

CHAPTER 1141

Mixed Use District

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CROSS REFERENCES

Exceptions and nonconforming uses - see P. & Z. Ch. [1161](#)

Height districts - see P. & Z. [1163.01](#), [1163.02](#)

Licensing multiple dwellings - see BLDG. Ch. [1333](#)

1141.01 PURPOSE AND INTENT.

The purpose and intent of the Mixed Use District is to promote the general health, safety, and welfare of the citizenry by:

- (a) Allowing for the development of the District with a mixed use of residential, retail, and professional establishments to encourage economic development compatible with the existing character of the City and its Zoning Code;
- (b) Utilizing the unique environment offered by Lake Erie to achieve the economic development objectives consistent with the recommendations of the Master Plan;
- (c) Encouraging a site specific flexibility for lot sizes, setbacks, lot coverage, green space parking and other development and design standards in order to achieve better site design, better relationships between different uses, and extended preservation of open spaces and natural topography;
- (d) Preserving public open spaces, where feasible, along the lake shore;
- (e) Ensuring that the natural topographic features, and the natural resources in the District are protected during development;

(f) Encouraging walking, bicycling and social interaction, where feasible, by providing safe and attractive amenities, including, but not limited to, benches, public sidewalks, walkways and bicycle paths which link to residential and commercial areas to open spaces, access to Lake Erie, natural area corridors, parks and other land uses within the District; and

(g) Ensuring that development occurs in a unified and timely manner in accordance with an approved development plan.

(Ord. 2012-14. Passed 3-20-12.)

1141.02 DISTRICT BOUNDARY.

The Mixed Use District shall be described by and include within the area bound on the East by the Vine Street Extension, bound on the South by Lakeshore Boulevard, bound on the West by the Willow Beach Allotment boundary, and bound on the North by Lake Erie, as shown on the Zoning Map, which together with all accompanying notations, references, rules and designations, is hereby adopted and made a part of this Planning and Zoning Code, thereby having the same force and effect as if fully described herein in writing.

(Ord. 2012-14. Passed 3-20-12.)

1141.03 USES.

The Mixed Use District shall have the following main uses, accessory uses, and prohibited uses:

(a) Main Uses Permitted.

(1) Single family dwellings, multi-family dwellings with not more than three units per building, senior housing, and municipal. The Planning Commission shall have the authority to waive the maximum three unit standard set forth herein if it determines, after public hearing, that due to unique circumstances, the maximum three unit multi-family dwelling cannot be practically achieved, and that the allowance of more than three units per multi-family dwelling will not have a material adverse impact on adjacent property or on the City as a whole.

(2) Retail establishments.

A. Offices. Professional, administrative, medical, public, semi-public and civil offices, and other civil establishments.

B. Professional Business and Service Establishments. Professional, craftsman, artisan business uses and personal services when recommended by the Planning Commission and approved by City Council.

C. Dining Facilities. Full service/dine in restaurants, ice cream parlors, pizza or other specialty food establishments, as determined by the Planning Commission.

(3) Parks. Public and private parks, playgrounds, playfields, golf courses, tennis courts, swimming pools, commercial recreation, recreation center buildings, or other similar recreational uses.

(4) Bed and breakfast facilities.

(b) Accessory Uses Permitted.

(1) Parking areas for the use of guests of the occupants of the dwelling units and customers of establishments permitted in subsection (a) herein.

(2) Building service facilities:

A. Facilities for the disposal of garbage and rubbish complying with the provisions of the Building Code.

B. Facilities shall be provided accessory to any retail establishment and service vehicles within an enclosed service area separate from the pedestrian circulation in the development area and separated from garage areas.

(c) Prohibited Uses.

(1) Gated communities.

(2) Apartment dwellings, defined as buildings consisting of more than three (3) units per building.

(3) Commercial and Industrial establishments and/or buildings.

(4) Retail establishment which is not conducive to those uses permitted in Section [1141.03](#)(a).

(5) Sale of used or pre-owned motor vehicles or other vehicles, automobile refueling or repair stations, car washes, rental of motor vehicles, and the storage or sale of trailers.

(6) Alarm dealers or installers.

(7) Ambulance services.

(8) Retail furniture or appliance and/or furniture or appliance repair services.

(9) Thrift stores, pawn shops/brokers, flea markets or other similar services.

(10) General contractor, subcontractor or other similar businesses, and any business which utilizes outside storage.

(11) Equipment rental, hall rental or other rental establishments.

(12) Internet cafes and other gaming establishments.

(13) Tattoo parlors.

(14) Convenience stores or drive through establishments of any type.

(15) Abortion clinics or birth centers.

(16) Bars/taverns and liquor sales establishments which do not comply with the description included in Section [1141.03\(a\)\(3\)](#).

(17) Schools of any type, day care or day camp facilities.

(18) Gun stores or shooting ranges.

(19) Veterinary services, kennels or other similar facilities.

(20) Motels, hotels, or mobile home parks.

(21) Physical or mental rehabilitation facilities.

(22) Tobacco, cash checking or cash advance services.

(23) Billiard and pool rooms, bowling alleys.

(24) Funeral/mortuary homes.

(25) Satellite sales services.

(26) Commercial/Industrial uses.

(27) Adult oriented material businesses.

(28) Lumberyards and building supply businesses.

(29) Dry cleaning and similar establishments.

(30) Any other use not specifically allowed by Section [1141.03\(a\)](#).

(Ord. 2012-14. Passed 3-20-12.)

1141.04 PROJECT AREA.

(a) The minimum area for development in the Mixed Use District shall be five contiguous acres.

(b) The Planning Commission shall have the authority to waive the standard set forth in Section [1141.04\(a\)](#) if it determines, after public hearing, that due to unique circumstances, the minimum area cannot be practically achieved, and the development of the property at less than the minimum area will not have a material adverse impact on adjacent property or on the City as a whole. Unique circumstances shall be defined as follows:

(1) The development plan is adjacent to, and thus becomes, an extension of an existing or separately proposed development; or

(2) Due to existing uses, natural features or ownership patterns there is little likelihood that contiguous land area can be acquired and consolidated to achieve the requisite five contiguous acres.

(Ord. 2012-14. Passed 3-20-12.)

1141.05 PRELIMINARY DEVELOPMENT PLAN.

(a) Any person or entity owning an area meeting the requirements of Section [1141.04](#) who desires to construct a development in the Mixed Use District shall make application to the City of Willowick Building Department. The Building Department shall forthwith forward the request for development to the Planning Commission for the approval of the concept for the development.

(b) The developer shall submit a preliminary plan of development within thirty days of referral by the Building Department to the Planning Commission. The developer shall submit the following to the Planning Commission prior to appearing at a Planning Commission meeting:

(1) The proposed location and design of public and private streets, including the location of existing utilities to be maintained or changed and the utilities to be installed;

(2) The proposed location of all structures, setbacks and parking areas, identified by type, size, height and use;

(3) The proposed assignment and use of private land and public land;

(4) The proposed means to prevent lakefront erosion to the development;

(5) The proposed landscape treatment including the proposed grading plan;

(6) The proposed plan for traffic circulation with the estimate of traffic volume to be generated by the development, including the location and character of proposed entrances and exits from the development area;

(7) The proposed forms of covenants running with the land, deed restrictions including those with respect to the use of common land, covenants, restrictions or easements proposed to be recorded and covenants proposed for maintenance;

(8) Cost estimates for the completion of the development including all public and private improvements in the development area; and

(9) Any request for adjustments to the regulations, standards or criteria set forth in [Chapter 1141](#) and other applicable regulations set forth in the Building and Zoning Codes.

(Ord. 2012-14. Passed 3-20-12; Ord. 2014-2. Passed 1-7-14.)

1141.06 PUBLIC HEARING ON PRELIMINARY DEVELOPMENT PLAN, RECOMMENDATION.

(a) After the submission of the Preliminary Development Plan, the Planning Commission shall schedule a public hearing at which time the Commission shall consider the preliminary plan for concept approval. Notice to the public shall be given for such hearing by publication in a newspaper having a general circulation in the City at least ten days prior to the date of such public hearing. The hearing before the Planning Commission on the Preliminary Development Plan approval may be continued from time to time without further notice.

(b) After consideration of the preliminary plan submitted, and the input from any comments by the public, the Planning Commission shall vote to determine whether to recommend the approval to City Council of the Preliminary Development Plan. The approval of the Preliminary Development shall be pursuant to the affirmative vote of a minimum of four members of the Planning Commission.

(c) Upon the recommendation of the approval of the Preliminary Development Plan, the Planning Commission, within ten days of the public hearing, shall issue its recommendation of the Preliminary Development Plan to the Clerk of Council. The Clerk of Council shall cause the recommendation for approval to be placed upon the agenda of City Council at the next regularly scheduled Council meeting.

(d) In the event that City Council approves the Preliminary Development Plan by the vote of four members of City Council, the Clerk of Council shall so advise the Planning Commission so that the matter may receive further consideration pursuant to Section [1141.07](#).

(Ord. 2012-14. Passed 3-20-12.)

1141.07 FINAL DEVELOPMENT PLAN.

(a) After the approval of the Preliminary Development Plan by City Council as outlined in Section [1141.06](#)(d), the developer shall submit a Final Development Plan to the Planning Commission within sixty days of said approval. The Chief Building Inspector, or his designee, and the City Engineer shall review the Final Development Plan to ensure compliance with all applicable zoning and other ordinances and shall report the status of compliance to the Planning Commission. The Chiefs of the Divisions of Police and Fire shall review the Final Development Plan to ensure compliance with all applicable ordinances relating to safety and shall report the status of compliance to the Planning Commission.

(b) Upon receipt of the Final Development Plan from the developer, the Planning Commission shall schedule the matter for a public hearing at the next regularly scheduled Planning Commission meeting, or a Special Planning Commission meeting, but said public meeting shall not be scheduled less than thirty days after the Final Development Plan was submitted to the Planning Commission.

(c) The Final Development Plan shall contain the following information:

(1) Proposed public and private street system, including detailed plans and specifications for all streets, sidewalks, storm and sanitary sewers, water mains, street illumination, and other utilities, shade trees and other necessary engineering considerations in accordance with the Building Code and other applicable City codes;

(2) Plat of the development area showing street rights of way, private and common land and easements in accordance with the requirements of all of the City codes, which shall be in the proper form for recording;

(3) Plan of the area containing the accurate location of each existing structure to be retained, if any, and detailed plans and specifications for each proposed structure, a rendering of each proposed structure which shall include elevation views from each

direction, relationship to street system, including driveways, parking and loading areas, illumination facilities, methods of waste disposal, pedestrian walks, common land, landscaping and finished grades, all of which shall comply with the standards of the Building Code and other applicable City codes;

- (4) Detailed plans for structures or other means to prevent further erosion in the development area;
- (5) Detailed landscape plans for public and private lands in the development area;
- (6) Final forms of covenants running with the land, deed restrictions, including the use of common land, covenants, restrictions or easements to be recorded and covenants, if any, for maintenance;
- (7) Estimated project cost including estimates for all public and private improvements; and
- (8) Construction schedule and land disposition program.

(Ord. 2012-14. Passed 3-20-12.)

1141.08 PUBLIC HEARING ON FINAL DEVELOPMENT PLAN, RECOMMENDATION.

(a) After the submission of the Final Development Plan, the Planning Commission shall schedule a public hearing at which time the Commission shall consider the Final Development Plan for the recommendation of approval to City Council. The public hearing shall be noticed pursuant to the method set forth in Section [1141.07\(b\)](#). The public hearing on the Final Development Plan may be continued from time to time without further notice.

(b) After consideration of the Final Development Plan submitted, and the input from any comments by the public, the Planning Commission shall vote to determine whether to recommend to City Council the approval of the Final Development Plan. The approval of the Final Development Plan shall be pursuant to the affirmative vote of a minimum of four members of the Planning Commission.

(c) Upon the recommendation of the approval of the Final Development Plan, the Planning Commission, within ten days of the public hearing, shall issue its recommendation for approval of the Final Development Plan to City Council. The Clerk of Council shall cause the recommendation for approval to be placed on the Agenda of the City Council at the next regularly scheduled meeting.

(d) In the event that City Council approves the Final Development Plan, the Clerk of Council shall notify the developer of such action by regular U.S. mail. Within fifteen days thereafter, the developer shall post a surety bond or cash bond with the Clerk of Council conditioned upon the requirement that the developer shall within one (1) year, or a longer period of time upon the affirmative vote of four (4) members of Council, commence construction of the development. In the event that the developer fails to commence construction within the applicable time period, the principal of the bond shall be forfeited as liquidated damages.

(e) The bond to be posted by the developer shall be as follows:

<u>Estimated Cost of Development</u>	<u>Amount of Bond</u>
Up to \$500,000.00	\$5,000.00
\$500,000.00 to \$1,000,000.00	\$10,000.00
Above \$1,000,000.00	\$25,000.00

(f) In lieu of surety bond, the developer may deposit a cash bond in like required amount. The bond shall be released upon the completion of three-quarters (3/4) of the development.

(Ord. 2012-14. Passed 3-20-12.)

1141.09 DEVELOPMENT STANDARDS, EXCEPTIONS.

The Final Development Plan shall comply with the development standards set forth herein.

(a) Project Area. The minimum area to qualify as a planned development area is five contiguous acres, as shown by the deed or deeds to the included land, unless a waiver is granted by the Planning Commission as set forth in Section [1141.04\(b\)](#).

(b) Density. The average number of dwelling units or buildings for other permitted uses permitted per acre shall not be more than six for single family units, nine for multi-family dwellings, or retail or professional offices in which the maximum of gross floor area for a building devoted to a main use of retail or professional offices shall not exceed seventy-five gross square feet of floor area in a building for each one hundred feet of gross land area.

(c) Parking garage areas. The minimum area within a parking garage required and assigned to each parking space shall not be less than two hundred square feet of floor area exclusive of all circulation space.

(d) Land Coverage. For the purpose of computing land coverage, a garage at ground level shall be included but garage roofs below grade, if landscaped or developed as a terrace or with similar landscape treatment, may be excluded, or such roofs may be used for outdoor parking purposes. Land coverage by buildings shall not exceed one-third of the development area. Not less than one-third of the development area shall be devoted to permanent landscaping.

(e) Maximum Height. No building in a development area shall be more than forty feet in height, exclusive of a peak style roof.

(f) Landscape Plan and Appearance.

- a. Landscaping/Ground Cover Required. Any portion of a lot that is not occupied by a structure, parking area, access way, or aisle shall be provided with all-season landscaping and/or vegetative ground cover.

- b. Maintenance of Landscaping/Ground Cover Required. All ground cover and landscaping shall be well maintained and kept reasonably weed-free. Dead or diseased plant material shall be immediately replaced.
- c. Landscape Plan Required. A Landscape Plan shall be provided at the time of the submission of the Preliminary Plan with a chart indicating the scientific and popular name of each species of landscaping proposed, the proposed height of the species at planting and at maturity, and the specific number of each species. **Landscape plans shall comply with the requirements of Chapter 1163.** The Zoning Inspector shall have discretion to approve minor modifications to the Landscape Plan affecting less than 20% of the landscaped area of the property and involving the replacement of existing landscaping, addition of landscaping, or other incidental modifications to the Landscape Plan.
- d. The development area shall be located so as to take advantage of the topography, water, natural features and superior views of the shoreline existing in the development area and shall be designed and arranged so that the distance between buildings and the various parts thereof and between buildings and the boundaries of the development area will enhance privacy, use and enjoyment of the maximum number of units within the buildings.
- e. The Planning Commission shall have the authority to reasonably determine the layout of the Landscape Plan and appearance to support the principles of this subsection.

(g) Distance Between Residential Structures. The minimum distance between residential structures shall be as follows:

(1) There shall be provided on each lot side yards of at least the total distance set forth in column one of the following chart. In no case shall the distance between single family homes be less than twelve feet, except in the case of corner lots, where the distance shall be no less than ten feet:

Lot Width at Least Building Line	Total Side Yard Yard Distance
45 or less	12
46 to 50	13
51 to 60	14

Lot Width at Least Building Line	Total Side Yard Yard Distance
61 to 70	15
71 to 80	16
81 to 90	18

91 to 100	20
Over 100	20

(2) The Planning Commission shall have the authority to waive the standard set forth in Section [1141.09\(g\)](#) if it determines, after public hearing, that due to unique circumstances, the minimum distances outlined in this subsection, cannot practically be achieved, and that the adjustments made to the development in this subsection will not have a material adverse impact on the City.

(h) Distance Between Commercial Structures. The minimum distance between commercial structures shall be as follows:

There shall be a minimum distance of at least twenty feet between commercial building structures.

(i) Distance Between Residential and Commercial Structures. There shall be a minimum distance of at least thirty feet between commercial building structures and the lot line of any residential structure.

(j) Parking and Roadway Setbacks in Commercial Areas. Off street parking areas and roadways must be screened when parking areas, circulation aisles, loading areas and driveways abut residential areas. The commercial property owner shall provide one or more of the following on the commercial property:

(1) A ten foot wide landscaped area planted with trees and/or shrubs, a minimum of six feet high, extending to, but not in front of, the building setback line, which will act as an effective screen in both winter and summer seasons.

(2) A five foot masonry wall, of brick or split face block, and/or a decorative wood or vinyl fence, extending to, but not in front of, the building setback line.

(3) Earth mounding planted with trees and/or shrubs, extending to, but not in front of, the building setback line. The combined height of mounding and plants shall be a minimum of five feet and shall comply with the following setback requirements:

A. All off street parking areas shall be set back from an existing or proposed public right of way a distance of at least twenty feet.

B. All off street parking areas and roadways shall be set back from all other boundaries of not less than twenty feet.

(k) Setback for Single Family Residential Units. The minimum setback from the public right of way for a single family residential unit shall be not less than forty feet.

(l) Setback for Multi Family Residential Units. The minimum setback from the public right of way for Multi Family Residential Units shall be not less than twenty feet.

(m) Setback for Commercial Areas. The minimum setback from the public right of way for Commercial Areas shall be not less than fifty feet.

(n) The Planning Commission shall have the authority to adjust the setback requirements contained in subsections (k), (l), and (m) of Section [1141.09](#) if it determines, after public hearing, that due to unique circumstances, the minimum setbacks cannot be practically achieved, and that the modification of the setbacks will not have a material adverse impact on the City.

(o) The following development and design standards shall apply to all new construction or rehabilitation of retail buildings or premises in the Mixed Use District within the City and shall be shown in the Preliminary Plan and Final Development Plans:

A. Fundamental Goals for Design and Development

- a. The preservation and promotion of pedestrian access to Lake Erie and public spaces around the lakefront or incorporating it into designs is highly recommended.
- b. The creation of connections will make it easy for people to navigate and connect to adjoining municipalities.
- c. Commercial design projects will emphasize the following concepts:
 - i. Think Pedestrian First**
 1. Willowick's commercial districts shall be designed and developed to provide for a safe and inviting pedestrian experience.
 2. Buildings should be designed to promote walkability or rehabilitated to recapture the qualities of existing buildings and their original pedestrian orientation.
 3. Business entrances shall engage the street and provide a clear entry sequence.
 4. Sidewalk areas should be wide enough to accommodate pedestrian activity while also allowing space for amenities such as landscaping, benches, transit waiting areas and refuse containers.
 5. Design Elements shall include:
 - a. Windows at street level;
 - b. Landscape planters;
 - c. Signage to scale (blade and pendant);
 - d. Emphasis of window displays;
 - e. Entry promotes 4-season activity;
 - f. Limited head-in parking;
 - g. Limited curb-cuts and vehicle access;
 - h. Lighting building facades
 - i. Building is to scale with adjacent buildings or properties;
 - j. Consistent setbacks to sidewalks with adjacent properties;
 - k. Promoting safe outdoor dining experiences;
 - l. Emphasis on transitions/connections to Lakefront Park;

- m. Promoting business and retail use;
- n. Preservation of green space

ii. Lakefront Connectivity

- 1. Development or rehabilitation projects in the retail district should include a Lakefront element of design including boats or beach themed signage and sidewalk patterns encouraging pedestrian traffic to the park.

iii. Continuity of Design

iv. Quality of Design

- 1. The retail district should have well designed buildings of high quality materials, thoughtful detailing and have potential for effective reuse.
- 2. Four-sided design is encouraged to utilized and make aesthetically pleasing building elevations.
- 3. Building rehabilitation and new construction shall include the appropriate high quality treatment of all visible elevations.
- 4. Design, construction methods and materials used in rehabilitation work should be appropriate to the period of construction of a building and should include built-in longevity.
- 5. Fundamental Concepts
 - a. Building materials for new and rehabilitated structures should compliment and be compatible with existing historic buildings.
 - b. Unacceptable building materials include stucco or EIFS, split face concrete masonry units, jumbo brick and vinyl siding.
 - c. Design that is contextual and brings visual interest to the streetscape should be encouraged.
 - d. The Secretary of the Interior's Standards for Rehabilitation should be used to guide the rehabilitation of historic buildings. Demolition of historic buildings is discouraged.
 - e. Design elements shall include:
 - i. Maintaining or reinstating bulkheads, storefronts, transoms, doors, windows, cornices and parapets.
 - ii. Maintaining unused secondary door locations in storefronts.
 - iii. Maintaining or reinstating original interior ceiling lights. Ceilings shall not be dropped in front of window openings or transoms. Where necessary, dropped ceilings shall be held off the storefront walls.
 - iv. New construction and additions shall provide a transition, such as a setback or graduated

height increase, to buffer visual effect and feeling when adjacent to a historic building.

- v. Appropriate, traditional, quality building materials shall be used for repair, rehabilitation and new construction.

B. Building and Structure Design and Color Standards

- a. **Purpose of Standards.** In order to protect property values, provide cohesive City character and promote high-quality non-residential development and redevelopment. The following standards shall be adhered to:
 - i. General Design Standards. All buildings and structures shall have an equal level of finish on all sides, and shall utilized not more than two (2) primary building materials and not more than two (2) accent materials.
 - ii. Color Schemes. Building colors shall be earth-toned (i.e. brown, gray, and variations of brown and gray). Bright, chromatic colors are not permitted. All structures shall utilize a single coordinated color scheme with one (1) predominant color and not more than three (3) colors to accent, de-mark or otherwise provide interest to the structure.
 - iii. Architectural Features. The use of long, unbroken building facades shall be avoided. Exterior building facades shall exhibit the use of recesses, fenestration, pilasters, or other architectural features deemed appropriate by the Plan Review Board to provide character. In addition, major building entrances shall be clearly de-marked through the use of architectural features. The use of false building facades is not permitted unless the features present a quality, finished appearance from all sides and are consistent with the purpose of the district.
 - iv. Mechanical Equipment and Utilities. All utilities serving the site, including electric, telephone and all supporting equipment thereto, including meters, transformers, etc., shall be placed underground or within the main building. Where meters, transformers or other equipment cannot located within the main building, no such equipment shall be visible from any adjacent property or from any street right of way. Any proposed mechanical equipment shall be integrated into the building design and shall be concealed from view from adjacent properties and from street right of ways.
- b. Primary Building Materials. Acceptable primary building materials include brick, stone, and solid wood fencing. Other building materials determined by the City to be substantially similar in appearance and quality to those listed above may be recommended upon petition to the City of Willowick Planning Commission. Exposed roofing materials shall be earth-tone in color. Appropriate materials shall include asphalt shingles, wood shingles and seamed metal products.

- c. Accent Materials. Acceptable accent materials will include the “primary materials” listed above as well as E.I.F.S., stucco, aluminum siding and vinyl siding. Other building materials determined by the City to be substantially similar in appearance and quality to those listed above may be authorized upon petition to the Willowick Planning Commission.

(Ord. 2012-14. Passed 3-20-12.)

1141.10 PROGRESSIVE DEVELOPMENT.

A developer, having obtained final approval of a Final Development Plan, may accomplish the development of the project area in progressive stages as approved by the Planning Commission, but in no event shall physical work on an approved Final Development Plan be commenced more than two years after the approval of the Final Development Plan.

(Ord. 2012-14. Passed 3-20-12.)

1141.11 MATERIAL AMENDMENT TO PLAN.

(a) At any time after the approval of the Preliminary Plan or the Final Development Plan, the owner(s) may request a material amendment to the approved plan, in which case the request for said amendment shall be filed with the Clerk of City Council and referred by City Council to the Planning Commission.

(b) The proposed material amendment shall then be subject to the same procedures or approval as the original application.

(Ord. 2012-14. Passed 3-20-12.)