

# Bowling Green Zoning Diagnostic Report

September 2019



# ABOUT THE AUTHORS

## Sean S. Suder

Lead Principal/Founder



Sean has a keen attention to the details of lawmaking that make a zoning code clear, consistent, usable and defensible. As a planner and a lawyer, he brings a unique combination of disciplines, skills and perspectives to planning and coding efforts across America.

Sean was the lead counsel for the Cincinnati Form-Based Code, an award-winning code that was a first for a large legacy city like Cincinnati. He also served as the lead counsel for the Cincinnati Land Development Code, a new take on the City's remaining Euclidean zoning, and for the City's award-winning Historic Preservation ordinance.

Sean is a frequent speaker and panelist on the topics of land use law, historic preservation law, and zoning, including as a presenter at the 2017 APA National Conference in New York City and APA state conferences in Ohio, Indiana, Pennsylvania and Tennessee.

He has served as an adjunct professor of land use law at the University of Cincinnati College of Law and has been a guest lecturer at the University of Cincinnati College of Design, Art, Architecture and Planning. His articles have been published in the *Cincinnati Enquirer*, *Midwest Real Estate News*, *Cities & Villages Magazine*, *Ohio Planners News*, and others.

## Donnie L. Warner

Senior Consultant



Donnie strives to connect the dots between economic development and land use and zoning. As a public finance attorney and zoning consultant, he strives to assist his clients with realizing their planning and development vision through comprehensive approaches that address land use as well as economic development.

As Assistant City Solicitor for the City of Covington, Donnie served as general counsel to the planning and zoning department as well as to the Urban Design Review Board and the Board of Adjustment. He represented the City on a variety of land use matters, including defending historic preservation decisions.

Donnie has been a featured speaker at a number of conferences throughout the Midwest and beyond. He regularly presents on topics related to leveraging economic development tools to bring plans to fruition.

He has served as a guest lecturer at the University of Cincinnati Real Estate Center. He has also been featured by local news organizations with respect to various economic development and land use project and topics, including opportunity zones.

## Introduction

This diagnostic report (this "Report") is an assessment of the extent to which the City of Bowling Green Zoning Code (the "Zoning Code") advances or acts as a barrier to the land use principles and planning vision set forth in the 2014 update to the Future Land Use Section of the Comprehensive Plan (the "Plan"). As the City begins the process of crafting new, modern, streamlined zoning regulations, this Report is an important first step in illuminating the strengths and weaknesses of the Zoning Code as it relates to the Plan.

This Report is not scientific and is based on our best professional judgment and experience with zoning codes and best practices throughout Ohio and beyond. Its purpose is to inform, highlight, and coalesce the City around those regulations that are no longer best serving the City protecting against bonafide public harms, advancing the vision, and encouraging capital investment.

The Plan, and related planning documents, including the East Wooster Street White Paper dated February 2019 (the "East Wooster Street White Paper") identify numerous opportunities to increase the City's livability and desirability. The Plan applies seven land use principles, each with discrete objectives (collectively, the "Land Use Principles"), to four priority areas: (i) the Northeast Subarea; (ii) the Southeast Subarea; (iii) Downtown; and (iv) East Wooster. This Report evaluates the Zoning Code relative to the four priority areas and areas of the City not within the priority areas.

We hope that you find this Report illuminating as the City considers future approaches to its zoning regulations.

## General Principles Applied

Our review, analysis, conclusions and recommendations are guided by three general principles of zoning:

### **1. Zoning Should Respect Existing and Reflect Desired Development Patterns.**

Regulations that fail to relate or respond to existing development patterns or fail to promote the community's vision for future development patterns erode the relevance of both the existing and planned built environment. Places that lose their relevance experience a decline in demand and investment. Supply ultimately exceeds demand, property values drop, and investment becomes less and less likely over time.

Zoning should be a tool to implement the community's vision in its plan. To do so, zoning districts should be focused less on use segregation, which can lead to

disjointed development patterns, and more on the desired character of the unique areas of the City.

## **2. Zoning Should Regulate Only What Actually Needs to Be Regulated and Focus on Desired Outcomes**

Regulations that do not justify government intervention or merit investment of precious local government resources should be reconsidered and removed if possible. First and foremost, zoning regulations that no longer relate to any public interest may not be enforceable if challenged. Even if they are not challenged, they are unlikely to be enforced since they do not address any actual or potential public harm. Expending resources administering zoning regulations that do not address actual or potential public harms can create unproductive friction in the process and an unnecessary expenditure of local government resources.

Regulations that impose requirements that are out of context and do not respect or relate to the existing development pattern unnecessarily require administrative relief and numerous approvals when a development is proposed. This adds expense and uncertainty, which increases the cost of investment and may result in less desirable development outcomes. It also requires significant governmental resources to administer these processes. When the costs of administering a regulation outweigh the benefits, such regulation should be reconsidered and potentially eliminated.

## **3. Zoning Should Be the Implementation of a Plan, not a Barrier to Achieving the Vision**

Outdated, confusing, inconsistent, and disorganized zoning regulations are often cumbersome to use and administer and can be an impediment to achieving a community's economic development goals and planning vision. Because zoning regulations are the implementation of a plan, the plan should lead, and the regulations follow. In many instances, much effort has been expended on the plan, but the zoning regulations are overlooked or revised in a disjointed or piecemeal manner. Zoning regulations that make it more difficult, or even impossible, to achieve the planning vision should be reconsidered and removed if possible.

For example, zoning regulations that are inconsistent, unclear, poorly worded, disjointed, disorganized, or confusing can be intimidating, time consuming, and costly for property owners, which may discourage investment. Likewise, cumbersome approval and administrative processes can add significant time and cost to property development and redevelopment.

This is not to say that the way should always be paved for development. Public review and input are a necessary and valuable part of the process. If the regulations and processes are based on the community's vision in the plan, then the public should be comforted in knowing that the regulations are setting the plan in motion. Clear, usable, defensible, and consistent regulations operate to protect the public visioning process while balancing the needs of property owners.

## The City's Land Use Principles

The Plan is a vision for the City's growth and development over the next several decades. Through extensive public engagement and a thoughtful analysis of existing conditions, the City has identified the following Land Use Principles:

### Land Use Principles

1. **Highly livable urban form that creates/preserves a community**
2. **Positive, appealing first impressions**
3. **Local flavor/character**
4. **A strong business base**
5. **A broad housing spectrum**
6. **"Good Neighbor" neighborhoods**
7. **Easy access to fitness and health**

The Land Use Principles, in conjunction with the vision set forth in the East Wooster White Paper, serve as the benchmarks against which we analyze each provision of the Zoning Code.

## City Planning Documents

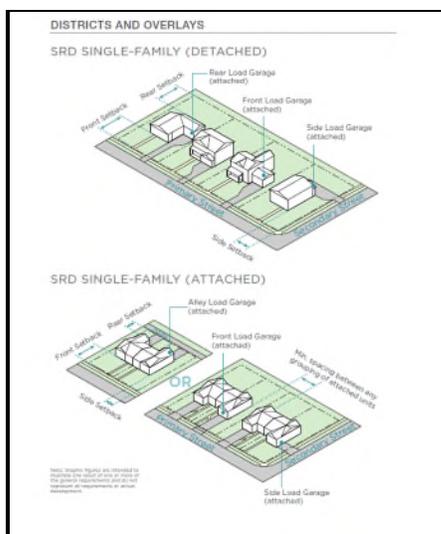


## General Observations

Before analyzing specific provisions of the Zoning Code, we begin by providing general observations on the format and user-friendliness of the Zoning Code. The following are our general observations:

Subject	General Observations
Overall	The Zoning Code's current structure and format is consistent with codes that were adopted in the late 1990s and early 2000s. The code has a traditional Euclidean focus on use rather than form or character.
Definitions	Definitions are scattered throughout the Zoning Code. Modern Codes consolidate all definitions into a single chapter for ease of use and administration.
Graphics	The Zoning Code lacks explanatory graphics. Include graphic representations to better illustrate text throughout. Areas where graphics are suggested: landscaping/buffering; definitions; development regulations; parking; and signage.
Zoning Code Fees	Permit/application fees should be removed from the Zoning Code to avoid the need for a text amendment back as fees are adjusted.
Tables	Long lists and groupings of text can be cumbersome to use and administer. Modern Codes utilize tables instead of long lists of text. There is substantial opportunity within the new code to reformat text into tables that will be more intuitive for the user.

## Sample Code Layouts



**Key for Diagrams**  
 --- Lot Line  
 --- Setback Line  
 --- Building Area

**D. Building Face**  
 Each proposed building shall comply with the following building form standards.

**E. Encroachments into Setback**  
 The following encroachments are allowed within the OZND Zone subject to applicable Frontage Type Standards (See Chapter XXXX).

Encroachment	Front	Side	Rear
Front	10' max	0	0
Side	Offmax	0	0
Side Street	8' max	0	0
Rear	Offmax	0	0

**F. Building Placement**  
 Off-street parking shall be located in compliance with the following setback standards. See Chapter XXXX for applicability of frontage types associated with street-side parking.

Location	Standard
Front	30' min
Side	0' min
Street Side	0' min
Rear	0' min

**G. Permitted Uses**  
 See Chapter XXXX (Frontage Type Standards) for detailed standards for each frontage type.

Frontage Type	Permitted	Accessory	Prohibited
Shopfront	Allowed	Allowed	XXXXXX
Patio	Allowed	Allowed	XXXXXX
Yard	Allowed	Allowed	XXXXXX
Raised Yard	Allowed	Allowed	XXXXXX
Porch	Allowed	Allowed	XXXXXX
Stoop	Allowed	Allowed	XXXXXX
Terrace	Allowed	Allowed	XXXXXX
Typical	Allowed	Allowed	XXXXXX
Streetwall	Allowed	Allowed	XXXXXX

**H. Required Frontage Type\***

Use	Required
Shop	XXXXXX
Typical	XXXXXX
Streetwall	XXXXXX

\*See Chapter XXXX (Frontage Types) for descriptions and requirements.

## Plan Consistency Review and Analysis

Our analysis includes general observations, a review of permitted uses, and an assessment of each provision of the Zoning Code as it relates to the Land Use Principles. The attached consistency matrix contains the data underlying our conclusions and recommendations.

The consistency matrix also includes any specific comments and notes relative to the provisions of the Zoning Code. In completing the consistency matrix, we used our professional judgment and experience to determine whether a section (i) actively promotes each Land Use Principle (indicated by +), (ii) serves as a barrier to each Land Use Principle (indicated by !), or (iii) has no effect on, or plays a necessary supporting role to each Land Use Principle (indicated by =).

It is important to note that those regulations identified as having no effect, or that play a necessary supporting role, should be reviewed and considered just as carefully as those that do to determine if there are opportunities for them to be amended or improved to promote the Land Use Principles.

As the city considers new or updated zoning regulations, each new or amended provision should support at least one of the Land Use Principles, including those provisions that are administrative or procedural.

The Zoning Code scores best relative to promoting Land Use Principle #6 – “Good Neighbor” Neighborhoods – due to existing provisions that address property maintenance and compliance. The Zoning Code scores the lowest relative to Land Use Principle #5 – a broad housing spectrum – due to the Code’s overreliance on single-family housing and limited regulations pertaining to other forms of housing.

Generally, the provisions of the Zoning Code do not advance the Land Use Principles or could be doing more to advance them. Those regulations that are advancing the Land Use Principles should be reviewed to ensure that they are most effectively doing so and work well in conjunction with any new provisions.

Consistency Matrix Symbols		
<b>Actively promotes each Land Use Strategy</b>	<b>Serves as a barrier to each Land Use Strategy</b>	<b>Has no effect on or plays a necessary supporting role to each Land Use Strategy</b>
		

**1. Highly livable urban form that creates/preserves community**

Scoring Summary (out of 99 provisions)

+	!	=
6	36	57

**Summary**

As it pertains to Land Use Principle #1, the Plan sets forth four objectives to support the overarching goal of “creating and preserving community.” The four objectives include: (i) creating walkable “centers” for each neighborhood; (ii) creating a strong downtown “center”; (iii) ability to get around easily; and (iv) creating a “green” community. Together, this Land Use Principle and the supporting objectives envision the creation of walkable, character-based districts throughout the City.

**Positives**

The regulations governing the R-C Recreational-Conservation zoning district generally advance Land Use Principle #1. The intentional preservation of greenspace and dedicated public space helps to foster a sense of community and provide gathering places for residents. Section 150.32(D) of the Zoning Code sets forth certain development standards that apply to all development in the R-C zoning district. Amendments to the Zoning Code can build upon the positive provisions of the R-C zoning district by incorporating certain of its development standards to certain other of the City’s zoning districts. For example, the requirements to “reduce non-native plants and animals” and to “situate buildings so as to minimize their effect on scenic views or vistas” could be applied to new development throughout the City regardless of the underlying zoning designation or end-use of the property.

Additionally, Planned Overlay Development (POD) District. Consistent with the goal of creating a “green” community, the regulations of the POD include minimum open space requirements for residential and non-residential development.

**Barriers**

The base regulations for the existing residential and non-residential districts are a barrier to achieving Land use Principle #1 because they fail to facilitate a mixed-use environment. For example, the residential district regulations incorporate very few non-residential uses, and those non-residential uses that are incorporated are only conditionally permitted. To advance the Plan’s visions for a mixed-use environment, certain non-residential uses should be permitted “as-of-right” under the base zoning regulations.

Likewise, the base zoning regulations for the current non-residential districts fail to cultivate or preserve greenspace as contemplated under Land Use Principle #1. For example, parks and playgrounds are not included as a permitted use in any of the non-residential districts. The only greenspace requirements are those related to the development of new multi-family dwellings.

Finally, with respect to the objective of creating a strong downtown “center,” the existing downtown regulations are generic and fail to distinguish the downtown as a unique area of the City. For example, the regulations governing the B-3 Central Business District are limited to a generalized list of permitted and conditional uses. Additionally, while there are limited bulk and density regulations pertaining to the B-3 Central Business District, these regulations fail to fully develop the character of new development and its relationship to the existing built environment in the downtown district. To address these shortcomings, the zoning classification for downtown should be updated from a zone to a character-based district that includes custom tailored regulations that advance a unique vision for downtown.

## 2. Positive, appealing first impressions

Scoring Summary (out of 99 provisions)

+	!	=
11	41	47

### Summary

To enhance the aesthetic appearance of the City, Land Use Principle #2 focuses on improving the first impressions of the City at key gateways. To achieve this improved aesthetic, the Plan proposes two interventions. First, it Plan contemplates cultivating gateways with “lush landscaping, open space and monuments<sup>1</sup>.” Second, it Plan envisions “[g]rand boulevards with street trees and richly planted medians<sup>2</sup>. Considering this vision for the City’s gateways, the Zoning Code fails to affirmatively advance Land Use Principle #2 because it focuses very little on gateways.

### Positives

The requirement to include open areas in multi-family developments advances the goal of creating positive, appealing first impressions. The buffering standards applicable to development in the B-2 General Commercial zoning district also promote the improvement of the appearance of certain areas of the City; however, only a fraction of the City is currently zoned B-2.

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<sup>1</sup> Plan at Page 17.

<sup>2</sup> Plan at Page 18.

## Barriers

The most significant barrier to Land Use Principle #2 is the inconsistent regulation of key corridors throughout the City. For example, the East Wooster Street priority area is comprised of several different zoning districts, none of which specifically address creating a positive first impression. To remedy the disconnect between Land Use Principle #2 and the regulation of key corridors, the updated Zoning Code should incorporate character-based standards that require development relating to the street. Examples of such standards include street tree requirements small or no, building setbacks, and the requirement to locate surface parking lots to the rear of buildings.

### 3. Local flavor/character

Scoring Summary (out of 99 provisions)

+	!	=
7	41	51

## Summary

Land Use Principle #3 focuses on cultivating a sense of place through the introduction of special events, placemaking initiatives and innovative uses. The Plan envisions modern lifestyle and amenity uses such as farm-to-market restaurants, microbreweries, and farmers' markets. With the introduction of new uses, significant progress can be made toward implementing this Land Use Principle.

## Positives

Zoning Code Section 150.132(C) permits the Board of Zoning Appeals to approve the temporary use of a structure or land for a use that does not otherwise conform with the existing zoning regulations. Such temporary uses may be conducted for up to twelve (12) months. These provisions advance Land Use Principle #3 by providing the flexibility to test new concepts that may take hold and be incorporated into the amended Code.

## Barriers

The Zoning Code does not contemplate the modern uses contemplated under Land Use Principle #3. For example, microbrewery, farmers' market, makerspace and pop-up shop are not defined as uses and, are therefore not permitted. While any of these uses may be conducted on a temporary basis, including them in the updated Zoning Code is necessary to actively promote Land Use Principle #3.

#### 4. A strong business base

Scoring Summary (out of 99 provisions)

+	!	=
12	38	49

##### Summary

Land Use Principle #4 addresses the link between land use policy and economic development by focusing on interventions to promote job creation and retention. As it pertains to job creation, the Plan emphasizes the importance of encouraging entrepreneurship and facilitating the growth of Bowling Green State University. Similar strategies for growing the University are also developed in the East Wooster White Paper, which recommends updating the Zoning Code to promote growth throughout the East Wooster Street corridor.

##### Positives

The East Wooster White Paper recognizes the successful incorporation of manufacturing and industrial uses throughout the City<sup>3</sup>, and this Report is in agreement with that observation. The existing manufacturing and industrial districts permit the desired uses while also providing for adequate buffering where dissimilar uses are in proximity to each other. Recommendation: To address the development deficits in key development areas, the updated Zoning Code should implement character-based districts that allow for increased building height, residential density and a mix of complementary uses.

##### Barriers

The Zoning Code fails to adequately promote economic development and growth in all areas of the City. As it pertains to Wooster Street, the East Wooster White Paper concludes that the current state of this key corridor is a significant barrier to talent attraction and business attraction.

#### 5. A broad housing spectrum

Scoring Summary (out of 99 provisions)

+	!	=
1	66	32

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<sup>3</sup> White Paper at Page 11.

## Summary

To promote residential development in the City, the Plan calls for the expansion of residential opportunities. The housing types contemplated on the Plan include apartments, condos, townhomes, small-lot single-family homes and accessory dwelling units (ADUs). Land Use Principle #5 also includes an objective of developing “hip, dense, affordable housing.” Overall, as evidenced by only one positive score, the Zoning Code is quite different at implementing the Plan’s vision.

## Positives

The lone positive score relative to Land Use Principle #5 pertains to the flexibility that the Zoning Code provides for developing existing lots of record that may otherwise be nonconforming. The ability of property owners to construct single-family homes on these lots helps create additional opportunities for additional supply of single-family homes. Beyond this positive score, the Zoning Code is either neutral with respect to Land Use Principle #5 or serves as a barrier to it.

## Barriers

Other than incorporating several of the Plan’s contemplated residential uses, the Zoning Code is quite limited in its ability to advance Land use Principle #5. For those residential uses incorporated in the Zoning Code, there is limited guidance as it pertains to the character of those forms when they are incorporated into new development. Moreover, there are a number of desirable housing types that the Zoning Code does not permit either as of right or conditionally. For example, the Zoning Code does not contemplate townhomes, attached single-family homes or accessory dwelling units to communicate the denied form.

## 6. “Good Neighbor” neighborhoods

Scoring Summary (out of 99 provisions)

+	!	=
13	41	45

## Summary

Land Use Principle #6 is intended to address the formation of character-based neighborhoods and has comprised of four objectives, including (i) gradual transitions between different land uses and building types so as to not diminish adjacent property values; (ii) inconspicuous off-street parking behind buildings; (iii) consistent street trees throughout Bowling Green; and (iv) well-maintained homes, buildings, and neighborhoods.

## Positives

As noted above, the buffering standards applicable to development in the B-2 General Commercial District are positive provisions as they encourage a smooth transition between dissimilar uses. To this end, the buffering standards can serve as a template for broader application in character-based districts throughout the City.

The Zoning Code's enforcement provisions are also positive with respect to Land Use Principle #6 as these provisions encourage the maintenance of buildings and land.

## Barriers

Overall, the Zoning Code does not go far enough to advance Land Use Principle #6. The limited applicability of buffering standards results in large swaths of the City that are not regulated by the few positive provisions. To address these deficiencies, the City should development and incorporate character-based districts with more prescriptive landscaping requirements for higher impact forms of development.

Another barrier to achieving Land Use Principle #6 are the limited requirements pertaining to the location of parking areas. While the Planned Overlay Development (POD) District regulations prescribe that parking areas should be located out of view from the public right of way, the applicability of these regulations is limited. In developing the aforementioned character-based districts, the City should expressly require that parking is located to the side or in the rear of new development.

## 7. Easy access to health and fitness

Scoring Summary (out of 99 provisions)

+	!	=
4	35	60

## Summary

The Plan's vision in Land Use Principle #7 is to foster pedestrian-oriented transportation and recreational uses throughout the City. To achieve this vision, the Plan contemplates the installation of biking and walking paths, the construction of indoor and outdoor recreational facilities, and the development of passive recreation areas in every neighborhood. Ultimately, the Zoning Code fails to advance Land Use Principle #7 and significant updates will be required to achieve this vision.

## Positives

The Zoning Code's primary means of advancing Land Use Principle #7 is through the regulations governing the R-C Recreational-Conservation zoning district. As noted, where applicable, these regulations help to preserve greenspace and promote recreational uses. Unfortunately, this compartmentalized approach to zoning fails to ensure that the other areas throughout the City obtain the same benefits as those areas

that are zoned R-C. There is also limited benefit to the various open space requirements pertaining to multi-family developments and certain overlay districts; however, to fully advance the vision of Land Use Principle #7, these requirements should be incorporated in all zoning districts.

## **Barriers**

The Zoning Code fails to address most the objectives pertaining to Land Use Principle #7. While the Plan contemplates incorporating passive greenspace in each neighborhood, “passive greenspace” is not a permitted use in any of the current residential zoning districts. To this end, the use table should be updated to incorporate similar uses as permitted uses in every residential district. Likewise, the subdivision regulations should be assessed to determine where the incorporation of passive greenspace can be required in major subdivisions.

The Zoning Code also fails to facilitate pedestrian-oriented transportation. To reduce an over-reliance on auto-oriented design, the off-street parking regulations can incorporate a bonus structure that incentivizes the incorporation of bike parking areas in new development.

## **Summary Conclusions and Recommendations**

Based on the above consistency analysis we conclude as follows:

- The existing zoning districts are “one-size-fits-all” and fail to embrace the character of the areas in which they are located.
- The Zoning Code does not reflect the Plan’s vision for the incorporation of passive greenspace and pedestrian-oriented transportation throughout the City.
- The existing residential districts fail to incorporate any non-residential uses to help foster a sense of community or encourage a mixed-use environment.
- The land use regulations applicable to the East Wooster Street corridor fail to promote the mix of uses and residential density that is required to attract talent and create jobs.
- The Zoning Code does not incorporate modern uses such as microbreweries, makerspaces or small-batch manufacturing.
- The lack of character-based regulations results in “one-size-fits-all” development that inhibits the character of the city’s key assets.

This Report makes the following recommendations with respect to the Zoning Code update:

- The Plan's four priority areas should be incorporated into character-based, mixed-use zoning districts that more effectively produce a cohesive development standard for each area.
- The Zoning Code's use table should be modernized and carefully calibrated to encompass the modern uses contemplated in the Plan.
- The permitted layout and form of residential development should be better depicted and described. The new regulations should introduce additional housing types not currently contemplated in the Zoning Code including townhomes and accessory dwelling units.
- The incorporation of greenspace and open space into new development should be regulated with more particularity. In addition to incentivizing green space and open space, the Zoning Code should also incentivize the contribution of bike paths and recreation areas.
- Where appropriate, certain approvals requiring board approval should be examined for staff-level approval. These updates can help to streamline development processes for desirable projects that otherwise satisfy pre-determined criteria.

For observations and recommendations specific to certain provisions of the Zoning Code please see the attached consistency matrix.

## **Conclusion**

Our recommendations are both structural and substantive. Structurally, the updated Zoning Code would benefit from new graphics and tables as well as a total reorganization to assist with user-friendliness. As it pertains to the proposed total reorganization, please see the attached proposed table of contents for discussion purposes only. Substantively, the ide a template for crafting new zones and districts that advance the Plan's vision. We would look forward to assisting the City with the development and implementation of an updated Zoning Code.

### Proposed Table of Contents\*

<b>Part Eleven</b>	<b>Title</b>	<b>Old Chapter(s)</b>
<b>Title One</b>	<b>Zoning Code</b>	
Chapter 1101	Introduction and Using this Ordinance	150.01-.08
Chapter 1103	Zones and Districts	150.10-.13
	A. Zones	
	R-1 Residential Single-Unit Zone	150.19
	R-2 Residential Attached Unit Zone	150.20
	R-3 Residential Multi-Family Unit Zone	150.21
	RC-Recreational and Conservation Zone	150.32
	A-1 Agricultural Zone	150.33
	IE Innovation and Employment Zone	
	NC Neighborhood Commercial Zone	
	B. Districts	
	Bowling Green Gateway District (BGGD) <ul style="list-style-type: none"> <li>• Manville/Thurstin Gateway Sub-District</li> <li>• Manville/Enterprise Gateway Sub-District</li> </ul>	
	Downtown Development District (DD)	
	Southeast Mixed-Use District (SEMX)	
	Northeast Neighborhood District (NEND)	
Chapter 1105	Generally Applicable Regulations	
	Landscaping and Buffering	
	Off-Street Parking	150.55-.59
	Outdoor Signs	150.63-.70
	Telecommunications	150.60-.62
Chapter 1107	Nonconformities	150.75-.78
Chapter 1109	Administration	150.50;150.85;150.100 150.110;150.120;150.130
Chapter 1111	Glossary of Terms	150.03
Chapter 1113	Summary Tables	

\*For discussion purposes only.

## Diagnostic Consistency Matrix



	Highly livable urban form that creates/preserves a community	Positive, appealing first impressions	Local flavor/character	A strong business base	A broad housing spectrum	"Good Neighbor" neighborhoods	Easy access to health and fitness	Notes
	<p>! Does not support land use objectives</p> <p>+ Actively promotes land use objectives</p> <p>= Either has no effect or plays a necessary supportive function</p>	<p>"Centers" that have walk-to, or bike-to convenience for surrounding neighborhoods, with dining, convenience shopping, and professional services</p> <p>A strong downtown 'center' with convenient access from BGSU, convenient parking, outdoor dining, wide, decorative paved sidewalks, attractive public gathering areas, and an emphasis on the arts</p> <p>Ability to get around easily without a car—with bike paths/lanes; good, generous sidewalks; and thorough connectivity for cars, bikes and pedestrians</p> <p>A "green" community with continuous street trees, parks, pocket parks, and "greens" everywhere</p>	<p>Gateways with lush landscaping, open space and monuments</p> <p>Grand boulevards lined with street trees and with richly planted medians</p>	<p>Entertainment with a focus on downtown events and community activities, including BGSU</p> <p>Unique dining with farm-to-market, local "one of" restaurants or small regional chains, outdoor dining, micro-breweries, including the existing downtown and local farmers' markets</p> <p>A focus on the arts, with emphasis on local events, such as Black Swamp Art Festival</p> <p>Sense of heritage, grounding, with historic buildings, natural areas, and clear city/country demarcation</p>	<p>Retention of existing companies</p> <p>A focus on employee-intensive businesses*</p> <p>A stabilized and growing BGSU</p> <p>A climate encouraging local entrepreneurs, taking advantage of BGSU intellectual capital, and creating opportunities for business incubation</p>	<p>Greater variety of options including apartments and condos, town homes, small-lot single family homes, and accessory dwellings (e.g. 'granny flat' over garage)</p> <p>Hip, dense, affordable housing</p>	<p>Gradual transitions between different land uses and building types so as to not diminish adjacent property values</p> <p>Inconspicuous off-street parking behind buildings</p> <p>Consistent street trees throughout BG</p> <p>Well-maintained homes, buildings, and neighborhoods</p>	
Max. Number of Floors	!	!	!	!	!	!	!	As per the Wooster Plan, increase the building height in the B2 and S3 (both are currently 60'). The minimum building height should also be increased in the B4 and B5 from 25' to allow for flexibility for businesses. This will further the goal to create a strong business base - the City could promote co-working spaces, live/work spaces, artisan manufacturing, or tech industries.
Max. Height (feet)	!	!	!	!	!	!	!	An increase in building height will also create more compact development, which will further the goals related to walkability, livability, and a sense of place, while also improving the investment conditions for development.
Max Lot Coverage	!	!	!	!	!	!	!	There is a desire to turn the southeast subarea into a vibrant mixed-use community. The maximum lot coverages should be increased while providing enough room for the building, parking, and landscaping. There is also a desire to permit accessory dwelling units (ADUs) in the northeast. If residents choose to build detached ADUs, then the 40% maximum lot coverage may infringe on the goal to create more ADUs.
150.17 Uses by right	!	!	!	!	!	!	!	This section lists a subset of uses allowed in all districts unless otherwise stated which provides flexibility and should be maintained in a new code.
150.18 Primary structure	!	!	!	!	!	!	!	Home occupations, if compliant with standards, should be permitted in all districts instead of just the 'R' districts to account for homes that may fall outside of those areas.
150.19 R-1 Single-Family Residential	!	!	=	=	=	=	!	The stated purpose of this district is to provide low-density living areas for single-families. The uses and conditional uses maintain that goal, and are consistent with single-family districts throughout Ohio. Given the desire for livability and access to health and fitness, consider the addition of trails, parks, or other recreation as permitted uses within this district.
150.20 R-2 Single-Family Residential	!	!	!	=	!	!	!	<p>The stated purpose of this district is to provide moderate-density living areas for single-families. The uses and conditional uses maintain that goal, and are consistent with single-family districts throughout Ohio. Given the desire for livability and access to health and fitness, consider the addition of trails, parks, or other recreation as permitted uses within this district.</p> <p>Consider the feasibility of consolidating the R-1/R-2 into one single-family district.</p> <p>Bed and Breakfasts are permitted in this district, which is a recommendation of the East Wooster Plan.</p>
150.21 R-3 Multiple-Family Residential, moderate density	!	!	!	!	!	!	!	<p>Condominium is a type of ownership structure, and should not be considered a stand-alone use type. If the condo is within a "multi-family dwelling", that is how the use of the primary structure should be categorized.</p> <p>Consider whether low-intensity, amenity uses could be permitted in the multi-family zone. This will greatly aid with mobility and livability as communicated in the first goal. If small grocers are permitted, this can also increase food access, especially for people with mobility issues.</p>

BG	Highly livable urban form that creates/preserves a community							Notes
	Positive, appealing first impressions	Local flavor/character	A strong business base	A broad housing spectrum	"Good Neighbor" neighborhoods	Easy access to health and fitness		
<p>! Does not support land use objectives</p> <p>+ Actively promotes land use objectives</p> <p>= Either has no effect on or plays a necessary supportive function</p>	<p>"Centers" that have walk-to, or bike-to convenience for surrounding neighborhoods, with dining, convenience shopping, and professional services</p> <p>A strong downtown 'center' with convenient access from BGSU, convenient parking, outdoor dining, wide, decorative paved sidewalks, attractive public gathering areas, and an emphasis on the arts</p> <p>Ability to get around easily without a car—with bike paths/lanes; good, generous sidewalks; and thorough connectivity for cars, bikes and pedestrians</p> <p>A "green" community with continuous street trees, parks, pocket parks, and "greens" everywhere</p>	<p>Gateways with lush landscaping, open space and monuments</p> <p>Grand boulevards lined with street trees and with richly planted medians</p>	<p>Entertainment with a focus on downtown events and community activities, including BGSU</p> <p>Unique dining with farm-to-market, local "one of" restaurants or small regional chains, outdoor dining, micro-breweries, including the existing downtown and local farmers' markets</p> <p>A focus on the arts, with emphasis on local events, such as Black Swamp Art Festival</p> <p>Sense of heritage, grounding, with historic buildings, natural areas, and clear city/country demarcation</p>	<p>Retention of existing companies</p> <p>A focus on employee-intensive businesses*</p> <p>A stabilized and growing BGSU</p> <p>A climate encouraging local entrepreneurs, taking advantage of BGSU intellectual capital, and creating opportunities for business incubation</p>	<p>Greater variety of options including apartments and condos, town homes, small-lot single family homes, and accessory dwellings (e.g. 'granny flat' over garage)</p> <p>Hip, dense, affordable housing</p>	<p>Gradual transitions between different land uses and building types so as to not diminish adjacent property values</p> <p>Inconspicuous off-street parking behind buildings</p> <p>Consistent street trees throughout BG</p> <p>Well-maintained homes, buildings, and neighborhoods</p>	<p>Bike paths, lanes, walking/jogging paths throughout the community and along natural areas</p> <p>Indoor and outdoor facilities for active sports and programs for all ages</p> <p>Passive recreation including natural areas, community gathering spaces, and "green" in every neighborhood</p>	Notes
150.22 R-4 Multiple-Family residential, high density	!	!	!	!	!	!	!	<p>Consider whether neighborhood amenity uses could be permitted in the multi-family zone. This will greatly aid with mobility and livability as communicated in the first goal. If small grocers are permitted, this can also increase food access, especially for people with mobility issues.</p> <p>Student populations should be encouraged to be car-free, which will take strategic policy decisions by the City. Facilitating large parking areas in residential structures inhabited by students can incentivize them to bring cars to campus. Housing intended by students should provide less parking, and make it inconvenient to have a car on campus.</p>
150.23 R-5 University Related Residential	!	!	!	!	!	!	!	<p>The R5 is not located in any of the focus areas within the plan, however it is at the periphery of the Northeast subarea.</p> <p>The 40% maximum lot coverage for the district should be increased. Given that there is a desire to move students out of single-family homes as much as possible, a 40% maximum constrains the ability to develop student housing at higher densities, therefore keeping demand for additional housing high. Attention should also be paid to the affordability of newly development housing, versus housing costs in the converted single-family residences.</p>
150.28 B-1 Limited Commercial	!	!	!	!	!	!	!	<p>The city should consider eliminating this district given that it appears to only be applied in a limited number of places in the City and appear to be spot zones in some instances. Furthermore, the intent of the district should be revised in that very few businesses will seek out an area that "does not depend on high traffic volumes."</p>
150.29 B-2 General Commercial	!	!	!	!	!	!	!	<p>The B-2 is located at the northern border of the Southeast Quadrant priority area. The B-2 is also located at the eastern gateway to the city. Given that many areas zoned B-2 are high profile, this district should be broken up into character-based districts that encapsulate the desired development patterns and uses. Ensure that a mix of uses is permitted, as that is a stated goal in the plan, and will increase livability and walkability.</p> <p>The buffer yard standards should be moved out of this section, and into a generally applicable section which lists landscaping and buffering standards for all districts.</p>
150.30 B-3 Central Business	!	!	!	!	!	!	!	<p>The B-3 district encapsulates the Downtown, which is one of the priority areas within the plan. The dimensional standards are flexible and can accommodate the building form that is desired for downtown. Residential uses must locate on the second floor, which will facilitate a mix of uses. One very positive aspect of Bowling Green's downtown is that does not have missing teeth. There is cohesiveness and continuity of building fabric. Parking in the rear means that buildings may redevelop unconstrained by the need to create parking for a use/lot that was created before parking minimums.</p> <p>There will be very little infill development, however, the City should consider a maximum for the front setback for instances where redevelopment may occur, like on a parking lot, for example.</p> <p>Warehouses and wholesale sales should be</p>

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! Does not support land use objectives	A strong downtown 'center' with convenient access from BGSU, convenient parking, outdoor dining, wide, decorative paved sidewalks, attractive public gathering areas, and an emphasis on the arts	Grand boulevards lined with street trees and with richly planted medians	Unique dining with farm-to-market, local "one of" restaurants or small regional chains, outdoor dining, micro-breweries, including the existing downtown and local farmers' markets	A focus on employee-intensive businesses*	Hip, dense, affordable housing	Inconspicuous off-street parking behind buildings	Indoor and outdoor facilities for active sports and programs for all ages	
+ Actively promotes land use objectives	Ability to get around easily without a car—with bike paths/lanes; good, generous sidewalks; and thorough connectivity for cars, bikes and pedestrians		A focus on the arts, with emphasis on local events, such as Black Swamp Art Festival	A stabilized and growing BGSU		Consistent street trees throughout BG	Passive recreation including natural areas, community gathering spaces, and "green" in every neighborhood	
= Either has no effect on or plays a necessary supportive function	A "green" community with continuous street trees, parks, pocket parks, and "greens" everywhere		Sense of heritage, grounding, with historic buildings, natural areas, and clear city/country demarcation	A climate encouraging local entrepreneurs, taking advantage of BGSU intellectual capital, and creating opportunities for business incubation		Well-maintained homes, buildings, and neighborhoods		
150.31 B-4 Office District	!	!	!	!	!	!	!	Consider removing the B-4 Office District. There are very few applications of this district - it appears that there it is applied only on to the Bowling Green Care center at Brim Rd. and W. Poe Rd.
150.32 R-C Recreational-Conservation	+	+	!	!	!	!	+	This district is furthers many of the goals in the plan related to livability, access to recreation facilities and natural areas, and creating a "green" community.
150.33 A-1 Agricultural	!	!	!	!	!	!	!	This district adheres with page 47 of the plan, and the goal to maintain some outlying areas for agriculture. There are lax regulation for agricultural uses. Ensure that more intense agricultural uses, like agricultural processing will occur in a manner that is not disruptive in instances where it abuts a residential property.
150.34 I-1 Institutional	!	!	!	!	!	!	!	Given that much of the university is zoned as an S-3 Planned Institutional, and there are only a few locations zoned as I-1, like the Crim elementary school/St. Mark's church, the City should consider the elimination of this zoning district. To accommodate for the flexibility sometimes needed by institutional developments, the City could create an Institutional Master Plan requirement as part of the site plan review process, which can also be used to ensure compatibility with surrounding uses and continuity of circulation systems and trails.
150.35 M-1 Light Industrial	!	!	!	!	=	!	=	Industrial districts are mentioned in the plan as areas that are functioning well, and do not require substantial overhaul.  This district strictly prohibits commercial uses, however, if sufficient buffering can be provided, commercial uses within industrial/employment zones can provide amenities for workers and allow commercial endeavors to locate close to a client base.
150.36 M-2 General Industrial	!	!	!	!	=	!	=	Industrial districts are mentioned in the plan as areas that are functioning well, and do not require substantial overhaul.
150.37 M-3 Business Park	!	!	!	!	=	!	!	Given that the intent of the M-1 is to allow industrial activities, but with a minimal level of disruption, and the M-3 activities should have "minimal impact on the surrounding environment, consider whether these districts may be combined
150.40 S-1, S-2, S-3, S-4 and S-5 Planned Development	!	!	!	!	!	!	!	The planned districts, generally, all have the same Site Plan requirements, and are later distinguished by section that lists the permitted and conditional uses in each Planned District. In most instances, the permitted uses from a specific district are referenced (for example, for the S-1 Planned Residential, the R-3 district is listed as a baseline for permitted uses). Consider whether the Planned Development types could be reduced, with deference given to the underlying zoning district and added flexibility so long as uses are compatible. The 'S' districts give flexibility for development with fewer administrative hurdles that then POD. The City should assess whether new zoning districts could be calibrated to reflect the city and resident's development goals, thereby reducing
150.41 Review and approval of site	!	!	!	!	!	!	!	
150.42 S-1 Planned Residential - General	!	!	!	!	!	!	!	
150.43 S-2 Planned Commercial	!	!	!	!	!	!	!	
150.44 S-3 Planned Institutional	!	!	!	!	!	!	!	
150.45 S-4 Planned Business Park	!	!	!	!	!	!	!	
150.46 S-5 Planned Residential - Limited	!	!	!	!	!	!	!	

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! Does not support land use objectives	A strong downtown 'center' with convenient access from BGSU, convenient parking, outdoor dining, wide, decorative paved sidewalks, attractive public gathering areas, and an emphasis on the arts	Grand boulevards lined with street trees and with richly planted medians	Unique dining with farm-to-market, local "one of" restaurants or small regional chains, outdoor dining, micro-breweries, including the existing downtown and local farmers' markets	A focus on employee-intensive businesses*	Hip, dense, affordable housing	Inconspicuous off-street parking behind buildings	Indoor and outdoor facilities for active sports and programs for all ages	
+ Actively promotes land use objectives	Ability to get around easily without a car—with bike paths/lanes; good, generous sidewalks; and thorough connectivity for cars, bikes and pedestrians		A focus on the arts, with emphasis on local events, such as Black Swamp Art Festival	A stabilized and growing BGSU		Consistent street trees throughout BG	Passive recreation including natural areas, community gathering spaces, and "green" in every neighborhood	
= Either has no effect on or plays a necessary supportive function	A "green" community with continuous street trees, parks, pocket parks, and "greens" everywhere		Sense of heritage, grounding, with historic buildings, natural areas, and clear city/country demarcation	A climate encouraging local entrepreneurs, taking advantage of BGSU intellectual capital, and creating opportunities for business incubation		Well-maintained homes, buildings, and neighborhoods		
150.47 Planned Overlay Development (POD) District	+	!	!	!	!	!	!	the need for the planned districts.  The 'S' districts have frequent application throughout the City, although it is unclear from the zoning map where the POD has been applied.  Should the City decide to keep the Planned Districts within the Code, given the desire for additional street trees and the consistency this is mentioned, the provision of street trees should be added to the POD standards. This will further the goal of providing positive, appealing first impressions.
150.48 B-5 Transitional Central Business District	!	!	!	!	!	!	!	The B-5 is located at the point where three priority areas intersect. The intent of this district is to "create a transition between residential uses and commercial uses." However, when compared to downtown, the uses and site layouts found within this district (fast food restaurants with large parking lots and drive-thrus) are less compatible with residential uses than those found downtown. Although this is district is mostly built out, consider replacing this district with a character-based district that would permit lower intensity uses and more compact building form (i.e. smaller parking lots and no new drive-thrus) and put unattractive parking lots at the rear of buildings. This will further the goals of creating "gradual transitions between different land uses and building types so as not to diminish adjacent property values", and "inconspicuous off-street parking behind buildings".  As a note for the entire code, prohibited uses do not need to be listed throughout the code. Language can be included that states that if a use is not listed within a district section, it is prohibited.
<b>Conditional Uses</b>								
150.50 Plan Required	=	=	=	=	=	=	=	This section clearly lays out the intent, procedures and review applicable to a conditional use approval.
150.51 Application procedure	=	=	=	=	=	=	=	
150.52 Review of conditional use	=	=	=	=	=	=	=	
<b>Off-Street Parking</b>								
150.55 General provisions	!	!	!	=	=	!	!	This section should be reorganized to list standards more clearly - tables should be provided where possible to display the multitude of numeric standards.  The mandatory shade trees and landscaped islands for commercial developments are positive, however, this standard should apply to parking lots based on their size instead of the primary use. The negative environmental impact and aesthetics of large parking lots exist regardless of the property's use. This will further the goal of creating a "green" community.
150.56 Rules governing the determination of number of spaces	=	=	=	=	=	=	=	This section effectively explains how the minimum standard for required parking shall be calculated.
150.57 Special parking provisions	+	+	+	+	=	+	+	The special provisions for parking are positive and further the goal of facilitating "Well-maintained homes, buildings, and neighborhoods" - the allowances for off-site parking agreements and shared parking ensured that neighborhoods are maximizing their greenspace and buildable area and the overall aesthetics of place.
150.58 Off-street loading requirements	=	=	=	=	=	=	=	Some retail uses between 3,000 - 5,000 square feet may not require loading berths, and it should be assessed whether some of these businesses could be exempt from the requirement to provide off-street loading. Also, the section 150.58 B. should be re-worded as it is vague, and does not specify that residential uses are exempt.

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150.59 Off-street parking requirements	!	!	!	=	=	!	!	Many of the off-street parking requirements are excessive and should undergo a wholesale review, which will further the goals related to being green and walkable. For example, the minimum required spaces for multiple-family dwellings should be based on dwelling units rather than square footage. For example, if empty nesters downsize to a 1,500 sf condo, 5 parking spaces would be required for that unit.
<b>Telecommunication</b>								
150.60 Telecommunications Facilities	=	=	=	=	=	=	=	These regulations should be reorganized for readability, however, otherwise this legislation is consistent with state and federal law.
150.61 Siting	=	=	=	=	=	=	=	
150.62 Applications	=	=	=	=	=	=	=	In the Siting section, it is unclear why siting towers are restricted to institutional-use properties in residential districts, then in the next sentence, they are fully permitted in residential districts.
<b>Outdoor Signs</b>								
150.63 Intent	=	!	!	!	=	!	=	This section should be reorganized for readability, with tables and graphics interspersed throughout the extensive text.
150.64 Establishing regulations	=	!	!	!	=	!	=	
150.65 General provisions	=	!	!	!	=	!	=	The language associated with Intent, Establishing regulations, general provisions, maintenance and construction standards are all reasonable and mirror many sign codes throughout Ohio.
150.66 Outdoor advertising in B, I, M, and S districts	=	!	!	!	=	!	=	
150.67 Nonresidential temporary signs	=	=	=	=	=	=	=	The southeast priority area states that signage is sometimes "unsightly". The permitted maximum sizes for signs are very large and should be decreased for most districts, and sign area should also differ based on the sign type.
150.68 Maintenance	=	+	+	+	=	+	=	
150.69 Construction standards	=	+	+	+	=	+	=	
150.70 Nonconforming signs	=	+	+	+	=	+	=	The signage graphics are sufficient but they should not be placed vertically in the document so that a reader must tilt their head to read the information.
<b>Nonconforming Uses</b>								
150.75 Nonconforming uses	=	+	=	=	=	+	=	The regulations within this section are reasonable and consistent with other codes in Ohio. Where it is stated that a nonconforming use may be changed to a "less restrictive use", criteria or stipulations should be given that communicated what is intended by "less restrictive use".
150.76 Voluntary discontinuance	=	+	=	=	=	+	=	
150.77 Damaged nonconforming buildings and structures	=	+	=	=	=	+	=	
150.78 Inadequate yards	=	+	=	=	=	+	=	
<b>Exceptions and Modifications</b>								
150.85 General	=	=	=	+	=	=	=	Many of the provisions of this section provide flexibility to account for unique/uncommon development or situations which do not fit neatly into the zoning code, in addition to special standards for fences, swimming pools, and accessory buildings. Many of these standards should be moved into sections based on standard areas so that a reader may understand where to find them - for example, there should be a special section devoted to the accessory structure regulations.
150.86 Existing lots of record	=	=	=	+	+	=	=	
150.87 Height	=	=	=	+	=	=	=	
150.88 Front yards	=	=	=	+	=	=	=	
150.89 Side yards	=	=	=	+	=	=	=	
150.90 Rear yards	=	=	=	+	=	=	=	
150.91 Fences	=	+	+	+	=	=	=	
150.92 Open areas within multiple-family districts	=	+	+	+	=	+	+	The mandatory provision of greenspace for multi-unit buildings is positive, and furthers the livability goals of the plan; however, the greenspace requirements should be more specifically prescribed so as to ensure that the green space is usable.
<b>Enforcement</b>								



PERMITTED USES      Medical - Clinic  
 Antique Shop      Medical - Office  
 Bakery - Retail      Office - Corporate  
 Microbrewery      Office - Professional Services  
 Beverage Sales - Liquo Overnight Lodging - Boutique Hotel  
 Beverage Sales - Liquo Personal Care and Beauty Services  
 Boarding/Kennel      Power Substation Facility  
 Child Day Care - Center Electric, Gas, Sanitary Services  
 Clothing Services - Dry Public and Private Utility Services and Facilities  
 Clothing Services - Tail Religious Assembly  
 Community Facility - A Retail - Convenience without gasoline  
 Community Facility - P Retail - Pharmacy  
 Community Facility - P Retail - Shopping Center - Outdoor  
 Community Facility - T Retail - Small Format (0-10,000 GFA)  
 Financial Services and Storage - Self-Store Indoor/Outdoor  
 Food Sales - Farm Market Studio - Art  
 Food Sales - Small Format Studio - Gymnastics/martial arts  
 Food Service - Deli      Vehicular Sales - Boats  
 Food Service - Fast Casual Vehicular Care Services - Minor  
 Food Service - Full Service Vehicular Repair - Light  
 Food Service - Quick Service Veterinary  
 Gallery - Art      Warehouse - Small Format  
 Health and Wellness - Roadside Produce Stand  
 Health and Wellness - SPECIAL EXCEPTIONS  
 Health and Wellness - Clothing Services - Dry Cleaning with drive thru  
 Health and Wellness - Community Facility - Outdoor Recreation (including public swimming pool)  
 Library      Financial Services and Banking - with drive thru  
 Live Theater      Private Club  
 Manufacturing - Artisan Shelter

## PERMITTED USES

Camping

Community Facility - Government Administration and Courts

Community Facility - Outdoor Recreation (including public swimming pool)

Community Facility - Park

Community Facility - Public Health Safety

Community Facility - Trail

Event Center - Public Meetings and Conventions

Golf Course

Library

Museum

Power Generation Facility

Power Substation Facility

Electric, Gas, Sanitary Services

Public and Private Utility Services and Facilities

Visual Arts Center

## SPECIAL EXCEPTIONS

School - College/University

School - Primary

School - Secondary

School - Trade