

NEW LEGISLATION

May 26, 2020

Temp. No.	Introduced	Committee	Description
A-27	5/26/20	PZ	An ordinance authorizing and approving a conditional zoning certificate for the construction and operation of an AT&T Mobility wireless-cellular communication tower at Blossom Music Center at 1145 West Steels Corners Road, and declaring an emergency.
A-28	5/26/20	PZ	An ordinance authorizing and approving the Final Subdivision Plat and Improvement Plans for the Towns at Steels Corners on parcels 35-03697 and 35-03632 and declaring an emergency.
A-29	5/26/20	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Thompson Electric, J.F. Electric, Inc., Hydaker-Wheatlake Company, Vaughn Industries, and Kent Power for make ready work in connection with small cell wireless 5G technology and declaring an emergency.
A-30	5/26/20	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the repair and reconstruction of concrete pavement at various locations in the city, and declaring an emergency.
A-31	5/26/20	CD	An ordinance approving the creation of a public art board and various public art regulatory text amendments in accordance with Cuyahoga Falls General Development Code, and declaring an emergency.

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CALENDAR

May 26, 2020

The following legislation will be up for passage at the Council Meeting on May 26, 2020.

Temp. No.	Introduced	Committee	Description
A-25	5/11/20	Fin	An ordinance authorizing the redemption of a portion of the City's \$11,170,000 Various Purpose Improvement Bonds, Series 2018, authorizing the execution of related documents, and declaring an emergency.
A-26	5/11/20	PI	An ordinance amending ordinance 29-2020 to authorize the Director of Public service to enter into a modification of contract NO. 7882 with Kenmore Construction Company, Inc., and declaring an emergency.

PENDING LEGISLATION

May 26, 2020

Temp. No.	Introduced	Committee	Description
B-93	11/25/19	PI	An ordinance authorizing the Mayor, as Director of Public Safety, to enter into a contract or contracts, according to law, for the installation of a new roof at Fire Station 4, located at 3089 Northampton Road, and declaring an emergency.
A-25	5/11/20	Fin	An ordinance authorizing the redemption of a portion of the City's \$11,170,000 Various Purpose Improvement Bonds, Series 2018, authorizing the execution of related documents, and declaring an emergency.
A-26	5/11/20	PI	An ordinance amending ordinance 29-2020 to authorize the Director of Public service to enter into a modification of contract NO. 7882 with Kenmore Construction Company, Inc., and declaring an emergency.

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5 CITY OF CUYAHOGA FALLS, OHIO
6
7 ORDINANCE NO. - 2020
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9 AN ORDINANCE AUTHORIZING AND APPROVING A
10 CONDITIONAL ZONING CERTIFICATE FOR THE
11 CONSTRUCTION AND OPERATION OF AN AT&T MOBILITY
12 WIRELESS-CELLULAR COMMUNICATION TOWER AT
13 BLOSSOM MUSIC CENTER AT 1145 WEST STEELS
14 CORNERS ROAD, AND DECLARING AN EMERGENCY.
15

16 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by
17 the Planning Commission be submitted to Council; and
18

19 WHEREAS, conditional zoning certificate reviews by the Planning Commission are
20 required of all development of land within the City of Cuyahoga Falls, Ohio, according to
21 Section 1113.08 of the Cuyahoga Falls General Development Code; and
22

23 WHEREAS, Chapter 1135, Wireless Communication Facilities, requires conditional
24 zoning certificates for the construction and operation of wireless-cellular communication
25 towers; and
26

27 WHEREAS, on May 19, 2020 the Planning Commission recommended a conditional
28 zoning certificate for AT&T Mobility to construct and operate a wireless-cellular
29 communication tower at Blossom Music Center at 1145 West Steels Corners Road (Parcel
30 35-06448), within the City of Cuyahoga Falls, Ohio.
31

32 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
33 County of Summit, and State of Ohio, that:
34

35 Section 1. The City Council approves the conditional zoning certificate for AT&T Mobility
36 to construct and operate a wireless-cellular communication tower at Blossom Music Center
37 at 1145 West Steels Corners Road (Parcel 35-06448), within the City of Cuyahoga Falls,
38 Ohio, in accordance with Chapter 1135, Wireless Communication Facilities, and Section
39 1138.08, Conditional Zoning Certificate, of the Cuyahoga Falls General Development Code
40 and as approved by the Planning Commission as per the plans and stipulations contained in
41 File CZ-19-00029.
42

43 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions
44 inconsistent herewith are hereby repealed, but any ordinances and resolutions not
45 inconsistent herewith and which have not previously been repealed are hereby ratified and
46 confirmed.
47

48 Section 3. It is found and determined that all formal actions of this Council concerning
49 and relating to the adoption of this ordinance were adopted in an open meeting of this
50 Council, and that all deliberations of this Council and of any of its committees that resulted
51 in such formal action, were in meetings open to the public, in compliance with all legal
52 requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances
53 and Substitute House Bill 197 passed by the 133rd General Assembly.
54

55 Section 4. This ordinance is hereby declared to be an emergency measure necessary for
56 the preservation of the public peace, health, safety, convenience and welfare of the City of
57 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of
58 two thirds of the members elected or appointed to Council, it shall take effect and be in force
59 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and
60 be in force at the earliest period allowed by law.

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Passed: _____

President of Council

Clerk of Council

Approved: _____

Mayor

05/20/2020

\\cf-file01\ldpublic\2020ords\CZ-19-00029 ATT-Blossom Cell Tower.doc



1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.

APPLICANT/OWNER:

 8373 EAST BROAD STREET
 FLOOR 2 - SOUTH (03)
 REYNOLDSBURG, OHIO 43068


 BLACK & VEATCH
 4449 EASTON WAY
 SUITE 150
 COLUMBUS, OH 43219

PREPARED BY:

 GPD GROUP
 100 EAST 10TH STREET
 SUITE 1000
 COLUMBUS, OH 43260

SCALE:
 (Empty box for scale)

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

PROJECT NO: 2019748-04
 DRAWN BY: AA
 CHECKED BY: TAB

LANDLORD/PROPERTY OWNER SIGNATURE:

NOTES 2

- PROPOSED LEASE AREA
- PROPOSED UNDERGROUND POWER
- PROPOSED UNDERGROUND FIBER
- EXISTING FENCE
- EXISTING UNDERGROUND POWER
- EXISTING UNDERGROUND FIBER
- EXISTING PROPERTY LINE

REV	DATE	DESCRIPTION
A	01/09/17	ISSUED FOR PERMITS
B	02/17/18	FOR LATEST REVISE
C	08/24/18	FINAL APPROVE

PROJECT LOCATION:
 BLOSSOM MUSIC CENTER
 NOH6000
 1145 W. STEELS
 CORNERS ROAD,
 CUYAHOGA FALLS, OH

SHEET TITLE:
 OVERALL SITE PLAN

SHEET NUMBER:
C-1

OVERALL SITE PLAN



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LEGEND 3

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5 CITY OF CUYAHOGA FALLS, OHIO

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7 ORDINANCE NO. - 2020

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9 AN ORDINANCE AUTHORIZING AND APPROVING THE FINAL
10 SUBDIVISION PLAT AND IMPROVEMENT PLANS FOR THE TOWNS AT
11 STEELS CORNERS ON PARCELS 35-03697 AND 35-03632 AND
12 DECLARING AN EMERGENCY.

13
14 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the Planning
15 Commission be submitted to Council; and

16
17 WHEREAS, the Planning Commission is required to review and provide a recommendation for all Final
18 Subdivision Plans in the City of Cuyahoga Falls, Ohio, and

19
20 WHEREAS, on May 19, 2020, the Planning Commission approved The Towns at Steels Corners Final
21 Subdivision Plat and Improvement Plans for the construction of 46 residential lots, associated public rights-
22 of-way, landscaping, stormwater management, and open space, on Parcels 35-03697 and 35-03632 off E.
23 Steels Corners Rd. within the City of Cuyahoga Falls, Ohio.

24
25 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit,
26 and State of Ohio:

27
28 Section 1. The City Council approves the Towns at Steels Corners Final Subdivision Plat and
29 Improvement Plans in Cuyahoga Falls, Ohio, in accordance with all Cuyahoga Falls General Development
30 Code regulations and as stipulated in the Codified Ordinances of the City of Cuyahoga Falls as approved by
31 the Planning Commission as per all plans and stipulations contained in Project File FMP-20-00014.

32
33 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions inconsistent
34 herewith be and the same are hereby repealed, but any ordinances and resolutions not inconsistent
35 herewith and which have not previously been repealed are hereby ratified and confirmed.

36
37 Section 3. It is found and determined that all formal actions of this Council concerning and relating to
38 the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of
39 this Council and of any of its committees that resulted in such formal action, were in meetings open to the
40 public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the
41 Codified Ordinances and Substitute House Bill 197 passed by the 133rd General Assembly.

42
43 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the
44 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and
45 the inhabitants thereof, for the reason that it is immediately necessary to permit timely and appropriate
46 development of this property, and provided it receives the affirmative vote of two thirds of the members
47 elected or appointed to Council, it shall take effect and be in force immediately upon its passage and
48 approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

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50 Passed: _____
51 _____
52 President of Council

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55 Clerk of Council

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58 Approved: _____
59 _____
60 Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2020

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
10 WITHOUT COMPETITIVE BIDDING, WITH THOMPSON ELECTRIC,
11 J.F. ELECTRIC, INC., HYDAKER-WHEATLAKE COMPANY, VAUGHN
12 INDUSTRIES, AND KENT POWER FOR MAKE READY WORK IN
13 CONNECTION WITH SMALL CELL WIRELESS 5G TECHNOLOGY
14 AND DECLARING AN EMERGENCY.
15

16 WHEREAS, Verizon and other telecommunication providers wish to install small cell wireless 5G
17 towers in the city, thereby improving cellular service throughout the municipality; and
18

19 WHEREAS, the City of Cuyahoga Falls Pole Attachment Agreement requires that Verizon and
20 other telecommunication providers pay in advance for any make ready work that is required by
21 the City; and
22

23 WHEREAS, the City of Cuyahoga Falls has requested and will request proposals for make ready
24 work from various contractors including Thompson Electric, J.F. Electric, Inc., Hydaker-Wheatlake
25 Company, Vaughn Industries, and Kent Power to complete the preparation work required for 5G
26 tower installation; and
27

28 WHEREAS, this make ready work is awarded to electrical contractors based upon quotes
29 received per individual site to ensure that work is awarded to the lowest contractor per site.
30

31 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of
32 Summit and State of Ohio, that:
33

34 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
35 contracts, without competitive bidding, with Thompson Electric, J.F. Electric, Inc., Hydaker-
36 Wheatlake Company, Vaughn Industries and Kent Power for the make ready work in connection
37 with small cell wireless 5G technology.
38

39 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
40 in an amount not to exceed \$400,000.00 from the Electric Fund, line item Other Operations.
41 Furthermore, the Director of Finance is hereby authorized to increase appropriations in the Electric
42 Fund, line item Other Operations by \$400,000.00.
43

44 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions
45 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
46 herewith and which have not previously been repealed are hereby ratified and confirmed.
47

48 Section 4. It is found and determined that all formal actions of this Council concerning and
49 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and
50 that all deliberations of this Council and of any of its committees that resulted in such formal
51 action, were in meetings open to the public, in compliance with all legal requirements, to the extent
52 applicable, including Chapter 107 of the Codified Ordinances and Substitute House Bill 197 passed
53 by the 133rd General Assembly.
54

55 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
56 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
57 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the
58 members elected or appointed to Council, it shall take effect and be in force immediately upon its
59 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
60 period allowed by law.
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Passed: _____

President of Council

Clerk of Council

Approved: _____

Mayor

5/26/20

\\cf-file01\ldpublic\2020ords\5G Thompson Electric J.F. Electric Inc. Make Ready Work.doc

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2020

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9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
11 ACCORDING TO LAW, FOR THE FOR THE REPAIR AND
12 RECONSTRUCTION OF CONCRETE PAVEMENT AT
13 VARIOUS LOCATIONS IN THE CITY, AND DECLARING AN
14 EMERGENCY.

15
16
17 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit and
18 State of Ohio:

19
20 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
21 contracts, according to law, for the repair and reconstruction of concrete pavement at
22 various locations in the city.

23
24 Section 2. The Director of Finance is hereby authorized and directed to make payment
25 for same from the Capital Projects Fund, line item Capital.

26
27 Section 3. Any other ordinances or resolutions or portions of ordinances and
28 resolutions inconsistent herewith be and the same are hereby repealed, but any ordinances
29 and resolutions not inconsistent herewith and which have not previously been repealed are
30 hereby ratified and confirmed.

31
32 Section 4. It is found and determined that all formal actions of this Council concerning
33 and relating to the adoption of this ordinance were adopted in an open meeting of this
34 Council, and that all deliberations of this Council and of any of its committees that resulted
35 in such formal action, were in meetings open to the public, in compliance with all legal
36 requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances
37 and Substitute House Bill 197 passed by the 133rd General Assembly.

38
39 Section 5. This ordinance is hereby declared to be an emergency measure necessary for
40 the preservation of the public peace, health, safety, convenience and welfare of the City of
41 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of
42 two thirds of the members elected or appointed to Council, it shall take effect and be in
43 force immediately upon its passage and approval by the Mayor; otherwise it shall take effect
44 and be in force at the earliest period allowed by law.

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47 Passed: _____
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49 President of Council

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52 Clerk of Council

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54 Approved: _____
55 _____
56 Mayor

57 5/26/20

Budget Information Sheet

Ordinance Number: Temp. A-30

Nature of Expenditure: An ordinance authorizing Director of Public Service to enter into contract, or contracts, according to law, for the repair and reconstruction of concrete pavement at various locations.

Total Estimated Cost: \$500,000.00

Last Year's Cost: \$313,053.72

Was item budgeted? Yes

Budget Information:	<u>Fund</u>	<u>Department</u>	<u>Category</u>	<u>Amount</u>
	Capital Projects	Capital Projects	Capital Outlay	\$500,000.00
				<hr/> <hr/>
				\$ 500,000.00

Brief description of the expenditure:
Repair and reconstruction of concrete pavement at various locations.

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2020

7
8 AN ORDINANCE APPROVING THE CREATION OF A PUBLIC ART BOARD
9 AND VARIOUS PUBLIC ART REGULATORY TEXT AMENDMENTS TO THE
10 CUYAHOGA FALLS GENERAL DEVELOPMENT CODE, AND DECLARING AN
11 EMERGENCY.

12
13 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the Planning
14 Commission be submitted to Council; and

15
16 WHEREAS, on May 19, 2020 the Planning Commission recommended the creation of a public art board
17 and various public art regulatory text amendments to the Cuyahoga Falls General Development Code as
18 contained in File TXT-20-00016.

19
20 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit,
21 and State of Ohio, that:

22
23 Section 1. The City Council approves the creation of a public art board and various public art regulatory
24 text amendments to the Cuyahoga Falls General Development Code. These regulatory text amendments are
25 made pursuant to Section 1113.06 and as set forth in File TXT-20-00016. A copy of the regulatory text
26 amendments are attached to this ordinance as Exhibit A and are hereby incorporated into the Cuyahoga Falls
27 General Development Code.

28
29 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions inconsistent
30 herewith are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which have
31 not previously been repealed are hereby ratified and confirmed.

32
33 Section 3. It is found and determined that all formal actions of this Council concerning and relating to the
34 adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this
35 Council and of any of its committees that resulted in such formal action, were in meetings open to the public,
36 in compliance with all legal requirements including, to the extent applicable, Chapter 107 of the Codified
37 Ordinances and Substitute House Bill 197 passed by the 133rd General Assembly.

38
39 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the preservation
40 of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants
41 thereof, and provided it receives the affirmative vote of two thirds of the members elected or appointed to
42 Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise
43 it shall take effect and be in force at the earliest period allowed by law.

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46 Passed: _____
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48 President of Council

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51 Clerk of Council

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54 Approved: _____
55 _____
56 Mayor

57 5/26/20

1112.05 Public Art Board

A. Organization. The Mayor, with the approval of City Council shall appoint a Public Art Board (Board) subject to the following.

1. *Membership*. The Board shall consist of 7 members. Five members shall be voting members nominated by the Mayor and approved by City Council. There shall also be two nonvoting ex-officio members nominated by the entities they represent and appointed by City Council.

a. Voting Members.

1. Of the original voting appointments, two shall serve for three years; three shall serve for five years.
2. Upon expiration of the original appointments, all voting appointments shall be for six years.
3. There is a two consecutive term limit.

b. Ex-Officio Members.

1. Ex-officio members are members by virtue of the offices they hold as outlined in 2b.
2. The term for an ex-officio member shall be two years.
3. Ex-officio members may serve a maximum of three consecutive terms.

c. Board members may serve their full term or, upon resignation, until a successor is appointed. Vacancies, by resignations, incapacitation, dismissal, or otherwise shall be filled in the same manner as the initial appointments, and vacancies shall be filled for the duration of the vacated Board member's term.

d. The Mayor may remove voting board members pursuant to Article III, Section 11 of the City Charter. Vacancies will be filled within 60 days, unless extenuating circumstances require a longer period.

e. The Director of the Planning Division, or his or her designee, shall serve as staff and recording secretary of the Board.

2. *Qualifications*.

a. The voting member make-up of the Board shall be:

1. Cuyahoga Falls artists, art organization representatives, residents, or business persons,
2. Summit County artist or art organization representatives,
3. Northeast Ohio artists, or art organization representatives could also be considered.
4. At least two members shall be working artists, preferably one in two-dimensional media and one in three-dimensional media.
5. At least one member shall be from one of the following fields: design, planning, architecture or public place management.
6. At least one member shall be a representative of the public at large.

b. Ex-officio members will comprise of one of each of the following:

1. City Council member.
2. Planning Commission or Design and Historic Review Board member.
3. At its discretion, the Board may appoint an additional youth ex-officio representative who would serve for a typical school year term. The youth representative shall be a full-time high school or undergraduate college level student, who is enrolled in a visual art program or coursework and is nominated by an art faculty member.

c. All voting board members shall bring a variety of perspectives, with an emphasis on experience in art, design, planning, cultural institutions and public place management.

3. *Authority, Powers and Duties*.

a. The Board shall be an advisory body to the Planning Commission on any Artwork installation or Public Art project that involves an established Planning Commission activity described in CHAPTER 1113 APPLICATIONS, CRITERIA AND PROCEDURES 1112.02 of the Cuyahoga Falls General Development Code.

b. Board Duties and Activities.

1. Create and maintain bylaws that guide its operation.

2. Follow the policies and procedures in the adopted Public Art Master Plan, or any updates to the Public Art Master Plan.
 3. Initiate updates to the Public Art Master Plan on a periodic basis.
 4. Develop and approve any policies, procedures and guidelines necessary to implement the Public Art Master Plan.
 5. Set priorities for the Public Art initiative through the Annual Work Plan, and provide oversight of Public Art projects that involve City resources, are on City property, or require approval under other City codes and policies.
 6. Create and approve an Annual Work Plan for public art, in time for the proposed public art budget to be incorporated into the annual budget project.
 7. Appoint Task Forces to work on specific Public Art projects.
 8. Review and approve "project plans" for Artworks commissioned with City funds and/or proposed for City property.
 9. Review and approve the selection of artists and artist concepts for Artworks commissioned with City funds and/or proposed for City property.
 10. Review and approve Artworks proposed for donation to the City.
 11. Review and certify all mural proposals for private property and public property.
 12. Conduct informational meetings with private development applicants.
 13. Maintain a current register of all Public Art in the City.
 14. Develop a conservation and maintenance plan for Artworks that the City owns and incorporate recommendations into Annual Work Plans.
 15. Recommend Public Art installations to the Planning Commission, Parks Commission, City Council, and other bodies or departments of the City of Cuyahoga Falls.
 16. Act in an advisory role to the Planning Commission, Design and Historic Review Board, Parks Commission, and other officials and departments of local government regarding the protection of Artworks and local cultural resources.
 17. Act as a liaison on behalf of the local government to individuals and organizations concerned with public and private art.
 18. Review and approve proposals for relocating and/or removing Artworks owned by the City.
 19. The Board shall cooperate with county, regional, state, national, and private art organizations.
 20. Conduct or encourage members to attend training/educational sessions at, or in-depth consultation with local or national artists at least once a year.
4. *Meetings and Procedures.* Once established, the Board shall meet at least quarterly, or more frequently as needed. All meetings will be held according to City of Cuyahoga Falls open meeting procedures and all Board public meetings will have written minutes that shall be available for public inspection. A written annual report of Public Art activities, including case decisions, special projects, qualifications of members etc., shall be kept on file and available for public inspection. The Planning Division shall act as the administrative staff for the Board.

Artist

An individual, or a team of people, who meets one or more of the following criteria:

- realizes income through the sale, performance, publication or commission of original works of art;
- has previously exhibited, presented, performed or published original works of art in museums, galleries or other recognized art venues and publications;
- has formal training or education in a field of art; and
- has received awards or other forms of recognition from arts juries, arts grant panels, and similar entities for his/her artistic abilities or accomplishments.

Environmental design professionals, such as architects or landscape architects, can be considered artist if they otherwise meet the criteria in this definition.

Artwork: An aesthetic creation resulting from the skill and creativity of an Artist or Artists. An Artwork may be made of any materials including lights or combination of materials and may be permanent, temporary, fixed or portable. An Artwork can be an integral part of a building or structure, and can be integrated with the work of other design professionals.

Landscaping: The planting and maintenance of some combination of trees, shrubs, vines, ground covers, flowers or lawns. In addition, the combination of design may include natural features (e.g., rock and stone) and structural features, including fountains, reflecting pools, [artwork](#), screens, walls, fences, and benches.

Mural: A two-dimensional artwork attached to an interior or exterior wall and created in a variety of permanent or semi-permanent media, such as paint, tile, mosaic or applied vinyl. A mural reflects the artistic intent of the artist, and does not include imagery, text, colors, logos or other features directly related to the entity that commissions, sponsors or provides a location for a mural.

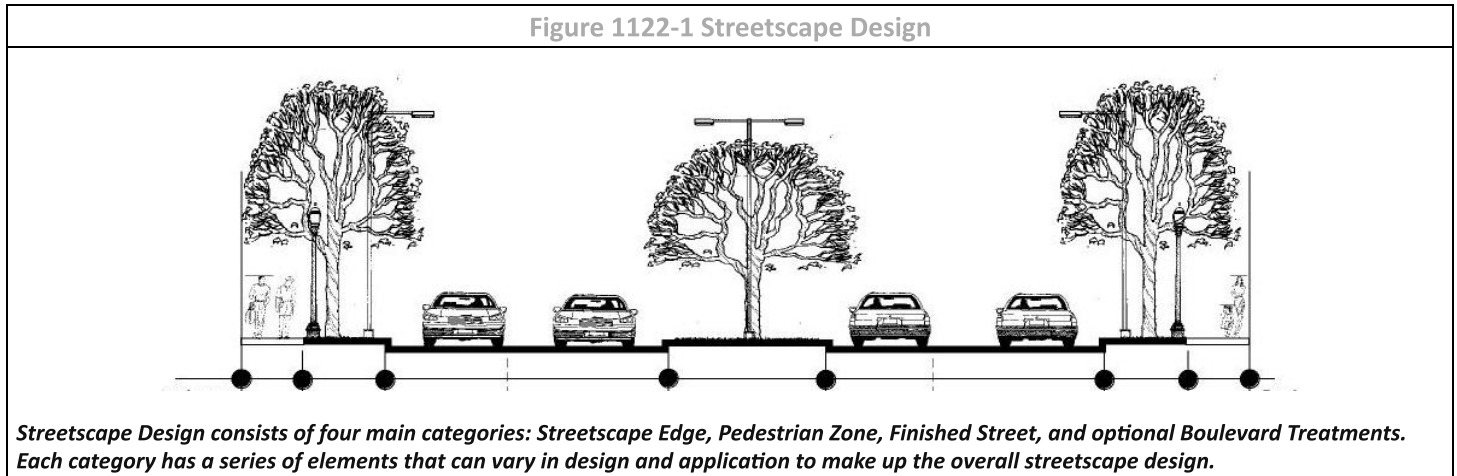
Public Art

Public Art: An original site-specific artwork in any media, existing in a single copy or in a limited edition, produced by an artist or by a team of artists, and planned and executed with the intention of being staged in the physical public domain, usually outside and accessible to all.

Public Art Board. A Board authorized by City Council to advise on the implementation of the Public Art Master Plan, with roles and responsibilities as outlined in the Public Art Master Plan and subsequent Council resolutions.

1122.02 Streetscape Design Elements

Streetscape design elements include the following four main categories (See Figure 1122-1.): Finished Street; Pedestrian Zone; Boulevard Treatments, and Streetscape Edge. Varying the design and application of each of the elements in these categories depends on the streets Design Type allows for implementation of the transitional street network and enables land uses to better relate to transportation designs.



A. Finished Street Elements. The Finished Street category of the Streetscape is the portion of the public right-of-way made up the paved street from curb to curb, or edge to edge where curb and gutter is not provided. The Finished Street includes the following design elements:

1. Vehicle Travel Lanes;
2. On-street Parking, where applicable;
3. Turn Lanes, where necessary;
4. On-street Bicycle Facilities, where applicable; and
5. Finished Street Edge.

Table 1122-3: Finished Street Elements identifies the different types, design characteristics, and applicability of each of these elements.

	Type	Characteristics	Applicability
Vehicle Travel lanes	Through lanes	Lanes that are dedicated to clear, unobstructed movement of vehicles in a single direction. The quantity and size of through-lanes should be based upon the functional street classification, the desired speed and the anticipated quantity of traffic.	<ul style="list-style-type: none"> ▪ See Section 1122.03, Street Standards
	Yield lane	A vehicle lane that provides unobstructed vehicle movement in only one direction but allows vehicle flows in both directions intermittently. Opposing vehicles must yield in <u>queuing areas</u> to allow opposing vehicles to pass. Queuing areas are created by curb cuts or other mid-block areas that effectively prohibit on-street parking and allow sufficient room for a vehicle to pause while the other vehicle passes.	<ul style="list-style-type: none"> ▪ See Section 1122.03, Street Standards
	Turn lanes	Turn lanes occupy short distances approaching major intersections or at major entrance points, in order to allow turning vehicles to exit through lanes and not slow through-lane traffic. Because turn lanes accommodate decelerating traffic, and because they increase street widths and speeds of vehicles in through-lanes, they should be limited in length, width, and scope of application.	<ul style="list-style-type: none"> ▪ Combine turn lanes with an intermittent vegetated median wherever possible. ▪ Prohibit on-street parking near intersections where turn lanes are necessary in order to accommodate turn lanes in the same finished street width and avoid adding unnecessary width to streets.
On-street Parking Lane	Dedicated Parking	The area of the finished street where parking is dedicated through striping of specific parking spaces. Dedicated on-street parking may be either parallel or angled, depending on the context.	<ul style="list-style-type: none"> ▪ On-street parking lane widths shall be: <ul style="list-style-type: none"> ▪ 7' to 8', parallel ▪ 17' to 19', angled (60°) ▪ Angled parking should only be used where designed speeds are 25 mph or less,

Table 1122-3: Finished Street Elements			typically at pedestrian-oriented mixed-use developments
Type	Characteristics	Applicability	
Permitted Parking	The area of the street where parking is permitted even though specific parking spaces are not specifically dedicated with on-street marking. Although in some cases, this may be angled parking, typically it is only for parallel parking.		
	The area of the street where parking may be allowed for only limited lengths of the street or during specified times of day. It is limited by posting of signs. During the limited hours or over the limited distances, this area of the street is used as a through-lane. Limited on-street parking may only be parallel.	<ul style="list-style-type: none"> 9' to 10', parallel. Additional width allows lane to perform through lane functions at limited times. No angled parking permitted as "limited" parking 	
On-Street Bicycle Facilities	Dedicated Bicycle Lane	Areas of the street immediately adjacent to vehicle travel lanes, but specifically designated for only bicycle use and separated from vehicular travel lanes. Dedicated bicycle lanes are usually indicated by any combination of a separating stripe colored or painted pavement, and periodic raised reflectors.	<ul style="list-style-type: none"> 5' to 6' wide, each direction located immediately adjacent to outermost vehicle lanes. Preferred on identified bike routes with speeds above 35 mph.
	Shared Bicycle Lane	The outer most through vehicle lane used and designed for both vehicles and bicycles. Shared bicycle lanes are usually indicated with bicycle route or "share the road" signs and painted pavement markings.	<ul style="list-style-type: none"> 4' added to outer most vehicle lane, but no more than 14' total lane width. Acceptable on identified bike routes with speeds below 35 mph
	Combined Bicycle Lane	Area of the street where vehicular volumes are so light or design speeds are so low that bicycles and vehicles compatibly and safely share the same area.	<ul style="list-style-type: none"> Acceptable on any portion of the street with design speeds of 25 mph or less. Often associated with streets with yield lanes or where angled parking is allowed.
Finished Street Edge	Curb and gutter	A constructed concreted edge designed to rapidly convey street storm water runoff into the storm water system.	<ul style="list-style-type: none"> Use in urban areas or high traffic streets where frequent on-street parking is expected.
	Swale / Ditch	A shallow roadside depression in the grade designed to collect street storm water run-off and either infiltrate it into the groundwater or slowly convey it to the storm water system.	<ul style="list-style-type: none"> Use in sub-urban or rural areas where on-street parking is either prohibited or only occasionally expected.
	Shoulder	A small and either gradual or abrupt transition of the street from paved surface to permeable ground cover. Gradual transitions can include small gravel areas while abrupt transitions may require a special pavement-terminating feature such as a below-grade curb. The shoulder is designed to provide emergency vehicle stopping areas, and infiltrates street storm water runoff into the ground. Wider shoulders can occasionally accommodate bicycle travel.	<ul style="list-style-type: none"> Only use in rural areas, or areas where curb and gutter is not provided. Shoulder widths shall be between 2' and 6'

B. [Pedestrian Zone Elements](#). The Pedestrian Zone category is the portion of the public right-of-way that accommodates primarily pedestrian movement and buffers pedestrians and adjacent land uses from moving vehicles on the Finished Street. The Pedestrian Zone includes the following design elements:

1. *Pedestrian Facility*, providing dedicated areas for pedestrian travel along streets;
2. *Amenity/Buffer Area*, providing separation of pedestrians from moving vehicle lanes and providing a landscape amenity or occasionally street furniture along the street; and
3. *Off-street Bicycle Facilities (optional)*, providing dedicated or shared off-street bicycle facilities along bike routes where on-street facilities would be inappropriate or impractical.

Table 1122-4: *Pedestrian Zone Elements* identifies the different types, design characteristics, and applicability of each of these elements.

Table 1122-4: Pedestrian Zone Elements			
Type	Characteristics	Applicability	
Pedestrian Facility	Sidewalk	A paved pedestrian facility directly parallel to the street and providing direct connections at all street intersections, or at designated mid-block crossings.	<ul style="list-style-type: none"> See Section 1122.03, Street Standards
	Path or Trail	A paved surface that is adjacent to the street but may meander in a manner that it is not always an equal distance from the street. A stable, porous, low-dust surface, such as crushed or washed gravel or compacted granite, may be approved by the City provided it is low maintenance and provides storm water benefits	<ul style="list-style-type: none"> See Section 1122.03, Street Standards

Table 1122-4: Pedestrian Zone Elements			
	Type	Characteristics	Applicability
	Multi-purpose Trail	A paved surface that follows the same general pattern as the street but may meander to accommodate natural features and provide the most desirable route for non-motorized travelers. The City may approve a stable, porous, low-dust surface, such as crushed or washed gravel or compacted granite, provided it is low maintenance and provides storm water benefits.	<ul style="list-style-type: none"> See Section 1122.03, Street Standards
Amenity/Buffer Area	Rural Buffer	An area of rough natural vegetation providing separation between the Finished Street and any Pedestrian Facility. Where a Pedestrian Facility is not provided, the Rural Buffer provides a direct transition to lots fronting on the street. (See Section 1122.03.D. , Rural Streetscape Edge)	<ul style="list-style-type: none"> 9' minimum Over 20' preferred, particularly on sides of streets where no pedestrian facility is provided.
	Tree Lawn	An area of formal manicured vegetation and street trees providing separation between the Finished Street and the Pedestrian Facility.	<ul style="list-style-type: none"> 4' minimum Over 7' preferred
	Expanded Sidewalk / Amenity Area	In cases where on-street parking is allowed the Amenity/Buffer Area can be used for expanded sidewalks, public seating and art, bicycle parking racks, occasional street-tree wells and landscape beds, or other amenities.	<ul style="list-style-type: none"> Amenity/buffer area and sidewalk are combined into a single paved area to meet the necessary sidewalk widths. Tree wells shall be at least 4' wide in all directions.
Off-street bicycle facilities	Dedicated	A paved area separated from both the finished street and the pedestrian facility, providing either one-way lanes for bicycles on each side of the street, or a two-way lane for bicycles on a single side of the street.	<ul style="list-style-type: none"> 5' to 6' minimum, each lane Use only on high traffic bicycle routes where on-street facilities are not appropriate or are impractical.
	Multi-purpose Facility	A paved surface that follows the same pattern as the street but may meander to accommodate natural features and provide the most desirable route for non-motorized travelers. A stable, porous, low-dust surface, such as crushed or washed gravel or compacted granite, may be approved by the City provided it is low maintenance and provides storm water benefits	<ul style="list-style-type: none"> See Section 1122.03, Street Standards

C. **Boulevard Treatment.** The Boulevard Treatment is an optional streetscape category that includes a landscape median as the focal point of the street, and may include additional streetscape elements. *Table 1122-5: Boulevard Treatment Elements* identifies the different types, design characteristics, and applicability of each of the Boulevard Treatment Elements.

Table 1122-5: Boulevard Treatment Elements		
Treatment	Characteristics	Applicability
Median	A wide strip separating opposing vehicle lanes consisting primarily of vegetative coverage and formal landscaping . Typically, the median is raised and separated from the road surface with a curb and gutter, although in rural or less-formal settings it may have a natural edge to perform better stormwater management. Public Art can also be displayed within the median area.	<ul style="list-style-type: none"> Median widths shall be: <ul style="list-style-type: none"> Arterial streets – at least 12' Collector streets – at least 10' Local streets – at least 8' Larger median widths are required in order for the median to count towards the minimum Open Space requirement. (See Title 4, CHAPTER 1145)
Frontage access lane	An optional boulevard element used only on high traffic areas, but where adjacent land uses are also developing in a pedestrian-oriented form. The Frontage Access Lane provides a one-way, pedestrian-oriented street, with frontages for adjacent land uses. Access points to the through vehicle lanes is limited to intersections or limited mid-block points.	<ul style="list-style-type: none"> Access points to Through Lanes are limited to a few specific points on the block. Frontage Access Lane shall be 9' to 10' wide.
Buffer strip	A buffer strip is only used on boulevards that employ the Frontage Access Lane. This lane separates the through vehicle lanes from the access lane. It is typically between 6' and 12' and includes vegetated landscaping in a formal pattern.	<ul style="list-style-type: none"> 6' to 12' Shall be planted with vegetated cover and street trees.
Parking	Parking is provided on one or both sides of the access lane so that off-street parking needs are eliminated or minimized, and buildings can front directly on the access lane for the entire block face . Parking along the access lane can be parallel or angled since speeds along the access lane will be slow by design.	Parking lanes on the Frontage Access Lane shall be: <ul style="list-style-type: none"> 7' to 8', parallel 17' to 19', angled (60°)

D. Streetscape Edge. The Streetscape Edge category is the private portion of the overall streetscape design. *Table 1122-6: Streetscape Edge Types* identifies the different types, design characteristics, and applicability of each type of Streetscape Edge.

Table 1122-6: Streetscape Edge Types*			
	Type	Characteristics	Applicability
Rural Edge	Berm	A mound typically between 2' and 4' high, which is planted with landscape elements in irregular patterns. This is typically only appropriate in rural settings.	<ul style="list-style-type: none"> Any area in the NH Planning Area where uses or site elements in the setback area should be screened from streets. Any area where uses or site elements in front of the building needs to be screened.
	Natural Buffer	Areas of natural or planted dense vegetation that screens land uses that are setback from the roadway. Typically, the buffer area is anywhere from 20' to 50' wide, but can be wider depending on natural conditions. Buildings are usually setback more than 80' from the right-of-way.	<ul style="list-style-type: none"> Any area in the NH, SPT, or BMF Planning Areas where existing conditions create a natural screen and where uses adjacent to the street should be screened.
	Open Vista	Areas of no particular or specific edge treatment, where land uses may be remote from the roadside, and views from the streetscape area are of open, undeveloped, or natural areas.	<ul style="list-style-type: none"> Any area in the NH Planning Area where conditions create open views. This edge treatment should be associated with either larger than required setbacks or areas designated as conservation areas or natural open space.
Building Setback	Lawn and Landscape	Buildings are setback anywhere from 20' to 80' from the right-of-way line depending on the zoning district. The setback area primarily consists of lawn or landscape beds. Vehicle surfaces in and through these areas are limited to driveways or access lanes.	<ul style="list-style-type: none"> All Residential Neighborhood Districts. Any non-residential district or use that is not appropriate for street front buildings Civic uses
	Limited On-site Parking	Buildings are setback a limited distance from the right-of-way line, depending on the zoning district, to accommodate small amounts of front parking. Limitations may be placed on the size, quantity, location, and design of the parking in order to minimize the impact on the streetscape.	<ul style="list-style-type: none"> Any non-residential area, particularly Mixed-Use Districts, where it is impractical for all necessary on-site parking to be located entirely to the side or behind buildings. <i>Note:</i> Limited on-site parking in the setback area should be accompanied by and Alternative Building Edge or a Berm or Natural Buffer to screen parking, depending on the context.
	Open On-site Parking	Buildings are setback far enough from the right-of-way line to accommodate all necessary parking. General parking lot size, landscape, and design standards for the zoning district minimize the impact of the parking on the streetscape.	<ul style="list-style-type: none"> Standard Districts where location of necessary on-site parking behind or to the side of the building is not practical. <i>Note:</i> Open on-site parking in the setback area should be accompanied by and Alternative Building Edge or a Berm or Natural Buffer to screen parking, depending on the context.
Street-front Building	Immediate frontage	Buildings set back 2' to 10' from the right-of-way line form the edge of the streetscape, often paved as additional sidewalk width. The front facade should have a highly "permeable" design with frequent doors and windows, and a variety of architectural details to create visual interest and stimulate activity along the public streetscape.	<ul style="list-style-type: none"> Any Mixed-use District where the Pedestrian Enhanced streetscape designs is used. Residential Neighborhood Districts with densities greater than 16 dwelling units per acre and where a Pedestrian Enhanced streetscape design is used.
	Limited Setback	Buildings setback 10' to 20' from the right-of-way line, or where courtyards or plazas occupy portions of the immediate frontage area. Setback areas should include active spaces with frequent landscape and pedestrian amenities such as terraces, courtyards, or plazas. The front façade should have a highly "permeable" design with frequent doors and windows, and a variety of architectural details to create visual interest and stimulate activity along the public streetscape.	<ul style="list-style-type: none"> Any Mixed-use District Any Standard District where the Pedestrian-Enhanced street design type is used. Residential districts with densities greater than 8 dwelling units per acre.
	Alternative Building Edge	Any combination of a decorative wall, ornamental fence, or dense landscape element that provides a mostly continuous streetscape edge at the front building line on portions of the site where frontage of the building façade is not possible. The materials are selected to match adjacent buildings or match street furniture and design concepts in the public streetscape.	<ul style="list-style-type: none"> Any district where Immediate Frontages or Limited Setbacks are used, but on portions of the site where the street-front façade is impractical. Any area where uses or site elements in front of the building need to be screened.

*Actual lot, building, and site design standards shall be based on [Title 3, Zoning Regulations](#) and [Title 4, Design Regulations](#).

1124.05 Public and Community Facilities

A. Intent. It is the specific intent of this Section to:

1. Facilitate planning and development of public and community facilities, such as public safety, education, cultural, or recreation facilities, in coordination with the growth that creates a demand for these facilities.
2. Provide an opportunity to negotiate a fair and equitable price for land needed to develop public or community facilities that are not directly impacted by proposed subdivisions.
3. Encourage integration of public or community facilities into subdivisions of land, so that essential community services can be located conveniently in neighborhoods and districts.
4. Incorporate any specific existing or future public or community facility plans into the subdivision process, and allow these plans to serve as guides for future land subdivisions and location of these facilities.
5. Provide incentives to dedicate land for public and community facilities when such dedication is beyond the impact and need created by a specific subdivision.
6. Ensure that the most appropriate areas for the location of public and community facilities are identified prior to the premature commitment of these areas to other conflicting uses or development patterns.

B. Dedication of Public Sites. The Planning Commission shall require the dedication of land to the City and/or the Board of Education for parks, playgrounds, open space and/or school sites in an amount equal to 10% of the gross area of the subdivision. The Planning Commission shall require that such dedication be in conformance with the long range planning documents, or any similar official plan for parks, recreation, community, or education facilities.

C. Reservation of Land. Where the land area shown on such subdivision plat for such public sites exceeds the 10% requirement, such additional land shall be reserved for a period of one year beyond the completion of development to permit such land to be acquired by the appropriate public body.

D. In Lieu of Dedication. If no public site is indicated in the long range planning documents, or any similar official plan for parks, recreation, Public Art, community or education facilities, the Planning Commission may require the sub-divider in lieu of dedication of the required 10% of land, to pay a per dwelling unit fee. The fee shall be based on a public or community fee determined by the Planning Commission and indicated in the most recent schedule of fees. The amount shall be assessed for each lot or residential dwelling unit proposed.

1. Such amount may be further negotiated by the Planning Director and the subdivider and concurred to and approved by the Planning Commission and City Council, based on evidence of specific impact on community or public facilities.
2. Any payment in lieu of dedication as public land shall be used to purchase or develop park sites, community facilities, install Public Art, or to promote the maintenance of open space, which, within reason, serves the subdivision for which payment was made. Such funds shall be deposited in the land preservation and acquisition fund account established for the specific purpose of acquisition or development of the above-mentioned sites.
3. In the event an agreement satisfactory to the Planning Commission cannot be reached, the fee shall be based on an amount equal to 10% of the pre-development price of land in the general area. The value of the land shall be determined by the average value as established by three appraisers (one to be selected by the sub-divider, one by the Planning Director, and one acceptable to both parties.) The developer will pay the total cost of all three appraisals.

E. Common Areas. In lieu of dedication to the City of land for open space or parks, such land may be at the discretion of the City Council upon recommendation of its Planning Commission, be held by the developer or an approved home owners association substantial in ownership by restrictions, agreements or other documents, indicating in detail, the manner in which any land intended for common or quasi public use, but not proposed to be in public ownership shall be held, owned and maintained for the indicated purpose. Easements restricting the use for such purpose shall be granted to the City.

F. Credits. Any land dedicated to the public entity for future public or community facilities may be directly credited towards the applicants open space requirements of Title 4. In order to receive credit, the site must be acceptable to the public entity. Where the City Council accepts common areas in fulfilling the 10% requirement, this land may also be credited to the open space requirements, subject to the design and location standards in Title 4.

1126.02 Types of Open Space

Table 1126-24: *Open Space Categories and Types* indicate the categories, types, and general size requirements for open spaces to be used for site designs in the various zoning districts. Generally there are three categories:

- A. Remnant Open Space. Remnant open space is most appropriate in limited application, dispersed in a random manner among individual private lots. Due to its nature and characteristics as undevelopable land, there is little added value in consolidating and designing sites around Remnant open space.
- B. Natural Open Space. Natural open space is most appropriate in neighborhoods, rural areas, or at the edges of mixed-use developments. It can also be used at any location where significant natural features exist and warrant preservation. Natural open space typically provides multiple benefits including environmental, aesthetic, or recreational functions and therefore adds value to the community when consolidated and integrated into site designs.
- C. Formal Open Space. Formal open space is most appropriate in convenient, easily accessible locations benefiting a large number of people that live in or frequent the area. Typically this will be at the center of a residential neighborhood or in a mixed-use, commercial, or employment district. Formal Open Space by its nature creates a civic design amenity and gathering place at strategic locations, and therefore adds value to the community as a focal point for all surrounding development.

Table 1126-24: Open Space Categories and Types

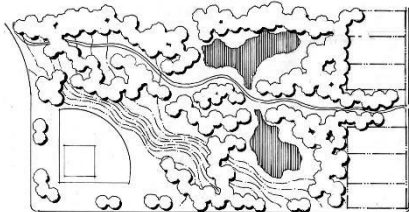
Category	Type	Description	Recommended Size	Image
Remnant	Green Space	Any undeveloped permeable areas which are not required by setback or lot coverage standards, and which do not fit any category of Formal or Natural Open Space. Examples include extra yard areas, lawn or landscape areas that surround site entrances or monument signs, required parking lot screening and landscape areas, or other undeveloped landscape areas. Remnant Green Space is typically not developable either due to regulations or site conditions, and serves no designed purpose other than to be open, permeable ground areas or buffer land uses.	Remnant Green Space sizes are typically based on specific site conditions and development proposals. Because Remnant Green Space is often randomly dispersed and on remote portions of a <u>parcel</u> , providing little cumulative or community benefit, the application of Remnant Green Space in meeting overall open space requirements may be limited.	No Illustration Needed
Natural	Park	An undeveloped area for unstructured recreation. A Natural Park may include some areas for structured recreation, such as ball fields, courts, or playgrounds, but generally this area should occupy no more than 25% of the total Park area. A Natural Park has a predominantly natural landscape although small portions may be designed and constructed for aesthetic purposes, formal gatherings, <u>Public Art installations</u> and structured recreation purpose.	Natural Parks should be at least 3 acres or 2/3 of any <u>block</u> upon which it is located, whichever is less.	

Table 1126-24: Open Space Categories and Types

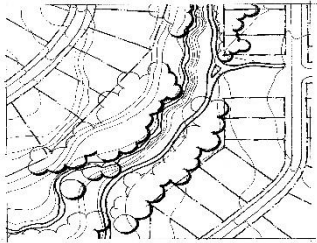
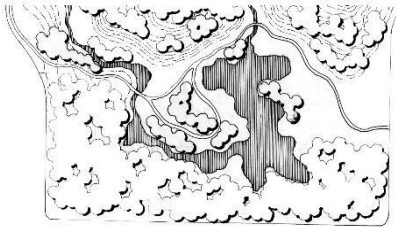
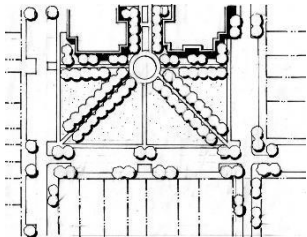
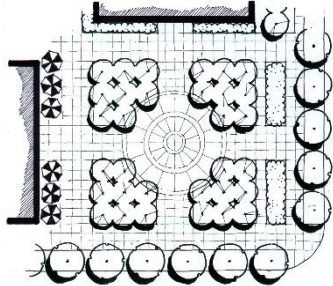
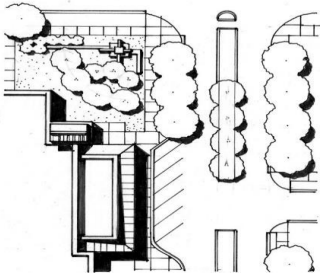
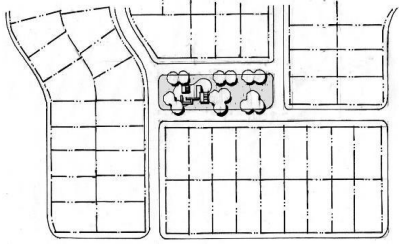
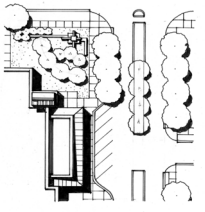
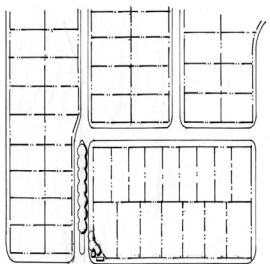
Category	Type	Description	Recommended Size	Image
	Green-way (with Trail)	An undeveloped area of continuous linear natural features, often following a stream , floodplain, or road corridor. A Natural Greenway should be usable for recreation and non-motorized transportation, through primitive hiking trails or a formal multi-use trail at least 10' in width but occupying no more than 1/3 the width of the Natural Greenway. It includes few constructed improvements except for those to enhance travel or recreational use. Public Art can be used to enhance the natural environment.	Natural Green-ways should be at least 1 linear mile but sized and located based on opportunity to provide greater significant continuity throughout a development and to areas beyond the development area, and at least 30' wide at all locations.	
	Preserve	An undeveloped area that contains significant natural features or habitat worthy of preservation, and which provide environmental, aesthetic, and recreational benefits. Features such as large stands of trees, water elements, or prominent topography characterize Preserves. It contains little or no constructed improvements other than trails to access the Natural Preserve.	The size of a Natural Preserve should be based on the site characteristics and potential continuity of similar natural features in the area, along with the potential to connect to adjacent natural areas.	
Formal	Green	An open space for unstructured recreation or aesthetic landscaping . A Formal Green is bordered by public right-of-ways on at least 2 sides. Front building facades and/or formal edge landscaped elements define any boundaries of the Formal Green not bordered by public rights-of-way. Generally there are few constructed elements except as a entry to the Formal Green or a gathering created place as a focal point for the Formal Green. Either of these could be Public Art installations.	Formal Greens should be between ¼ acre and 3 acres, but cover at least 1/3 of the block upon which it is located. The size of Formal Greens should be coordinated with the height of surrounding buildings to maintain a ratio of building height to Green between 1:1 and 1:4	
	Plaza / Square	An open space for civic purposes and commercial activities. A Formal Plaza or Square is bordered by public right-of-ways on at least 1 side. Building facades define any boundaries of a Formal Plaza or Square not bordered by public rights of way. A Formal Plaza or Square is largely comprised of constructed of materials to withstand heavy pedestrian traffic, but contains intermittent lawns, landscape beds, or trees in a formal pattern . Public Art could be displayed in a prominent location.	Formal Plazas or Squares should be between 1/8 and 2 acres. The size of Plazas/ Squares should be coordinated with the height of surrounding buildings to maintain a ratio of building height to Plaza/Square between 1:1 and 1:4.	

Table 1126-24: Open Space Categories and Types

Category	Type	Description	Recommended Size	Image
	<p>Courtyard</p>	<p>An accessible small open space area generally serving one or a few surrounding buildings. Formal Courtyards are primarily bordered by building facades, but have at least one side fully or partially boarded by a public right-of-way. A Formal Courtyard is largely comprised of constructed materials to withstand heavy pedestrian traffic, but contains intermittent formal landscape elements. <u>Public Art could be displayed in a prominent location.</u></p>	<p>A Formal Courtyard should be between 400 square feet to 1/8 acre, but be coordinated with the height of surrounding buildings to maintain a building height to Courtyard width ratio between 2:1 and 1:2.</p>	
	<p>Playground</p>	<p>An open space designed and equipped for structured recreation. A Formal Playground may be part of larger Formal or Natural open space. Playgrounds boundaries are defined by either fences, playing surfaces, or other similar constructed feature encompassing the play equipment. Formal Playgrounds are often used as a focal point for a Neighborhood, particularly when designed as part of a Green or Park.</p>	<p>Formal Playgrounds should be between 400 square feet to ¼ acres.</p>	
	<p>Median</p>	<p>A landscape area of significant continuity designed as a focal point of a roadway. In order to be counted as open space, the median shall be wide enough and include pedestrian access, <u>Public Art</u>, or enhanced landscape design similar to a Green. The Median is part of the Boulevard Treatments allowed in the <u>Street Design sections of Title 2, Subdivision Regulations</u></p>	<p>In order to be counted as Open Space, the median shall: Continue for at least 4 continuous block lengths or 1760 feet, whichever is greater; and Have an expanded width, wider than required by <u>Title 2</u>, as follows: 12' on Local streets 16' on Collector streets 20' on Arterial streets.</p>	 <p>1142-1 Revised 6/20/2015</p>
	<p>Pocket Park</p>	<p>A small open space with pedestrian access used for aesthetic landscaping, small informal gathering and recreation, or occasional public seating (such as a Pocket Park designed in conjunction with a transit stop). Pocket Parks are often designed as gateway features along a corridor, at entrances to a neighborhood or district, or as the focal point for a neighborhood or district. Pocket Parks are predominantly landscape areas, but utilize constructed elements to provide the pedestrian access and gathering space. <u>Public Art could be used to improve gathering spaces.</u></p>	<p>Pocket Parks should be between 100 square feet and ¼ acre.</p>	

1145.09 Fencing

- A. Front and Street-Side Fencing. All fencing in front of the front building line, or on the street-side on corner lots shall:
1. Be limited to no higher than 4 feet; and
 2. Have a void of at least 50% up to 4 feet, so that a 4-foot high picket fence shall have a picket to void ratio of 2:1 or greater transparency.
- B. Side and Rear Fencing. All side and rear fencing located behind the front building line shall:
1. Be limited to no higher than 6 feet;
 2. On corner lots, street-side fencing within 10 feet of the public right-of-way shall meet the standards in subsection A.
 3. All other side or rear fencing may have a solid screen up to 6 feet.
 4. Where Limited and Conditional Uses are allowed, side or rear fencing up to 8 feet is permitted with approval of the Planning Director.
 5. In MU Districts where wood or vinyl fencing is used, such fence shall have masonry supports.
 - a. The supports shall be spaced no more than 16 feet.
 - b. The required screen shall have 100% opacity.
 6. In E-1 and M-1 Districts the use of barbed wire on fencing is permitted, with approval of Planning Director.
- C. Other Fencing Design Standards.
1. All fencing located along adjacent lot lines shall be constructed so that either:
 - a. The face of the fence is on the property line; or
 - b. The face of the fence is at least 3 feet from the property line. Any areas set back 3 feet or more from the property line, which could become enclosed by other similarly located fences, shall provide at least one gate for access and maintenance equipment. Fences constructed less than 3 feet must provide proper evidence for variation.
 - c. On lots or parcels of single ownership abutting fences are prohibited. When replacing fencing, the existing old fence must be removed.
 - d. The property owner or agent is responsible for determining the location of all property lines.
 2. All fences shall be constructed so that the finished side faces adjacent property or any public right-of-way.
 3. Fences shall be constructed out of any of the following materials:
 - a. Wood or vinyl simulating wood;
 - b. Wrought iron or aluminum simulating wrought iron;
 - c. Stone, brick, concrete with stone or brick veneer, or pre-cast concrete simulated stone or brick; or
 - d. Chain link or vinyl clad chain link, in the rear or side yard only with a maximum height of 4 feet in all districts except for E-1 and M-1, where rear or side yard maximum height is 8 feet.
 - e. Electrified fencing for domesticated animals in the NP-1, R-R and R-1 districts only.
 - f. Other materials commonly used in the judgment of the Planning Director for fencing or walls or other materials he or she approves. In mixed-use districts, Public Art can be incorporated into fencing materials.
- D. Screening. All other screening in residential neighborhood districts shall occur according to the standards of CHAPTER 1145, LANDSCAPE DESIGN.

1146.03 Exempt Signs

A. Displays Not Regulated. The following displays are not subject to this chapter:

1. Displays that are not signs, as defined herein, other than festoons, as defined herein.
2. A clock, thermometer, or any measuring instrument that is not in any other respect a sign.
3. Signs on motor vehicles, boats, aircraft, or other moving vehicles, whether moving or stationary, except vehicle signs, as defined herein.
4. Signs of less than 1 square foot each in sign area such as street numbers or store hours.
5. Landmark Signs, as defined herein.
6. Labeling placed by a manufacturer or distributor on merchandise or its packaging displayed in outdoor sales displays, or signs displayed by retailers totaling 10 square feet or less per display or 10 square feet or less per 200 linear feet of street frontage occupied by the display, whichever is greater.
7. Signs accessory to juvenile activities, such as a lemonade stand or chalk sidewalk marking.
8. Graffiti.
9. Ground or sidewalk markings made for utility or construction purposes.
10. Displays of merchandise or other items inside show windows of stores and signs of 5 square feet or less each in area that are part of such displays and are not affixed to windows.
11. Other signs within buildings with messages not legible beyond the lot or building site.
12. Government/Utility Signs.
13. Bulletin boards and bulletin board signs.
14. Inscribed monuments in cemeteries or monument sales facilities.
15. Displays constituting signs that are officially designated by the Public Art Board City Council as works of art, including but not limited to statuary, murals, or sculpture according to a process and criteria adopted by the Public Art Board.
16. Outdoor storage or display of signs produced or sold by a sign fabricator, distributor, or installer, where outdoor sales displays or storage are permitted in the zoning district.
17. Signs on umbrellas at outdoor cafe tables.
18. Signs, logos, or messages on apparel either being worn or displayed for sale.
19. Decorative illumination that does not constitute a sign, as defined herein, including facade illumination, neon accent lighting, backlit awnings not bearing signs, and the like.
20. Distinctive building architectural treatments that may reflect styles, colors, or the like (but not logos) also used in advertising.
21. Picket signs carried by striking workers, political protestors, or other aggrieved parties.
22. Cornerstone inscriptions or other signs that are part of masonry facades of older buildings.
23. Displays in the interior of roofless buildings intended to be seen only from the inside, such as athletic scoreboards or advertising signs along interior walls of an open stadium.
24. Lettering on newspaper delivery boxes.
25. Seasonal displays relating to a holiday period, seasonal festival, or the like that do not constitute a sign, as defined herein.
26. Signs of under 4 square feet in farm fields.
27. Signs of no more than 10 square feet in sign area and 50 square feet total per lot or building site displayed no more than 30 days before or 5 days after any public election.
28. Event signs, as defined herein, for residential uses.
29. Signs similar in nature in the judgment of the Planning Director to the above signs.
 - a. Displays that have sign areas less than specified in this Section but that arrayed together create the effect of a larger sign, are not exempt from these regulations. Displays that are in the judgment of the Planning Director only incidentally displays exempted herein and are primarily non-exempt signs, shall be subject to the provisions of this

Chapter. A sign, for example, that also contains a time and temperature display does not thereby become exempt under Subsection A.2.

B. Actions Exempt From Permit. The following shall be exempt from the requirement for a Sign Permit under Title 1, Administration but shall be subject to all other applicable provisions of this chapter:

1. Signs exempt under Subsection A. above.
2. Copy changes on changeable copy areas, changing copy areas, or multi-prism signs.
3. Bill or poster changes on signs consisting of customarily changed bills or posters of paper, vinyl, or similar material attached for a limited duration to a panel, such as billboards or bulletin board signs.
4. Repainting of a worn or faded sign or of a sign customarily repainted with a new message periodically, such as a painted outdoor bulletin.
5. Maintenance, cleaning, or repair or replacement of broken or worn parts with comparable parts of comparable materials not involving removal or alteration of the support structure.
6. Permanent signs allowed for single- and two-family dwellings.
7. Existing signs for which a Sign Permit was either issued or not required prior to the date of effect of this Code.

C. Displays Prohibited.

1. The following signs and attention-getting displays shall be prohibited as permanent signs:
 - a. Banner signs.
 - b. Search and beacon lights.
2. The following signs and attention-getting displays shall be prohibited as permanent, temporary, or event signs:
 - a. Air-activated signs.
 - b. Balloon signs.
 - c. Festoons, except as seasonal displays under sub-section A.25. above.
 - d. Flashing signs, except for electronic message centers as defined in CHAPTER 1115.
 - e. Markings on street pavements, curbs, or sidewalks, except Government/Utility Signs or temporary markings related to utility service, construction, or children's play.
 - f. Moving signs.
 - g. Portable signs except as provided in 1146.05.C.2.b.
 - h. Projected image signs.
 - i. Roof signs.
 - j. Seat bench signs.
 - k. Signs containing strobe lights visible beyond the property line.
 - l. Signs on trash containers, public phones parking meters, bus shelters, and the like.
 - m. Signs on rocks, trees, and natural objects.
 - n. Signs on utility poles.
 - o. Trailer signs and portable signs consisting solely or largely of changeable copy areas.
 - p. Vehicle signs.
 - q. Signs attached to brackets mounted on lighting or canopy poles on lots or building sites with less than 300 feet of frontage on a single street.
 - r. Signs displayed on or around the surface of lighting, canopy, or sign poles on which a sign face is already displayed except signs permitted under item 2.g. above.
 - s. Signs on fences or decorative walls.