



# Sheffield Lake Planning and Zoning Code

Adopted: Effective Date of May 26, 2022

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## Chapter 1101: General Provisions

### 1101.01 Purpose

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It is the purpose of this planning and zoning code to promote and protect the public health, safety, comfort, convenience, and general welfare of the people of Sheffield Lake through the establishment of minimum regulations governing the subdivision, development, and use of land. Furthermore, the more specific purpose of this planning and zoning code is to:

- (a) Implement the plans and policies adopted by the City as it relates to the development of land and improvements;
- (b) Encourage the most appropriate use of land;
- (c) Conserve and stabilize the character and the values of the residential, business, industrial and recreational areas and to assure the orderly and beneficial development of these areas;
- (d) Provide adequate open spaces for light and air;
- (e) Prevent and fight fires;
- (f) Prevent undue concentration of population;
- (g) Lessen congestion on streets;
- (h) Facilitate adequate but economical provisions for community utilities and facilities such as water, transportation, sewerage, schools, parks and other public requirements; and
- (i) Improve the quality of life through protection of the City's total environment, including, but not limited to, the prevention of air, water and noise pollution;
- (j) Avoid the inappropriate subdivision or development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage; and
- (k) Foster a more rational pattern of relationship between agricultural, conservation, residential, business, commercial industrial and institutional uses for the mutual benefit of all.

### 1101.02 Short Title

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These regulations shall be known and may be cited as the "Planning and Zoning Code of the City of Sheffield Lake" or referred to as the "planning and zoning code" or the "code." This code may also be referred to as Part 11 of the Codified Ordinances of the City of Sheffield Lake, Ohio.

### 1101.03 Scope and Authority

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#### (a) General Authority and Scope

- (1) The authority for the preparation, adoption, and implementation of this code is derived from Ohio Revised Code (ORC) Chapters 711 and 713, which permits the adoption of uniform rules and regulations governing the zoning and subdivision of land, and by the Charter of the City of Sheffield Lake.
- (2) Nothing in this code shall be construed to limit City Council in the exercise of all of the powers to zone or redistrict now or hereafter authorized by the Ohio Constitution, Ohio statutes, or the Charter of the City of Sheffield Lake.

#### (b) References to the Ohio Revised Code or the Ohio Administrative Code

Whenever any provision of this code refers to or cites a section of the Ohio Revised Code (as amended) or the Ohio Administrative Code (as amended), and that section is later amended or superseded, this code shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

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## 1101.04 Effective Date

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This code was originally adopted by City Council on November 7, 1961, as amended (effective January 1, 1962). The effective date of any amendment shall be in accordance with the applicable provisions of the charter.

## 1101.05 Applicability

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### (a) General Applicability

- (1) The provisions of this code shall apply to all land, buildings, structures, and uses of land, buildings, and structures, or portions thereof, located within the municipal boundaries of the City of Sheffield Lake. The provisions of this code are the minimum requirements adopted to meet the purposes of this code as established in [Section 1101.01: Purpose](#).
- (2) The regulations established for each district in this code shall apply uniformly to each class or type of use, land, building, or structure, unless modified, varied, or waived as provided herein.
- (3) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

### (b) Essential Services Exempted

- (1) The erection, construction, alteration, or maintenance by public utilities or municipal departments, boards, or commissions, of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communications (except for wireless telecommunication facilities as regulated in this code), supply or disposal systems, including mains, sanitary sewers, water lines, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department, board, or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this code. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.
- (2) Buildings required in conjunction with an essential service identified in Subsection (1) above shall be subject to the regulations of this code and shall be reviewed as a principal use in accordance with [Section 1107.04: Allowed Principal Uses](#). Utility structures, as defined in [Chapter 1131: Definitions](#), shall also be reviewed as an accessory use (in the right-of-way) in accordance with [Section 1111.01: Accessory Use Regulations](#).

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## 1101.06 Interpretation and Conflict

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### (a) Interpretation of Provisions

The provisions of this code shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, comfort, morals, convenience, and general welfare.

### (b) Conflict with Other Public Laws, Ordinances, Regulations, or Permits

This code is intended to complement other City, State, and Federal regulations that affect land use and the division of land. This code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this code are more restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions of this code shall govern.

**(c) Repeal of Conflicting Ordinance**

All ordinances or parts of ordinances in conflict with this code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect.

**1101.07 Relationship with Third-Party Agreements**

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- (a)** This code is not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, where this code proposes a greater restriction or imposes higher standards or requirements than such easement, covenant, or other private third-party agreement, then the provisions of this code shall govern.
- (b)** Nothing in this code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this code.
- (c)** In no case shall the City be obligated to enforce the provisions of any easements, covenants, or other agreements between private parties, even if the City is a named party in and has been granted the right to enforce the provisions of such agreement.

**1101.08 Severability**

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- (a)** If any court of competent jurisdiction invalidates any provision of this code, then such judgment shall not affect the validity and continued enforcement of any other provision of this code.
- (b)** If any court of competent jurisdiction invalidates the application of any provision of this code to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment.
- (c)** If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

**1101.09 Transitional Rules**

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**(a) Purpose**

The purpose of these transitional rules is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, on the effective date of this code.

**(b) Violations Continue**

- (1)** Any violation that existed at the time this amendment became effective shall continue to be a violation under this code and is subject to penalties and enforcement under [Chapter 1129: Enforcement and Penalties](#) unless the use, development, construction, or other activity complies with the provisions of this code.
- (2)** Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this code.

**(c) Nonconformities Continue**

- (1)** Any legal nonconformity that existed at the time this amendment became effective shall continue to be a legal nonconformity under this code as long as the situation that resulted in the nonconforming status under the previous code continues to exist, and shall be controlled by [Chapter 1127: Nonconformities](#).
- (2)** If a legal nonconformity that existed at the time this amendment became effective becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

**(d) Processing of Applications Commenced or Approved Under Previous Regulations**

**(1) Pending Projects**

- A. Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this code, shall be reviewed in accordance with the provisions of the regulations in effect on the date the application was deemed complete by the City.
- B. If a complete application is not filed within the required application filing deadlines in effect prior to the adoption of this code, the application shall expire and subsequent applications shall be subject to the requirements of this code.
- C. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
- D. An applicant with a pending application may waive review available under prior regulations through a written letter to the City and request review under the provisions of this code.

**(2) Approved Projects**

- A. Approved planned residential developments, site plans, variances, conditional uses, zoning permits, or other approved plans or permits that are valid on the effective date of this code shall remain valid until their expiration date, where applicable.
- B. Any building or development for which a permit, certificate, or approval was granted prior to the effective date of this code shall be permitted to proceed to construction, even if such building or development does not conform to the provisions of this code, as long as the permit, certificate, or approval remains valid.
- C. If the development for which the permit, certificate, or approval is issued prior to the effective date of this code fails to comply with the time frames for development established for the permit or certificate, the permit or certificate shall expire, and future development shall be subject to the requirements of this code.

**(e) Vested Rights**

The transitional rule provisions of this section are subject to Ohio's vested rights laws.

**1101.10 Restoration of Unsafe Buildings**

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Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

**1101.11 Use of Graphics, Illustrations, Figure, and Cross-References**

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- (a) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
- (b) In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.
- (c) A table shall be considered text for the purposes of this code unless specifically identified as a figure.



**1101.12 Burden of Proof**

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The burden of demonstrating that an application or any development subject to this code complies with applicable review and approval standards shall be on the applicant. The burden is not on the City or other parties to demonstrate that any specific application complies with the requirements of this code.

## Chapter 1103: Administration and Decision-Making Bodies

### 1103.01 Purpose

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The purpose of this chapter is to set forth the powers and duties of the City of Sheffield Lake City Council, Municipal Planning Commission, Board of Zoning and Building Appeals, Zoning Inspector, and Director of Public Service with respect to the administration and enforcement of the provisions of this code.

### 1103.02 Review Authority Names, References, and Delegation

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#### (a) Review Authority Names and References

For the purposes of this code, the formal names of the administration and decision-making authorities identified above may also be referred to abbreviated names as identified below:

- (1) The City of Sheffield Lake City Council may be hereafter referred to as “City Council” or “Council.”
- (2) The City of Sheffield Lake Municipal Planning Commission may be hereafter referred to as the “Planning Commission.”
- (3) The City of Sheffield Lake Board of Zoning and Building Appeals may be hereafter referred to as the “BZBA.”
- (4) The City of Sheffield Lake Zoning Inspector may be hereafter referred to as the “Zoning Inspector.”
- (5) The City of Sheffield Lake Director of Public Service may be hereafter referred to as the “Director of Public Service” or “Service Director.”

#### (b) Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

### 1103.03 City Council

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In addition to any other authority granted to the City Council by charter, ordinance, or State law, the City Council shall have the following powers and duties, as it relates to this code:

- (a) Initiate, hear, review, and make decisions related to amendments to the text of this code or the zoning map;
- (b) Hear, review, and make decisions related to Planned Residential Developments;
- (c) Review and accept, where appropriate, any proposed dedication of streets, utilities, and other public improvements required by this code;
- (d) Establish fees for development review procedures, certificates, and permits outlined in this code; and
- (e) Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, and the ORC.

### 1103.04 Review Boards

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For the purposes of this code, there shall be review boards established for the administration and enforcement of this code including the Planning Commission and the BZBA.

**(a) General Rules and Regulations for All Review Boards**

The following shall apply to the Planning Commission and BZBA:

- (1) The composition of each board shall be as established in the City of Sheffield Lake Charter.
- (2) Members shall be appointed, and may be removed, pursuant to the City of Sheffield Lake Charter.
- (3) There is hereby established the position of Clerk of the Planning Commission and Clerk of the BZBA. Such positions shall be appointed by the Mayor and confirmed by City Council.
- (4) The Planning Commission or BZBA may, by a majority vote of its entire membership, adopt bylaws or rules for the governance of said board, provided they are consistent with State law and with any ordinances of the City.
- (5) All meetings of the boards shall be open to the public, except for executive sessions consistent with State Law.
- (6) The departments, divisions and agencies of the City shall cooperate with and assist the boards in implementing the purposes for which they are formed.
- (7) Review boards may subpoena witnesses with the following limitations:
  - A. The review board issuing the subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena.
  - B. The subpoena must allow the person to whom it is issued a reasonable time to comply.
  - C. The subpoena must be pertinent to the subject matter area that is being heard or investigated by the body issuing the subpoena.
  - D. The subject matter area to which such subpoena relates must be one that the body issuing the subpoena is authorized to hear or investigate.
  - E. Prior to issuance, the subpoena must be approved as to form by the Sheffield Lake Law Director.
  - F. In any prosecution brought for the refusal to obey a subpoena, it shall be a defense that the subpoena was issued in violation of this section, that the subpoena subjects the person to undue expense or burden, or that the testimony to be compelled or books, documents, records or other evidence to be produced is protected from release or disclosure by common law privilege or by any federal, state or local law.
- (8) Review boards may require the production of records in accordance with State Law.
- (9) Nothing in this code shall give a review board the power to act for City Council as provided in Ohio R.C. 713.07 through 713.12.
- (10) **Alternates**
  - A. City Council may appoint up to two alternate members to each review board for a term of two years each.
  - B. An alternate member shall take the place of an absent regular member at any meeting of the applicable review board.
  - C. An alternate member shall meet the same appointment criteria as a regular member.
  - D. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.
  - E. When a vacancy occurs, alternate members do not automatically become full members of the applicable review board. Alternate members have to be appointed to replace a full member upon a vacancy.

**(11) Meetings**

- A. Each board shall hold such meetings as it may require for conducting its business. Prior to the end of each year, the members shall, by motion, determine the dates of its regular meetings for the succeeding year.
- B. The Chairperson of each board may cancel a meeting if there is no pending business to be conducted and where no notice of a public hearing has been published, after consulting with the Zoning Inspector.
- C. Special meetings may be called by the chairperson or by two members of the individual board upon written request to the Zoning Inspector, or by a vote of the applicable board at its regular meeting.
- D. At either the first meeting or the last regular meeting of each year, each board shall elect a Chairperson who shall serve for one-year terms. The boards may also elect a Vice-Chairperson. These officers shall be elected from among the members of the applicable boards. During the temporary absence of the Chairperson, the Vice-Chairperson, where elected, shall fulfill the duties of the Chairperson.

**(12) Quorums and Decisions**

- A. Any combination of three or more regular or alternate members of the Planning Commission or BZBA shall constitute a quorum.
- B. A motion made on a decision shall carry when at least three members of the review board concur.
- C. Non-decision items, such as continuance or approval of minutes, shall only require a majority of the quorum of the individual board to concur.
- D. A member of a board shall not be qualified to vote if that member did not attend the public hearing of the applicable case subject to a decision unless he or she has read or listened to the transcript of the public hearing.

**(b) Roles, Powers, and Special Provisions of the Planning Commission**

**(1) Roles and Powers of the Planning Commission**

The Planning Commission shall have the following roles and powers:

- A. Initiate, hear, review, and make recommendations to City Council for a comprehensive plan and other plans for the future physical development and improvement of the City, based upon utility, convenience and beauty, physical needs, density and the social welfare and physical well-being of the people;
- B. Initiate, hear, review, and make recommendations to City Council related to amendments to the text of this code or the zoning map;
- C. Hear, review, and make recommendations or decisions related to Planned Residential Developments;
- D. Hear, review, and make decisions on conditional uses in the respective zoning district;
- E. Review and make decisions on the preliminary subdivision plats and final subdivision plats for major subdivisions;
- F. Review any proposed construction, alteration, opening, widening, narrowing, relocation, vacation or change in publicly owned property which is not in conformity with plans adopted by the City;
- G. Consider, investigate, and report upon any special matter or question coming within the scope of its work as requested by City Council, or the administration; and
- H. Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, by ordinance of City Council, and/or the ORC.

**(2) Special Provisions for Planning Commission Hearings Related to Conditional Use Review**

As established in this code, a conditional use shall be reviewed through an adjudication hearing that allows the Planning Commission to have the additional powers as part of the review of any conditional use application:

- A. The Planning Commission shall make findings and conclusions which support its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps to administer and enforce the provisions of this code including the application of any review criteria for the subject application.
- B. The Planning Commission may subpoena witnesses and require the production of records.
- C. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the Planning Commission.

**(c) Roles, Powers, and Special Provisions of the Zoning Board of Appeals (BZBA)**

**(1) Roles and Powers of the BZBA**

The BZBA shall have the following roles and powers to:

- A. Hear, review, and decide on appeals of any administrative decision or variances of this code as provided for in the charter;
- B. Resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Section [1107.02\(d\): Interpretation of Zoning District Boundaries](#);
- C. To permit the completion, restoration, reconstruction, expansion or extension of a nonconforming use where the enforcement of the regulations pertaining to nonconforming lots or buildings will result in unnecessary hardship; and
- D. Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, or the ORC.

**(2) Special Provisions for BZBA Hearings**

- A. In making its decisions, the BZBA shall include reasonings that demonstrate the manner in which the decision carries out and helps administer and enforce the provisions of this code, including the application of any review criteria for the subject application.
- B. The BZBA may subpoena witnesses and require the production of records.
- C. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the BZBA.

**1103.05 Administrative Staff**

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**(a) Zoning Inspector**

**(1) Establishment**

The position of City of Sheffield Lake Zoning Inspector shall be established to aid in the administration and enforcement of this code. The Zoning Inspector may be provided with the assistance of such other persons as the Mayor may direct.

**(2) Roles and Powers of the Zoning Inspector**

The Zoning Inspector shall have the following roles and powers to:

- A. Enforce the provisions of this code. The Zoning Inspector shall have all necessary authority on behalf of the City to administer and enforce the provisions of this code. Such authority shall include the ability to order, in writing, the remedy of any condition found in violation of this code and the ability to bring legal action to ensure compliance with the provisions including injunction, abatement, or other appropriate action or proceeding. All officials and employees of the City may assist the Zoning Inspector by reporting to the Zoning Inspector any new construction, reconstruction, land uses, or violations that are observed;
- B. Review and make decisions on zoning permits and other permits reviewed in the manner of the zoning permit as may be allowed by this code;
- C. Review and make decisions on questions of interpretation related to this code;
- D. Accept, review for completeness, and respond to questions regarding review procedure applications established in this code;
- E. Participate in any pre-application meetings as may be requested by a property owner or potential applicant in accordance with this code;
- F. Review and make decisions on minor subdivision applications pursuant to the procedures established in this code;
- G. Maintain in current status the official zoning map of the City of Sheffield Lake;
- H. Refer requests for appeals of decisions to the BZBA pursuant to the procedures established in this code;
- I. Provide such technical and consultation assistance as may be required by the BZBA, the Planning Commission, and City Council, in the exercise of their duties relating to this code;
- J. Review, inspect property, and make decisions on compliance with the provisions of this code;
- K. Investigate complaints and issue citations or other forms of enforcement and penalties for any violations and keep adequate records of all violations;
- L. Order discontinuance of any illegal work being done;
- M. Revoke a permit or approval issued contrary to this code or based on a false statement or misrepresentation on the application; and
- N. Take any other action authorized by this code to ensure compliance with or to prevent violation(s) of this code.

**(3) Decisions of the Zoning Inspector**

A decision of the Zoning Inspector may be appealed to the BZBA in accordance with Section [1105.10: Appeals](#) unless another appeals board is established by this code.

**(b) Director of Public Service**

**(1) Establishment**

The position of the City of Sheffield Lake Director of Public Service shall be established to aid in the administration and enforcement of this code in addition to any provisions established in the charter. The Director of Public Service may be provided with the assistance of such other persons as the Mayor may direct including a City Engineer or contracted firms to provide services related to this code.

**(2) Roles and Powers of the Director of Public Service**

In addition to any other authority granted to the Director of Public Service by charter, ordinance, or State law, the Director of Public Service shall have the following powers and duties related to this code:

- A. Develop and recommend the City of Sheffield Lake engineering requirements, stormwater management standards, and other documents related to subdivision improvement specifications that may be adopted or approved outside of this code;
- B. Review and make recommendations to the Zoning Inspector on minor subdivision applications and signing of the final conveyance;
- C. Maintain in current status the “Official Zoning District Map” of the City of Sheffield Lake;
- D. Review and make decisions on improvement plans and construction drawings for major subdivisions;
- E. Participate in any pre-application meetings requested by a property owner or potential applicant in accordance with this code;
- F. Maintain permanent and current records of all public improvements and improvement plans that are part of major subdivision applications; and
- G. Inspect, or cause to be inspected, all construction or installation work related to public improvements as required by these regulations.

**(3) Decisions of the Director of Public Service**

A decision of the Director of Public Service may be appealed to the BZBA in accordance with Section [1105.10: Appeals](#) unless another appeals board is established by this code.

## Chapter 1105: Review Procedures

### 1105.01 Common Review Requirements

The requirements of this section shall apply to all applications and procedures subject to development review procedures established in this code, unless otherwise stated.

**(a) Summary of Review Procedures**

[Table 1105-1](#) provides a list of all review procedures utilized in the administration and enforcement of this code, the applicable review authority, the type of review hearing or meeting, and the decision-making responsibility of each review authority.

TABLE 1105-1: SUMMARY OF REVIEW PROCEDURES AND MEETING/HEARING TYPE				
Review Procedure	City Council	Planning Commission	BZBA	Administrative Staff
Code and Text Amendment	PH/D	PM/R		
Planned Residential Development Concept Plan	PH/D	PM/R		
Planned Residential Development Zoning Map Amendment and Development Plan	PH/D	PM/R		
Conditional Use	AH/D	AH/R		
Minor Subdivision				D
Major Subdivision: Preliminary Plat	PM/D	PM/R		
Major Subdivision: Final Plat	PM/D	PM/R		
Site Plan Review		PM/D		
Alternative Equivalent Review	PH/D	PM/R		
Variance			AH/D	
Zoning Permit				D
Appeals			AH/D	
Interpretation of the Code				D
<b>Abbreviations:</b>				
<b>PH</b> = Public Hearing <b>AH</b> = Adjudication Hearing <b>PM</b> = Public Meeting		<b>R</b> = Recommendation <b>D</b> = Decision		

**(b) Authority to File Applications**

- (1) Unless otherwise specified in this code, applications for development review procedures defined in this code may be initiated by:
  - A. An owner of the property that is the subject of the application; or
  - B. An agent authorized in writing by the owner, which may include a lessee of the property, attorney, or other representative.
- (2) Property owners or their authorized agents of all the lots subject to the review or submittal shall be required to sign the application or provide written documentation that all property owners wish to proceed with the application.
- (3) The Planning Commission or City Council may initiate code text and map amendments under this code with or without written authorization or application from the property owner who may be affected.



**(c) Application Submission Schedule**

The schedule for the submission of applications in relation to scheduled meetings and hearings of the review bodies shall be established by the City Clerk and made available to the public.

**(d) Application Contents**

- (1) Applications required under this code shall be submitted to the Zoning Inspector.
- (2) All applications shall be in a form and in such numbers as established by the Zoning Inspector and made available to the public.
- (3) Applications shall be accompanied by a fee as established by City Council pursuant to Section [1105.01\(g\): Fees](#).

**(4) Complete Application Determination**

- A. The Zoning Inspector shall only initiate the review and processing of applications submitted under this chapter if such application is determined to be complete.
- B. An application shall be determined to be complete if the applicant has submitted all of the forms, maps, and other submittal requirements required for the specified application.
- C. The Zoning Inspector shall make a determination of application completeness within five business days of the application filing.
- D. If the application is determined to be complete, the application shall then be processed according to the procedures and timelines set forth in this code.
- E. If an application is determined to be incomplete, the Zoning Inspector shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected and the Zoning Inspector determines that the application is complete.
- F. The City shall not be required to process an incomplete application, forward an incomplete application to any decision-making body, or be subject to any required timelines of review for incomplete applications.
- G. If the applicant fails to correct all deficiencies and submit a complete application within 60 days of the notice provided by the Zoning Inspector, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. The Zoning Inspector may grant one 60-day extension if just cause is shown.
- H. No reconsideration of an incomplete application shall occur after expiration of the 60-day period, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements this chapter, submit a new application, and submit a new filing fee.
- I. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

**(e) Simultaneous Processing of Applications**

- (1) Whenever two or more forms of review and approval are required by review boards under this code, the Zoning Inspector shall determine the order and timing of review.
- (2) The Zoning Inspector may authorize a simultaneous review of applications, so long as all applicable requirements are satisfied for all applications.

**(f) Pre-application Conferences or Meetings**

- (1) Prior to filing an application, an applicant may request a meeting with the Zoning Inspector or Director of Public Service for a pre-application conference to discuss the proposed application or project.

- (2) Where a pre-application meeting with a review board is allowed as an optional task in the procedures of this section, the applicant shall submit a request for a pre-application meeting to the Zoning Inspector for placement on the agenda of the next regularly scheduled meeting or any special meeting that may be called by the applicable review board.
- (3) The purpose of the pre-application conference or meeting shall be to discuss the proposed application or project, review submittal requirements, and discuss compliance with the provisions of this code and adopted plans prior to the submission of an application.
- (4) No action can be taken by the staff and/or any review boards until the applicant submits an actual application and/or plan to the City pursuant to the laws and policies of the City. Therefore, all discussions that occur between the applicant and/or applicant's representative(s) and staff, and/or City review boards, that occur prior to the date the applicant submits an actual application and/or plan including, but not limited to, any informal meetings with City staff, review boards, any pre-application conferences or meetings, are not binding on the City and do not constitute official assurances or representations by the City or its officials regarding any aspects of the plan or application discussed.

**(g) Fees**

- (1) Any application for development review under this code shall be accompanied by such fee as shall be specified from time to time by ordinance of City Council. There shall be no fee, however, in the case of applications filed by the Mayor, City Council or the Planning Commission.
- (2) The fees shall be in addition to any other fees that may be imposed by the City, State, Lorain County, or other agency having jurisdiction.
- (3) Such fees are adopted to cover the cost to the City for investigations, legal advertising, postage, and other expenses resulting from the administration of planning and zoning activities.
- (4) Unless otherwise identified in the fee schedule adopted by City Council, no application shall be processed or determined to be complete until the established fee has been paid.
- (5) If the City determines that the costs on a particular application will exceed the filing fee as established by City Council as a result of preparation of legal descriptions, maps, studies, or other required information, or as a result of the need for professional expert review, study, or testimony, the Zoning Inspector is authorized to collect such additional costs from the applicant.
- (6) Application fees are not refundable except where the Zoning Inspector determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

**(h) Public Notification for Public Meetings**

For all public meetings required by this code, the City shall comply with this code and all applicable State notice requirements.

**(i) Public Notification for Public Hearings**

- (1) Applications for development approval that require public hearings, including all adjudication hearings, shall comply with all applicable State requirements and the public meeting notice requirements established in [Section 1105.01\(h\): Public Notification for Public Meetings](#), above.
- (2) The clerk of the applicable review board shall be responsible for providing the required notice as specified in [Table 1105-2](#).

**(3) Content**

Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:

- A.** Provide the name of the applicant or the applicant’s agent;
- B.** Indicate the date, time, and place of the public hearing;
- C.** Describe the land involved by street address, Lorain County parcel identification number, or by legal description;
- D.** Describe the nature, scope, and purpose of the application or proposal;
- E.** Identify the location (e.g., the offices of the Zoning Inspector) where the public may view the application and related documents;
- F.** Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application; and
- G.** Include a statement describing where written comments will be received prior to the public hearing.

**(4) Notice Requirements**

Published and mailed notice for public hearings shall be provided as defined in [Table 1105-2](#).

<b>TABLE 1105-2: NOTICE REQUIREMENTS</b>		
<b>Development Review Procedure</b>	<b>Published Notice</b>	<b>Written (Mailed) Notice</b>
Zoning Map Amendment	All notice shall be provided in accordance with Article IV, Section 12 of the City Charter	
Code Text Amendment	Published notice required a minimum of 10 days before the initial public hearing of Planning Commission and City Council	None Required
Planned Residential Developments Concept Plan	Published notice required a minimum of 10 days before the public hearing	Written notice to the applicant and all property owners within 300 feet from the boundary of all properties subject to the application shall be required a minimum of 10 days prior to the hearing.
Planned Residential Development Zoning Map and Development Plan	All notice shall be provided in accordance with Article IV, Section 12 of the City Charter	
Conditional Use	Published notice required a minimum of 10 days before the public hearing	Written notice to the applicant and all property owners within 300 feet from the boundary of all properties subject to the application shall be required a minimum of 10 days prior to the hearing.
Variances, Appeals, or Alternative Equivalent Review	No published notice is required	Written notice to the applicant and all property owners within 300 feet from the boundary of all properties subject to the application shall be required a minimum of 10 days prior to the hearing.

**(5) Published Notice**

- A.** Published notice shall be provided in a newspaper of general circulation and the City may also provide additional published notice by electronic media including, but not limited to, posting online at the City’s website.

- B.** The content and form of the published notice shall be consistent with the requirements of this section and State law.

**(6) Written (Mailed) Notice**

- A.** The City shall provide written notice for all hearings, where required.
- B.** Written notification of property owners shall apply only to the initial presentation of the application for the public hearing in front of the applicable review board.
- C.** Written notice shall be postmarked no later than the amount of days specified in [Table 1105-2](#) prior to the hearing date at which the item will be considered.

**(7) Constructive Notice**

- A.** Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the department having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this code, and such finding shall be made available to the decision-making body prior to final action on the request.
- B.** When the records of the City document the publication, mailing, and/or posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.

**(j) Conduct of Public Hearing**

**(1) Rights of All Persons at Public Hearings**

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

**(2) Continuance of a Public Hearing or Deferral of Application Review**

- A.** An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Zoning Inspector prior to the publication of notice as may be required by this code. The Zoning Inspector may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.
- B.** A request for deferral of consideration of an application received by the Zoning Inspector after publication of notice of the public hearing as required by this code shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.
- C.** The review or decision-making body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place provide the date, time, and place is publicly announced at the time of continuance.

**(k) Withdrawal of Application**

Any request for withdrawal of an application shall be either submitted in writing to the Zoning Inspector or made through a verbal request by the applicant prior to action by the review or decision-making body.

- (1) The Zoning Inspector shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this code.
- (2) If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this code, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.

**(l) Examination and Copying of Application and Other Documents**

Documents and/or records may be inspected and/or copied as provided for by State law.

**(m) Effect of any Approvals**

- (1) The issuance of any approval or permit under this code shall authorize only the particular development, alteration, construction, or use approved in the subject application.
- (2) All approvals shall run with the land or use and shall not be affected by change in ownership.

**(n) Modifications or Amendments of Approved Applications**

- (1) For any review procedure, the Zoning Inspector is authorized to allow minor changes related to design of an approved application where the change is insignificant and has minimal impact to the overall design of the development or subdivision. This shall not give the Zoning Inspector the authority to vary the requirements of this code or any conditions of approval.
- (2) Where the Zoning Inspector determines that the proposed modification, amendment, or change is not minor, the applicant shall be required to resubmit an application and payment of additional fees for the application to be reviewed in accordance with the procedures and standards established for its original approval.

**(o) Reapplication after Denial of an Application**

If an application is denied, the applicant may:

- (1) Appeal the decision in accordance with the applicable appeals procedure established in this code; or
- (2) Make changes to the application that will fully address all issues and findings identified for the denial and resubmit a new application, including any required fees. Any such resubmission shall contain evidence that shows how the new application has substantially changed to address each of the findings of the original decision. The Zoning Inspector shall have the authority to determine if the evidence submitted substantially changes the application to address all issues as part of the complete application determination in Section [1105.01\(d\)\(4\)](#). If it does not, the Zoning Inspector shall return the application, with reasons for their determination in writing, along with any paid fees; or
- (3) Submit a new application if the proposed use and design of the site will be entirely different than the denied application.

**(p) Subsequent Development**

- (1) Development authorized by any approval under this section and this code shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the City's Codified Ordinances.

- (2) The granting of any approval or permit shall not guarantee the approval of any other required permit or application.
- (3) The City shall not be responsible for reviewing the application for compliance with any permits, certificates, or other approvals that may be required by Lorain County, the State, or other agencies having jurisdiction.

**(q) Records**

The City shall maintain permanent and current records of all applications and the decisions related to those applications in City Hall.

**(r) Computation of Time**

- (1) In computing any period of time prescribed or allowed by this code, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday observed by the City of Sheffield Lake where the City administrative offices are closed for the entire day, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.
- (2) When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).
- (3) When the City offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday observed by the City of Sheffield Lake in which the City administrative offices are closed for the entire day.

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**1105.02 Code Text and Map Amendments**

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**(a) Purpose**

The purpose of the code text and zoning map amendment procedure is to provide a process for amending the zoning map and text of this code.

**(b) Applicability**

This section shall apply to requests to amend the text of this code or amend the Official Zoning District Map of the City of Sheffield Lake, Ohio, hereafter referred to as the “zoning map.”

**(c) Initiation**

- (1) For a zoning map amendment of a specific property, any person who has authority to file an application (See Section [1105.01\(b\): Authority to File Applications](#).) for such property may initiate a zoning map amendment by filing an application with the Zoning Inspector.
- (2) City Council may initiate a code text or map amendment by referring a recommendation on an amendment to the Planning Commission.
- (3) The Planning Commission may initiate a code text or map amendment by adopting a motion to make such amendment.

**(d) Code Text or Map Amendment Review Procedure**

The review procedure for a code text or map amendment shall be as follows:

**(1) Step 1 – Pre-Application Meeting (Optional)**

An applicant may request to have a pre-application meeting with staff or with the Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1105.01\(f\)](#).

**(2) Step 2 – Application**

- A. For amendments that are not initiated by the Planning Commission or City Council, the applicant shall submit an application in accordance with Section [1105.01: Common Review Requirements](#), and with the provisions of this section.
- B. Amendments initiated by City Council shall be referred to the Planning Commission for initiation of review.

**(3) Step 3 – Planning Commission Review and Recommendation**

- A. The Planning Commission shall review the code text or map amendment application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B. In reviewing the application, Planning Commission shall at a minimum, consider the review criteria of this section.
- C. Within 60 days of the from the date an application is deemed complete or a resolution is adopted by City Council to amend the code text or zoning map, the Planning Commission shall make a recommendation to City Council on the application. In making its recommendation, the Planning Commission may recommend approval, approval with some modification, or denial of the application.
- D. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application will move forward to Step 4 with a recommendation of approval.

**(4) Step 4 – City Council Review and Decision**

- A. Following receipt of the recommendation from the Planning Commission (Step 3), the application shall be placed on City Council’s agenda for the next regularly scheduled meeting, if in compliance with notification requirements, or City Council shall set a time for a public hearing on the proposed amendment that is no more than 60 days from receipt of the Planning Commission’s recommendation.
- B. Notification of the public hearing shall be provided in accordance with Section [1105.01\(i\): Public Notification for Public Hearings](#).
- C. City Council shall review a text or zoning map amendment application during a public hearing. In reviewing the application, City Council shall at a minimum, consider the recommendation from Planning Commission and the review criteria of this section.
- D. Within a reasonable time after the close of the public hearing, City Council shall adopt, adopt with some modification, or deny the recommendation of the Planning Commission.
  - i. If the Planning Commission recommends a denial of the amendment application, then approval by City Council shall require an affirmative vote of no less than two-thirds of the full membership of City Council.
  - ii. In all other cases, then approval by City Council shall only require concurring vote of a simple majority of the full membership of City Council.
- E. The effective date of any amendment shall be in accordance with the applicable provisions of the Charter.

**(e) Review Criteria**

Recommendations and decisions on code text or map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- (1)** The proposed amendment is consistent with the adopted City plans, and the stated purposes of this code;

- (2) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- (3) The proposed amendment will promote the public health, safety, and general welfare;
- (4) The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;
- (5) The proposed amendment, if to the zoning map, follows lot lines or the centerlines of streets, railroads, or other rights-of-way.
- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- (7) The proposed amendment will not constitute spot zoning where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances. and/or
- (8) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.

**(f) Limited Use Rezoning**

- (1) Any application for a zoning map amendment that proposes to rezone properties to an R-2, R-3, B-1, B-2, B-4, or B-5 District may be granted on a limited use basis.
- (2) If an application for a zoning map amendment is for one of the applicable district above, the application shall include a preliminary development plan as part of the application. Such plan shall show the layout of the total area to be included in the proposed district and shall indicate and be accompanied by documentary evidence to the satisfaction of the Planning Commission showing that in addition to the review criteria in Section [1105.02\(e\)](#), the proposed plan shall demonstrate that:
  - A. The appropriate use and value of property adjacent to the area included in the plan will be safeguarded;
  - B. The capacity of existing or proposed utilities, streets and thoroughfares is adequate to absorb the additional burden created by the special use district;
  - C. The developments will consist of a harmonious grouping of buildings or other structures, adequate service, parking and open spaces, planned as a single and common operating and maintenance unit, as applicable;
  - D. The uses included are limited to those permitted in such districts where the special use district is applicable;
  - E. All buildings will be served by adequate storm and sanitary sewers, public water supply and public utilities, as determined by the City Engineer; and
  - F. If the development is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions and the intent of this code shall be fully complied with at the completion of any stage.



- (3) Every such zoning map application, when approved by City Council either as submitted or as resubmitted in modified form, shall constitute an agreement by the petitioner or owner that such installation shall be made, completed and operated as indicated by the approved plan and in accordance with the provisions of this section and that the area which has been rezoned shall lose its new classification and revert to its former classification in either of the following events:
  - A. If construction of approved buildings and improvements is not undertaken within one year after the approval of the detailed plans or within such additional time as may be authorized by City Council; or
  - B. If there is a failure to complete construction or to comply or to continue to comply with the specified conditions listed in the approved plan and in this section, or with conditions imposed by City Council hereunder in the zoning of the area, provided, however, that after a period of at least five years has elapsed the petitioner or owner, his successors or assigns, may petition the Planning Commission to request reasonable changes in the specified conditions of the zoning approval and the Planning Commission may recommend such changes to City Council for its approval if it finds such changes are reasonably warranted in the light of changed conditions since the adoption of the rezoning ordinance.
- (4) Development approved through a limited use zoning shall still be subject to site plan and zoning permit review, as applicable.

### **1105.03 Conditional Uses**

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#### **(a) Purpose**

The purpose of a conditional use procedure is to allow consideration for certain uses that due to their unique and special nature relative to location, design, size, operations, circulation, and general impact on the community, need to be evaluated on an individual basis.

#### **(b) Applicability**

This section shall apply to all applications for establishment of a conditional use as may be identified in this code.

#### **(c) Conditional Use Review Procedure**

The review procedure for a conditional use review shall be as follows:

##### **(1) Step 1 – Pre-Application Meeting (Optional)**

An applicant may request to have a pre-application meeting with staff or with the Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1105.01\(f\)](#).

##### **(2) Step 2 – Application**

The applicant shall submit an application in accordance with Section [1105.01: Common Review Requirements](#), and with the provisions of this section.

##### **(3) Step 3 – Planning Commission Review and Recommendation**

- A. The Planning Commission shall hold a public hearing on the conditional use application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B. Notification of the public hearing shall be provided in accordance with Section [1105.01\(i\): Public Notification for Public Hearings](#).
- C. See Section [1103.04\(b\)\(2\)](#) for special provisions provided to the Planning Commission as part of a conditional use review.

- D. In reviewing the application, the Planning Commission shall at a minimum, consider the review criteria of this section.
- E. Within 60 days of the close of the public hearing, the Planning Commission shall either make a decision to deny the application or may make a recommendation to City Council to approve or approve with modifications or supplementary conditions.
- F. If Planning Commission makes a decision to deny the application, the case will be closed and the conditional use will be formally denied without forwarding to City Council.
- G. If the Planning Commission makes a recommendation to approve or approve with modifications or supplementary conditions, the recommendation will be forwarded to City Council for review pursuant to Step 4.
- H. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed approved.

**(4) Step 4 – City Council Review and Decision**

- A. Following receipt of the recommendation from the Planning Commission (Step 3), the application shall be placed on City Council’s agenda for the next regularly scheduled meeting, if in compliance with notification requirements, or City Council shall set a time for a public hearing on the proposed conditional use.
- B. Notification of the public hearing shall be provided in accordance with Section [1105.01\(i\): Public Notification for Public Hearings](#).
- C. City Council shall review a conditional use application during a public hearing. In reviewing the application, City Council shall at a minimum, consider the recommendation from Planning Commission and the review criteria of this section.
- D. Within a reasonable time after the close of the public hearing, City Council shall adopt, adopt with some modification, or deny the recommendation of the Planning Commission.
  - i. If City Council decides to overturn or modify the recommendation of Planning Commission, then the decision to overturn or modify the recommendation shall require an affirmative vote of no less than two-thirds of the full membership of City Council.
  - ii. If City Council decided to approve the recommendation of Planning Commission, without modification, then approval by City Council shall only require concurring vote of a simple majority of the full membership of City Council.

**(d) Review Criteria**

Decisions on a conditional use application shall be based on consideration of the following review criteria. All conditional uses shall be subject to review under the criteria of this section, as applicable, and may be subject to additional use-specific standards in Section [1107.05: Use - Specific Standards](#).

- (1) The proposed conditional use is established as an allowed conditional use in the applicable zoning district;
- (2) The proposed use is consistent with the spirit, purpose and intent of the adopted City plans, the general purpose of this code, and the purpose of the zoning district in which the conditional use will be located;
- (3) The proposed use complies with any use-specific standards as may be established for the use;
- (4) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;

- (5) The proposed use will comply with all applicable development standards;
- (6) The proposed use will be harmonious with the existing or intended character of the general vicinity, and such use will not change the essential character of the same area;
- (7) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;
- (8) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- (9) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (10) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets; and considering the proximity of access drives to street intersections relative to the anticipated volume of traffic.
- (11) The design of the buildings, structures, and site will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- (12) The establishment of the conditional use will not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;
- (13) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible; and
- (14) Wherever no specific areas, frontage, height, or setback requirements are specified for a specific conditional use, then such use shall be subject to the lot and site regulations for the applicable zoning district.

**(e) Additional Criteria and Conditions**

The Planning Commission and City Council may impose such conditions, guarantees, and safeguards as it deems necessary to protect the general welfare and individual property rights, and to ensure that the conditional use will meet the intent and purposes of this code.

**(f) Revocation of a Conditional Use Approval**

The breach of any condition, safeguard, or requirement shall automatically invalidate the conditional use approval, and shall constitute a violation of this code. Such violation shall be punishable as specified in [Chapter 1129: Enforcement and Penalties](#).

**(g) Time Limit**

- (1) A conditional use approval shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than one year.
- (2) The applicant shall submit a completed application for a zoning permit within one year of the date the conditional use was approved or the approval shall expire.
- (3) Upon expiration of a conditional use approval, a new application, including all applicable fees, shall be required before a conditional use application will be reviewed.
- (4) Upon written request, one extension of one year may be granted by the Planning Commission if the applicant can show good cause for a delay.

**(h) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of Planning Commission (initial denial) or City Council (overturning of Planning Commission's recommendation of approval) shall have the right to appeal the decision the Court of Common Pleas.

**1105.04 Minor Subdivisions**

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**(a) Purpose**

The purpose of the minor subdivision process is to allow for small subdivisions of land, consolidation of lots, or transfer of a portion of a lot to an adjacent lot where there will not be the creation of a new street, dedication of right-of-way, or a need for any public improvements.

**(b) Applicability**

- (1)** For the purposes of these regulations, a minor subdivision is a lot split, lot consolidation, or transfer of land between adjacent property owners that complies with all of the following requirements:
  - A.** The subdivision shall not result in or create more than five lots, including the remainder of the original lot (e.g., four new lots and the remainder of the original lot);
  - B.** The subdivision shall be in compliance with all applicable site development standards in this code or with any approved variance from such standards;
  - C.** All lots resulting from the minor subdivision shall have frontage and access on an existing street and shall not require the construction, expansion, or improvement of any street;
  - D.** The subdivision shall not require any public improvements or the dedication of rights-of-way;
  - E.** The property has been surveyed and a survey sheet or record plan, in the form provided for in this code, and a full legal description of the changes resulting from the split, are submitted with the application; and
  - F.** No landlocking of parcels shall occur as a result of the minor subdivision.
- (2)** A minor subdivision also includes the recombination of land, consolidation of lots, transfer of property from one lot to an adjacent lot, and for the dedication of additional land for the widening of existing streets, where no new lots are created.

**(c) Sale of Land in Subdivisions; Start of Construction**

- (1)** No owner, or authorized agent, of any land located within a subdivision shall transfer, sell, or agree to sell any land by reference to, by exhibition of, or by the use of, a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations. Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.
- (2)** The Zoning Inspector shall not issue zoning permits for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.

**(d) Minor Subdivision Review Procedure**

The review procedure for a minor subdivision shall be as follows:

**(1) Step 1 – Application**

- A. The applicant shall submit an application in accordance with Section [1105.01: Common Review Requirements](#), and with the provisions of this section.
- B. The application shall include a deed or other instrument of conveyance in compliance containing an accurate and current legal description based on a boundary survey, of each proposed new lot.
- C. If the minor subdivision involves the transfer of land area from one lot to an adjacent lot, both property owners shall be required to authorize the application instruments of conveyance shall be submitted for both resulting lots.

**(2) Step 2 – Review and Decision**

- A. Within 30 days of the determination that the application (Step 1) is complete, the Zoning Inspector shall review the application and make the decision to approve or deny the application for a minor subdivision based on the review criteria established below. An extension on the decision may be granted with approval from the applicant.
- B. If the Zoning Inspector denies an application for a minor subdivision, the Zoning Inspector shall provide the applicant with written finding for the denial.
- C. If the application is approved, the Zoning Inspector shall be required to sign the conveyance.

**(3) Step 3 – Recording**

- A. If the application is approved, the Zoning Inspector and City Engineer shall sign and date all required deeds in the minor subdivision, or other forms of conveyance allowed by the Lorain County Auditor.
- B. The conveyance shall include a notation that no additional lot splits shall be permitted on any of the lots without approval as a major subdivision.
- C. The subdivider shall then be responsible for submitting the signed conveyance with the Lorain County Auditor for the transfer of property and to the Lorain County Recorder for the recording of the lots as legal lots of record and providing a copy of said conveyance to the Zoning Inspector, after recording.
- D. In the case of a transfer of land between two adjacent lots, the recording of the revised lots shall take place simultaneously.
- E. Within 30 days after all required deeds are recorded in the office of the County Recorder, the applicant shall provide the Zoning Inspector and the Director of Public Service with all new permanent parcel numbers assigned to the new lots by Lorain County.

**(e) Review Criteria**

In order for a minor subdivision to be approved, the Zoning Inspector shall review and make a decision after making an affirmative decision on the following:

- (1) That the minor subdivision complies with all applicable provisions of this code including, but not limited to, the lot and principal building standards of Section [1113.06: Lot and Principal Building Standards](#);
- (2) That the City Engineer has no objections to the minor subdivision that cannot be resolved by revisions;
- (3) That the minor subdivision complies with all other applicable regulations of the City; and
- (4) That all valid objections to the minor subdivision raised by the departments of the City have been or will be satisfactorily resolved by the applicant.

**(f) Variances**

If the proposed subdivision requires a deviation from the minimum lot and building standards (e.g., lot area, lot width, etc.) or other standards mandated by this code, the applicant will be required to apply for and receive approvals (See Section [1105.08: Variances](#).) prior to approval of the minor subdivision.

**(g) Time Limit**

The minor subdivision approval shall expire one year after the Zoning Inspector signs and dates the minor subdivision unless the minor subdivision is recorded in the office with the Lorain County Recorder during said period.

**(h) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action with respect to the proposed minor subdivision shall have the right to appeal the decision to the BZBA as established in Section [1105.10: Appeals](#).

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**1105.05 Major Subdivisions**

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**(a) Purpose**

The purpose of the major subdivision process is to provide a method of review for any subdivision that exceeds the scope of a minor subdivision.

**(b) Applicability**

Any subdivision of land or replat of an existing subdivision that does not meet the applicability requirements of a minor subdivision in Section [1105.04\(b\): Applicability](#), shall be subject to the requirements of this section.

**(c) Sale of Land in Subdivisions; Start of Construction**

(1) No owner, or authorized agent, of any land located within a subdivision shall transfer, sell, agree to sell any land by reference to, by exhibition of, or by the use of, a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations. Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

(2) The Zoning Inspector shall not issue a zoning permit for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.

**(d) Major Subdivision Review Procedure**

The review procedure for a major subdivision shall be as follows:

**(1) Step 1 – Pre-Application Meeting (Optional)**

An applicant may request to have a pre-application meeting with staff or with the Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1105.01\(f\)](#).

**(2) Step 2 – Application and Filing of the Preliminary Plat**

A. The applicant shall submit an application, including a preliminary plat, in accordance with Section [1105.01: Common Review Requirements](#), and with the provisions of this section.

- B. The preliminary plat shall be prepared, signed, and sealed by an engineer or surveyor who is qualified and registered in the State of Ohio.
- (3) **Step 3 – Review and Recommendation on the Preliminary Plat by the Planning Commission**
- A. The Planning Commission shall review the preliminary plat application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
  - B. In making its recommendation, the Planning Commission shall make a recommendation to approve, approve with conditions, or deny the preliminary plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant.
  - C. The Planning Commission shall make a recommendation within 60 days of the filing of the preliminary plat (Step 2) unless the Planning Commission and subdivider agree to an extension of this time frame. If the Planning Commission fails to act within the 60 days or there is no agreement for an extension of time, the application for a preliminary plat will be considered denied.
  - D. The Planning Commission shall forward their recommendation to the Clerk of Council.
- (4) **Step 4 – Review and Decision on the Preliminary Plat by the City Council**
- A. The City Council shall review the preliminary plat application at its next regularly scheduled meeting, or at a special meeting, after Planning Commission’s recommendation.
  - B. In making its decision, the City Council shall approve, approve with conditions, or deny the preliminary plat. The City Council may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant.
  - C. Appropriate legislation that incorporates the total acreage and number of sublots and number if phases in the proposed subdivision shall be drafted by the Law Director for consideration by City Council.
  - D. The City Council shall make a decision by its second regularly scheduled meeting following receipt of the Planning Commission’s recommendation (Step 4) unless the City Council and subdivider agree to an extension of this time frame.
  - E. If the Planning Commission recommends a denial of the preliminary plat application, then approval by City Council shall require an affirmative vote of no less than two-thirds of the full membership of City Council to approve the preliminary plat.
  - F. If the City Council denies the preliminary plat, the applicant shall not move forward in the review process until a preliminary plat is approved by City Council.
  - G. In the event the City Council denies the preliminary plat or approves with conditions, the Clerk of Council, on behalf of the City Council, shall provide the subdivider with a statement in writing setting forth the reasons for the denial or the conditions of approval.
  - H. Approval of the preliminary plat by the City Council does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat and improvement plans.
- (5) **Step 5 – Submission of Improvement Plans and Final Plat**
- A. The applicant shall submit the final plat and related improvement plans and specifications in accordance with Section [1105.01: Common Review Requirements](#), and with the provisions of this section.
  - B. The improvement plans shall be prepared, signed, and sealed by an engineer or surveyor who is qualified and registered in the State of Ohio.

- C. If a preliminary plat has been previously approved, the final plat shall have incorporated all changes required in the preliminary plat approval.
  - D. The applicant shall submit all necessary improvement plans and a final plat for review within one year of the decision on the preliminary plat unless an alternative schedule is approved as part of the preliminary plat approval or the subdivider can show just cause for extending the deadline. For phased subdivisions, the deadline shall apply to the first phase of the subdivision. Failure to submit the final plat within this time frame shall void the preliminary plat approval and the subdivider will be required to submit a new application in accordance with these regulations.
  - E. If the applicant proposes to provide a financial guarantee for the public improvements in lieu of installing all public improvements prior to approval of the final plat, the applicant shall be required to provide all information required as part of Section [1121.05: Bond Required](#).
  - F. Upon determination by the Zoning Inspector that the final plat has been properly submitted, the final plat shall be accepted as being filed.
  - G. In cases where the applicant proposes to develop the subdivision in phases, the final plat and improvement plans shall be submitted for each individual phase.
- (6) Step 6 – City Engineer Review and Decision on Improvement Plans**
- A. Once the all comments have been collects, the City Engineer shall make a decision to approve, approve with modifications, or deny approval of the improvement plans.
  - B. If the City Engineer approves with modifications, the applicant shall be required to revise the improvement plans in accordance with all comments and resubmit the plans prior to proceeding with the final plat review.
  - C. If the City Engineer denies approval of the improvement plans, the applicant shall not proceed with final plat review and shall be required to resubmit new improvement plans (Step 6) or resubmit a new preliminary plat (Step 2).
- (7) Step 7 – Review and Recommendation on the Final Plat by the Planning Commission**
- A. The Planning Commission shall review the final plat at its next regularly scheduled meeting, or at a special meeting, after the improvement plans have been approved by the City Engineer and the applicant has submitted revised improvement plans.
  - B. The Planning Commission shall make a recommendation to approve, approve with conditions, or deny the final plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily answered by the applicant.
  - C. The Planning Commission shall make a recommendation within 60 days of the submission of approved improvement plans (Step 8) unless the Planning Commission and subdivider agree to an extension of this time frame. If the Planning Commission fails to act within the 60 days or there is no agreement for an extension of time, the application for a final plat will be considered denied.
  - D. If the Planning Commission denies the final plat, the applicant shall not move forward in the review process until a final plat is approved by the Planning Commission.
  - E. In the event the Planning Commission denies the final plat or approves with conditions, the Planning Commission shall provide the subdivider with a statement in writing setting forth the reasons for the denial or the conditions of approval.
  - F. Approval of the final plat by the Planning Commission shall not be an acceptance by the public of the offer of dedication of any street, or other public ways or open space on the final plat unless they are accepted by City Council in the form of the adoption of an ordinance.



- G. The final plat shall be held until acceptance of all improvements in Step 10. No final plat shall be recorded until all improvements and areas offered for parks, open space, or public rights-of-way have been accepted by City Council.
  - H. At the completion of construction, and before acceptance of the public improvements, the developer shall furnish the City a set of record or “as-built” reproducible drawings as well as a digital copy that is compatible with the Director of Public Service’s software showing the locations of all public improvements including the sizes and elevations of all underground utilities.
- (8) Step 8 – City Council Decision on the Final Plat and Acceptance of Improvements**
- A. The City Council shall review the final plat application at its next regularly scheduled meeting, or at a special meeting, after Planning Commission’s recommendation.
  - B. In making its decision, the City Council shall approve, approve with conditions, or deny the preliminary plat. The City Council may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant.
  - C. Appropriate legislation shall be drafted by the Law Director for consideration by City Council.
  - D. The City Council shall make a decision by its second regularly scheduled meeting following receipt of the Planning Commission’s recommendation (Step 9) unless the City Council and subdivider agree to an extension of this time frame.
  - E. If the Planning Commission recommends a denial of the final plat application, then approval by City Council shall require an affirmative vote of no less than two-thirds of the full membership of City Council to approve the preliminary plat.
  - F. If the City Council denies the final plat, the applicant shall not move forward in the review process until a final plat is approved by City Council.
  - G. In the event the City Council denies the preliminary plat or approves with conditions, the Clerk of Council, on behalf of the City Council, shall provide the subdivider with a statement in writing setting forth the reasons for the denial or the conditions of approval.
  - H. If the final plat is approved, the City, through action by the City Council, may accept public improvements made by a subdivider that meet the following conditions:
    - i. The public improvements have been made in accordance with the requirements of this code, and any other manuals or documents referenced in [Chapter 1121: Subdivision Design Standards](#);
    - ii. Installation of the public improvements has been completed in accordance with the applicable design standards;
    - iii. All final inspections required by these regulations have been carried out by the City, and said public improvements were found to be acceptable by the Director of Public Service; and
    - iv. After all public improvements have been installed to the satisfaction of the City, the subdivider shall submit an original copy of as-built improvement plans (showing how all public improvements were actually installed) to the Director of Public Service in a format acceptable to the Director of Public Service.
  - I. After all public improvements have been installed in accordance with the subdivision agreement and these regulations and the subdivider has complied with this section, the City Council may, by ordinance, accept the public improvements for maintenance with any applicable financial guarantee.

**(9) Step 9 – Disposition of Approved Plat and Recordation**

- A. All required deeds, agreements, and other required legal instruments shall be submitted to the Zoning Inspector within 45 days from the date of the Planning Commission's approval or such approval shall thereafter be rendered null and void. Such submission shall be required in order to have time for mandatory signatures.
- B. Before an approved plat can be recorded, it shall be signed by the Planning Commission Chairman, the City Engineer, the Clerk of Council, and the Law Director only provided that all conditions imposed by the Planning Commission and Council, as applicable, have been met. Any plat recorded which has not been approved according to the regulations in this chapter shall be considered invalid.
- C. The subdivider shall then be responsible for submitting the signed plat to the Lorain County Recorder for the recording of the lots as legal lots of record and providing a copy of said plat to the City after recording.
- D. The approval of a plat shall expire within 120 days after City Council approval is effective unless the plat has been duly filed and recorded, by the applicant as required by law, and the original tracing of the plat has been filed with the Zoning Inspector.

**(e) Review Criteria**

In order to approve a major subdivision, the Planning Commission and City Council, as appropriate, shall determine the following:

- (1) That the major subdivision complies with all applicable provisions of this code;
- (2) That the major subdivision does not conflict with other regulations, plans, or policies of the City;
- (3) That the proposed subdivision is designed to be harmonious with the existing immediate or surrounding area or in keeping with the intended character of such area;
- (4) That the proposed streets are in accordance with adopted plans and policies, and have been coordinated with existing streets and that adequate measures have been taken to provide ingress and egress so as to minimize traffic congestion in public streets;
- (5) That the proposed subdivision will not adversely affect the delivery of governmental services;
- (6) That applicable review agencies have no objections that cannot be resolved by the applicant; and
- (7) That the final plat and improvement plans conform to the approved preliminary plat, if submitted and approved.

**(f) Amendments and Withdrawal of Application**

- (1) No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after final approval has been given by the Planning Commission and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the changes approved by the Planning Commission.
- (2) If the applicant finds, in the process of preparing improvement plans, that the approved preliminary plat, if submitted, is not workable and changes in layout are required, the applicant shall inform the Director of Public Service. The Director of Public Service may require that a revised preliminary plat be submitted for re-approval following the review procedure in Section [1105.05\(d\): Major Subdivision Review Procedure](#), above if the changes significantly alter the design of the subdivision. If the proposed changes are technical or minor and do not substantively alter the approved preliminary plat, the Director of Public Service may approve the revisions. Failure to submit and receive approval of a revised preliminary plat shall void approval of the preliminary plat and any new submission shall be subject to a new application.

- (3) During the final plat process, the Director of Public Service are authorized to allow minor changes related to the public improvements or design where there is minimal impact to the overall design of the subdivision. This shall not give the Director of Public Service the authority to vary the requirements of this code.
- (4) Before approval of the final plat, the submitted plat may be withdrawn or modified. If modified, the review process shall be repeated. If the application is withdrawn, any application fees shall be forfeited.
- (5) If during the course of construction, any changes or modifications are encountered that are not in conformance with the original approved improvement plans, the subdivider shall submit the modified improvement plans (which have now become as-built drawings) to the Director of Public Service, who, if in agreement with such modifications, shall sign these drawings to indicate approval of the modifications. If the Director of Public Service does not approve the modifications, the applicant shall be required to bring the improvements into compliance with the approved improvement plans or the City may utilize the financial guarantee to correct the issue.

### **1105.06 Site Plan Review**

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#### **(a) Purpose**

The purpose of the site plan review procedure is to ensure that multi-family residential development and all nonresidential developments comply with the development and design standards of this code. Zoning permits for any building, structure, expansions, or use of land subject to this section, shall not be issued without an approved site plan.

#### **(b) Applicability**

The following forms of development shall require site plan review by the Planning Commission in accordance with this section:

- (1) New construction, structural alterations, and site improvements of all uses in nonresidential zoning districts and in R-2 and R-3 Districts;
- (2) All conditional uses, in all zoning districts;
- (3) Any proposal to alter, reconstruct, or otherwise modify any existing or previously approved site plan for a permitted use, conditional use, or similar use that increases the number of dwelling units in a multi-family development; or changes the use in a manner which requires an increase in the amount of parking or a change in the site's circulation.

#### **(4) Exemptions**

The following forms of development within the above zoning districts shall be exempt from site plan review:

- A. Single-family dwellings; and
- B. Re-occupancy of an existing building or the internal construction or change in floor area of a building or structure that does not increase the gross floor area, increase the intensity of use, or affect parking or landscaping requirements on a site that meets all of the development standards of this code; and
- C. Accessory and temporary uses as established in [Chapter 1111: Accessory and Temporary Use Regulations](#).

#### **(c) Site Plan Review Procedure**

The site review procedures shall proceed as follows:

**(1) Step 1 – Pre-Application Meeting (Optional)**

An applicant may request to have a pre-application meeting with staff or the Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1105.01\(f\)](#).

**(2) Step 2 – Application**

The applicant shall submit an application in accordance with Section [1105.01: Common Review Requirements](#), and with the provisions of this section.

**(3) Step 3 – Planning Commission Review and Decision**

- A.** The Planning Commission shall review the site plan application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B.** In reviewing the application, the Planning Commission shall at a minimum, consider the review criteria of this section.
- C.** Within 60 days of the Zoning Inspector determining that the application is complete, the Planning Commission shall make a decision on the application. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.
- D.** If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed approved.

**(d) Review Criteria**

In order to approve a site plan, the Planning Commission shall determine that:

- (1)** The proposed development is consistent with all the requirements of this code, and other related codes and ordinances of the City;
- (2)** The proposed development is in compliance with the applicable zoning district regulations;
- (3)** The proposed development complies with any established standards or requirements in any adopted City plans;
- (4)** The proposed development meets all the requirements or conditions of any applicable development approvals (e.g., previously approved Planned Residential Developments, conditional use approvals, variance approvals, etc.);
- (5)** The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property;
- (6)** The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code;
- (7)** Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- (8)** The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas;
- (9)** The building materials are appropriate to ensure that they can withstand weathering and they are consistent with material used for adjacent buildings;
- (10)** The architectural details and ornaments are meaningful to the overall design and appropriate for the size and scale of the building and for weathering;
- (11)** Lighting, signs, and landscaping are all appropriately sized and located in relation to the proposed development;
- (12)** Points of ingress/egress to the development shall be controlled and designed in such manner as to minimize conflicts with adjacent properties and developments;

- (13) Adequate provision is made for emergency vehicle access and circulation; and
- (14) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing criteria are complied with at the completion of each stage.

**(e) Significance of an Approved Site Plan**

- (1) An approved site plan shall become, for the proposed development, a binding commitment of the specific elements approved for development. The approved site plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. Such a transfer shall occur only upon approval of the Zoning Inspector. A request for such a transfer or change of ownership shall be presented to the Zoning Inspector and granted only if the new ownership entity satisfies the administrative, financial, legal, and all other financial guarantees approved with the original site plan.
- (2) All construction and development under any zoning permit and building permit shall be in accordance with the approved site plan. Any departure from such plan shall be cause for revocation of the zoning permit and/or building permit, and the property owner or other responsible parties are subject to penalties as prescribed by this code.

**(f) Time Limit**

- (1) The applicant shall submit a completed application for a zoning permit within one year of the date the site plan was approved or the site plan approval shall expire.
- (2) Upon expiration of a site plan approval, a new application, including all applicable fees, shall be required before a new site plan will be reviewed.
- (3) Upon written request, one extension of six months may be granted by the Planning Commission if the applicant can show good cause for a delay.

**(g) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision to the BZBA as established in Section [1105.10: Appeals](#).

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**1105.07 Alternative Equivalent Review**

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**(a) Purpose**

Alternative equivalent review is a procedure that allows applicants to propose unique design options as an alternative to a development standard established in this code provided it meets or exceeds the intent of the design-related provisions of this code. It is not a variance, waiver, or weakening of regulations; rather, this procedure permits a site-specific plan that is equal to or better than the strict application of a design standard specified in this code. Alternative equivalent compliance shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

**(b) Applicability**

The alternative equivalent review procedure shall be available only for the following sections of this code:

- (1) Section [1113.08: Exterior Lighting](#);
- (2) [Chapter 1115: Landscaping and Screening Standards](#); and
- (3) [Chapter 1117: Parking and Access Standards](#).

**(c) Review Timing**

A request for alternative equivalent review shall be made concurrently with a site plan review.

**(d) Alternative Equivalent Review Procedure**

The review procedure for any alternative equivalent review application shall be as follows:

**(1) Step 1 – Application**

The applicant shall submit an application in accordance with Section [1105.01: Common Review Requirements](#), as part of a site plan review application, and in addition to any other provisions of this section.

**(2) Step 2 – Planning Commission Review and Recommendation**

- A.** The Planning Commission shall review the code text or map amendment application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B.** In reviewing the application, the Planning Commission shall at a minimum, consider the comments from staff and the review criteria of this section.
- C.** The Planning Commission shall make a recommendation on the application. In making its recommendation, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.
- D.** If approved, any zoning permit or other related applications shall demonstrate compliance with the alternative equivalent review approval.

**(3) Step 3 – City Council Review and Decision**

- A.** Following receipt of the recommendation from the Planning Commission (Step 2), the application shall be placed on City Council’s agenda for the next regularly scheduled meeting, if in compliance with notification requirements, or City Council shall set a time for a public hearing on the proposed alternative equivalent review.
- B.** Notification of the public hearing shall be provided in accordance with Section [1105.01\(i\): Public Notification for Public Hearings](#).
- C.** City Council shall review an alternative equivalent review application during a public hearing. In reviewing the application, City Council shall at a minimum, consider the recommendation from Planning Commission and the review criteria of this section.
- D.** Within a reasonable time after the close of the public hearing, City Council shall adopt, adopt with some modification, or deny the recommendation of the Planning Commission.
  - i.** If the Planning Commission recommends a denial of the conditional use application, then approval by City Council shall require an affirmative vote of no less than two-thirds of the full membership of City Council.
  - ii.** In all other cases, then approval by City Council shall only require concurring vote of a simple majority of the full membership of City Council.

**(e) Review Criteria**

Decisions on an alternative equivalent review application shall be based on consideration of the following criteria:

- (1)** That the proposed alternative achieves the intent of the subject design or development standard to the same or better degree than the subject standard;
- (2)** That the proposed alternative achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard;
- (3)** That the proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard; and
- (4)** That the proposed alternative imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this code.

**(f) Conditions**

The Planning Commission or City Council may impose conditions on an approval for alternative equivalent review provided such conditions are related to ensuring the performance of the alternative equivalent review to meet or exceed the subject standard. Such conditions may include, required timeframes, amendments or revisions to the proposal, or the ability to revoke an approval for alternative equivalent review.

**(g) Decisions**

Any decision on an alternative equivalent review application shall not be binding on the City related to future applications requesting an alternative to any of the applicable standards. Each case shall be review and decided upon based on the individual circumstances.

**(h) Time Limit**

- (1) An approval of an alternative equivalent review application shall expire if the zoning permit expires.
- (2) Upon expiration of an alternative equivalent review approval, a new application, including all applicable fees, shall be required before a new application will be reviewed.

**(i) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of City Council shall have the right to appeal the decision the Court of Common Pleas.

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**1105.08 Variances**

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**(a) Purpose**

The purpose of a variance is to provide limited relief from the requirements of this code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this code. It is not intended that a variance be granted merely to remove inconveniences or financial burdens that the requirements of this code may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

**(b) Variance Review Procedure**

The review procedure for a variance shall be as follows:

**(1) Step 1 – Application**

The applicant shall submit an application in accordance with Section [1105.01: Common Review Requirements](#), and with the provisions of this section.

**(2) Step 2 – BZBA Review and Decision**

- A. The BZBA shall hold a public hearing on the variance application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B. Notification of the public hearing shall be provided in accordance with Section [1105.01\(i\): Public Notification for Public Hearings](#).
- C. In reviewing the application, the BZBA shall at a minimum, consider the review criteria of this section.
- D. The BZBA may request that the applicant supply additional information that the Board deems necessary to review and evaluate the request for a variance.
- E. In making its decision, the BZBA may approve, approve with modifications or supplementary conditions, or deny the application.

- F. In making its decision, the BZBA shall make specific findings of fact based directly on the particular evidence presented that the reasons set forth in the application and as presented by the applicant during the public hearing, justify the approval, approval with modifications or supplementary conditions, or denial of the variance application that will make possible a reasonable use of the land, building, or structure.
- G. Within 60 days of the close of the public hearing, the BZBA shall render a decision on the variance application. The Zoning Inspector shall notify the appellant in writing of the decision of the BZBA.
- H. If the BZBA fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed approved.
- I. The decision of the BZBA shall become effective immediately.
- J. In approving a variance, the BZBA may impose conditions on the approval, the proposed use, and the premises to be developed or used pursuant to such approval as it determines are required to ensure compliance with the standards of this section and the purpose of this code. Any conditions established by the BZBA shall relate directly to the requested variance.
- K. Any violation of the conditions of approval shall be a violation of this code, subject to the enforcement and penalties of [Chapter 1129: Enforcement and Penalties](#).

**(c) Review Criteria**

**(1) Area or Dimensional Variance**

Where an applicant is seeking an area or dimensional variance, the following factors shall be considered and weighed by the BZBA to determine if a practical difficulty exists that would justify approval of the variance. However, no single factor listed below may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

- A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot, or proximity to non-conforming and inharmonious uses, structures or conditions;
- B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- C. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
- D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
- F. Whether special conditions or circumstances exist as a result of actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);
- G. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- H. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance;



- I. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district; and
- J. Whether a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.

**(2) Use Variance**

In order to grant a use variance, the BZBA shall determine that strict compliance with the terms of this code will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

- A. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
- B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- C. The hardship condition is not created by actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);
- D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- E. If there is an existing building on the lot, such building, due to its design, cannot be reasonably reused for a permitted use in the district;
- F. The granting of the variance will not adversely affect the public health, safety or general welfare;
- G. The variance will be consistent with the general spirit and intent of this code; and
- H. The variance sought is the minimum that will afford relief to the applicant.

**(d) Time Limit**

- (1) The applicant shall submit a completed application for a zoning permit and start work within one year of the date the variance was approved or the approval shall expire.
- (2) Upon expiration of a variance approval, a new application, including all applicable fees, shall be required before a variance application will be reviewed.
- (3) Upon written request, one extension of one year may be granted by the Zoning Inspector if the applicant can show good cause for a delay.
- (4) As part of the variance approval, the BZBA may authorize alternative time limits for zoning permit issuance based on the scale of the proposed development.

**(e) Demolition Related to Variance Approval**

- (1) The BZBA may grant a variance conditioned on the applicant demolishing an existing structure. Should the applicant fail to demolish the structure within 30 days of completion of the structure, or within six months from the issuance of the building permit, whichever occurs first, the variance shall be rescinded. The Building Inspector shall inspect the property and shall revoke any building permits issued pursuant to the order of the BZBA if the variance applicant fails to timely comply with all conditions set by the BZBA.
- (2) Whoever fails to comply with the provisions of this section by not demolishing a structure within the time limits set forth herein shall be in violation of this code and subject to the penalties established in [Chapter 1129: Enforcement and Penalties](#).

**(f) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the BZBA shall have the right to appeal the decision the court of common pleas as provided in ORC Chapters 2505 and 2506.

**1105.09 Zoning Permit**

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**(a) Purpose**

A zoning permit shall be required in accordance with the provisions of this section in order to ensure that proposed development complies with the standards of this code, and to otherwise protect the public health, safety, and general welfare of the citizens of the City.

**(b) Applicability**

- (1) No building or other structure shall be erected, moved, altered or added to, nor shall any building, structure or land be used or changed in use without a zoning permit issued by the Zoning Inspector. A change in tenancy or ownership of a residential dwelling unit shall be exempt from the zoning permit requirement.
- (2) A zoning permit may be required for the establishment of certain temporary or accessory use as established in [Chapter 1111: Accessory and Temporary Use Regulations](#).
- (3) The use of vacant land shall require the issuance of a zoning permit.
- (4) Unless otherwise specifically exempted in Section [Chapter 1119: Signs](#), signs shall require a zoning permit.
- (5) Zoning permits shall be issued only in conformity with the provisions of this code unless the application is subject to an approval by the BZBA or Planning Commission providing for additional standards, conditions, or modifications, in which case, the zoning permit shall be issued in conformity with the provisions of those approvals, as applicable.
- (6) Failure to obtain a zoning permit shall be a violation of this code subject to the provisions of [Chapter 1129: Enforcement and Penalties](#).

**(c) Terminology and Simultaneous Review**

- (1) For the purposes of this code, the zoning permit review shall be an administrative review that may be applied to permits or certificates of other names (e.g., sign permits, temporary use permits, etc.) if stated in this code. In such cases, the procedure of this section shall still apply.
- (2) Where a zoning permit or similar administrative permit is required in addition to a building permit, such permits may be reviewed simultaneously under the building permit application.

**(d) Zoning Permit Review Procedure**

The review procedure for a zoning permit shall be as follows:

**(1) Step 1 – Application**

The applicant shall submit an application in accordance with Section [1105.01: Common Review Requirements](#), and with the provisions of this section.

**(2) Step 2 – Zoning Inspector Review and Decision**

- A. The Zoning Inspector may distribute the application to other staff members and other City departments to solicit comment on the zoning permit application.

- B. For any zoning permit application for development or applicable activities in a special flood hazard area, the City Engineer shall be required to also review and make a decision on the zoning permit application as it relates to any flood-related regulations. If the City Engineer recommends denial based on flood-related regulations, such recommendation shall be made to the Zoning Inspector who shall not approve the application.
- C. Within 30 days after the application is determined to be complete, the Zoning Inspector shall make a decision either approving or denying the permit application. An extension on the decision may be granted with approval from the applicant. Where the proposed development is within a special flood hazard area, the City Engineer shall be required to make a decision within the same timeframe.
- D. Prior to finalizing approval of the application, the Zoning Inspector shall have the authority to provide comments to the applicant regarding necessary revisions to bring the application into full compliance. The application shall not be deemed formally approved until the applicant makes all of the appropriate changes and submits all necessary revised forms, maps, and documents to the Zoning Inspector.

**(e) Review Criteria**

In order to approve any zoning permit, the Zoning Inspector shall determine the following:

- (1) The application complies with all applicable provisions of this code and the applicable zoning district; and
- (2) The application complies with all approved plans, conditions, or other development approvals.

**(f) Time Limit and Abandoned or Suspended Work**

- (1) The applicant shall obtain an approved building permit, and begin construction, within one year of the date the zoning permit is approved or the approval shall be revoked. The date of approval shall be the date the Zoning Inspector provides a signed copy of the permit to the applicant.
- (2) For activities that do not require a building permit, the activity shall have been substantially begun within one year of approval and is thereafter pursued to completion, as determined by the Zoning Inspector.
- (3) The deadlines in paragraph (1) or (2) may be reduced if the work is mandated by this code or by order of the Zoning Inspector, Director of Public Service, or BZBA. In such cases, the deadline for construction shall be noted on the zoning permit.
- (4) Time limits for permitted temporary uses and structures shall be as authorized in [Section 1111.02: Temporary Uses and Structures](#). An approval of a zoning permit for a temporary use shall include the approved start and end dates for the proposed temporary use.
- (5) If construction activities for which a zoning permit has been issued are abandoned or suspended for a period of six months after the time of commencing the work, the zoning permit approval shall be revoked. Abandonment shall be defined as the lack of building activity or progress towards achieving the scope of work defined in the zoning permit.
- (6) Upon written request, up to two extensions of six months may be granted by the Zoning Inspector if the applicant can show good cause for a delay.
- (7) The Zoning Inspector shall notify the application of the revocation of a zoning permit including notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.
- (8) Upon revocation of a zoning permit approval, a new application, including all applicable fees, shall be required before a new zoning permit application will be reviewed.

- (9) The above time limits shall not apply if alternative time limits have been approved by Planning Commission or City Council as part of a site plan or Planned Residential Development approval.
- (10) For the purposes of this section, construction is deemed to have begun when all necessary excavation and piers or footings for one or more principal buildings included in the plan shall have been completed.

**(g) Revoking a Zoning Permit**

A zoning permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the BZBA in accordance with Section [1105.10: Appeals](#), of this code.

**(h) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Zoning Inspector shall have the right to appeal the decision to the BZBA as established in Section [1105.10: Appeals](#).

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**1105.10 Appeals**

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**(a) Purpose**

This section sets out the procedures to follow when a person claims to have been aggrieved or affected by an administrative decision made in the administration or enforcement of this code.

**(b) Applicability**

- (1) An appeal may be made regarding any administrative decision made in the administration and enforcement of this code including administrative decisions by the Zoning Inspector, Planning Commission, or Director of Public Service.
- (2) An appeal may not be made to the BZBA when the Planning Commission is making a recommendation to City Council as part of a legislative action such as a code text or map amendment.

**(c) Initiation**

Appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by the authority having jurisdiction who is charged with the administration or enforcement of this code.

**(d) Appeals Review Procedure**

The review procedure for appeals shall be as follows:

**(1) Step 1 – Submission of Appeal**

Within 30 days of the administrative order, decision, determination, or interpretation, the person appealing the decision or their authorized agent shall submit all required information to the Zoning Inspector in accordance Section [1105.01: Common Review Requirements](#).

**(2) Step 2 – Forwarding of the Record to the BZBA**

Upon receiving the written appeal of an administrative decision or determination, the Zoning Inspector shall transmit the written appeal with all papers, documents, and other materials related to the appealed decision or determination to the BZBA. This material shall constitute the record of the appeal.

**(3) Step 3 – BZBA Review and Decision**

- A. The BZBA shall hold a public hearing on the variance application at its next regularly scheduled meeting, or at a special meeting, after the appeal has been filed with the Zoning Inspector.
- B. Notification of the public hearing shall be provided in accordance with Section [1105.01\(i\): Public Notification for Public Hearings](#).
- C. In reviewing the appeal, the BZBA shall at a minimum, consider the review criteria of this section.
- D. Within 30 days of the close of the public hearing, the BZBA shall render a decision on the appeal. The Zoning Inspector shall notify the appellant in writing of the decision of the Board.
- E. If the BZBA fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed approved.
- F. The decision of the BZBA shall become effective immediately.

**(e) Review Criteria**

A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.

**(f) Stay**

A properly submitted appeal shall stay all administrative proceedings by the City in furtherance of the action appealed, unless the Zoning Inspector certifies to the BZBA that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the BZBA or by a court of competent jurisdiction, for good cause shown.

**(g) Appeals of BZBA Decisions**

Any person or entity claiming to be injured or aggrieved by any final action of the BZBA shall have the right to appeal the decision the court of common pleas as provided in ORC Chapters 2505 and 2506.

**1105.11 Interpretation of the Code**

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It is the intent of this code that all questions of interpretation related to the administration and enforcement of this code shall be first presented to the Zoning Inspector, and that such questions shall be presented to the BZBA only on appeal from the decision of the Zoning Inspector. Such appeals shall be in accordance with Section [1105.10: Appeals](#).

## Chapter 1107: Zoning Districts and Principal Use Regulations

### 1107.01 Purpose

The purpose of this chapter is to set out the individual purpose statements for each of the City's zoning districts as well as the list of uses that are allowed within each zoning district. The uses are either prohibited or allowed, and where they are allowed, they may be permitted, permitted with additional standards, or conditionally permitted with additional review. Finally, this chapter includes use-specific standards for a variety of uses that apply to the those uses alone in addition to all other applicable standards of this code.

### 1107.02 Establishment of Zoning Districts and Zoning Map

#### (a) Districts Established

The City hereby establishes the following zoning districts to carry out the purposes of this code:

TABLE 1107-1: ZONING DISTRICTS	
Abbreviation	District Name
<b>Residential Zoning Districts</b>	
R-1	Residence District
R-1A	Residential District
R-1B	Residential District
R-1C	Cottage Residential District
R-2	Residential District
R-3	Residential District
<b>Nonresidential Zoning Districts</b>	
B-1	Business District
B-2	Business District
B-4	Business District
B-5	Business District
I-1	Industrial District
P-I	Public and Institutional District
<b>Special Districts</b>	
PRD	Planned Residential Development District

**(b) References to Previous Zoning Districts**

Some of the district classifications and names established within this code differ from previous versions of this code. [Table 1107-2](#) identifies how each of the previous district classifications was renamed for this code. This table shall be used for comparison purposes only.

<b>TABLE 1107-2: DISTRICT TRANSITION TABLE</b>			
<b>Zoning Districts in the Planning and Zoning Code Effective Prior to May 26, 2022</b>		<b>Zoning Districts in the Land Development Code Effective May 26, 2022</b>	
<b>Abbrev.</b>	<b>District Name</b>	<b>Abbrev.</b>	<b>District Name</b>
R-1	Residential District	R-1A	Residential District
No Previous District		R-1B	Residential District
No Previous District		R-1C	Cottage Residential District
R-2	Residential District	R-2	Residential District
R-3	Residential District	R-3	Residential District
B-1	Business District	B-1	Business District
B-2	Business District	B-2	Business District
B-3	Business District	---	District Eliminated
B-4	Business District	B-4	Business District
B-5	Industrial District	B-5	Industrial District
I-1	Industrial District	I-1	Industrial District
PRD	Planned Residential Development District	PRD	Planned Residential Development District
No Previous District		P-I	Public and Institutional District

**(c) Zoning District Map**

All land within the City of Sheffield Lake shall be placed into at least one of the zoning districts established in [Table 1107-1: Zoning Districts](#), and such zoning shall be shown on the Zoning Map of Sheffield Lake, Ohio. The Zoning Map, together with all explanatory data thereon, including all changes thereof as hereinafter provided, shall be incorporated and made a part of this code, thereby having the same force and effect as if fully described in writing.

**(d) Interpretation of Zoning District Boundaries**

The boundaries of the zoning districts are shown upon the Zoning Map. When uncertainty exists with respect to the boundaries of zoning districts as shown on the Zoning Map, the following rules shall apply:

- (1)** Where zoning district boundary lines are indicated as approximately following a lot line, such lot line shall be the zoning district boundary.
- (2)** Where zoning district boundary lines are indicated as approximately following a center line of a street or highway, alley, railroad easement, or other right-of-way, or a river, creek, or other watercourse, such centerline shall be the zoning district boundary. In the event of a natural change in the location of such streams, rivers, or other water courses, the zoning district boundary shall be construed as moving with the channel centerline.
- (3)** Where zoning district boundary lines are indicated as approximately following City limits, such City limits shall be the zoning district boundary.
- (4)** When the actual street, right-of-way, property line boundary or other existing ground condition is in conflict with that shown on the Zoning Map, the BZBA shall provide the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the City and to submit technical evidence if so desired pursuant to the appeals process as established in [Section 1105.10: Appeals](#).

**(e) Vacation of Public Rights-of-Way**

Whenever any street, alley or other public way is vacated in a manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.

**1107.03 Zoning District Purpose Statements**

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In addition to the overall purpose of this code, the following are the purpose statements for the individual zoning districts in the City of Sheffield Lake.

**(a) R-1 Residence District**

For the purpose of this code, the R-1 District shall have the same requirements as the R-1A District and shall be enforced as such.

**(b) R-1A and R-1B Residential District**

- (1) The purpose of the R-1A and R-1B residential zoning districts are to provide for the development and use of land for primarily single-family, detached residential uses reflective of the primary residential land uses in the City of Sheffield Lake. These districts are intended to establish standards for the design, use, and location of principal and accessory buildings to maintain high-quality neighborhoods.
- (2) The R-1B District was specifically created for the purpose of protecting areas of the City that have smaller lots than required in the R-1B District. As such, no zoning map amendment application may be submitted to rezone property to the R-1B District after the effective date of this code.

**(c) R-1C Cottage Residential District**

The purpose of the R-1C residential zoning district is similar to the R-1A and R-1B Districts in that it is intended to allow for the use of land primarily for single-family, detached residential uses. The R-1C District recognizes that parts of the City have site characteristics reflective of denser development patterns that were common among the cottage developments along Lake Erie. Development in these areas is far more compact than in other single-family residential districts and the purpose of this district is to protect the characteristics of these dense neighborhoods in Sheffield Lake. As such, no zoning map amendment application may be submitted to rezone property to the R-1C District after the effective date of this code.

**(d) R-2 and R-3 Residential Districts**

The purpose of the R-2 and R-3 residential districts is to provide for residential areas in the City that provide for attached housing options, which in turn promote more diverse housing choices and that may serve as a transitional use between lower-density residential uses and the City's business activity areas. The purpose of the regulations in these districts is to ensure the long-term viability of uses that are designed in a manner that will contribute to the community aesthetic.

**(e) B-1 Business District**

The purpose of the B-1 Business District is to provide areas for small-scale business development, a limited range of office uses, as well as convenience goods and services to serve the day-to-day needs of those living in the City. The design of uses is focused on small-scale, neighborhood uses.



**(f) B-2, B-4, and B-5 Business Districts**

The purpose of the B-2, B-4, and B-5 Business Districts is to accommodate a wide-range of professional offices, general commercial uses, and larger scale businesses that sell goods and provide services to the general public in the City and to the greater region. Each district provides for a different scale and intensity of business uses. While pedestrian level activity and access is highly encouraged, the City recognizes that vehicular access is also important to the businesses in the City's large-scale business areas.

**(g) I-1 Industrial District**

The purpose of the I-1 District is to provide an area to accommodate manufacturing, general businesses, offices, service and repair businesses, and warehousing uses in a form that largely takes place within enclosed buildings to allow for quiet and clean industrial areas. It is the intent of this district to allow for a broad range of industrial uses.

**(h) P-I Public and Institutional District**

The purpose of the P-I District is to establish sites for various governmental, institutional, educational, or other public or quasi-public uses that are integral parts of the community while also ensuring compatibility with the surrounding neighborhoods.

**1107.04 Allowed Principal Uses**

[Table 1107-3](#) lists the principal uses allowed within the various zoning districts, except PRD Districts. [Chapter 1109: Planned Residential Developments \(PRD\)](#) identifies the uses that are allowed in PRDs.

**(a) Explanation of Table of Permitted Uses**

**(1) Permitted Uses**

- A. A "P" in a cell indicates that a use type is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable standards of this code.
- B. Permitted uses are approved administratively through the site plan review process (See Section [1105.06: Site Plan Review](#).) or by the Zoning Inspector through the zoning permit procedure, unless subject to additional reviews (e.g., variance, etc.).

**(2) Permitted Uses with Standards**

- A. A "PS" in a cell indicates that a use type is allowed by-right in the respective zoning district if it meets the additional standards as identified in the last column of [Table 1107-3](#). Permitted uses with standards are subject to all other applicable standards of this code.
- B. Uses permitted with standards are approved administratively through the site plan review process (See Section [1105.06: Site Plan Review](#).) or by the Zoning Inspector through the zoning permit procedure, unless subject to additional review (e.g., variance, etc.).

**(3) Conditional Uses**

- A. A "C" in a cell indicates that a use may be permitted if approved through the conditional use review procedure (See Section [1105.03: Conditional Uses](#).) Conditional uses may be subject to use-specific standards as identified in the last column of [Table 1107-3](#). Conditional uses are subject to all other applicable standards of this code.
- B. The existence or lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any conditional use listed in the table shall be subject to the general review standards for all conditional uses established in Section [1105.03\(d\)](#).

**(4) Prohibited Uses**

A blank indicates that a use is prohibited in the respective zoning district.

**(5) Use-Specific Standards**

- A. The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.
- B. Use-specific standards shall only apply if the use is permitted with standards (PS) or a conditional use (C). If the use is permitted with standards in some districts and conditional in other districts, the use-specific standards shall apply to both the districts where it is permitted with standards and where it is conditionally permitted.
- C. This section provides site planning, development, and/or operating standards for certain land uses that are permitted with standards or conditionally permitted in [Table 1107-3](#).
- D. The land uses and activities covered by this section shall comply with the applicable use-specific standards in all districts unless otherwise specified, in addition to all other applicable provisions of this code.

**(b) Multiple Uses**

If multiple uses are proposed on a single lot or in a single building then each of the individual uses has to be allowed in the applicable zoning district and reviewed in accordance with how the individual use is allowed in the district (i.e., permitted, permitted with standards, or conditional use).

**(c) Use Determination and Unlisted Uses**

Any use not specifically listed shall be considered prohibited unless approved through the following:

- (1) The Zoning Inspector shall make the determination if a proposed use is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section.
- (2) The Zoning Inspector may determine that a proposed use is substantially similar to a use that is permitted, permitted with standards, or a conditional use established in [Table 1107-3](#) based on the proposed use activities, character of the business, similarity to existing uses within the City, or information on the use as may be available from third-party land use resources such as documentation from the American Planning Association, Urban Land Institute, or similar organizations. If the Zoning Inspector finds that the proposed use is substantially similar to a use established in [Table 1107-3](#), then the application shall be processed in the same manner as the similar use.
- (3) In finding that a proposed use is similar to a use established in [Table 1107-3](#) the Zoning Inspector shall make a note of the similar use in the approved application form.
- (4) If the Zoning Inspector makes the determination that a use is prohibited, the application shall not be processed, and the application fee shall be returned.
- (5) If the applicant disagrees with the Zoning Inspector’s determination regarding the proposed use, the applicant may choose to take one of the following actions:
  - A. The applicant may appeal the determination of the Zoning Inspector to the BZBA pursuant to Section [1105.10: Appeals](#); or
  - B. The applicant may present their case to the Planning Commission and/or City Council to request that the City initiate a text amendment to address the proposed use and applicable standards.

(d) Table of Permitted Uses

TABLE 1107-3: PRINCIPAL USES												
Permitted Use Types P = Permitted Use C = Conditional Use PS = Permitted with Standards Blank Cell = Prohibited	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-4	B-5	I-1	P-1	Use Specific Standards See Section:
Dwellings, Multi-Family				P	P							
Dwellings, Single-Family	P	P	P	P								
Residential Facilities	PS	PS	PS	PS/C	C							<a href="#">1107.05(a)</a>
Skilled Nursing or Personal Care Facilities					C		C	C	C		PS	<a href="#">1107.05(b)</a>
Public and Institutional Uses												
Active Recreational Facilities	C	C	C	C	C	C	C	C	C		PS	<a href="#">1107.05(c)</a>
Cemeteries											P	
Cultural Facilities											P	
Educational Institutions (Higher Education)											P	
Educational Institutions (Preschool and K-12)	C	C	C	C	C						P	
Essential Services	P	P	P	P	P	P	P	P	P	P	P	
Fraternal, Charitable, and Service-Oriented Clubs							PS	PS	PS		P	<a href="#">1107.05(d)</a>
Government Offices and Buildings											P	
Hospitals											P	<a href="#">1107.05(e)</a>
Nursery Schools and Day Care Centers						PS	PS	PS	PS	C	PS	<a href="#">1107.05(f)</a>
Passive Parks, Open Space, and Natural Areas	C	C	C	C	C	P	P	P	P	P	P	
Places of Worship	C	C	C	C	C	P	P	P			P	
Public Utility Buildings and Facilities	C	C	C	C	C	C	C	C	C	C	P	
Residential Community Centers	C	C	C	C	C							<a href="#">1107.05(g)</a>
Commercial and Office Uses												
Administrative, Business, or Professional Offices						P	P	P	P	P	PS	<a href="#">1107.05(h)</a>
Adult Entertainment Businesses										PS		<a href="#">1107.05(i)</a>
Animal Boarding, Training, or Daycare Facilities								P		P		
Animal Hospitals/Clinics and Animal Grooming								P		P		
Assembly Halls or Conference Centers							P	P				
Automobile, Motorcycle, Recreational Vehicle Sales and Leasing								PS		PS		<a href="#">1107.05(j)</a>
Automotive Repair and Service							PS	PS	PS	PS		<a href="#">1107.05(k)</a>

TABLE 1107-3: PRINCIPAL USES

Permitted Use Types P = Permitted Use C = Conditional Use PS = Permitted with Standards Blank Cell = Prohibited	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-4	B-5	I-1	P-1	Use Specific Standards See Section:
Automotive Repair and Service (Heavy)								PS		PS		<a href="#">1107.05(l)</a>
Bed and Breakfast Establishments				C	C							<a href="#">1107.05(m)</a>
Commercial and Business Support Services							P	P	P	P		
Commercial Recreational Facilities (Indoors)						P	P	P		C		
Commercial Recreational Facilities (Outdoors)						C	C	C				<a href="#">1107.05(c)</a>
Financial Institutions									P			
Fuel Stations							PS	PS	PS			<a href="#">1107.05(k)</a>
Funeral Homes							PS	PS		PS		<a href="#">1107.05(n)</a>
Hotels and Motels							P	P				
Medical/Dental Clinics						P	P	P	P		P	
Microbrewery, Microdistillery, or Microwinery							PS	PS	PS	PS		<a href="#">1107.05(o)</a>
Mixed Use Buildings						C	C	C	C			
Multi-Tenant Use						P	P	P	P			
Parking Lot or Garage (Public)											PS	
Personal Services						P	P	P	P	PS	PS	<a href="#">1107.05(p)</a>
Restaurants							P	P	P	PS	PS	<a href="#">1107.05(p)</a>
Retail Businesses						P	P	P	P	PS	PS	<a href="#">1107.05(p)</a>
Short-Term Rentals				PS								<a href="#">1107.05(q)</a>
Taverns or Bars							P	P	P			
Theaters							P	P				
Training or Instructional Facilities							P	P				
Vehicle Washing Establishments								PS				<a href="#">1107.05(r)</a>
<b>Industrial Uses</b>												
Contractor Equipment and Storage Yards										P		
Heavy Equipment Sales and Leasing										P		
Industrial Service Uses										P		
Industrial Uses, Heavy										C		
Industrial Uses, Light										P		
Metal Salvage and Junk Storage										C		<a href="#">1107.05(s)</a>
Recycling Center										P		
Research and Development Facilities										P		
Self-Storage Facilities (Indoor)								C	C	P		<a href="#">1107.05(t)</a>
Self-Storage Facilities (Outdoor)										C		<a href="#">1107.05(t)</a>

TABLE 1107-3: PRINCIPAL USES

Permitted Use Types P = Permitted Use C = Conditional Use PS = Permitted with Standards Blank Cell = Prohibited	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-4	B-5	I-1	P-1	Use Specific Standards See Section:
Truck and Heavy Equipment Sales										P		
Truck Terminals										C		<a href="#">1107.05(u)</a>
Warehouses and Distribution Facilities										P		
Wholesale Establishments										P		

### 1107.05 Use -Specific Standards

#### (a) Residential Facilities

- (1) Where a person may operate a residential facility, as defined in the ORC, that is of a size that is required to be allowed where single-family dwellings are permitted, such use shall be deemed a permitted use in the R-1A, R-1B, R-1C, and R-2 Districts. Such facilities must comply with the lot and building standards (See Section [1113.06: Lot and Principal Building Standards.](#)) and any other standards in this code that apply to all single-family dwellings within the applicable district.
- (2) Where a person may operate a residential facility, as defined in the ORC, that is of a size that is required to be allowed where multi-family dwellings are permitted, such use shall be a conditional use in any the R-2 and R-3 Districts. Such facilities must comply with the lot and building standards (See Section [1113.06: Lot and Principal Building Standards.](#)) and any other standards in this code that apply to all multi-family dwellings within the applicable district.

#### (b) Skilled Nursing or Personal Care Facilities

- (1) The principal building shall be set back a minimum of 50 feet from any adjacent residential zoning district or lot that contains a single-family dwelling.
- (2) The maximum density of these facilities varies based on the specific type of facility as established below:
  - A. If the proposed facility includes an independent living component (no skilled or personal care services provided), the independent living component shall be limited to the uses and maximum density permitted by the applicable zoning district. In a nonresidential zoning district, that maximum density shall be six units per acre. In no case shall the independent living component comprise more than 50 percent of the dwelling units or rooms in the proposed development or the use shall be subject to the maximum lot size and densities established in the zoning district.
  - B. The maximum density of congregate housing or assisted living facilities shall be 12 units per acre in the residential districts and 20 units per acre in nonresidential districts, regardless if the unit is a complete dwelling unit with separate kitchen facilities.
  - C. All other types of skilled nursing or personal care facilities shall comply with the maximum height and setback requirements of the applicable zoning district and any conditions or requirements set forth as part of the conditional use approval.
- (3) The Planning Commission may set maximum density or intensity requirements as part of the conditional use approval based on the density or character of surrounding uses.

- (4) Skilled nursing or personal care facilities shall be located so as to provide access from a major or minor arterial.

**(c) Active Recreational Facilities and Commercial Recreational Facility (Outdoors)**

- (1) All structures, viewing areas or seating areas shall be set back at least 200 feet from any residential zoning district.
- (2) All outdoor lighting shall project downward and shall be of full cutoff design in order to minimize glare and reflection onto adjoining properties and public streets. See Section [1113.08: Exterior Lighting](#) for additional information on cutoff lighting.
- (3) The hours of operation may be regulated by the Planning Commission, if necessary, to mitigate adverse impacts on adjacent residential uses.
- (4) No motorized equipment is permitted.
- (5) No uses that involve the discharge of firearms is permitted.

**(d) Fraternal, Charitable, and Service Oriented Clubs**

Accessory uses necessary to the operation of such use, such as clubhouses, restaurants, bars, swimming pools and similar activities, shall be permitted if they comply with the applicable standards in Section [1111.01: Accessory Use Regulations](#). However, such uses, where the conduct of business is the principal activity, shall be prohibited.

**(e) Hospitals**

- (1) New hospitals shall be on a lot with primary vehicular access on an arterial street without going through a residential neighborhood to minimize the impact on less intense residential uses.
- (2) Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas are located in the side or rear yard in off-street parking areas.
- (3) The areas devoted to the outdoor storage of such vehicles shall be enclosed with a fence having a minimum height of six feet.

**(f) Nursery Schools and Day Care Centers**

- (1) The play area should be fenced in order to provide a safe and secure environment for the children.
- (2) Drop-off/pick-up should be located so as not to impede traffic safety.

**(g) Residential Community Centers**

- (1) One residential community center shall be allowed within an individual subdivision or for a multi-family dwelling development with more than 12 dwelling units.
- (2) Additional residential community centers may be approved as part of a development that is approved as a PRD District.
- (3) The residential community center shall only be for the use of residents of the development and their guests.

**(h) Administrative, Business, or Professional Offices**

Business and professional offices are permitted within the P-I District when the offices serve or are an integral part of a principally permitted public and institutional use. Such office space shall not occupy more than 25 percent of the total floor area of buildings on the same lot.

**(i) Adult Entertainment Businesses**

**(1) Purpose and Findings**

- A.** It is the purpose of this chapter to regulate adult entertainment businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult entertainment businesses within the City. The provisions of this chapter do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment of their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.
- B.** The City Council has received substantial evidence concerning the adverse secondary effects of adult uses on a community in findings incorporated in the cases of *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. (1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976) and *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (1991), and on studies in other communities including, but not limited to, Phoenix, Arizona; Tucson, Arizona; Garden Grove, California; Los Angeles, California; Whittier, California; Indianapolis, Indiana; Minneapolis, Minnesota; St. Paul, Minnesota; New York, New York; Cleveland, Ohio; Oklahoma City, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Houston, Texas; and Seattle, Washington. (Ord. 04-01. Passed 1-30-01.)

**(2) Classification**

Adult entertainment businesses shall include the following types of businesses:

- A.** Adult arcades;
- B.** Adult bookstores, adult novelty stores, or adult video stores;
- C.** Adult cabarets;
- D.** Adult motion picture theaters; and
- E.** Adult theaters.

**(3) Location of Adult Entertainment Businesses**

- A.** No adult entertainment business may be established in any zoning district other than an I-Industrial District, and in such district may not be established within 250 feet of:
  - i. A place of worship;
  - ii. An educational institution including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
  - iii. A boundary of a residential district as defined in this code and on the zoning map;
  - iv. A public active recreational facility or a public passive park, open space, or natural area that is under the control, operation, or management of the City park and recreation authorities;
  - v. The property line of a lot devoted to a residential use as defined in this code;

- vi. A commercial recreation, cultural facility, or theater which is oriented primarily towards children or family entertainment; or
  - vii. A licensed premise, licensed pursuant to the alcoholic beverage control regulations of the State of Ohio.
  - B.** No adult entertainment business may be established, operated or enlarged within 250 feet of another adult business entertainment.
  - C.** Not more than one adult entertainment business shall be established or operated in the same building, structure, or portion thereof.
  - D.** For the purpose of subsection (A) hereof, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where an adult entertainment business is conducted, to the nearest property line of the premises of a use listed in subsection (A). Presence of a City, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
  - E.** For purposes of subsection (B) hereof the distance between any two adult entertainment businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
  - F.** Any adult entertainment business lawfully operating on the date of adoption of this chapter, that is in violation of subsections (A) through (E) shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a nonconforming use.
- (j) Automobile, Motorcycle, Recreational Vehicle Sales and Leasing**
- (1)** The minimum lot area shall be two acres with a minimum lot width of 200 feet.
  - (2)** The sale of used vehicles, including the display, offering for sale and dealing of used vehicles shall only be permitted as an accessory use to an agency selling new vehicles and such sale at retail, display, offering for sale, and dealing of used vehicles shall be operated in conjunction with, on the same lot as, and under the same ownership and management of, the new vehicle agency.
  - (3)** Display of vehicles for sale shall be located on a paved surface and shall comply with the parking setbacks according to the regulations in Section [1117.03: General Requirements](#).
  - (4)** All work on vehicles, including, but not limited to, servicing and repair, shall be done only in an enclosed building.
- (k) Auto Service Stations and Fuel Stations**
- (1)** Fuel pumps shall be set back a minimum of 50 feet from all lot lines and 100 feet from all lot lines of lots in adjacent residential zoning districts.
  - (2)** Canopies shall be set back a minimum of 20 feet from all lot lines and 50 feet from all lot lines of lots in adjacent residential zoning districts.
  - (3)** All hydraulic hoists, oil pits, and all lubricants, greasing, vehicle washing and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicles shall be permitted.
  - (4)** Activities shall be limited to:
    - A.** The sale of automotive fuel;
    - B.** The servicing of motor vehicles with minor repair work;



- C. Hand washing of vehicles within an enclosed building;
  - D. The retail sale of vehicle parts and products relating to minor repair work, such as, but not limited to, oil, grease, tires, antifreeze, batteries, windshield wipers, etc.
- (5) Space for overnight parking, overnight accommodations, or the inclusion of showers within the building shall be prohibited.
  - (6) Any major repair work, including but not limited to, automobile body repair and painting, automobile glass work, automobile transmission work, automobile engine overhaul and repair, and radiator repair work shall be classified as “automotive repair and service (heavy)” and shall be subject to Section [1107.05\(l\)](#).
  - (7) Vehicles being serviced or awaiting same shall be stored for no longer than 14 days on the site if in unenclosed areas.
  - (8) All repair work must be performed in a fully enclosed building.
  - (9) There shall be no more than two driveway openings along any frontage.
  - (10) The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable Federal, State, and local requirements.
  - (11) Outdoor solid waste and recyclable storage areas shall be screened in accordance with Section [1115.07: Screening of Outside Storage Areas or Other Service Areas](#).
- (l) Automotive Repair (Heavy)**
- (1) A heavy automotive repair establishment shall be subject to the same requirements as an automotive service station as established in Section [1107.05\(k\)](#).
  - (2) The principal structure shall be set back a minimum of 150 feet from any residential zoning district. Parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 50 feet from any adjacent lot in a residential district.
  - (3) The storage of non-operational vehicles for longer 14 days shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six feet.
  - (4) The use may be subject to additional screening requirement in accordance with [Chapter 1115: Landscaping and Screening Standards](#).
  - (5) Vehicle service and repair shall be done in an enclosed building. A temporary zoning permit shall be obtained for outside repair of oversized vehicles that would take longer than five consecutive days. Temporary zoning permits can only be granted under the following conditions:
    - A. The vehicle exceeds the height and width of the service repair garage.
    - B. The temporary outside repair shall not involve the construction of permanent lift or repair apparatus.
    - C. Temporary outside repair shall only be allowed for a period not exceeding 30 days in a calendar year.
    - D. The outdoor repairs shall not be conducted in the required setback yards, loading spaces, parking spaces, aisles and/or drives.
  - (6) Vehicles awaiting repair shall be parked in designated parking spaces and shall not encroach on driving aisles, landscaped areas and drive approaches. No part of the street right-of-way shall be used for parking of vehicles awaiting service.
  - (7) Damaged or inoperable vehicles shall not be used for storage purposes.
- (m) Bed and Breakfast Establishments**
- (1) The minimum lot area shall be one-half of an acre.
  - (2) The building utilized for the bed and breakfast establishment shall have been originally designed as a single-family dwelling structure.

- (3) The facility must be operated and managed by the property owner or leaseholder, who must reside on the premises while the bed and breakfast establishment is in operation.
- (4) Only overnight guests shall be served meals unless otherwise authorized as part of the conditional use approval.
- (5) All activities related to the establishment shall take place within the principal dwelling and not within a garage or accessory building. Furthermore, all access to rooms shall be from within the principal building.
- (6) The facility shall be limited to no more than four guestrooms with a maximum guest capacity as determined by fire and building regulations.
- (7) There shall be no exterior evidence of the use except that the owner may provide one wall-mounted sign with a maximum sign area of one square foot in addition to any other signs allowed for single-family dwellings in [Chapter 1119: Signs](#).
- (8) No building additions or alterations may be undertaken for the sole purpose of expanding the bed and breakfast use unless approved as part of the conditional use review.
- (9) A minimum of one off-street parking space for each guestroom and two off-street parking spaces for the resident owner-manager shall be required. All parking areas for five or more vehicles shall meet the applicable standards of [Chapter 1117: Parking and Access Standards](#).

**(n) Funeral Homes**

- (1) Vehicular use areas shall be designed to allow for the queuing of vehicles if funeral processions are intended to originate or terminate at the establishment.
- (2) All funeral homes shall be located so as to provide access from an arterial street.
- (3) Cremation services shall be permitted only in the I-1 District.

**(o) Microbrewery, Microdistillery, or Microwinery**

- (1) A microbrewery, microdistillery, and microwinery shall be allowed in the B-2, B-4, and B-5 Districts when the majority of the floor area is dedicated to being used for restaurant service or for the serving of drinks made on site so that the use fits into the retail character of the districts. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.
- (2) A microbrewery, microdistillery, and microwinery in the I-1 District may include a taproom area to serve customers drinks made on site provided the floor area of the taproom does not exceed 25 percent of the total footprint of the use. Food service may be included within the 25 percent total footprint. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.

**(p) Personal Services, Retail Businesses, and Restaurants**

Personal services, retail businesses, and restaurants may be permitted in the I-1 or P-1 districts provided that the total square footage of space dedicated to all of these uses is limited to a maximum of 20 percent of the total floor area.

**(q) Short-Term Rentals**

- (1) One off-street parking space shall be required for each bedroom that is leased or rented to individual groups beyond the full-time owner or occupant of the residence. This shall be in addition to the number of off-street parking spaces required for the residential use in [Section 1117.04\(a\)](#).
- (2) If the entire dwelling is leased or rented to one group and no one permanently resides at the dwelling, no additional off-street parking is required beyond what is required for the residential use.

- (3) In all cases, any parking required to accommodate the short-term rental in accordance with this section shall be accommodated off-street, on the same lot as the short-term rental.

**(r) Vehicle Washing Establishments**

- (1) All structures shall be set back a minimum of 50 feet from any adjacent lot lines of lots in residential zoning districts. Any self-service washing establishment or portion of a building used for self-service washing shall be set back a minimum of 150 feet from any adjacent lot lines of lots in residential zoning districts.
- (2) In order to prevent excessive pooling of water in the street right-of-way, the facility must be equipped with a dryer or must demonstrate adequate drainage on-site to accommodate all water used for cleaning.
- (3) There shall be adequate provision for the disposal of waste water and the prevention of surface runoff.
- (4) Vacuuming and/or steam cleaning equipment may be located outside, but shall not be placed in the yard adjoining a residential zoning district. Such areas shall be set back a minimum of 150 feet from any adjacent lot lines of lots in residential zoning districts.

**(s) Metal Salvage and Junk Storage**

- (1) The storage of any metal salvage, scrap iron or junk, including inoperative or wrecked vehicles, containers, secondhand building materials, or other salvageable materials, shall be within a solid wall or fence, including solid gates, having a minimum height of 10 feet. Materials shall not be piled or stored higher than one foot below the top of the fence or wall.
- (2) All fences or walls required in this section shall be constructed of uniform materials painted or otherwise preserved and approved by the Planning Commission. Additional fences, walls or evergreen hedges may be required by the Planning Commission, if necessary, to adequately screen the materials from adjoining residential zoning districts or public streets.
- (3) Any buildings or structures associated with the use shall be set back a minimum of 200 feet from the property line of any residential lot or zoning district.
- (4) Exterior junk piles shall be arranged in a manner (with drives for accessibility) for the purposes of fire protection and access.
- (5) No burning of junk or other materials shall be permitted.

**(t) Self-Storage Facilities – Indoor and Outdoor**

- (1) The leases for all self-storage units shall include clauses related to the following:
  - A. The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials is prohibited;
  - B. That the tenant shall be required to provide access to the Fire Department up to three times per calendar year for inspections related to the fire code; and
  - C. The property may not be used for any uses other than dead storage.
- (2) There shall be no retail sales on the property with the exception that the owner or their designee may hold an auction on the site up to four times a year for the purpose of selling goods stored in units.
- (3) The Sheffield Lake Fire Department shall be provided with 24-hour access to the grounds and buildings. A lockbox shall be provided for its use.
- (4) The maximum size of individual storage compartments shall be 500 square feet.
- (5) The outdoor storage of inventory, materials, vehicles or merchandise is prohibited, unless specifically approved by the Planning Commission as part of a conditional use approval for a self-storage facility (outdoor).
- (6) Sale, repair, fabrication or servicing of goods, motor vehicles, appliances, equipment, or materials or similar activities shall be prohibited in or from self-service storage facilities.

- (7) Self-storage facilities may not be used for residential purposes.
- (8) Except for sinks and restroom facilities provided solely for the use of the managers or security personnel of self-storage facilities containing more than ten individual storage units, neither sinks nor restroom facilities shall be permitted within self-storage facilities.
- (9) No storage unit door opening in a self-storage facility (outdoor) shall face a residential district.

**(u) Truck Terminals**

- (1) Truck routes shall be established and approved by the Planning Commission.
- (2) All buildings shall be set back a minimum of 100 feet from a residential zoning district.
- (3) There shall be no outside storage of materials, goods, and products, etc.

## Chapter 1109: Planned Residential Developments (PRD)

### 1109.01 Purpose

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- (a) The purpose of the Planned Residential Development (PRD) District is to provide a means for encouraging ingenuity, imagination, and flexibility in the planning and designing of land areas and permitting uses and intensities of residential development while mitigating potential adverse impacts on surrounding areas. The PRD regulations provide a controlled flexibility by utilizing objectives and performance standards rather than rigid design requirements, the intent being to encourage developments which possess greater amenities than that resulting under standard zoning district requirements.
- (b) It is not the intent of the PRD to allow applications to circumvent the intent of this code to permit residential density and housing types, or street and utility layouts that conflict with adopted City plans and policies, or the character of the area.
- (c) It is furthermore the purpose of the PRD regulations to:
  - (1) Encourage creative and high-quality developments that are compatible with surrounding land uses, achieve a high degree of pedestrian-vehicular separation, and contribute to the overall quality of Sheffield Lake;
  - (2) Protect natural features such as topography, trees, and drainage ways in the existing state as much as possible;
  - (3) Provide for appropriate, adequate and usable open space where there is a residential component to the proposed PRD;
  - (4) Ensure that there are adequate services and infrastructure to serve the proposed development and not decrease the services or infrastructure for existing uses; and
  - (5) Promote a harmonious design among the various elements and uses within the development while mitigating any potential negative impact on surrounding properties.

### 1109.02 Scope

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The regulations within this chapter shall only apply to those areas specifically designated as a PRD on the official zoning map following the review of the PRD by Planning Commission and the adoption by City Council of a specific PRD ordinance.

### 1109.03 PRDs Approved Prior to the Effective Date of this Code

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Any PRD approved prior to the effective date of this code amendment shall continue in accordance with the approved plans. Modifications, amendments, and expansion of existing PRDs shall be in accordance with Section [1109.06\(f\)](#).

### 1109.04 Minimum Project Size

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The minimum area required for the creation of a new PRD District shall be a gross land area of five acres.

### 1109.05 Location of PRD Districts

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The PRD district may be requested for any residentially zoned area where the applicant can demonstrate that his or her proposal will meet the purpose and objectives of the district and this chapter.

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## 1109.06 PRD Review Procedure

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- (a) In order to submit an application for PRD review, the lot(s) included within the proposed PUD shall be under a single ownership or control, or shall be subject to a joint application by the owners of all property included within the proposal.
- (b) **Basic Review Procedure Information and Options**
- (1) All applications for a PRD shall include a separate application for a PRD concept plan followed by an application for a zoning map amendment that shall take place simultaneously with the submission and review of a PRD development plan. The Planning Commission and City Council shall review the concept plan administratively while the development plan approval will require a legislative action by City Council after a recommendation from the Planning Commission.
- (2) All applications for PRD review shall be required to submit both a PRD concept plan and PRD development plan.
- (c) **PRD Review Procedure**
- (1) **Step 1 – Pre-Application Meeting (Optional)**  
An applicant may request to have a pre-application meeting with staff or the Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1105.01\(f\)](#).
- (2) **Step 2 – Application**  
The applicant shall submit an application in accordance with Section [1105.01: Common Review Requirements](#), and with the provisions of this section.
- (3) **Step 3 – PRD Concept Plan Review**
- A. The applicant shall submit an application for a PRD concept plan in accordance with Section [1105.01: Common Review Requirements](#), and with the provisions of this section.
- B. Once the application has been determined to be complete and accepted, the Zoning Inspector shall distribute copies to any appropriate City staff including, but not limited to the Director of Public Service, City Engineer, Building Inspector, Fire Chief, and Police Chief, for review and comments.
- C. The Planning Commission shall review the PRD concept plan application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- D. Within 45 days of the completion of the public meeting, the Planning Commission shall make a recommendation on the application. In making its recommendation, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.
- E. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed approved by the Planning Commission.
- F. Following receipt of the recommendation from the Planning Commission, the application shall be placed on City Council's agenda for the next regularly scheduled meeting, or an established special meeting, where the City Council will hold a public hearing to review the PRD concept plan application.
- G. Notification of the public hearing shall be provided in accordance with Section [1105.01\(i\): Public Notification for Public Hearings](#).

- H. Within a reasonable time after the close of the public hearing at which the City Council reviews the application, City Council shall make a decision to approve, approve with some modification, or deny the recommendation of the Planning Commission.
- I. In reviewing the application, the Planning Commission and City Council shall at a minimum, consider the review criteria of this section.

**(4) Step 4 – PRD Zoning Map Amendment and Development Plan Approval**

- A. Within one year of approval of the PRD concept plan, the applicant shall apply for a PRD development plan review simultaneously with a zoning map amendment.
- B. All applications shall be submitted with the required fees as established in Section [1105.01: Common Review Requirements](#).
- C. The procedure for reviewing the PRD zoning map amendment and PRD development plan shall comply with the requirements of Section [1105.02: Code Text and Map Amendments](#).
- D. The Planning Commission shall review the PRD development and make a recommendation to City Council to approve, approve with modifications; or deny the application.
- E. The recommendation shall be made based on review of the application using the review criteria for a zoning map amendment and the review criteria for PRDs as established in this chapter.
- F. As part of the PRD development plan submittal, the applicant may propose a schedule for completion of different phases of the project.
- G. In making its recommendations or decisions, the Planning Commission and/or City Council may impose such conditions of approval as are in its judgment necessary to ensure conformity to the applicable criteria and standards. In so doing, the Planning Commission and/or City Council may permit the applicant to revise the plan and resubmit it as a PRD development plan within 60 days of such action. Such resubmission shall be made to the board that imposed such conditions.

**(5) Step 5 - Subdivision**

- A. After approval of the PRD zoning map amendment and development plan, the applicant may proceed with a major subdivision, in accordance with Section [1105.05: Major Subdivisions](#).
- B. As part of the PRD concept plan review, the applicant may request that the PRD development plan review occur simultaneously with the preliminary plat approval for a major subdivision.

**(d) Review Criteria**

**(1) PRD Concept Plan Review Criteria**

The PRD concept plan is reviewed only regarding its general conceptual merit, and in no way shall commit any future acceptance or rejection of detailed design elements required in the PRD development plan. The decision on the PRD concept plan shall take into consideration whether:

- A. The proposed development is in conformity with the goals, policies, and any applicable recommendations of adopted plans;
- B. The proposed development meets the intent and spirit of this code and all other applicable City ordinances;
- C. The proposal meets the intent and objectives of this PRD chapter;
- D. The proposed development provides a development pattern which preserves and utilizes the natural topography, geologic features, scenic vistas, natural vegetation and natural drainage patterns of the site;

- E. The proposal is conceptually sound in that it conforms to accepted design principles in the proposed functional roadway system, land use configuration, open space system, drainage system and scale of the developed elements;
- F. The proposed development is accessible from public thoroughfares adequate to accommodate the traffic which will be imposed on them by the proposed development, and the proposed streets and parking areas within the site are adequate to serve the proposed arrangement and densities of land uses;
- G. The proposed development provides a higher quality and more useful design of landscaping and open space and amenities than would normally be required under the strict application of existing zoning and subdivision requirements;
- H. The proposed development promotes greater efficiency in the use of land and does not impose an undue burden on public services and facilities such as fire and police protection, public works, schools, water supply and wastewater disposal due to excessive population densities;
- I. The proposed development is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated; and
- J. The proposed development can be substantially completed within the time specified in the schedule of development submitted by the developer.

**(2) Review Criteria for the PRD Development Plan Review Criteria**

In reviewing the PRD zoning map amendment and development plan, the Planning Commission and City Council shall take the following into consideration:

- A. The proposed development maximizes the opportunity for privacy within residential areas and minimizes nuisances between residential areas and other land uses based on setbacks, landscaping, and buffering;
- B. The proposed development contains such proposed covenants, easements, association by-laws and other such provisions as may reasonably be required for the public health, safety, and welfare;
- C. Where common open space is required, appropriate arrangements with the applicant have been made which will ensure the reservation of common open space as identified on the PRD development plan. Furthermore, the PRD development plan shall demonstrate how the open spaces shall be duly transferred to a legally established homeowner's association or has been dedicated to the City or another public or quasi-public agency for preservation and maintenance;
- D. Appropriate agreements with the applicant have been made to ensure the proper completion of public improvements in compliance with the subdivision requirements of this code.
- E. Each individual phase of the development can exist as an independent unit that can create an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained;
- F. That any exception from the design standards provided in the PRD concept plan is warranted by the design and amenities incorporated in the detailed PRD development plan; and
- G. The PRD development plan has been transmitted to all other agencies and departments charged with responsibility of review and any identified issues have been reasonably addressed by the applicant.



**(e) Time Limits for the PRD Final Plan**

- (1) Any PRD development plan shall be valid for a period of two years after the date of approval by the City Council. If no development has begun (development being defined as the start of construction of the required public/private improvements as shown on the approved PRD development plan for one or more phases of the project) in the PRD within two years from the date of approval, such approval of the PRD development plan shall lapse and be of no force and effect.
- (2) Two, one-year extensions of the time limit set forth herein, may be granted by the Planning Commission if such extension is not in conflict with the most current adopted City plans or policies, and that such extension is in the best interests of the entire community. The developer/owner shall apply for an extension and shall state the reason for the extension.
- (3) If an approved PRD development plan lapses as provided herein, the originally approved PRD development plan shall also be considered void. Notice of such lapse shall be filed by the Planning Commission and forwarded to the City Council.
- (4) Voiding of the PRD development plan shall not rezone the property. After such plans are voided, the Planning Commission, the City Council, or property owners may initiate a rezoning to a base zoning district in accordance with Section [1105.02: Code Text and Map Amendments](#). As an alternative, the property owner, or their agent, may resubmit a new PRD concept plan and development plan in accordance with the procedures of this chapter. In the case of a new PRD concept plan and development plan submission, the procedure shall be the same even though a zoning map amendment shall not be required.

**(f) Changes to Approved PRDs**

- (1) A PRD shall be constructed and completed in accordance with the approved PRD development plan including all supporting data and conditions. The PRD development plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assignees, and shall limit and control the use of premises (including the internal use of buildings and structures) and the location of structures in the PRD as set forth therein.
- (2) Where a property owner on a lot in a PRD seeks a variance from the applicable standards for an individual property that will not apply to any other property in the PRD, the property owner shall request such variance in accordance with Section [1105.08: Variances](#).
- (3) Any request to change or otherwise modify the approved PRD development plan as it applies to more than one property owner, shall be reviewed based on whether the change is considered major or minor, in accordance with this subsection.
- (4) **Major Change**
  - A. Major changes to a PRD require the prior approval of the Planning Commission and the City Council in the same process, and with the same hearings, as that used to review of the PRD development. The Zoning Inspector shall have the authority to determine if a proposed change is a major change. Major changes include, but are not limited to:
    - i. Expansion of the PRD project beyond the original tract coverage;
    - ii. Removal or subtraction of land from the original tract coverage;
    - iii. Any increases to the number or density of dwelling units, or the types of dwelling units; and
    - iv. Other similar major changes as determined by the Zoning Inspector.
  - B. If the proposed change is not approved, the originally approved PRD development plan shall remain valid until the expiration established in Section [1109.06\(e\)](#).

**(5) Minor Changes**

- A. Minor changes are those proposed by the developer/owner which do not disturb or affect the basic design and approved PRD development plan, and which are essentially technical in nature, as determined by the Zoning Inspector.
- B. Examples of minor changes include, but are not limited to, change in the intensity of lighting, changes in the size and location of water and sewer lines within approved easements and changes in the location and number of fire hydrants.
- C. The Zoning Inspector shall notify the Planning Commission of all such approved minor changes.

**1109.07 Permitted Uses and Densities**

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**(a) Principal Uses**

- (1) Only those uses listed as residential uses in [Table 1107-3](#), whether permitted, permitted with standards, or conditionally permitted, may be considered in the application of a PRD.
- (2) The Planning Commission and City Council may also approve public and institutional uses listed in [Table 1107-3](#) as permitted uses provided such uses do not occupy the majority of land area in the proposed PRD.
- (3) In general, any standards that apply to a specific use in a zoning district shall also apply to those same uses in a PRD. However, the Planning Commission and the City Council may adjust or waive any of those use-specific standards.
- (4) Any changes in uses within an approved PRD shall be required to be reviewed as part of a major PRD amendment.

**(b) Accessory Uses**

Unless modified by the Zoning Commission or Trustees during the PRD Preliminary Plan or PRD Final Plan approval, accessory uses in a PRD District shall be subject to the following standards:

- (1) Accessory uses and structures related to single-family residential uses in a PRD District shall be subject to the standards applied to accessory uses in the R-1A District.
- (2) Accessory uses and structures related to multi-family residential uses in a PRD District shall be subject to the standards applied to accessory uses in the R-3 District.

**(c) Residential Densities**

- (1) For PRDs of less than 10 acres, the total gross density shall not exceed the density permitted in the zoning district that applies prior to the PRD application.
- (2) For PRDs of 10 acres or more, the total gross density shall not exceed the density permitted in the zoning district that applies prior to the PRD application with the ability to increase the gross density, as follows:
  - A. For the first one-half acre of common open space above the minimum required, a maximum of five percent density increase is permitted.
  - B. If an additional one-half acre of common open space is provided, an additional two percent density increase is permitted.
- (3) For all PRDs, up to an additional five percent maximum density increase can be provided based upon excellence in architectural and landscape design. This increase must be approved by the Planning Commission and City Council as part of the PRD concept plan review.

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## 1109.08 Open Space Requirements

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### (a) Amount of Open Space Required

- (1) A minimum of 20 percent of the gross land area of a PRD shall be preserved as open space; or
- (2) The open space proposed for the PRD shall be equivalent to the total reduction in lot sizes where clustering is used to modify yard, bulk, and space requirements.

### (b) Determination of Open Space

The following areas shall not be counted toward compliance with open space requirements:

- (1) Private and public roads, and associated rights-of-way;
- (2) Public or private parking spaces, access ways, and driveways related to any residential use;
- (3) Required minimum spacing between buildings and required yard setbacks;
- (4) Vehicular use areas;
- (5) Land that is subject to pre-existing conservation easements or other similar protected open spaces;
- (6) Above-ground buildings, pipes, apparatus, and other equipment for community or individual use, septic or sewage disposal systems;
- (7) Substations, public utility easements;
- (8) Leftover land that has no value for development and is not a natural resource (e.g., river or stream corridor, large forest stand, wetland) that contributes to the quality of the overall project, as determined by the Planning Commission and City Council as part of the review procedure.

### (c) Open Space Design

All common open space shall be designed in accordance with the following:

- (1) The location, shape, size and character of common open space shall be suitable for the proposed residential uses in relation to the location, number and types of dwelling units it is intended to serve. In any case, it shall be highly accessible to all residents or users of the PRD.
- (2) The common open space shall be used for amenity and/or recreational purposes. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the PRD in relation to its size, density, expected population, topography and the type of dwellings.
- (3) The common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space shall be appropriate to the uses which are authorized for the common open space and shall conserve and enhance the amenities of the common open space regarding its topography and unimproved condition.
- (4) Where appropriate, open space should be arranged in order to provide connections to existing or future open space areas, trails, or similar features on adjoining parcels.

### (d) Protection and Maintenance of Open Space

Adequate provision shall be made for the long-term maintenance and/or operation of all common open space in accordance with this section.

**(1) Reclamation of Disturbed Open Space**

Any required land areas designated for use as open space that are disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with non-invasive vegetation that appeared in those respective areas prior to construction or with other native vegetation. The planting of invasive plant species is prohibited.

**(2) Future Subdivision and Development of Open Space**

All required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the City of Sheffield Lake and duly recorded in the office of the Lorain County Recorder. Subject to permanent restrictions as set forth above, required open space in an open space residential subdivision shall be owned by a homeowners' association (See Section [1109.09: Homeowners' Association](#)), The City of Sheffield Lake (with its consent and acceptance), a land trust or other conservation organization recognized by the City of Sheffield Lake, or by a similar entity. Required open space may be held by the individual members of a homeowners' association as tenants-in-common or may be held in common ownership by a homeowners' association, community association, or other similar legal entity.

**(3) Conservation Easements**

With the permission of the City of Sheffield Lake, the owner(s) of required open space may, in accordance with the applicable provisions of the ORC, grant or transfer a conservation easement to any entity described in the ORC, provided that the entity and the provisions of the conservation easements are acceptable to City of Sheffield Lake. When a deed restriction is proposed as the method of restricting further subdivision of land designated as open space, City of Sheffield Lake shall be named as a party to such deed restrictions with approval authority over any changes thereto. The conveyance must contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under the ORC, in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

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**1109.09 Homeowners' Association**

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- (a)** The establishment of a homeowners' association and its by-laws, and other similar deed restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open spaces all of which shall be required for all PRDs.
- (b)** The homeowners' association by-laws and restrictions shall be reviewed as part of the PRD review procedure and shall be full established before any homes are sold.
- (c)** Membership shall be mandatory for each homebuyer and any successive buyer or owner.
- (d)** The association must be responsible for liability insurance, local real estate taxes, and the maintenance of recreational and other facilities.
- (e)** Homeowners must pay a pro rata share of the cost; the assessment levied by the association can become a lien on the property of any party who is delinquent in paying the assessment.
- (f)** The Association shall be able to adjust the assessment to meet changed needs.
- (g)** All homeowners' associations shall guarantee maintenance of all open space and common areas within the boundaries of the development. In the event of a failure to maintain such open space or common areas, the City may do any of the following:

- (1) If the open space or common area is owned by the City, City approved land trust or other qualified organization, county, state or park district, the City may remedy the failure to maintain at its own cost and seek reimbursement from the homeowner's association, or seek to enforce the homeowner's association's duty to maintain through an injunction or any other civil remedy.
- (2) If the open space or common area exists pursuant to a conservation easement in which the City is a party to such easement, the City may seek to enforce the terms of the conservation easement as provided in [Chapter 1129: Enforcement and Penalties](#).
- (3) If the open space or common area is owned jointly or in common by the owners of the building lots, or by any other owner of the property to be maintained, the City may seek to enforce the association's non-performance of its obligations and duties through an injunction or any other civil remedy.

### **1109.10 Development Standards**

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- (a) Unless otherwise stated in this chapter, or waived by the Planning Commission or City Council as part of their approvals, the proposed development shall be subject to the regulations and standards of this code including, but not limited to, outdoor lighting, off-street parking and mobility, signs, etc.
- (b) The location of all structures shall be as shown on the PRD development plan. Minimum lot size, front, rear and side yard lines and lot width are not regulated specifically by this section, although the Planning Commission and City Council may be guided by standards set elsewhere in this code for comparable conditions and by common good practice. The relationship of buildings to each other, to the local street system and to open space land shall be consistent with the intent of this chapter.
- (c) **Perimeter Requirements**  
If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the PRD as determined solely by Council with the advice of the Planning Commission, the Planning Commission shall impose either or both of the following requirements:
  - (1) Structures and parking areas located on the perimeter of the PRD shall be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses. A minimum shall be the required distances in the original zone.
  - (2) Structures located on the perimeter of the PRD shall be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses. The screening requirements are: the PRD shall be effectively screened from adjacent existing uses so as to protect their privacy and amenity. The screening shall be a fence of acceptable design in accord with the City fence ordinance as may be deemed necessary or desirable by the Planning Commission.
- (d) **Vehicular Access Points**
  - (1) The number of ingress and egress points shall be limited to reduce the number of potential accident locations with streets.
  - (2) Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided.
  - (3) Topography, landscaping and existing vegetative clusters shall be utilized as necessary to make the project attractive and provide buffers between areas of substantially different character.
  - (4) The street and thoroughfare network shall be designed to provide enhanced connectivity in between neighborhoods as well as providing connections between neighborhoods and business activity centers.

**(e) Improvement Standards**

- (1) Unless alternative standards are approved as part of the PRD approval process, all PRDs shall comply with the applicable subdivision improvement and design standards including, but not limited to, sidewalks, street design, drainage, and utilities.
- (2) All streets proposed within a PRD shall be public streets.
- (3) In addition to any sidewalk requirements required by the applicable subdivision standards, any PRD that contains residential uses shall provide for adequate pedestrian walkways connecting residences to existing and proposed recreational facilities, schools, neighborhood shopping, other residential areas, and adjoining sidewalks.

## Chapter 1111: Accessory and Temporary Use Regulations

### 1111.01 Accessory Use Regulations

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#### (a) Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses permitted in accordance with this code.

#### (b) General Provisions

- (1) Accessory structures and uses shall be incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located.
- (2) An accessory structure and/or use shall be located on the same lot as the principal use for which it serves. The City may allow for the placement of accessory structures or uses in open space areas or protected common space as part of a PRD when there is sufficient language on the approved plans and in covenants that define the allowable structure or use and establishes responsibility for maintenance.
- (3) An owner shall be required to apply for and receive a zoning permit unless specifically exempted by this code.
- (4) An accessory use or structure shall not be established unless a principal use has first been established on a lot in conformance with the applicable provisions of this code.
- (5) Small accessory structures such as benches and garden decorations, etc. shall be exempt from the provisions of this section provided they do not have a footprint that exceeds 24 square feet. Small accessory structures such as doghouses and barbeque equipment shall also be allowed without a permit but must be placed in the side or rear yard.
- (6) Gardens and the raising of crops for the personal use of the residents, tenants, or property owners, may be grown in the side or rear yard, without a permit. See Section [1111.01\(d\)](#) related to the raising of livestock animals.
- (7) An accessory structure that is attached to the principal building shall be considered an integral part of the principal building and shall comply with the lot standards and all other development standards of the applicable zoning district. Any accessory structure shall be considered as an integral part of the principal building if it is connected to the principal building either by common walls or by a breezeway or roof.
- (8) The accessory use regulations of this chapter shall not apply to any public park lands owned by the City, Lorain County, or the State of Ohio.

#### (c) Size Requirements and Location

##### (1) Setbacks

- A. Accessory buildings, such as garages and carports, that are attached or an integral part of the principal use shall be regulated as part of the principal use and comply with all applicable setbacks.
- B. Unless otherwise specified in this section, detached accessory structures and buildings shall be set back a minimum three feet from all lot lines. This setback shall not apply to fences, walls, or hedges that are regulated by Section [1113.04: Fences, Walls, and Hedges](#).
- C. No detached accessory building shall be located less than 12 feet from the principal building.
- D. Detached accessory buildings shall be set back a minimum of 60 feet from any lot line adjacent to a street, regardless of what yard they are permitted within.

**(2) Number and Size Requirements**

- A. In residential zoning district, the total floor area of all accessory buildings shall not exceed 30 percent of the rear yard of the applicable lot.
- B. The maximum size of any accessory storage building (e.g., sheds) shall be 192 square feet. Other accessory buildings may be larger but shall not exceed the total floor area established above and in no case shall it exceed the floor area of the footprint of the principal building.
- C. A maximum of two detached garages and/or storage buildings, or combination, is permitted on any lot.
- D. Unenclosed gazebos, pergolas, playsets, trampolines, and similar items shall not be considered an accessory building unless it is fully enclosed by walls and a roof.

**(3) Maximum Height**

Unless otherwise specified in this section, the maximum height of accessory structures or buildings shall be 12 feet. Detached accessory garages may exceed 12 feet but shall in no case exceed the height of the principal building. The height shall be measured as defined in Section [1113.06\(d\)](#).

**(d) Permitted Accessory Uses**

[Table 1111-1](#) lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in [Table 1111-1](#).

**(1) Permitted Use (P)**

- A. A “P” in a cell indicates that an accessory use or structure is permitted by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this code.
- B. Permitted uses or structures are approved administratively by the Zoning Inspector through the zoning permit procedure, where required. Accessory structures or uses that are accessory to principal uses subject to site plan review shall be reviewed as part of the site plan review process unless the principal use has already been established, in which case, the accessory structure or use shall require only a zoning permit approval.

**(2) Permitted Use with Use-Specific Standards (PS)**

- A. A “PS” in a cell indicates that the accessory use or structure category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the last column of [Table 1111-1](#). Permitted uses with standards are subject to all other applicable regulations of this code.
- B. Uses or structures permitted with standards under this category are approved administratively by the Zoning Inspector through the zoning permit procedure, where required. Accessory structures or uses that are accessory to principal uses subject to site plan review shall be reviewed as part of the site plan review process unless the principal use has already been established, in which case, the accessory structure or use shall require only a zoning permit approval.

**(3) Conditional Use (C)**

- A. A “C” in a cell indicates that an accessory use or structure may be permitted if approved through the conditional use review (See Section [1105.03: Conditional Uses](#)). Conditional uses may be subject to use-specific standards as identified in the last code.



**B.** The existence of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any use that is permitted as a conditional use shall be subject to the general review standards for conditional uses in Section [1105.03\(d\)](#).

**(4) Prohibited Uses**

A blank cell indicates that an accessory use or structure is prohibited in the respective zoning district.

**(5) Zoning Permit Required**

The “Zoning permit Required” column identifies if a zoning permit is required for the applicable accessory use or structure.

**(6) Yards Permitted**

The “Yards Permitted” column identifies in which yards the applicable accessory use or structure is permitted. See also Section [1113.06\(c\)](#), for more information about specific yard locations for interior, corner, through, flag or panhandle, cul-de-sac, or curved street lots, etc.

**(7) Numerical References (Last Column)**

The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use and structure type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

**(8) Unlisted Uses**

If an application is submitted for a use that the Zoning Inspector determines is not defined or established in [Table 1111-1](#), the applicant may choose to take one of the actions identified in Section [1107.04\(c\)](#).

**(9) Accessory Uses in PRD Districts**

Accessory uses for development within a PRD shall be regulated based on the principal use. Accessory uses for residential principal uses shall be as regulated for residential zoning districts in [Table 1111-1](#). Accessory uses for nonresidential principal uses shall be as regulated for nonresidential zoning districts in [Table 1111-1](#).

TABLE 1111-1: PERMITTED ACCESSORY USE TABLE					
P = Permitted Use		PS = Permitted with Additional Use-Specific Standards			
C = Conditional Use		Blank Cell = Prohibited Use			
Permitted Uses	R-1A, R-1B, R-1C, R-2 & R-3	B-1, B-2, B-4, B-5, I-1, & P-1	Zoning Permit Required	Yards Permitted F = Front S = Side R = Rear	Use-Specific Standards See Section:
Accessibility Ramps	PS	PS	Yes	F, S, or R	<a href="#">1111.01(e)(1)</a>
Amateur Radio Antennas	PS		Yes	S or R	<a href="#">1111.01(e)(2)</a>
Automated Teller Machines (ATM)		PS or C	Yes	S or R	<a href="#">1111.01(e)(3)</a>
Basketball Hoops	PS	PS	No	F, S, or R	<a href="#">1111.01(e)(4)</a>
Bike and Skateboard Ramps	PS	PS	Yes	R	<a href="#">1111.01(e)(5)</a>
Community Gardens	PS	PS	Yes	F, S, or R	<a href="#">1111.01(e)(6)</a>
Detached Accessory Buildings	PS	PS	Yes	S or R	<a href="#">1111.01(e)(7)</a>
Drive-Through Facilities		PS	Yes	S or R	<a href="#">1111.01(e)(8)</a>
Fleet Vehicle Storage		PS	Yes	S or R	<a href="#">1111.01(e)(9)</a>
Home Occupations	PS		Yes	Inside principal building	<a href="#">1111.01(e)(10)</a>
Nursery Schools or Day Care Centers	PS	PS	Yes	Inside principal building	<a href="#">1111.01(e)(11)</a>
Outdoor Dining		PS	Yes	F, S, or R	<a href="#">1111.01(e)(12)</a>
Outdoor Display or Sales		PS	Yes	See <a href="#">1111.01(e)(13)</a> .	
Outdoor Storage and Bulk Sales		PS	Yes	See <a href="#">1111.01(e)(14)</a> .	
Outdoor Vending Machines and Drop Boxes		PS	No	See <a href="#">1111.01(e)(15)</a> .	
Playsets, Treehouses and Trampolines	PS		See <a href="#">1111.01(e)(16)</a> .		
Porches, Decks, and Patios	PS	PS	See <a href="#">1111.01(e)(17)</a> .		
Raising of Livestock Animals	PS		No	S or R	<a href="#">1111.01(e)(18)</a>
Satellite Dishes	See <a href="#">1111.01(e)(19)</a> .				
Short-Term Rentals	PS		No	Inside principal building	<a href="#">1111.01(e)(20)</a>
Solar Panels	PS	PS	Yes	R	<a href="#">1111.01(e)(21)</a>
Swimming Pools	PS	PS	Yes	R	<a href="#">1111.01(e)(22)</a>
Type-A Day Care Homes	C		Yes	Inside principal building	<a href="#">1111.01(e)(23)</a>
Type-B Day Care Homes	P		Yes		

**(e) Use-Specific Standards**

**(1) Accessibility Ramps**

Ramps that provide access to buildings for the disabled are permitted in all zoning districts and may encroach in all setbacks but shall not encroach on a public sidewalk, right-of-way, or street.

**(2) Amateur Radio Antennas**

- A. Towers used to support amateur radio antenna shall not exceed 70 feet in height.
- B. Such a tower shall be set back a minimum of one foot from each lot line for every one foot in height. All guy wires, if applicable, shall be set back a minimum of ten feet from all lot lines.
- C. Any tower and related structures shall be installed in accordance with the instructions furnished by the manufacturer of the tower model. An antenna mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.

**(3) Automated Teller Machines (ATM)**

- A. If the ATM is part of a drive-through facility, the ATM shall be subject to the vehicle stacking requirements of Section [1117.07: Stacking Space Requirements](#).
- B. ATMs that are located within the interior of the building shall be regulated and reviewed as part of the principal building.
- C. Stand-alone ATMs that are independent from any building shall be permitted only as a conditional use with approval required by the Police Department.

**(4) Basketball Hoops**

- A. Basketball courts shall be regulated in the same manner as a patio. See Section [1111.01\(e\)\(17\)](#).
- B. Movable basketball hoops shall not be located in rights-of-way or be so located as to require play in any right-of-way.

**(5) Bike and Skateboard Ramps**

Bike ramps and skateboard ramps shall be set back a minimum of 15 feet from all lot lines.

**(6) Community Gardens**

- A. Community gardens may be allowed as an accessory use when associated with a public or institutional principal use (e.g., place of worship or educational institution).
- B. Community gardens may be located in an open space area if the space is maintained by a homeowners' association.
- C. The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.
- D. The name and telephone number of the owner and any person designated as the person in-charge of garden coordination along with a copy of the operating rules shall be kept on file with the Zoning Inspector.
- E. The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
- F. There shall be no retail sales on site, except for produce grown on the site.
- G. Benches, bike racks, raised/accessible planting beds, picnic tables, seasonal farm stands, garden art, and rain barrel systems may be permitted if the community garden is located on a lot where the principal use of the lot is public, institutional, or commercial.

- H. Fences and walls shall be subject to the provisions of Section [1113.04: Fences, Walls, and Hedges](#).

**(7) Detached Accessory Buildings**

The provisions of this section shall apply to any accessory building not identified elsewhere in [Table 1111-1](#) that may include detached garages, detached storage/utility sheds, gazebos, pool houses, and other similar buildings as determined by the Zoning Inspector.

- A. Detached garages shall be served by a paved driveway.
- B. Detached accessory buildings shall include accessory structures that are enclosed, regardless of the materials used for enclosure including, but not limited to, screening, hoop houses and greenhouses.
- C. Detached carports are prohibited.

**(8) Drive-Through Facilities**

- A. Drive-through facilities shall be subject to the vehicle stacking requirements of Section [1117.07: Stacking Space Requirements](#).
- B. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall be set back a minimum of 100 feet from any residential dwelling unit and shall be subject to all applicable noise resolutions and ordinances.
- C. No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.
- D. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

**(9) Fleet Vehicle Storage**

The storage of fleet vehicles is permitted as an accessory use to any permitted use in the I-1 or P-I Districts.

**(10) Home Occupations**

- A. Home occupations shall be conducted entirely within the dwelling unit or an approved accessory building.
- B. No space on the premises and outside of a principal or accessory building shall be used for storage or for any home occupation use.
- C. Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- D. The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- E. Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and up to one additional employee who does not have to reside in the dwelling.
- F. No building or structure shall be used to operate a business, store equipment or supplies used for a business, or serve as a location where employees meet or park prior to going to work off-site but where such employees do not work anywhere on the property.

- G.** No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectible to the normal senses off the lot. In case of electrical interferences, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers, or which causes fluctuations in line voltage off the premises.
- H.** The maximum floor area the use may cover shall not exceed 20 percent of the total floor area of the dwelling unit.
- I.** Home occupations that provide a service to customers shall not have more than one customer (including those arriving and waiting for service) at any one time.
- J.** The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- K.** Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- L.** No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood, as determined by the Director of Public Safety.
- M.** The following are examples of permitted types of home occupations in the R-1A, R-1B, R-1C, and R-2 Districts:
  - i. Clerical and other similar business services;
  - ii. Instruction in music, dance or other type of teaching with a maximum number of two students at a time;
  - iii. The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
  - iv. Artists, sculptors, photographers, and other providers of home crafts;
  - v. Barber shop/beauty salon with a maximum of one chair;
  - vi. Workshops for a tailor, dressmaker, gunsmiths, repair services, and artisans;
  - vii. Caterers with no on-site catering;
  - viii. A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
  - ix. Any similar use as determined by the Zoning Inspector.
- N.** Only office, clerical, and business service uses are permitted home occupations in dwelling units within the R-3 District.
- O.** The following are examples of home occupations that are specifically prohibited:
  - i. Animal hospital;
  - ii. Barber shop or beauty salon;
  - iii. Business school;
  - iv. Clinic or medical center;
  - v. Mortuary;
  - vi. Private club;
  - vii. Equipment rental;
  - viii. Repair or service establishment including automobile;
  - ix. Restaurant;
  - x. Kennel;
  - xi. Landscaping business;
  - xii. Boarding house/tourist home; or

xiii. Any similar use as determined by the Zoning Inspector.

**(11) Nursery Schools or Day Care Centers**

Nursery schools or day care centers may only be permitted as accessory uses to permitted and conforming nonresidential uses including places of worship, educational institutions, and businesses. Such use shall be located within the principal building.

**(12) Outdoor Dining**

- A. Outdoor dining areas shall be located along a sidewalk (public or private) adjacent to the principal building or between the principal building and parking areas. Outdoor dining areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café/food service areas and the principal building.
- B. A minimum of four feet of clear walking space shall be maintained on the sidewalk for pedestrian traffic.
- C. Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
- D. Enclosing outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a principal building within the applicable zoning district and shall require the issuance of a new zoning permit.
- E. Any roof designed to cover patrons, including roofs over areas for waiting, smoking, etc., shall be structurally attached to the principal building and permanent in nature.

**(13) Outdoor Displays or Sales**

Facilities for outdoor display or sales (e.g., garden supply sales, news and flower stands, and similar uses) that are accessory to another principal use may be permitted upon compliance with the following:

- A. Outdoor display and sales areas shall require the issuance of a zoning permit after site plan approval. Such uses shall not be placed within the street right-of-way, within an interior drive, or in a location which will interfere with vehicle sight distance.
- B. Outdoor displays and sales shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays and sales shall be prohibited when the principal building is vacant.
- C. Any outdoor displays or sales not related to the principal use shall be regulated as a temporary outdoor sale in accordance with [Section 1111.02\(c\)\(4\)](#).
- D. Outdoor display and sales areas may be permitted provided that the merchandise is displayed along the sidewalk or walkway adjacent to the building.
- E. Outdoor display and sales areas may also be permitted in any side or rear yard.
- F. In all cases, any areas designated for outdoor display or sales shall be set back a minimum of 25 feet from any adjacent residential lot.
- G. The placement of the use shall not result in the reduction of the number of parking spaces required to serve the principal use(s) on the site.
- H. The placement of the merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
- I. The outdoor display and sales areas shall be maintained in good order and appearance.
- J. The area designated for outdoor display and sale of goods shall be limited to 400 square feet or 20 percent of the floor area of the principal building, whichever is greater, and shall be identified on the site plan.

- K. The outdoor display and sale of goods and products shall be limited to those goods and products that a customer can pick up and carry into the building for purchase. Larger items may be displayed for sale if in compliance with the outdoor storage requirements of Section [1111.01\(e\)\(14\)](#).

**(14) Outdoor Storage and Bulk Sales**

Outdoor storage and bulk sale activities that are accessory to another principal use may be permitted upon compliance with the following:

- A. The outdoor storage of goods shall be prohibited on vacant lots.
- B. The outdoor storage of materials shall include the storage of goods, materials, or products associated with the principal use.
- C. Outdoor storage and bulk sales areas shall require the issuance of a zoning permit after site plan approval.
- D. Areas devoted to outdoor storage shall be located in the side and rear yard only and shall comply with the building setbacks set forth in the applicable zoning district. Outdoor storage may also be located in the front yard when placed on a sidewalk area located within ten feet of the front façade of the principal building.
- E. No outdoor storage area shall be permitted to occupy or interfere with traffic circulation, required parking areas, sidewalks, or pedestrian access.
- F. The area of the lot devoted to outdoor storage of goods and merchandise shall not exceed 400 square feet or 20 percent of the ground floor area of the principal building, whichever is greater.
- G. Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust.
- H. The outdoor storage area may also be used for a sales area for the related principal use.
- I. In all cases, any areas designated for outdoor storage areas shall be set back a minimum of 50 feet from any adjacent residential lot.
- J. **Screening**
  - i. All aspects of outdoor operations including outdoor storage of goods and materials shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level at an abutting residential district line or a public street. However, in no case shall the height of the fence or wall be less than six feet.
  - ii. If the wall or fence needs to exceed eight feet in height to conceal the storage of materials, such wall or fence shall be constructed of materials similar to the principal building so that it appears to be an extension of the principal structure.
  - iii. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
  - iv. Outdoor storage of materials shall not include a junkyard or similar storage.

**(15) Outdoor Vending Machines and Drop Boxes**

- A. No such use or facility shall be placed within the street right-of-way, within an interior drive, or in a location which will interfere with required site visibility requirements (See Section [1113.05: Intersection Visibility](#).)
- B. The placement of the facility shall not result in the reduction of the number of parking spaces below the number of spaces required for the principal use by this code.
- C. The facility or equipment shall be maintained in good operating order and appearance.

- D. Vending machines shall only be placed along the façade of the principal building. See [Figure 1111-A](#).



Figure 1111-A: The above is an image of a vending machine that is appropriately located along the façade of the building.

- E. Drop boxes shall only be permitted in the side or rear yard.
- F. A maximum of one drop box and two vending machines are permitted on any single lot. One additional drop box and one vending machine shall be permitted on a lot for each two acres of lot area in excess of an initial two-acre lot. This limitation on the number of boxes or machines shall not apply to dumpsters outside of the building or vending machines located within the building.
- G. Signage shall be limited to a maximum of six square feet on each vending machine and drop box and shall not count toward the sign area allowed in [Chapter 1119: Signs](#).
- H. The City shall have the authority to place more than one drop box on a single lot when providing recycling services to the general public.

**(16) Playsets, Treehouses and Trampolines**

Playsets, treehouses, and trampolines shall be permitted in any rear yard, without a zoning permit provided that the use is less than 200 square feet. Any use that has a larger footprint or that is an enclosed structure shall be regulated as a detached accessory building in accordance with Section [1111.01\(d\)](#).

**(17) Porches, Decks, and Patios**

- A. Porches or decks that are enclosed with a roof and with walls or siding including, but not limited to, screening or other materials, and are attached to the principal building shall be considered an integral part of the principal building and shall meet the setback requirements for principal buildings in the applicable zoning district.
- B. Any enclosure shall be constructed of traditional, permanent materials (e.g., no tarps or fabric covers other than traditional screening material used for screened-in porches). The enclosure of a previously unenclosed porch or deck shall require the approval of a zoning permit.
- C. Patios, decks, and porches may have built-in grills, kitchen areas, or living areas but such activities shall only be permitted in the rear yard only provided such use complies with any applicable building code requirements. Living areas shall not include chairs or other seating.



**D. Decks**

- i. Decks shall require a zoning permit and shall be permitted in all yards subject to the standards of this section.
- ii. Decks shall comply with the front and side yard setbacks for principal buildings in the applicable zoning district.
- iii. Decks are permitted in any yard provided they are attached to the principal building and are designed so the walking surface is no higher than the floor height of the first floor of the building.
- iv. Decks in the rear yard and decks not attached to a building shall be set back a minimum of three feet from the rear lot line. Such decks shall not have a walking surface that exceeds two feet above grade and shall not exceed eight feet in height as measured from the ground at the base of the deck supports to the top of any railing or other elements of the deck.
- v. Any deck railing that is located more than eight feet above the ground shall not be solid and shall be constructed of railing to maintain a minimum of 50 percent opacity.
- vi. If a pergola, gazebo, or other roofed structure is attached to a deck but not attached to the principal building, then the pergola, gazebo, or roofed structure shall still be subject to the setbacks required for decks.
- vii. Decks may include stairways to the ground or other decks.

**E. Porches**

- i. Porches shall require a zoning permit and shall be permitted in all yards.
- ii. Porches shall be included in the calculation of maximum lot coverage in Section [1113.06\(f\)](#).
- iii. Porches shall comply with the side and rear yard setbacks for principal buildings in the applicable zoning district.
- iv. Porches with a width of less than 25 percent of the principal building façade width may encroach into the required front yard a maximum of six feet.

**F. Patios**

- i. Patios shall not require a zoning permit but shall be in compliance with all applicable standards.
- ii. Patios shall be included in the calculation of maximum lot coverage in Section [1113.06\(f\)](#).
- iii. Patios are only permitted in the rear yard.
- iv. Patios may encroach into any side or rear yard provided there shall be maintained a minimum setback of three feet from all lot lines to the edge of the patio.
- v. If a pergola, gazebo, or other roofed structure is attached to a patio but not attached to the principal building, then the pergola, gazebo, or roofed structure shall be regulated as a detached accessory building in accordance with Section [1111.01\(d\)](#).

**(18) Raising of Livestock Animals**

- A.** Poultry and fowl may be raised and cared for on residential lots in accordance with Section 505.121 of the Codified Ordinances.
- B.** The raising and caring for of any livestock animals beyond what is permitted in Section 505.121 shall only be permitted on lots with a minimum lot area of five acres in residential zoning districts.

**(19) Satellite Dishes**

- A. Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section on accessory uses and shall not require a zoning permit. To the maximum extent possible, the dish should be located in the side or rear yard.
- B. Dishes that exceed one meter in diameter shall only be permitted in a nonresidential zoning district if approved as a conditional use. Such dish shall only be permitted in a rear yard.

**(20) Short-Term Rentals**

- A. Short-term rentals are only permitted in the R-2 District.
- B. Short-term rentals shall comply with the standards of Section [1107.05\(g\)](#).

**(21) Solar Panels**

- A. Freestanding solar panels shall be limited to a maximum height of 10 feet. Such freestanding solar panels shall be located in the rear yard where they shall be set back a minimum of 25 feet and shall not cover more than 200 square feet in lot area.
- B. Roof-mounted solar panels on the front side of a roof facing a street shall be flush-mounted to the roof.
- C. Roof-mounted solar panels that do not face a street may be mounted flush or at an angle to the roof but shall not exceed 36 inches in height from the roof plane as measured from the roof plane to the furthest point of the solar panel.
- D. Roof-mounted solar panels shall require a zoning permit or may be reviewed as part of the zoning permit for the principal building.

**(22) Swimming Pools**

- A. Any constructed or manufactured pool, both permanent and temporary, not located within an enclosed building and which is used or intended to be used as a swimming pool in connection with residential dwellings and is available only to the residents and their private guests shall be classified as a private swimming pool and shall be regulated by this subsection.
- B. These regulations shall also apply to community pools that are restricted to use by residents of a subdivision or residential development and their guests as well as outdoor pools that serve guests of a hotel or similar nonresidential use.
- C. For the purposes of this subsection, swimming pool shall include pools, spas and hot tubs and shall be defined as any in-ground, on-ground, or above-ground pool intended for swimming, wading or recreational bathing capable of containing in excess of three feet of water at its deepest point as determined by manufacturer's specifications.
- D. A swimming pool shall not exceed 54 inches in height, above ground.
- E. Swimming pools shall be set back a minimum of six feet from all lot lines.
- F. Usual and customary pool equipment and accessories (such as a pool deck a diving board or a filtration house), not exceeding five feet in height, shall only be located in the rear yard and shall be set back a minimum of three feet from all lot lines.
- G. All swimming pool construction and operation shall be in accordance with standards and regulations established by the Board of Health having jurisdiction within the City, the Building Code and any other governmental regulations governing the construction and operation of such facilities.
- H. Any outdoor swimming pool, as defined in this subsection, shall be surrounded by a barrier which shall comply with the following:

- i. Every swimming pool shall be completely enclosed by a fence and/or structure of sturdy construction at least 48 inches in height, measured from the ground level at each point along the boundary of such enclosure. The enclosure may surround the pool area or the entire yard. The enclosure shall be of such design as to prevent young children from crawling or otherwise passing through, under or over such enclosure without the use of a ladder or other implement. Openings in the barrier shall not allow passage of a four-inch diameter sphere.
- ii. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- iii. Access gates into such enclosure shall be self-closing and have a self-latching device. The fence/barrier shall be equipped with at least one such access gate.
- iv. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access.
- v. The required barrier must be installed prior to filling the pool with water.
- vi. Automatic pool covers are permitted but the fencing/barrier requirements of this section shall still apply.
- vii. A spa or hot tub with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.
- I. A building permit shall be obtained from the Building Department before construction of a swimming pool is begun and shall contain plans and specifications for both the pool and the fence or other protective barrier which the owner proposes to erect around the pool as well as a plot plan showing the location of the pool and barrier with reference to lot lines and other buildings on the property.
- J. Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.
- K. Lighting shall be shaded so as not to be a disturbance to adjacent properties.
- L. Any sound of motor or pumps in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants shall be shielded to prevent such disturbances.
- M. Whoever violates or fails to comply with any of the provisions of this chapter shall be fined not more than 50 dollars for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

**(23) Type-A Day Care Homes**

- A. Type-A day care homes may only be located on lots with a minimum lot area of 20,000 square feet and if approved as a conditional use.
- B. There shall be a minimum of four off-street parking spaces on the same lot as the use including any parking within garages.
- C. The driveway and parking shall be designed in a manner that allows for safe maneuverability of vehicles.

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## 1111.02 Temporary Uses and Structures

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### (a) Purpose

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses and structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

### (b) General Standards Applicable to All Temporary Uses and Structures

- (1) All temporary uses and structures shall be reviewed in accordance with this section and all other applicable sections of this code.
- (2) All temporary uses and structures shall:
  - A. Require the issuance of a zoning permit, unless otherwise specifically stated;
  - B. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
  - C. Be compatible with the principal uses taking place on the site;
  - D. Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
  - E. Not include permanent alterations to the site;
  - F. Not maintain temporary signs associated with the use or structure after the activity ends;
  - G. Not violate the applicable conditions of approval that apply to a site or use on the site;
  - H. Not interfere with the normal operations of any permanent use located on the property; and
  - I. Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.
- (3) Temporary tents, seasonal covers, and temporary carports are prohibited with the exception that a temporary tent may be permitted as part of a special event. See Section [1111.02\(c\)\(4\)](#).

### (c) Permitted Temporary Uses and Use-Specific Standards

#### (1) Gravel Surface Parking Lot

- A. A gravel surface parking lot may be permitted while a site is under construction but shall only be permitted in areas for parking as established in the approved plans associated with the site plan approval or zoning permit, as applicable.
- B. The gravel parking area must be paved in accordance with Section [1117.03\(h\)](#) or the approved plans prior to the issuance of a certificate of occupancy. The applicant may also remove the temporary gravel surface parking lot as an alternative to paving but in such case, the area that was used as a gravel lot shall be returned to its previous state or as a landscaped area.
- C. A solid surface or gravel driveway shall be provided so vehicles may access the parking lot from a public street.

#### (2) Temporary Structures for Construction Purposes

Temporary structures for construction operations may be permitted in any district if such structures are deemed necessary, provided:

- A. The use of such structures shall be limited to offices, buildings for the storage of lumber, equipment, and other building material, temporary toilets, and construction dumpsters.

- B.** All temporary structures shall be set back a minimum of 25 feet from the nearest occupied residential dwelling.
- C.** No structure may be placed on the site any sooner than two weeks before the start of grading or construction.
- D.** The structure shall not be located within a floodplain, in the right-of-way, or in any other location that will obstruct drainage or traffic flow.
- E.** The structure shall not block or prevent access to any fire hydrant.
- F.** All temporary structures for construction operations shall be removed within 30 days after the completion of work on the premises or in the subdivision for which a certificate has been issued or if construction is not pursued diligently. In no instance, shall the zoning permit for the construction structure allow for its placement for longer than three years.
- G.** For real estate offices and/or model homes, the following shall apply:
  - i. The office or model home shall be identified on the improvement plans approved by City Council.
  - ii. One temporary real estate sales office or model home, per builder or developer, shall be permitted in a section or phase of a new residential or nonresidential development.
  - iii. The office or home shall be located on a lot approved as part of the subject development or subdivision.
  - iv. The office or homes shall be operated by a developer or builder active in the same phase or section where the use is located.
  - v. The office shall be removed, if not within a home, or the model home shall be converted into a permanent residential use once 80 percent occupancy in the section or phase of the development is reached. For the purposes of these standards, occupancy shall include both the physical occupancy of buildings by the resident or tenant or sale of a completed building to a private party beyond the builder or developer.

**(3) Portable Storage Units**

The placement and use of portable storage units shall comply with the following:

- A.** Only one portable storage unit shall be permitted on a single lot at any one time.
- B.** Portable storage units shall be permitted on any one lot for a total period of 30 days per calendar year.
- C.** Portable storage units shall be placed on a paved surface.
- D.** Portable storage units shall not be located in the floodplain, block a drainage path, and shall not block sidewalks, fire lanes, or bike paths.
- E.** No part or former part of a semi-trailer or trailer shall be utilized as a portable storage unit or permanent accessory structure in any zoning district. A trailer or semi-trailer with all wheels and tires and valid license may be utilized as a portable storage unit, but shall conform to all requirements for portable storage units.

**(4) Temporary Events**

A temporary event may be permitted in compliance with the following:

- A.** The following activities shall be exempt from these temporary use regulations but may still be subject to other sections of this code.
  - i. Any event sponsored in whole or in part by the City, Lorain County, State of Ohio, or United States government or the school district.

- ii. Any organized activities conducted at sites or facilities typically intended and used for such activities including, but not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities and religious services, wedding services, and funeral services conducted at places of worship.
- B.** Garage sales are permitted in accordance with Chapter 730 of the Codified Ordinances.
- C.** Temporary outdoor sales of agricultural products and food truck operations are subject to the provisions of this section.
- D. Temporary Event (Limited Impact)**
  - i. A temporary event with limited impact may be permitted with a special event permit, approved by the Mayor, for a maximum of two times per calendar year on any single lot. Such events shall be subject to the general standards for all temporary uses.
  - ii. The authorization of a temporary event with limited impact shall not exceed 45 consecutive days per occurrence.
  - iii. Any temporary event that involves the sale of alcoholic beverages, attendance of over 50 people at one time, overnight stays, or that exceeds 45 consecutive days in length shall only be permitted if approved as a temporary use with extensive impact.
- E. Temporary Event (Extensive Impact)**

Any temporary event that is not classified as a temporary event with limited impact or that is not specifically exempted or prohibited by this code, shall be classified as a temporary event with extensive impact and shall require a conditional use approval in accordance with Section [1105.03: Conditional Uses](#) and the following standards:

  - i. The temporary event shall not create an unreasonable risk of significant:
    - a. Damage to public or private property, beyond normal wear and tear;
    - b. Injury to persons;
    - c. Public or private disturbances or nuisances;
    - d. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
    - e. Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; and
    - f. Other adverse effects upon the public health, safety, or welfare.
  - ii. The temporary event shall not be of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.
  - iii. The temporary event shall not occur at a time and location that has already been permitted or reserved for another permitted temporary event.
  - iv. In approving the temporary event, the Planning Commission is authorized to impose such conditions as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area. Such conditions may include, but are not limited to, conditions that address the following:
    - a. Provision of adequate vehicular ingress and egress;
    - b. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;

- c. Regulation of temporary buildings, structures, and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards; and
- d. Modification or elimination of certain proposed activities.

## Chapter 1113: General Development Standards

### 1113.01 Prohibition on Pole Type Buildings

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- (a) No person shall construct a principal building that is a pole barn style building within the City except in an Industrial District.
- (b) Pole barn style buildings may be constructed for accessory buildings in all districts.

### 1113.02 HVAC Systems and Generators

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- (a) Permanent and semi-permanent residential HVAC condensing units and electrical stand-by generators shall be permitted in all residential zoning districts in the City upon the receipt of an approved permit from the Building Department and subject to the provisions of this section.
- (b) Such units shall not be considered "structures" or "accessory structures" as defined in his code, but shall be considered as appurtenances to the primary structure. Permanent and semi-permanent residential HVAC condensing units and electrical stand-by generators shall be located in the rear or side yard; provided however, if such units are located in the side yard, they shall be located no closer than ten feet from the property line.
- (c) All permanent and semi-permanent residential HVAC condensing units and electrical stand-by generators shall be seated upon a concrete pad or other manufacturer-approved base material.
- (d) Permanent and semi-permanent residential electrical stand-by generators shall be installed in conformance with the manufacturer's specifications and standards including, but not limited to clearance and shall meet all applicable electrical and natural gas construction codes including the Residential Code of Ohio, National Fuel Gas Code, NFPA and EPA regulations.
- (e) All permanent and semi-permanent residential electrical stand-by generators shall be enclosed with either an approved fence, or landscaping buffer which will obscure them from the public view and shall further be subject to all noise regulations as set forth in this code.

### 1113.03 Dumpsters and Refuse Containers

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#### (a) Placement Behind Rear Building Line

No property owner, occupant or other individual, person, corporation or other entity shall cause or allow any refuse receptacle that exceeds 100 gallons, including dumpsters, to be stored, used, maintained or otherwise placed in any area within the City other than an area behind the rear building line of the structure located on the lot or parcel of land on which such refuse receptacle is situated.

#### (b) Placement Exception and Enclosure Requirements

- (1) If the placement of the refuse receptacle behind the rear building line, as required by Section (a), above, is physically impossible, the property owner or occupant or other individual, person, corporation or other entity, shall have a right to erect and maintain a refuse receptacle in front of the rear building line of such structure, provided, however, such refuse receptacle is screened in accordance with Section [1115.07: Screening of Outside Storage Areas or Other Service Areas](#).
- (2) No property owner, occupant or other individual person, corporation or entity shall cause or allow any refuse receptacle of the size of 1.5 cubic yards or larger to be stored, used, or placed in any area of the City unless such refuse receptacle is screened in accordance with Section [1115.07: Screening of Outside Storage Areas or Other Service Areas](#).



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## 1113.04 Fences, Walls, and Hedges

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### (a) Zoning Permit Required

- (1) No person shall construct or erect a fence or wall without first obtaining an approved zoning permit.
- (2) A retaining wall that is specifically designed to retain land from slipping shall not require a zoning permit but shall be subject to building permit review.
- (3) Zoning permits are not required for repairs of existing fences or walls, or for invisible fences. However, such work or structures are still subject to the applicable standards of this section. A zoning permit is required for the replacement of any fence or wall.
- (4) Hedges, shrubbery, trees, bushes and plantings shall be excluded from classification as fences but shall be subject to the vision clearance requirements of this code.
- (5) All fences shall be maintained and kept in neat order including painting, staining, repairing, and general maintenance.

### (b) General Requirements

- (1) Unless a specific distinction is made in this section, any regulation that applies to fences shall apply to walls and vice versa.
- (2) All fences and walls, including invisible fences, and any related supporting structures or appurtenances, shall be contained within the lot lines of the applicable lot and shall not encroach into adjoining or abutting lots and/or rights-of-way. Property owners, with written permission from abutting property owners, may connect to fences or walls on adjoining properties.
- (3) A zoning permit shall be required for each property on which a fence or wall is being placed, including connection of existing fences or walls. Such applications shall also include written documentation of agreement between property owners.
- (4) Any fencing or walls proposed on a site that requires a site plan review shall be identified on the site plan review application. If the fence or wall is added or replaced after site plan review, such fencing or walls shall require a zoning permit.
- (5) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced. If a fence has two similarly finished sides, either side may face the adjacent property.
- (6) All diagonal or supporting members shall face the property on which the fence or wall is constructed.
- (7) All sides of a decorative wall shall have an equal finish.
- (8) All fences and walls shall be maintained in a neat and orderly manner.
- (9) Walls shall be prohibited within all utility easements. Fences that are placed in utility easements shall require the written permission from the applicable utility and without such permission, are subject to removal without notice by utility companies or the City when work is being done in the utility easements. Fences shall not be placed in any City easement unless the plat specifically permits the placement of such fence. Replacement of fences removed by the City or utility company shall be at the property owner's expense.
- (10) Fences and walls shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or storm water drainage in any zoning district. Fences or walls may be permitted to include outlets at the bottom of the fence or wall to eliminate the possibility of the accumulation of water and allow for natural drainage past the wall or fence.
- (11) Fences and walls for conditional uses shall be comply with the standards of this section unless otherwise approved by the City Council as part of the conditional use review procedure.

- (12) In residential zoning districts, a chain link fence or other substantially open fence not used as a sight barrier, privacy screen, windbreak or dog run, shall not exceed four feet in height in any yard.
- (13) At least one unlocked gate or fence opening, at least three feet wide, shall be provided into the area that is enclosed by a fence to permit emergency entrance from the street.
- (14) All fences except for “self-anchoring” chain link fences shall have posts which are at least 36 inches deep with a minimum of 30 inches of concrete.
- (15) All post holes shall be inspected by the Building Inspector prior to the pouring of concrete. There shall be additional inspection fee equal to the fence permit application fee for each additional inspection beyond two which the Building Inspector is required to complete. However, the final inspection required by Section 1361.15 shall not constitute an additional inspection for the purposes of this section.
- (16) All fences and walls erected within the City shall comply with the construction and maintenance requirements of Section 1352.05(a) as well as the Ohio Building Code pursuant to Section 1301.01.
- (17) The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this chapter. See also Section [1111.01\(e\)\(22\)](#).
- (18) Barbed wire fencing or other sharp-edged wire fencing shall be prohibited in the City with the exception of in the I-1 District for security purposes. Such fencing shall comply with the following:
- A. No more than three strands of barbed wire or other similar sharp-edged wire fencing may be placed on top of another permitted fence type that does not include sharp-edged fencing. The barbed wire or sharp-edged wire shall not extend below the top of the fencing more than 12 inches.
  - B. Any portion of the barbed wire or sharp-edged wire fencing must be mounted a minimum of 60 inches above the ground.
  - C. The barbed wire or sharp-edged wire fencing shall be placed on a 45-degree angle-arm away from the side of the fence.
  - D. Such fencing shall only be permitted in the side and rear yards.
  - E. Sharp-edged fences may be erected and maintained as provided in ORC Chapter 971.
- (19) No person shall erect or maintain any fence charged with electrical current.
- (20) It shall be the duty of each lot owner and contractor, or an agent thereof, to determine lot lines and to ascertain that the fence or wall does not deviate from the plans as approved by the Zoning Inspector issuing the zoning permit, and that the fence does not encroach on another lot or existing easement. The issuance of the zoning permit and any inspection by the City shall not be construed to mean that the City has determined the fence is not encroaching on another lot, nor shall it relieve the property owner of the duty imposed on him or her herein.
- (21) Nonconforming Fences and Walls**
- A. Where a nonconforming fence or wall is to be maintained or repaired, such nonconforming fence or wall may continue to exist. Repair or maintenance shall include any general maintenance of a fence or wall while still in place or a portion of a fence or wall may be removed temporarily for repair or maintenance work provided the same fence or wall is replaced in the same position.
  - B. If less than 50 percent of the length of a nonconforming fence or wall is to be removed and replaced with a new fence or wall, then only the length being replaced shall be required to comply with the requirements of this code.

- C. If more than 50 percent of the length of a nonconforming fence or wall is to be removed and replaced with a new fence or wall, then the entire fence or wall shall be brought into compliance with the requirements of this code. Such replacement shall require the issuance of a new zoning permit. The 50 percent threshold shall be calculated as the aggregate replacement of fence length after the effective date of this code.

**(c) Measurement**

- (1) The maximum fence or wall height shall be measured from the lowest point of the finished grade within three feet on either side of the fence to the top most portion of the fence. See [Figure 1113-A](#).

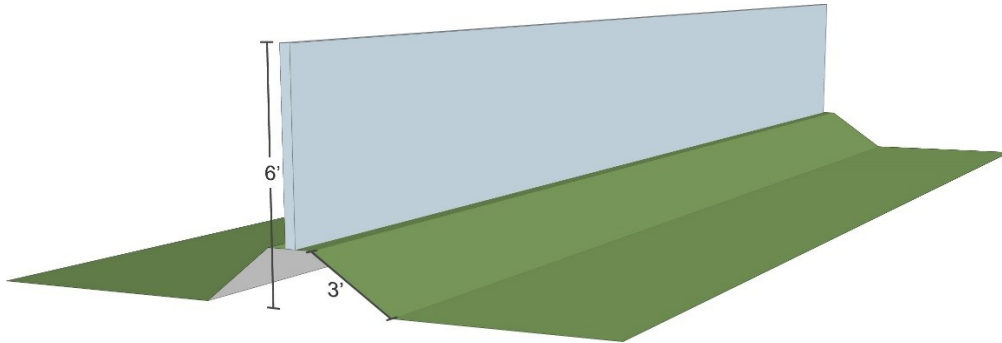


Figure 1113-A: Fencing shall be measured from the lowest point within three feet on either side of the fence.

- (2) Fencing or walls should follow the natural contour of the land on which it is located. See [Figure 1113-B](#).

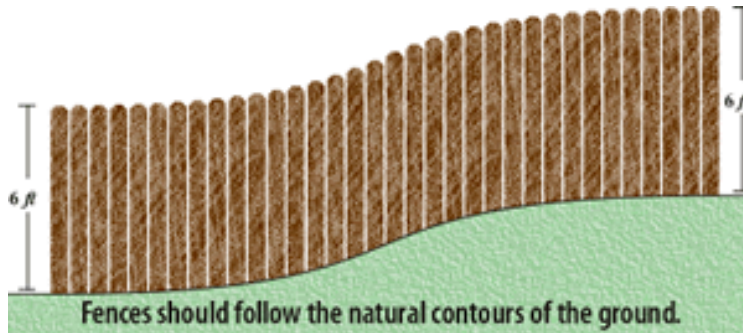


Figure 1113-B: This illustrates how fencing is measured along a natural contour.

- (3) A fence may be erected on top of a wall but the combined height of the fence and wall shall not exceed the heights specified within this section for a fence or wall.
- (4) If the wall is designed to be a retaining wall, a fence may be approved on top of the retaining wall for safety purposes and shall be measured from the top of the retaining wall to the top of the fence in accordance with this section.

**(d) Location and Height Standards**

**(1) Front Yards**

- A. No fence or wall shall be permitted in the front yard with the exception of decorative fences as allowed below. In the I-1 District, fencing is permitted in the front yard provided it does not exceed three feet in height, except that fences set back at least 60 feet may be eight feet in height.

- B. For through lots, fencing on the rear side of the house (i.e., the rear yard as established in Section [1113.06\(c\)](#).) shall be allowed in accordance with Section [1113.04\(d\)\(2\)](#) below.
- C. All fencing, walls, hedges, and similar structures or landscaping shall be subject to the sight clearance regulations of [1113.05: Intersection Visibility](#).
- D. **Decorative Fences**
  - i. Decorative fences are an exemption to the prohibition of fencing in the front yard. Decorative fences are those fences that enhance the aesthetic features of the property and although resembling a fence shall not enclose any area and shall not have any gate.
  - ii. Decorative fences shall be a minimum of 50 percent open spaces when viewing the fence from a 90-degree angle (e.g., picket or similar type of fencing).
  - iii. If installed in the front yard, the fence shall be a minimum of six inches from the edge of the sidewalk.
  - iv. Decorative fences shall not exceed 36 inches in height.
  - v. A zoning permit is required for such a decorative fence.

**(2) Side and Rear Yards**

Fences and walls located in the side or rear yards shall not exceed a height of six feet in all zoning districts except in the I-1 District when the maximum height shall be eight feet.

**1113.05 Intersection Visibility**

- (a) In order to provide a clear view to the motorist there shall be a triangular area of clear visibility that is free of any obstructions where there is an intersection of two or more streets and/or where a driveway intersects with a street.
- (b) Where a street intersects with another street, the triangular areas shall be defined by measuring 25 feet from the intersection of the extension of the front and side street curb lines (or the edge of pavement where there is no curb) and connecting the lines across the property. [Figure 1113-C](#).

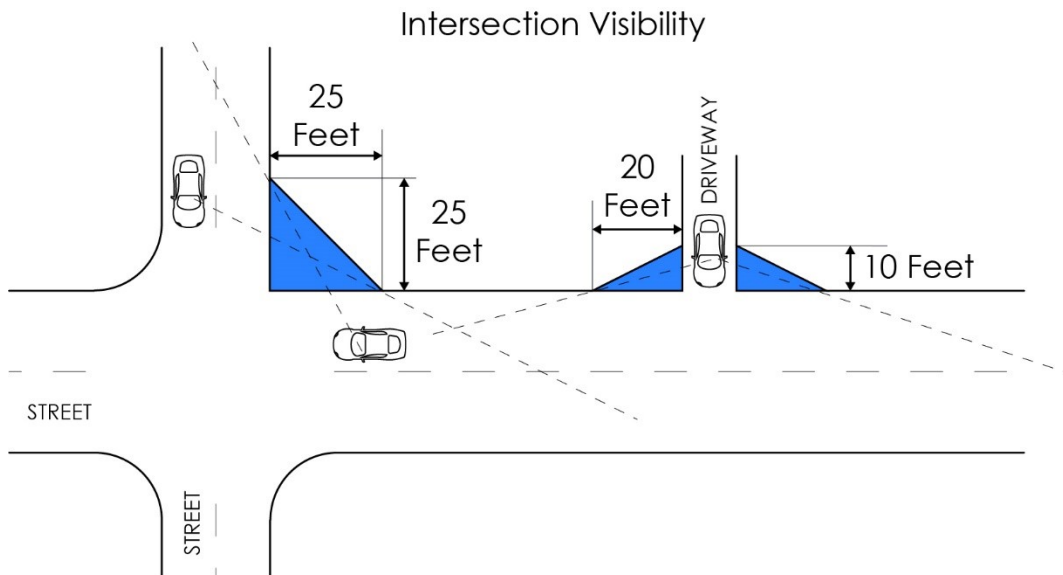


Figure 1113-C: Intersection visibility area for two intersecting streets.

- (c) Where a driveway intersects a street, the triangular areas shall be defined by measuring 20 feet from the edge of the driveway along the street and 10 feet along the driveway, perpendicular from the street. See [Figure 1113-C](#).

- (d) These standards shall not apply to driveways for single-family dwellings or multi-family dwellings with six or fewer dwelling units.
- (e) The Zoning Inspector may reduce the distance requirement where it is determined that a narrow lot frontage would excessively reduce buildable area.
- (f) No structure, sign, or landscape element shall exceed 30 inches in height, measured from the top of the curb, within the area established above, unless approved by the Zoning Inspector. Trees may be located within these areas provided they are pruned and/or the canopy is trimmed to provide clear visibility (with the exception of the tree trunk) up to eight feet above the top of the curb.
- (g) Where no curb exists, the height shall be measured from the top of the pavement.
- (h) The Ohio Department of Transportation may impose additional restrictions along state or federal routes.

### **1113.06 Lot and Principal Building Standards**

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#### **(a) Number of Principal Buildings Per Lot**

- (1) In the R-1A, R-1B, and R-1C Districts, only one principal building shall be permitted on any single lot.
- (2) There can be more than one principal building on an individual lot in the R-2 and R-3 District as well as on an individual lot in all nonresidential districts. However, where multiple buildings are located on the same lot, the buildings shall be separated by a distance as required by the applicable building and fire codes.

#### **(b) Minimum Lot Area and Lot Width**

##### **(1) Measurements**

- A. The area of a lot includes the total horizontal surface area within the lot's boundaries. Where there lot is deeded in the right-of-way, the boundaries shall be considered the area within the lot lines excluding any area in a right-of-way.
- B. Unless otherwise stated, the lot width is the distance between the side lot lines measured along the building line.
- C. No lot shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by this code; and, if already less than the minimum required by this code, said area or dimensions shall not be further reduced. Exceptions to this standard shall only be granted if a reduction is approved as part of a planned unit development or variance approval.

##### **(2) Zoning Lots**

- A. Where a person proposes to combine two or more platted lots to meet the lot area requirements, such person shall be required to replat the combined lots as a single zoning lot.
- B. A person may also split two lots to combine portions of an existing lot with adjacent lots.
- C. Such lot splits and replats shall be recorded with Lorain County after approval by the City in accordance with the minor subdivision procedure set forth in this code.
- D. A principal building may be located across two lots of record without creating a zoning lot.

##### **(3) Lot Area Requirements**

- A. [Table 1113-1](#) establishes the minimum lot area requirements for residential districts and for the B-5 and I-1 District.

- B.** There are no minimum lot area requirements for the B-1, B-2, B-4, or I-1 districts, however, all lots in nonresidential zoning districts shall be of a size large enough to allow for all proposed buildings and required setbacks, off-street parking, loading, and stacking spaces, and all landscaping and screening requirements established in this code while also complying with the maximum lot coverage.
- C.** Additional lot area may be required for certain conditional uses as specified in Section [1107.05: Use -Specific Standards](#).
- D.** For the purposes of measurements of lot area and setbacks, the rear lot line along Lake Erie shall be the mean lake elevation.
- E.** For uses other than single-family dwellings, all lots shall be of a sufficient size to accommodate all required parking areas and comply with the maximum lot coverage.

<b>TABLE 1113-1: LOT AREA AND LOT WIDTH REQUIREMENTS</b>		
<b>Use</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>
<b>R-1A District</b>		
All Uses	9,000 square feet	90 feet
<b>R-1B District</b>		
Single-Family Dwelling	5,000 square feet	50 feet
All Other Uses	9,000 square feet	90 feet
<b>R-1C District</b>		
Single-Family Dwelling	3,500 square feet	40 feet
All Other Uses	9,000 square feet	70 feet
<b>R-2 District</b>		
Single-Family Dwelling	7,000 square feet	70 feet
All Other Uses	9,000 square feet	70 feet
<b>R-3 District</b>		
All Uses	30,000 square feet	150 feet
<b>B-5 District</b>		
All Uses	5 acres	100 feet
<b>I-1 District</b>		
All Uses	1 acre	200 feet

**(c) Minimum Setbacks and Yards**

**(1) Measurements**

- A.** Setbacks refer to the unobstructed, unoccupied open area between the foundation or base of a structure and the property line (lot line) of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this code.
- B.** A setback shall not be reduced in any manner to less than the required dimensions for the district in which it is located, and a setback of less than the required dimensions shall not be further reduced in any manner unless otherwise noted in this code (e.g., nonconforming structures or by variances).
- C.** For the purposes of this section only, the lot line along Lake Erie shall be the point where the natural shoreline intersects the mean lake elevation as determined by a topographical map.

**(2) Yards Required for Buildings**

- A. A yard is the open area created by the required setbacks. Where required, a yard for any structure shall be located on the same lot as the structure and shall not include any yard or open space areas from an adjacent lot.
- B. While a yard is defined as an open area, certain structures and uses may be permitted in required yards as specified in this code.

**(3) Setback Exceptions**

- A. In any residential zoning district, a minimum front yard setback shall not be required to exceed the average front yard setbacks of lots with similar uses and sharing the same street frontage, within 600 feet of the applicable lot. Modification of the front yard in accordance with this section will not create a nonconforming lot unless the lot or structure does not meet other applicable provisions of this code. See [Figure 1113-D](#).

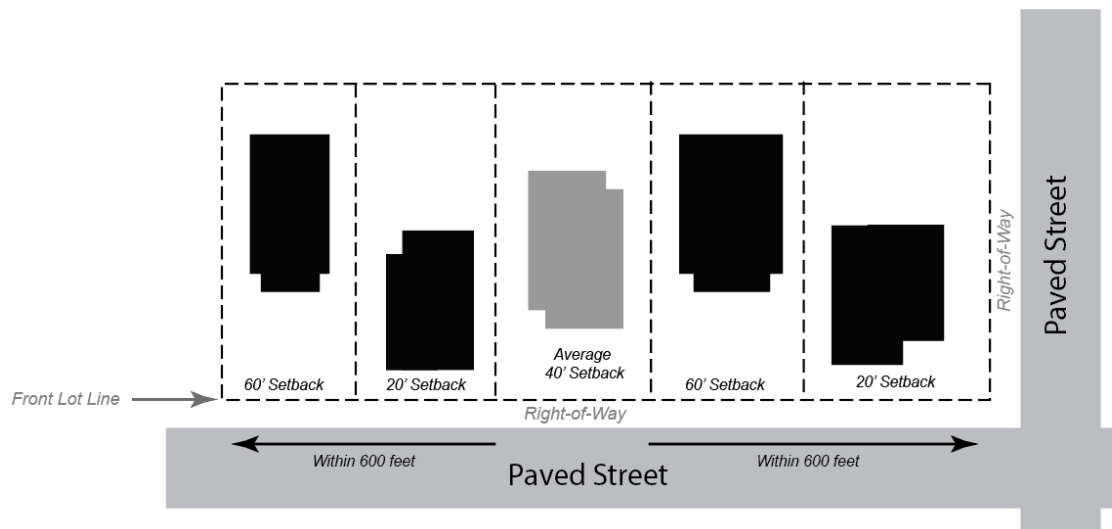


Figure 1113-D: Illustrative example of the provision for a front yard exception where structures on nearby lots do not meet the minimum front yard setback.

- B. In cases where the side lines of a lot are not perpendicular to the street line, the Zoning Inspector may average dimensions in measuring the width of side yards.
- C. In cases where the rear line of a lot is not parallel with the street line, average dimensions may be used in determining the depths of rear yards.

**(4) Projections into Required Yards**

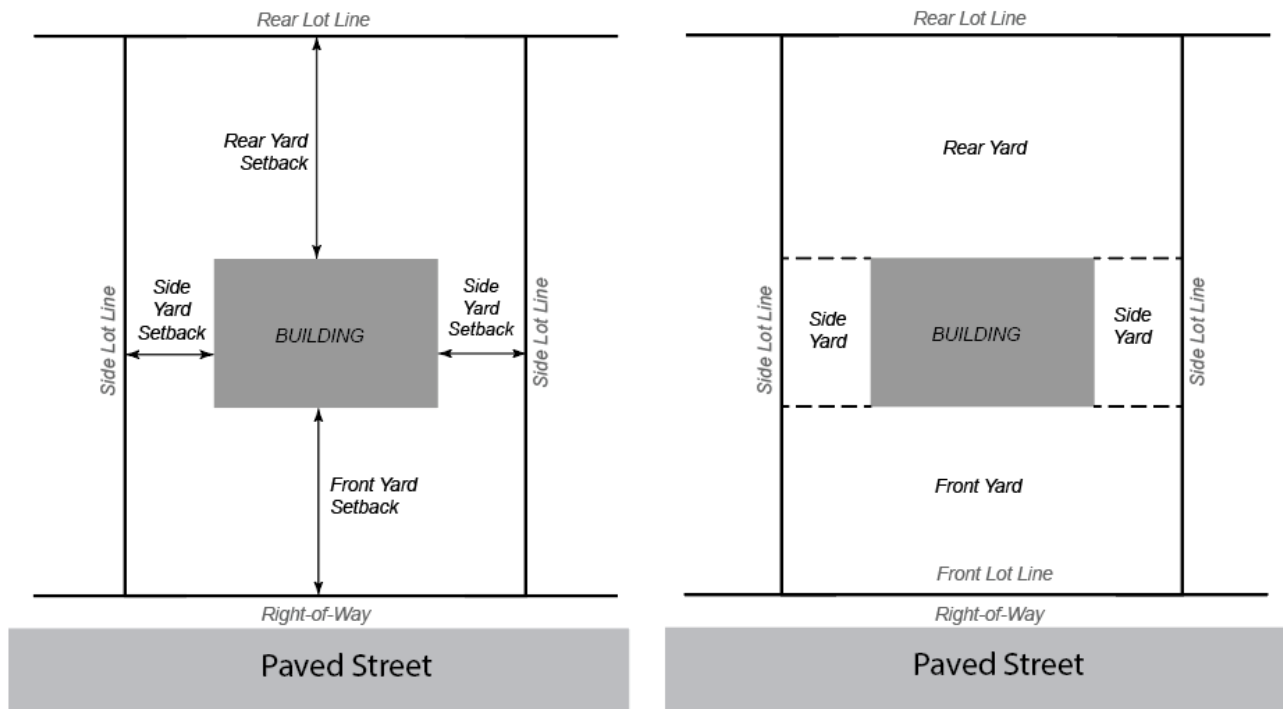
Every part of a required yard shall be open to the sky and unobstructed except:

- A. As otherwise provided in this section;
- B. For accessory and temporary uses as allowed in [Chapter 1111: Accessory and Temporary Use Regulations](#);
- C. For landscaping as allowed in [Chapter 1115: Landscaping and Screening Standards](#);
- D. For parking and circulation as allowed in [Chapter 1117: Parking and Access Standards](#);
- E. For signage as allowed in [Chapter 1119: Signs](#);
- F. For the ordinary projections of architectural features including, but not limited to, eaves, gutters, downspouts, chimneys, flues, skylights, sills, belt courses, cornices and ornamental features, not extending more than 12 inches into the required yard;
- G. Window air conditioner units;

- H. Walls and fences as permitted in accordance with Section [1113.04: Fences, Walls, and Hedges](#);
- I. Unenclosed steps, including fire escapes, may be allowed in the required front, rear, or side yard setbacks, provided, however that steps and/or fire escapes shall be no closer than two feet from the side lot line;
- J. Unroofed entrance features, such as a platform, landing, steps, terrace (excluding decks) or other features may extend six feet into the required front setback and three feet into the required side setback. A roofed entry, porch, deck, steps, landing, patio, fire escape, terrace or similar roofed structure shall not be permitted to project into any required yard and shall comply with all applicable building setback requirements unless specifically allowed in Section [1111.01\(e\)\(17\)](#); and
- K. Fixed and retractable awnings and canopies, not extending more than two feet into a required setback.

**(5) Interior Lots**

- A. Unless otherwise stated, the required minimum front yard setback shall be measured from the street right-of-way or, where a right-of-way is not identified, the front lot line. See [Figure 1113-E](#).
- B. The lot line located directly behind the rear of the structure, as determined by the Zoning Inspector, shall be the rear lot line and the rear yard setback shall be applied. See [Figure 1113-E](#).
- C. All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See [Figure 1113-E](#).



*Figure 1113-E: Typical setback and yard locations for an interior lot.*

**(6) Corner Lots**

Lots that have street frontage on two intersecting streets shall be considered a corner lot, subject to the following:



- A. The required minimum front yard setback shall be provided from each street right-of-way or, where a right-of-way is not identified, the lot line adjacent to the street. See [Figure 1113-F](#). An alley shall not be considered a street for the purposes of determining a corner lot.
- B. The lot line that runs parallel with the lot line along the narrowest street frontage shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line. See [Figure 1113-F](#).
- C. All other lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines. See [Figure 1113-F](#).

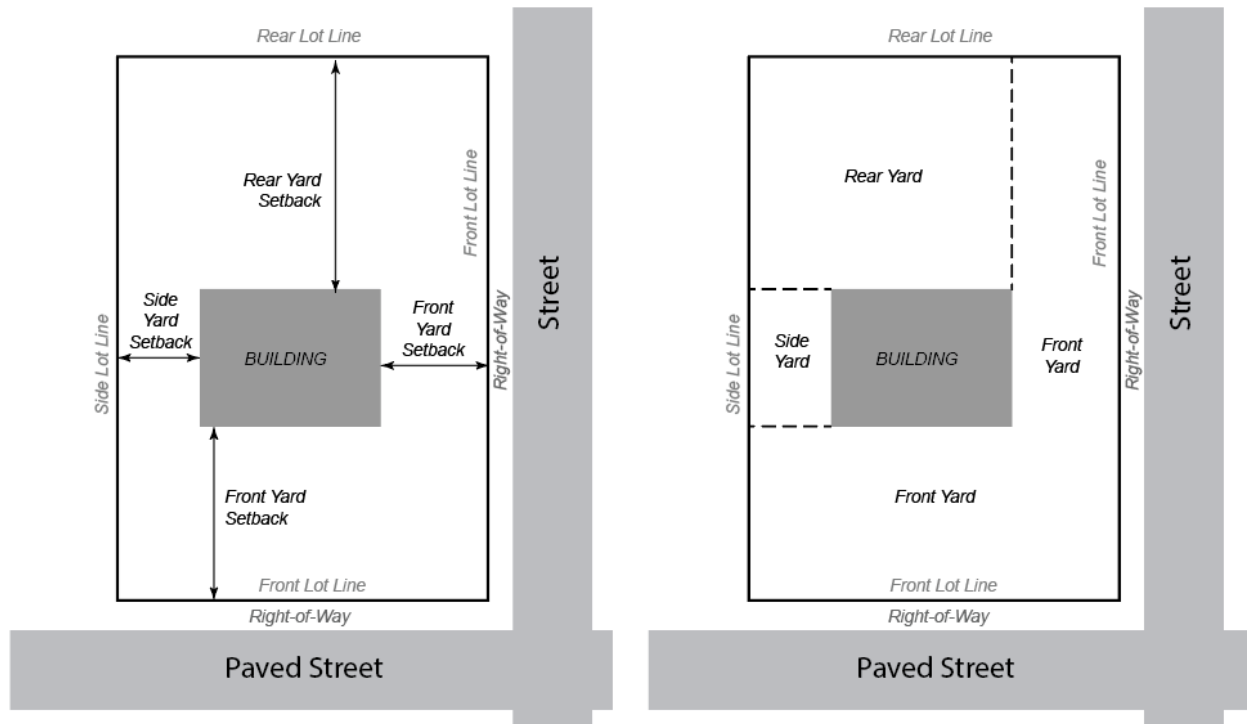


Figure 1113-F: Typical setback and yard locations for a corner lot.

**(7) Double Frontage (Through) Lots**

Double frontage lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Double frontage lots shall be subject to the following regulations:

- A. Where a lot is considered a double (through) lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See [Figure 1113-G](#).

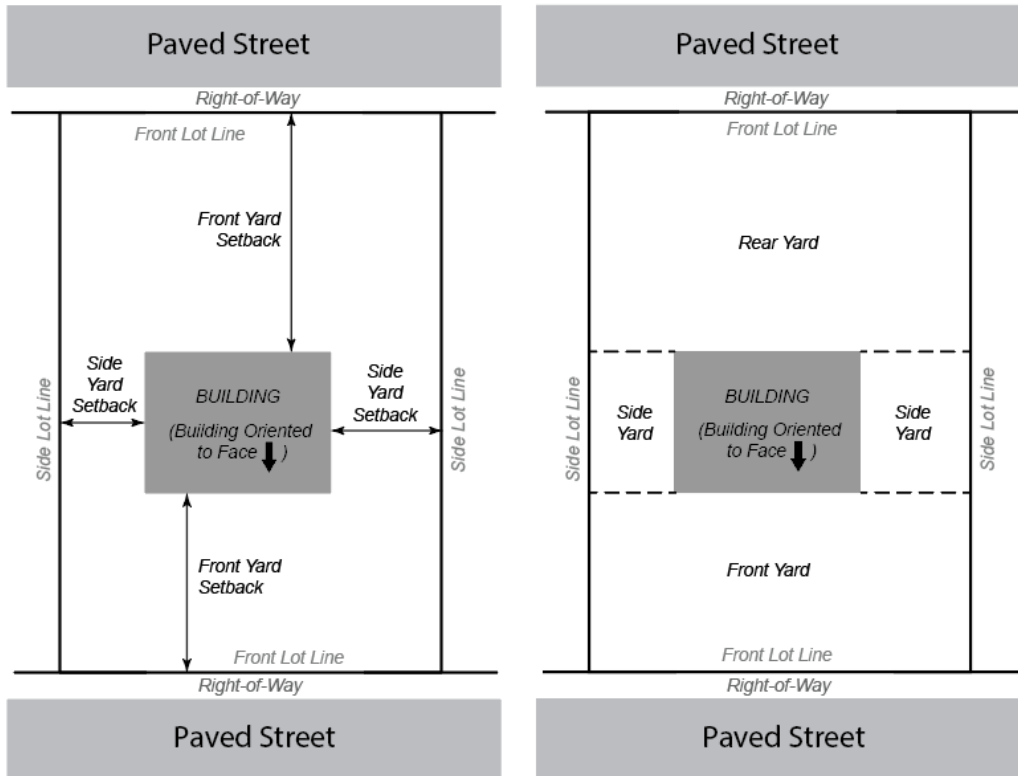


Figure 1113-G: Typical setback and yard locations for a double frontage (through) lot.

- B. The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See [Figure 1113-G](#).
- C. For the purposes of allowing accessory uses, including fences, which are allowed in a rear yard, the yard that is located to the rear of the principal building shall be considered the rear yard and the setbacks of [Section 1111.01: Accessory Use Regulations](#), shall apply to all accessory uses or structures.
- D. Where alleys exist in the City, any lots that have frontage along the alley shall be not be considered a double frontage (through) lot and shall either be regulated as an interior lot or corner lot depending on the location of the subject lot within the block.

**(8) Flag (Panhandle) Lots**

Panhandle lots (flag) lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Panhandle (flag) lots shall be subject to the following regulations:

- A. Panhandle (flag) lots shall not be used to avoid the construction of a street.
- B. The area of the “panhandle” portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.
- C. The stacking of panhandle (flag) lots shall be prohibited. See [Figure 1113-H](#).

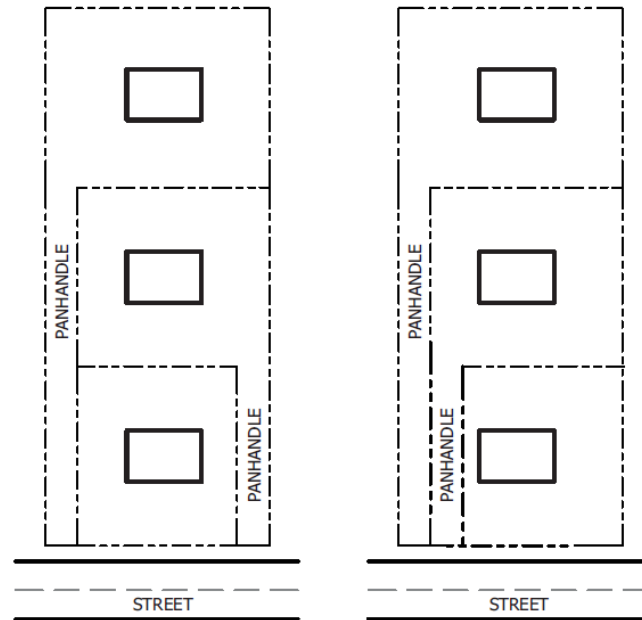


Figure 1113-H: The above illustration shows the stacking of panhandle lots, which is prohibited.

- D. The panhandle shall have a minimum width of 20 feet along the entire width of the panhandle. The maximum width shall be 40 feet and anything with a width of 40 feet or greater shall be consider an interior, corner, or double frontage lot as may be applicable.
- E. No structures, except for fences and walls allowed by this code, shall be permitted in the panhandle portion of the lot.
- F. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in [Figure 1113-I](#).



Figure 1113-I: Typical setback and yard locations for a panhandle lot.

**(9) Cul-de-Sac or Curved-Street Lot**

- A. For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line (lot line). See [Figure 1113-J](#).
- B. On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

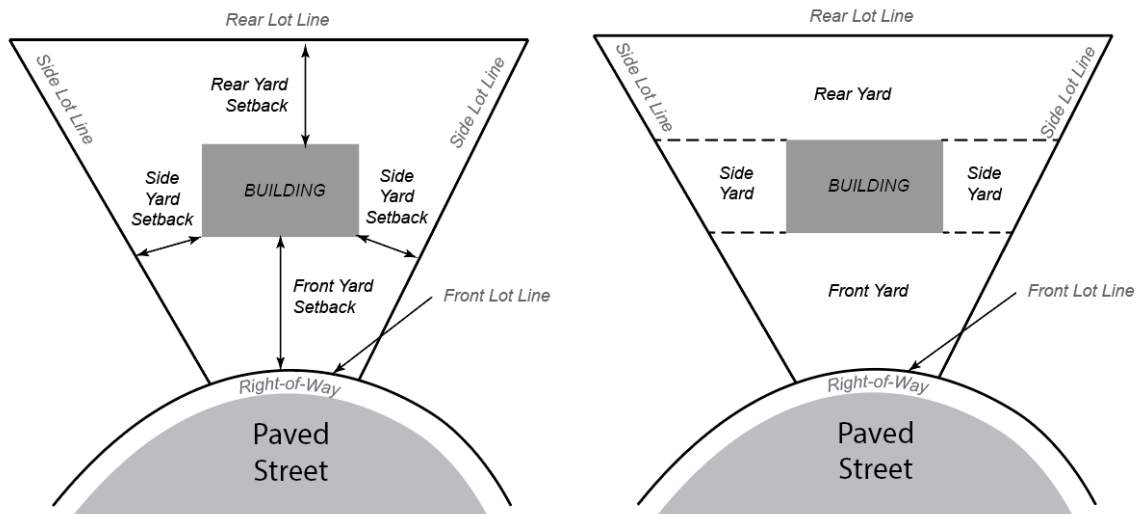


Figure 1113-J: Typical setback and yard locations for a curved street or cul-de-sac.

**(10) Other Lot Configurations**

Where there is an instance of a lot configuration not addressed in the previous sections (e.g., interior, corner, panhandle, etc.), or where there is an atypical building orientation on any lot, the Zoning Inspector shall have the authority to make a determination regarding where front, rear, and side yard setbacks are required.

**(11) Minimum Setback Requirements**

- A. Setbacks required for accessory uses are established in Section [1111.01: Accessory Use Regulations](#).
- B. [Table 1113-2](#) establishes the minimum setback requirements for principal buildings in all zoning districts.

TABLE 1113-2: MINIMUM SETBACK REQUIREMENTS				
Zoning District	Minimum Setback in Feet			
	Front Yard	Side Yard (One Side)	Side Yard (Total of Both Side Yards)	Rear Yard
R-1A	50	10 [1]	30 [1]	30 [1]
R-1B	30	5 [1]	10 [1]	30 [1]
R-1C	20	3 [1]	6 [1]	25 [1]
R-2: Single-Family Dwellings	35	5	10	25
R-2: All Other Principal Uses	35	15	30	25
R-3	45	16 [2]	32	25
B-1, B-2, and B-4	25	6	15	15
B-5	60	20 [3]	40 [3]	35 [3]
I-1	60	25 [3]	50 [3]	25 [3]
P-I	50	20	40	35

NOTES:  
 [1] All permitted nonresidential uses in the R-1A, R-1B, and R-1C Districts shall be set back a minimum of 25 feet from adjacent dwelling units.  
 [2] For buildings that are four or more stories in height, each side yard shall be a minimum of 16 feet or a distance equal to 50 percent of the height of the building, whichever is greater.  
 [3] All buildings in a B-5 or I-1 District that are adjacent to a lot in a nonresidential zoning district shall be set back a minimum of 75 feet from the residential lot line. Such area may include the landscaping and buffering required in [Chapter 1115: Landscaping and Screening Standards](#).

**(d) Maximum Height**

**(1) Calculation**

- A. Building height shall be measured from average elevation of the finished grade to the highest point on the roof, regardless of roof type.

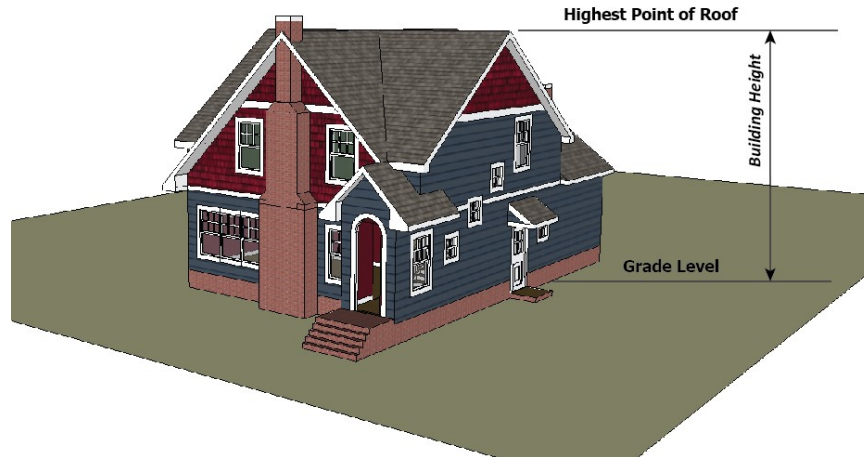


Figure 1113-K: Measurement of building or structure height

- B. Where specified fencing and wall height shall be measured in accordance with Section [1113.04: Fences, Walls, and Hedges](#).
  - C. The height of all other structures shall be measured from the lowest grade adjacent to the structure to the highest point of the structure.
- (2) **Exceptions to Height Limits**
- A. The maximum height limits established in this code shall not apply to:
    - i. Barns, silos or other agricultural buildings or structures on farms (not located in an improved platted subdivision) provided they are setback from all lot lines a distance equal to the structure's height;
    - ii. Spires, belfries, cupolas and domes, monuments, chimneys, smokestacks, towers, water tanks, radio or television antennae, monuments and other permitted mechanical appurtenances located upon or constructed as an integral part of the principal building;
    - iii. Government-owned freestanding water tanks, towers, radio or television antennae and flag poles;
    - iv. Special industrial or utility structures such as a cooling tower, grain elevator and other similar structure where the industrial process requires a greater height may be erected above the maximum height allowed in the applicable district, provided that:
      - a. Any such structure shall not occupy more than 15 percent of the lot area;
      - b. The structure shall be set back a distance equal to its height from any adjacent lot line; and
      - c. The Fire Department shall be required to approve the increased height based on firefighting capacity.
- (3) **Maximum Height Standards**
- A. [Table 1113-3](#) establishes the maximum building height for principal buildings.
  - B. The maximum height of accessory buildings is established in Section [1111.01: Accessory Use Regulations](#).

<b>TABLE 1113-3: MAXIMUM HEIGHT OF PRINCIPAL BUILDINGS</b>	
<b>Zoning District</b>	<b>Maximum Height</b>
R-1A, R-1B, R-1C and R-2	Two Stories or 35 Feet
R-3	Minimum of 3 Stories and Maximum of 10 Stories
B-1, B-2, and B-4	Four Stories or 45 Feet
B-5	45
I-1	45
P-I	45

**(e) Minimum Floor Area**

**(1) Calculation**

- A.** The minimum floor area of a dwelling unit shall include all finished and habitable spaces including the basement floor area when more than one-half of the basement height is above the finished lot grade level at the front of the building.
- B.** Garages, outdoor vestibules, and open or closed verandas or porches shall not be included in the minimum floor area of a dwelling.
- C.** Such requirements shall only apply to single-family dwellings and multi-family dwellings. shall not apply to hospitals, nursing homes, or similar types of residential uses that are institutional in nature.
- D.** The minimum floor area requirements for nonresidential buildings shall be calculated as the foundation area of the building.

**(2) Minimum Floor Area Requirements**

- A.** In the R-1A District, the minimum floor area for dwellings shall be 1,500 square feet.
- B.** In the R-1B District, the minimum floor area for dwellings shall be 1,000 square feet.
- C.** In the R-1C District, the minimum floor area for dwellings shall be 800 square feet.
- D.** In the R-2 and R-3 District, the minimum floor area shall be as follows:
  - i. For two-family dwellings, each dwelling unit shall have a minimum floor area of 800 square feet.
  - ii. For multi-family dwellings, each dwelling unit shall have the following minimum floor area based on the number of bedrooms in each unit:
    - a. For each three-bedroom unit, there shall be a minimum floor area of 1,000 square feet per dwelling unit.
    - b. For each two-bedroom unit, there shall be a minimum floor area of 800 square feet per dwelling unit.
    - c. For each one-bedroom unit, there shall be a minimum floor area of 700 square feet per dwelling unit.
    - d. For each studio or efficiency type unit (no separate bedroom), there shall be a minimum floor area of 600 square feet per dwelling unit.
- E.** In the B-1 District, each principal building shall have a minimum floor area of 1,200 square feet.
- F.** In the B-2 and B-4 Districts, each principal building shall have a minimum floor area of 800 square feet.

**(f) Maximum Lot Coverage**

**(1) Calculation**

Where used, lot coverage is that portion of a lot, or a specified yard, which when viewed directly above, which would be covered by a building or structure, parking and loading areas and other surfaces that are impermeable or substantially impervious to water. Such surfaces shall also include any material that provides a significant barrier to the absorption of stormwater into the ground located directly below the material such as, but not limited to: asphalt, concrete, roofed structures, etc. Decks, pervious paver blocks, and other materials that are designed with adequate openings to allow stormwater to pass through the material into the ground shall not count as an impervious surface. The Zoning Inspector shall have the final determination of what structures and materials are considered impervious surfaces.

**(2) Maximum Lot Coverage Standards**

- A. The maximum lot coverage in the R-1B and R-1C Districts is 45 percent.
- B. The maximum lot coverage in the R-1A and R-2 Districts is 35 percent.
- C. The maximum lot coverage in R-3, B-5, I-1, and P-I Districts is 25 percent.
- D. There shall be no maximum lot coverage in the B-1, B-2, or B-4 Districts but the site shall still be subject to the minimum landscaping and buffering requirements of [Chapter 1115: Landscaping and Screening Standards](#).

**(g) Building Orientation**

The main entrance of any building shall be oriented toward a public street. For corner lots in residential zoning districts, a dwelling unit may be oriented toward the intersection of the two streets.

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**1113.07 Performance Standards**

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Any use in a nonresidential zoning district shall comply with the performance standards set forth hereinafter for the district in which such use or building is to be located. If any extended, enlarged or reconstructed part or parts of such building or use as well.

**(a) Air Pollution**

No establishment or operation shall be permitted to emit into the air smoke, fly ash, dust, fumes, vapors, gases, and other forms of air pollution except as permitted and approved by the Ohio EPA Division of Air Pollution Control.

**(b) Fire and Explosive Hazards**

- (1) The storage, utilization and manufacture of materials, goods or products ranging from free to active burning is permitted, provided the materials or products shall be stored, utilized or produced within completely enclosed structures having incombustible exterior walls, and such structure shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association.
- (2) Materials which produce flammable or explosive vapors or gases under ordinary weather temperatures shall not be permitted in Industrial Districts except such materials as are used or required in emergency equipment or in secondary processes which are accessory to the main use.

**(c) Glare and Heat**

Any operation which produces glare or heat contrary to the normal and expected conditions shall be performed so as not to create any hazards along the lot line or district boundary line of an



**(d) Odorous Matter**

The emission of odorous matter in such quantities as to produce a public nuisance or hazard shall not be detectable beyond the lot line or district boundary line in an Industrial District.

**(e) Toxic or Noxious Matter**

The discharge of toxic or noxious matter across the lot lines wherein such a use of located is prohibited for any period of time and in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property.

**(f) Noise**

The sound pressure level of any individual operations on a lot in any nonresidential zoning district, other than the operation of auto calls, bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of the street traffic noise at the nearest residential zoning district.

**(g) Vibration**

Operations creating intense earth-shaking vibrations in the Industrial Districts shall be set back from and controlled in such a manner as to prevent transmission of vibrations which would be perceptible without the aid of instruments at the lot line or along the district boundary line of an Industrial District.

**(h) Industrial Wastes**

Pollution control standards as required by this section shall be those which are set forth in Chapter 944 and the rules and regulations of the Board of Municipal Utilities regarding discharge of waste waters.

**(i) Soil Removal**

No mining, extracting, filling, or soil-stripping operations shall be conducted in such a manner as to leave unsightly or dangerous excavations or soil banks, or in such a manner as to increase erosion.

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**1113.08 Exterior Lighting**

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**(a) Purpose**

The purpose of this exterior lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security.

**(b) Applicability**

- (1)** All outdoor lighting fixtures shall be subject to review as part of this chapter except that single-family and two-family dwellings shall be exempt from all requirements except Sections [1113.08\(c\)](#) and [1113.08\(d\)](#).
- (2)** A photometric plan showing the following shall be submitted as part of any site plan review application where any new light fixtures are being proposed on a site:
  - A.** The proposed intensity levels of the lighting throughout the site indicating foot-candle measurements;
  - B.** The lighting levels for the proposed site and an area extending a minimum of 30 feet onto adjacent properties;
  - C.** The locations of each of the proposed lighting fixtures (wall mounted and pole);
  - D.** The minimum, maximum, and average intensity/illumination for the site;

- E. Details of all proposed outdoor lighting fixtures indicating manufacturer, model and style of the fixture. A graphic representation of the fixture is required. The fixture lamp type (i.e., low-pressure sodium, metal halide, etc.) shall be indicated on the proposed plans;
- F. The proposed height of the lighting fixtures;
- G. The hours of use of the lighting fixtures; and
- H. Any additional submittal requirements as may be determined by the Zoning Inspector.

**(3) Exemptions**

- A. All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
- B. All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.
- C. Streetlights shall be exempt from the provisions of this section.

**(4) Prohibited Lights**

- A. Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.
- B. No open lights, such as strings of light bulbs, shall be permitted. This prohibition shall not include holiday lighting or those used for decorative purposes over outdoor patios, seating areas, or similar places of gathering.

**(c) General Provisions Applicable to All Districts and Development**

- (1) Exterior lighting shall be installed in a manner to deflect from adjacent residential developments.
- (2) All exterior lighting for residential and nonresidential uses shall be located, screened, or shielded so adjacent lots located in residential districts or recorded subdivisions are not directly illuminated. Shielding may also be required for high intensity light fixtures to prevent glare to adjacent uses, public rights-of-way, and drives. Perimeter lighting, when adjoining residential districts or recorded subdivisions, shall be by shielded fixtures to prevent light trespass onto adjacent properties.
- (3) No exterior lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers, pedestrians or adjacent properties. Shields and/or filters are required for light fixtures with high intensity and glare potential.

**(d) Lighting for Residential Uses**

Lighting for single-family and two-family dwellings shall be exempt from most provisions of this chapter with the exception that for light fixtures that are not attached to the house or to an accessory building, there shall be a maximum height of 12 feet from the finished grade adjacent to the base of the light fixture to the highest point of the fixture. The light bulb shall not produce more than 1,600 lumens.

**(e) Exterior Lighting Requirements**

**(1) Type of Fixtures**

- A. All light fixtures shall be full cut-off type fixtures except for decorative light fixtures. See [Figure 1113-L](#).
- B. Decorative light fixtures shall not flash or otherwise create a sense of motion.

- C. Non-cutoff lighting may only be used for decorative purposes when located adjacent to the building. See [Figure 1113-L](#).

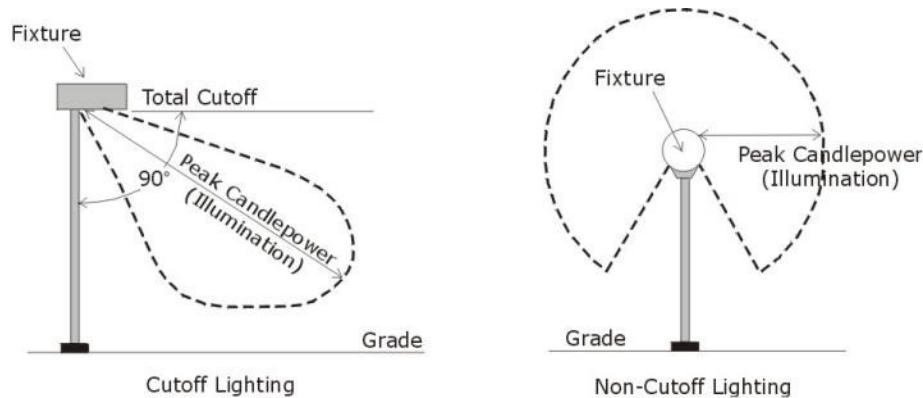


Figure 1113-L: Illustration of cutoff lighting versus non-cutoff lighting

**(2) Height of Fixtures**

- A. In all districts, the maximum height of any non-cutoff light fixture shall be 12 feet.
- B. All cut-off exterior lighting shall be designed, located, and mounted with the maximum height as follows:
  - i. The maximum height of light fixtures in the R-3 District and all nonresidential uses any residential zoning district shall be 15 feet.
  - ii. The maximum height of light fixtures in the nonresidential zoning districts shall be 24 feet.
- C. Lighting located under canopies shall be flush mounted or recessed within the canopy.
- D. Height shall be measured from the finished grade adjacent to the base of the light fixture to the top most point of the fixture.

**(3) Illumination**

- A. Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the lot line as demonstrated by a lighting plan:
  - i. The maximum illumination at a lot line that abuts a lot zoned or used for residential purposes shall be 0.0 foot-candles.
  - ii. The maximum illumination at a lot line that abuts a lot in a nonresidential district shall be 1.0 foot-candles.
  - iii. The maximum illumination at a lot line for properties used for outdoor sports and recreation shall be reviewed for compliance with regard to the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.
  - iv. In parking areas, the light intensity shall average a minimum of 0.5-foot candles, measured five feet above the surface.
  - v. In pedestrian areas, the light intensity shall average a minimum of 2.0-foot candles, measured five feet above the surface.
  - vi. The illumination across any property shall be designed so as to not create excessively dark spots that may create safety issues.
- B. All applicants are strongly encouraged to submit lighting plans with components that reduce light pollution including, but not limited to, automatic shut-off of fixtures, auto-dimming to adjust lighting based on ambient lighting, and the use of as little lighting as necessary without creating safety issues.

**(f) Modifications**

Should any exterior light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Zoning Inspector for approval, together with adequate information to assure compliance with this section, which must be received prior to substitution.

## Chapter 1115: Landscaping and Screening Standards

### 1115.01 Purpose

The purpose of this chapter is to protect and promote the public health, safety, and general welfare of Sheffield Lake through the City's ability to regulate land use in a method that utilizes the benefits of landscaping and buffering. Specifically, it is the purpose of this chapter to:

- (a) Protect privacy and provide buffering land uses of differing intensities;
- (b) Remove, reduce, lessen or absorb the impact between one use or zoning district and another;
- (c) Aid in noise, glare and heat abatement;
- (d) Contribute to the process of air purification, ground water recharge, and control of ground water runoff;
- (e) Prevent or reduce soil erosion and sedimentation and stormwater runoff;
- (f) Enhance energy conservation; and
- (g) Increase and maintain property values.

### 1115.02 Applicability

- (a) This chapter shall apply to new development and any collective substantial expansion of existing structures, in nonresidential districts and in large parking lots. Substantial expansion of existing structures shall be defined based on the criteria established in [Table 1115-1](#).

TABLE 1115-1: SUBSTANTIAL EXPANSION	
When Existing Structure is....	A Substantial Expansion is...
0 - 1,000 Sq. Ft.	50% or Greater
1,001 - 10,000 Sq. Ft.	40% or Greater
10,001 - 25,000 Sq. Ft.	30% or Greater
25,001 - 50,000 Sq. Ft.	20% or Greater
50,001 Sq. Ft. and larger	10% or Greater

- (b) Section [1115.05: Buffering between Land Uses](#) shall apply to any size expansion of a structure where such expansion will decrease the setback between the structure and a residential zoning district.
- (c) Where there is no expansion of a structure but the vehicular use area is expanded, this chapter shall apply to any new vehicular use areas.

### 1115.03 Landscaping Plan

#### (a) Landscaping Plan Requirement

- (1) Any property to which this chapter applies shall illustrate all proposed landscaping and buffering, including the proposed landscaping material, on a site plan or on a separate landscaping plan as part of the application for a site plan review or a zoning permit, whichever is applicable.
- (2) All plans shall identify the existing plant material that will be retained and all proposed plant materials within the landscaping and buffer areas. This shall include the common and botanical names, sizes and other remarks as appropriate to describe the landscaping material selection and how the application complies with this chapter.

**(b) Approval of a Landscaping Plan**

Criteria for the approval of a landscaping plan shall be as follows:

- (1) No zoning permit shall be issued without approval of a landscaping plan.
- (2) Failure to implement the landscaping plan within 12 months of the issuance of a zoning permit shall be deemed a violation of this code.
- (3) The City may seek professional advice from a landscape architect or licensed nurseryman in the review of the submitted plans. The cost of such consultation may be passed on the applicant.

**(c) Changes to an Approved Landscaping Plan**

The Zoning Inspector may authorize minor changes from the requirements of this chapter.

- (1) For purposes of this subsection, minor changes shall be defined as changes to the landscaping plans that are not visible and do not affect the theme or character established for the subject development project.
- (2) A revised plan shall be submitted to the Zoning Inspector for review and a decision.
- (3) The Zoning Inspector shall have the authority to forward the revised plan to the Planning Commission for a decision if the Zoning Inspector questions whether the changes are minor.

**1115.04 Landscaping Materials and Standards**

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**(a) Responsibility for Installation of Landscaping Materials**

All landscaping and buffering shall be provided by the person in charge of or in control of developing the property, whether as owner, lessee, tenant, occupant or otherwise.

**(b) Use of Landscaped Areas**

Vehicle parking shall not be permitted in landscaped areas.

**(c) Easements**

Nothing shall be planted or installed within any underground or overhead utility, drainage, or gas easement without the consent of the utility provider, easement holder, or the City.

**(d) Landscaping Materials**

The following items are suitable for landscaping materials used individually or in combination with each other, subject to review and approval by the applicable review authority.

**(1) Existing Landscape Material**

- A. Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this chapter in whole or in part provided they meet all requirements of this chapter.
- B. The applicable review authority shall determine satisfaction of this requirement.

**(2) Walls and Fences**

- A. Walls and fences shall be constructed of weatherproof materials, including pressure treated wood, redwood, cedar, synthetic lumber, or vinyl, and aluminum or galvanized hardware. Except as specifically noted, chain link fences, with or without wooden or synthetic slat material, shall not be allowed when used to satisfy any landscaping or buffering requirements of this chapter.
- B. Walls and fences comply with all general fence and wall requirements of Section [1113.04: Fences, Walls, and Hedges](#).

**(3) Plants**

- A.** All plants shall be living and hardy within the United States Department of Agriculture's Hardiness Zone 6 and thriving in Lorain County. Plant materials used in conformance with the provisions of this section shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under state regulations.
- B.** Trees shall be balled and burlapped or in containers. Shrubs, vines, and ground covers can be planted as bare root as well as balled and burlapped or from containers.
- C.** All landscaping materials shall be free of noxious weeds, disease, and pests.
- D.** Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the City.
- E.** The following are specific standards for landscaping materials.
  - i. Deciduous Trees**
    - a. Deciduous trees shall have a minimum caliper of at least two inches Diameter-at-Breast-Height (DBH) and a clear trunk height of six feet that conforms to acceptable nursery industry procedures at the time of planting.
    - b. If deciduous trees are to be used for screening purposes, additional materials listed in this chapter shall be used to create a dense buffer.
  - ii. Ornamental and Understory Trees**

Ornamental and understory trees shall have a minimum height of four feet or a minimum caliper of at least 1.5 inches DBH that conforms to acceptable nursery industry procedures at the time of planting.
  - iii. Evergreen Trees**
    - a. Evergreen trees shall be a minimum of six feet in height at the time of planting.
    - b. Evergreen plantings used for buffering shall be planted at a maximum distance of 20 feet on center to provide an effective buffer.
  - iv. Shrubs and Hedges**
    - a. Shrubs shall be at least 20 inches in height at the time of planting and have a mature height of not less than 36 inches.
    - b. Hedges shall be at least 36 inches in height at the time of planting.
    - c. All hedges shall be designed to provide an effective, dense screen and mature height of at least six feet within four years after the date of the final approval of each planting when used for perimeter landscaping or screening applications.
  - v. Grass and Ground Cover**
    - a. Grass of the fescue, bluegrass or perennial rye families shall be planted in species normally grown as lawns in Lorain County.
    - b. In swales or other areas subject to erosion, solid sod, erosion reducing net or suitable mulch shall be used and grass seed shall be sown for immediate protection until complete coverage is achieved.
    - c. Grass sod shall be clean and free of weeds and noxious pests or diseases.
    - d. Ground cover shall be planted in such a manner as to provide 75 percent complete coverage after two growing seasons.

**F. Additional Landscaping Beyond the Minimum Requirements**

Once the minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements.

**(4) Species Diversity**

- A. When fewer than 40 trees are required on a site, at least two different species shall be utilized, in roughly equal proportions.
- B. When 40 or more trees are required on a site, at least three different species shall be utilized, in roughly equal proportions.
- C. Required shrubs shall utilize the same species diversity requirements.
- D. Nothing in this subsection shall be construed so as to prevent the utilization of a more diverse number of different species than specified above.

**(5) Earth Mounds or Berms**

Earth mounds or berms may be used as buffers, however, differences in natural elevation between areas requiring a buffer does not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following:

- A. Mounds or berms shall conform to any county grading requirements. The maximum slope shall be a maximum of one foot in height for every three feet in length.
- B. Mounds and berms shall be designed with physical variations in height and alignment throughout its length.
- C. Landscaping plant materials may be installed on mounds or berms and shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
- D. The landscaping plan shall show sufficient detail to demonstrate compliance with the above provisions, including a plan and profile of the mound or berm, soil types and construction techniques.
- E. Mounds and berms shall be located and designed to minimize the disturbance of existing trees located on the site or adjacent thereto.
- F. No part of any mound shall be elevated more than 30 inches above natural grade within 10 feet of any right-of-way or property line, and the toe of such mound shall be located a minimum of three feet from any right-of-way or property line.
- G. Adequate ground cover shall be used and maintained to prevent erosion of the earth mound and to achieve a natural appearance.
- H. No mound wastewater treatment system or other similar on-site wastewater treatment system shall count toward the buffering requirement.

**(6) Measurements**

Whenever there is a height measurement related to landscaping and buffering, such measurement shall be taken from the highest finished adjacent grade to the top of the material.

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**1115.05 Buffering between Land Uses**

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Development shall provide a buffer between land uses in accordance with this section. The buffer shall have the width, amount of vegetation, and other features to properly mitigate the negative effects of contiguous incompatible uses.

**(a) Buffer Location**

- (1) Buffer areas shall be located between the uses for which they are required to buffer or screen.



(2) The buffer areas shall be placed on the property being developed, regardless of ownership.

**(b) Buffer Requirements**

Buffer areas shall be provided as set forth below:

- (1) When a development in a B-1, B-2, B-4, or P-I District abuts a residential district, a buffer area with a minimum width of 10 feet shall be provided adjacent to the residential zoning district.
- (2) When a development in a B-5 or I-1 District abuts a residential district, a buffer area with a minimum width of 20 feet shall be provided adjacent to the residential zoning district.
- (3) The above buffer widths shall be provided unless a greater setback is required as part of a variance or conditional use.
- (4) Where the minimum setback for the applicable zoning district differs from the required buffer yard, the more restrictive standard shall apply.
- (5) For buffering along the side yard, the buffer shall begin, at a minimum, at the front yard building setback line.

**(c) Landscaping Requirement**

The required buffer area shall consist of living vegetative material such as evergreen trees, shrubs, earth mounding, or fencing made of wood that results in 100 percent opacity, all year, to a height of six feet or more within one year of planting.

**(d) Height of Screening**

The height of screening shall comply with the following:

- (1) Visual screening walls, fences, mounds, or earthen berms and fences in combination shall be a minimum of six feet high measured from the natural grade, in order to accomplish the desired screening effect.
- (2) Vegetation shall be a minimum of six feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than twelve months after the initial installation.

**(e) Placement of Screening**

The location of the wall, fence, or vegetation shall be placed within the buffer area to maximize the screening effect. Trees, evergreens, and/or hedges shall be adequately spaced and appropriately staggered to meet the screening objectives within two years after the initial installation. The landscaping plan shall indicate the specific type of option(s) to be used.

**(f) Development within Buffers**

- (1) The required buffer shall not contain any development, impervious surfaces, structures, or site features (except fences or walls) that do not function to meet the standards of this section or that require removal of existing vegetation, unless otherwise permitted in this code.
- (2) Sidewalks, trails, and other elements associated with passive recreation may be placed in required buffers if all required landscaping is provided.
- (3) Signs may be located in the required buffers.
- (4) Driveways, access roads, and similar uses may cross perpendicularly across a required buffer but shall be designed to limit disturbance of vegetation and shall have a maximum width of 24 feet. Wider pavement widths across buffers may be approved by the Planning Commission if the applicant can demonstrate a need for a wider drive.
- (5) Overhead and underground utilities that are required for the development are permitted to cross a required buffer.

## 1115.06 Interior Landscaping of Parking Lots

### (a) Amount of Landscaping Required

- (1) For all parking areas with 5 to 50 parking spaces, a total of five percent of the paved area (not including loading spaces or stacking lanes/spaces) shall be landscaped under the provisions of this section.
- (2) For all parking areas with more than 50 parking spaces, a total of 10 percent of the paved area (not including loading spaces or stacking lanes/spaces) shall be landscaped under the provisions of this section.

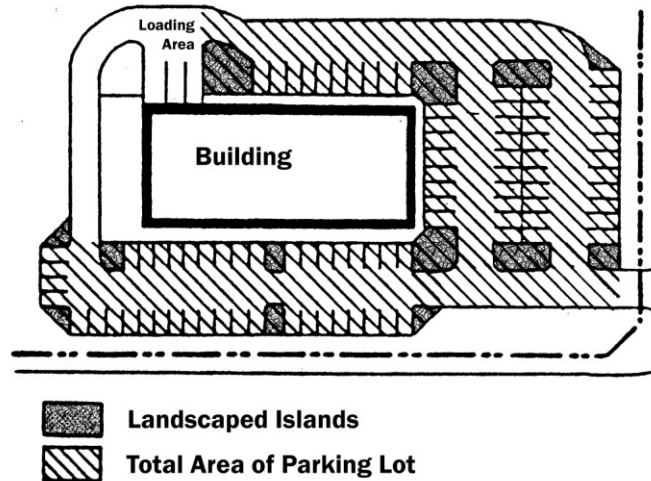


Figure 1115-A: Parking Lot Interior Calculation

- (3) The required landscaping shall be located within landscaped islands. Landscaped areas that extend into parking areas from the perimeter landscaping may count toward this requirement but only that area that extended into the parking area. See [Figure 1115-A](#) and [Figure 1115-B](#).



Figure 1115-B: Landscaping and screening is intended to soften the appearance of large expanses of parking areas and can also provide areas for stormwater management.

- (4) Landscaped islands shall be developed and distributed throughout the parking lot to define major circulation aisles and driving lanes; and to provide visual and climatic relief from broad expanses of pavement.
  - A. Each island shall have a minimum dimension of four feet by nine feet.
  - B. There shall be a minimum of one deciduous tree and one shrub provided for every 15 parking spaces; such trees shall be planted within the required landscaped islands but not all islands are required to have a tree or shrub.

- C.** Additional shrubs or low, spreading plant materials may be planted within the required landscaped islands provided there is no impairment to the visibility of motorists or pedestrians.
- (5)** Landscaped areas on the site that are outside of any vehicular use area and do not touch the parking area shall not be counted as interior parking lot landscaped areas.
- (6)** The landscaped islands shall be protected by the installation of continuous curbs or wheel stops with a height of six inches.
- (7)** The landscaped islands should be designed, to the maximum extent feasible, to accommodate stormwater runoff. The use of porous pavement and/or specially designed brick or block is encouraged to increase on-site water detention for plant material and ground water supplies and to reduce problems associated with runoff.

### **1115.07 Screening of Outside Storage Areas or Other Service Areas**

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#### **(a) Intent and Applicability**

In addition to all other landscaping standards in this section, screening shall be required to conceal specific nonresidential areas of high visual or auditory impact. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other landscaping material.

#### **(b) Items to be Screened**

The following areas shall be screened in accordance with this section:

- (1)** Large waste receptacles (dumpsters) and refuse collection points (including large recycling containers);
- (2)** Loading and service areas;
- (3)** Outdoor freezers or other accessory structures;
- (4)** Outdoor storage areas (including storage tanks) not subject to the outdoor storage requirements of Section 1111.01(e)(14);
- (5)** Mechanical equipment and utility meters not located on, and screened by, the building or structure.

#### **(c) Screening Requirements**

- (1)** All items to be screened shall be shielded from view from public roads and adjoining lots in residential zoning districts.
- (2)** All items to be screened shall be located in the side or rear yards.
- (3)** All items to be screened shall be provided with a visual screen consisting of fences, walls, berms or approved plant materials or a combination thereof. The screening shall be at least one foot higher than the item to be screened but not less than six feet in height and shall extend along three sides of the items to be screened. For dumpsters, a gate shall be required on the fourth side where access is provided to the dumpster. The gate shall be opaque enough to shield from view the interior of the service area. See [Figure 1115-C](#) and [Figure 1115-D](#).
- (4)** All plant materials used for required screens around service areas shall be of an evergreen variety.
- (5)** If an adjacent building provides screening on one side of the service area, only two sides need to be screened, bermed, or walled, with a gate required in front of the service area. The gate shall be opaque enough to shield from view the interior of the service area.
- (6)** Roof mounted mechanical equipment shall be screened by parapet walls or other screening device with height not lower than six inches below the height of mechanical equipment.

**(d) Fence or Wall Screens**

- (1) Fences or walls shall be compatible with the architectural materials and patterns of the principal structure. See [Figure 1115-C](#).
- (2) Under no circumstances shall a wall be constructed of unfinished concrete or cinder block.



*Figure 1115-C: Use of a wall and fencing for screening that is architecturally compatible with the principal building.*



*Figure 1115-D: The above image illustrates a vegetative screen that hides HVAC equipment and a dumpster.*

**1115.08 Installation and Maintenance**

- (a) Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be pruned, trimmed, and maintained in good and healthy condition.
- (b) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The property owner shall be responsible for continued, perpetual maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse, debris, and noxious and unsightly weeds at all times.
- (c) The landscaping shall regularly be kept clean and free of debris, litter, and weeds.
- (d) All unhealthy or dead plant material shall be replaced within 30 days, or by the next planting period, whichever comes first. Replacement material shall conform to the original intent of the landscaping and buffer plan.
- (e) Violation of installation provisions or failure to maintain the landscaping shall constitute a violation of this code. Such violation shall be grounds for the Zoning Inspector to require replacement of the landscape material or initiate legal proceedings to enforce the provisions of this code.

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## Chapter 1117: Parking and Access Standards

### 1117.01 Purpose

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- (a) The purpose of the requirements of this chapter are to protect the public health, safety, and general welfare, and to:
  - (1) Regulate the appropriate amount of land for parking, loading, stacking, and maneuvering;
  - (2) Relieve the congestion on the streets by requiring that parking and loading be provided on property in relation to the demand generated by the property user(s);
  - (3) Encourage alternative modes of transportation by providing facilities for pedestrians and bicyclists;
  - (4) Protect the light, air, visual amenities, and values of residential areas by the visual screening of large parking areas by limiting the parking and storage of recreational vehicles, boats, trailers and trucks in residential areas; and
  - (5) Reduce surface water run-off by considering the use of pervious surfaces, where applicable.
- (b) These requirements are designed to provide for the minimum parking, loading, and stacking needs of occupants, customers, employees, visitors and others involved in the use or occupancy of any building or use.

### 1117.02 Applicability

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- (a) Compliance with this section shall be reviewed as part of an application for a site plan review or zoning permit, whichever is reviewed first, unless otherwise stated in this code.
- (b) Unless otherwise stated, the requirements of this chapter shall apply to all new development, where there is the construction of a new structure or establishment of a new use, or where there is an expansion, addition, or change of existing uses and structures.
- (c) Accessory and temporary uses shall be exempt from the requirements of this chapter unless specifically required in [Chapter 1111: Accessory and Temporary Use Regulations](#).
- (d) All development in a PRD District shall be subject to the standards of this chapter unless otherwise modified through the PRD review and approval process.
- (e) **Change in Use, Additions, and Enlargement**

Where a change in use occurs, an increase in square footage or seating, or an increase in the number of dwelling units occurs, the number of parking spaces, loading spaces, or vehicle stacking spaces shall comply with the requirements of this chapter and as identified in this subsection.

  - (1) Where a building or use constructed or established prior to the effective date of this code is changed or enlarged that creates an increase of less than 10 percent, no additional spaces are required.
  - (2) Where a building or use constructed or established prior to the effective date of this code is changed or enlarged that creates an increase of more than 10 percent, but less than 25 percent, such required spaces shall be provided based on the enlargement or change.
  - (3) Where a building or use constructed or established prior to the effective date of this code is changed or enlarged that creates an increase of 25 percent or more the site shall comply with the parking requirements set forth herein.
  - (4) In cases where expansions or enlargements occur over a period of time after the effective date of this code, the site shall come into full compliance with the requirements of this chapter once the total expansion or enlargement of the floor area, number of dwelling units, seating capacity of other area exceed 25 percent of the original size at the time this code became effective.

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### 1117.03 General Requirements

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The following requirements shall apply to all vehicular use areas including off-street parking, stacking, and loading spaces.

**(a) Location**

Parking and loading spaces shall be provided on the same lot as the principal use they are intended to serve unless otherwise specifically allowed for in this code.

**(b) Modification to Existing Vehicular Use Areas**

The modification of any existing off-street parking area, including, but not limited to, reduction, enlargement, restriping or remarking of any vehicular use area in a manner that differs from the existing site plan, shall require a review of the modification in accordance with the following:

- (1) Minor modifications related to maintenance and upkeep including, but not limited to, repaving, restriping, remarking, or other similar maintenance work are permitted without a zoning permit.
- (2) All other modifications shall be reviewed by the Zoning Inspector who shall review the modification through the zoning permit process unless a site plan review is required.

**(c) Prohibition in Residential Districts**

No individual, business, corporation or other entity shall keep and/or store construction equipment or construction vehicles in any residence district within the City.

**(d) Setback Requirements**

**(1) Front Yards**

- A. Unless otherwise stated, all parking, loading and stacking areas in any zoning district shall be set back a minimum of five feet from any street or alley right-of-way. In the I-1 District, this setback shall be increased to 20 feet.
- B. This area shall be landscaped per Section [1115.06: Interior Landscaping of Parking Lots](#).

**(2) Side and Rear Yards**

- A. In all parking areas located in R-3, B-1, B-2, B-4, B-5, and P-1 District, no side yard setback requirements are required for parking areas, except when they are adjacent to a residential zoning district, in which case, the parking area shall set back a minimum of 15 feet from the lot line in the residential zoning district.
- B. In all parking areas located in I-1 District, no side yard setback requirements are required for parking areas, except when they are adjacent to a residential zoning district, in which case, the parking area shall set back a minimum of 20 feet from the lot line in the residential zoning district.

**(e) Access**

- (1) All ingress and egress to parking and loading areas shall be made through curb cuts as regulated by this subsection. All curb openings shall be constructed in accordance with the standard drawings of the City.
- (2) Each lot shall be permitted a maximum of one curb cut per lot except that lots in the nonresidential districts, on corner or double frontage lots, may have one curb cut on each street frontage, with the exact location of the cut to be subject to the approval of the City.
- (3) A driveway or access way serving a parking lot shall be designed so that vehicles entering and exiting will be traveling in a forward motion only, exclusive of lots containing single-family or two-family dwellings.

**(f) Separation of Curb Cuts**

- (1) There shall be a minimum of 50 feet between each driveway accessing a vehicular use area.
- (2) Each driveway shall be a minimum width of 25 feet and a maximum of 35 feet.
- (3) The approach or exit apron shall not be less than five feet wider than the entrance or exit to the vehicular use area.

**(g) Striping, Marking, and Maintenance**

- (1) All parking spaces, other than for single- and two-family dwellings, shall be striped and maintained in good condition.
- (2) Each parking space and aisle shall be clearly designated and marked to ensure approved utilization of the space, direction of traffic flow and general safety.
- (3) When a parking space is designated for handicapped accessibility or small car use, it shall be clearly marked as such.
- (4) The owner of property used for parking shall maintain such area in good condition without holes and free of all trash, abandoned or junk vehicles, and other rubbish.

**(h) Surface**

The surface of any parking area, aisle, driveway or maneuvering area shall be paved with a hard, durable, dust free surface such as asphalt or concrete (excluding compacted gravel) and approved by the Zoning Inspector.

**(i) Wheel Stops and Curbing**

- (1) Wheel stop devices consisting of parking blocks, permanent curbs or other suitable barrier shall be installed to prevent any part of a parked motor vehicle from extending beyond the required parking space area, overhanging a pedestrian circulation way or sidewalk or damaging any structure or landscaping.
- (2) The minimum height of a wheel stop device shall be five inches and the minimum distance from a wheel stop device to a property line or protected area shall be two and one-half feet.
- (3) Wheel stops shall be adequately anchored to the ground to prevent any movement.
- (4) Continuous curbing is discouraged but if curbing is used, it should be cut curbing or scissor curbing to allow for the passage of stormwater. See [Figure 1117-A](#).



*Figure 1117-A: Cuts in the continuous curb allow for stormwater to be directed into landscaped areas.*

**(j) Lighting**

Any lighting of vehicle use areas shall be subject to Section [1113.08: Exterior Lighting](#).

**(k) Landscaping, Buffering and Screening**

Landscape, buffering and screening shall be pursuant to [Chapter 1115: Landscaping and Screening Standards](#).

**(l) Prohibited Activities**

- (1) The display for sale of all types of vehicles shall be prohibited within any required off-street parking area, except for a private individual selling one personal vehicle from a residence at any one time or at an approved car sales business.
- (2) The display, sales, or storage of any goods, wares, or merchandise shall not be permitted within any areas designated for required off-street parking, circulation and loading.
- (3) No part of any building, structure, or related improvements shall be temporarily or permanently located or stored in areas designated for off-street parking, circulation and loading unless as part of an approved accessory or temporary use, or if approved as part of a site plan.

**(m) Bicycle and e-Scooter Parking**

When bicycle or e-Scooter parking accommodations are provided on a site, they shall be located in an area adjacent to the primary building and separate from vehicular or pedestrian traffic circulation to prevent unnecessary conflicts and safety hazards between vehicles, people, bicycles and e-Scooters.

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**1117.04 Off-Street Parking Standards**

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**(a) Number of Parking Spaces Required**

**(1) Computation**

In computing the number of parking spaces required by this code, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross leasable horizontal area of all floors of a nonresidential building.
- B. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated for, each 24 lineal inches of seating facilities (bench, pew, etc.).
- C. Fractional numbers shall be increased to the next highest whole number.
- D. Parking spaces shall be provided according to the schedule of uses in this subsection. In residential use areas, garages or carports may be counted as a part of the required parking.

**(2) Mixed Use Occupancy**

In the case of mixed or multiple uses in one building or on one property, the total requirements for off-street parking may be reduced as follows:

- A. The reduction shall be based on the sum of the minimum parking spaces required in the table in this subsection, computed separately, and reduced by not more than 25 percent. Any reduction in spaces shall be reviewed and approved by the Zoning Inspector.
- B. The remaining spaces shall not be reserved for any one use and shall be available to all patrons or residents of that development.

**(b) Revision of Parking Lots**

The revision of an approved parking lot, including, but not limited to, reduction, enlargement, restriping or remarking of any parking lot in a manner that differs from the existing site plan, shall require a new site plan approved by the Zoning Inspector prior to the changes being made.



**(c) Number of Parking Spaces Required**

The number of off-street parking spaces required shall be based on the requirements of Section [1117.04\(c\)\(1\)](#) below or an alternative parking space plan may be provided in accordance with Section [1117.04\(c\)\(2\)](#).

**(1) Minimum Parking Spaces Table**

- A. [Table 1117-1](#) establishes the minimum number of parking spaces required for individual uses. For uses that are not specifically stated, the Zoning Inspector may identify a parking requirement that most closely reflects the land use and intensity of the proposed use or may require an alternative parking space plan as established in Section [1117.04\(c\)\(2\)](#).
- B. In order to prevent excessive lot coverage, the artificial increase in ambient air temperature, and an unnecessary increase in surface water run-off, no application shall propose more than 25 percent of the spaces required in [Table 1117-1](#) below unless good cause can be shown by the applicant and approved by the BZBA through the variance process in Section [1105.08: Variances](#). Single-family dwellings and two-family dwellings shall be exempt from this provision.
- C. An alternative parking space plan is not permitted for uses marked with an asterisk (\*) in [Table 1117-1](#). An alternative parking space plan shall only be permitted when the applicant wants to propose less than the number required by [Table 1117-1](#) below.

TABLE 1117-1: MINIMUM NUMBER OF SPACES	
Use	Parking Spaces Required
<b>Residential Uses</b>	
Bed and Breakfast Establishment	One space per guest room plus two spaces for owner occupant
Single-Family or Two-Family Dwellings *	Two spaces per dwelling unit (enclosed)
All Other Multi-Family Dwellings *	One and one-half spaces per dwelling unit
Residential Facilities	Two spaces per home if located in a single-family dwelling or four spaces for all other residential facilities
Skilled Nursing or Personal Care Facilities	One space per four beds at maximum capacity
<b>Commercial and Office Uses</b>	
Assembly Halls and Conference Centers	One space for each four persons at maximum building capacity
Automotive Service or Repair Uses	One space per service bay plus one space per 400 square feet of retail space
Banks and Financial Institutions	One space per 300 square feet of gross floor area
Commercial Entertainment or Recreation (Indoors)	One per 400 square feet of gross floor area; or One per five seats if stadium/arena seating provided
Commercial Entertainment and Recreation (Outdoors)	One per five seats if ballfield/stadium/arena seating provided; or one space per 8,000 square feet of outdoor area
Day Care Centers (Adult or Child)	One space for every 400 square feet of gross floor area plus one space for every classroom or activity room
Funeral Homes or Mortuaries	Six spaces for each parlor plus one space for each fleet vehicle or one space for each 50 square feet of floor area in assembly rooms used for services, whichever is greater.
Administrative, Business, or Professional Offices	One space per 400 square feet of gross floor area
Hotel or Motel	One space per guest room
Animal Boarding, Training, or Daycare Facilities, Animal Hospitals/Clinics, and Animal Grooming	One space per 400 square feet of gross floor area

**TABLE 1117-1: MINIMUM NUMBER OF SPACES**

Use		Parking Spaces Required
Medical or Dental Clinics/Offices		One space per 300 square feet of gross floor area
Restaurant, Taverns or Bars, Microbrewery, Microdistillery, or Microwinery		One space per 150 square feet of gross floor area
Theaters		One space for each four persons at maximum building capacity
All Other Retail or Service Commercial Uses	Building footprint less than 5,000 square feet of gross floor area	One space per 300 square feet of gross floor area
	Building footprint of 5,001 to 50,000 square feet of gross floor area	One space per 350 square feet of gross floor area
	Building footprint of 50,001 square feet or more of gross floor area	One space per 400 square feet of gross floor area
<b>Public and Institutional Uses</b>		
Active Parks and Recreation		One space per 5,000 square feet of outdoor area or one space per five seats if stadium/arena seating provided
Cemeteries		One space per four seats in a chapel or place of assembly at maximum building capacity
Places of Worship		One space per four fixed seats in the main assembly room or one space per four persons at maximum capacity, whichever is greater
Educational Facilities (Preschool and K-12)		One space for every four seats in the largest auditorium, stadium, or assembly room, whichever is greater plus six spaces per classroom
Educational Facilities, Higher		One space for every four seats in the largest auditorium, stadium, or assembly room, whichever is greater plus one space per five seats for every classroom
Government Offices and Buildings		One space per 500 square feet of gross floor area
Hospitals		One space for every two patient beds plus one space for every 300 square feet of outpatient clinics, laboratories, pharmacies and other similar uses
All Other Public and Institutional Uses		One space per 500 square feet of gross floor area or one space per five permanent seat seats at maximum capacity, whichever is greater
<b>Industrial Uses – The total number of required spaces for uses in the industrial use classification shall be cumulative based on the variety of different functions present in a single use as established below</b>		
Offices or Administrative Areas		One space per 300 square feet of gross floor area
Indoor Sales Area and Displays of Goods Manufactured on Site		One space per 400 square feet of indoor gross floor area
Indoor Areas Used for Storage, Warehousing, Assembly, Vehicular Service, or General Manufacturing Activities	1-3,000 square feet of floor area	One space per 300 square feet of gross floor area
	3,001-5,000 square feet of floor area	One space per 500 square feet of gross floor area
	5,001-10,000 square feet of floor area	One space per 1,000 square feet of gross floor area
	10,001 or more square feet of floor area	One space per 1,500 square feet of gross floor area
Outdoor Storage Area (3,000 square feet or less)		1 space per 1,500 square feet of gross outdoor area
Outdoor Storage Area (more than 3,000 square feet)		1 space per 2,500 square feet of gross outdoor area

**(2) Alternative Parking Space Requirements**

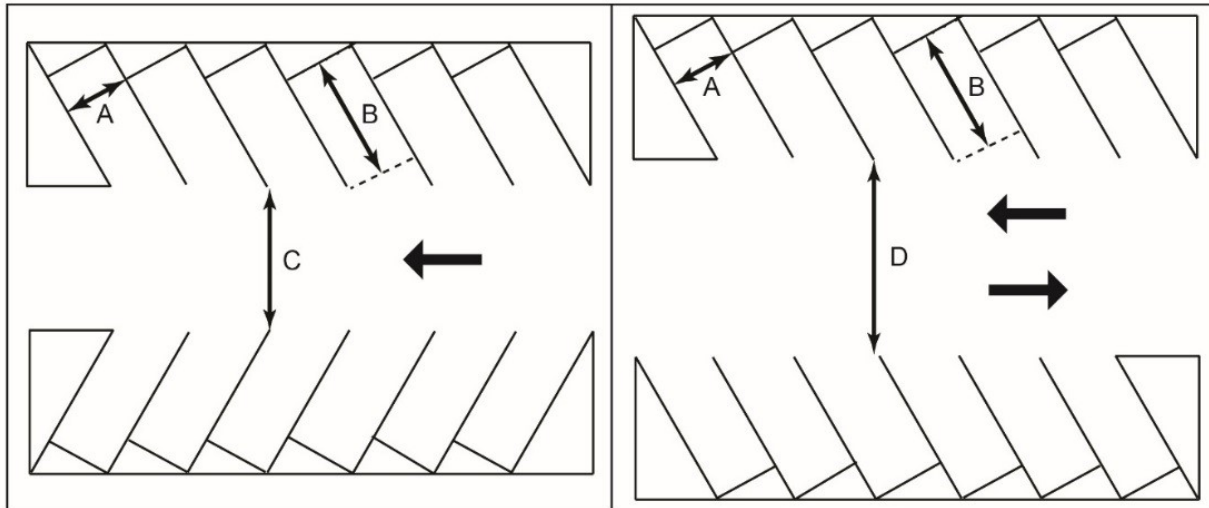
- A.** An applicant may choose to provide an alternative parking space plan based on the proposed uses. The applicant shall be required to demonstrate that the proposed number of off-street parking spaces provided in the alternative plan is sufficient to serve the proposed use or activity through the submission and review of a parking plan. As part of the alternative parking space plan, the applicant shall provide a written analysis of parking requirements based on the following information:
- i. Availability of on-street parking near the use and the distances to those spaces;
  - ii. Building square footage for each specific use to be served by off-street parking;
  - iii. Intensity of the proposed use;
  - iv. Hours of operation;
  - v. Estimated number of patrons/customers at peak hours of operation;
  - vi. Maximum numbers of employees present on one shift;
  - vii. Availability of joint parking areas;
  - viii. Building occupancy loads;
  - ix. Proposed number of spaces and their locations on the lot; and
  - x. Any additional information as requested by the Zoning Inspector.
- B.** The Planning Commission shall have the authority to approve or deny the application. The Planning Commission may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI), the Institute of Traffic Engineers (ITE), or similar resources in making their determination. If the Planning Commission denies the alternative parking space plan, the applicant shall be required to meet the minimum number of spaces required by Section [1117.04\(c\)\(1\)](#), above or seek approval of a variance in accordance with Section [1105.08: Variances](#).

**1117.05 Dimensional Requirements for Parking Spaces and Drive Aisles**

Areas for off-street parking facilities shall be in accordance with the following minimum requirements. Parking area length includes paved area only.

**(a) Parking Space Area Table**

TABLE 1117-2: PARKING SPACE DIMENSIONS				
Angle	Parking Space Width	Parking Space Length	Drive Aisle Width	
			One-Way	Two-Way
	A	B	C	D
<b>Parallel (0°)</b>	9 feet	22 feet	12 feet	20 feet
<b>30°</b>	9 feet	20 feet	12 feet	24 feet
<b>45°</b>	9 feet	20 feet	12 feet	24 feet
<b>60°</b>	9 feet	18 feet	18 feet	24 feet
<b>Perpendicular (90°)</b>	9 feet	18 feet	20 feet	24 feet



*Figure 1117-B: Parking area dimensions*

**(b) Parking for Handicapped Persons**

- (1) Parking spaces for handicapped and elderly persons shall meet the requirements of the Accessible Parking Guide published by the Secretary of State of Ohio, which outlines requirements of the most recent ADA Standards for Accessible Design.
- (2) Each handicap space may be included in the computation of spaces required by this chapter.

**(c) Alternative Parking Solutions**

**(1) Shared or Off-Site Parking**

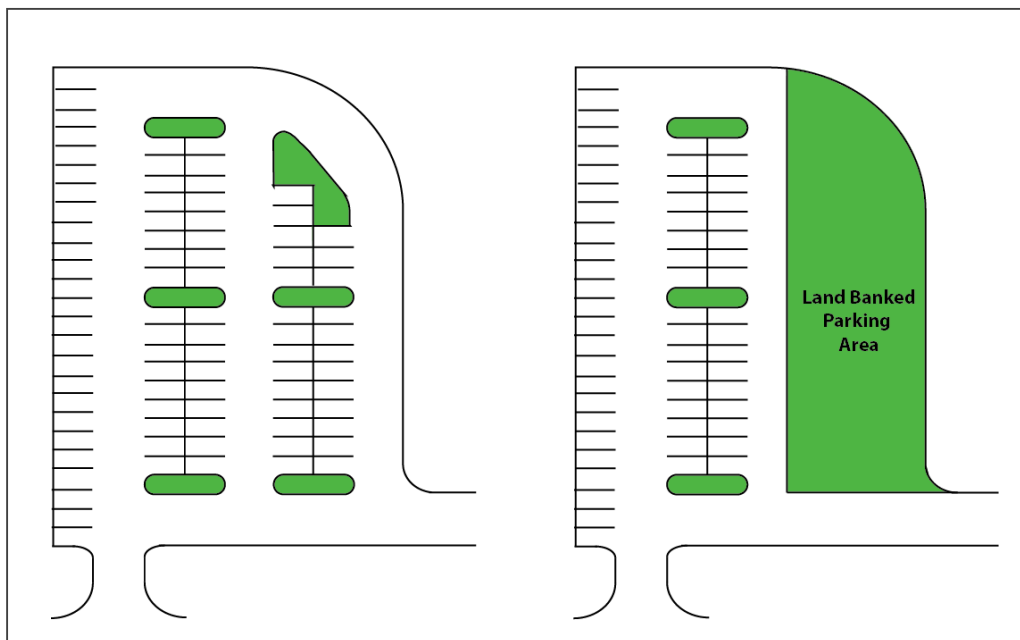
A portion of the required parking spaces may be located on an adjacent or nearby property if the parking area complies with the following standards.

- A. Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
- B. Off-site parking shall not be used to satisfy the off-street parking standards for residential uses.
- C. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking area.
- D. Shared or off-site parking shall not be permitted on a vacant lot in a residential zoning district unless permitted by the BZBA as part of a conditional use review.
- E. Shared or off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.
- F. In the event that a shared or off-site parking area is located on multiple parcels, a written parking agreement shall be required and must be approved by the Sheffield Lake Law Director.
- G. No shared or off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- H. The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared or off-site parking may be approved if it complies with the following standards:

- i. A sufficient number of spaces shall be provided to meet the highest demand of the participating uses.
- ii. Evidence shall be submitted by the parties operating the shared parking area, to the satisfaction of the Zoning Inspector, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between the users of the parking spaces.
- iii. Shared or off-site parking shall not account for more than 50 percent of the required parking spaces as established in Section [1117.04\(c\)\(1\)](#).
- iv. Any change in use of the activities served by a shared or off-site parking area will be deemed an amendment to the shared or off-site parking area plan and will require BZBA review and approval.
- v. All shared or off-site parking plans and agreements shall be recorded in the office of the Lorain County Recorder and a copy of the recorded document shall be provided to Sheffield Lake prior to any zoning permit being issued.

**(2) Land Banked Parking**

- A. In nonresidential districts only, up to 50 percent of the required parking spaces may remain landscaped and unpaved, or paved with pervious pavement, provided that the parking and unpaved areas complies with the following standards and is authorized in accordance with this section. See [Figure 1117-C](#) below.



*Figure 1117-C: The parking lot shown on the left is a traditional parking lot with interior parking islands while the parking lot on the right illustrates where an area is unimproved but is designated for future parking spaces if the demand arises.*

- B. The parking plan submitted with the site plan application shall denote the location and layout of that portion of the parking area that currently is deemed not required. The plan shall indicate that the “land banked” parking spaces will be constructed according to these regulations if the Zoning Inspector determines at any time that all or any portion of this parking is necessary.
- C. The applicant shall be required to design the site for full compliance with the applicable stormwater regulations, lighting regulations, and landscaping regulations even though a portion of the parking area may not be developed initially.

- D. Any conditions required by the City, and the design for the site as established above, shall be illustrated on a final site plan, approved as part of the zoning permit application and maintained as part of the City's official records.
  - E. At no time shall any portion of the land banked parking area that is designated for future development be used for the construction of any structure or paved surface with the exception that pervious pavement may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.
  - F. At no time shall any portion of the land banked parking or loading area that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this code.
  - G. The owner shall initiate construction of the approved land banked parking area(s), as identified on the approved parking plan, within three months of the receipt of a certified letter or a letter through normal postal service (if the certified letter is not accepted) sent to the owner of record from the Zoning Inspector, identifying that such parking is determined to be necessary. Such determination may be made when the Zoning Inspector:
    - i. Is reviewing an application related to a change of use or activity; or
    - ii. Documents that vehicles related to the use are consistently parked on the grass, landscaping area, or on the street.
- (3) Off-site or shared parking alternatives shall not be permitted where land bank parking is utilized.

### **1117.06 Off-Street Loading**

A permanently paved and maintained area for standing, loading and unloading of delivery vehicles shall be provided for principal uses in the nonresidential districts. These off-street loading facilities shall be in accordance with the following specifications:

#### **(a) Number of Spaces**

This code does not require a minimum number of off-street loading spaces. However, uses which receive frequent deliveries are required to provide adequate space, built to the standards as identified in this subsection. The Planning Commission may require loading spaces based on the proposed uses as part of site plan review.

#### **(b) Size**

Loading spaces shall conform to the following minimum dimensions. Unless otherwise noted, all dimensions are exclusive of any driveway, aisle or other circulation area:

- (1) Clearance height: 15 feet
- (2) Minimum width: 12 feet
- (3) Minimum length: 25 feet

#### **(c) Location**

- (1) All loading spaces and maneuvering areas shall be located on the same lot as the use they are intended to serve.
- (2) Off-street loading spaces may occupy any part of a required rear or side yard but shall not project into any front yard or into a public right-of-way.
- (3) Off-street loading spaces shall not obstruct or occupy any parking space, circulation or vehicle stacking space for drive through lanes.

- (4) No loading ramp, dock, door or space, or any portion thereof, shall be located closer than 50 feet from any lot line in a residential zoning district unless located completely within an enclosed building.

**(d) Access**

- (1) All required off-street loading spaces shall have access to a public street or alley in such a manner that any vehicle entering or exiting the premises shall be traveling in a forward motion onto such street or alley.
- (2) Driveway access for loading spaces shall be located so any vehicle entering or leaving the lot shall be clearly visible to any pedestrian or motorist approaching the access or driveway from a public or private street. Nothing shall project more than three feet above the driveway grade within two 10-foot triangles formed by the intersection of the driveway pavement edge and street right-of-way line.

**1117.07 Stacking Space Requirements**

- (a) Drive-through facilities and other establishments which, by their nature, create lines of customers waiting to be served within automobiles, shall provide off-street stacking areas, on the same lot as the use, in addition to the required number of parking spaces specified in this chapter.
- (b) The number of required stacking spaces shall be as provided for in [Table 1117-3](#). See [Figure 1117-D](#) for illustration of stacking spaces:

TABLE 1117-3: STACKING SPACE REQUIREMENTS		
Activity	Minimum Stacking Spaces (Per Lane)	Measured From:
Financial Institution or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	6	First Drive-Through Window or Stall
Automatic Car/Truck Wash	5	Outside of Washing Bay
Self-Service Car/Truck Wash	2	Outside of Washing Bay
Retail Fuel Sales	2 per accessible side of the pump island	Fuel Pump
Other	As determined by the Zoning Inspector	

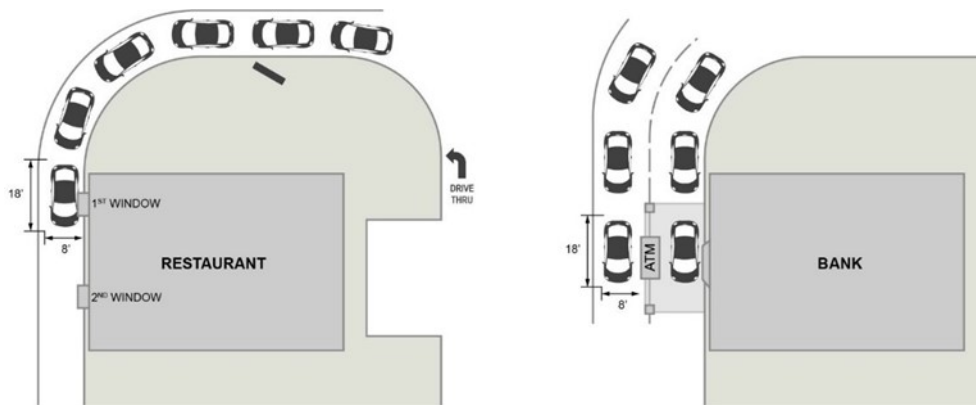


Figure 1117-D: Illustrative example of stacking space requirements for a bank and a restaurant.

- (c) Stacking lanes shall be provided for any use having a drive-through facility and shall comply with the following standards:

- (1) Drive-through stacking lanes shall have a minimum width of eight feet and a minimum length of 18 feet for each space required.
  - (2) When stacking lanes are separated from other stacking lanes, bypass lanes, or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, landscaping, or painted striping.
  - (3) The number of stacking spaces required by [Table 1117-3](#) shall be required for each separate stacking lane. If two or more stacking lanes converge into one lane (e.g., two lane separate lanes to order at a restaurant converge to one lane after the drive-through sign), the stacking spaces shall be measured in accordance with [Table 1117-3](#) with the spaces located after the convergence point counting toward both stacking lanes.
  - (4) Vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.
- (d) The Planning Commission may reduce the number of required stacking spaces when the applicant provides credible documentation, such as studies from similar sites, that fewer than the required number of stacking spaces does not impede vehicular traffic flow on the site and ingress/egress to the site.

### 1117.08 Sidewalk Connections to a Right-of-Way

- (a) Where a sidewalk exists in a public right-of-way adjacent to a site, a pedestrian connection is required to connect the sidewalk to the entrance of the building.
- (b) The pedestrian connection shall have a minimum width of five feet.
- (c) All pedestrian walkways and connections located within a site (internal pedestrian circulation) shall be physically separated from the drive lanes and driveways. Additionally, all sidewalks and crosswalks shall be constructed of an impervious surface and shall be visually distinct from the driving surface by use of pavers, color, bricks, scored concrete, or other material approved by the Zoning Inspector. See [Figure 1117-E](#).



*Figure 1117-E: This photograph illustrates how a sidewalk connecting the public sidewalk to the business can be integrated into the required landscaping.*



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## Chapter 1119: Signs

### 1119.01 Purpose

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- (a) The purpose of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the quality of materials, construction, illumination, installation and maintenance of all signs and sign structures.
- (b) In establishing these purposes, the City has determined that signs which do not comply with these regulations (type, size, location, and limitation on the number of signs) are a public nuisance. Unregulated signs are unduly distracting to motorists and pedestrians, and thereby create a traffic hazard and reduce the effectiveness of signs needed to direct the public.
- (c) The City does not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Chapter I, §11 of the Ohio Constitution. All regulations in this chapter are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of persons to speak freely.

### 1119.02 Substitution and Protection Clause

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Wherever a sign with a commercial message is allowed or permitted under this chapter, an owner may replace the message with a noncommercial message, subject to the time, place and manner provisions of this chapter, without applying for a permit and/or paying a fee that otherwise would be required for the placement of a commercial message sign on the lot; provided, that the sign structure or mounting device is legal without consideration of message content. This provision prevails over any provision to the contrary in this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

### 1119.03 Reclassification of Signage

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If the type of any sign that legally existed prior to the effective date of this amendment is reclassified by this amendment, such sign shall be classified as the sign type defined in this chapter and [Chapter 1131: Definitions](#), and shall be subject to the applicable standards for such sign type from the effective date of this amendment. Such reclassification shall be regardless of any variances that were approved prior to the effective date of this amendment.

### 1119.04 Applicability

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- (a) No person shall erect, place, relocate, expand, modify, maintain, or otherwise alter a sign, or cause a sign to be erected, placed, relocated, expanded, modified, maintained, or otherwise altered unless all provisions of this code have been met.
- (b) Unless otherwise provided, this chapter shall apply to any sign, in any zoning district, that is visible from a public right-of-way or from an adjacent property.
- (c) Any sign legally established prior to the effective date of this chapter, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section [1119.11: Nonconforming Signs](#).
- (d) Any person installing, structurally altering and/or relocating a sign for which a permit has been issued shall be responsible for the scheduling of necessary inspections, including, but not limited to, an inspection of footings on a free-standing sign, building, and electrical inspections, etc., during the course of the work.

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**1119.05 Review and Permit Requirements**

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- (a) To ensure compliance with these regulations, a zoning permit shall be required to be issued unless specifically exempted in this chapter.
- (b) All signs related to a use or development that requires a site plan review approval shall be required to be reviewed as part of the site plan review application prior to issuance of a zoning permit.

**(c) Zoning Permit Exemptions for Signs**

The following signs are subject to the requirements of this chapter but do not require a zoning permit. Permit-exempt signs may still be subject to building code or other applicable code requirements.

- (1) Signs and/or notices issued by any court, officer, or other person in performance of a public duty. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;
- (2) Whenever any sign, either conforming or nonconforming, is required to be removed for the purpose of repair, relettering, or repainting, the same may be done without a zoning permit or any payment of fees provided that all of the following conditions are met.
- (3) There is no alteration or remodeling to the structure or the mounting of the sign itself;
- (4) There is no enlargement or increase in any of the dimensions of the sign or its structure;
- (5) Whenever there is an exchange of sign panels when a sign is designed to have replaceable sign faces;
- (6) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, automated teller machines or similar devices that are not of a size or design as to be visible from a street or by any person other than those using the machine or device;
- (7) Any sign that is located completely inside a building that is not visible from the exterior (see also definition of window sign);
- (8) Signs that are located within a stadium, open-air theater, park, arena or other outdoor use that are not visible from a public right-of-way or adjacent property, and can be viewed only by persons within such stadium, open-air theater, park, arena or other outdoor use;
- (9) Certain temporary signs as established in Section [1119.10: Temporary Signs](#);
- (10) No more than four flags located on flagpoles or on wall-mounted posts provided that the following shall apply:
  - A. The maximum height of flag poles shall not exceed the maximum building height for structures in the subject zoning district, and a maximum sign area of area of 40 square feet for any individual flag attached to the pole.
  - B. The maximum projection for a wall-mounted flag post is six feet and a maximum sign area of 15 square feet per flag.
- (11) A single wall sign placed on the façade of an individual dwelling unit that is not illuminated and does not exceed two square feet in area.
- (12) Signs that are an integral part of the historic character of a structure that has been designated an official landmark or historic structure by any agency or body of the governments of the United States, State of Ohio, Lorain County or City of Sheffield Lake;
- (13) Any signs located on umbrellas, seating, or similar patio furniture;
- (14) Ground signs and markings located completely within the interior of a lot used for a cemetery where such signs are not designed to be visible from a public street;
- (15) Any sign on a truck, bus or other vehicle that is used in the normal course of a business (e.g., deliveries or fleet vehicles for contractors) for transportation (See also Section [1119.06: Prohibited Signs](#).), or signage required by the State or Federal government;

- (16) Signs installed or required by a governmental agency including the City of Sheffield Lake, Lorain County, State of Ohio, and United States, including local and regional transit agencies;
- (17) Any warning signs or traffic safety signs required by public utility providers;
- (18) Hand-held signs not set on or affixed to the ground;
- (19) Any address numbers required by the City of Sheffield Lake, Lorain County, or the State of Ohio;
- (20) Changes of copy on signs with changeable copy;
- (21) Any signs, including illuminated signs, or related decorations erected in observance of religious, national or state holidays which are not intended to be permanent in nature and which contain no advertising material; and
- (22) General maintenance, painting, repainting, cleaning and other normal maintenance and repair of a sign or any sign structure unless a structural change is made. See also Section [1119.08\(m\)](#).

**(d) Revocation of Permits for Noncompliance**

The Zoning Inspector is hereby authorized and empowered to revoke any permit issued upon failure of the applicant or holder thereof to comply with any provision of this chapter.

**1119.06 Prohibited Signs**

The following types of signs are specifically prohibited within the City of Sheffield Lake:

- (a) Any sign that copies or imitates a sign installed by any governmental agency or purports to have been authorized by a governmental agency;
- (b) Signs that interfere with, obstruct the view of, or are similar in appearance to any authorized traffic sign, signal, or device because of its position, shape, use of words, or color;
- (c) Signs that constitute a hazard to safety or health by reason of inadequate or inappropriate design, construction, repair, or maintenance, as determined by the building official;
- (d) Signs that employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. This shall not include electronic message centers as allowed in this chapter;
- (e) Signs with moving or flashing lights except for electronic message centers as allowed in this chapter;
- (f) Beacons and searchlights, except for emergency purposes;
- (g) Windblown devices, pennants, streamers, and similar signs that are designed to move by atmospheric, mechanical, electrical, or other means, whether containing words or numerals or containing no message except that feather signs may be permitted in accordance with Section [1119.10: Temporary Signs](#);
- (h) Air-activated graphics;
- (i) Balloon signs;
- (j) Roof signs;
- (k) Signs that are applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way except as provided for in Section [1119.08\(h\)](#);
- (l) Signs that obstruct or substantially interfere with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building;
- (m) Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure unless specifically permitted as a temporary sign;

- (n) Portable signs;
- (o) Vehicle signs viewed from a public road with the primary purpose of providing signage not otherwise allowed by this chapter. A vehicle sign shall be considered to be used for the primary purpose of advertising if the vehicle fails to display current license plates; if the vehicle is inoperable; or if the sign alters the standard design of such vehicle. Vehicle signs include those attached to or placed on a vehicle or trailer. Vehicles or trailers shall not be parked continuously in one location to be used primarily as additional signage. This does not apply to a vehicle parked at a driver's residence and is the primary means of transportation to and from their place of employment; and
- (p) Any sign not specifically allowed by this chapter.

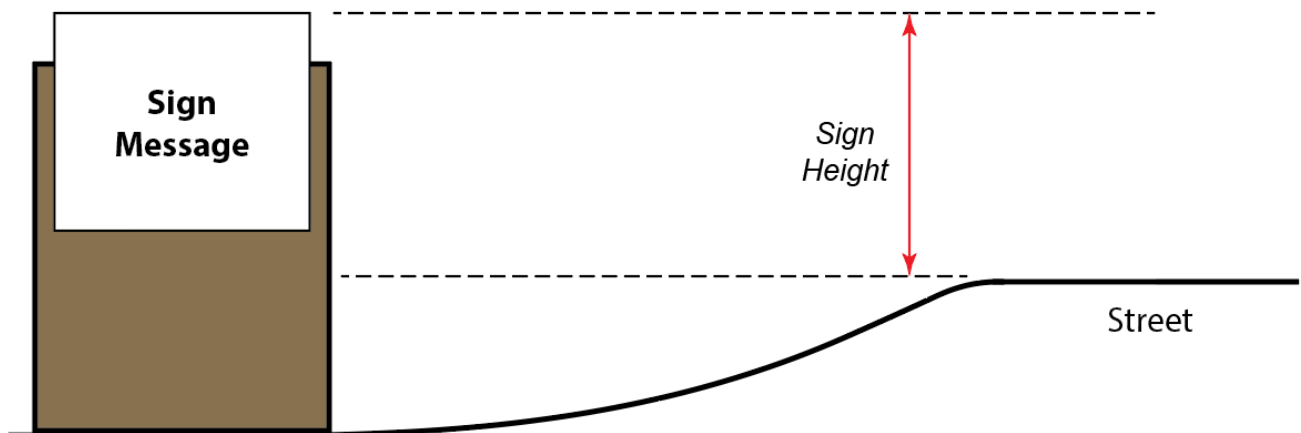
### 1119.07 Measurements and Computations

#### (a) Sign Setback

All required setbacks for signs shall be measured as the distance in feet from the lot line or right-of-way, whichever is applicable, to the closest point on the sign structure.

#### (b) Sign Height

- (1) The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating undertaken for the purpose of locating or increasing the height of sign.
- (2) The filling of a pre-existing hole or depression to create an average grade at the same level as that surrounding the hole or depression is permitted, provided such filling is allowed by other ordinances.
- (3) In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street. See [Figure 1119-A](#).



*Figure 1119-A: Illustration of the measurement of sign height when the grade at the bottom of the sign is below the grade of the adjacent street.*

- (4) Any material whose major function is providing structural support for a sign shall be considered part of the sign for purposes of determining sign height.

- (5) Where a distance is established for the clearance of a sign, such measurements shall be made from the normal grade of the ground, directly under the applicable sign or structure supporting the sign, and the bottom most point of the sign or the structure supporting the sign, whichever is closest.

(c) **Sign Area**

The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as established in this section. For the purposes of calculating sign area, any of the following regular geometric shapes may be used: circle, ellipse, triangle, square, rectangle, trapezoid, pentagon, or hexagon.

- (1) The calculation of sign area shall not include any supporting framework, bracing or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other message, as determined by the Zoning Inspector. See [Figure 1119-B](#).
- (2) For sign copy mounted or painted on a background panel, cabinet or surface distinctively painted, textured, lighted or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest permitted shape, or combination of permitted shapes, that encompasses the extreme limits of the background panel, cabinet or surface. See [Figure 1119-B](#) and [Figure 1119-C](#).

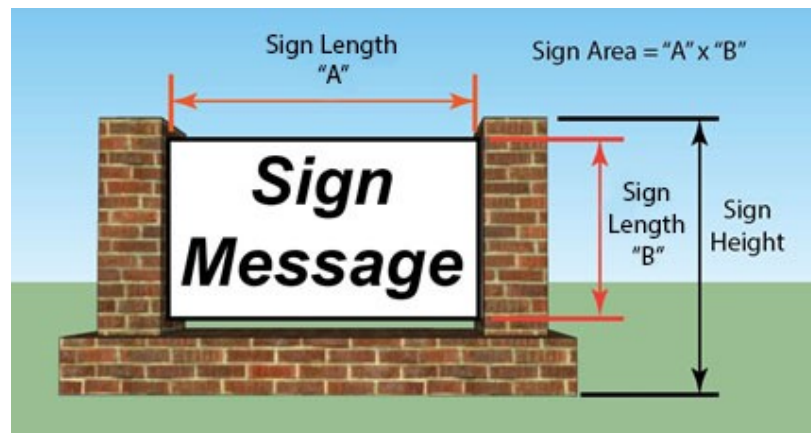


Figure 1119-B: Illustration of sign area calculation for a ground sign with a copy on a distinct, rectangular cabinet. The brick structural support is not included in the sign area calculation.



Figure 1119-C: Illustration of computing the sign area for wall signs with a background panel or cabinet.

- (3) For sign copy where individual letters or elements are mounted on a building façade or window where there is no background panel, cabinet or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest permitted shape, or combination of permitted shapes, that encloses all the letters or elements associated with the sign. See [Figure 1119-D](#).

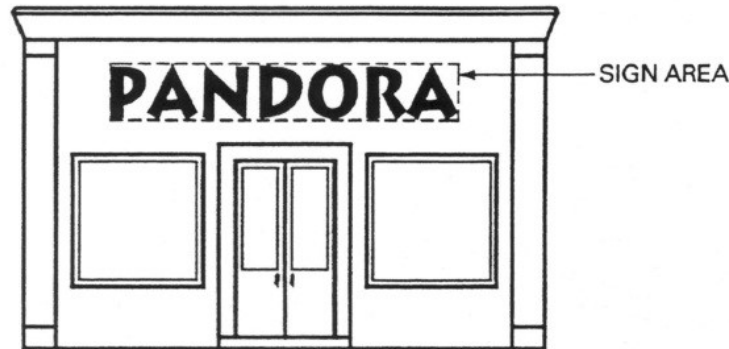


Figure 1119-D: Illustration of sign area calculation for wall signs with individual letters.

- (4) In cases where there are multiple sign elements of sign copy on the same surface, any areas of sign copy that are within two feet of one another shall be calculated as a single sign area that shall be computed by means of the smallest permitted shape, or combination of permitted shapes, that encloses all sign copy within two feet of one another, otherwise the sign area shall be computed for each separate piece of sign copy. See [Figure 1119-E](#).

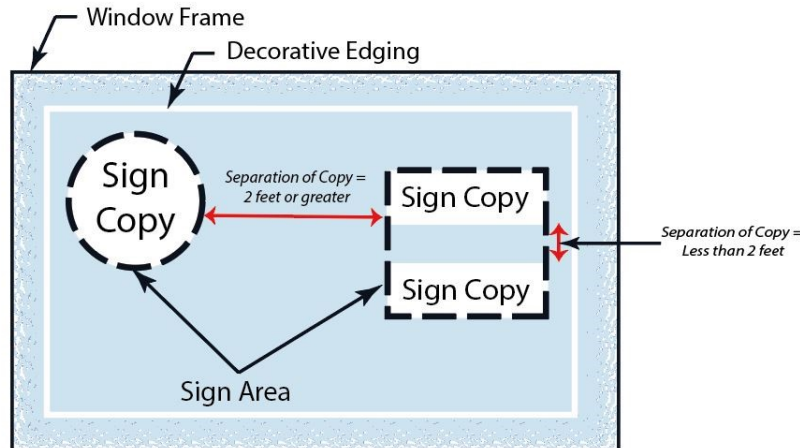


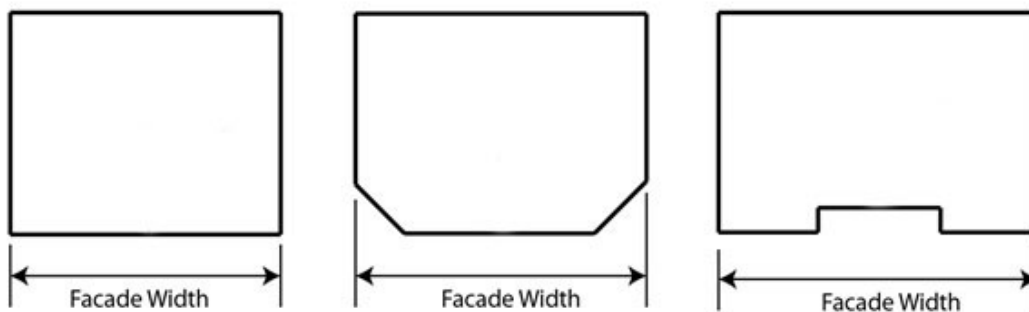
Figure 1119-E: Illustration of sign area calculations for multiple sign areas on a window sign.

- (5) Decorative edging or other window treatments that are not an integral part of the sign copy shall not be considered a part of the sign for the purposes of this chapter. See [Figure 1119-E](#).
- (6) Except for three-dimensional signs, the sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces when the interior angle is greater than 45 degrees.

- (7) When two identically sized, flat sign faces are placed back-to-back or at angles of 45 degrees or less, so that both faces cannot be viewed from any one point at the same time, the sign area shall be computed by the measurement of one of the sign faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.
- (8) In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area shall be calculated by the smallest permitted shape, or combination of permitted shapes, that encompasses the profile of the sign message multiplied by two. The profile used shall be the largest area of the sign message visible from any one point.

**(d) Façade Measurements**

- (1) When calculating the permitted sign area based on the width of any façade, such calculation shall be based on viewing the façade from a 90-degree angle (i.e., straight on), regardless of façade insets, offsets, or angles. See [Figure 1119-F](#).



*Figure 1119-F: Illustration of façade width measurement on varied façade shapes.*

- (2) For multi-tenant buildings, the portion of a building that is owned or leased by a single occupant or tenant shall be considered a building unit. The façade width for a building unit shall be measured from the centerline of the party walls defining the building unit.
- (3) The primary façade shall be the portion of a frontage that serves as the main access point to a building or building unit. A site or building will be considered to have secondary façades when any of the following site/building characteristics are present (See [Figure 1119-G](#)):
  - A. The subject site is a corner lot;
  - B. The primary parking area is not located adjacent to a public street; or
  - C. The building or unit has walls with public or customer entrance points that do not face the public street.

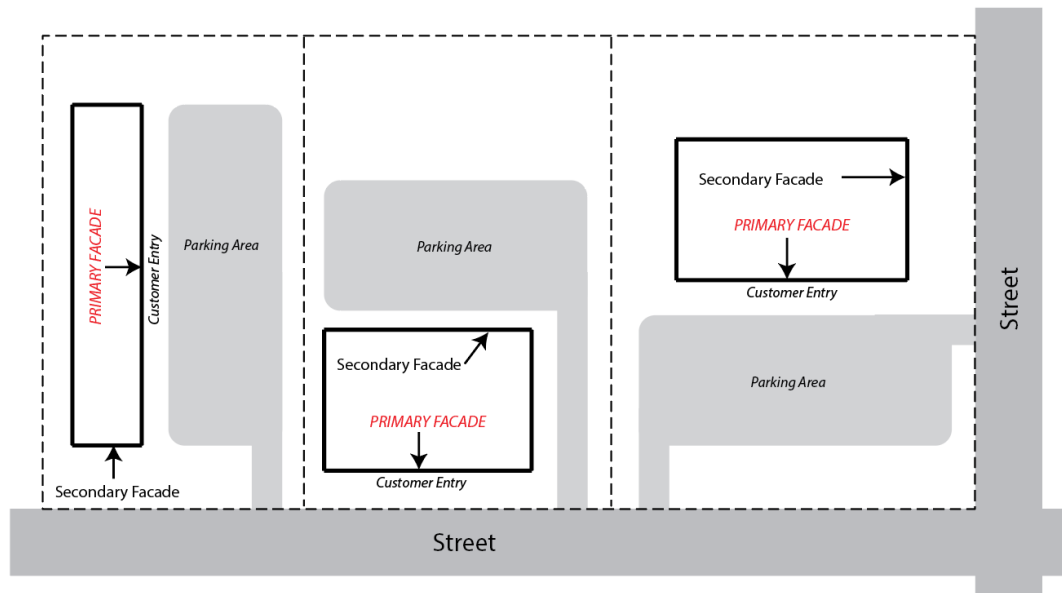


Figure 1119-G: Common examples of the location of primary and secondary facades.

- (4) When a site has primary and secondary facade as defined herein, the Zoning Inspector shall determine which wall shall be the primary building facade and which wall(s) shall be the secondary building facade. Only one outside wall of any business shall be considered its primary facade.
- (5) For multi-tenant buildings where each tenant has its own exterior entrance, the portion of a building that is owned or leased by a single occupant or tenant shall be considered a building unit. The façade width for a building unit shall be measured from the centerline of the party walls defining the building unit. For uses, such as office buildings, where multiple tenants may locate within the same building and all tenants have interior access to their tenant space, such building shall be considered one building without separate building units.
- (6) The Zoning Inspector shall have the authority to make the determination of what façades are primary facades and secondary façades for the purposes of this chapter.

### 1119.08 General Requirements for All Signs

Unless otherwise specifically stated, the following regulations shall apply to all signs within the City:

- (a) Permanent signs are considered accessory uses and shall be accessory to a principal use provided for in this code. Temporary signs may be permitted on all lots, regardless of the presence of a principal use.
- (b) All signs shall be constructed in compliance with the applicable building and electrical codes as well as any other City regulations.
- (c) No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress, or block any light or ventilation openings.
- (d) No sign shall obstruct or interfere with fire ingress or egress from any door, window, or fire escape, nor shall it obstruct or interfere with traffic or traffic visibility.
- (e) All signs shall be secured in such a manner as to prevent swinging or other significant noticeable movement, not including movement related to permitted electronic message centers.
- (f) Signs supported by or suspended from a building shall hang so as to maintain a minimum clear height of nine feet above a pedestrian path and 15 feet above a vehicular path.



- (g) All signs shall comply with the vision clearance requirements of Section [1113.05: Intersection Visibility](#).
- (h) **Signs in Rights-of-Way**
- (1) Signs shall be prohibited in the right-of-way with the exception of:
    - A. Signs installed by the City of Sheffield Lake, Lorain County, State of Ohio, or United States, including local and regional transit agencies;
    - B. Permanent monument signs if approved by the Zoning Inspector and where a homeowners' or property owners' association agreement or covenants provide for the maintenance of the sign; or
    - C. Any warning signs or traffic safety signs required by public utility providers.
  - (2) The building official may remove or cause to be removed any unlawful sign in the public right-of-way.
- (i) **Engineering Design and Materials**
- (1) Signs shall be fabricated on and of materials which are of good quality, good durability and are complimentary to the building of which they become a part.
  - (2) All signs shall be designed and constructed to withstand wind pressures of not less than that required for buildings and other structures.
  - (3) Signs adequately designed to withstand wind pressures specified in subsection (2) hereof are considered capable of withstanding earthquake shock, except in areas subject to high-intensity shocks where all signs shall be designed in accordance with local requirements to resist earthquake shock. Wind loads and earthquake loads need not be combined to determine the maximum horizontal loads acting upon a sign. Only the larger of the two loads need be used for design.
  - (4) Nonstructural trim may be made of metal or wood or approved combustible plastics or any combination thereof. Sign faces, letters, and decorations of all types of signs may be made of metal or approved combustible plastics. Sign faces, letters, and decorations of signs other than electric signs may be made of wood.
  - (5) The owner of any sign as defined and regulated by this chapter shall be required to have properly painted all parts and supports of the sign as are necessary to maintain safety factors.
- (j) **Sign Illumination and Electronic Message Centers**
- All signs, unless otherwise stated in this chapter, may be illuminated by internal or external light sources, provided that such illumination complies with the following:
- (1) Illuminated signs shall not have any flashing or blinking lights or rotating beacons, nor shall any beam of light be projected through a mechanism which periodically changes the color of the light reaching the sign.
  - (2) All illumination shall be oriented so as to prevent glare onto traffic or onto adjacent property or structures.
  - (3) Illuminated signs shall be constructed of noncombustible materials, provided, however, that facings, letters, figures, decorations, and structural trim thereof may be made of approved combustible plastics.
  - (4) Illuminated signs produced in quantity (other than signs custom built for specific locations) shall be constructed in accordance with the "Standard for Electric Signs (U.L. 48) of Underwriters' Laboratories, Inc." and bear the label of Underwriters' Laboratories, Inc.
  - (5) All electrical illumination devices shall be designed to be weather-resistant and shatterproof.
  - (6) **Electronic Message Centers**  
All electronic message centers shall be subject to the following requirements:

- A. The maximum brightness of the electronic message center shall be:
  - i. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
  - ii. The brightness level shall not increase by more than 0.3-foot candles (or 3.23 lumens per square meter or lux) (over ambient levels) as measured using a foot candle meter at a pre-set distance.
  - iii. The procedure and distances for measurement of brightness shall be as established by the International Sign Association's Recommend Night-time Brightness Levels for On-Premise Electronic Message Centers.
- B. The owners of such signs shall include specifications accompanying their zoning permit application, demonstrating that they will comply with the prescribed brightness limitations set by this code.
- C. Electronic message centers shall be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a measure to immediately discontinue the display if it malfunctions.
- D. Any message change shall be a static, instant message change meaning the sign shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking, changes in color, fade in or fade out in any manor imitating movement, or any other means not providing constant illumination.
- E. Messages can only change once every 10 seconds.
- F. Electronic message centers in residential zoning districts shall be set back a minimum of 200 feet from any adjacent residential dwelling.
- G. Only Light Emitting Diodes (LED) technology or similar quality signs shall be permitted for electronic message centers.
- H. Wherever an electronic message center is permitted, a manual changeable copy sign shall also be permitted. A zoning permit shall be required to change between each type of sign.

**(k) Unsafe Signs**

- (1) If the Building Inspector finds that any sign regulated herein is unsafe or insecure or has been constructed or erected or is being maintained in violation of the provisions of this chapter, they shall give written notice in person or by registered mail to the owner thereof. If the owner fails to remove or alter the structure so as to comply with the standards herein set forth within ten days after such notice, such sign or other advertising structure may be removed or altered to comply by the Building Inspector at the expense of the owner of the property upon which it is located.
- (2) The Building Inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

**(l) Removal of Signs**

- (1) The Zoning Inspector is authorized to order the removal, repair or maintenance of any sign which constitutes a nuisance, or for which the required permit has not been obtained, or when a sign no longer advertises a bona fide business conducted or product sold, or which advertises an event which has been concluded, or which pertain to an issue or candidate to be decided upon in an election which has been concluded or which violates any provision of this chapter.
- (2) Whenever the removal, repair or maintenance of any permanent sign has been ordered by the Zoning Inspector, the owner or person in possession of such sign shall comply with such order within 10 days after notice is served upon him.

- (3) Whenever the removal, repair or maintenance of a temporary or portable sign has been ordered by the Zoning Inspector, the owner or person in possession of such sign shall comply with the order within 48 hours after notice is served upon him. In the event of noncompliance, the Zoning Inspector may seek an order of removal from a court of competent jurisdiction, or may pursue criminal action against the owner and/or person in possession in accordance with the appropriate provisions of this code relating to violations.
- (4) If, following an inspection, the Building Inspector determines that any sign constitutes an immediate danger to the public safety, or creates an imminent risk of substantial harm to the rights of another, the Building Inspector may order the immediate removal of said sign without regard to the time intervals for compliance cited above, at the sign owner's expense. Removal of sign shall include the sign face, enclosing frame, all sign supporting members and base, unless otherwise specified in the order to remove.

**(m) Inspections and Maintenance**

- (1) The Zoning Inspector or Building Inspector shall inspect annually or at such times as he deems necessary each sign regulated by this chapter for the purpose of ascertaining whether the same is secure or insecure and whether it needs removal or repair, and they shall keep a record thereof.
- (2) It shall be the duty and obligation of every person owning or controlling the existence of a sign to see to it that such sign maintains a neat and clear physical appearance.
- (3) Every sign shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of a defective part, painting, cleaning, and other acts required for the maintenance of the sign so as not to show evidence of deterioration, including peeling, rust, dirt, fading, damage, discoloration, or holes.
- (4) Whenever a sign is to be removed pursuant to the requirements of this section, all parts of the sign and supporting structure (e.g., pole, foundation, cabinet structure, etc.), excluding buildings for wall, projecting, or similar signage, shall be removed in its entirety. This section shall not require the removal of a raceway if mounted to such structure on a building.
- (5) The Building Inspector may order the removal or repair of any sign that, has become insecure, in danger of falling or otherwise unsafe, or presents a threat to the public safety.

**(n) Revocability of Privileges**

All rights and privileges acquired under the provisions of this chapter are mere licenses revocable at any time by the Law Director upon the recommendation of the Building Inspector or Zoning Inspector.

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**1119.09 Permanent Signs**

The following are the types of permanent signs allowed in the City of Sheffield Lake and the applicable regulations for each type of sign.

**(a) Permanent Signs in Residential Districts**

**(1) Entrance Signs**

Two wall signs or one permanent monument sign may be permitted for any subdivision or multi-family dwelling development provided that the sign meets the following requirements:

**A. General Standards**

- i. Each sign may have a maximum sign area of 36 square feet.
- ii. No such sign or any portion of the structure shall exceed six feet in height.
- iii. The sign may only be illuminated through an external light source.

**B. Monument Sign**

- i. A maximum of one permanent monument sign may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Zoning Inspector.
- ii. Each sign shall be setback 10 feet from the public right-of-way.
- iii. If an applicant proposes to use monument signs, no wall signs, as allowed in in this subsection, below, shall be permitted.
- iv. Monument signs shall comply with the design standards of Section [1119.09\(b\)\(1\)](#).

**C. Wall Signs on Entry Fences or Walls**

- i. A maximum of two wall signs may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Zoning Inspector.
- ii. The signs shall be mounted to a decorative wall or fence adjacent to the entrance street.
- iii. The sign shall be setback 10 feet from the public right-of-way.
- iv. Wall signs shall comply with the design standards of Section [1119.09\(b\)\(2\)F](#).
- v. If an applicant proposes to use wall signs, no monument sign, as allowed in this subsection, above, shall be permitted.

**(2) Permanent Signs for Conditional Uses in Residential Districts**

- A.** One permanent monument sign may be permitted on a lot containing a use that is allowed and approved as a conditional use in the applicable residential district provided the sign meets the following requirements:
  - i. The sign shall be set back 10 feet from the public right-of-way.
  - ii. The maximum sign area shall be 36 square feet.
  - iii. No such sign or any portion of the structure shall exceed six feet in height.
  - iv. Such signs may incorporate an electronic message center in compliance with Section [1119.08\(j\)\(6\)](#). Such electronic message center shall not comprise more than 50 percent of the total sign area.
- B.** Buildings signs shall be permitted on a lot containing a use approved as a conditional use provided the signs meet the same requirements for building signs in the B-1 District in Section [1119.09\(b\)\(2\)](#).

**(b) Permanent Signs in Nonresidential Districts**

**(1) Freestanding Signs**

All freestanding signs in nonresidential district shall be monument or pole signs that meet the following requirements:

- A.** The edge of any freestanding sign shall be set back minimum of 18 inches from the curb line or right-of-way, and 15 feet from any adjacent lot lines.
- B.** All supports and foundations for any freestanding sign shall only be permitted on private property.
- C.** Only one freestanding sign shall be permitted along each street frontage. One additional freestanding sign may be allowed on the same street frontage provided there is a minimum lot width of 200 feet and the signs are separated by at least 100 feet.
- D.** The maximum sign area permitted, per sign, shall be 40 square feet.
- E.** The maximum sign height shall be 16 feet.

- F. Only monument signs may include manual changeable copy signs or electronic message centers as regulated by this chapter. The manual changeable copy or electronic message center area shall not exceed 75 percent of the total sign area.
- G. Where a freestanding sign serves a multi-tenant building, it shall be the responsibility of the property owner to determine the messaging on the sign.
- H. Exposed sign foundations shall be constructed with a finished material such as brick, stone, or wood.
- I. **Design Requirements**
  - i. Outside the fire limits, as established in Chapter 1353, monument signs may be constructed of combustible materials. Within the fire limits, structural members of ground signs may be made of wood if the facing is made of sheet metal or other noncombustible material. The letters, figures, characters or representation in cut-out or irregular form, decorations and structural trim of ground signs may be made of approved combustible materials.
  - ii. Letters, figures, characters or representation in cut-out or irregular form, maintained in conjunction with, attached to or superimposed upon, any sign shall be safely and securely built or attached to the sign structure.
  - iii. Pole signs shall be constructed of noncombustible materials, provided, however, that facings, letters, figures, decorations, and structural trim thereof may be made of approved combustible materials.
  - iv. Pole signs shall be set in concrete footings of sufficient size and weight to prevent overturning the sign.

**(2) Building Signs**

Except for the wall sign permitted in Section [1119.05\(c\)](#), building signs shall not be permitted in residential districts unless accessory to an approved conditional use. In all other districts, building signs are permitted on principal structures in accordance with the following:

- A. The building sign area allowed in this section shall include the total amount of all wall, canopy, awning, marquee, and projecting signs on each façade wall. Standards for each individual building sign type are established in this section.
- B. Building signs shall not extend above the top of the roofline of the building to which it is attached. For canopy signs, the signs may be attached above the canopy, which is attached permanently to the building, provided that the sign does not extend above the top of the roofline of the building.
- C. Building signs may not be attached to mechanical equipment or roof screening.
- D. Building signs shall not include electronic message centers.
- E. **Building Sign Allowance**
  - i. There is no maximum number of permitted building signs.
  - ii. Where there is a building sign allowance for a primary façade, such building sign area shall only be attached to the primary façade.
  - iii. Where there is a secondary façade, as determined in Section [1119.07\(d\)](#), there shall only be one designated secondary façade and any building sign area allowed for the secondary façade shall be attached to the applicable secondary façade.
  - iv. There shall be a maximum of 2.5 square feet of building sign area per lineal foot of primary façade width for each building or building unit frontage, as applicable.
  - v. There shall be a maximum of 1.0 square feet of building sign area per lineal foot of secondary façade width for each building or building unit frontage, as applicable.

## **F. Wall Sign Standards**

Any wall sign shall comply with the following standards:

- i. Wall signs shall be mounted on or flush with a wall and shall not project more than 24 inches from the wall or face of the building to which it is attached.
- ii. A wall sign may be mounted on the façade wall or mounted on a raceway or wireway.
- iii. No wall sign shall extend any closer than 12 inches to either the top or side edges of the surface or wall to which it is attached.
- iv. No wall sign shall extend above the parapet of the main building to which it is attached, nor beyond the vertical limits of such building.
- v. Wall signs may be internally or externally illuminated except when attached to a façade that faces a residential zoning district, in which case the illumination of the wall sign is prohibited.
- vi. The wall sign allowance may be used for signs attached to roofed structures over fueling stations or to stand-alone accessory structure such as Automated Teller Machines (ATMS) or detached accessory buildings.
- vii. Wall signs shall be constructed of noncombustible materials, provided, however, that facings, letters, figures, decorations, and structural trim thereof may be made of approved combustible materials.
- viii. Wall signs shall be securely fastened to a masonry wall by means of anchors, bolts, expansion screws or similar connectors. A wall sign which is attached to a wall of wood may be anchored with wood blocks used in connection with screws and nails. A wall sign shall not be entirely supported by an unbraced parapet wall.

## **G. Canopy, Awning, or Marquee Sign Standards**

Any canopy, awning, or marquee sign comply with the following standards:

- i. Signage shall not cover more than 24 square feet of any individual awning, canopy, or marquee.
- ii. Canopies or awnings should not extend more than 36 inches from the façade.
- iii. Signage may be mounted above any canopy or marquee that extends over a customer entrance provided that the maximum sign height over the canopy shall be 18 inches as measured from the top of the canopy to the top of the sign.
- iv. Only the area of the sign may be illuminated internally on a canopy, awning, or marquee. The remainder of any canopy, awning, or marquee shall not be illuminated or may be illuminated by an external source such as gooseneck lighting.
- v. Marquees shall be constructed of noncombustible materials and shall not project within eighteen inches of the curb line.
- vi. The roofs of all marquees shall be properly guttered and connected by downspouts to a sewer so that water will not drop or flood onto public property.
- vii. Marquee signs shall be constructed of noncombustible materials, provided, however, that the facings, letters, figures and decorations thereof may be made of approved combustible plastics.
- viii. Awning, canopy, and marquee signs shall be constructed of noncombustible materials, provided, however, that facings, letters, figures, decorations, and structural trim thereof may be made of approved combustible materials.

## **H. Projecting Sign Standards**

Any projecting sign shall comply with the following standards:

- i. Only one projecting sign shall be permitted for each tenant of building space.
- ii. A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four feet from the façade wall to which it is attached.
- iii. Projecting signs shall maintain a minimum six-inch clearance from the façade of any building.
- iv. Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of signs allowed, however, in no case shall the supporting structure exceed six square feet.
- v. The maximum sign area for a projecting sign shall be 24 square feet.
- vi. Projecting signs shall not be internally illuminated.
- vii. Projecting signs must be suspended from brackets approved by the building official and contain no exposed guy wires or turnbuckles.
- viii. The edge of any projecting sign shall be set back a minimum of 18 inches from the curb or right-of-way.
- ix. Projecting signs shall be constructed of noncombustible materials, provided, however, that facings, letters, figures, decorations, and structural trim thereof may be made of approved combustible materials.
- x. Projecting signs may have letters, panels or ornaments of porcelain enamel, glass, approved combustible plastics or other hard materials.
- xi. All projecting signs shall be supported by strong steel brackets attached to walls of buildings with through bolts, expansion bolts or other equally secure methods and shall be braced and held firmly in place with soft iron or steel cables or chain of adequate strength. All such supports shall be attached to walls of buildings with expansion bolts or an equivalent method. Projecting signs which are permitted to extend above parapet walls may be attached to brackets fastened to roofs by means of through bolts but shall not be attached to any part of the wall above a point of bearing of the roof joists or rafters.

**(3) Window Signs**

- A.** Window signs shall not require a zoning permit.
- B.** Window signs are prohibited in residential zoning districts except as allowed for temporary signs.
- C.** Window signs may be temporarily or permanently attached to the window surface.
- D.** Window signs shall not occupy more than 50 percent of the window area. The sign area is based on the total window area, regardless of the presence of an awning. Window areas separated by piers, architectural elements, or similar features that are not glass or window framing, or support shall be considered separate and distinct window areas. See [Figure 1119-H](#).



Figure 1119-H: The window area is illustrated within the dashed line area for the two storefronts in the above image. The dashed lines highlight two separate window areas due to the separation by an architectural feature not related to the windows.

#### (4) Drive-Through Facility Signs

- A. Drive-through facility signs shall only be permitted in nonresidential zoning districts.
- B. One drive-through facility sign shall be allowed for each stacking lane in a drive-through facility provided the total aggregate sign area of all ground signs associated with each drive-through facility does not exceed 72 square feet. In no case shall a single drive-through facility sign exceed 36 square feet in sign area.
- C. Such signs shall be oriented so as to only be visible to occupants of vehicles in the stacking lanes of the drive-through facility.
- D. No drive-through facility sign under this section shall exceed six feet in height measured from the grade of the adjacent driving surface to the top of the sign.
- E. Drive-through facility signs may be internally or externally illuminated. Up to 100 percent of each sign may be an electronic message center if they comply with the following standards:
- F. Any message change shall be a static, instant message change.
- G. Only Light Emitting Diodes (LED) technology or similar quality signs shall be permitted for electronic message centers.
- H. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
- I. The electronic message center shall be turned off during the hours when the related business is closed.
- J. Drive-through facility signs attached to a wall of building shall be calculated as part of the building signage allowance in Section [1119.09\(b\)\(2\)](#).
- K. The maximum sign areas of this section shall not apply where the drive-through facility sign is located in a manner that is not visible from a public right-of-way or from an adjacent residential lot, as determined by the Planning Commission during the site plan review process.
- L. Drive-through facility signs shall meet the same design requirements as freestanding signs in Section [1119.09\(b\)\(1\)](#).

#### (5) Driveway Signs

- A. Driveway signs shall not be permitted in residential zoning district except when accessory to an approved conditional use. In all other districts, driveway signs shall be permitted provided each sign complies with the standards of this section.
- B. Driveway signs shall only be permitted near driveway entrances to a public street.



- C. A maximum of two driveway signs are permitted per individual driveway.
- D. Driveway signs shall be located within 30 feet of the right-of-way.
- E. Each driveway sign shall not exceed four square feet in area and 30 inches in height.
- F. Driveway signs may be internally or externally illuminated.
- G. Driveway signs shall meet the same design requirements as freestanding signs in Section [1119.09\(b\)\(1\)](#).

## **1119.10 Temporary Signs**

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The following are the types of temporary signs allowed in the City of Sheffield Lake and the applicable regulations for each type of sign.

### **(a) Standards Applicable to All Temporary Signs**

- (1) Temporary signs shall not be mounted, attached, affixed, installed or otherwise secured in a manner that will make the sign a permanent sign.
- (2) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roofline of a structure.
- (3) Unless otherwise specifically stated, temporary signs shall not be illuminated.
- (4) No temporary sign shall require a foundation, support, wiring, fittings or elements that would traditionally require a building permit or electrical permit.
- (5) Temporary signs shall not be affixed to any permanent sign or permanent structure except when a banner sign is permitted to cover a permanent sign in accordance with Section [1119.10\(d\)\(4\)](#) or when such sign is attached to the principal building as permitted in this chapter.
- (6) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles or structures.
- (7) Temporary signs shall be set back at least five feet from every right-of-way line, and at least 10 feet from any side or rear lot line shall not extend more than six inches from any wall or structure upon which they are erected.
- (8) Mobile signs on wheels, runners, casters, parked trailers, parked vehicles or other temporary or movable signs shall not be permitted unless otherwise specifically stated in this chapter.
- (9) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated.

### **(b) Temporary Signs with a Noncommercial Message**

Temporary signs with a noncommercial message do not require a zoning permit provided they comply with the following standards:

- (1) Temporary signs that contain a noncommercial message shall still be required to comply with vision clearance requirements. See Section [1113.05: Intersection Visibility](#).
- (2) The maximum height of temporary signs with a noncommercial message shall be six feet.
- (3) The maximum sign area of any sign with a noncommercial message shall be 24 square feet.
- (4) Such signs shall be limited to yard signs or banner signs. Signs may also be posted in windows.

**(c) Temporary Signs with a Commercial Message in Residential Zoning Districts**

Temporary signs with a commercial message located in residential zoning districts do not require a zoning permit provided they comply with the following standards:

- (1) Up to two signs with a commercial message shall be permitted on any single lot.
- (2) The signs may only be yard signs subject to the sign-specific standards in Section [1119.10\(e\)](#) or may be signs temporarily posted in a window.
- (3) The maximum sign area for any individual sign shall be six square feet with a maximum height of six feet.
- (4) For lots or subdivisions where there is a minimum lot area of 10 acres and no principal use, one of the commercial signs may be 24 square feet in area with a maximum height of six feet.
- (5) In lieu of the above regulations, any permitted conditional use located in a residential zoning district shall be permitted the same amount of temporary signs with a commercial message as allowed in nonresidential zoning districts below.

**(d) Temporary Signs with a Commercial Message in Nonresidential Zoning Districts**

Temporary signs with a commercial message located in nonresidential zoning districts or on lots in residential zoning districts where the principal use is conditionally permitted shall meet the following requirements:

**(1) Signs Allowed for an Unrestricted Time**

The following temporary signs do not require a zoning permit and are allowed for an unrestricted amount of time provided signs are maintained in good condition, as required by this code:

- A. A maximum of 24 square feet of aggregate temporary sign area with commercial messaging shall be permitted for every 200 feet of lineal street frontage.
- B. The maximum size of any single temporary sign shall be 24 square feet.
- C. The signs are limited to yard signs or banner signs subject to the sign-specific standards in Section [1119.10\(e\)](#). The signs may also be posted in windows.
- D. The maximum height of the sign shall be six feet.
- E. Temporary banner signs may not be used to cover an existing permanent sign unless authorized pursuant Section [1119.10\(d\)\(4\)](#).

**(2) A-Frame or T-Frame Sidewalk Signs**

- A. Only one sidewalk sign is allowed for any one business establishment, at one time, and shall be located within five feet of such business.
- B. There shall be no time limit for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.
- C. Such signs shall not exceed 12 square feet in area with a maximum height of four feet.
- D. The sign shall only be permitted on a private sidewalk or walkway provided it is placed on pavement and not in any landscaped areas or on pavement used for vehicles (e.g., driveways and parking lots).
- E. If the sign is placed on a sidewalk or walkway, the sign can only be placed where the paved sidewalk or walkway width, not including curb top, is at least seven feet wide. The width and placement of the sign shall be such so that there shall be a minimum width of four feet of clear and passable sidewalk or walkway for pedestrians.
- F. The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.

- G. The sign must not obstruct vehicular traffic or access to parking meters, bicycle racks and other features legally in the right-of-way.
- H. The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.
- I. The sign shall be internally weighted so that it is stable and windproof.
- J. The City of Sheffield Lake shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.
- K. A zoning permit shall be required for the initial use and placement of the sidewalk sign.

**(3) Signs Allowed for a Restricted Time**

The following temporary signs require a zoning permit and are allowed on a restricted time basis in addition to that allowed in Section [1119.10\(d\)\(1\)](#) above, provided the signs are maintained in good condition, as required by this code:

- A. The maximum sign area shall not exceed the total building sign area allowed pursuant to Section [1119.09\(b\)\(2\)](#) or 24 square feet, whichever is less.
- B. Such temporary signage, regardless of size, shall be permitted up to 30 days, twice a year.
- C. The signs are limited to yard signs, feather signs, or banner signs subject to the sign-specific standards in Section [1119.10\(e\)](#).
- D. The maximum height of the sign shall be six feet.

**(4) Temporary Signs for New Uses (Restricted Time)**

For applications related to the establishment of a new use within an existing building where there is existing permanent sign, a banner sign may be approved for up to 60 consecutive days to cover the existing permanent sign. Such banner sign shall not exceed the sign area of the permanent sign and shall require a zoning permit.

**(e) Standards for Sign Types**

**(1) Banner Signs**

- A. Unless otherwise specifically stated, there shall be no maximum number of banner signs provided the aggregate total square footage of all banner signs does not exceed the maximum sign area allowed in this section.
- B. Banner signs may be attached to a building, fence or other similar structure. A banner sign attached to posts and mounted in a yard or landscaped area shall be regulated as a temporary yard sign.
- C. The maximum height standard for temporary signs shall not apply to a banner sign but such signs shall not be mounted in a manner that extends above the roofline of a building or the top of the structure on which it is mounted.

**(2) Feather Signs**

Only one feather sign is permitted for every 100 feet of street frontage, or fraction thereof.

**(3) Yard Signs**

- A. Unless otherwise specifically stated, there shall be no maximum number of yard signs provided the aggregate total square footage of all yard signs does not exceed the maximum sign area allowed in this section on temporary signs.
- B. There shall be a maximum of two faces to the sign, mounted back-to-back.

## **1119.11 Nonconforming Signs**

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- (a)** Any sign that was lawfully in existence at the time of the effective date of this code, or amendment thereto, that does not conform to the provisions herein, shall be deemed a legal nonconforming sign and may remain on a lot of record except as qualified below.
- (b)** A sign shall lose its legal nonconforming status if any of the following occurs:
  - (1)** If such sign is damaged to an amount exceeding 50 percent of the sign's replacement value not including the cost or value related to the foundation or work below grade, as determined by at least two sign companies requested to provide a quote by the City;
  - (2)** The structure of the sign is altered in any form;
  - (3)** The sign is relocated;
  - (4)** The sign is defined as a temporary sign and has been in use for more than one year following the effective date of this amendment; or
  - (5)** The nonconforming sign and its structure (including support and frame and panel) are determined by the building official to be unsafe or in violation of this code and are declared a nuisance.
- (c)** A nonconforming sign shall not be altered, modified, or reconstructed other than to comply with this chapter except that a sign panel may be replaced (no other structural alteration) or the sign face may be repainted when there is a change of use or tenancy.
- (d)** Any sign that loses its legal nonconforming status must be brought into compliance with the provisions of this chapter and any other City laws and ordinances by an application for, and issuance of, a zoning permit or by complete removal.
- (e)** Failure to bring a sign into compliance after loss of a legal nonconformity status shall cause the sign to be considered an illegal sign.
- (f)** Minor repairs and maintenance of legal nonconforming signs shall be permitted.
- (g)** Nonconforming signs shall be maintained in good condition pursuant to applicable building codes.

## Chapter 1121: Subdivision Design Standards

### 1121.01 Purpose

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The purpose of this chapter is to further the overall purpose of this code and additionally, to:

- (a) Establish standard requirements and conditions for the design and review of subdivisions;
- (b) Provide for the orderly subdivision of land;
- (c) Ensure that adequate public infrastructure, facilities and services are available concurrent with development;
- (d) Encourage a beneficial relationship between the uses of land and circulation of all forms of traffic throughout the City, and to provide for the proper location and design of streets;
- (e) Provide adequate utility systems to support the future needs of the systems; and
- (f) Promote efficient and logical placement of utility structures so as to promote the purpose of this code.

### 1121.02 Applicability

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The developer of a subdivision, or any development that requires public improvements or rights-of-way, shall dedicate all land required for rights-of-way, and shall furnish and install all required improvements serving the subdivision or development. All improvements shall be extended to the boundary of the subdivision or development in order to provide a complete and coordinated system of streets and utilities in accordance with all applicable plans or policies of the City of Sheffield Lake.

### 1121.03 Conformity with Plans and Regulations

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- (a) The arrangement, character, extent, width, grade and location of all streets shall conform to all plans and policies adopted by the City of Sheffield Lake, and shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in appropriate relation to the proposed uses of the land to be served by such streets.
- (b) Any plans or documents submitted for subdivision or development approval shall comply with the City's standard drawings and specifications and subsequent amendments, as adopted by City Council, on file in the City offices.
- (c) The engineering details and standards of streets and other public improvements are subject to such modification as the Code Administrator may deem necessary to the public interest or maintenance of established standards.

### 1121.04 Sale of Land in Subdivisions; Start of Construction

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- (a) No owner, or authorized agent, of any land located within a subdivision shall transfer, sell, or agree to sell any land by reference to, by exhibition of, or by the use of, a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations. Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.
- (b) The Zoning Inspector shall not issue zoning permits for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.

**(c) Request for Inspection**

Following the complete installation of all improvements, applicants seeking the issuance of zoning permits prior to plat approval shall submit a letter to the Planning Commission Clerk requesting the City to inspect installed improvements.

**(d) Certification by City Engineer**

Upon receipt of the inspection request letter, the Planning Commission Clerk shall forward such letter to the City Engineer. The City Engineer, within 10 working days, shall inspect all improvements and notify the applicant as to the status of all improvements. If improvements are satisfactory, the Engineer shall forward a letter to the applicant which certifies the following:

- (1) All storm and sanitary sewer and water lines approved in the improvement plans for the proposed subdivision have been completely installed and tested satisfactorily; and
- (2) All pavement for the proposed subdivision, as required according to the Subdivision Improvement Standards as approved by the Planning Commissions which are maintained on file with the City Engineer, has been completely installed for a minimum of seven days and all required joints of the same are sealed.

**(e) Submission of Applicants and Letter of Certification**

Applicants shall submit a zoning permit application to the Zoning Inspector, along with the letter of certification from the City Engineer stating that all conditions identified in Section [1121.04\(d\)](#) hereof have been met. After the Zoning Inspector receives the application and letter of certification, he or she may issue the zoning permit.

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**1121.05 Bond Required**

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**(a) Performance Bond**

No plat of a subdivision of land within the City shall be approved by the Planning Commission until there has been submitted to City Council an engineering plan of all improvements to be constructed in the subdivision and until the plan has been approved by City Council and the improvements have been constructed according to the plan, or, in lieu thereof, there has been deposited with the City a performance bond in the sum of the cost of the improvements, as determined by the City Engineer, in a form approved by the Director of Law and with a completion date satisfactory to City Council.

**(b) Maintenance Bond**

No improvements shall be approved or accepted by the City after construction until the City is furnished with a maintenance bond in a form acceptable to the Director of Law, in the amount of 10 percent of the construction cost of such improvements and for a term to be determined by City Council, but not to exceed a period of two years.

**(c) Deposit Required**

No plat shall be approved until there is deposited with the City a sum equal to not less than two percent nor more than four percent of the construction cost of such improvements, as determined by the City Engineer, to be used to defray the costs of inspection of the installation of such improvements by the City. Any portion of the deposit which is not so used shall be returned to the persons making the deposit upon the acceptance of the improvements by the City.

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## 1121.06 General Design Requirements

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### (a) General Suitability of Land for Development

If the Planning Commission and the City Council find that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography or inadequate water supply, wastewater treatment facilities, transportation facilities, or such other conditions as may endanger health, life or property, and if, from investigations conducted by the public agencies concerned, it is determined that, in the best interest of the public, the land should not be developed for the subdivision proposed, the Planning Commission and the City Council shall not approve the land for the purpose unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land.

### (b) Projection of Improvements

Where adjoining areas are not subdivided or developed, the arrangement of streets and utilities in new subdivisions shall make provision for the proper projection of streets (i.e., provide for temporary dead-end streets and utilities where street connections can be made to the adjacent land) as required by the Zoning Inspector. Such arrangements shall be made to the subdivision boundary or up to the edge of the phase of buildable lots.

### (c) Topography, Floodplain Areas, Wetlands, and Natural Areas

- (1) Natural amenities (including views, mature trees, creeks, riparian corridors, rock outcrops, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.
- (2) All subdivisions of land and installation of public improvements involving areas subject to flooding, as defined by National Flood Insurance Program Maps and Data, shall conform to all applicable floodplain regulations and the requirements of adopted regulations involving the City's participation in the National Flood Insurance Program.
- (3) Land which is determined by the Planning Commission to be unsuitable for subdivision or development due to flooding, the presence of Federal Jurisdiction Wetlands, or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless methods adequate to resolve the problems are formulated by the developer and approved by City Council, upon recommendation by the Planning Commission and upon advice of the Zoning Inspector.
- (4) The natural topography shall be retained wherever possible in order to reduce excessive runoff onto adjoining property and to avoid extensive regrading of the site.

### (d) Homeowners' or Property Owners' Associations

See Section [1109.09: Homeowners' Association](#) for requirements for homeowners' or property owners' associations.

### (e) Subdivision Names

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the City or Lorain County. The City shall have final authority to designate the name of the subdivision.

### (f) Debris and Waste

No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a zoning permit. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of dedication of public improvements.

**(g) Monuments and Markers**

- (1) Monuments and monument boxes shall be installed at the intersection of all centerlines of all streets, points of curvature and points of tangency on all curves.
- (2) Property pins shall be set at all lot corners, points of tangency and points of curvature.
- (3) Steel rods of a one-half inch diameter and 30 inches long shall be used for property pins permanently installed.
- (4) Monuments and lot corner markers shall be of a design approved by the Zoning Inspector and meeting State of Ohio Minimum Standards for Boundary Surveys.

**1121.07 Lots**

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- (a) The lot arrangement and design shall be such that all lots will provide satisfactory building sites that can accommodate a structure and required setbacks in the applicable zoning district.
- (b) Lots shall also be arranged so that all lots will have frontage on a public street or road and will provide building sites properly related to topography and the character of surrounding development. Lots may have frontage on a private street only if approved as part of a PRD.
- (c) The lots shall be more or less rectangular in form; triangular, elongated, or other shapes that restrict its use as a building site shall be avoided to the maximum extent feasible unless the applicant can demonstrate special circumstances requiring irregular lots to the Planning Commission.
- (d) All side lot lines shall be at right angles to street lines and radial to curved street lines except where the Planning Commission determines that a variation to this rule will provide a better street and subplot layout.
- (e) Corner lots shall be of sufficient width to permit the required building set-back line for each street the lot abuts.
- (f) Flag (panhandle) lots or double frontage (through) lots shall be discouraged and may only be approved if necessitated by unique features or other special physical conditions as deemed necessary by the Planning Commission. These lots shall meet the requirements established for the applicable lot type in Section [1113.06\(c\)](#).
- (g) Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

**1121.08 Blocks**

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- (a) The arrangement of blocks shall be such as to conform to the street planning criteria set forth in Section [1121.11: Streets and Thoroughfares](#) and shall be arranged to accommodate lots and building sites of the size and character required for the zoning district as set forth in this code.
- (b) Subdivisions shall be designed with blocks of sufficient width to permit two tiers of lots of appropriate depth, to the maximum extent feasible.
- (c) Where a subdivision adjoins a major thoroughfare, the block shall be oriented so that there will be the fewest points of direct ingress and egress along such major thoroughfare as possible.
- (d) Irregularly shaped blocks, those intended for cul-de-sac or loop streets, and those containing interior parks or playgrounds, may be approved if properly designed and located, and if the maintenance of interior public spaces is covered by agreements.

**1121.09 Street Lighting**

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Street lighting for all new subdivisions within the City shall be provided by the electric company, subject to the following provisions:



- (a) The developer's choice of the means and styles of street lighting for any particular new subdivision shall be limited to those styles and systems currently available from the local electric company for such street lighting purposes.
- (b) The street lighting system for a new subdivision shall be of a uniform nature and style within that subdivision.

### **1121.10 Railroads**

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Where railroads are involved, provision for grade separation, buffer strips and other protective media shall be required to the extent and type as may be practical.

### **1121.11 Streets and Thoroughfares**

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#### **(a) General Street Design**

- (1) The arrangement, character, width, grade, construction and location of all streets shall conform to the comprehensive land use plan, or other applicable street plans, for the City that are in effect at the time of final plat submission.
- (2) The street layout shall provide access to all lots and parcels of land within the subdivision.
- (3) The subdivider shall provide within the boundaries of the subdivision plat the necessary right-of-way for the widening, continuance or alignment of such streets in conformity with the comprehensive plan or other applicable street plans.
- (4) Offset streets shall be avoided whenever possible.
- (5) Where practical, the arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas.
- (6) A street that is not constructed to City standards will not be accepted by the City for dedication as a public street.
- (7) Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
- (8) A street that is not constructed to City standards will not be accepted by the City for dedication as a public street.
- (9) Approval shall not be given for streets within a subdivision which would be subject to flooding. All streets must be located at elevations which will make them flood-free, in order that no portion of the subdivision would become isolated by floods.
- (10) In the interest of public safety, and as a matter of policy, all points of ingress and egress shall be located as far as possible from the intersection of two or more major arterial streets or highways.

#### **(b) Traffic Control Devices**

The subdivider shall provide all traffic control devices for the proposed development, including, but not limited to, traffic signals, signs, pavement markings and the like. Refer to the Ohio Manual of Uniform Traffic Control Devices (OMUTC) for details of the devices to be used, and, in some cases, warrants for their use.

#### **(c) Street Signage**

All new subdivisions shall be required to install the street signage within each phase on all public and private streets. The signage shall be installed prior to acceptance by the City, and the road being open to vehicular traffic. The signage must be shown on the improvement plans/site plans as submitted for review by the Development Review Committee.

**(d) Street Names and Numbering**

- (1) Street names shall be selected that will not duplicate or be confused with the names of existing streets in the City of Sheffield Lake and in Lorain County, irrespective of modifying terms such as street, avenue, boulevard, etc. Streets that are or will eventually be continuations of existing or platted streets shall be named the same. Street names shall be included on the preliminary plat and final plat.
- (2) When a new street is a direct extension of an existing street, the name shall remain the same.
- (3) Address numbers shall be assigned by the City in accordance with the current numbering system.

**(e) General Street and Right-of-Way Design Standards**

- (1) Proposed street classifications shall be designated (i.e., local, principal collector, arterial, etc.) on all plats, based on their proposed functions and the recommendation of any approved street plans. The physical and geometric design of streets shall be based upon these designations in adapting the proposed streets to the existing terrain and soils.
- (2) The standards of the American Association of State Highway and Transportation Officials (AASHTO), as published in A Policy on Geometric Design of Highways and Streets, 1984; A Policy on Design Standards for Stopping Sight Distances, 1971; and subsequent publications modifying those standards by AASHTO, in effect at the time of final plat submission, shall govern the design of subdivision streets and abutting City, county and township roads. The “Desirable Sight Distance Values” will govern in all but the most unusual instances, and any lesser values must be recommended by the City Engineer before the preliminary design plan is approved by the Planning Commission.
- (3) The pavement design shall be calculated and submitted by a registered engineer with the preliminary plat approval.
- (4) The subdivider shall be responsible for all required improvements, including the required pavement width measured from back-to-back of curbs on an undivided street. On a divided street, the subdivider shall be responsible for the sidewalk, if required, one curb, one-half of the required pavement measured to the back of the curb, and storm drainage.
- (5) When developing along one side of an existing street or roadway which is included in any approved street plans, the subdivider shall be responsible for one curb, the pavement widening to thoroughfare width of his or her side, all necessary adjustments to existing pavement, and storm drainage for the street in accordance with an agreement with the City Engineer. Where sight distances or other engineering requirements make it imperative, the pavement adjustment responsibility shall include the replacement of up to the entire existing pavement, also in accordance with an agreement with the City Engineer.

TABLE 1121-1: STREET RIGHTS-OF-WAY AND GRADE STANDARDS						
Type of Street	Minimum ROW (feet)	Minimum Pavement Width (Feet) [1]			Grades %	
		Preferred (Parking on Both Sides)	Minimum (Parking on One Side)	No Parking	Maximum	Minimum
Major Arterial Street [2]	100 [3]	66	57	48	7	0.5
Minor Arterial Street [2]	80	54	45	36	7	0.5
Collector Street	70	54	45	36	8	0.5
All Other Local Streets	50	33	30	Not Applicable	8	0.5

NOTES:  
 [1] Pavement width is measured back of curb to back of curb.  
 [2] Where marginal access streets are used to provide access to existing or proposed arterials, improvements on those thoroughfares may be waived by the City Engineer

- (6) [Table 1121-2](#) establishes the standards for horizontal curves, reverse curves, sight distances for each street type.

TABLE 1121-2: STREET CURVE AND SIGHT DISTANCE STANDARDS			
Type of Street	Horizontal Curve	Reverse Curve	Sight Distance
	Minimum Radius (Feet)	Required Tangent (Feet)	Minimum (Feet)
Major Arterial Street	400	250	450
Minor Arterial Street	400	150	350
Collector Street	300	100	275
Local Street	200	50	200

**(7) Vertical Alignment**

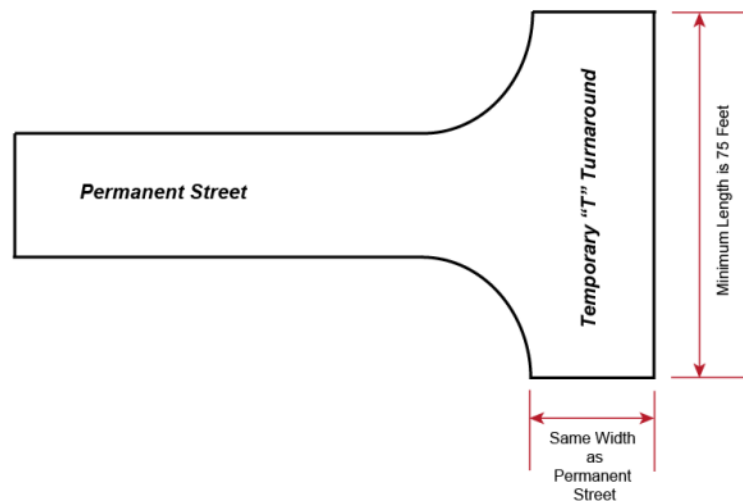
- A. All changes in grades shall be connected by vertical curves of a minimum length in feet equal to 20 times the algebraic difference in the rate of change of grade expressed in feet per 100 feet. Longer vertical curves shall be used when needed for sight distances as determined by the design engineer and approved by the City Engineer.
- B. No street grade shall be less than 0.4 percent and on stop streets, the grade shall not exceed two percent positive or three percent negative within 100 feet of an intersection with local streets or 150 feet for all other intersections, unless otherwise approved by the City Engineer. The positive is considered going up from the intersection and the negative is going down from the intersection.
- C. Whenever the subdivider changes the grade of an existing street outside the limits of the development, and the grade change requires adjustment to meet existing improvements (streets, driveways, walks, and the like), such adjustments are required will be the responsibility of the subdivider, as approved by the City Engineer.

**(f) Special Street Types and Street Requirements**

The following requirements shall apply to special street types or under the specified circumstances:

**(1) Temporary Dead-End Streets**

- A. Temporary dead-end streets shall be permitted only where there are future plans to continue the street into another phase of the subdivision or into an adjacent, future subdivision. In such cases, a temporary turnaround shall be provided with a design approved by the City Engineer.
- B. Provisions for maintenance and the removal of the temporary dead-end street shall be required of any additional plat approvals.
- C. Temporary dead-end streets longer than 600 feet are prohibited.
- D. A “T” turnaround (temporary only) may be permitted in-lieu of a cul-de-sac that is required for permanent dead-end streets. Such turnarounds shall be designed to allow vehicles to turn around with only one backing-up movement. See [Figure 1121-A](#). The turnaround area shall be the same width as the street it abuts and shall be at least 75 feet long.



*Figure 1121-A: Illustrative example of a temporary “T” turnaround.*

- E. If a dead-end street extends one lot depth or less past a street intersection, a “T” turnaround will not be required.

**(2) Permanent Dead-End Streets**

- A. Permanent dead-end streets are prohibited unless they include a turnaround (cul-de-sac) in accordance with this subsection.
- B. Permanent dead-end streets shall not exceed 600 feet in length as measured from the centerline of the intersecting street to the center of the turn-around. Permanent dead-end streets may be longer where unique topographic or other physical conditions exist making a through street impractical.
- C. All permanent dead-end streets shall be designed with a turning circle having an outside pavement diameter (curb face to curb face) of at least 80 feet.

**(3) Streets for Nonresidential Subdivisions**

- A. Streets serving nonresidential developments (e.g., commercial or industrial) and accessory parking areas shall be planned to connect with collector or arterial streets so as not to generate traffic on local access streets.
- B. The spacing of driveways serving nonresidential subdivisions is established in the Section [1117.03\(f\)](#).

C. The City Engineer may require local access streets (frontage streets) that run parallel to an arterial or collector street to provide maximum safety and convenience.

**(4) Half-Streets**

The dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted.

**(5) Private Streets**

A. Private streets are discouraged.

B. Where constructed, a private street shall be constructed to the minimum standard of a public street in accordance with this code.

C. The City shall not be responsible for maintenance, snow plowing, cleaning, or provision of similar public street services for private streets.

D. Property owners abutting a private street may request that the City accept the street as a public street dedication at a later date, but the City shall not be required to accept such dedication.

E. In no instance shall the City accept a private street as a public dedication until such street is shown to meet all applicable street design standards required for public streets in this code.

**1121.12 Utilities**

**(a) General Requirements for Utilities and Underground Facilities**

(1) All public and common electric, cable, and telephone lines and other utilities shall be located underground in all residential, office, commercial and industrial subdivisions and districts, and shall be placed in their own easement, shown on the final or record plat. These underground utility requirements shall also apply to any lines required to serve the new development that extend outside the boundary of the development. The conduits or cables shall be located within easements or public rights-of-way in separate trenches, in a manner which will not conflict with other underground services.

(2) In industrial subdivisions where the electric power provider advises the City that the power load requirements are sufficiently large as to make underground service impractical or unfeasible, electric, cable, and telephone lines may be installed overhead along rear lot lines with the approval by the City Engineer. Should the City Engineer approve an overhead distribution system, all connections to it shall be made underground. All facilities are to be constructed on one side of the road without overhead crossovers.

(3) Where cable, fiber optic, television, or similar services or conduit is or will be in operation, the applicant shall install cable or conduit for such service simultaneously with and in the same manner as electric and telephone cables are installed, both within the right-of-way and to individual building connections.

(4) All sewer and utility pipelines shall preferably be placed outside the limits of the pavement. All excavations for public utilities made under paved areas shall be properly backfilled with approved granular materials thoroughly compacted in place and subject to approval by the City Engineer.

(5) All storm drainage grates shall be constructed to allow bicycles to pass over the grate safely and shall have the words "No Dumping, Drains to Stream", or similar, cast into the grate.

**(b) Sanitary Sewers**

The following requirements shall govern sanitary sewer improvements:

- (1) Where an adequate existing public wastewater treatment system is reasonably accessible, in the determination of the City Engineer, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio Environmental Protection Agency and City standards.
- (2) Combinations of sanitary sewers and storm sewers shall be prohibited.
- (3) Sanitary sewers shall be extended through all lots and rights-of-way within the approved plat.

**(c) Public Water Supply**

The following shall govern water supply improvements:

- (1) The subdivider or subdivider shall construct a system of water mains and appurtenances and connect them with the public water supply and provide a connection for each lot.
- (2) The type, size, and location of water lines shall be approved by the appropriate departments in the City of Sheffield Lake.
- (3) Water mains shall be extended through all lots and rights-of-way within the approved plat.

**(d) Electric, Telephone, Cable, and Fiber Optic**

- (1) Electric service and telephone service shall be provided within each subdivision.
- (2) Gas service and fiber optics shall be required where reasonably accessible.
- (3) All electric, telephone, cable, fiber optic, and similar transmission lines shall be designed and installed in compliance with the applicable standards of these regulations and the authority having jurisdiction.

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## Chapter 1123: Wind Energy Systems

### 1123.01 Purpose

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This chapter is adopted in order to provide for, and to promote, the development of alternative energy sources; specifically, the construction and operation of wind energy facilities in the City including Sheffield Lake's jurisdictional limit two miles into Lake Erie, subject to reasonable conditions that will protect the public health, safety and welfare.

### 1123.02 Applicability

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- (a) No person shall construct, erect, maintain, extend or remove a wind energy facility in the City, including the territory extending into Lake Erie to the distance of two miles from the natural shore line without compliance with the provisions of this chapter.
- (b) Wind energy facilities constructed prior to the effective date of this code shall not be required to meet the requirements of this code; provided that any physical modification to an existing wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require a conditional use approval from the Planning Commission.

### 1123.03 Conditional Use Permit

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- (a) A wind energy facility may only be permitted if approved as a conditional use pursuant to Section [1105.03: Conditional Uses](#). The Planning Commission may approve such use provided the applicant demonstrates compliance with the requirements of this chapter and with the review criteria that apply to all conditional uses.
- (b) Nothing contained herein shall limit the authority of the Planning Commission to deny an application for a wind energy conditional use permit should the Planning Commission determine that the proposed project would be inconsistent with the objectives of the zoning district in which the wind turbine is located.
- (c) Any physical modification to an existing conditionally permitted wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall also require conditional use approval by the Planning Commission. Maintenance and like-for-like replacements, as determined by the Zoning Inspector, shall not require review by the Planning Commission.

### 1123.04 Design and Installation

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- (a) The design of the wind energy facility shall conform to applicable industry standards.
- (b) All wind energy facilities shall be equipped with a redundant braking system.
- (c) All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- (d) **Visual Appearance**
  - (1) Wind turbines shall be a non-obtrusive color such as white, off-white or gray.
  - (2) Wind energy facilities located in a residential district shall not be artificially illuminated, except to the extent required by the federal Aviation Administration or other applicable authority that regulates air safety.
  - (3) Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator and shall comply with [Chapter 1119: Signs](#).
- (e) On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.

**(f) Warnings**

- (1) Clearly visible warning signs concerning voltage must be placed at the base of all transformers and substations.
- (2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

**(g) Climb Prevention/Locks**

- (1) Wind turbines shall not be climbable up to 15 feet above ground surface.
- (2) All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate to prevent entry by non-authorized persons.

**(h) Maintenance**

- (1) The owner of a wind turbine shall properly maintain the turbine in accordance with Chapter 1395 et seq - Real Property Code.
- (2) The Sheffield Lake Building Department shall conduct an annual inspection of any wind turbine to ensure compliance with all safety and maintenance requirements.

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**1123.05 Setbacks**

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**(a) Occupied Buildings**

- (1) Wind turbines shall be set back from the nearest occupied building, a distance of not less than the normal setback requirements in the applicable zoning district. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
- (2) Wind turbines shall be set back from the nearest occupied building located on a non-participating landowner's property a distance of not less than 30 feet as measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

**(b)** All wind turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification. The setback distance shall be measured to the center of the wind turbine base.

**(c)** All wind turbines shall be set back from the nearest public road a distance of not less than 50 feet from the right-of way line of the nearest public road to the center of the wind turbine base.

**(d) Waiver of Setbacks:**

- (1) Non-participating landowners may waive the setback requirements in subsection (a)(2) above and subsection (b) above by signing a waiver that sets forth the applicable setback provisions(s) and the proposed changes.
- (2) The written waiver shall notify the property owner(s) of the setback requirement by this chapter, described how the proposed wind energy facility is not in compliance, and state that consent is granted for the wind energy facility to not be setback as required by this Chapter.
- (3) Upon application, the City may waive the setback requirement for public road for good cause.

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**1123.06 Height Restrictions**

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A wind energy facility may exceed the height limitation of the applicable zoning district. In the case of a wind turbine erected on the top of an existing building, the turbine shall only be allowed in the form of a height variance issued by the BZBA.



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### **1123.07 Noise**

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- (a) Audible sound from a wind energy facility shall not exceed limits set forth by Chapter 531.04 in the Sheffield Lake Codified Ordinances "Maximum Permissive Sound Levels".
- (b) Non-participating landowners may waive the noise provisions of this chapter by signing a waiver of their rights.
- (c) The written waiver shall notify the property owner(s) of the sound limits in this chapter, describe the impact on the property owner(s), and state that the consent is granted for the wind energy facility to not comply with the sound limit in this chapter.

### **1123.08 Liability Insurance**

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The owner of the wind energy system shall maintain a current general liability policy covering bodily injury and property damage with limits of at least 300,000.00 dollars per occurrence and 500,000 dollars in the aggregate. Certificates shall be made available to the City upon request. The Planning Commission may require additional policy limits depending upon the size of the proposed project.

### **1123.09 Decommissioning**

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- (a) The facility owner and operator shall, at its own expense, complete decommissioning of the wind energy facility, or individual wind turbines, within 12 months after the end of the useful life of the facility or individual wind turbines.
- (b) The wind energy facility or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.
- (c) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- (d) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- (e) If the facility owner or operator fails to complete decommissioning within the period prescribed by subsection (a) above, then the landowner shall have six months to complete decommissioning.
- (f) If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed by subsection (a) and (e) above, then the City may take such measures as necessary to complete decommissioning. The landowner shall reimburse to the City all costs associated with the City's decommissioning of a wind energy facility. Said costs may be certified to the county auditor as a lien upon the property should the landowner fail to reimburse the City.

### **1123.10 Public Inquiries and Complaint Remedies**

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The facility owner and operator shall maintain a telephone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

### **1123.11 Remedies**

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- (a) It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of this chapter, or any permit issued under this chapter, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of this chapter or any permit issued under this chapter.
- (b) If the city determines that a violation of this chapter or the permit has occurred, the City shall provide written notice to any person, firm, or corporation alleged to be in violation of this chapter or permit. If the alleged violation does not pose an immediate threat to public health or safety, the City and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within 30 days of the notice of violation.

- (c) If after 30 days from the date of the notice of violation the City determines, in its discretion, that the parties have not resolved the alleged violation, the City may institute civil enforcement proceedings or any other remedy at law to ensure compliance with this chapter or permit.

## Chapter 1125: Wireless Telecommunications

### 1125.01 Wireless Telecommunication Facilities

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#### (a) Purpose

- (1) The purpose of this section is to provide for the common good and preserve the enjoyment of private property through the regulation of the construction, placement and modification of wireless telecommunications systems, including telecommunications towers and associated facilities, while ensuring the ability of the consumer to use and enjoy telecommunications services of all types, and to protect the right of private and public enterprise to exercise free trade.
- (2) To the extent permitted by law, the City shall apply the regulations set forth in this section to specifically accomplish the following:
  - A. Accommodate the need for wireless telecommunications towers and facilities to meet the public's demand for the use and convenience of wireless personal cellular telecommunications service and wireless internet access, while regulating their location and number in the City;
  - B. To encourage the location of towers and facilities on nonresidential land;
  - C. To minimize the total number of towers and facilities;
  - D. To ensure that towers and antennas are configured in such a way as to minimize adverse visual impact by design, careful siting, landscape screening, camouflaging and innovative techniques brought about through the advance of science and technology;
  - E. To avoid damage to adjacent properties from tower failure through competent engineering, construction and erection of towers;
  - F. To ensure that a competitive and broad range of wireless personal communications services and high-quality telecommunications infrastructures are provided to serve the residents, businesses, public sector and visitors to the City;
  - G. To create and preserve a wireless telecommunications facilities system which will serve as an effective part of the City's emergency response network; and
  - H. To accommodate the public's demand for present day wireless personal communications services through these standards, so that changing technologies will continue to serve these needs, while concurrently preserving the City's aesthetic and ecological integrity, so that residents of the future may continue to enjoy the comfortable living standards of the Sheffield Lake community.

#### (b) Location Criteria

- (1) Wireless telecommunications facilities, towers and related structures may be located in any zoning district and located according to the Official Zoning Map as a conditional use. Generally, wireless telecommunications towers are objectionable in residential areas because their use is industrial in nature, and may be objectionable in the community at large because they are frequently considerably taller than surrounding structures, causing them to be seen from long distances. Their location is therefore regulated as permitted by the Telecommunications Act of 1996, as may from time to time be amended.
- (2) In order to accommodate the communications needs of residents and businesses while protecting the health, safety and general welfare, the City recommends and encourages the placement of wireless telecommunications facilities and towers in nonresidential areas, in the following order of preference:
  - A. City-owned property;
  - B. Industrial areas;

C. Other nonresidential districts deemed appropriate by review of the Planning Commission and approval of Council.

(3) When a wireless telecommunications facility is located in conformity with this chapter, and the antenna is collocated as herein defined, and is attached to an institutional, recreational, public utility, office, industrial or commercial structure or building, equipment and apparatus supporting such facility shall be stored on the premises inside the wireless telecommunications equipment building or other structure on the premises of the facility.

**(c) Towers**

In addition to the definitions set forth this code, "towers" shall be regulated by this section.

**(1) Towers Located in Nonresidential Zoning Districts**

- A. A wireless telecommunications tower and related facilities are permitted as the sole use on a zoning lot, and may be permitted, by approval of the Planning Commission, on zoning lots containing other uses where existing structures enable collocation, including on City owned property.
- B. The minimum lot size on which a wireless telecommunications tower and related facilities are placed shall be the minimum lot size required for the underlying zoning district.
- C. For purposes of this chapter only, any other provision of this Code notwithstanding, the setback for a tower of any variety, including a monopole, shall be measured from the base of the tower or monopole at the point where it is placed in the ground to the property line, or to the nearest residential dwelling located within the property and part of a multi-use non-residentially zoned parcel. The exception to this regulation is where a tower, monopole, antenna, whether camouflaged or not, or any apparatus defined herein as a tower, is affixed to any existing building, and the use of it as a tower for wireless telecommunications and wireless internet access is conditionally approved by the Planning Commission.
  - i. An equipment building, and all other structures except the tower, shall be set back the minimum distance required in the underlying zoning district.
  - ii. In Industrial zoning districts, the setback for the tower shall be at least twenty-five percent of the total height of the tower. A minimum of 50 feet shall be required.
  - iii. In nonindustrial zoning districts, excluding the conditions listed in paragraphs [1125.01\(c\)\(1\)C.iv](#) and [1125.01\(c\)\(1\)C.v](#) hereof, the tower shall be set back fifty percent of the total height of the tower. A minimum of 50 feet shall be required.
  - iv. In nonindustrial zoning districts or in the Industrial zoning districts where the lot on which a tower is located abuts another lot on which is located, a school of any type, including institutions of higher learning beyond high school level, public or private parks (but not including golf courses), hospitals, playgrounds, day-care centers, health centers or other human services and educational uses, as determined by the Planning Commission to apply to this subsection, the tower shall be set back a distance equal to the total height of the tower.
  - v. In nonindustrial zoning districts and in Industrial zoning districts where a lot on which a tower is located abuts any lot within a residential zoning district of any classification, the tower shall be set back seventy-five percent of the total height of the tower. A minimum of 75 feet shall be required.
  - vi. Guyed wires may be anchored within the required setback area only if the tower itself is placed in conformity with this chapter regarding its setbacks, but guy wires and other similar supporting devices shall not be anchored any less than ten feet from any adjoining parcel or zoning lot, regardless of its underlying zoning district.

**(2) Towers in Residential Zoning Districts**

- A.** In order to locate wireless telecommunications towers and related facilities in residential zoning districts, the applicant-service provider shall demonstrate to the Planning Commission that there is sound geographic reason for doing so, that offers to collocate with other providers within the City or neighboring communities have proven ineffective, and that in order to provide wireless telecommunications services to the residents and businesses in such a manner which serves their best interests, such towers and facilities may only be placed in a residential zoning district.
- B.** The setbacks for towers and related facilities in residential zoning districts shall be the same as in nonresidential zoning districts, pursuant to paragraph [1125.01\(c\)\(1\)C](#) hereof.
- C.** Towers supporting amateur radio antennas and conforming to all applicable provisions of this chapter shall be permitted in residential zoning districts, but not as the sole use of a lot, and only in the rear yard of such parcels, as defined in this Code.
- D.** The City, and any other governmental entity, may locate wireless telecommunications towers and related facilities in residential zoning districts, but only on publicly owned property, even as the sole use of the lot.
  - i.** The City may locate wireless telecommunications towers and related facilities in residential zoning districts to provide wireless telecommunications.
  - ii.** The City may contract with private wireless telecommunications service providers to locate a tower and related facilities on City-owned property in residential zoning districts, provided that all provisions of this chapter are followed.
- E.** In residential zoning districts, collocation shall be especially encouraged.
- F.** In residential zoning districts, all towers shall be camouflaged using the best and most advanced techniques possible, pursuant to Section [1125.01\(g\)](#) unless waived by the Planning Commission for cause.
- G.** If wireless telecommunications towers and related facilities are located in residential zoning districts, sufficient landscaping, buffering and/or screening shall be required, and shall be considered paramount to the establishment of such structures in all residential zoning districts. (See also Section [1125.01\(d\)](#).)
- H.** Wireless telecommunications towers and related facilities are permitted on land which has been established as permanent open space or a park, subject to the following conditions:
  - i.** The open space shall be owned and overseen by the City, the County, the State, the United States of America, other governmental or quasi-governmental agencies, a private homeowners association or a private, non-profit conservation organization.
  - ii.** If in a residential zoning district, the tower shall not exceed 200 feet in height, including antennas.
  - iii.** The wireless telecommunications equipment building shall not exceed twenty feet in height.
  - iv.** The maximum size of the wireless telecommunications equipment building shall be 300 square feet, or, if more than one is located on a given zoning lot, 700 square feet in the aggregate.
  - v.** Notwithstanding any other setback provisions of this chapter, the tower shall be set back a minimum of 200 feet from any single-family residential zoning district.

- I. Towers and related wireless telecommunications facilities shall be placed, constructed and modified subordinate and in deference to the use of private, residentially zoned or used property, by minimizing the visual effect on adjoining and vicinity residential properties, and to minimize the visual, often unattractive, impact that towers and related wireless telecommunications facilities create when viewing them from a distance.

**(3) Design Requirements for Towers and Facilities**

- A. Any wireless telecommunications tower shall be designed, structurally and electrically, to accommodate both the applicant's antenna and at least comparable antennas for at least two additional service providers if the tower is at least 100 feet in total height, or for one additional service provider if the tower is at least sixty feet in total height. Towers shall be designed to allow for future rearrangement of antennas on the tower and to accept antennas mounted at various heights.
- B. Towers and antennas, as well as all wireless telecommunications facilities, shall be designed and situated upon a lot so as to minimize their visibility and to the greatest extent possible to blend into the surrounding environment.
- C. Towers shall be designed, constructed, erected and maintained with the utmost care for the safety of persons and property. Certification attesting to the structural integrity of towers shall comply with the provisions of Section [1125.01\(e\)](#).

**(4) Tower Height**

- A. The maximum height of a tower shall be 200 feet unless a technically logical reason for locating a higher tower is demonstrated to the satisfaction of the Planning Commission and Council to be in order, on a case-by-case basis, by the wireless telecommunications service provider making the request. When a higher tower is required by provision of law consistent with the Telecommunications Act of 1996, as may from time to time be amended, the provider shall submit written verification of such fact. Towers less than 200 feet in height are especially encouraged.
- B. The physical ability to collocate antennas on any tower shall be required on all towers higher than sixty feet in height, unless it can be demonstrated that, because of the type of tower involved for a given proposal and/or for other technically logical reasons, the physical ability to collocate on such a tower above sixty feet in height is not feasible or desired. A tower 100 feet or higher shall be designed to have sufficient structural capacity to accommodate at least three additional providers.

- (5) A tower and its related wireless telecommunications equipment building and other structures, landscaping and other features, if any, shall be located on a single zoning lot. The provider shall locate a tower and related wireless telecommunications facilities only on a zoning lot of sufficient dimensions and conditions to accommodate the overall facility, tower, etc., so that all minimum setbacks and any other zoning requirements of the underlying zoning district are met.

- (6) Underground wireless telecommunications equipment buildings are especially encouraged, especially on zoning lots in or abutting residential zoning districts where a tower is placed.

**(d) Additional Regulations**

The provisions of this section pertain to towers and all other wireless telecommunications facilities and structures, and shall be in addition to the regulations set forth in Section [1125.01\(c\)](#).

- (1)** All towers and related wireless telecommunications facilities shall be located in a landscaped setting. A landscaped buffer area of not less than ten feet in depth shall be placed between the wireless telecommunications facility and the public right-of-way, residential zoning district and any adjacent residential use, regardless of the underlying zoning district thereof. Such buffer area shall, at a minimum, consist of dense foliage and vegetation, of at least partially evergreen species, not less than the height of any equipment proposed for the site but not less than eight feet in height. Landscaping shall be continuously maintained and promptly reconditioned, if necessary. Other landscaping may be required by the Planning Commission. The arrangement of landscaping and the overall design thereof within a zoning lot on which a wireless telecommunications tower and related facility is placed may be considered by the Planning Commission.
- (2)** Screened fencing shall be provided for appearance, public safety and personal security, according to the following requirements:

  - A. Height**

    - i. The minimum height of any fencing shall be three feet.
    - ii. The maximum height in any residential zoning district shall be six feet.
    - iii. The maximum height in any nonresidential zoning district shall be eight feet.
  - B.** In any zoning district, the screened fencing shall consist of a chain link fence, as defined in this code for the underlying zoning district. Fencing in an industrial zoning district may be capped with barbed wire to a maximum of twelve inches. The barbed wire portion, if any, shall be included in the measurement of the total height of such fencing.
  - C.** Fencing may be unpainted or painted to blend into the surrounding area.
  - D.** Access to the tower and related wireless telecommunications facility shall only be through a locked gate, properly maintained and secured twenty-four hours per day. The City shall not be responsible for any damage to the tower or other auxiliary structures, and shall be held harmless from any liability of any kind relating to damage, destruction, misfeasance of the tower or auxiliary structures, and from any personal injury to any party whomever.
- (3)** Except as required by law or safety factors as determined by the City, an antenna or tower shall not be illuminated and lighting fixtures or signs, other than those sanctioned by this chapter, shall not be attached to an antenna or tower. Security lighting shall be permitted for the wireless telecommunications equipment building and other auxiliary structures, if any. Any permitted lighting shall be situated and directed so as not to emit light directly or indirectly onto any adjoining residential property, and in any zoning district, such lighting shall be designed, placed, and directed to minimize its emission and glare onto any adjoining property.
- (4)** A tower or related wireless telecommunications facility shall contain no symbols whatever. The fencing surrounding the wireless telecommunications equipment building shall contain the appropriate number of signs to warn the public of danger and also at least two signs stating "NO TRESPASSING", and a sign identifying the wireless telecommunications service provider, of a type, size, color and allotment as approved by the Planning Commission.

**(e) Certification of a Registered Structural Engineer**

Prior to approval of a site plan to construct and locate a wireless telecommunications tower and related facility, an independent certified structural engineer shall be engaged by the City, whose services shall be paid for in total by the applicant. The City may pay for such services in advance for the purpose of timeliness and invoice the applicant for charges. The applicant shall reimburse the City in full within thirty days of receipt of such invoice. The applicant may also be responsible for obtaining independent opinions of other technical experts for the purpose of verifying the safety and structural integrity of towers and other wireless telecommunications facilities, including, but not limited to, representatives of the FCC, the FAA and a person qualified to certify the safety of and comment upon radio frequency emission, in a manner as determined acceptable to the City, as directed by the Planning Commission.

**(f) Registration of Wireless Telecommunications Providers**

All wireless telecommunications services providers, including governmental, public and quasi-public providers, who operate or propose to operate within the corporate limits of the City, shall register with the Zoning Inspector on forms and in a manner as prescribed by the Zoning Inspector. At a minimum, the following information shall be required:

- (1) The identity and legal status of the provider, including business affiliations.
- (2) The name, address, telephone number, fax number and electronic mail address (if available), of the officer, agent or employee responsible for the accuracy of the registration statement. It shall be the responsibility of the provider to keep this information up to date.
- (3) A narrative and map description of all the provider's existing or proposed wireless telecommunications towers and related facilities in the City and elsewhere.
- (4) A description of the wireless telecommunications and related facilities in the City and elsewhere.
- (5) Written information sufficient into the opinion of the Planning Commission to verify that the provider has applied for and received certification and approval as a licensed wireless telecommunications provider by the FCC to operate in the State.
- (6) Any other information reasonably related to the application and the probable, substantive effects of locating a wireless telecommunications tower and related facility in the City, as may be required by the Planning Commission.

**(g) Design Criteria**

**(1) Camouflaging of Towers**

- A. Towers shall be located in a landscaped setting pursuant to Section [1125.01\(d\)\(1\)](#). The Planning Commission may require additional landscaping. Camouflaging of towers is especially encouraged only if logical and technically feasible. Such camouflaging may take the form of erecting a tower which resembles or mimics another object, such as a tree or flag pole. Camouflaging may also consist of placing antennas on existing structures such as water towers or buildings in such a way that they are not easily detected and cannot be seen by the naked eye from a long distance.
- B. If antennas are collocated on existing structures which are not towers as defined by this chapter, it shall be presumed that such antennas are camouflaged unless their positioning and placement causes them to be easily seen and discerned by a reasonable person as being wireless telecommunications antennas.
- C. Antennas may be placed on trees, if technically feasible, and is such placement would provide wireless telecommunications services to the residents and businesses of the City equal to that if such antennas were placed on towers. If antennas are placed on trees, they shall be camouflaged.



- D. A building or other structure may be a prop only, which is unused and unusable as anything but a device to camouflage an antenna. It shall be aesthetically pleasing and maintained continuously.
- E. Camouflaging, whatever variety and however employed, shall be of a type compatible with the immediate surrounding area and the City at large in color, design, material, appearance and its method of mimicry. For example, an artificial oak tree 100 feet in height would satisfy this requirement. An artificial palm tree would not.
- F. Antennas may be placed on facades of buildings if colored and designed to match the color, texture and style of the building to which it is attached, and shall be attached at least 25 feet above grade.

**(2) Color of Towers**

All towers of any type shall be of a color which blends into the natural color of the immediate area or skyline, but shall not be painted at all if, by coloring the tower, it would be more visible to the naked eye from a long distance than if it were erected in the ordinary tone of its construction materials, such as the grayish color of galvanized steel. If towers are painted, they shall be maintained within the requirements of the City's property maintenance ordinance.

**(3) Historic Districts**

In any district which shall become so demarcated as a historically and/or architecturally significant district, or as a special district recognized and set apart as significant to the community's heritage or traditions, wireless telecommunications towers and related facilities shall not be located, unless it is proven that in order to provide wireless telecommunications service, such towers or facilities may not be located elsewhere within the City. Any tower and related wireless communications facility, including the equipment building, shall be camouflaged in such districts as herein described. Prior to approval, the provider shall demonstrate by clear and convincing evidence that if towers and related wireless telecommunications facilities are located in districts as herein described, they shall not adversely affect the natural or man-made environment or the architectural setting, and that their location shall not pose any reasonable risk to the health and safety of residents within 300 feet of the boundaries of a district as herein described.

**(4) Towers of Excessive Height**

Wireless telecommunications towers higher than 200 feet or located within 2,500 feet of any airport runway, public or private, shall be registered with the FAA. The provider/operator of such tower shall submit written verification of such registration with the FAA. Lighting shall be required for that part of towers in excess of 200 feet or as otherwise required by the FAA. When such lighting is required by the FAA or other governmental authority, and the zoning lot on which a tower is located abuts any residential zoning district, it shall be oriented inward of the zoning lot and shall not project or be cast onto all abutting zoning lots within residential zoning districts.

**(5) National Environmental Protection Act**

The location, construction and operation of towers and related wireless telecommunications facilities shall comply with all applicable requirements and laws of the National Environmental Protection Act, Chapter 19, as may from time to time be amended.

**(6) Advertising and Identification**

- A.** Identification of towers and related wireless telecommunications facilities shall be permitted if required by the FCC, the FAA, the Federal or State EPA, OSHA or other governmental agency for regulation or identification purposes as necessary pursuant to the Telecommunications Act of 1996, as may from time to time be amended, or other applicable law. The City shall be permitted to require identification signs.
- B.** No advertising whatever shall be permitted on towers or related wireless telecommunications facilities, unless required as indicated in paragraph A hereof or by other action of law. The only signs permitted shall be those signs indicating danger and no trespassing signs, or other signs important to the identification of the tower or facility as determined by the Zoning Inspector and/or the Planning Commission. All such signs shall be permanently attached to the tower or other wireless telecommunications structure and shall be placed at least four feet above grade. The only colors permitted shall be black, white, red, yellow, orange or any combination of these colors. Signs shall not be illuminated in any manner. Luminous paint may be used on signs if approved by the Zoning Inspector and/or the Planning Commission.

**(h) Streets and Parking**

- (1)** All zoning lots on which are located towers and related wireless telecommunications facilities shall abut a public right-of-way.
- (2)** The type and construction of such roads shall be regulated as otherwise set forth in this code.
- (3)** If available, existing parking shall be used and not expanded. Each zoning lot on which is located a tower and related wireless telecommunications facility shall have sufficient parking to accommodate service of the site. A minimum of one parking space and a maximum of three parking spaces shall be provided. Parking shall appear on the site plan for the wireless telecommunications facility as regulated by this code.
- (4)** If the wireless telecommunications facility is fully automated, a maximum of two parking spaces shall be required for maintenance workers. If the site is not fully automated, a maximum of three parking spaces shall be permitted. Parking specifications shall be as regulated in this code.

**(i) Accessory Buildings**

All accessory or utility buildings and structures that are not a tower or related wireless telecommunications facility as defined in this chapter shall be architecturally designed to blend in with the surrounding area and shall meet the minimum setback requirements of the underlying zoning district. Landscaping and other regulations of this chapter shall also apply. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the surrounding neighborhood.

**(j) Demonstration of Necessity**

- (1)** To assure that the City's and the public's objectives are achieved, the wireless telecommunications service provider requesting permission to locate a tower and related wireless telecommunications facility shall produce written evidence of contact with all wireless telecommunications service providers who supply service within the distribution sphere of the proposed facility. The applicant-provider shall inquire about potential collocation opportunities at all technically feasible locations in, or which could service, the City.
- (2)** To adequately demonstrate the need at a particular location the applicant-provider shall provide following information as part of the demonstration of necessity:
  - A.** Coverage areas of existing sites within 2.5 miles;

- B.** Propagation maps from proposed site at increments of 25 feet starting at 50 feet in height up to proposed height;
  - C.** List of existing structures within 2.0 miles of proposed site that are at least 40 feet in height along with anticipated signal strengths from those structures;
  - D.** In-building and in-vehicle coverage areas in relation to paragraph (b)(2) above;
  - E.** Description of anticipated coverage areas and coverage signal strengths in dBm;
  - F.** Written proof of contact with existing wireless telecommunication sites within one mile of proposed site. Contact shall request availability of collocation at existing site. The application shall include written responses from the contacted sites. Propagation maps from existing sites within the one-mile radius shall be included to show the differences in coverage areas;
  - G.** Frequency, modulation and class of service of radio or other transmitting equipment;
  - H.** The number, type and design of the proposed tower and antennas and any calculations used to determine the proposed number of collocations available at the proposed site;
  - I.** List of other service providers contacted in good faith that may be willing to locate at the proposed site;
  - J.** Certification that the NEIR levels at the proposed site are within the permitted threshold levels as established by the FCC;
  - K.** Name, address, phone number and accreditation of person submitting maps and report;
  - L.** Fall zone map identifying all existing structures within the fall zone (a.k.a. total height) of the proposed tower; and
  - M.** Line of site drawings which will provide approximate views from adjacent properties.
- (3)** The City shall contract with a competent expert to assist in evaluating the need for a new tower, antenna and related wireless telecommunications facilities at a particular location. This evaluation shall be completed prior to the application being considered by Planning Commission. The applicant shall be afforded an opportunity to provide rebuttal to the expert's review and re-review prior to the formal departmental review and submission to Planning Commission in accordance with the Planning Commission Rules and Regulations. This study shall not be required for collocations or antenna systems being proposed for attachments to existing buildings and structures unless the tower is proposed to extend beyond 25 feet in height over the attachment point.

**(4)** An applicant shall deposit with the City funds sufficient to reimburse the City for all reasonable costs of a competent expert for the evaluation and consultation to the City in connection with the review of any application. The initial deposit shall be 8,000 dollars. The placement of the eight thousand dollars (\$8,000) with the City shall precede the application to Planning Commission. The City will maintain a separate escrow account for all such funds. The City's expert shall invoice the City for its services in reviewing the application. If at any time during the process this escrow account has a balance less than 3,000 dollars, the applicant shall immediately, upon notification by the City, replenish said escrow account so that it has a balance of at least 5,000 dollars. Such funds shall be deposited with the City before any further action or consideration is taken on the application. In the event that the amount held in escrow by the City is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. The total amount of the funds needed as set forth hereof may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification. The maximum fee associated with the consultant review shall be 17,000 dollars.

**(k) Expansion Of A Nonconforming Use**

A wireless telecommunications tower or related facility, whether a collocation, a new tower or on an existing structure, shall not be considered an expansion of a nonconforming use pursuant to Section [1127.05: Nonconforming Uses](#).

**(l) Inventory And Trading**

The Zoning Inspector shall compile a list of all tower and related wireless telecommunications facilities, logging by use of a map and file, and may update such map and file from time to time, based on relevant information furnished by wireless telecommunications providers or others.

**(m) Non-Ionizing Electromagnetic Radiation (Nier) Exposure**

No wireless tower or related wireless telecommunications facility shall be located in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to the public health, including, but limited to, human or animal exposure to non-ionizing electromagnetic radiation. A wireless telecommunications facility shall not produce at any time power densities which exceed the American National Standards Institute (ANSI) C95.1-1992 standard for human exposure, or any more reasonably restrictive standard subsequently adopted or promulgated by the City, the County, the State or the United States of America.

**(n) Abandonment**

Any antenna, tower or related wireless telecommunications facility which is not operated for its intended purpose for a period of 180 days shall be considered abandoned, and the tower and antenna shall be removed at the expense of the wireless telecommunications provider within ninety days of the issuance date of notice to remove such tower and antenna.

**(o) Supplemental Provisions**

- (1)** The City may require that any new tower be constructed to facilitate future collocation whenever technically feasible, as regulated by this chapter.
- (2)** The City may lease or rent space on towers to other public or private wireless telecommunications providers for the purpose of placing antennas to provide separate wireless telecommunications services. Fees obtained through collocation when the City is the owner of a tower or related wireless telecommunications facility, even amounts in excess of cost, shall be permissible, if reasonably related to the maintenance of wireless telecommunications towers and facilities and the mitigation of any adverse impacts thereof.

- (3) The City may prepare and use public land for wireless telecommunications towers and related facilities for the purpose of providing for modern, effective wireless telecommunications services for the public and regulating their location to promote the general welfare.
- (4) The City and all competing wireless telecommunications service providers shall show good faith in their dealings with one another and diligently negotiate with each other in all matters concerning locating and sharing wireless telecommunications towers and related facilities.

**(p) Approval Procedure**

- (1) Applications for approval to locate towers, antennas and related wireless telecommunications facilities shall be controlled as set forth for conditional uses in Section [1105.03: Conditional Uses](#), and the applicant-provider shall apply for a site plan review as set forth in Section [1105.06: Site Plan Review](#). This requirement shall not apply to the collocation of antennas and wireless telecommunications equipment upon approved conditional use wireless telecommunications facilities in good standing as set forth in Subsection [1125.01\(p\)\(3\)](#).
- (2) Prior to the submission of an application for a new conditional use permit the applicant shall schedule a preliminary review meeting with the Zoning Inspector to review the required documents. At the preliminary review meeting a checklist shall be reviewed to verify the information being submitted and to identify missing information. The City shall reserve the right to have representation from the outside review consultant at the preliminary review meeting.
- (3) In addition to the requirements set forth in Subsection [1125.01\(p\)\(1\)](#), the following shall be submitted in an application for approval:
  - A. A written document certifying that the applicant is a wireless telecommunications service provider licensed by the FCC. No tower owner shall be permitted to submit an application for a new conditional use permit for a new tower without providing written proof that commits a commercial wireless telecommunications provider to the proposed site.
  - B. An affidavit swearing that the applicant shall comply with all regulations of the Telecommunications Act of 1996, as may from time to time be amended.
  - C. A written document which certifies that the applicant shall locate no tower in violation of laws governed by the FAA. Credentials of the affiant shall be included as part of this requirement.
  - D. A signed and stamped report from a certified, structural engineer which:
    - i. Describes the tower height and design, including a cross section and elevation;
    - ii. Documents the total tower height and its potential for mounting positions for at least three additional collocated antennas, their minimum separation distances, and general ability for accommodating collocation;
    - iii. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
    - iv. Geotechnical report stating soil bearing capacities for bearing loads and foundation design requirements;
    - v. Certifies that the tower is structurally sound and, if it should fail, under what conditions it might fail and the likely result thereof including a fall zone map which identifies all existing structures within the height of the proposed tower; and
    - vi. Certifications shall include the structural and soil engineer's stamp and registration number.

- E.** For all private, commercial wireless telecommunications service providers, a letter of intent committing the provider or tower owner and his or her successors and assignees, to permit collocation if technically feasible, and if another provider agrees in writing to meet reasonable terms and conditions of collocation.
- F.** A signed and stamped report from a certified electrical engineer or other professional having the expertise to attest to:
  - i. The electrical and radio frequency safety of an antenna receiving or transmitting radio waves associated with wireless telecommunications;
  - ii. Statement regarding levels on non-ionized electromagnetic radiation (HEIR) pursuant to Section [1125.01\(m\)](#) by an individual qualified to make such statement. The qualifications of such individual shall be submitted in writing with the report.
  - iii. The intended transmission and the maximum effective radiated power of the antennas to be used.
  - iv. Certification that the proposed antennas will not cause interference with other telecommunication devices or other wireless equipment.
  - v. Direction of the lobes for maximum coverage capability and the associated radiation of the antennas.
- G.** The applicant shall include addresses for all residential and/or businesses within the minimum 300 feet notification limits. The Zoning Inspector shall reserve the right to request a greater notification boundary.

- (4)** Collocation of antennas and wireless telecommunications equipment on previously approved wireless telecommunications facilities shall not be subject to the approval procedure set forth in this section, but shall be subject to administrative review.
- (5)** All approved conditional use wireless telecommunication sites shall undergo a structural assessment for re-certification every five years from the date of issuance of the occupancy permit from the Building Department. Said review shall be initiated in the fourth year by the Zoning Inspector. The assessment must be completed by a licensed structural engineer to verify the structural integrity of the structure. Such report shall be submitted in writing, signed and stamped with the engineer's registration number to the Zoning Inspector at least 30 days prior to the expiration of the conditional use permit. Said report must identify any required maintenance that is needed and the tower owner shall provide details as to when the repairs shall be completed. If repairs are required, as identified by the structural engineer, the Zoning Inspector shall reserve the right to grant a temporary extension to the permit until such time as the repairs are completed. Once the repairs are made the structural engineer shall re-review the site and state if the structure is sound. The applicant shall be responsible for all costs associated with the hiring of the structural engineer.

**(q) Wireless Telecommunications Glossary**

Nomenclature unique to or commonly associated with the wireless telecommunications industry shall be understood to refer to that industry and to what this chapter regulates, and is made part of the definitions of this code, as may from time-to-time change. An extensive wireless telecommunications glossary may be kept on file in the Building Department and may be supplemented and edited as determined by the Zoning Inspector to more effectively and efficiently execute this chapter.

**(r) Application Fee**

The City may charge a fee in addition to the Planning Commission agenda fee for site plan review to process an application to locate a tower, antenna or related wireless telecommunications facility in the City for the purpose of reimbursing the public for the time incurred and the skills employed by officials, employees and agents in processing applications in the amount as set forth in Section 1361.16 of the codified ordinances.

**(s) Leasing By The City; Business Fees**

The City may lease or rent at prevailing market rates the use of existing or new towers and related wireless telecommunications facilities to private or public service providers for collocation of antennas. A private or public service provider, or the City, may be the sole user of a tower, antenna or related wireless telecommunications facility. The City may itself lease or rent, or construct, place, modify and/or maintain, towers and related wireless telecommunications facilities on public or private property for exclusive or shared operations with other private or public service providers, and may charge any reasonable leases, fees or permits in a manner as would a private wireless telecommunications service provider under similar business circumstances.

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**1125.02 Use of Public Right-of-Way for Small Cell Wireless Facilities and Wireless Support Structures**


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**(a) Purpose**

The purpose of this chapter is to:

- (1) Provide standards for the construction, installation, modification, operation, and removal of facilities and wireless support structures in the City's right-of-way to protect the health, safety, and welfare of the citizens of the City;
- (2) Preserve the character of the City, including the City's neighborhoods, downtown, and historic districts;
- (3) Give guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe, and aesthetically pleasing installation of facilities and wireless support structures; and

**(b) Consent Required**

- (1) Any person or entity seeking to collocate a small cell facility in the right-of-way, or to construct, maintain, modify, operate, or replace a wireless support structure in the right-of-way, shall first file a written application for a small cell use permit with the Director of Public Service in accordance with the requirements of this chapter, the Design Guidelines, R.C. Chapter 4939, and all applicable State and Federal laws and regulations.
- (2) Applicants are strongly encouraged to contact the Director of Public Service and request a pre-application conference. This meeting will provide an opportunity for early coordination regarding proposed facilities, locations, design, application submittal, and the approval process in order to avoid any potential delays in the processing of an application and deployment of facilities in the City.
- (3) A small cell use permit granted under this chapter shall not convey any right, title or interest in the right-of-way, but shall be deemed a permit only to use and occupy the public ways for the limited purposes and term stated in the permit, this chapter, and the Design Guidelines. Further, no small cell use permit shall be construed as any warranty of title.

**(c) Permit Application Types**

Applicants shall classify their application as one of the following types:

- (1) Type 1: Eligible facilities requests.

- (2) Type 2: Application for collocation of small cell equipment on a wireless support structure that does not constitute an eligible facilities request.
- (3) Type 3: New wireless support structure. Such applications will address construction, modification, replacement, or removal of a wireless support structure within the right-of-way. At the time of application, applicants shall certify that small cell equipment will be placed on the wireless support structure within 180 days from the date the small cell use permit is issued.

**(d) Consolidated Consent Applications**

- (1) Pursuant to Ohio R.C. 4939.0312, an applicant may file one consolidated application for up to thirty individual small cell facilities or thirty individual wireless support structures as long as the facilities or structures for which consent is requested are substantially similar.
  - A. Small cell facilities shall be considered substantially similar when the small cell equipment is identical in type, size, appearance and function.
  - B. Wireless support structures shall be considered substantially similar when the wireless support structures are identical in type, size, appearance and function and are to be located in a similar location.
  - C. Applications for facilities and wireless support structures cannot be commingled.
- (2) The City may, at its discretion, require separate applications for any small cell facilities or wireless support structures that are not substantially similar.

**(e) Application Fee**

- (1) The fee for each application is 250 dollars and is nonrefundable. Beginning in August of 2025 and every five years thereafter, the fee for each application shall increase automatically by ten percent of the application fee for the preceding five-year period, rounded to the nearest five dollars.
- (2) An application shall not be reviewed for completeness unless the application fee has been paid.
- (3) If applications are consolidated, then the fee shall be the sum resulting from the fee set forth in division (1) of this section multiplied by the total number of facilities or wireless support structures included in the consolidated application.

**(f) Attachment Fee**

- (1) In addition to the application fee, an annual fee shall be paid to the City for each small cell facility attached to a municipally-owned wireless support structure. The annual fee is 200 dollars. Beginning in August of 2025 and every five years thereafter, the annual fee shall increase automatically by ten percent of the annual fee for the preceding five-year period, rounded to the nearest five dollars.
- (2) The first-year attachment fee shall be paid when the collocation is complete, and no later than January 1 each year thereafter. The first-year attachment fee shall not be prorated, regardless of the date that the collocation is complete.

**(g) Required Application Materials**

The applicant must submit the following documentation with each application.

- (1) Completed application form together with the non-refundable application fee. The application form shall include the identity, legal status and Federal tax identification number of the applicant, as well as all affiliates and agents of the applicant that will use or be, in any way, responsible for the facilities.
- (2) The name, address, and telephone number of the local officer, agent, or employee responsible for the accuracy of the application to be notified in case of emergency.



- (3) Fully dimensional scaled site plan (scale no smaller than one-inch equals forty feet). The site plan must include:
  - A. The exact proposed location of the facilities within the right-of-way;
  - B. All existing facilities with all existing transmission equipment;
  - C. The location of all overhead and underground public utilities, telecommunications, cable, water, sanitary sewer, and storm water drainage utilities in the public way within 100 feet surrounding the proposed facilities;
  - D. The legal property boundaries within 100 feet surrounding the proposed facilities;
  - E. Indication of distance between the facilities and existing curbs, driveways, sidewalks, trees, utilities, other poles, and existing buildings within 100 feet surrounding the proposed facilities; and
  - F. Access and utility easements within 100 feet surrounding the proposed facilities.
- (4) Elevation drawings (scale no smaller than one-inch equals 10 feet of the proposed facilities).
- (5) Evidence that the applicant provided notice by mail to all property owners within 200 feet of the proposed facilities prior to submitting the application. The notice shall include:
  - A. Name of the applicant;
  - B. Estimated date applicant intends to submit the application;
  - C. Detailed description of the proposed facilities and the proposed location; and
  - D. Accurate, to-scale photo simulation of the proposed facilities. Scale shall be no smaller than one-inch equals 40 feet.
- (6) A preliminary installation/construction schedule and completion date.
- (7) Structural calculations prepared, stamped and signed by an engineer licensed and registered by the State of Ohio showing that the wireless support structure can accommodate the weight of the proposed small cell equipment.
- (8) Analysis demonstrating that the proposed facilities do not interfere with the City's public safety radio system, traffic and emergency signal light system, or other City safety communications components. It shall be the responsibility of the applicant to evaluate, prior to making the application for a small cell use permit, the compatibility between the existing City infrastructure and applicant's proposed facilities.
- (9) A landscape plan that demonstrates screening of proposed small cell equipment.
- (10) Drawings of the proposed facilities. For all equipment depicted, the applicant must also include, if applicable:
  - A. The manufacturer's name and model number;
  - B. Physical dimensions, including, without limitation, height, width, depth and weight with mounts and other necessary hardware; and
  - C. The noise level generated by the equipment, if any.
- (11) If the applicant is not an operator, then the applicant must provide proof that the applicant has been engaged by a wireless service provider who will be the end-user of the facilities.
- (12) If the facilities are to be located on a wireless support structure that is not owned or operated by the City, then the applicant shall provide written confirmation of permission to use the wireless support structure from the owner or operator of the wireless support structure.

#### (h) Application Review

- (1) Applications shall be evaluated in the following timeframes:
  - A. Type 1 Applications: 60 days
  - B. Type 2 Applications: 90 days
  - C. Type 3 Applications: 120 days

- (2) Applications shall be reviewed for completeness provided that the non-refundable application fee required under Section 1125.06 has been paid. If the application is incomplete, then the applicant will be notified of the insufficiency, and the timeframes set forth in division (1) of this section shall be tolled until the application is made complete.
  - (3) The timeframes set out in division (1) of this section may also be tolled as follows:
    - A. If the City receives between fifteen and thirty applications in a thirty-day period, then the City may toll for an additional twenty-one days.
    - B. If the City receives more than thirty applications in a thirty-day period, then the City may toll for an additional fifteen days for every fifteen applications received.
    - C. By mutual agreement between the applicant and the City.
    - D. When an applicant submits an underground area waiver pursuant to the Design Guidelines, in which case the City may toll for an additional fourteen days.
  - (4) If two applicants request to collocate on the same wireless support structure or two wireless support structures are proposed within a distance that would violate the spacing requirements set forth in the design guidelines, then the Director of Public Service may resolve the conflict in any reasonable and nondiscriminatory manner.
  - (5) If a request for consent is denied, the City shall provide, in writing, its reasons for denying the request, supported by substantial, competent evidence. The denial of consent shall not unreasonably discriminate against the applicant. Grounds for denying an application may include, but are not limited to:
    - A. Failure to provide information required under Section [1125.02\(g\)](#);
    - B. Failure to comply with the Design Guidelines;
    - C. Failure to provide financial surety pursuant to Section [1125.02\(o\)](#);
    - D. Failure to remove abandoned facilities as required under Section [1125.02\(l\)](#);
    - E. Conflict with the historic nature or character of the surrounding area;
    - F. Conflict with planned future improvements in the right-of-way; and
    - G. Failure to comply with generally applicable health, safety, and welfare requirements.
  - (6) Following completion of the installation, the applicant shall submit a complete set of as-built construction drawings of the facilities in a format acceptable to the City.
- (i) Permitting Process, Duration, And Termination**
- (1) Upon approval of its application, an applicant shall receive a small cell use permit indicating that the City has granted the applicant consent to occupy the right-of-way.
  - (2) A small cell use permit issued to an operator shall have duration of 10 years. Permits may be renewed for five-year terms.
  - (3) A small cell use permit issued to a facilities operator who is not an operator shall have a term of ten years or the duration of the facilities operator's agreement with a wireless service provider provided pursuant to Section [1125.02\(g\)\(11\)](#), whichever is shorter.
  - (4) A small cell use permit shall not be renewed if the facilities operator or the facilities are not in compliance with all applicable laws and regulations.
  - (5) Pursuant to Ohio R.C. 4939.0314(E), a small cell use permit shall be deemed terminated if the facilities operator has not completed construction of the facilities or has failed to attach small cell equipment to a wireless support structure within 180 days of issuance of the permit, unless the delay is caused by:
    - A. Make-ready work for a municipally-owned wireless support structure; or

- B.** Due to the lack of commercial power or backhaul availability at the site, provided that the operator has made a request for commercial power or backhaul services within sixty days after the small cell use permit was granted. If the additional time to complete the installation exceeds 360 days after the issuance of the permit, then the permit shall be deemed terminated regardless of the cause of the delay.
- (6)** A small cell use permit for a new wireless support structure shall be deemed terminated if the facilities operator fails to attach small cell equipment to the new wireless support structure within 180 days of issuance of the small cell use permit.
- (7)** If the facilities operator fails to remit the annual attachment fee required pursuant to Section [1125.02\(f\)](#), then the small cell use permit will expire on the ninetieth day from the date the annual attachment fee was due.
- (8)** A small cell use permit may be terminated by the facilities operator at any time upon service of sixty-days written notice to the City.
- (9)** Upon termination of a small cell use permit, the facilities operator shall restore and rehabilitate all City-owned wireless support structures and the right-of-way to their former condition and utility.
- (10)** The City shall not issue any refunds for any amounts paid by the facilities operator upon termination of the permit.
- (j) Annual Registration**
- (1)** All facilities operators with consent to occupy or use the right-of-way shall register with the City each calendar year between January 1 and January 31 on a form provided by the City. The form will allow the facilities operator to indicate when there is no change in the information required, and when such indication is submitted, previously provided information will be considered current and will be relied upon. Facilities operators who obtain consent to occupy the right-of-way after September 30 of any year need not file an annual registration for next calendar year.
- (2)** The purpose of registration under this section is to:
- A.** Compile, update and supplement the City's database so that the City has accurate and current information concerning the facilities operators that own or operate facilities in the City's right-of-way;
- B.** Assist the City in monitoring the usage of the right-of-way in order to ensure that the public receives the maximum possible benefit from that use, and the use is consistent with the best management and care of the right-of-way;
- C.** Assist the City in the collection and enforcement of any municipal taxes, fees, or other charges that may be due the City; and
- D.** Assist the City in monitoring compliance with local, State and Federal laws.
- (3)** Registration forms will be provided by the City and shall require the following information:
- A.** Any material changes to the information the facilities operator provided to the City in the application for small cell use permit, including, but not limited to:
- i. The identity of the facilities operator, including any affiliates or agents.
  - ii. The name, address and telephone number of the local officer, agent or employee responsible for the accuracy of the facilities operator's registration statement and available at all reasonable times to be notified in case of emergency.
  - iii. Evidence that the facilities operator is in compliance with the insurance, indemnity and financial surety requirements pursuant to this chapter.
- B.** Such other information as the Director of Public Service may reasonably require.

- C. In addition to the annual registration requirement, each facilities operator shall keep all required registration information current at all times and shall provide the City with notice of changes to the required information within fifteen days following the date on which the Facilities Operator has notice of the need for such change.

**(k) Nonconforming Facilities**

- (1) Facilities in the right-of-way that are legally in existence on the date of the adoption of this chapter but that do not comply with the requirements of this chapter may remain in the right-of-way but shall be considered a nonconforming facility.
- (2) Any person or entity who owns or operates a nonconforming facility shall register such facility pursuant to Section [1125.02\(j\)](#) within 90 days of the date this chapter take effect.
- (3) If a nonconforming facility is damaged or destroyed beyond repair, any replacement facility must be designed in accordance with all provisions of this chapter, the Design Guidelines, and State and Federal law and regulations.

**(l) Abandoned And Damaged Facilities**

- (1) A facilities operator shall provide written notice to the City of its intent to discontinue use of any facilities. The notice shall include the date the use will be discontinued. If facilities are not removed within 365 days from the date the use was discontinued, the facilities shall be considered a nuisance and the City may remove the facilities at the expense of the facilities operator.
- (2) In the event that facilities are damaged, the facilities operator shall promptly repair the damaged facilities. Damaged facilities shall be repaired no later than 30 days after receiving written notice that the facilities were damaged. If the damaged facilities are not repaired within 30 days, then the damaged facilities shall be considered a nuisance and the City may repair or remove the facilities at the expense of the facilities operator.

**(m) Insurance Requirements**

- (1) As a condition of the City's consent to occupy the right-of-way, a facilities operator must secure and maintain the following liability insurance policies insuring both the facilities operator and the City, and its elected and appointed officers, officials, agents and employees as additional insureds:
  - A. Comprehensive general liability insurance, on an occurrence basis, with limits not less than:
    - i. Five million dollars for bodily injury or death to each person;
    - ii. Five million dollars for property damage resulting from any one accident; and
    - iii. Five million dollars for all other types of liability.
  - B. Automobile liability for owned, non-owned and hired vehicles with a limit of three million dollars for each person and three million dollars for each accident.
  - C. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars.
  - D. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars.
- (2) Each such insurance policy shall contain the following endorsement: "It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 90 days after receipt by the City, by registered mail, of a written notice addressed to the Director of Public Service of such intent to cancel or not to renew."
- (3) Within 60 days after receipt by the City of said notice, and in no event later than thirty days prior to said cancellation, the facilities operator shall obtain and furnish to the City replacement insurance policies meeting the requirements of this subsection.

- (4) Upon written application to the Director of Public Service, and written approval by the Director of Public Service, the Mayor and the Finance Director, a facilities operator may be self-insured to provide all of the same coverages as listed in this section; except that all coverages for Worker's Compensation shall be in compliance with State law. No approval for self-insurance shall be given until the Director of Public Service, the Mayor and the Finance Director have made a complete review of the facilities operator's financial ability to provide such self-insurance. As part of the review process, the Finance Director may require, and the facilities operator shall provide any and all financial documents necessary to enable the Director of Public Service, the Mayor and the Finance Director to make a valid determination of the facilities operator's ability to provide the level of protection against risk otherwise required under this section.

**(n) Indemnification**

A facilities operator shall indemnify, protect, defend, and hold the City and its elected and appointed officials, officers, employees, agents, and volunteers harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, to the extent that it is caused by the negligence of the operator who owns or operates small cell facilities and wireless service in the right-of-way, any agent, officer, director, representative, employee, affiliate, or subcontractor of the operator, or their respective officers, agents, employees, directors, or representatives while installing, repairing, or maintaining facilities in the right-of-way.

**(o) Financial Surety**

- (1) Each facilities operator must procure, maintain and provide to the City a bond, escrow, deposit, letter of credit, or other financial surety in an amount sufficient to cover the cost of removal of all facilities owned or operated by the facilities operator.
- (2) The City may, in its sole discretion, draw on the financial surety to remove abandoned facilities, remove abandoned, unused, or unsafe facilities, or to repair damaged facilities, or to repair damage to any City property caused by the facilities operator or its agent. In such event, the facilities operator shall cause the financial surety be replenished to its prior amount within ten business days after City notifies the facilities operator that it has drawn on the financial surety.

**(p) Reserved Space**

The City reserves the right to install, and permit others to install, facilities in the right-of-way. The City may reserve space in the right-of-way and on wireless support structures for future utility, safety, or transportation uses. Such space may be reserved in an ordinance or plan approved by the Mayor, Director of Public Service, City Council or Planning Commission.

**(q) Removal Or Relocation Of Facilities**

- (1) Consistent with Ohio R.C. 4939.08, the City may require a facilities operator to remove or relocate facilities to accomplish construction and maintenance activities or to accommodate an expansion of the right-of-way. The facilities operator shall remove or relocate the facilities at no cost to the City. If the facilities operator fails to remove or relocate the facilities within ninety days of receiving a request to do so from the City, then the City may remove the facilities at facilities operator's sole cost and expense, without further notice to the facilities operator.
- (2) If the facilities are placed in a location other than the location approved by the City, the facilities operator shall relocate the facilities within 30 days of receiving notice that the facilities are located improperly.

**(r) Notice Of Work**

A facilities operator shall notify the Director of Public Service of all non-emergency work within ten calendar days prior to performing any upgrades or maintenance on any facilities, regardless of whether the work requires any permit or consent from the City. Notice of emergency work shall be provided to the Director of Public Service as soon as is practicable after discovery of the condition or event requiring the emergency work.

**(s) Excavation Permit**

If a facilities operator must construct, reconstruct, alter, repair, remove or replace any culvert, sidewalk or driveway in any right-of-way, then the facilities operator shall obtain all permits required by the City's ordinances.

**(t) Promulgation Of Design Guidelines**

The Mayor, Director of Public Service may, from time to time, promulgate Design Guidelines that are not inconsistent with this chapter or State or Federal law.

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## Chapter 1127: Nonconformities

### 1127.01 Purpose

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Within the districts established by this code, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this code, but that are prohibited, regulated, or restricted under the terms of this code. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this chapter or specifically addressed in this code.

### 1127.02 General Provisions

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- (a) The lawful use of any use, building, structure, or of any land or premises as existing and lawful at the time of enactment of this code may be continued although such use, building, structure, or of any land does not conform to the provisions of this code.
- (b) Passage of this code in no way legalizes any illegal uses existing at the time of its adoption.
- (c) An applicant for any development review that includes a nonconformity shall bear the burden of proof in demonstrating that the use was a legal nonconformity on the effective date of this code.
- (d) **Repair and Maintenance**
  - (1) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased unless in accordance with this chapter.
  - (2) Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.
- (e) Unless otherwise stated, whenever this section calls for review and/or a decision by the BZBA, such review shall be the variance procedure including the application of public hearing notification and review criteria.

### 1127.03 Determination of Nonconformity Status

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- (a) At the time of application for a zoning permit, building permit, or request for variance, as applicable, regarding a nonconforming lot, building, structure or use, the property owner shall submit sufficient evidence for the Zoning Inspector or BZBA, as applicable, to determine that such lot, building, structure, or use was lawfully created or established in accordance with the zoning regulations in existence at that time.
- (b) If the evidence submitted indicates the lot, building, structure or use was legally established and has since become nonconforming because of the establishment of or amendment to this code, the Zoning Inspector shall issue a zoning permit or building permit, as applicable, identifying it as a legal nonconformity. A copy of such certificate shall be kept on file in the City offices.
- (c) The City may also issue a zoning or building permit if the Zoning Inspector, Planning Commission, or BZBA finds that the use, building, or structure existed prior to the adoption of the code in 1962, or any subsequent amendment during their applicable reviews.

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## 1127.04 Nonconformities and Variances

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- (a) Whenever a nonconforming use has been changed to a conforming use, such use shall no longer be defined as a nonconforming use nor shall the property be returned to the former nonconforming use.
- (b) The granting of a variance for a use that otherwise complies with this code, shall not create a nonconformity when the variance is granted.
- (c) When a property owner or authorized agent is granted a variance for a nonconformity that addresses the nonconformity, the use, structure, or lot, shall no longer be considered nonconforming.
- (d) If a property owner or authorized agent is granted a variance for a nonconformity that addresses some nonconformities but additional nonconformities continue, the use, structure, or lot shall still be subject to the provisions of this chapter

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## 1127.05 Nonconforming Uses

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Where, at the time of adoption of this code, lawful uses of land or structures exist that would not be permitted by the regulations of this code, the uses may be continued, changed, or expanded so long as they remain otherwise lawful and provided:

- (a) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this zoning code unless it complies with the provision of [Section 1127.05\(e\): Expansion of a Nonconforming Use](#).
- (b) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment if this zoning code.
- (c) No additional structures shall be constructed on a lot with a nonconforming use unless such new structure complies with the requirements of this code and the applicable zoning district.
- (d) **Change or Substitution of Nonconforming Use**
  - (1) A nonconforming use of a building, structure, or land shall not be changed or substituted to another nonconforming use unless the BZBA finds that the use proposed is equally appropriate or more appropriate to the district than the existing nonconforming use, and that the use proposed is in less conflict with the character of uses permitted in the applicable zoning district than the existing nonconforming use. In permitting such change or substitution, the BZBA may require appropriate conditions and safeguards in accordance with other provisions of this code.
  - (2) Whenever a nonconforming use is changed to a less intensive use, such use shall not thereafter be changed to a more intensive nonconforming use.
- (e) **Expansion of a Nonconforming Use**
  - (1) Notwithstanding the foregoing provisions to the contrary, the usable area of a nonconforming residential use may be increased or improved, regardless of the applicable zoning district.
  - (2) Notwithstanding the foregoing provisions to the contrary, the usable area of a nonconforming, nonresidential use may be increased or improved, regardless of the applicable zoning district, where the owner of such use can demonstrate through application to the BZBA that the manner in which the useable area of the nonconforming use will be increased or improved will have minimal adverse impact upon adjacent properties and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent properties and the uses in the surrounding neighborhood upon compliance with specified conditions.



- (3) Variances to expand a nonconforming use into a required setback or to otherwise vary a regulation that applies to the subject site shall be prohibited.

**(f) Existing Use Reclassified as a Conditional Use**

In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use for applicable district due to a zoning text amendment, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval by the BZBA in accordance with this chapter.

**(g) Termination of Nonconforming Uses**

**(1) Termination of Use through Discontinuance**

When any nonconforming use is voluntarily discontinued or abandoned for one year or more, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

**(2) Termination of Use by Damage or Destruction**

- A.** If a nonconforming residential use in any district is damaged or destroyed to any extent, such structure and use may be reestablished, restored, or reconstructed on the same lot. Such reestablishment, restoration, or reconstruction of the use shall require the issuance of a zoning permit.
- B.** If any nonconforming nonresidential use is damaged, but not to an extent greater than 50 percent of the principal structure's replacement cost, such structure and use may be reestablished, restored, or reconstructed on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment, restoration, or reconstruction of the use shall require the issuance of a zoning permit.
- C.** If any nonconforming nonresidential use is damaged beyond 50 percent of the principal replacement cost, such structure and use may only be reestablished, restored, or reconstruction with approval by the BZBA after consideration of surrounding uses and the impact of the nonconforming use.
- D.** The determination of the replacement cost shall be determined by an independent commercial appraisal firm, or bank, appointed by the Zoning Inspector and the President of Council and which appraisal cost will be paid for by the applicant at the time the building permit is applied for.

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**1127.06 Nonconforming Structures and Sites**

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A nonconforming building or structure may continue to be used or occupied by a use permitted applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- (a)** Any nonconforming structure or site may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this code.
- (b)** A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.

- (c) The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this code specified for such use, except the regulations to which the building did not conform prior to the change in use.
- (d) The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.
- (e) **Damage or Destruction of a Nonconforming Structure Containing a Conforming Use**
  - (1) If a nonconforming structure is damaged, but not to an extent greater than 50 percent of the principal structure's replacement cost, such structure and use may be reestablished, restored, or reconstructed on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment, restoration, or reconstruction shall require the issuance of a zoning permit.
  - (2) If any nonconforming nonresidential use is damaged beyond 50 percent of the principal replacement cost, such structure and use may only be reestablished, restored, or reconstruction with approval by the BZBA after consideration of surrounding uses and the impact of the nonconforming structure or site.
  - (3) The determination of the replacement cost shall be determined by an independent commercial appraisal firm, or bank, appointed by the Zoning Inspector and the President of Council and which appraisal cost will be paid for by the applicant at the time the building permit is applied for.
  - (4) If an owner rebuilds a legally nonconforming structure, they may expand the structure provided any expansion or change does not increase the nonconformity that existed prior to the damage.
  - (5) If the owner voluntarily removes the structure or reduces the nonconformity, that owner shall not be permitted to rebuild the structure to the original height, size, or setback and shall be required to bring the structure into compliance with these regulations to the maximum extent feasible.

### **1127.07 Nonconforming Lots of Record**

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A nonconforming lot of record may be used in accordance with this section.

#### **(a) Nonconforming Lots of Record in Residential Districts**

- (1) If an existing lot of record in residential district is occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that:
  - A. The building shall not be enlarged in floor area unless the enlarged section(s) complies with all regulations of this code, with the exception of the lot area and the lot width regulations.
  - B. The number of dwelling units shall not be increased unless in conformance with this code.
  - C. Dwelling units may be expanded without requiring any additional garage space or parking space provided the addition does not occupy space that could be used for parking or a garage in compliance with these regulations.
- (2) In any residential district, a single-family dwelling and its customary accessory uses may be erected on a vacant single lot of record after the effective date of this code provided the buildings comply with the following:
  - A. The width of the side yard of any such lot need not exceed 10 percent of the width of the lot, provided, however, that there shall be a minimum side yard setback of five feet.

- B. The rear yard setback of any such lot need not exceed 20 percent of the depth of the lot, provided, however, that the minimum rear yard setback shall be 10 feet.

**(b) Nonconforming Lots of Record in Nonresidential Districts**

In any nonresidential district, a use that is permitted in the applicable district, and its customary accessory uses, may be erected on a vacant single vacant lot of record provided the buildings comply with the following:

- (1) The width of the side yard of any such lot need not exceed 10 percent of the width of the lot, provided, however, that there shall be a minimum side yard setback of five feet.
- (2) The rear yard setback of any such lot need not exceed 20 percent of the depth of the lot, provided, however, that the minimum rear yard setback shall be 10 feet.

**1127.08 Nonconforming Signs**

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See Section [1119.11: Nonconforming Signs](#), for the regulation of nonconforming signs.

**1127.09 Nonconforming Fences and Walls**

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See Section [1113.04\(b\)\(21\)](#), for the regulation of nonconforming fences and walls.

## Chapter 1129: Enforcement and Penalties

### 1129.01 Enforcement by the Zoning Inspector

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- (a) The Zoning Inspector is hereby designated as the enforcing officer of this code.
- (b) The Zoning Inspector is hereby authorized to enforce as well as issue orders to prevent and stop violations of the provisions of this code.

### 1129.02 Violations

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- (a) It shall be unlawful to:
  - (1) Use or occupy any land or place; build, erect, alter, remodel, restore, or rebuild thereon any building or structure; permit any building or structure to remain on such land; or use, occupy, or operate such building or structure, in any way or for any use or purpose which is not permitted by the provisions of this code;
  - (2) Use or occupy any parcel of land; use or occupy a new building; or enlarge, substitute, or otherwise change the use, occupancy, or configuration of any land or building, without having received a zoning permit or other approvals required by this code, indicating compliance with the provisions of this code, unless otherwise state;
  - (3) Violate or fail to perform any condition, stipulation or safeguard set forth in any certificate issued pursuant to this code, or continue to use or occupy the premises or building as previously authorized by such permit or approval beyond the duration limit therein stated;
  - (4) Continue construction, renovation, or improvements contrary to a stop work order or notice of violation;
  - (5) Knowingly make any materially false statement of fact in an application to the Zoning Inspector;
  - (6) Subdivide land in a manner contrary to the standards and regulations contained in this code; or
  - (7) Sell land that has not been subdivided in accordance with the regulations in this code.
- (b) Each day's continuation of a violation of this section may be deemed a separate offense.

### 1129.03 Permit Revocation

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The Zoning Inspector may issue a revocation notice to revoke a permit, certificate, or administrative approval that was issued contrary to this code or based upon false information or misrepresentation in the application.

### 1129.04 Complaints Regarding Violations

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Whenever a violation of this code occurs, or is alleged to have occurred, any person may file a complaint. Such written complaints shall fully state the causes and basis of the complaint and shall be filed with the Zoning Inspector.

### 1129.05 Inspection of Property

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The Zoning Inspector may inspect any building erected, altered, moved, razed or converted, or any use of land or premises carried on in alleged violation of any of the provisions of this code.

### **1129.06 Stop Work Order**

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- (a) Whenever it comes to the attention of any City official charged with enforcing this code that any work is being done contrary to this code or in an unsafe manner, he or she shall promptly issue a stop work order to the owner of the premises or his or her agent or to the person doing the work. This applies to work being done either within a public right-of-way or on private premises.
- (b) The stop work order may be oral or written and shall state the conditions upon which work may be resumed. The order shall direct the order of performance of work necessary to remove any violation of this code or to correct the work or condition the issuer deems to be unsafe.
- (c) A written notice informing all persons concerned that the work at the site has been stopped by official order shall be posted at the site.
- (d) Upon receiving a stop work order, the recipient of the order or those persons working on the site shall immediately cease work.
- (e) If the recipient of such order disagrees with the order, he or she may request confirmation in writing by the City representative who issued the order. He or she may then appeal the order to the Planning Commission. However, no work may be resumed until such appeal has been heard and favorably acted upon by the Planning Commission.
- (f) No person shall violate any such stop work order or continue any prohibited work after receipt of such order, either oral or written.

### **1129.07 Notice of Violation**

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- (a) Any person found to be in violation of any provision of this code or any order, requirement, rule or regulation issued under the authority of this code, will be served with a written notice stating the nature of the violation and providing a reasonable time for compliance. If the Zoning Inspector has previously promulgated a schedule of compliance or issued an order addressing the same type of or a similar violation and the time for compliance has passed, the Zoning Inspector may dispense with establishing another time period for compliance.
- (b) The notice shall be served in the manner provided by law for the service of civil process. Where the address of the violator is unknown, service may be made upon the owner of the property involved at the tax-mailing address of the owner as shown on the County tax record.
- (c) No person shall violate or continue to violate any provision of this section beyond the time limit for compliance set forth by the Zoning Inspector, notice of violation or compliance schedule established by the Zoning Inspector.

### **1129.08 Penalties**

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- (a) Whoever violates or fails to comply with, or permits or causes any person in his or her employ to violate or fail to comply with, any of the provisions of this code, shall be guilty of an unclassified misdemeanor and shall be fined up to five hundred dollars (\$500.00) per day. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) In addition, or in the alternative, a person who violates or fails to comply with or permits or causes any person in his or her employ to violate or fail to comply with the provisions of this code shall be deemed to be creating a public nuisance, and the creation thereof may be enjoined and maintenance thereof may be abated by action filed by any City official charged with enforcing this code.

### **1129.09 Remedies**

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- (a) In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of this code, or any amendment or supplement thereto, City Council, the Law Director, the Zoning Inspector, Building Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- (b) The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

### **1129.10 Affected Parties**

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The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

### **1129.11 Other Actions**

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Nothing in this chapter shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this chapter.

## Chapter 1131: Definitions

### 1131.01 Rules of Construction and Interpretation

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**(a) Intent**

All provisions, terms, phrases, and expressions contained in this code shall be construed according to this code's stated purpose and intent.

**(b) Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.

**(c) Computation of Time**

Unless the terms of a specific provision state otherwise (e.g., some provisions specify "business days"), periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business/working days; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.

**(d) References to Other Regulations, Publications, and Documents**

Whenever reference is made to an ordinance, resolution, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, statute, or document or to the relevant successor document, unless otherwise expressly stated.

**(e) Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of the City of Sheffield Lake, Ohio, unless otherwise expressly stated and may include a designee of said public official, body, or agency.

**(f) Technical Words**

Technical words and phrases not otherwise defined in this code that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**(g) Mandatory and Discretionary Terms**

The word "shall" is always mandatory, and the words "may" or "should" are always permissive.

**(h) Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items, conditions, provisions, or events shall apply.
- (2) "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

**(i) Tense and Usage**

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

**(j) Gender**

The masculine shall include the feminine, and vice versa.

**(k) Meaning**

For the purpose of this code, words and phrases shall have the meanings set forth in this chapter.

**(l) Other Terms Not Defined**

Words and phrases not otherwise defined in this code shall be construed according to the common and approved usage of American English. For the interpretation of uses, the Zoning Inspector may utilize outside sources as specified in Section [1107.04\(c\)](#).

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**1131.02 General Definitions**

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**Abut, Adjoin, or Adjacent**

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

**Access**

Any driveway or other point of entry and/or exit onto or from a street, road, or thoroughfare, which connects to the general street system.

**Accessibility Ramps**

Permanent or portable ramps utilized to provide a disabled person with accessibility to a structure. Such ramps shall not be enclosed or have a ramp.

**Accessory Equipment (Wireless Telecommunications)**

Equipment used in conjunction with a small cell facility and generally at the same location of the small cell facility, including, but not limited to, electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs.

**Active Recreational Facilities**

Any park or recreational facility that is owned, managed, or operated by the City of Sheffield Lake, a local township, Lorain County, the State of Ohio, or a non-profit agency. Such park or recreational facility requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, golf courses and other similar outdoor facilities. Such uses may include accessory retail uses that are customarily incidental recreational uses including, but not limited to, souvenir or concession stands. Active recreational facilities shall also include dog parks.

**Administrative, Business, or Professional Offices**

A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations which carries on no retail trade and maintains no stock of goods for sale.

**Adult Arcade**

Adult arcade shall mean any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.



### **Adult Bookstore, Adult Novelty Store, or Adult Video Store**

A commercial establishment which, as one of its purposes, offers for sale or rental for any form of consideration any one or more of the following:

- Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."
- A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." For the purposes of this code any retail establishment which devotes at least twenty percent of the total linear feet available for the display of items or materials for sale or rental to the display of items or material for sale or rental which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" shall be categorized as an adult bookstore, adult novelty store or adult video store.

### **Adult Cabaret**

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- Persons who appear in a state of nudity or semi-nudity;
- Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

### **Adult Entertainment Businesses**

Adult entertainment businesses shall include any use identified in Section [1107.05\(i\)\(2\)](#) that relates to sexually-oriented businesses or activities including, but not limited to, adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult motion picture theaters, adult theaters, etc.

### **Adult Motion Picture Theater**

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown, or show various electronic media, such as the Internet, are made available for the showing of materials, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

### **Adult Theater**

A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities."

### **Air-Activated Graphic**

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion. See also the definition for "Sign, Balloon."

### **Alley**

A minor, service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation but is not a public or private street as defined by this code.

### **Alteration**

- Any change, addition or modification in construction, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed;” any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.
- Any change of copy, sign face, color, size, height, shape, illumination, position, location, construction, or supporting structure of any sign.

### **Amateur Radio Antennas**

A system of cables, electrical conductors, insulators, metallic or non-metallic tubing, poles, reflecting discs, rods, wires, or similar objects used for transmission or reception of radio signals or electromagnetic waves for amateur radio service.

### **Animal Boarding, Training, or Daycare Facilities**

Any building, structure or land, or combination thereof, used, designed or arranged for the boarding, training, breeding, or care of domestic animals or pets, for profit, but exclusive of animals used for agricultural purposes. Such facilities include any lot or premises on which more than five dogs or cats, or combination thereof, are cared for as a commercial operation. Such use shall not include overnight boarding related to animal hospitals/clinics.

### **Animal Hospital/Clinics and Animal Grooming**

A building where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Such uses shall not have any outdoor facilities for the boarding or keeping of animals. Such use may include facilities for animal grooming.

### **Antenna**

Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. "Antenna" also includes the following:

- Antenna, building mounted. Any antenna, other than one with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building-mounted mast or similar structure used for providing telecommunications services, other than towers or antennas as defined by this chapter.
- Antenna, directional. (Also known as a "panel antenna") A device which transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.
- Antenna, ground mounted. Any antenna with its base, single or multiple posts, placed directly on the ground.
- Antenna, omni-directional. Any antenna which transmits and/or receives radio frequency signals in a 360-degree radial pattern.
- "Antenna, parabolic. (Also known as a "satellite dish antenna") A device which incorporates a reflective surface that is solid, open mesh or bar configured that is a shallow dish, cone, horn, or bowl or saucer-shaped, and is used to transmit and/or receive electromagnetic or radio frequency communication signals in a specific directional pattern.
- Antenna, portable. Any device used to transmit and/or receive electromagnetic or radio frequency communications signals in a specific pattern, located on a portable or moveable base, to be placed for either temporary or long-term use at a given site.
- Antenna, wireless telecommunications. Any antenna system designed to transmit and/or receive communications as authorized by Federal Communications Commission (FCC), including amateur radio operators' antennas.

### **Appeal**

A review procedure by which a person may call into question an administrative decision made in accordance with this code.

**Applicant**

Unless otherwise specified, an owner of a property or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to [Chapter 1105: Review Procedures](#).

**Applicant (Wind Energy)**

The person or entity filing an application specifically under [Chapter 1123: Wind Energy Systems](#).

**Application**

The process by which the applicant submits a request for any type of development review or approval identified in this code. Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the City.

**Approved Combustible Material (Signs)**

Materials used for signs that include wood, or materials not more combustible than wood, and approved combustible plastics.

**Approved Combustible Plastics (Signs)**

Only those plastics which, when tested in accordance with American Society for Testing Materials standard method for test for flammability of plastics over 0.050 inch in thickness (D635-44), burn no faster than 2.5 inches per minute in sheets of 0.060-inch thicknesses.

**Assembly Halls or Conference Centers**

Facilities or buildings available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

**Automated Teller Machines (ATM)**

An automated device that provides bank and financial institutional customers with cash withdrawal and other financial services without the need for a bank teller.

**Automobile, Motorcycle, Recreational Vehicle Sales and Leasing**

Any building or land where new or used passenger cars, pick-up trucks, motorcycles, boats, trailers, and other recreational vehicles, in operational condition, are sold or leased to customers.

**Automotive Repair and Service**

Any structure or premises used for the sale of vehicle parts and fluids, excluding fuel sales, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses shall also include establishments that sell parts or tires for vehicles as a retail establishment, regardless if the parts are installed on-site. See also "automotive repair and service (heavy)."

**Automotive Repair and Service (Heavy)**

Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of major parts of motor vehicles (e.g., major engine repair). This use type may also include towing services that provide towing or conveyance of a wrecked, inoperable, disabled, or illegally parked motor vehicle but shall not include storage of such vehicles on site.

**Awning**

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. See also definition of “canopy.”



Figure 1131-A: Examples of traditional awnings

**Basement or Cellar**

That portion of a building located partly or fully underground but having at least one-half (½) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**Basketball Hoops**

Small accessory basketball hoops, not related to a "tennis or other recreational court" either mounted to a wall or freestanding, by which occupants of the principal use can play basketball.

**Bed and Breakfast Establishments**

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner’s personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

**Berm**

An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise. The height of a berm shall be measured from the average natural grade at the base of the berm.

**Bike and Skateboard Ramps**

An accessory structure utilized for recreational purposes related to bicycle and skateboard use.

**Block**

The property lying between the two nearest intersecting streets, crossing or terminating, or between the nearest such street and a railroad right-of-way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development or the corporate lines of the City.

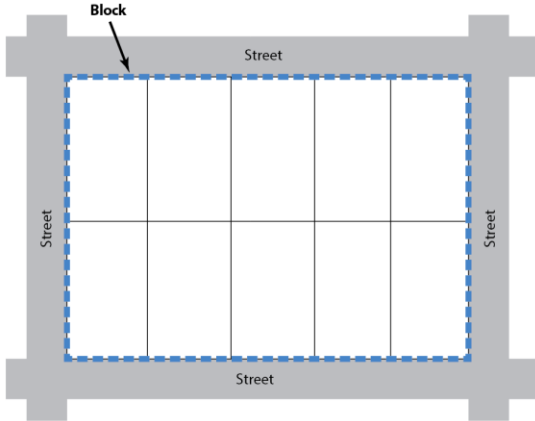


Figure 1131-B: Illustration of block highlighted by the dashed line.

**Block Face**

All lots that have frontage on the same street as the subject lot between an intersecting street or other boundary.

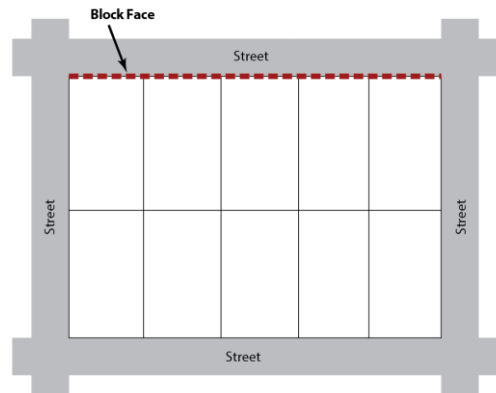


Figure 1131-C: Illustration of block face highlighted by the dashed line.

**Buffer**

A combination of landscaped space and/or structures designed to provide separation between different uses.

**Buffer or Buffer Yard**

An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving (with limited exceptions) or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use. A buffer may include a wall, fence, or berm as provided in accordance with the provisions of [Chapter 1115: Landscaping and Screening Standards](#).

**Building**

Any structure, of more or less permanent construction, having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals, or property. When separated by party walls, each portion of such building shall be considered a separate structure.

**Building Code**

Part Thirteen of these City of Sheffield Lake Code of Ordinances

**Building Height**

The vertical distance of a building as measured in Section [1113.06\(d\)](#).

**Building Inspector**

The Building Inspector of the City of Sheffield Lake, Ohio.

**Building Permit**

A permit issued to commence construction or use of land as permitted by this code and issued in accordance with the Sheffield Lake Code of Ordinances.

**Building Unit**

Any building subdivided into separate units or spaces, any interior space occupying any portion of the ground floor of any building, and having its own exterior entrance, and separated from other such spaces by a party wall or walls.

**Building, Detached Accessory**

A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to the principal building or use and that is constructed subsequent to the principal building or main use of the land.

**Building, Nonconforming**

A building or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and that does not conform to the provisions of the code in the district in which it is located.

**Building, Principal or Main**

A building occupied by the main use of the lot on which said building is located.

**Caliper**

The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six inches above the ground up to and including four-inch caliper size, and 12 inches above the ground for a caliper size greater than four inches.

**Camouflage**

Art and science of concealing wireless telecommunications antennas and towers by means of mimicking other objects; to disguise with colors, foliage, etc., including the placement of such devices.

**Canopy**

A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building façade (e.g., structural legs, building extensions, etc.). See also the definition of “awning.”



*Figure 1131-D: Example of a canopy and related sign*

**Carport**

An attached structure primarily intended for and used for the storage or shelter of not more than four private motor vehicles of the owner or occupant of the principal building. A carport is a roofed structure, with a foundation, that provides space for the parking of vehicles and that is completely open on at least one side.

**Cellular**

Wireless transmission technology which uses a grid of antennas (cell sites) to send and receive signals from mobile telephones. The antennas "hand-off" signals as the user travels between cell sites, enabling the same frequency, or channel, to be used by many callers simultaneously.

**Cellular Telecommunications Service**

Personal communicating accessed by means of cellular equipment and services.

**Cemeteries**

Land used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery. This definition shall not be construed to include the burial of animals or pets.

**Change**

Any alteration, addition, demolition, removal, or construction involving any property subject to the provisions of this code.

**City**

The City of Sheffield Lake, Ohio in Lorain County, Ohio

**City Council**

The City Council of the City of Sheffield Lake, Ohio

### **Code of Ordinances**

The City of Sheffield Lake, Ohio, Code of Ordinances

### **Code Text or Map Amendment**

An amendment or change to the text of this code or to the zoning map as reviewed and decided upon by the City Council in accordance with this code.

### **Collocation**

The use of a wireless telecommunications facility, comprising a single wireless telecommunications tower, building or other structure permanently affixed to real property, supporting two or more antennas, disks, pods or other similar devices used for telecommunications by more than one telecommunications provider, whether public or private. Co-location shall apply to such devices whether readily discernible to the naked eye or camouflaged (see definition).

### **Commercial and Business Support Services**

A profit-making activity which renders services to other commercial or industrial businesses such as, but not limited to, courier services, information technology consultants and internet providers.

### **Commercial Message or Speech**

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.

### **Commercial Recreational Facilities (Indoors)**

A facility for any indoor profit-making activity which is providing participatory and/or spectator activities, such as, but not limited to, motion picture theaters, live performances, bowling alleys, commercial recreation, video game rooms, billiard halls, indoor skating rinks, bingo parlors and similar entertainment activities. Commercial recreational facilities shall not include "adult entertainment businesses."

### **Commercial Recreational Facilities (Outdoors)**

Land or facilities for any profit-making activity which is providing outdoor participatory and/or spectator activities such as, but not limited to, privately manages or owned parks, amusement park, water parks, rollerblade rental, pay-to-play athletic fields, golf courses, miniature golf courses, driving ranges, outdoor ice-skating rinks, batting cages or swimming pools. Commercial recreational facilities shall not include "adult entertainment businesses."

### **Commercial Wireless Telecommunications Services**

Wireless telecommunications services by private providers licensed by the Federal Communications Commission (FCC), including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that are marketed to the general public.

### **Common Area**

Any land area and/or facilities that is held in common ownership by the residents through a homeowners' association, community association or other legal entity, or which is held by the individual members of a condominium association as tenants-in-common.

### **Community Gardens**

A single piece of land that is gardened collectively, as an accessory use, by a group of persons, which may include individual garden plots designated for individual gardens.

### **Completed Application**

An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.

### **Condominium**

A multi-family dwelling or development containing individual owners' dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of a homeowners' association and/or Ohio law.

### **Construction**

The erection of a new structure, a new site element, or any additions to existing structures.

### **Construction Structures**

A mobile home, trailer, dumpster, or similar temporary structure that is used as an office, storage, or collection of debris in conjunction with a construction project.

### **Contractor Equipment and Storage Yards**

An unenclosed area or portion of a lot upon which a construction contractor maintains its principal office or a permanent business office used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

### **County**

Lorain County, Ohio

### **Cultural Facilities**

Public or private facilities use for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites.

### **Deck**

A flat surface, that is not paved, which is capable of supporting weight similar to a floor, constructed outdoors and elevated from the ground that is either freestanding or attached to a building. Decks may also include stairways. Decks are unenclosed by solid or nonsolid walls or a roof.



*Figure 1131-E: Example of a deck.*

### **Dedication**

The intentional and voluntary appropriation or transfer of land from the private owner to the City or other public agency for the land to be pledged to a proper public use or purpose.

### **Density**

The number of dwelling units permitted per acre of land. More specifically, gross density means the number of dwelling units permitted per acre of total land area.

### **Design Guidelines (Wireless Telecommunications)**

Regulations applicable to small cell equipment and wireless support structures in the right-of-way promulgated by the Mayor and the Director of Public Service.

### **Detached Accessory Buildings**

See “building, detached accessory.”

### **Developer**

Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or other legal entity commencing proceedings under this code to affect the development of land for himself or herself or for another.

### **Development**

Any building, construction, renovation, mining, extraction, grading, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwellings units in a structure or a change to a commercial or industrial use from a less intense use.



**District**

See "Zoning District."

**Domestic Animal**

An animal customarily kept, and cared for, by the occupants of a dwelling for personal pleasure, and which are not raised for food, fur, or monetary gain. Typically, this includes dogs, cats, birds and other small mammals and reptiles, but not fowl, herd animals, goats or horses.

**Drive Aisle**

The driveway or access drive by which a car enters and departs a parking space.

**Drive-Through Facilities**

Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-through" shall also include "drive-up" and "drive-in" but shall not include vehicle washing establishments, automotive fuel sales, or automotive repair and service establishments.

**Driveway**

A private access way used by vehicles and pedestrians for access to a parking space, garage, dwelling, structure, or a use of land.

**Dwelling**

A building designed or used exclusively as the living quarters for one or more families or housekeeping units.

**Dwelling Unit**

A single unit of one or more rooms providing complete, independent living facilities for one family, or alternatively by on housekeeping unit.

**Dwelling, Single-Family**

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

**Dwellings, Multi-Family**

A building designed for or used exclusively for residential purposes by two or more families or housekeeping units.

**Easement**

A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.

**Educational Institutions (Higher Education)**

Any private or public secondary educational institution that includes, but is not limited to: secretarial schools, trade and business schools, colleges and universities, business schools, seminaries, or any other institution providing post-high school and/or collegiate level curriculum.

**Educational Institutions (Preschool and K-12)**

A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including, but not limited to, preschools, kindergartens, elementary schools, junior high schools, and high schools. This definition shall not be deemed to include colleges, trade or business schools, or other post-secondary education facilities. See "educational institutions (higher education)."

**Electronic Message Center**

A sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g., electronic or digital signs).

### **Eligible Facilities Or Eligible Support Structure Request**

Any request for modification of an existing support structure or base station that does not substantially change the physical dimension of such support structure involving collocation of new facilities; removal of facilities; or replacement of facilities. A substantial change means:

- A modification that changes the physical dimension of a wireless support structure by increasing the height of the wireless support structure by more than ten percent or more than ten feet, whichever is greater; and/or by adding an appurtenance to the body of the wireless support structure that would protrude from the edge of the wireless support structure by more than six feet;
- The installation of more than the standard number of equipment cabinets for the technology involved or the installation of more than four cabinets, whichever is less;
- The installation for any new ground-mounted equipment cabinets if there are not existing ground-mounted equipment cabinets;
- Any excavation or deployment outside of the current site of the facility;
- Removal of any concealment elements of the facilities or the wireless support structure; and
- Any change that does not comply with this chapter, the Design Guidelines or State or Federal law and regulations.

The threshold for measuring increases that may constitute a substantial change are cumulative, measured from the facilities as originally permitted (including any modifications that were reviewed and approved by the City prior to the enactment of the Spectrum Act on February 22, 2012).

### **Erect (Signs)**

means to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs directly upon wall surfaces.

### **Erosion**

- The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep; and
- The detachment and movement of soil or rock fragments by wind, water, ice or gravity.

### **Essential Services**

The erection, construction, alteration, or maintenance by City utilities or City departments, boards, or commissions, of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such City utility or City department, board, or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this Code. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

### **Establishment (Adult Entertainment Business)**

Establishment means and includes any of the following:

- The opening or commencement of any adult entertainment business as a new business;
- The conversion of an existing business, whether or not an adult entertainment business, to an adult entertainment business;
- The additions of any adult entertainment business to any other existing adult entertainment business; or
- The relocation of any adult entertainment business.

### **FAA**

The Federal Aviation Administration

### **Façade**

The exterior walls of a building or building face exposed to public view; the exterior face of a building that gives it a distinctive character.

**Façade, Front**

The façade of a building that contains the primary entrance of the building.

**Façade, Primary**

For the purpose of the sign regulations, a primary façade shall be as defined in Section 1119.07(d).

**Façade, Secondary**

For the purpose of the sign regulations, a secondary façade shall be as defined in Section 1119.07(d).

**Facilities Operator (Wireless Telecommunications)**

means the person or entity responsible for the installation, operation, maintenance, replacement, and modification of facilities. Facilities operator includes:

- Operators;
- Applicants who applied for consent to collocate a small cell facility or to construct, maintain, modify, operate, or replace a new wireless support structure pursuant to Ohio R.C. 4939.031(E) and who have obtained a small cell use permit; and
- Applicants who applied for consent to collocate a small cell facility or to construct, maintain, modify, operate, or replace a new wireless support structure pursuant to Ohio R.C. 4939.033 and who have obtained a small cell use permit.

**Facilities or Facility (Wireless Telecommunications)**

Any entire wireless telecommunications facility, including a tower, equipment building, parking area and other structures and signs, or one of the same, or a combination of these objects and devices.

**Facility Owner (Wind Energy)**

The entity or entities having an equity interest in the wind energy facility, including their respective successors and assigns.

**Family**

One or more persons, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code.

**FCC**

The Federal Communications Commission, which is primarily responsible for the administration of the Telecommunications Act of 1996.

**Fence**

Any accessory wall or structure composed of wood, metal, stone, vinyl or other material erected in such a manner and positioned to enclose, partially enclose, screen or divide any premises or part of premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose, partially enclose, screen or divide any premises or any part of any premises shall be included within the definition of fence.

**Finance Director**

The duly appointed, acting or interim Finance Director of the City or his or her designee.

**Financial Institutions**

Any building, property or activity of which the principal use or purpose of which is for depository purposes and including the provision of financial services including, but not limited to banks, credit unions, savings and loan institutions.

**Flag**

A sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to flagpole or a building-mounted post.

**Fleet Vehicle Storage**

The outdoor parking of fleet vehicles as an accessory to a permitted use.

### Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters, or
- The unusual and rapid accumulation or runoff of surface waters from any source.

### Floor Area, Gross

The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking.

### Footcandle

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle

### Fraction or Fraction Thereof

Where a calculation required by this code results in a fraction, the fraction shall be rounded to the closest whole number. Any fraction one-half or less shall rounded down and any fraction over one-half (#.5) shall be rounded up to the next highest whole number.

### Fraternal, Charitable, and Service Oriented Clubs

A building or portion thereof or premises owned or operated by an entity, person or group of persons for a social, educational, religious, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

### Frontage

All of the property abutting on one side of a street or places (crossing or terminating) or, if the street or place is dead-ended, then all of the property abutting on one side between an intersecting street or place and the dead end of the street or place.

### Frontage, Building

The length of an enclosed building facing a public or private street. When a business does not front a public right-of-way the Code Administrator shall have the authority to designate the building frontage. In structures with more than one business, the frontage of each business shall be calculated separately in determining its sign area. See [Figure 1131-F](#).

### Frontage, Street or Lot

The distance between the side lot lines measured along the required front setback line. In the case of a corner lot, frontage shall be measured along the shortest front lot line. Property lines which abut limited access roads shall not be construed to be included within any calculation of frontage. See [Figure 1131-F](#).

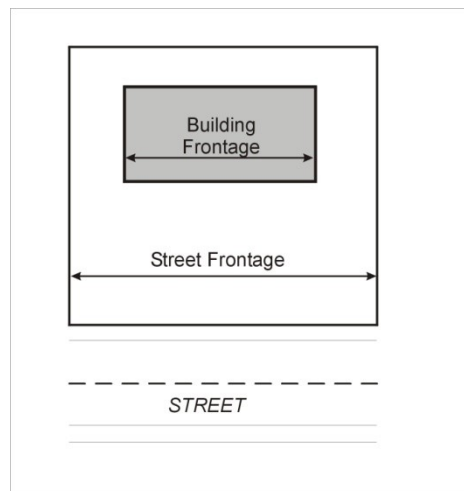


Figure 1131-F: Illustration of building frontage versus street frontage.

**Fuel Stations**

An establishment that sells unleaded and diesel gasoline or any other fuel used for in vehicles.

**Funeral Homes**

Any dwelling or establishment used and occupied by a professional licensed mortician for human burial preparation and funeral services.

**Garage**

An accessory building primarily intended for and used for the enclosed storage or shelter of not more than four private motor vehicles of the owner or occupant of the principal building that is attached or detached from the principal building. A garage is completely enclosed by walls and a garage door.

**Government Offices and Buildings**

Buildings or office space utilized for the provision of services by the City of Sheffield Lake, Lorain County, the State of Ohio, or the Federal Government that does not include outdoor activities other than parking. Such uses include, but are not limited to, the municipal building, fire stations, police stations, government offices, and other similar uses. Such use shall not include any correctional institutions.

**Grade**

The average level of the finished surface of the ground adjacent to the sign, building, or other structure being measured.

**Grading**

The stripping, cutting, filling, or stockpiling, or any combination thereof of earth-disturbing activity, inclusive of land in its cut or filled conditions

**Grass**

A species of perennial grass grown as permanent lawns or for landscape purposes.

**Gravel Surface Parking Lot**

Temporary parking lots paved with gravel that may be utilized on a temporary basis while a site is under construction.

**Ground Cover**

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

**Heavy Equipment Sales and Leasing**

Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.

**Hedge**

A barrier of natural vegetation usually consisting of evergreen trees, shrubs, or tall grasses that can be used to enclose, screen, or separate areas.

**Home Occupation**

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and does not adversely or perceptively affect the character of the lot or surrounding area.

**Homeowners' Association**

A community association that is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, private roads, or other such facilities.

**Hospitals**

An institution providing inpatient and outpatient medical and surgical care, diagnosis and treatment for sick or injured persons including beds for overnight care, laboratories, medical offices, training facilities, and other necessary accessory facilities.

### **Hotels and Motels**

A facility offering temporary lodging accommodations, in individual rooms or suites, on a daily rate, to the general public and potentially providing additional accessory services such as, but not limited to, restaurants, meeting rooms and recreational facilities.

### **Housekeeping Unit**

Five or fewer unrelated persons occupying a single dwelling unit, living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a hotel, motel, or other group living arrangement. Such definition shall also include residential facilities that allow for more than five persons when permitted as a residential facility.

### **Hub Height**

means the distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.

### **Improvement Plans**

The engineering plans showing types of materials and construction details for the proposed subdivision improvements.

### **Improvements**

Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, structures, landscaping, and other related matters normally associated with the subdivision of raw land into building sites.

### **Industrial Service Uses**

Establishments primarily engaged in rendering services to office, business, or industrial establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; office equipment rental and leasing; commercial research; development and testing; photo finishing; machine repair, and personal supply services.

### **Industrial Uses, Heavy**

Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. "Heavy industrial uses" shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, recycling establishments, public works yards, and container storage.

### **Industrial Uses, Light**

The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties.

### **Landscaping**

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects. In no case shall landscaping include the use of artificial plants or flowers as a replacement for living plant material unless such artificial plant closely resembles its natural counterpart in size, form, and color.

### **Law Director**

The Law Director or designated legal counsel of the City of Sheffield Lake, Ohio

### **Light Fixture**

The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output controls, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

### **Light, Cutoff**

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1113.08: Exterior Lighting](#).

**Light, Non-Cutoff**

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1113.08: Exterior Lighting](#).

**Livestock**

For the purposes of this code, livestock shall include poultry and fowl, as defined in Section 505.121 of the codified ordinances, as well as other animals that are traditionally cared for on a farm including, but not limited to, cattle, sheep, horses, goats, and other similar animals.

**Loading Area**

An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

**Loading Space**

An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials that has an appropriate means of access.

**Locate or Location (Wireless Telecommunications)**

To place (or the placement of) a tower or related wireless telecommunications facility and incidental structures on a zoning lot within the corporate boundaries of the City pursuant to securing the required permits through ordinary due process.

**Lot**

A parcel of land occupied, or to be occupied, by a main building and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required and having the minimum size required for a lot under the provisions of this code. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage required in the zoning district in which the lot is located.

**Lot Area**

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication. See Section [1113.06\(b\)](#).

**Lot Coverage**

That portion of a lot, which when viewed directly above, which would be covered by a building or structure, parking and loading areas and other surfaces that are impermeable or substantially impervious to water.

**Lot Depth**

The mean horizontal distance between the front lot line and the rear lot line, measured in the general direction of the side lot lines.

**Lot Line**

The boundary line defining the limits of the lot. Lot line is synonymous with "property line."

**Lot Line, Front**

In the case of an interior lot, means that line separating such lot from the street. In the case of a corner lot or double frontage lot, the front lot line is that line separating such lot from either street. See Section [1113.06\(c\)](#).

**Lot Line, Rear**

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See Section [1113.06\(c\)](#).

**Lot Line, Side**

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Section [1113.06\(c\)](#).

**Lot of Record**

A lot which is part of a subdivision, the part of which has been recorded in the office of the Lorain County Recorder, or a parcel of land the deed to which was recorded, prior to adoption of this code.

### Lot Width

The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback line. See Section [1113.06\(b\)](#).

### Lot, Corner

A lot which adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines is one 135 degrees or less. See [Figure 1131-G](#).

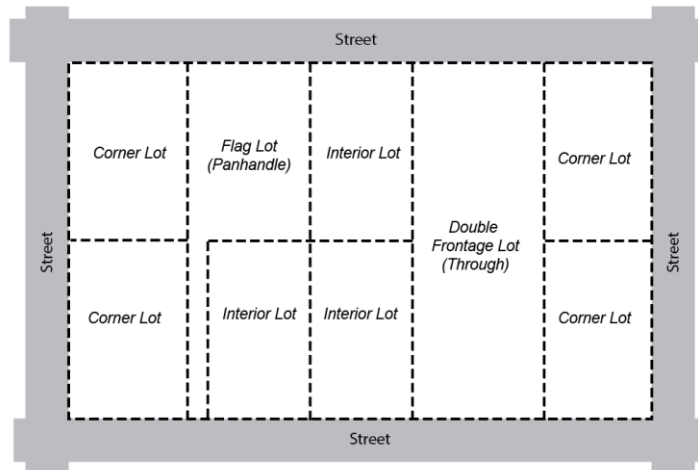


Figure 1131-G: Illustration of typical lot types.

### Lot, Curved or Cul-De-Sac

A lot with frontage along a curved street or cul-de-sac. See Section [1113.06\(c\)](#).

### Lot, Double Frontage (Through)

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Section [1113.06\(c\)](#).

### Lot, Flag (Panhandle)

A lot that does traditionally have a frontage on or abutting a public street but where access is provided through a narrow strip of land that fronts or has access to the street. See Section [1113.06\(c\)](#).

### Lot, Interior

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See Section [1113.06\(c\)](#).

### Lot, Nonconforming

A lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

### Lot, Zoning

For the purposes of this code, a parcel of land of sufficient size to enact minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. The term “zoning lot” is used synonymously with “lots” in this code. A zoning lot may consist of:

- A single lot of record;
- A portion of a lot of record;
- A combination of complete lots of record, and portions of lots of record.

See Section [1113.06\(b\)\(2\)](#).

### Marquee

A fixed shelter used only as a roof and extending over a building line and which is entirely supported by the building to which it is attached.



**Maximum Extent Feasible**

That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

**Mayor**

The duly elected, acting or interim Mayor of the City or his or her designee.

**Mechanical Equipment**

Equipment, devices and accessories, the use of which relate to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

**Medical/Dental Clinics**

Office or clinic uses concerned with the diagnosis, treatment, and care of human beings. This definition does not include hospitals, skilled nursing facilities, or personal care facilities.

**Metal Salvage and Junk Storage**

Land or buildings used for one of the following operations:

- The purchase, sale, exchange, storage, baling, packaging, disassembly, or handing of waste, used materials, or secondhand materials including, but not limited to, batteries, scrap iron and other old scrap ferrous or nonferrous materials, metals, paper, rubber tires, tires, debris or waste, electronic parts, and bottles;
- The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, or partially dismantled, obsolete, or wrecked vehicles or their parts; or
- The storage, keeping, buying or selling of wrecked, scrapped or dismantled motor vehicles or motor parts. The presence on any lot of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been removed for reuse or sale, shall constitute a vehicle or automotive wrecking or salvage yard.

**Microbrewery, Microdistillery, or Microwinery**

An establishment with where beer, liquor, wine, or other alcoholic beverage is manufactured on the premises. The manufacturing may be the principal use of the facility or may be subordinate to a restaurant, bar, or tavern as allowed in Section [1107.05\(o\)](#). A microbrewery, microdistillery or microwinery may include some off-site distribution of its alcoholic beverages consistent with state law.

**Mixed Use Buildings**

A building that contains a commercial or office use and a residential use within a single building as provided for in this code.

**Modification**

Any change in use, addition or alteration of a building or structure, or any change in type and/or increase in quantity of regulated substances used, stored, handled or produced.

**Monument**

A box with an iron pin at the intersection of the centerlines of two streets or at a location where the point of tangency meets the point of curvature for curved sections of streets.

**Multi-Tenant Use**

A principal building with multiple uses of a similar use classification (e.g., commercial, industrial, etc.) but that has multiple tenant spaces and/or multiple use types. A strip mall or strip center with a mixture of retail uses such as restaurants, retail stores, and personal service establishments is an example of a multi-tenant building. Such use does not include any use within the residential use classification.

**NIER or Non-Ionizing Electromagnetic Radiation**

Electromagnetic radiation primarily in the visible, infrared and radio frequency portions of the electromagnetic spectrum.

### **Noncommercial Speech**

Any sign, wording, logo, or other representation that, does fall under the definition of “commercial message or speech.”

### **Nonconforming Site Condition**

A site improvement that was legally established, but no longer conforms to the parking, landscaping, architectural, or other design standards for the site exclusive of the lot area, lot width, or other site development standards established in this code. See also “lot, nonconforming”.

Nonconformity, Legal

Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this ordinance or its amendments, which do not conform to the regulations of the applicable zoning district, and are therefore incompatible. See also the definitions for “use, nonconforming,” “lot, nonconforming,” “building, nonconforming,” “nonconforming site condition,” and “structure, nonconforming.”

### **Nonconformity, Legal**

Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this ordinance or its amendments, which do not conform to the regulations of the applicable zoning district, and are therefore incompatible. See also the definitions for “use, nonconforming,” “lot, nonconforming,” “building, nonconforming,” “nonconforming site condition,” and “structure, nonconforming.”

### **Nudity or State of Nudity**

The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

### **Nursery Schools and Day Care Centers**

A facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any portion of the 24-hour day in a building other than the child's own home. This use may include, but is not limited to, after school programs, office day care centers and principal structures used for only day care/nursery school programs. This term may also include adult day care centers where persons other than children, family members, or guardians care for an adult for a portion of a 24-hour day in a building other than the adult's home.

### **Occupant**

A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.

### **Open Space**

Open areas, including parks, nature areas, playgrounds, trails, and improved open space areas.

### **Operator (Wind Energy)**

The entity responsible for the day-to-day operation and maintenance of a wind energy system.

### **Operator (Wireless Telecommunications)**

A wireless service provider, cable operator, or a video service provider that operates a small cell facility and provides wireless service, including a wireless service provider, cable operator, or a video service provider that provides information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20), and services that are fixed in nature or use unlicensed spectrum.

### **Outdoor Dining**

Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, that are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

### **Outdoor Displays and Sales**

The placement of small products or materials for sale outside of a retail or wholesale sales establishment.

### **Outdoor Lighting**

Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility. See Section [1113.08: Exterior Lighting](#).

### **Outdoor Storage and Bulk Sales**

A facility or lot used for the outdoor storage of materials and/or vehicles that are to be used for construction or for manufacturing processes and where such uses are the principal use of the lot. Such use may also include the sales of materials related to construction or manufacturing where the sales are direct to contractors or business and not open to the general public for retail sales. This use may also include the outdoor storage of fleet vehicles.

### **Outdoor Vending Machines and Drop-Off Boxes**

Vending machines are small machines that are capable of accepting money in return for the automatic dispensing of goods (e.g., drink machines, snack machines, video machines). Drop-off boxes are small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

### **Owner**

Any individual, firm, association, syndicate, co-partnership corporation, trust or any other legal entity, having legal title to or sufficient proprietary interest in the land.

### **Parking Area**

See definition of "parking lots."

### **Parking Lot or Garage (Public)**

Paved surfaces and or structures, owned by the City or County, used to provide parking spaces, in addition to all necessary driveways and maneuverability aisles, for the purpose of parking vehicles as a principal use.

### **Parking Lots**

An outdoor area made up of marked parking spaces and associated access drives where motor vehicles may be stored for the purpose of temporary off-street parking. Also known as a parking area.

### **Parking Space**

A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

### **Passive Parks, Open Space, and Natural Areas**

Any park or recreational facility where there is no grading of the land, the construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

**Patio**

An unenclosed outdoor hard-surfaced area that is no higher than 18 inches above the ground. If a pergola or other roof structure is attached to the principal building and extends over the patio, then the patio and roofing shall be considered a porch.



*Figure 1131-H: Illustrative example of a patio.*

**PCS**

Personal communication services, including digital transmission, typically wireless or cellular telecommunications generally.

**Pennants**

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

**Performance Standard**

A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings. See Section [1113.07: Performance Standards](#).

**Person**

Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, Lorain County or State agency within Ohio, the federal government, or any combination thereof. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district or state community college. Agency does not include the general assembly, the controlling board, the adjutant general's department, or any court.

**Personal Care**

Personal care means the provision of personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

**Personal Services**

Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

**Personal Wireless Telecommunications Service**

Communications services provided by a commercial mobile service provider. It includes a common carrier wireless exchange access service, cellular services, and unlicensed wireless services.

**Place or Placement (Wireless Telecommunications)**

To locate (a tower or related wireless telecommunications facility and incidental structures) on a zoning lot.

### Places of Worship

A religious institution where a congregation of any denomination, regularly participates in or holds religious services, meetings and other activities, including buildings in which the religious services are held and which may include accessory indoor uses such as, but not limited to, day care or educational institution facilities.

### Planned Residential Development (PRD)

A development that is planned for a residential uses, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses. See [Chapter 1109: Planned Residential Developments \(PRD\)](#).

### Planning Commission

The Planning Commission of the City of Sheffield Lake, Ohio

### Plat

A map graphically indicating a proposed land subdivision or re-subdivision prepared in a form suitable for filing for record, with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots, blocks, streets, alleys, public areas, and other dimensions of land.

### Plat, Final Subdivision

The final map of all or a portion of the subdivision which is presented to the Planning Commission and City Council for final approvals in accordance with this code, and which, if approved, shall be filed with the proper county recording officer.

### Plat, Preliminary Subdivision

A plat of all parts of a subdivision prepared by a professional registered engineer or surveyor, incorporating recommendations and requirements of planning authorities, and showing topography, means of drainage, roadways, grades, sanitary and water service, and other information for preliminary approval by the Planning Commission in accordance with Section [1105.05\(d\)](#).

### Playsets, Treehouses, and Trampolines

Recreational equipment for children that may include, but is not limited to, swings, slides, monkey bars, and play enclosures.

### Porch

An unenclosed area with a roof that is attached to a building but not used for livable space. A porch also includes paved areas without a roof if the surface area is higher than 18 inches above the adjacent grade (e.g., stoops).



Figure 1131-I: Examples of a front porch (left) and back porch (right).

### Portable Storage Units

Any portable enclosed unit of whatever type of construction or material, designed for permanent or temporary storage, which can be transported by vehicle and left on-site.

**Premises (Wireless Telecommunications)**

A zoning lot, or the immediate vicinity (of a tower and related wireless telecommunications facility), consisting of land and structures and appurtenances thereof.

**Provider (Wireless Telecommunications)**

A private or public (including governmental and quasi-governmental) entity, licensed by the Federal Communications Commission (FCC), which provides wireless telecommunications services.

**Public Utility**

Persons, corporations or governments supplying gas, electric, cable television, transportation, water, sewer or land line telephone service to the general public. For purposes of this chapter, telecommunications facilities of any kind shall not be considered public utilities.

**Public Utility Buildings and Facilities**

Structures and land used for storage, transmission, or recovery facility for water, sewerage, telephone, electric or gas and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission (PUCO). Such uses may also include salt storage or other outdoor activities necessary for the efficient operations of the local, state, or federal government.

**Public Way**

See definition of “right-of-way.”

**Quasi-Public (Wireless Telecommunications)**

Real property owned or controlled at least in part by a governmental entity, or a public non-profit agency or organization duly authorized by law.

**Raceway or Wireway**

An elongated metal enclosure used to mount individual channel lettering and to conceal related transformers and wiring.

**Radio Frequency (RF)**

means any of the electromagnetic wave frequencies that lie in the range extending from below 3 kilohertz to about 300 gigahertz and that include frequencies for radio, television and wireless telecommunications.

**Raising of Livestock**

The raising and caring of poultry, fowl, or other livestock animals as an accessory use.

**Recycling Center**

A building or facility that is used to collect, sort, and/or prepare recyclable materials for distribution to other facilities.

**Research and Development Facilities**

An establishment or facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products. Such establishment shall not include the manufacturing or assembly of products beyond the development of prototype systems or products. All activities shall take place within an enclosed building.

**Residential Community Centers**

A building used for the meeting, recreation, or social activity designed to accommodate and serve the residents of a subdivision or development with which the use is associated and that may be privately owned or jointly owned by property owners.

**Residential Facilities**

Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than 16 persons, excluding staff, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate living activity in a non-institutional environment as regulated by Chapters 5119 and 5123 of the Ohio Revised Code.

**Restaurants**

An establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings.

**Retail Businesses**

Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. A retail business use includes, but is not be limited to such activities as: supermarkets; stores that sell electronics, hardware, apparel, footwear, appliances, furniture, department stores, and discount stores.

**Right-of-Way**

The surface of, and the space within, through, on, across, above or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a comparable public use, which is owned or controlled by the City or other public entity or political subdivision.

**Roof Line**

Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. In regards to sign placement, where a building has several roof levels, the pertinent roofline or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

**Satellite Dishes**

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

**Screening**

A method of visually shielding or obscuring a structure, parking, mechanical equipment, refuse collection center or incompatible land use, from another and from public view by fencing, walls, beams or densely planted vegetation.

**Self-Storage Facilities (Indoor)**

A building that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer's goods or wares where all access to such stalls or lockers occurs within the inside of the building and where there is no outdoor storage.

**Self-Storage Facilities (Outdoor)**

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer's goods or wares where the access to such stalls or lockers occurs from the exterior of the building. Such use may include the outdoor storage of vehicles as an accessory use if approved by the Planning Commission as part of the conditional use approval.

**Semi-Nudity or Semi-Nude Condition**

The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel, provided that the areola is not exposed in whole or part.

**Service Director**

The duly appointed, acting or interim Service Director of the City or his or her designee.

**Setback**

Setback means the required minimum horizontal distance between a lot line or the proposed right-of-way, whichever is more restrictive and a building, surface parking lot or structure as established by this code.

**Setback Line**

A line established by this code generally parallel with and measured from the lot line or the right-of-way, whichever is more restrictive, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this code. For example, a front yard setback line is the line formed by applying the minimum front yard setback from any applicable front lot lines.

**Setback, Building**

The setback required from any right-of-way and the principal or accessory building as established in this code.

**Setback, Front**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the front lot line. See Section [1113.06\(c\)](#).

**Setback, Rear**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the rear lot line. See Section [1113.06\(c\)](#).

**Setback, Side**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and a lot that that is shared with another lot where such lot line is defined as a side lot line. See Section [1113.06\(c\)](#).

**Short-Term Rentals**

The leasing of any residential property, either the entire dwelling unit or individual rooms, for a period of time less than 30 consecutive days to one additional family or housekeeping unit. This use includes, but is not limited to homes or rooms being rented through services such as AirBnB, VRBO, HomeAway, etc.

**Shrub**

A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

**Sidewalk**

That portion of the road right-of-way, easement, or private property that is improved for the use of pedestrian traffic by the general public.

**Sign**

Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

**Sign Area**

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section [1119.07\(c\)](#).

**Sign Contractor**

means, in addition to other legal definitions, any person, firm, partnership, association, corporation, company or organization of any kind erecting more than one sign annually.

**Sign Copy**

Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

**Sign Face**

The surface of the sign upon, against or through which the message of the sign is exhibited.

**Sign, A-Frame**

A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs.

**Sign, Awning**

A permanent sign painted on, printed on or attached flat against the surface of an awning.

**Sign, Balloon**

A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for "Air-Activated Graphic."



**Sign, Banner**

A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a temporary “yard sign.”

**Sign, Building**

Any permanent sign attached to any part of a building including awning, canopy, marquee, projecting, hanging, or wall signs.

**Sign, Canopy**

A permanent sign attached to the soffit or fascia of a canopy of a covered entrance or walkway, or to a permanent awning or marquee.

**Sign, Changeable Copy**

A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. See also the definition of “sign, manual changeable copy” and “electronic message center”.

**Sign, Drive-Through Facility**

Any permanent signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

**Sign, Driveway**

A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

**Sign, Feather**

A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure. Such sign may take the shape of a feather, tear drop, or any other shape.

**Sign, Feather**

A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

**Sign, Freestanding**

Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building.

**Sign, Illuminated**

Any sign which has characters, letters, figures, designs, or outlines illuminated externally or internally by any light source other than non-reflected natural daylight.

**Sign, Manual Changeable Copy**

A changeable copy sign designed so that the characters, letter or illustrations can be changed or rearranged manually. May also be known as readerboards.

**Sign, Marquee**

A sign which is attached to a marquee.

**Sign, Monument**

A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.

**Sign, Nonconforming**

Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

**Sign, Permanent**

A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground that is constructed of rigid, non-flexible materials.

**Sign, Pole**

A sign supported by or suspended from a free-standing column or columns of structural steel, pipe or poles.

**Sign, Portable**

Any sign not attached to the ground or a sign designed to be transported, including signs designed to be transported by means of wheels.

**Sign, Projecting**

A permanent sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall.

**Sign, Roof**

Any sign erected on a roof.

**Sign, Sidewalk**

A temporary sign that may be placed on the sidewalk, in the public right-of-way, during business hours in accordance with this section and all other applicable ordinances and resolutions. See definition of “sign, T-frame” and “sign, A-frame.”

**Sign, Temporary**

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

**Sign, T-Frame**

A freestanding sign which is ordinarily in the shape of an upside down “T” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs.

**Sign, Wall**

A permanent sign attached directly to an exterior wall of a building and which does not extend more than eighteen inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

**Sign, Window**

Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building.

**Sign, Yard**

Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

**Site Plan**

A plan prepared to scale accurately showing, with complete dimensions, the boundaries of the site, the location of buildings, exterior lighting, landscaping, vehicular use areas, access drives, signs, outdoor storage areas, and any other features that comprise a proposed development that are further defined in Section [1105.06: Site Plan Review](#) and that demonstrate a development’s compliance with this code.

**Site Plan Review**

The review of proposed site plans as reviewed and decided upon in accordance with this code.

**Skilled Nursing**

Those nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

### **Skilled Nursing or Personal Care Facilities**

A long-term or short-term residential facility that provides skilled nursing services or personal care in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as “hospitals” or “residential facility.”

### **Small Cell Equipment**

A small cell facility and all accessory equipment.

### **Small Cell Facility**

A wireless facility that meets both of the following requirements:

- Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna with exposed elements, the antenna and all of its exposed elements can fit within an enclosure of not more than six cubic feet in volume; and
- All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

### **Small Cell Use Permit**

The permit granted by the City authorizing the applicant to collocate a small cell facility or to construct, maintain, modify, operate, or replace a wireless support structure in the right-of-way.

### **Solar Panels**

Structures designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

### **Specified Anatomical Areas**

- The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

### **Specified Sexual Activities**

Specified sexual activities means any of the following:

- The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
- Excretory functions as part of or in connection with any of the activities set forth in above.

### **Stacking Space**

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development.

### **Static, Instant Message Change**

On electronic message centers, a static or instant message change is when one message changes to another message instantly without scrolling, flashing, or other movement of the message.

### **Story**

The part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above, and having a height consistent with the requirement of occupiable space as defined in the residential building code.

### **Streamer**

A ribbon-shaped or cord-like rope which may have pennants and/or banners attached and which is stretched or hung between two or more supports.

### **Street**

The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic.

**Street, Collector**

Collector streets are designed to collect and distribute traffic between local access streets and other minor street streets to arterial streets and freeways.

**Street, Cul-de-Sac**

A local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turn-around.

**Street, Dead-End**

A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

**Street, Local**

A street designed primarily for providing access to residential, commercial or other abutting property.

**Street, Major Arterial**

Principal arterial streets are streets designed for the movement of large amounts of fast traffic between points of heavy traffic generation (e.g., freeways, large residential areas or business and industrial areas) and from one section of the community or communities to another. Major arterial streets have the widest rights-of-way and carry the largest volumes of traffic within the City.

**Street, Marginal Access**

A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets; also called frontage street.

**Street, Minor Arterial**

Minor arterial streets are intended to collect and distribute traffic in a manner similar to principal arterial streets, except that these streets service smaller traffic generating uses and areas within the City and can serve in place of collector streets for the purposes of moving traffic in between other collector streets and the freeway or other arterial streets.

**Street, Private**

An area set aside to provide access for vehicular traffic within a development that is not dedicated or intended to be dedicated to the City and that is not maintained by the City.

**Street, Public**

A street that has been dedicated or deeded to the public for public use and which affords principal access to abutting property.

**Structural Trim (Signs)**

The molding, battens, cappings, nailing strips, latticing, platforms and letters, figures, characters, or representations in cut out or irregular form which are attached to the sign structure.

**Structure**

Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, freestanding signs, cabins, manufactured homes, and other similar items. Patios, parking lots, or other similarly paved surfaces shall not be deemed structures.

**Structure, Accessory**

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**Structure, Legally Nonconforming**

A structure or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and which does not conform to the provisions of the code in the district in which it is located.

**Structure, Temporary**

A structure permitted for limited duration with the intent that such use will terminate, or the structure will be removed automatically upon expiration of the fixed time period. A temporary structure is without a foundation or footing.

**Subdivider**

Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this code to effect a subdivision of land hereunder for themselves or for another.

**Subdivision**

The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures, not involving the division, combination, alteration, or allocation of land for the opening, widening or extension of any street or streets, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities, shall be exempted.

**Subdivision, Major**

A subdivision that is not classified as a minor subdivision.

**Subdivision, Minor**

A division of a parcel of land along an existing street not involving the opening, widening or extension of any street or road and involving no more than five lots after the original tract has been completely subdivided. See further distinction in Section [1105.04\(b\)](#).

**Substantial Enlargement (Adult Entertainment Business)**

Substantial enlargement of an adult entertainment business means the increase in floor area occupied by the business by more than twenty-five percent as the floor areas exist on the date this code takes effect.

**Survey**

The process by which a parcel of land is measured, and its boundaries and contents are ascertained, by a professional land surveyor. The results of a survey are a map and legal description of such parcel of land.

**Swimming Pools**

Any pool, lake, or open tank, primarily used for swimming or wading, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one foot. Such use shall be designed, used, and maintained for swimming or wading by the residents, tenants, or occupants of the subject property.

**Taverns or Bars**

Establishments providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

**Telecommunications**

All communications services and the use thereof, whether by means of public or private providers, and includes cellular telecommunications, personal wireless services and amateur radio broadcasting, by any transmission, emission or reception of signals, writing, images and sounds, or information of any nature by wire, radio, visual or the electromagnetic system.

**Telecommunications Act of 1996**

Public Law 104-104, as adopted by the Congress of the United States, February 8, 1996, as may from time to time be amended. This law is the basic law governing wireless telecommunications.

**Temporary Event (Extensive Impact)**

A short-term event or activity that may occur for a longer time period; will require broader City resources; or will have more extensive impacts on the City or adjacent properties than a temporary use with limited impact.

**Temporary Event (Limited Impact)**

A short-term event or activity with minimal impact on street, public services, or adjacent properties.

**Temporary Structures for Construction Purposes**

See definition of "construction structures."

### **Theaters**

A building or part thereof used for housing dramatic presentations, stage entertainments, motion-picture shows, or other similar entertainment.

### **Towers**

Any ground or above-ground mounted pole, spire, structure or combination thereof, taller than fifteen feet, including supporting lines, cables, wires, braces or masts, and including smoke stacks, water towers and other similar structures which can accommodate the mounting of an antenna, meteorological or telecommunications device, or similar apparatus above-grade. "Tower" also includes the following:

- Cellular or wireless communications. Any tower, as defined in this chapter, used to support a cellular or wireless telecommunications antenna. Such tower may be a mast, pole, monopole, guyed tower, lattice tower, freestanding tower or other structure designed and primarily used to support antennas. A building permanently affixed to real property which supports a device as defined in this section as a tower, when that device extends above the highest point on such building by more than fifteen feet, and used for telecommunications purposes, the device so extending shall be considered a tower under this chapter.
- Lattice. A support structure constructed of vertical metal struts and cross braces forming a triangular or rectangular structure which often tapers from the foundation to the top.
- Monopole. A support structure constructed of a single, self-supporting pole or similar device securely anchored to a foundation, not necessarily the ground.
- Multi-user. A tower to which is attached the antennas of more than one wireless telecommunications service provider, including a governmental entity or other similar provider.
- Single-user. A tower to which is attached only the antenna(s) of a single provider, although such tower may be designed to accommodate the antennas of multiple uses.

### **Trailer**

Any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle.

### **Training or Instructional Facilities**

Businesses or studios that provide training or instructional services to the general public outside of "educational institutions". Such uses may include, but are not limited to, dance studios, art studios, tutoring services, fitness clubs, etc.

### **Truck and Heavy Equipment Sales**

An establishment engaged in the temporary storage for the sale or repair of tractor trailer trucks and other equipment, or vehicles used in commercial, industrial or construction enterprises such as, but not limited to, bulldozers, cranes, backhoes, rollers, and lifts.

### **Truck Terminals**

A facility intended to provide services to the trucking industry including but not limited to the following activities: the dispensing of fuel, the storage of truck tractors and truck trailers, weighing facilities, truck washing facilities, convenience retail sales and other driver accommodations.

### **Turbine Height (Wind Energy)**

means the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

### **Type A Day Care Homes**

A permanent residence of the administrator in which child day care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child day care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator or employee and who are on the premises of the Type A Home shall be counted. A Type A Home does not include a residence in which the needs of children are administered, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings.

### **Type-B Day Care Home**

A permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type B Home shall be counted. A Type B Home does not include a residence in which the needs of children are administered if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings.

### **Use**

Any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

### **Use, Accessory**

A use located on the same lot with the principal use of building or land, but incidental and subordinate to and constructed subsequent to the principal use of the building or land.

### **Use, Conditional**

A use which may be appropriate or desirable in a specified zoning district but requires special approval through the conditional use approval procedure of this code because, if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

### **Use, Legally Nonconforming**

Any building or land lawfully occupied by a use that was in accordance with the zoning regulations, if any, in existence when the use commenced and which, through subsequent enactments or changes of zoning regulations either prior to the passage of this code or by the passage of this code or amendments thereto, does not conform or did not conform thereafter with the use regulations of the district in which it is situated.

### **Use, Principal or Main**

The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted, permitted with standards, or conditionally permitted.

### **Use, Temporary**

A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure. See [Chapter 1111: Accessory and Temporary Use Regulations](#).

### **Variance**

A modification of the strict terms of these regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these regulations would result in a practical difficulty.

### **Vehicle Washing Establishments**

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment. This shall include establishments that provide car detailing services.

### **Vehicle, Fleet**

Trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.

### **Vehicular Use Area**

The entire paved area that encompasses all parking spaces, loading areas, stacking spaces, and the access drives that provide access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space, stacking space, or loading space.

### **Violation**

The failure of a structure or other development to be fully compliant with the regulations of this code.

**Wall**

An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure.

**Wall, Retaining**

A retaining wall is a structure that holds back soil or rock from a building, structure, or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

**Warehouses and Distribution Facilities**

A business establishment primarily engaged in the storage, loading, unloading, and/or distribution of merchandise, goods, and materials, not including "self-storage facilities."

**Watercourse**

Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, drainageways, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course, either continuously or intermittently, and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.

**Wholesale Establishments**

An establishment or place of business primarily engaged in selling merchandise to retailers, including associated showrooms and warehousing; to industrial, commercial, institutions, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Windblown Devices**

Objects and signs designed to inform or attract attention, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical, or any other means and may include, but are not limited to pennants, ribbons, streamers, spinners, or similar objects.

**Wireless Support Structure**

A pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting small cell facilities. As used in this chapter, "wireless support structure" excludes all of the following:

- A utility pole or other facility owned or operated by a municipal electric utility; and
- A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

**Wireless Telecommunications**

See definitions of "telecommunications", "personal communication system(s)", "PCS", or "communications".

**Wireless Telecommunications Equipment Building or Equipment Building**

The structure in which the electromagnetic receiving and relay equipment for a wireless telecommunications facility is housed.

**Wireless Telecommunications Facility or Facility or Facilities**

The facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

**Yard**

An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this code. See Section [1113.06\(c\)](#) for rules of measurement and determination for all yard types.

**Yard, Front**

Unless otherwise stated in Section [1113.06\(c\)](#), a front yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.



**Yard, Rear**

Unless otherwise stated in Section [1113.06\(c\)](#), a rear yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

**Yard, Side**

Unless otherwise stated in Section [1113.06\(c\)](#), a side yard is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

**Zoning District**

An area within the City limits for which the regulations and requirements governing use are uniform as defined by Section [1107.02\(a\)](#).

**Zoning District, Nonresidential**

The term “nonresidential zoning district” shall include the B-1, B-2, B-4, B-5, I-1, and P-I districts, regardless if residential uses are permitted within the district.

**Zoning District, Residential**

The term “residential zoning district” shall include the R-1A, R-1B, R-1C, R-2, and R-3 districts.

**Zoning Inspector**

The Zoning Inspector of the City of Sheffield Lake, Ohio. The individual designated to administer and enforce this code, unless otherwise stated.

**Zoning Map**

An accurate map depicting the City of Sheffield Lake, Ohio, and indicating the official boundaries of the zoning districts established by this code. See Section [1107.02\(c\)](#).

**Zoning Permit**

A permit issued by the Zoning Administrator stating that a proposed development or activity complies with this code as established in this code.