conversion system which will be used primarily for off-site consumption of electrical power.
7. Wind turbine means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator or rotor; and includes the turbine, rotor, blade, tower, base and pad transformer (if any) in addition to the wind energy conversion systems designed to mount directly on the roof of existing buildings including residences.

8. Applicant means the person or entity filing an application for a conditional use permit under this subsection (f)(6).

C. Applicability.

1. This subsection is applicable to all Wind Energy Conversion Systems (WECS), small and commercial; and Wind Turbines as defined in this section which are proposed to be constructed or located after the effective date of this section.
2. Wind Energy Conversion Systems and Wind Turbines constructed or located prior to the effective date of this subsection shall not be required to meet the provisions of this subsection provided that any physical modification to such pre-existing Wind Energy Conversion System (WECS) or Wind Turbine that materially alters the size, type and number of any such WECS or Wind Turbine shall require compliance with this subsection. If any preexisting WECS or Wind Turbine is destroyed or damaged to the extent of more than 50 percent of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this section.

D. Permit requirement.

1. No Wind Energy Conversion System, small or commercial, or Wind Turbine shall be constructed or located within the City of Huron unless a conditional use permit has been issued to the applicant.
2. The conditional use permit application shall be made in compliance with this subsection and be accompanied with a fee for appearances before the Board of Building and Zoning Appeals.
3. Any physical modification to an existing and permitted Wind Energy Conversion System or Wind Turbine that materially alters the size, type and number of such WECS shall require a permit modification under this subsection. Like-kind replacements shall not require a permit modification.
4. An applicant who proposes to construct or locate a Wind Turbine, as defined in this subsection, on the roof of an existing structure shall be required to apply for a conditional use permit and request a variance from the Board of Building and Zoning Appeals.

E. Small Wind Energy Conversion System Requirements.

1. Permitted locations. A small wind energy conversion system is permitted in any zoning district.
2. Setbacks.
 - a. Property lines. A small wind energy conversion system or tower shall be set back from the nearest property line, public road right-of-way and communication and electrical line not less than 1.0 times its total height.
3. Design standards.
 - a. Monopole or freestanding design. The design of the small wind energy conversion system or tower shall be of a monopole or freestanding design without guy wires.
 - b. Minimum blade height. The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 30 feet above any structure or obstacle within 50 feet of the tower.
 - c. Access. No tower shall have a climbing apparatus within 15 feet of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked.

- d. Noise. No small wind energy conversion system shall generate sounds exceeding 60 dBA as measured at 100 feet from the tower. Noise generated from any small WECS shall also comply with existing City noise ordinance.
- e. Visual appearance. Small wind energy conversion or tower systems shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No small wind energy conversion system or tower shall be lighted unless required by the FAA. No flags, streamers, decorations, advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy conversion system and/or tower.
- f. Electrical interconnections. All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.
- g. Signal interference. Efforts shall be made to site small wind energy conversion systems, or towers, to reduce that likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy conversion system or tower owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy conversion system or tower shall cause permanent and material interference with television or other communication signals.

F. Permit applications. Application for a small wind energy conversion system and/or tower shall include the following information:

- 1. Site plan to scale showing the location of the proposed small wind energy conversion system and/or tower and the locations of all existing buildings, structures and property lines, along with distances; and,
- 2. Elevations of the site to scale showing the height, design and configuration of the small wind energy conversion system and the height and distance to all existing structures, buildings, electrical lines and property lines; and
- 3. Standard drawings and an engineering analysis of the systems tower, including weight capacity; and,
- 4. A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site; and,
- 5. Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system; including, the name and address of the manufacturer, model and serial number; and,
- 6. Emergency and normal shutdown procedures; and,
- 7. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes; and,
- 8. Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator; unless, the system will not be connected to the electricity grid.

G. Commercial wind energy conversion system requirements.

1. Permissible locations. A commercial wind energy conversion system may be permitted as a conditional use (special exception) in all commercial and/or Industrial Districts.
2. Setbacks.
 - a. Property lines. A commercial wind energy conversion system shall be set back from the nearest property line and public road right-of-way not less than 1.0 times the total height of installation.
 - b. Other uses. No commercial wind energy conversion system shall be located within 1,000 feet of a platted subdivision, park, church, school or playground.
 - c. Inhabited structures. A commercial wind energy conversion system shall be set back from the nearest inhabited building, power line or communication line, not less than 1.0 times its total height.
3. Design standards. A commercial wind energy conversion system shall comply with the design standards set forth for small wind energy conversion systems in this section.
4. Permit applications. A commercial wind energy conversion system shall comply with the permit application requirements set forth for small wind energy conversion systems in this section.
5. Commercial Wind Energy Conversion Systems shall not be permitted without approval by the Planning Commission.

H. Non-use.

1. Any small wind energy conversion system, commercial wind energy conversion system or tower which complies with the terms of this section which is not used for two (2) years, excluding repairs, shall be removed within six (6) months most closely following the two (2) year period. Failure to remove the system shall be deemed a violation of this subsection.
2. Any small wind energy conversion system or commercial wind energy conversion system which is non-conforming and which is not used for one (1) year, excluding repairs, shall be removed within six (6) months most closely following the one (1) year period. Failure to remove the system shall be deemed a violation of this subsection.

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

(h) Administrative Review; Appeals. The Board shall have the power to hear and decide appeals filed as hereinbefore provided, where it is alleged by the appellant that there is error in any order, requirement, decision, determination, grant or refusal made by the Building Official or other administrative official in the enforcement and/or interpretation of the provisions of this chapter.

(i) Variances. The Board shall have the power to authorize variance from the terms, provisions or requirements of this chapter upon appeal in a specific case filed as hereinbefore provided:

- (1) Where by reason of the size, shape, physical and/or topographic characteristics of the specific parcel of land on the effective date of this chapter, or other extraordinary physical situation or condition of this property or of the land

immediately adjoining the property in question, the literal enforcement of the provisions or requirements of this chapter would result in denial of all economic use of the land, or

- (2) Where a developer of land files an application with the Planning Commission to subdivide, resubdivide or divide a parcel of land and one or more of the lots intended to be created thereby do not meet the requirements of the chapter and, by reason of unique physical conditions relative to this specific property, a literal enforcement of the provisions or requirements of this chapter will be physically impossible or economically destructive of all economic use of the land.

(j) Conditions in Granting a Variance.

- (1) In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the chapter and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence, guarantee, bond, surety or other security as it may deem necessary to enforce compliance with the conditions attached to such variance.
- (2) The variance granted shall be in direct response to the unique problem presented. That is, a problem in application of side yards shall be met with variance of side yard requirements, not by variance in permitted land use.
- (3) The variance granted shall be the least variance required to respond to the problem.
- (4) The variance granted shall not be a substantial detriment to adjacent property or impair the purposes of this chapter or the public interest.

(k) Certifications in Variance. Upon granting a variance under one of the two conditions specified in subsection (i) hereof, the Board shall certify to the Zoning Inspector and to the Planning Commission:

- (1) That the conditions of either subsection (i)(1) or (2) hereof permitting the granting of the variance, have been met.
- (2) The manner in which the conditions specified in subsection (j)(2) to (4) hereof have been met, and
- (3) The special conditions of the variance, if any, as authorized in subsection (j)(1) hereof.

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

Ord. 1141.01

1141.01 PURPOSE.

The purpose of this Chapter is to establish procedures whereby buildings, structures, and signage are reviewed for architectural design features and neighborhood compatibility. This Chapter is in effect for all buildings and structures, except for one and two-family dwellings and their surrounding property and accessory uses throughout the City limits.

Ord. 1141.02

1141.02 DEFINITIONS.

The following definitions shall apply only to the provisions of this Chapter 1141 of the Codified Ordinances of the City of Huron (hereinafter referred to as the "City"):

- (a) "Alter or alteration" means any material change in an external architectural feature of any building or structure which lies within the corporate limits of the City, including

demolition, removal, construction, modification to existing signage, placement of new signage, roofs, windows, siding, awnings/canopies, additions, and doors/entrances; but not including the landscaping of real property. Repainting a structure the same color and color scheme as existed immediately prior to such repainting shall not constitute an alteration for purposes of this Chapter.

- (b) "Applicant" means any owner, owners, person(s), association, partnership, company, or corporation who applies for a zoning and/or building permit in order to undertake any alteration on a building or structure subject to this Chapter.
- (c) "External architectural feature" means the architectural style, general design and arrangement of the exterior of a structure, including, but not limited to, the type, color (for new construction and rehabilitation), and texture of the building material, doors, windows, roof, porches and other appurtenant fixtures.
- (d) "Buildings and/or structures" means all buildings and/or structures, with the exception of one and two-family dwellings, and their accessory buildings and/or structures.
- (e) "Council" means the Huron City Council.

Ord. 1141.03

1141.03 RESERVED.

EDITOR'S NOTE: This section has been reserved for future legislation.

Ord. 1141.04

1141.04 POWERS AND DUTIES OF THE PLANNING COMMISSION RELATING TO DESIGN REVIEW.

The Planning Commission may adopt rules and regulations governing its procedures and transactions relating to and consistent with this Chapter. The Planning Commission shall meet as required to carry out the review of applications for projects, or in the case of a sign, a request for a permit, as required by this Chapter and such other related work as may be accepted through request of Council or undertaken on its own motion. Meetings shall be held in accordance with the rules of the Planning Commission as required when there are applications to be considered and not less than once annually. Special meetings may be held at the call of the chairperson of the Planning Commission.

Within the City limits, the Planning Commission shall review any proposed new construction, alterations to property, and signage as herein defined. The Planning Commission's approval of such new construction, alterations, and signage shall be secured before any owner of property may commence work thereon.

In reviewing proposed new construction, alterations, and signage, the Planning Commission shall at a minimum use as evaluative criteria, the following:

- (a) Materials shall be appropriate for the use of the structures, weathering, and the relationship to other materials, including those used on adjacent structures.
- (b) Colors and textures shall be appropriate for the size and scale of the structures, weathering, and the relationship to other colors and textures, including those used on adjacent structures.
- (c) Architectural details and ornamentation shall be meaningful to the overall design and appropriate for the size and scale of the structures, weathering, and the relationship to other architectural details and ornamentation, including those used on adjacent structures. Detailing such as trim, moldings, bands of contrasting siding or brick, and varying textures of concrete or stone are encouraged as part of an overall design which is in-scale with the building and carefully related to other elements.
- (d) Mechanical equipment shall be of appropriate size and scale in relation to rooftop appearance, sidewall openings, sound levels, smoke detectors and other nuisances. The location, color, size, type, and screening of mechanical equipment, whether on the roof,

- walls, or ground, shall be designed to be concealed, and/or to be compatible with or attractively complement the other elements of the structures and site improvements.
- (e) Windows, doors, and other openings shall be so located on the facades, and be of such dimensions, as are appropriate for the style, scale, and orientation of the building and in a pattern which contributes to a balanced facade appearance. Customer entrances should be accentuated. Decorative elements, caps, brickwork, and trim are encouraged around windows and doors to add interest to the overall design.
 - (f) Architectural styles similar to or compatible with existing historical buildings adjacent to or across the street from the structure shall be encouraged. Compatibility and complementary elements among existing and proposed new structures shall be encouraged in all locations.
 - (g) Scale of new construction should be similar to that of the majority of surrounding buildings.
 - (h) Varied roof lines, roof details and features such as dormers, turrets, eave breaks, and overhangs are encouraged in new construction as a means to break up the mass of large buildings and to provide visual interest.
 - (i) Wall mounted signs shall be designed to fit within and complement the architectural forms, colors, and textures of the building, shall fit within any architectural space specifically designed for signs, and shall not cover architectural features. Signs located as part of a series of signs (such as in a shopping center), shall be designed with compatibility of location, size, shape, style, material, illumination, and color with other signs in the series.
 - (j) Sign Design Sign colors shall complement the color of the building façade on which the sign is mounted, letters and symbols shall be in scale with the building and its features. Excessive information and clutter are discouraged.
 - (k) Freestanding signs shall be designed to fit within and complement the characteristics of the site, building, and wall signs in terms of color, materials, texture, and scale.
 - (l) Alterations and additions to existing buildings shall be compatible in scale, material, color, placement, and character with the existing buildings.
 - (m) Distinctive architectural features of existing buildings should not be altered or removed unless replaced with features of similar composition, texture, color, design, and other characteristics. Restoration of historic features and building characteristics shall be encouraged.
 - (n) Side and rear walls shall be so designed as to relate to and be compatible with the front or main entry wall and overall design of the building, although they may be less detailed and articulated.
 - (o) Site features such as fences, walls, and signs compatible in color, texture, scale, materials, and other characteristics with the main building shall be encouraged.

Ord. 1141.05

1141.05 TRIGGERING MECHANISM FOR DESIGN REVIEW.

Once a property owner applies for the required site plan review, or in the case of a sign, for a permit, an application will be forwarded to them. All property owners of structures within the City limits must receive Planning Commission design approval prior to building permit issuance.

Ord. 1141.08

1141.08 FINAL DECISION.

The final decision on architectural reviews will rest with the Planning Commission. Appeals of the final decision of the Planning Commission will be in accordance with Section 1313.03 (f) of the Codified Ordinances.

Ord. 1141.09

1141.09 MINIMUM MAINTENANCE REQUIREMENT.

The owner of any structure within the City limits shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration, including if the building is vacant or inhabited.

Ord. 1141.10

1141.10 EXCLUSIONS.

Normal and ordinary maintenance functions performed on buildings and the removal/demolition of declared public nuisances (e.g. fire damaged buildings) that pose a threat to the health and safety of the general public shall be excluded from this chapter.

Ord. 1141.99

1141.99 PENALTY.

(a) Whoever constructs, reconstructs, alters, changes, or demolishes, any exterior feature of any structure, work of art, object, or area in violation of this Chapter, or whoever maintains, changes, or installs a sign in violation of this Chapter, shall be deemed in violation of the Zoning Code and such violation shall be punishable under Section 1139.01 (h) and (i) of the Zoning Code.

(b) Each day of violation shall constitute a separate distinct violation for as long as one (1) year with respect to alterations and for as long as two (2) years with respect to demolition.

Ord. 1313.02

1313.02 REQUIREMENTS.

(a) Upon the filing of an application for a building permit for every building or structure, other than a single family or a two family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information:

(1) A scale drawing showing:

- A. Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site.
- B. The location of vehicular ingress and egress and parking spaces, (both existing and proposed) and the dimensions of the same.
- C. The extent and type of parking lot and driveway paving.
- D. The location and dimensions of all pedestrian ways and/or sidewalks.
- E. The location and size of all existing and proposed utilities.
- F. Complete building elevations and signage including color renderings of the same
- G. Lighting plan for the site including style and intensity of all parking lot and building mounted lights.
- H. The plan and method of disposing of all surface water from development area, which drainage plan shall be in accordance with Section 1115.03 of the Subdivision Regulations.

(2) A written statement containing the following:

- A. A legal description of the site and a statement of the present ownership of all the land included within the site development area.
- B. A statement of ownership (names and addresses) and the present use of all properties located within 150 feet of the exterior boundaries of the subject development site.
- C. A general indication of the expected schedules and/or phases of development.

(b) Design review responsibilities (architectural review) shall be performed by the Planning Commission and shall be in accordance with the rules and regulations of the Commission for every building

or structure with the exception of one and two-family dwellings. Design review shall also include the Planning Commission's review of all signage. The standards used by the Commission for design review shall be in accordance with Chapter 1141.

(c) Upon the filing of an application for a building permit for a single family or a two-family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information: A scale drawing showing:

- (1) Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site. house number.
- (2) The location of vehicular ingress and egress and the dimensions of the same.
- (3) The location and dimensions of all pedestrian ways and/or sidewalks.
- (4) The location and size of all existing and proposed utilities.
- (5) Complete building elevations.
- (6) The method of disposing of all surface water from the development area.

(d) Upon the filing of an application for a Building Permit for a Plan of Development larger than 1 acre in size of disturbed area, the applicant shall submit a comprehensive Storm Water Pollution Prevention Plan (SWPPP) to the City Engineer for review. The SWPPP shall meet the requirements set forth in the Title Three, Chapter(s) 1315 and 1317.

Ord. 1313.03

1313.03 PROCEDURE FOR FILING AND REVIEW.

(a) For all site plans (including design review requirements), with the exception of single or two-family projects, seven (7) copies of the site development plan and all accessory and supporting documents shall be submitted to the Zoning Inspector/Building Official.

- (1) For design review submittal, the developer shall submit seven (7) copies of the architectural plan, including accurate color renderings, landscaping, and lighting, and all other materials needed to allow the Planning Commission to make an accurate review of the project in accordance with Chapter 1141. This submittal can be done at the time of filing for the site plan or can be done after the preliminary approval of the site plan by the Commission. The Commission can not give final approval of the plan and the zoning and building permit may not be issued until the Commission gives their final approval of the complete plan, including the design review portion.

(b) For all Development Projects disturbing 1 or more acres, three (3) copies of the Site SWPPP and all accessory and supporting documents shall be submitted to the City Engineer. The engineer shall review the plans and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(c) SWPPP Plans for site larger than one (1) acre must receive approval from the City Engineer before a Building Permit can be issued.

(d) Site development plans for a building site for single family or two family dwellings may be approved by the Zoning Inspector/Building Official without further review by the Planning Commission.

(e) Site development plans for all building sites other than for single family or two family dwellings shall be submitted by the Zoning Inspector/Building Official to the Planning Commission for review within thirty days of the filing of the plan.

(f) The Planning Commission shall consider such plan at a public meeting; notice of which meeting shall be served by regular mail to all property owners within 150 feet of the exterior boundaries of the subject site. Such public meeting shall be the next regularly scheduled meeting of the Planning Commission provided the plan is filed with the Zoning Inspector/Building Official by the applicant at least ten (10) days prior to the date of the regular meeting.

(g) Within thirty (30) days from the date of the public meeting considering such change, the Planning Commission shall approve, deny or modify the plan.

(h) Any property owner entitled to notice of the Planning Commission's review(including the design review aspect), as herein provided, and each person submitting a site development plan, shall be entitled to appeal the decision of the Zoning Inspector/Building Official and/or the Planning Commission in approving, modifying, or denying the plan, to the City Council. Such appeal shall be perfected by filing a notice in writing with the Clerk of Council within five (5) days of the decision being appealed. Such notice of appeal shall state in detail the reasons or reason why the decision is being appealed. Any applicant aggrieved by the decision of the City Council, on the appeal described in Subsection (a) above, may appeal said final decision to the Court of the Common Pleas that such decision was unreasonable or unlawful. Such petition shall be filed with the Court within thirty (30) days of the meeting of the City Council at which said decision was made.

(i) The Zoning Inspector/Building Official shall not issue a Zoning Permit or a Building Permit and or a Certificate of Occupancy for the structure/project, until all the requirements of the Planning Commission, including design review and SWPPP review, have been fully complied with.

(j) An approval for a site plan and SWPPP shall be in effect for a period of two (2) years from the date of the Commission's approval. If the project is not started with continual work being performed within that time, the approval shall be voided.