

Chapter 1101: Introduction to and Using this Ordinance

SECTION 1101.01 TITLE AND EFFECTIVE DATE; REPEALER

This ordinance shall be known as the Planning and Zoning Code for the City of Elyria, Ohio.

This ordinance shall have an effective date of [MONTH DAY YEAR].

SECTION 1101.02 PURPOSE AND INTENT

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan, to promote, in accordance with present and future needs, the health, safety, morals, order, convenience, prosperity, and general welfare of the citizens of the city, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of access and of traffic and circulation of people and goods, for the appropriate use and occupancy of buildings, for healthful and convenient distribution of population, for protection against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, or loss of life, health, or property from fire, flood, panic or other dangers, to encourage good civic design and arrangement, to facilitate the creation of a convenient, attractive and harmonious community, to protect against destruction of or encroachment upon historic resources, and to facilitate the provision of adequate public utilities, public services and other public facilities, by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces, and the type and density of use.

They have been made with reasonable consideration, among other things, for the existing use and character of property, the comprehensive plan, to the character of the district and its peculiar suitability for particular uses, to trends of growth or change, and with a view to conserving natural resources and the value of land and buildings and encouraging the most appropriate use of land throughout the incorporated territory of the city.

SECTION 1101.03 APPLICABILITY

This ordinance shall apply to all incorporated territory of Elyria, Ohio.

SECTION 1101.04 SAVINGS PROVISION/SEVERABILITY

Should any section or provision of this Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 1101.05 RULES OF INTERPRETATION

1. Whenever a defined word appears in this Zoning Code, its meaning is as defined in this Zoning

Code. Words not defined in this Zoning Code are interpreted in accord with their dictionary meaning and customary usage.

2. All references to other regulations or manuals shall refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, such reference or requirement for compliance is no longer in effect.
3. Illustrations, diagrams, and flowcharts are included in this Zoning Code to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text shall control.
4. The language of this Zoning Code shall be interpreted as follows:
 - a. The word “person” includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual.
 - b. The present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular in each case if the context so requires.
 - c. The word “shall” is mandatory; the word “may” is permissive.
 - d. The words “used” or “occupied” include the words “,” “designed,” “constructed,” “altered,” or “arranged” to be used or occupied.
 - e. The word “lot” includes the words “plot,” “tract,” or “parcel.”
 - f. The terms “standards,” “regulations,” and “requirements” are used to mandate a specific course of action or built outcome.
 - g. Section headings are provided for ease of use and organization and shall not be interpreted as regulatory.
 - h. Where a regulation involves two or more items, conditions, provisions, or events which are connected by a conjunction—“and,” “or,” or “either...or”—the conjunction shall be interpreted as follows:
 - i. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - ii. “Or” indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - iii. “Either...or” indicates that all the connected items, conditions, provisions, or events shall apply singularly but not in combination.
5. In the case of any conflict or inconsistency between two or more provisions of this Zoning Code or any other City ordinance, law, rule, or regulation, the provision which imposes the greater, higher, or more restrictive requirement or standard of performance shall control.

SECTION 1101.06 RULES OF MEASUREMENT

1. Determining Building Height and Height Exceptions. Height shall be interpreted as the vertical distance from the average established curb grade

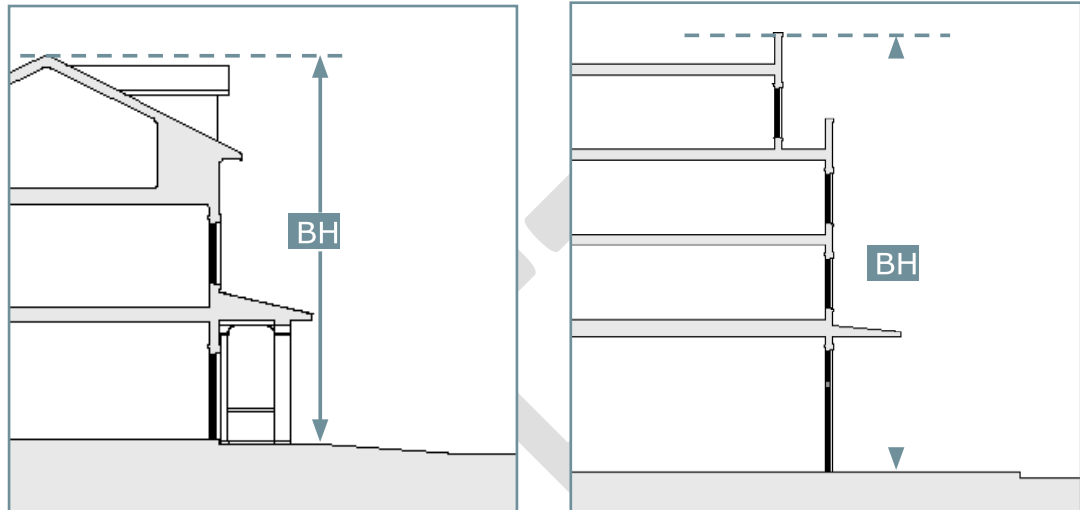
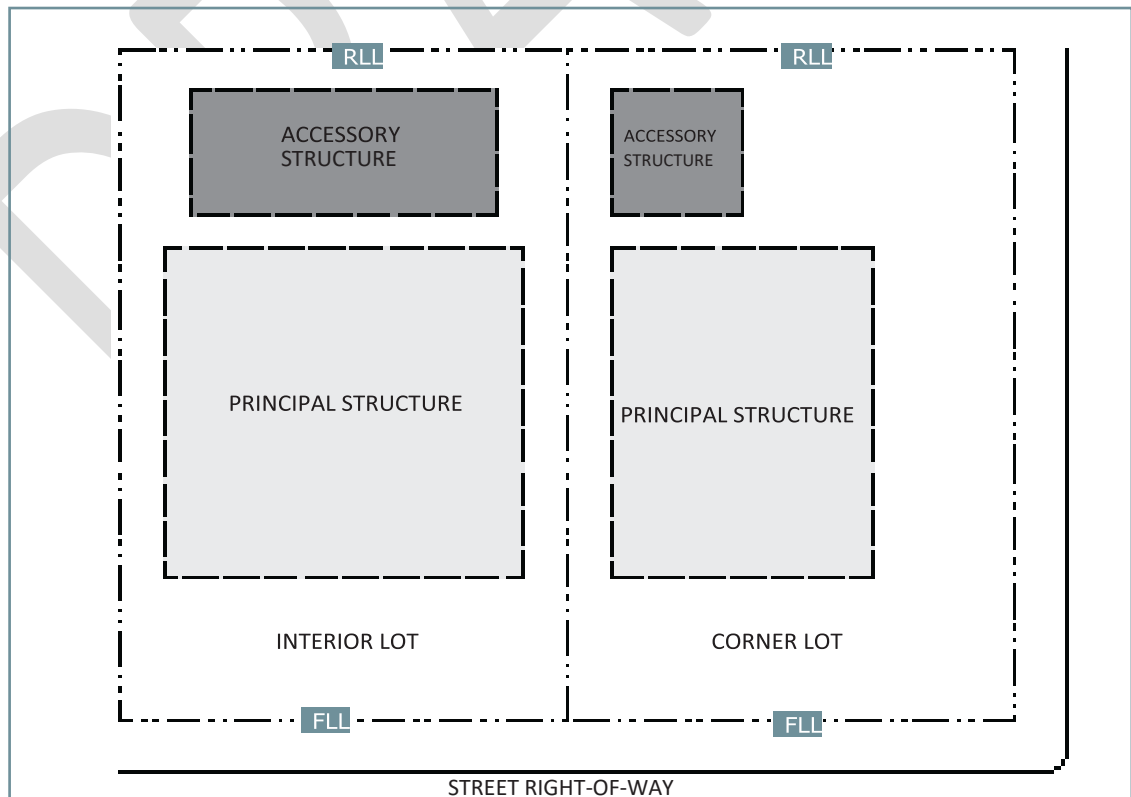


Figure 2: Graphic showing how to measure the building height (BH) of a pitched-roof building (left) and a flat-roofed building (right).

2. Exceptions to Height Maximums.
 - a. For barns, silos or other farm buildings or structures on farms, provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, towers, windmills, chimneys, smokestacks, flagpoles, radio masts and aerials; or to parapet walls extending not more than four (4) feet above the limiting height of the building.
 - b. For bulkheads, elevator penthouses, water tanks, monitors and scenery lofts where no linear dimension exceeds fifty (50) percent of the corresponding street lot line frontage; or to cooling towers, grain elevators, gas holders or other structures where the manufacturing process requires a greater height; provided, however, that all such structures above the otherwise limiting heights shall not occupy more than twenty-five (25) percent of the area of the lot and shall be not less than twenty-five (25) feet from side or rear lot lines and not less than one (1) foot from the opposite side of each abutting street for each foot of height.
 - c. For those accessory structural elements that are mounted on a building's roof, no more than one-third of the roof area may be used for such fixtures.
 - d. For those fixtures affixed to the principal structure's roof and providing at least the minimum setbacks established by the district in which it is located, no height-excepted fixture shall exceed the height limit of the district in which it is located by more than 15 vertical feet, except by a variance approved by the Board of Zoning Appeals. For information on variances, please refer to Article XXXX "Administration and Procedures."

- e. Note that, for accessory structures that are within the minimum setback area (for example, a child's playhouse, which is an accessory structure, within 3 feet of the side lot line, where that district requires a side setback of at least 10 feet), no accessory structure shall exceed the maximum height described by Section XXXX.XX "Height Maximums for Accessory Structures."
 - f. [INCLUDE GRAPHIC HERE SHOWING EXCEPTIONS TO HEIGHT MAXIMUMS]
3. Determining Lot Lines and Building Setbacks
- a. Lot Lines

- i. Lot Line. A lot line is a line dividing one lot from another lot or from a street or any public place.
- ii. Front Lot Line. A front lot line is a lot line dividing a lot from a public or private street and is the line from which the required front setback is measured. If a lot has more than one lot line that abuts a street right-of-way, such as is the case with a corner lot or a double-frontage lot, is considered to have more than one front lot line.
- iii. Side Lot Line. A side lot line is any lot line not considered a front lot line or a rear lot line.
- iv. Rear Lot Line. The rear lot line is the lot line which is most opposite the front lot line. Each lot shall have one rear lot line. In the case of a corner lot with more than one front lot line, the rear lot line is the lot line which is most opposite the shortest front lot line. In the case of an irregular or triangular-shaped lot, the rear lot line is a line 10 feet in length within the lot situated parallel to and at the maximum distance from the front lot line.



(SLL), and rear lot lines (RLL) on an interior lot (left) and a corner lot (right).

b. Setbacks

- i. Front Setback. A front setback is the shortest horizontal distance between a structure and the edge of the right-of-way. For a corner lot or a double-frontage lot, the front setback shall be measured from a structure and any of the front lot lines.
- ii. Side Setback. A side setback is the shortest horizontal distance between a structure and a side lot line of the lot.
- iii. Rear Setback. A rear setback is the shortest horizontal distance between a structure and a rear lot line of the lot.
- iv. Exceptions to Setbacks. Certain accessory structures are permitted to encroach into setback areas; these situations are described in Section XXXX.XX “Required Setbacks for Accessory Structures.”

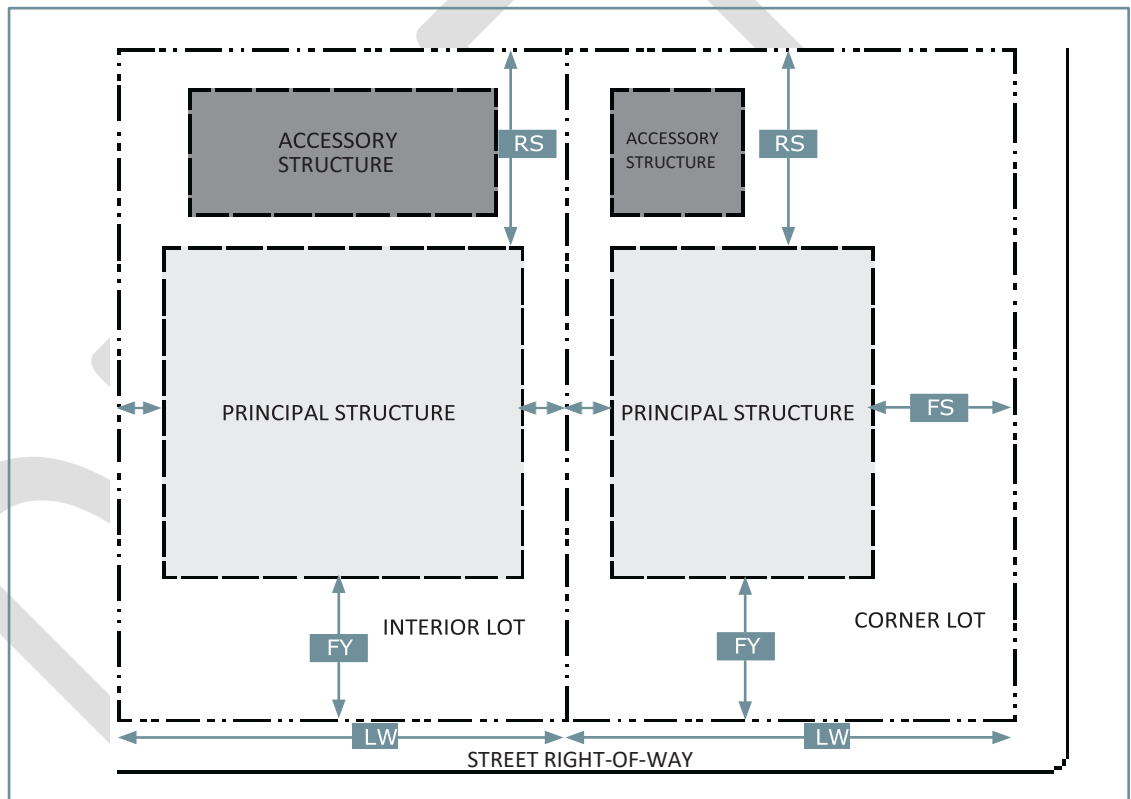


Figure 4: Graphic showing different setbacks, including front setbacks (FS), side setbacks (SS), and rear setbacks (RS). This graphic also shows lot widths (LW) for an interior lot (left) and corner lot (right).

c. Defining Lot Width. The lot width is the length of a lot's shortest front lot line.

i. [INCLUDE GRAPHIC SHOWING DIFFERENT LOT WIDTHS]

- d. Defining Lot Area. The lot area is the area of a horizontal plane bounded by vertical planes extending from the lot lines of a single lot, and not including any area within the

right-of-way.

i. [INCLUDE GRAPHIC SHOWING LOT AREA]

- e. Defining Building Footprint. Building footprint is the area of an individual building (as viewed from a plan view, where topography of the land is irrelevant). When measuring building footprint, the area only considers the extent of the exterior of building walls but shall not take into consideration roof overhangs, eaves, awnings, or canopies. It shall, however, include those areas of the building with walls that represent a larger area than the area of the footprint of the foundation, such as cantilevered sections of the building. Building footprint shall also include areas of the building with half-walls, such as porches.

i. [INCLUDE GRAPHIC SHOWING BUILDING FOOTPRINT]

Chapter 1102: Definitions of General Terms and Land Uses

SECTION 1102.01 PURPOSE

This chapter provides the definition of general terms found within the Code and to define land uses permitted within the City's Zoning districts. The regulations are intended to reduce the effects that certain land uses may have on the public's health, safety, and welfare by restricting the use of land district-by-district within the city. For the purpose of this Zoning Code, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

SECTION 1102.02 DEFINITIONS OF GENERAL TERMS

1. Alley. means a street providing service access to the rear or side of properties abutting also on other streets.
2. Building. Any structure having a roof supported by walls used, is a conditioned/habitable space (heated or air conditioned). It is intended to be used for the support, shelter or enclosure of persons, animals or property.
3. Building Footprint. Refer to the definition and illustrations in Section 1101.06 "Rules of Measurement."
4. Building Height or Structure Height. Refer to the definition and illustrations in Section XXXX.XX "Rules of Measurement."
5. City. The administrative body of the City of Elyria, Ohio.
6. Driveway. Any unenclosed, improved surface that is intended to provide motor vehicles with the most direct route as practicably possible between a right-of-way and an off-street parking area of a one-unit or two-unit dwelling use, such as a garage (including a former garage converted to a non-vehicle-oriented use), a side parking pad, or a rear parking pad.
7. Dwelling unit. a space, within a building, comprising a living, dining and sleeping room or rooms and storage closets, as well as space and equipment for cooking, bathing and toilet facilities.

8. Lot Line. A lot line is a line dividing one lot from another lot or from a street or any public place.
9. Front Lot Line. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
10. Parking Area. An off-street area for the parking of motor vehicles.
11. Parking Space. A permanently surfaced area of not less than one hundred sixty-two (162) square feet and having a width of not less than nine (9) feet, either within an enclosed structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles
12. Lot Line, Side. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
13. Lot Line, Rear. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
14. Right-of-Way. A strip of land between property lines dedicated for use by the public or owned by the public for street use
15. Yard, Front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified. The least depth of a front yard is the shortest distance measured horizontally, between any part of a building, exclusive of such parts hereinafter excepted, and the front lot line. Excepted projections, such as, but not limited to, architectural features, eaves, gutters, cornices, window sills, bay windows, chimneys, flues, pilasters, lintels and the like, shall not extend or project into a required front yard more than two feet. Open, unenclosed and uncovered porches, steps, paved terraces and the like may project beyond the front building line a distance not to exceed five (5) feet
16. Yard, Rear. An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified. The least depth of a rear yard is the shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the rear lot line. Excepted projections such as, but not limited to, architectural features, eaves, gutters, cornices, window sills, bay windows, chimneys, flues, pilasters, lintels and the like, shall not extend or project into a required rear yard more than two feet. Open, unenclosed and uncovered porches, steps, paved terraces and the like may project into a required rear yard a distance not to exceed five (5) feet.
17. Yard, Side. An open space extending from the front yard to the rear yard between a building and the side lot line unoccupied and unobstructed from the ground upward except as hereinafter specified. The least width of a side yard is the shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted and the nearest side lot line. Excepted projections, such as, but not limited to, architectural features, eaves, gutters, cornices, window sills, bay windows, chimneys, flues, pilasters, lintels and the like, shall not extend or project into a required side yard more than two (2) feet.
18. Lot Width. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
19. Lot Area. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”

20. Loading Space. An off-street space or berth on the same lot with a building, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials
21. Lot. A piece or parcel of land unoccupied or occupied by a principal building or group of buildings and accessory buildings, or utilized for a principal use and accessory uses thereto, together with such required open spaces, and having frontage on a public street or on an easement of record.
22. Lot, Corner. means a lot abutting upon two (2) or more streets at their intersection.
23. Lot of record. means a lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Lorain County, or a lot described by a metes and bounds description, the description of which has been recorded in the Recorder's office.
24. Setback, Front. Refer to the definition and illustrations in Section 1101.06 "Rules of Measurement."
25. Setback, Rear. Refer to the definition and illustrations in Section 1101.06 "Rules of Measurement."
26. Setback, Side. Refer to the definition and illustrations in Section 1101.06 "Rules of Measurement."
27. Abandonment. Refer to the definition in Chapter 1107 "Nonconformities."
28. Nonconforming Lot. Refer to the definition in Chapter 1107 "Nonconformities."
29. Nonconforming Structure. Refer to the definition in Chapter 1107 "Nonconformities."
30. Nonconforming Use. Refer to the definition in Chapter 1107 "Nonconformities."
31. Specific Nature. Refer to the definition in Chapter 1107 "Nonconformities."
32. Use. The purpose for which land or a building or structure is arranged, designed, or intended, or for which either land or a building or structure is, or may be, occupied or maintained.
33. Use, Accessory. The use subordinate to the principal use of a building on the same lot and serving a purpose naturally and normally incidental to such principal use of a building, provided any such use was begun at the same time or after the construction of the principal building.
34. Use, Conditional. A use which is permitted in a district only if such use is expressly authorized by the Planning Commission, and/or City Council.
35. Use, Principal. A use which is permitted outright in a district.
36. Variance. A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public health, safety, or welfare and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of such regulations would result in unnecessary and undue hardship. Refer to the Administration and Procedures Section of this Code for more information.
37. Zoning Code. This Planning and Zoning Code of the City of Elyria, Ohio.
38. Zoning Permit. means a document issued by the Zoning Administrator authorizing the terms of

this Zoning Code and for the purpose of carrying out and enforcing its provisions.

SECTION 1102.03 LAND USES RESTRICTED BY DISTRICT AND BY USE TYPE

This Code restricts the use of land in two manners: (1) by restricting the use of land within each district to only those land uses expressly allowed in that district and (2) by restricting the use of land by use-specific standards, as described later in this chapter.

SECTION 1102.04 DETERMINATION OF LAND USES

1. **Determination and Application of Land Uses by the Zoning Administrator.** As this Code cannot conceive of every proposed land use in the city, it uses general land use terms and defines these terms in this Chapter XXXX “Land Use Standards.” The Zoning Administrator or their designee shall be responsible for analyzing real or proposed land uses and assigning them to one of the listed general land use terms, or a combination of multiple listed general land use terms, or none of the listed general land use terms, based on their professional determination of the real or proposed land use and the general land use term’s definition.
2. **Land Uses Not Matching Any Listed Land Use Term.** In some cases, the Zoning Administrator or their designee may determine that the real or proposed land use does not meet the definitions of any of the defined general land use terms, and, in such case, the Zoning Administrator or their designee shall determine that such land use is prohibited in all districts in the city, except where allowed by nonconforming use regulations found in Chapter XXXX “Nonconformities.”
3. **Appeal of Determination of Land Uses.** Where an affected party believes that the determination of the real or proposed land use by the Zoning Administrator or their designee as falling into one, more than one, or zero general land use terms was made in error, such party may appeal the determination. The appeal process is described in detail in Section XXXX “Appeals”.

SECTION 1102.05 PROHIBITED AND ALLOWED LAND USES

1. **Unlisted Land Uses Prohibited.** No lot, structure, or portion thereof may be used for any purpose, except as expressly allowed in that district by this section.
2. **Any use not permitted as a principally permitted use, a permitted accessory use or a conditional use in any zoning district shall be prohibited in that zoning district.**
3. **Other Land Uses Prohibited.** No lot, structure, or portion thereof may be used for mineral resource extraction, defined as the extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases; and including quarrying; well operations; and milling of minerals, such as crushing, screening, washing, and flotation; and other preparation customarily performed at the extraction site or as a part of the extractive activity.
4. **Land Use Term Interpretation.** It shall be the responsibility of the Zoning Administrator or their designee to interpret the definitions of the land use terms and determine whether a proposed use of a lot, structure, or portion thereof is appropriately categorized as one or more land use terms allowed in that district. An appeal to an interpretation can be made to the Board of Zoning Appeals in a process described in Section XXXX.XX of Chapter XXXX “Administration and Procedures.”
5. **Proposed Land Uses Fitting More Than One Land Use Term.** Wherever the proposed use of a lot is a single use and such single use fits the definition of more than one land use term and where at

least one of those land use terms is an allowed land use in that district, such proposed use shall be allowed.

6. Table of Allowed Land Uses as Permitted and Conditional. Land uses are listed in Table XXXX.X as “Permitted” and “Conditional.” “Permitted” and “Conditional” uses are principal uses and refer to two different approval processes, as described in Chapter XXXX “Administration and Procedures.” Where a proposed land use is not listed as “Permitted,” “Conditional,” or “Accessory” in a particular district, such proposed land use shall be interpreted to be prohibited in that district, unless the proposed land use is interpreted by the Zoning Administrator or their designee as being defined by more than one land use term, and at least one of those land use terms is allowed in that district.

LAND USES	APPLICABLE USE-SPECIFIC REGULATIONS	RESIDENTIAL 1	RESIDENTIAL 2	DOWNTOWN	CORRIDOR	COMMERCIAL	INDUSTRIAL 1	INDUSTRIAL 2	PARKS AND OPEN SPACE
RESIDENTIAL USES									
One-Unit Residential	Section XXXX.XX								
Two-Unit Residential	Section XXXX.XX								
3-8-Unit Residential	Section XXXX.XX								
9-Plus-Unit Residential	Section XXXX.XX								
Townhouse Residential	Section XXXX.XX								
Cottage Court Residential	Section XXXX.XX								
Residential Care Housing (Small)	Section XXXX.XX								
Residential Care Housing (Large)	Section XXXX.XX								
Rehabilitation Care Housing (Small)	Section XXXX.XX								
Rehabilitation Care Housing (Large)	Section XXXX.XX								
Mobile Home Park	Section XXXX.XX								
Permanent Shelter	Section XXXX.XX								
Seasonal Shelter	Section XXXX.XX								
COMMERCIAL USES									
Adult-Oriented Uses	Section XXXX.XX								
Animal Boarding or Shelter	Section XXXX.XX								
Cannabis- Dispensing Facility	Section XXXX.XX								
Day Care Facility (Non-Home)	Section XXXX.XX								
In-Patient Emergency and Medical Services	Section XXXX.XX								
General Medical Services	Section XXXX.XX								
Brewpub	Section XXXX.XX								
Brewery	Section XXXX.XX								
Food Truck Park	Section XXXX.XX								
Indoor Sales and Services	Section XXXX.XX								
Indoor Special Events Venue	Section XXXX.XX								

LAND USES	APPLICABLE USE-SPECIFIC REGULATIONS	RESIDENTIAL 1	RESIDENTIAL 2	DOWNTOWN	CORRIDOR	COMMERCIAL	INDUSTRIAL 1	INDUSTRIAL 2	PARKS AND OPEN SPACE
Indoor Dining, Drinking, and Entertainment (Large)	Section XXXX.XX								
Hotels, Motels, and Inns	Section XXXX.XX								
Utility Transmission and Substation (Large)	Section XXXX.XX								
Telecommunications (Large)	Section XXXX.XX								
Industrial (Low-Intensity)	Section XXXX.XX								
Industrial (Medium-Intensity)	Section XXXX.XX								
Industrial (High-Intensity)	Section XXXX.XX								
Outdoor Dining, Drinking, and Entertainment	Section XXXX.XX								
Outdoor Sales	Section XXXX.XX								
Outdoor Special Events Venue	Section XXXX.XX								
Outdoor Storage of Commercial Equipment or Vehicles	Section XXXX.XX								
Principal Solar Energy System	Section XXXX.XX								
Principal Wind Energy System	Section XXXX.XX								
Indoor Dining, Drinking, and Entertainment (Small)	Section XXXX.XX								
Short-Term Rental	Section XXXX.XX								
Utility Transmission and Substation (Small)	Section XXXX.XX								
Telecommunications (Small)	Section XXXX.XX								
Weapon Sales	Section XXXX.XX								
TRANSPORTATION USES									
Bus Station or Train Station	Section XXXX.XX								
Taxi, Rideshare, and Limousine Service Hub	Section XXXX.XX								
Tow Yard	Section XXXX.XX								
Vehicle Refueling	Section XXXX.XX								
Vehicle Sales, Rental, Repair, and Servicing	Section XXXX.XX								
AVIATION USES									
Airplane or Helicopter Sales, Repair, Rental, Chartering, Refueling, Educational Services, Landing Strips and Pads, and Storage	Section XXXX.XX								

Drone, Remote-Control Plane, and Remote-Control Helicopter Launch or Landing Area	Section XXXX.XX								
COMMUNITY USES									
Libraries, Museums, Playhouses, and Schools	Section XXXX.XX								
Physical Recreation Centers	Section XXXX.XX								
Religious Assembly	Section XXXX.XX								

LAND USES	APPLICABLE USE-SPECIFIC REGULATIONS	RESIDENTIAL 1	RESIDENTIAL 2	DOWNTOWN	CORRIDOR	COMMERCIAL	INDUSTRIAL 1	INDUSTRIAL 2	PARKS AND OPEN SPACE
OPEN SPACE USES									
Urban Farming	Section XXXX.XX								
Agritourism	Section XXXX.XX								
Camping, Nature Retreat Center, or Summer Camp	Section XXXX.XX								
Cemetery	Section XXXX.XX								
Community Gardening	Section XXXX.XX								
Outdoor Arena	Section XXXX.XX								
Playground or Park	Section XXXX.XX								
Pocket Park	Section XXXX.XX								
Preserves	Section XXXX.XX								
Sports Fields, Courts, Golf Courses, and Pools	Section XXXX.XX								
ACCESSORY USES									
Accessory Camping	Section XXXX.XX								
Accessory Dwelling Uses	Section XXXX.XX								
Accessory Parking	Section XXXX.XX								
Accessory Solar Energy System	Section XXXX.XX								
Accessory Wind Energy System	Section XXXX.XX								
Bus Stop Shelter Uses	Section XXXX.XX								
Day-Care Home Services (Type A and Type B)	Section XXXX.XX								
Drive-Thru Services	Section XXXX.XX								
Electric Vehicle Charging	Section XXXX.XX								
Food Truck	Section XXXX.XX								
Home Animal Husbandry	Section XXXX.XX								
Home Gardening	Section XXXX.XX								
Home Occupation	Section XXXX.XX								

Outdoor Dining, Drinking, and Entertainment	Section XXXX.XX								
MISCELLANEOUS USES									
Temporary Uses	Section XXXX.XX								

SECTION 1102.06 LAND USE-SPECIFIC DEFINITIONS AND STANDARDS FOR PRINCIPAL USES

No use shall be conducted except where conforming to all of the standards contained in this section or where otherwise permitted by Article XXXX “Nonconformities.”

1. Residential Uses

a. One-Unit Residential

i. Definition. A residential use consisting of exactly one principal dwelling unit per lot. This term shall not include any use considered a Townhouse Residential use. This term shall refer only to a residential use conducted within a dwelling with a permanent foundation.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code’s district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that local code standards shall apply to this land use, where applicable.

iii. Accessory Use Standards. For details on accessory uses associated with this land use, such as home occupations, please refer to Section XXXX “Accessory Use Standards.”

b. Two-Unit Residential

iv. Definition. A residential use consisting of exactly two principal dwelling units per lot, where both of the units are located within one contiguous structure. This term includes uses generally recognized as duplexes.

v. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code’s district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that local code standards shall apply to this land use, where applicable.

vi. Accessory Use Standards. For details on accessory uses associated with this land use, such as home occupations, please refer to Section XXXX “Accessory Use Standards.”

b. 3-8-Unit Residential

i. Definition. A residential use consisting of 3-8 dwelling units per lot, where all of such units are located within one contiguous structure. This term includes structures generally recognized as “Missing Middle” housing, such as triplexes and quadplexes.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that local code standards shall apply to this land use, where applicable.

iii. Accessory Use Standards. For details on accessory uses associated with this land use, such as home occupations, please refer to Section 1104.03 "Standards Applicable to Accessory Buildings and Uses."

c. 9-Plus-Unit Residential

i. Definition. A residential use consisting of 9 or more dwelling units per lot, where all of such units are located within one contiguous structure. This term includes apartment buildings with 9 or more units and school- or college-related dormitories.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that local code standards shall apply to this land use, where applicable.

iii. Accessory Use Standards. For details on accessory uses associated with this land use, such as home occupations, please refer to Section 1104.03 "Standards Applicable to Accessory Buildings and Uses."

iv. Cottage Court Standards. For details on the development of cottage courts, which, for the purposes of this Code are considered Cottage Court Residential uses and not 9-Plus-Unit Residential uses, please refer to Section XXXX "Cottage Court Standards."

d. Townhouse Residential

i. Definition. A residential use consisting of one dwelling unit, where such dwelling unit is a component of a row of 3-8 contiguous dwelling units, where each dwelling unit in the row is situated on a separate lot, and where each dwelling unit in the row shares a side wall with one or two other dwelling units.

ii. Accessory Use Standards. For details on accessory uses associated with this land use, such as home occupations, please refer to Section 1104.03 "Standards Applicable to Accessory Buildings and Uses."

iii. Townhouse Residential Use Standards.

1. **Applicability.** These townhouse standards shall apply to any development that fits the definition of Townhouse Residential land use, as defined by this Code.
2. **Side Setbacks for Townhouses.** Townhouses are exempt from the side setbacks of the district in which they are located where they abut another townhouse in the contiguous townhouse structure. However, where two townhouse structures are next to one another, they shall maintain a

separation of at least twice the required side setback for that district. In the case that a townhouse structure in one district is placed next to a townhouse structure of another district, the townhouse structures shall be separated by at least the required side setback of the first district plus the required side setback of the other district.

3. **Lot Widths for Townhouses.** Townhouses with a landminium ownership model are exempt from the lot width requirements of the district in which they are located. Townhouse lots with a landminium ownership model must be at least 15 feet wide.
4. [INCLUDE GRAPHIC SHOWING TOWNHOUSES]
5. **Ownership Model of Townhouse Residential Developments.** Townhouses have four main ownership models, as described and illustrated below:
 - a. **Rentals.** In this ownership model, all of the housing units, all common area, and all parking is located on one lot and has one owner. Typically, this ownership model is employed where the units of the townhouse complex are renter-occupied. In this case, any code violations can be directed to the landlord.
 - b. **Condominium.** In this ownership model, the housing units themselves are condominiums and are individually owned. However, all of the land, including the land under the condominiums, is communally owned by a condominium association. The owners of the individual condominiums are members of the condominium association and make decisions according to their bylaws. In this case, any code violations for building maintenance of individual units can be directed to the unit's owner, and any code violations for landscaping or other land-related regulations can be directed to the condominium association.
 - c. **Landminium.** In this ownership model, the housing units themselves and the land under the housing units—and sometimes additional land adjacent to the units are individually owned. Other land, including a common green space, buffer area, utility areas, etc., are owned by a condominium association. The owners of the individual housing units are members of the condominium association and make decisions according to their bylaws. In this case, any code violations for building maintenance of individual units or the land owned by the owners of such individual units can be directed to the unit's owner, and any code violations for landscaping or other land-related regulations on communal land can be directed to the condominium association.
 - d. **Fee-Simple.** In this ownership model, there is no communally owned land. Each housing unit is individually owned, and each housing unit owner also owns the land under the unit and surrounding the unit. One landowner's property extends all the way to the neighbor's property. Generally, these types of

townhouse lots extend from the public street in the front to the public alley in the rear. Any code violation can be directed to the owner of land on which the violation has occurred.

e. [INCLUDE GRAPHIC SHOWING THE OWNERSHIP MODELS FOR TOWNHOUSES]

6. Permitting. Townhome developments may be administratively approved where allowed by administrative review; see the use permissions in the district regulations of Article XXXX.
7. Plan Required. No townhouse shall be permitted except where an application for such use contains a to-scale plan illustrating (1) the location of each townhouse, (2) interior circulation, if applicable, (3) access to public rights-of-way, (4) screening, (5) solid waste storage and removal areas, and (6) emergency fire-response fire lanes and fire hydrant locations.
8. Emergency Response for Cottage Courts. No townhouse shall be permitted except where each townhouse unit within the complex is adequately accessible to public emergency response, including fire response, medical response, and law enforcement response; any application for a zoning permit for a townhouse complex shall be subject to review and approval by the City's Safety Service Department.

e. Cottage Court Residential

i. Definition. A clustered group of 4-12 separated dwellings oriented around a common open space, where all of the dwellings and the common open space comprise one lot, or where each of the dwellings is located on a "landominium" lot and where all of such lots are completely contained within one common lot. Each dwelling of a Cottage Court shall be affixed to a permanent poured concrete foundation or a permanent concrete block foundation. This term differs from 3-8-Unit Residential uses and from 9-Plus-Unit Residential uses in that those terms include 3-8 residential units or 9 or more residential units within one contiguous building on a lot, whereas a Cottage Court Residential use comprises 4-12 residential units, with each residential unit in its own, separated structure.

ii. Cottage Court Residential Standards:

1. Applicability. These cottage court standards shall apply to any development that fits the definition of Cottage Court Residential, as defined by this Code.
2. Ownership Model of Cottage Courts. Cottage courts may be organized in one of the following ownership models:
 - a. All Units on One Lot. In this ownership model, all of the housing units, all common area, and all parking is located on one lot and has one owner. Typically, this ownership model is employed where the units of the cottage court are renter-occupied. In this case, any code violations can be directed to the landlord.

front porch shall not contribute to the total square footage of the dwelling unit; and

- d. The dwelling unit's exterior walls shall maintain a separation from the external walls of all other dwelling units within the cottage court of at least twice the required side setback in the district in which it is located. For example, if, in the Residential 1 District, the side yard setback is 6 feet minimum, no cottage court in the Residential 1 District shall have dwelling units that have a separation of less than 12 feet.

- e. [INSERT GRAPHIC HERE TO SHOW THE REQUIREMENTS FOR COTTAGE COURTS (PORCHES, SETBACKS, ETC.)]

- 4. Plan Required. No cottage court shall be permitted except where an application for such use contains a to-scale plan illustrating (1) the location of each cottage site, (2) interior circulation, (3) access to public rights-of-way, (4) screening, (5) solid waste storage and removal areas, and (6) emergency fire-response fire lanes and fire hydrant locations.
- 5. Emergency Response for Cottage Courts. No cottage court shall be permitted except where each dwelling unit within the cottage court is adequately accessible to public emergency response, including fire response, medical response, and law enforcement response; any application for a zoning permit for a cottage court shall be subject to review and approval by the City's Safety Service Department.
- 6. Water and Sewerage. No cottage court shall be permitted except where each dwelling unit within the cottage court is connected to a public water supply. No cottage court shall be permitted except where each dwelling unit within the cottage court is connected to public sewerage; public sewerage, for the purposes of this provision, may include a County Health Department-approved communal septic processing facility.

Accessory Use Standards. For details on accessory uses associated with this land use, such as home occupations, please refer to Section XXXX "Accessory Use Standards."

f. Manufactured Home Park District

- i. Definition.** A residential use consisting of multiple manufactured mobile homes units for residential uses and are arranged according to an approved development plan. Manufactured mobile homes means any non-self-propelled vehicle transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein.

ii. Use-Specific Standards

1. **Plan Required.** No Manufactured Home Park District shall be permitted except where an application for such use contains a to-scale plan illustrating (1) the location of each Mobile Home Residential site, (2) interior circulation, (3) access to public rights-of-way, (4) screening, (5) solid waste storage and removal areas, and (6) emergency fire-response fire lanes and fire hydrant locations.
2. **Water and Sewerage.** No Manufactured Home Park District shall be permitted except where each dwelling unit within the Manufactured Home Park District is connected to a public water supply. No Manufactured Home Park District shall be permitted except where each dwelling unit within the Manufactured Home Park District is connected to public sewerage; public sewerage, for the purposes of this provision, may include a County Health Department-approved communal septic processing facility.
3. **Screening.** No Manufactured Home Park District shall be permitted except where such Manufactured Home Park District is screened from adjacent lots by a continuous six-foot-high landscaping buffer or fencing. See Section 1104.06. No screening shall be required between the Manufactured Home Park District and a public right-of-way.
4. **Emergency Response.** No Manufactured Home Park District shall be permitted except where each dwelling unit within the Manufactured Home Park District is adequately accessible to public emergency response, including fire response, medical response, and law enforcement response; any application for a zoning permit for a Manufactured Home Park District shall be subject to review by the City's Safety Service Department.
5. **Unit Separation.** No Manufactured Home Park District shall be permitted except where each dwelling unit within the Manufactured Home Park District is positioned so that it maintains a separation with other dwelling units within the same Manufactured Home Park District equal to twice the required side yard setback in the district in which it is located. For instance, if, in the Residential 1 District, the side yard setback is 6 feet minimum, no Mobile Home Park in the Residential 1 District shall have dwelling units that have a separation of less than 12 feet.
6. **RVs Prohibited.** No Manufactured Home Park District shall permit residing within recreational vehicles. The manufactured home residential units of a Manufactured Home Park District shall not be attached to a motor vehicle. Recreational vehicles and similar camping trailers shall be stored properly; where occupied, recreational vehicles and similar camping trailers shall be treated as a Camping, Nature Retreat Center, or Summer Camp use.

iii. Accessory Use Standards. For details on accessory uses associated with this land use, such as home occupations, please refer to Section XXXX "Accessory Use Standards."

g. Modular Home Residential

i. Definition. A residential use consisting of a single-unit, prefabricated residence that is built in a factory according to construction and safety standards set by the U.S. Department of Housing and Urban Development (HUD), the Ohio Building Code standards and is affixed to a concrete permanent foundation approved by the Building Department

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that local code standards shall apply to this land use, where applicable.

h. Permanent Shelter

i. Definition. A use consisting of the year-round provision of shelter for multiple individuals who do not pay rent or lodging fees as compensation for their stay.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that local code standards shall apply to this land use, where applicable.

i. Seasonal Shelter

i. Definition. A use consisting of the seasonal (as opposed to year-round) provision of shelter for multiple individuals who do not pay rent or lodging fees as compensation for their stay. Typically, a seasonal shelter is operated during the cold months of the year and may also be referred to as an "emergency cold shelter."

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that local code standards shall apply to this land use, where applicable.

j. Rehabilitation Care Housing (Small)

i. Definition. A facility providing accommodation and personal care services for five or less unrelated persons licensed as residential care facility by the State of Ohio per ORC 5119.34 and 5119.341, including care and residence for those recovering from alcohol addiction or drug addiction, halfway housing, post-incarceration care and residence for juvenile offenders, and provided that detoxification is expressly prohibited on such premises

ii. Use-Specific Standards. No Rehabilitation Care housing (Small) use shall be conducted except where all of the following conditions are satisfied:

1. No Small Rehabilitation Care Housing use shall be conducted except under a state license.

2. No new Small Rehabilitation Care Housing use shall be commenced within 1,000 feet, measured from the boundary lines of the subject property, of another Small Rehabilitation Care Housing use or a Large Rehabilitation Care Housing use.
3. No new Small Rehabilitation Care Housing use shall be commenced within 1,000 feet, measured from the boundary lines of the subject property, of a school, daycare (home and non-home), public park, playground, cannabis-dispensing facility, or any other use of similar character of the uses listed herein.

k. Rehabilitation Care Housing (Large)

i. Definition. A facility providing accommodation and personal care services for six to 16 unrelated persons licensed as residential care facility by the State of Ohio per ORC 5119.34 and 5119.341, including care and residence for those recovering from alcohol addiction or drug addiction, halfway housing, post-incarceration care and residence for juvenile offenders, and provided that detoxification is expressly prohibited on such premises

ii. Use-Specific Standards. No Rehabilitation Care housing (Large) use shall be conducted except where all of the following conditions are satisfied:

1. No Large Rehabilitation Care Housing use shall be conducted except under a state license.
2. No new Large Rehabilitation Care Housing use shall be commenced within 1,000 feet, measured from the boundary lines of the subject property, of another Large Rehabilitation Care Housing use or a Small Rehabilitation Care Housing use.
3. No new Large Rehabilitation Care Housing use shall be commenced within 1,000 feet, measured from the boundary lines of the subject property, of a school, daycare (home and non-home), public park, playground, cannabis-dispensing facility, or any other use of similar character of the uses listed herein.

l. Residential Care Housing (Small)

i. Definition. An institution, residence, or facility that provides, for a period of more than 24 hours, whether for a consideration or not, accommodations for five or less unrelated individuals (not including staff) who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans' home operated under Chapter 5907 of the Ohio Revised Code, A Small Residential Care Housing use, for the purposes of this Code, may include rehabilitation services for patients under medical supervision while recovering from surgeries, psychiatric care, eating disorder care, the physically handicapped or disabled, those with developmental disabilities, or mental illnesses. For the purposes of this Code, a Small Residential Care Housing use shall provide 24-hour, in-home staff presence. This use shall not include the situation where an owner or a long-term tenant of a residence receives at-home care by a paid caregiver, physical therapist, chef, or other assistant but where the

residential facility is not a state-licensed facility intended for the purpose of providing care for all occupants of the facility; such situation shall be considered a One-Unit Residential use (or other residential use depending on the number of dwelling units on the lot).

ii. Use-Specific Standards. No Residential Care housing (Small) use shall be conducted except where all of the following conditions are satisfied:

1. No Small Residential Care Housing use shall be conducted except under a state license.
2. No new Small Residential Care Housing use shall be commenced within 1,000 feet, measured from the boundary lines of the subject property, of another Small or Large Residential Care Housing use.

m. Residential Care Housing (Large)

i. Definition. An institution, residence, or facility that provides, for a period of more than 24 hours, whether for a consideration or not, accommodations to six or more unrelated individuals (not including staff) who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans' home operated under Chapter 5907 of the Ohio Revised Code. A Large Residential Care Housing use, for the purposes of this Code, may include rehabilitation services for patients under medical supervision while recovering from surgeries, psychiatric care, eating disorder care, the physically handicapped or disabled, those with developmental disabilities, or mental illnesses. For the purposes of this Code, a Large Residential Care Housing use shall include small group homes for developmentally disabled individuals with 24-hour, in-home staff presence

ii. Use-Specific Standards. No Residential Care housing (Large) use shall be conducted except where all of the following conditions are satisfied:

1. No Small Residential Care Housing use shall be conducted except under a state license.
2. No new Large Residential Care Housing use shall be commenced within 1,000 feet, measured from the boundary lines of the subject property, of another Small or Large Residential Care Housing use.

2. Commercial Uses

a. Adult-Oriented Uses

i. Definition. An establishment where a substantial portion of the use is distinguished or characterized by its emphasis on sexually oriented materials. Adult-Oriented Uses include sexually oriented cabarets/theatres, sexually oriented media stores, nude model studios, strip clubs, sexually oriented spas, and sexually oriented viewing booths. Where a use may be defined by multiple terms, and one of such terms is Adult-Oriented Use, the use shall be interpreted to be an Adult-Oriented Use; for example, a shop selling sexually oriented media as a substantial portion of its sales could fit the definition of an Indoor Sales and Services use and an Adult-Oriented Use; in such case, it shall be considered an

Adult-Oriented Use.

ii. Use-Specific Standards. No Adult-Oriented use shall be conducted except where all of the following conditions are satisfied:

1. **Locational Restrictions.** No adult-oriented uses may be established or located within 1,000 feet, measured from the boundary lines of the subject property, of: (1) a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities; (2) a public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, and secondary schools; school includes the school grounds, residential care and rehabilitation centers, measured from the boundary lines of the subject property but does not include facilities used primarily for another purpose and only incidentally as a school; (3) a structure devoted to a residential use, land zoned for residential use, or residential uses permitted pursuant to a conditional use permit or as lawful prior nonconforming uses; (4) a public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/ bicycle paths not part of the public right-of-way, wilderness areas, miniature golf course, or other similar family recreation area, and other similarly used publicly-owned land within the City under the control, operation, or management of either the City park and recreation authorities or which is operated or managed by the Lorain County MetroParks; or (5) a licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State of Ohio. For the purpose of this subsection, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the lot upon which any building or structure is used as an adult-oriented business, to the nearest portion of the lot upon which is conducted a use listed in this subsection.
2. **Permitting Requirements.** No person shall operate an adult-oriented use without a valid sexually oriented business license issued by the City (see Chapter 746 of the Code of Ordinances). No person shall, in connection with operating an adult-oriented use, retain the services of a person as an employee, as defined in Section 746.02, who is not licensed as a sexually oriented business employee by the City pursuant to Chapter 746 of the Code of Ordinances.
3. **Sign Standards.** All signs for adult-oriented uses shall be “wall signs” as defined in this Code, with a maximum allowable sign area of 50 square feet, shall not be internally illuminated, and shall comply with sign standards and permitting procedures applicable to wall signs. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or street adjacent to the building. No signs shall be placed in any window. A one-square-foot sign may be placed on the door

to state hours of operation and admittance to adults only.

b. Animal Boarding or Shelter

i. Definition. A use consisting of the boarding, grooming, or training of 5 or more adult domestic animals (excluding farm animals) for which a fee is charged to the animals' owners, or which is operated by a governmental or non-profit organization such as a rescue shelter.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that local code standards shall apply to this land use, where applicable.

c. Brewery

i. Definition. An establishment where beer is manufactured on the premises for distribution, retail, or wholesale, on or off premises of the facility at a production of over 15,000 barrels annually. The facility may include other uses such as a tasting room, taproom or table service restaurant as an accessory use.

ii. Use-Specific Standards. No Brewery use shall be conducted except where all of the following conditions are satisfied:

1. Each brewery shall manufacture and sell alcoholic beverages in accordance with the provisions of the Ohio Division of Liquor Control and shall maintain current licenses as required by said agency.
2. The emission of odors, excessive noise or other external effects in violation of Part Five, General Offenses Code, of the Elyria Codified Ordinances shall be prohibited.

d. Brewpub

i. Definition. An establishment engaged in the retail sales of prepared food for consumption, which includes the brewing of beer manufactured onsite as an accessory use. A brewpub does not include the production of any other alcoholic beverage.

ii. Use-Specific Standards. No Brewpub use shall be conducted except where all of the following conditions are satisfied:

1. A brewpub shall not produce more than 5,000 barrels of beer or ale per year.
2. Each brewpub shall manufacture and sell alcoholic beverages in accordance with the provisions of the Ohio Division of Liquor Control and shall maintain current licenses as required by said agency.
3. No outdoor storage shall be permitted.
4. The emission of odors, excessive noise or other external effects in violation of Part Five, General Offenses Code, of the Elyria Codified

Ordinances shall be prohibited.

e. Cannabis-Dispensing Facility

i. Definition. A use consisting of the sale or dispensation of recreational or medical cannabis or the sale of consumable products containing marijuana-derived psychoactive compounds that are subject to State licensure. Cannabis dispensing facilities shall only be permitted by a conditional use permit.

ii. Use-Specific Standards. No Cannabis-Dispensing Facility use shall be conducted except where all of the following conditions are satisfied:

1. No cannabis dispensing facility shall be located within 1,000 feet, measured from the boundary lines of the subject property, other cannabis-dispensing facilities, school, church, public park, public playground, or public library, consistent with State of Ohio spacing requirements, as provided in R.C. §§ 3796.09 and 3796.10 and administrative rules promulgated thereunder.
2. Cannabis-Dispensing Facility uses shall operate in conformity with State standards as administered by the Ohio Department of Commerce, Division of Cannabis Control.
3. When reviewing an application for a conditional use approval, the Planning Commission shall consider the following criteria: (1) the impact of the proposed use on public safety in the surrounding community; (2) the impact of the proposed use on the economic welfare of the surrounding community; (3) the impact of the proposed use on the general welfare of the surrounding community in regard to any odor emanating from the proposed use, and the mandatory use of a state-of-the-art filtration system; (4) the impact of the proposed use on any disproportional concentration of marijuana cultivation facilities, processing facilities, testing laboratories, or dispensaries in the surrounding community; and (5) the location of the proposed use in relation to medical or pharmaceutical facilities of a complimentary nature (e.g., pharmacies, physician offices, etc.)
4. The applicant shall comply with all local and state laws pertaining to marijuana facilities for cultivation, processing, dispensing, and/or testing, including all local and state licensing requirements promulgated pursuant to Chapter 3780 of the Ohio Revised Code. [SIMILAR LANGUAGE WAS INCLUDED IN THE EXISTING CODE. DO YOU WANT TO KEEP THIS? I DON'T THINK IT'S NECESSARY.]
5. Any conditional use approval granted for a Cannabis-Dispensing use shall include an expiration clause with the following: If a Cannabis-Dispensing use approved by this conditional use approval has not obtained a State provisional license within one year of the effective date of this conditional use approval, this conditional use approval shall expire at that time. A renewal of an expired conditional use approval shall follow procedures as required for a new conditional use review. [SIMILAR LANGUAGE WAS INCLUDED IN THE EXISTING

CODE. DO YOU WANT TO KEEP THIS? I DON'T THINK IT'S NECESSARY.]

a. Day Care Facility (Non-Home)

- i. Definition.** Any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven or more children at one time. This use differs from Type A Family Day-Care Home and Type B Family Day-Care Home in that it involves providing child care services in a facility that is not the permanent residence of the child care administrator.
- ii. Use-Specific Standards.** This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that local code standards shall apply to this land use, where applicable. Furthermore, this use may require a state license; please inquire with the appropriate state department.

b. Food Truck Park

- i. Definition.** A use comprising the preparation and/or vending of prepared "carry-out" foods from three or more food trucks or mobile kitchens on private land that act as the principal use. Typically, these food trucks are operated from "box trucks". Note that any food truck serving prepared food must conform to any applicable health code regulations and that this Planning and Zoning Code regulates food trucks operating on private lands; any food truck operating on a public right-of-way is not regulated by this Planning and Zoning Code and the operator must secure a right-of-way permit from the Safety Service Director.
- ii. Use-Specific Standards.** No Food Truck Park shall be conducted except where all of the following conditions are satisfied:
 - 1. No food truck contained within a food truck park may operate between the hours of 11:00pm and 11:00am, including set-up and break-down;
 - 2. No food truck contained with a food truck park may be operated within 3 feet of a side lot line or a rear lot line of any lot;
 - 3. No food truck contained within a food truck park may be operated within 15 feet of a building;
 - 4. No food truck contained within a food truck park may be operated within 50 feet of the entrance of a restaurant;
 - 5. No food truck contained within a food truck park may be operated within 50 feet of a dwelling unit;
 - 6. No food truck contained within a food truck park may obstruct a public sidewalk, and no food truck may vend to customers on a sidewalk where such sidewalk is narrower than six (6) feet;
 - 7. No food truck contained within a food truck park may be operated in any

designated fire lane;

8. No food truck contained within a food truck park may be operated except upon a level, paved surface with safe pedestrian access;
9. The vicinity around a food truck contained within a food truck park shall be kept clean and free of debris; and
10. No food truck contained within a food truck park shall violate the City's noise ordinance; see Section 509.08.

c. Funeral Home

i. Definition. Any dwelling or establishment used and occupied by a professional licensed mortician for human burial preparation and funeral services. This use shall not include crematorium services which is a Medium-Intensity Industrial Use.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that local code standards shall apply to this land use, where applicable.

d. General Medical Services

i. Definition. A use providing services for out-patient medical, psychiatric, or surgical care of sick or injured people and which may include related facilities such as: outpatient departments, urgent care facilities, general medical offices, dentists, optometrists, dermatologists, podiatrists, physical therapists, chiropractor offices, and other specialty care for patients that do not involve an extended stay.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

e. Hotel, Motel, or Inn

i. Definition. A building or group of buildings containing guest rooms where, for compensation, lodging is provided for transient visitors, such as a hotel, motel, or inn, and is available for stays permitted by local codes. Hotel, Motel, or Inn contains more than 2 guest rooms or suites per lot, where a Hotel, Motel, or Inn use is within the same building as an event space, such as a wedding or conference venue or a meeting hall, such building shall be considered both a Hotel, Motel, or Inn use and an Indoor Events Center. Where a Hotel, Motel, or Inn use is within the same building as a restaurant or bar, such combination of uses shall be considered both a Hotels, Motels, and Inns use and an Indoor Dining, Drinking, and Entertainment use (Large or Small).

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and

Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

f. Indoor Sales and Services

i. Definition. A use consisting of the sale of goods or provision of services to household consumers or commercial consumers in an indoor setting. This use may include common commercial uses, such as convenience stores, grocery stores, barber shops, hair salons, nail salons, insurance or tax accounting services, professional offices (administrative and clerical operations), art galleries, pottery and drawing studios, liquor stores, plant shops, thrift stores, hardware stores, print shops, licensed massage therapists, spas, pawn shops, appliance stores, estheticians, tattoo parlors, sports shops, toy shops and hobby shops, and dry cleaners without emissions.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that local code standards shall apply to this land use, where applicable.

g. Indoor Dining, Drinking, and Entertainment (Small)

i. Definition. A land use consisting of the supply of prepared food and/or beverages to consumers, for dine-in or carry-out consumption, or the hosting of entertainment uses, such as music, dancing, poetry readings, sports simulators, bowling alleys, duckpin bowling, or arcades in an indoor setting, but in no case where the indoor space has an occupancy, per local codes, of not more than 20 people. This use may include restaurants, fast-food restaurants, coffee shops, bars, restaurants, bakeries, and smoothie cafes. The serving of beer, wine, or other alcoholic spirits is permitted, however, the production of beer, wine, and other alcoholic spirits is prohibited. See brewpub, microbrewery, micro-winery, and micro-distillery, or brewery for uses that permit the production of alcohol. The serving of prepared food for delivery or catering may be considered an accessory service.

ii. Use-Specific Standards. No Small Indoor Dining, Drinking, and Entertainment use shall be conducted except where all of the following conditions are satisfied:

1. No Small Indoor Dining, Drinking, and Entertainment use shall include outdoor dining or gathering areas; such areas, even where located on the same lot as the Small Indoor Dining, Drinking, and Entertainment use, shall be considered Outdoor Dining, Drinking, and Entertainment uses, which may be permitted in the same district through administrative review or conditional use review (please refer to the table of allowable uses in each district section).
2. No Small Indoor Dining, Drinking, and Entertainment use shall emit amplified music audible by a person inside a structure on an adjacent lot.
3. No Small Indoor Dining, Drinking, and Entertainment use shall emit

fumes from fryers, ovens, or stoves that violate regulations of the State or County Department of Health.

h. Indoor Dining, Drinking, and Entertainment (Large)

i. Definition. A land use consisting of the supply of prepared food and/or beverages to consumers, for dine-in or carry-out consumption, or the hosting of entertainment uses, such as music, dancing, poetry readings, sports simulators, bowling alleys, duckpin bowling, trampoline parks, or arcades in an indoor setting, where the indoor facility has an occupancy of greater than 20 persons and limited by local codes. This use may include restaurants, fast-food restaurants, coffee shops, bars, restaurants, bakeries, and smoothie cafes. The serving of beer, wine, or other alcoholic spirits is permitted, however, the production of beer, wine, and other alcoholic spirits is prohibited. See brewpub or microbrewery, micro-winery, and micro-distillery for uses that permit the production of alcohol. The serving of prepared food for delivery or catering may be considered an accessory service.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

i. Indoor Events Center

i. Definition. A use consisting of a fully enclosed space hosting large events, such as weddings, receptions, galas, or parties, where the entire space is reserved for invited guests or where guests are required to purchase tickets in advance. This use term includes convention centers and hotel-associated events spaces. This use term includes fully enclosed arenas, such as centers hosting hockey games, basketball games, or indoor arena concerts or circuses.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

j. Industrial (Low-Intensity)

i. Definition. Accommodates and encourages the development of low intensity industrial uses which operate entirely within enclosed structures and are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare and vibration. Uses may include: ghost kitchens, incubator kitchens, community kitchens, or catering kitchens that do not also serve or vend prepared food directly to consumers; the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building and do not produce fumes, odors, vibrations, dust, or other effects that pose a threat to the safety and health of adjacent land users. Finished or semi-finished products may be temporarily stored outdoors

pending shipment. This use shall also include self-storage centers, storage pods, container storage, warehouses, data server centers, automotive repair garages, Contract Construction Services, Building Materials and Related Trades, including electrical, HVAC (Heating, Ventilation, and Air Conditioning), masonry, painting, plumbing, refrigeration, and roofing trades. This use shall include the indoor sale of materials used at industrial scales, provided such materials are not volatile and do not pose a threat to the safety and health of adjacent land users or groundwater supplies.

- ii. Use-Specific Standards.** No Low-Intensity Industrial use shall emit fumes, odors, vibrations, dust, or other effects that may pose a threat to the safety or health of land users on adjacent lots, or that may damage the integrity of structures on adjacent lots.

k. Industrial (Medium-Intensity)

- i. Definition.** Accommodates and encourages the development of medium intensity industrial uses which operate entirely within enclosed structures and are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare and vibration, or. Uses engaged in medium-intensity industrial operation, such as the parking and maintenance of heavy equipment vehicles, body work and vehicle painting services in fully enclosed buildings, cleaning of equipment or work processes involving solvents, public works yards. This term also includes any of the following uses: cremation services, livestock feeding yard (i.e., concentrated animal feeding operation). This use includes the outdoor storage and sale of materials used at industrial scales, such as the sale of lime, sand, gravel, coal, or other like material, and medical laboratories with a bio-safety level (BSL) of 1 or 2. This use includes any use considered industrial-scale production of food products where the majority of ingredients are sourced from off-site. This use term shall include any use considered a slaughterhouse and meat packing use, or a sawmill.

- ii. Use-Specific Standards.** No Medium-Intensity Industrial use shall emit fumes, odors, vibrations, dust, or other effects that may pose a threat to the safety or health of land users on adjacent lots, or that may damage the integrity of structures on adjacent lots.

l. Industrial (High-Intensity)

- i. Definition.** Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged manufacturing processes using flammable or explosive materials, storage or manufacturing processes that potentially involve hazardous conditions acid manufacturing, asbestos manufacturing, chemical and biological incineration, concrete products manufacturing, concrete mixing, disinfectant manufacturing, insecticide or poison manufacturing, explosives manufacturing or storage, flour or grain milling, gas manufacturing or storage, glue or gelatin manufacturing, grain drying, poultry feed manufacturing from refuse or mash or grain, hazardous manufacturing, hazardous materials storage, lime or lime products manufacturing, paper and pulp manufacturing, petroleum or flammable liquids production or refining, rock or stone crushing or milling or quarrying, sawmill or

manufacture of wood fiber products, stockyards or slaughterhouse, smelting of metals or ores, stone and monument works employing pneumatic hammers, tar distillation and manufacturing, fertilizer mixing plants, solid waste or sanitary waste transfer stations, recycling establishments, asphalt/concrete plants, scrap material yards, landfills, salvage yards, and junkyards, recycling plants, chemical processing and refining, and automotive wrecking. This use includes water treatment and sewage treatment facilities, as well as waste transfer stations, landfills, and waste incineration facilities. Any dry cleaners using certain volatile solvents or laboratory rated as a Biosafety Level 3 or 4 shall be considered a High-Intensity Industrial use.

ii. Use-Specific Standards. No High-Intensity Industrial use shall be conducted except where all of the following conditions are satisfied:

1. No High-Intensity Industrial use shall be conducted except as permitted by a conditional use approval granted by the Planning Commission. Please see Section XXXX for more information on conditional use approval processes. Each use listed within the Industrial (High-Intensity) definition shall be considered individually for conditional use approval.
2. Biohazardous waste and biomedical waste shall be appropriately isolated from the general solid waste stream, appropriately stored, and hauled off site by a company licensed to handle biohazardous waste.
3. No finished or semi-finished products shall be unscreened per local design review guidelines or other local codes and standards.

m. In-Patient and Emergency Medical Services

i. Definition. A use providing services for the in-patient medical, psychiatric, or surgical care of sick or injured people and which may include related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices and bunks, provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation. This use shall include in-patient rehabilitation centers. This use may include in-hospital or hospital-adjacent laboratories with a Biosafety Level of 1 or 2.

ii. Use-Specific Standards. No Emergency and In-Patient Medical Services use shall be conducted except where all of the following conditions are satisfied:

1. The Emergency and In-Patient Medical Services use provides clear directional signage for all visitors, including signs that show drivers where to go for Emergency Room, Visitor and Out-Patient Parking, and Staff Parking.
2. The Emergency and In-Patient Medical Services uses, where a helipad is used, provides a minimum of 500 feet (as measured on a direct path) of separation between the edge of the helipad and any structure containing or arranged to contain a residential use.
3. Protected pedestrian-ways shall be provided to connect the public sidewalk network to the main entrance of the building. Protected

pedestrian-ways shall be provided within or alongside all parking areas and shall connect each parking space with the entrance of the building. All protected pedestrian-ways shall be traversable by wheelchairs and shall be adequately maintained by clearing all debris and snow to ensure continuous safe use by persons with disabilities.

4. Biohazardous waste and biomedical waste shall be appropriately isolated from the general solid waste stream, appropriately stored, and hauled off site by a licensed biohazard handling company.

n. Micro-brewery, Micro-winery, and Micro-distillery

i. Definition. An establishment where beer, ale, wine, mead, spirituous liquor, or other alcoholic beverages are manufactured on the premises of a building for on-premise consumption. The building may also include a tasting room, taproom, or food service as an accessory use.

ii. Use-Specific Standards. No micro-brewery, micro-winery, or micro-distillery use shall be conducted except where all of the following conditions are satisfied:

1. Production limitations are as follows:
 - a. A micro-brewery shall not produce more than 15,000 barrels of beer or ale annually.
 - b. A micro-winery shall not produce more than 5,000 gallons of wine annually.
 - c. A micro-distillery shall not produce more than 10,000 proof gallons of spirits annually.
2. Each micro-brewery, micro-winery or micro-distillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the Ohio Division of Liquor Control and shall maintain current licenses as required by said agency.
3. No outdoor storage shall be permitted.
4. The emission of odors, excessive noise or other external effects in violation of Part Five, General Offenses Code, of the Elyria Codified Ordinances shall be prohibited.

o. Outdoor Dining, Drinking, and Entertainment

i. Definition. A land use consisting of the supply of prepared food and/or beverages to consumers, for dine-in or carry-out consumption, or the hosting of entertainment uses, such as music, dancing, or poetry readings, in an outdoor setting.

ii. Use-Specific Standards

1. Outdoor Dining, Drinking, and Entertainment uses shall apply to outdoor dining, drinking, and entertainment activities conducted on private land. Related activities that occur on public rights-of-way, such as outdoor

dining that occurs on public sidewalks, shall be considered a public way encroachment and shall require an outdoor dining permit.

2. No Outdoor Dining, Drinking, and Entertainment use shall be conducted during hours prohibited by the conditional use approval granted by the Planning Commission.

p. Outdoor Sales

i. Definition. The sale of goods in an outdoor setting. This use may include lumber yards, the sale of mulch or plants outdoors, or a regularly occurring outdoor flea market/rummage sale. This use term does not include the sale of agricultural products included within the definition of an Urban Farming use.

ii. Use-Specific Standards. The outdoor display of commercial equipment, materials, or products for sale or rent is prohibited, unless the outdoor display is set back from the front lot line(s) a distance equal to the minimum front yard setback required for that district. Any sign that is part of an outdoor display shall comply with Section XXXX.XX “Sign Standards.”

q. Outdoor Events Venue

i. Definition. A use consisting of any outdoor space hosting special events, such as weddings, receptions, galas, or parties, where the space is reserved for invited guests only or where guests are required to purchase tickets in advance. This use may often be found in conjunction with an Indoor Event Center, such as a wedding venue that includes an indoor and outdoor event space.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code’s district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

r. Outdoor Storage of Commercial Equipment or Vehicles

i. Definition. A use consisting of the parking of two or more commercial light trucks, heavy trucks, or other commercial equipment in an outdoor setting. This use shall also apply to non-commercial fleet trucks, such as work trucks for sewage districts, public utilities, fire departments, government offices, and the like. This use term includes the storage of commercial vehicles or equipment at an equipment rental enterprise, such as a crane rental.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code’s district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

iii. The outdoor storage of recreational vehicles (RVs) shall be governed by Section XXXX.XX.

s. Principal Solar Energy System

i. Definition. Any solar electricity or solar hot water generation system that, according to projected generation, delivers more than 20,000 kWh per year to the grid or that occupies more than 5 acres. For the purposes of this definition, a solar energy system shall be measured as any one contiguous solar array or as the combination of multiple distinct arrays that are coupled together to perform as one generation system.

ii. Use-Specific Standards. No Principal Solar Energy System shall cause glare that impairs the safety or health of adjacent land users. No Principal Solar Energy System shall cause glare that impairs the safe operation of aircraft, as determined by the Federal Aviation Administration.

t. Principal Wind Energy System

i. Definition. Any wind-powered electricity generation system that, according to projected generation, delivers more than 20,000 kWh per year to the grid or that consists of more than one wind turbine of greater than 100 feet in height. For the purposes of this definition, a wind-powered electricity generation system's projected generation shall be measured as the combination of all wind turbines that are coupled together to perform as one generation system.

ii. Use-Specific Standards

1. No wind turbine shall be erected except where its base is set back from all lot lines by a distance equal to its height, where the height of a wind turbine shall be measured from the ground elevation to the highest reach of any of its blades.
2. No wind turbine shall impair the safe operation of aircraft, as determined by the Federal Aviation Administration.

u. Short-Term Rentals

i. Definition. A building containing guest rooms where, for compensation, short-term rentals are available for transient visitors, such as a bed and breakfast or a short-term rental house, and are available for stays permitted by local codes. Short-Term Rentals contain only 1 or 2 guest rooms or suites per lot.

ii. Use-Specific Standards. No Short-Term Rental use shall be conducted without registration from the City. See Chapter 1398 of the City of Elyria Codified Ordinances for Registration of Residential Rental Units.

v. Smoke or Vape Store

i. Definition. any retail establishment at which twenty percent (20%) or more of the total floor area of the store is used for the sale of nicotine products, vaping devices, electronic smoking products (cigarettes, cigars, pipes, hookahs). This use shall not permit the sale of cannabis.

ii. Use-Specific Standards. No new smoke or vape store shall be commenced within 1,000 feet, measured from the boundary lines of the subject property, of another smoke or vape store use, daycares (home and non-home) school, or playground and park.

w. Telecommunications (Small)

i. Definition. Any telecommunications antenna, such as an amateur (HAM) radio station licensed by the Federal Communications Commission, including equipment such as but not limited to a tower or alternative tower structure supporting a single, radiating antenna platform and other equipment, not exceeding 50 feet in height, and designed to be used by no more than 1 household.

ii. Use-Specific Standards. No Small Telecommunications-associated structure shall be erected except in a location that maintains a setback from any lot line that meets or exceeds the height of the structure or tower. For instance, if a telecommunications tower is 200 feet in height, the exterior of its base must be positioned at least 200 feet from all lot lines of the lot in which it is located.

x. Telecommunications (Large)

i. Definition. Any structure greater than 50 feet in height that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes. This use term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, antenna tower alternative structures, and the like. This use term also includes antenna tower accessory storage sheds. This term does not include office towers or residential towers that support telecommunications antennae on their roofs or spires, except where such antennae, from base to tip, exceed the height of the building, itself.

ii. Use-Specific Standards

1. No Large Telecommunications-associated structure shall be erected except in a location that maintains a setback from any lot line that meets or exceeds the height of the structure or tower. For instance, if a telecommunications tower is 200 feet in height, the exterior of its base must be positioned at least 200 feet from all lot lines of the lot in which it is located.
2. No Large Telecommunications-associated structure shall be erected except where such structure is completely surrounded by a security fence of at least 8 feet in height; please note that, where this use is conducted in a district that does not generally permit an 8-foot-high fence, this provision shall be interpreted as overriding such district-specific limits on fence height.

y. Utility Transmission and Substation (Small)

i. Definition. Any utility facility needed to provide a basic service such as water, sewer, telephone, broadband, fiber-optics, and cable television to individual users, including substations, where such utility facilities do not occupy 10,000 square feet or greater or exceed a height of 60 feet. This use term includes sewer and/or water pump houses not occupying 10,000 square feet or greater or exceeding a height of 60 feet.

ii. Use-Specific Standards

1. Utility transmission and substation uses (Small) shall be completely enclosed by a building with solid walls and a roof or shall be completely surrounded by an opaque fence of at least 8 feet in height; please note that, where this use is conducted in a district that does not generally permit an 8-foot-high fence, this provision shall be interpreted as overriding such district-specific limits on fence height.
2. Any structure associated with a small-scale utility transmission and substation use, such as piping, pump houses, electrical substation converters or inverters, shall be distanced from any adjacent lot that permits residential uses by at least 100 feet; please note that other regulations, such as the building code, health code, state code, or federal code, may require greater separation from residential land uses than this provision.

z. Utility Transmission and Substation (Large)

i. Definition. Any utility facility occupying 10,000 square feet or greater or exceeding a height of 60 feet; utility facilities may include electricity substations, sewer and/or water pump houses occupying 10,000 square feet or greater or exceeding a height of 60 feet, natural gas valve or pump stations and Substation uses.

ii. Use-Specific Standards

1. Utility transmission and substation uses (Large) shall be completely enclosed by a building with solid walls and a roof or shall be completely surrounded by an opaque fence of at least 8 feet in height; please note that, where this use is conducted in a district that does not generally permit an 8-foot-high fence, this provision shall be interpreted as overriding such district-specific limits on fence height.
2. Any structure associated with a large-scale utility transmission and substation use, such as piping, pump houses, electrical substation converters or inverters, shall be distanced from any adjacent lot that permits residential uses by at least 500 feet; please note that other regulations, such as the building code, health code, state code, or federal code, may require greater separation from residential land uses than this provision.

aa. Weapon Sales

i. Definition. A use consisting of the assembling and/or the sale of guns and rifles.

ii. Use-Specific Standards. No Weapon Sales shall be conducted except where distanced at least 1,000 feet from any residential use, daycare (home and non-home), or school measured from the boundary lines of the subject property.

3. Transportation Uses

a. Bus Station or Train Station

i. Definition. A use consisting of the transient housing or parking, servicing, and/or

refueling of motor-driven buses and/or passenger trains and may include the waiting, loading, and unloading of passengers.

- ii. Use-Specific Standards.** This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

b. Taxi, Rideshare, and Limousine Service Hub

- i. Definition.** A use consisting of the facilities for servicing, storing, repairing, and refueling the taxicabs, rideshare vehicles, limousines, small buses, or vans that offer transportation to persons, including those who are handicapped, in return for remuneration.

- ii. Use-Specific Standards.** This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

c. Tow Yard

- i. Definition.** A use consisting of the temporary storage of vehicles that have been towed, also referred to as an impound lot. This use shall also include the reclamation of the vehicles by their owners, but it should not include scrapping of vehicles, which is considered a High-Intensity Industrial use.

- ii. Use-Specific Standards.** No Tow Yard use shall store impounded vehicles in any area outside of an enclosure consisting of an opaque fence per local design review standards or other local codes; please note that, where this use is conducted in a district that does not generally permit a fence, this provision shall be interpreted as overriding such district-specific limits on fence height.

d. Truck Terminal

- i. Definition.** The loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of five or more trucks. This use term shall also include refueling and maintenance of heavy trucks, such as retreading tires, and the temporary parking facilities for heavy trucks. Such services are often found at truck stops that also include services for the drivers of heavy trucks, such as food services and sales of sundries; food services at these locations will be considered to be an accessory use to the primary truck terminal use and shall be defined as a truck terminal.

- ii. Use-Specific Standards.** Use-Specific Standards. No truck on a lot of a truck terminal use, where within 1,000 feet of a residential use, shall idle a gasoline or diesel engine for longer than one hour.

e. Vehicle Refueling

i. Definition. Any use consisting of storing or dispensing flammable liquids, combustible liquids, liquified flammable gas, or flammable gas into the fuel tanks of passenger motor vehicles. This use is commonly accompanied by a convenience store; in such cases, the lot shall be considered both a Vehicle Refueling use and an Indoor Sales and Services use. If such a lot with a gas station and convenience store also hosts a restaurant use, the lot shall be considered a Vehicle Refueling use, an Indoor Sales and Services use, and an Indoor Dining, Drinking, and Entertainment use.

ii. Use-Specific Standards

1. No Vehicle Refueling use shall supply amplified, pre-recorded sound, music, or voices from fuel pumps
2. Electric vehicle charging may be included as a component of a Vehicle Refueling use, but electric vehicle charging shall be considered an accessory use of a parking space serving any principal use and shall not, on its own, constitute a Vehicle Refueling principal use

f. Vehicle Sales, Rental, Repair, and Servicing

i. Definition. A use consisting of the display, leasing, rental, sale, financing, marketing, repair, and servicing of passenger cars, recreational vehicles (including motorized and wind-powered watercraft but excluding aircraft), and trucks.

1. The outdoor storage of recreational vehicles (RVs) shall be governed by Section XXXX.XX.
2. **Use-Specific Standards.** This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

4. Aviation Uses

a. Airplane or Helicopter Sales, Repair, Rental, Chartering, Refueling, Educational Services, Landing Strips and Pads, and Storage

i. Definition. The storage, care, repair, refueling, rental, maintenance, or display of airplanes or helicopters, including provision of flight or pilot training courses; and any land use for the landing and taking off of manned aircraft or of aircraft of similar size to manned airplanes or manned helicopters, including all necessary taxiways. This use may include outdoor aircraft storage or tie-down areas or indoor storage in hangars. Outdoor storage of aircraft shall be interpreted as this use, not as an Outdoor Storage of Commercial Equipment or Vehicles use.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local

code standards shall apply to this land use, where applicable.

b. Drone, Remote-Control Plane, and Remote-Control Helicopter Launch or Landing Area

i. Definition. Any land use for the landing and taking off of drones, remote-control planes, remote-control helicopters, or similarly sized unmanned aircraft.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

5. Community Uses

a. Libraries, Museums, Playhouses, and Schools

i. Definition. A use in which literary, musical, artistic, or reference materials, such as, but not limited to, books, manuscripts, computers, recordings, or films, are kept for use by or loaning to patrons of the facility, but are not normally offered for sale; or the exhibition or collection of books or artistic, historical, or scientific objects; or the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, religious schools, and similar facilities; or a fully enclosed center for the performance of art, dance, theater, films, or other similar performance. This term includes arboreta, botanical gardens, and greenhouse conservatories.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

b. Physical Recreation Centers

i. Definition. The indoor provision of active physical recreational facilities, such as indoor weight-lifting gyms, indoor exercise course studios, indoor tennis and basketball courts, and indoor pools. This use may also be conducted in a facility with other uses defined under separate use terms, such as sales of gym supplies, concessions or meal services, personal physical trainer services, cosmetology consulting and services, and medical-oriented physical therapy services. An accessory gym in association with a hotel, office building, or apartment building and which is accessible only to staff, residents, or guests of the hotel, office building, or apartment building shall not be considered a principal Physical Recreation Center use.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

c. Religious Assembly

i. Definition. A use providing space for religious assembly. This use may conventionally look like a church, temple, mosque, or other place of religious worship. This use may be found on lots in conjunction with a rectory or convent, a private school, a meeting hall, offices for administration of the institution, a licensed child or adult daycare, a playground, and/or a cemetery; such associated uses shall be treated as separate uses of the lot.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

6. Open Space Uses

a. Agritourism

i. Definition. Agritourism means any activity conducted in conjunction with an Agriculture use (located on the same parcel or parcel that is contiguous to a parcel upon which an Agriculture use is conducted) that is intended to attract members of the general public for recreational, entertainment, historical, or educational purposes to view and/or participate in one or more functions of the agricultural operation, including, but not limited to, produce harvesting, hay rides, picnics, summer camps, camping, farm or cabin stays, vineyards, or other activities and attractions. An activity may be considered agritourism regardless of whether the participant paid to participate.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

b. Camping, Nature Retreat Center, or Summer Camp

i. Definition. The temporary lodging of guests in a natural, park or park-like setting, in fabric tents, camper trailers, recreational vehicles, cabins, or dormitories for durations that may range from single-day-use to overnight stays for full seasons. This term may include the use of property for outdoor activities, such as canoeing, swimming, hiking, or fishing, or indoor activities, such as laundry, showering, purchasing camping-related sundries, or dining, as conventionally associated with camps or nature retreat centers. This term may also include year-round lodging for caretakers of the property.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

c. Cemetery

i. Definition. A place for the interment of the remains of the deceased, including buried remains, mausoleums and the storage of cremated remains. This use may also include burial services, tours of the property, and passive recreation by guests.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

d. Community Gardening

i. Definition. The preparation of the soil, cultivation of vegetables, fruits, and/or flowers, weeding, and harvesting of garden produce by members of multiple households using mainly hand implements for non-commercial purposes. This term may include the use of potable water for the irrigation of the gardens. This term may include the storage of garden implements and supplies within or outside of a garden shed, and the erection of seasonal hoop houses.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

e. Outdoor Arena

i. Definition. The use of land for outdoor events that attract large numbers of visitors, may generate much night-time light emissions, and may cause large volumes of traffic and noise, including uses such as stadiums, , open-air arenas, horse tracks, recreational vehicle driving parks, drive-in theaters, amphitheaters with amplification, outdoor concert venues, amusement and theme parks, zoos, fairgrounds, and festival grounds. While termed "Outdoor", this use may include some indoor facilities, such as barns, concession stands, circus tents, , causeways and mezzanines, and storage sheds. Where a fairground or festival ground is activated with a fair or festival for a duration of less than 2 weeks per year, such use shall be considered a Temporary Use and not an Outdoor Arena use.

ii. Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

f. Playground or Park

i. Definition. An open-space use designed for passive recreational activities, such as walking, sitting, jogging, or nature-watching, and may include play areas and play structures for children, gardens, naturalized areas, fields for open play, splashpads, fountains, walkways, bike paths, benches, and bathrooms. This use may include pocket parks, which are small public spaces. This use shall not

include areas defined as Preserves uses; however, this use may be conventionally conducted in conjunction with or on the same property as a Preserves use.

- ii. Use-Specific Standards.** This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

g. Pocket Park

- i. Definition.** An open-space use designed for passive recreational activities, such as walking, sitting, jogging, or nature-watching, and may include play areas and play structures for children, gardens, naturalized areas, fields for open play, splashpads, fountains, walkways, bike paths, benches, and bathrooms. This use term is similar to "Playground or Park" but is differentiated from that use by its small area: less than one-quarter acre.

- ii. Use-Specific Standards.** This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

h. Preserves

- i. Definition.** Areas intended to remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations. This use is largely limited to natural, undeveloped land uses but may include accessory structures commonly associated with natural areas, such as boardwalks, interpretational and wayfinding signage, bathrooms, and parking areas. This use includes "vacant" land left in a naturalized state. This use differs from the Playground or Park use in that its primary purpose is natural preservation with secondary, subordinate use as a passive recreation asset, whereas Playground or Park use is primarily a recreational asset.

- ii. Use-Specific Standards.** This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

i. Sports Fields, Courts, Golf Courses, and Pools

- i. Definition.** A land use intended and developed for outdoor active play and recreation, such as swimming pools, dog parks, skate parks, pickleball and tennis courts, basketball courts, baseball fields, soccer fields, football fields, foot-racing tracks, driving ranges, and golf courses. This use differs from Outdoor Arena in that it is less intense in noise generation and traffic generation; this use does not include stadiums or open-air arenas, although it may include low-rise bleachers of less than XX rows each in association with sports fields. This use may

commonly be located on the same property as a Camping, Nature Retreat Center, or Summer Camp use.

- ii. **Use-Specific Standards.** No Sports Fields, Courts, Golf Courses, and Pools use shall illuminate outdoor lighting from poles or stations higher than 50 feet between 10:00pm and 7:00am, except by conditional use approval.

j. Urban Farming

- i. **Definition.** Urban Farming means the following activities: cultivation of crops outdoors; the cultivation and tillage of the soil; composting, production, harvesting and processing of agricultural crops; raising of poultry; production of eggs; production of milk and dairy products; production of livestock, including pasturage; production of bees and their products; inland production of fish; production of fruit, vegetables, and other horticultural crops; cultivation of marijuana; cultivation of nursery plants; cultivation of greenhouse products in fully transparent or semi-opaque structures; sod farming; raising of livestock, such as deer, turkey, pheasants, or quail; stabling, care, and exercise of horses and other equine; silviculture; viticulture; storage of agricultural equipment, agriculture equipment fuels, agricultural products, agricultural wastes, or agricultural supplies, including fertilizer bags; the assembly and repair of all farm implements and equipment conventionally used in agricultural operations on the site; the clearing of land for agricultural purposes; the grading of land for agricultural purposes; or the development of paths, roads, or bridges for farm equipment and distribution of agricultural products across one lot or across multiple lots of common management; the housing of laborers that perform farm labor on site or on a agricultural operation within 1 mile of the housing structure; commercial agricultural procedures performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market; storage of grains at grain terminals; the usage of land in furtherance of agricultural education goals, including, but not limited to, 4-H clubs, Future Farmers of America, and farm incubators; alternative agricultural enterprises, and the like. Urban Farming uses may include the slaughter, skinning, dehairing, or eviscerating of livestock produced on the premises, provided that the slaughter does not exceed XX head of cattle per year, XX chickens per year, or the equivalent.

- ii. **Use-Specific Standards.** This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that other local code standards shall apply to this land use, where applicable.

Chapter 1103: Zoning District Standards

SECTION 1103.01 ESTABLISHMENT OF DISTRICTS

The districts described in this article are hereby established.

SECTION 1103.02 ESTABLISHMENT OF ZONING MAP

The Zoning Map is hereby adopted and incorporated into this Code by reference. Each parcel of land within the city is classified under a district hereby established by and designated on the Zoning Map.

SECTION 1103.03 MAINTENANCE OF ZONING MAP

The Zoning Map shall be maintained on file in the City offices and updated on the City's official website. No changes of any kind shall be made to the Zoning Map or any part thereof except in conformity with the procedures set forth in this Zoning Code.

SECTION 1103.04 INTERPRETATION OF ZONING MAP BOUNDARIES

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
4. Boundaries indicated as following rail lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as parallel to or extensions of features listed above shall be so construed.
6. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered herein, the Zoning Administrator or their designee shall interpret the district boundaries.
8. Where the street or lot layout actually on the ground or as recorded differs from the street or lot layout on the district map, the Board of Zoning Appeals shall, after notice to property owners affected, and after public hearing, interpret the map in such a way as to carry out the intent and purpose of this Code.
9. Where a district boundary line divides a lot, which was in single ownership at the time of passage of this Zoning Code, the Board of Zoning Appeals may permit, as a conditional use, the extension of the regulations for either portion of the lot, but not to exceed fifty (50) feet beyond the zoning district line as drawn, into the remaining portion of the lot.
10. Whenever any street, alley, or other public way is vacated by official action of City Council, the boundary line(s) of any adjacent zone or district shall extend to the centerline of the vacated street,

alley, or public way.

SECTION 1103.05 ZONING UPON ANNEXATION

In the case that any land, annexed by the City, such land shall assume a zoning district designation of Residential-1 District if the land annexed does not appear on a Council-adopted comprehensive plan or other plan. Following the annexation and initial district designation, the district designation of a parcel of land can be proposed to be changed via the Map Amendment procedure found in Article XXXX “Administration and Procedures.”

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SECTION 1103.06 RESIDENTIAL 1 DISTRICT

1. **PURPOSE OF THE RESIDENTIAL 1 DISTRICT.** The Residential 1 District intends to preserve the character of existing, lower-density neighborhoods while allowing the construction of denser neighborhoods with smaller yards and setbacks.
2. **USES ALLOWED IN THE RESIDENTIAL 1 DISTRICT**
 - a. Number of Uses per Lot. No more than one principal use is permitted per lot in the Residential 1 District. All properties must have a principal use in order to have an accessory structure or accessory use.
 - b. Accessory Structures shall be permitted in accordance with accessory structure standards found in Section 1104.02.
 - c. Accessory Uses. Accessory uses shall be permitted in accordance with accessory use standards found in Section 1104.03.
 - d. Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code's Glossary in Chapter XXXX.

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	Section XXXX.XX
Two-Unit Residential	Administrative Review	Section XXXX.XX
Residential Care Housing (Small and Large)	Conditional Use Review	Section XXXX.XX
Rehabilitation Care Housing (Small and Large)	Conditional Use Review	Section XXXX.XX
Townhouse Residential	Administrative Review	Section XXXX.XX
Manufactured Home Park District	Administrative Review	Section XXXX.XX
Modular Home Residential	Administrative Review	Section XXXX.XX
Short-Term Rental	Administrative Review	Section XXXX.XX
COMMERCIAL USES		
Telecommunications (Small)	Administrative Review	Section XXXX.XX
COMMUNITY USES		
Libraries, Museums, Playhouses, and Schools	Conditional Use Review	Section XXXX.XX
Religious Assembly	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Cemetery	Administrative Review	Section XXXX.XX
Community Gardening	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Pocket Park	Administrative Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX

Sports Fields, Courts, Golf Courses, and Pools	Conditional Use Review	Section XXXX.XX
MISCELLANEOUS USES		
Accessory Uses	Administrative Review, except as otherwise noted in use-specific regulations section	Section XXXX.XX

3. DEVELOPMENT STANDARDS IN THE RESIDENTIAL 1 DISTRICT

- a. No lot may be created which does not conform with the lot dimension standards listed below.
- b. No building shall be erected or modified unless such building or the modified portion of such building conforms with the building setback and building scale standards listed below.

DEVELOPMENT STANDARDS			
LOT DIMENSION STANDARDS			
	Lot Area	6,000 sq. ft. min.*	PLACEHOLDER FOR GRAPHIC
	Lot Width	60 ft. min.*	
	Lot Depth	100 ft. min.*	
BUILDING SETBACK STANDARDS			
	Front Yard Setback	25 ft. min.*	PLACEHOLDER FOR GRAPHIC
	Side Yard Setback	6 ft. min.*	
	Rear Yard Setback	25 ft. min.*	
BUILDING SCALE STANDARDS			
	Building Height	40 ft. max.	PLACEHOLDER FOR GRAPHIC
	Accessory Structure Height	15 ft. max.	
NOTES			
* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in Section XXXX-XX.			

4. DESIGN STANDARDS APPLICABLE TO THE RESIDENTIAL 1 DISTRICT

- a. PLACEHOLDER FOR DESIGN STANDARDS FOR THE RESIDENTIAL 1 DISTRICT

5. OTHER STANDARDS APPLICABLE TO THE RESIDENTIAL 1 DISTRICT

- a. Parking and Driveway Regulations. Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX “Parking and Driveway Regulations”.
- b. Fence Regulations. Fence regulations can be found in this Planning and Zoning Code Chapter XXXX “Fence Regulations”.
- c. Outdoor Lighting Regulations. Outdoor lighting regulations can be found in this Planning and Zoning Code Section 1104.07 “Outdoor Lighting Regulations”.

- d. Outdoor Storage Regulations. Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Storage Regulations”.
- e. Noise Regulations. Noise levels are regulated by the Disorderly Conduct and Peace Disturbance chapter of the City of Elyria Code of Ordinances and is not included in this Planning and Zoning Code; please contact the City of Elyria for details on noise regulations.
- f. Building Code Regulations. All new buildings and modifications to buildings must adhere to the building code found in Part Thirteen of the City of Elyria Code of Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Elyria Building and Land Department for details on conforming to the building code.

SECTION 1103.07 RESIDENTIAL 2 DISTRICT

- 1. PURPOSE OF THE RESIDENTIAL 2 DISTRICT.** The Residential 2 District intends to promote broad diversity of housing types and compact, walkable, and affordable residential neighborhoods. Small scale commercial, such as coffee shops and neighborhood grocery stores, are intended to be confined to corner lots. Development should feature architectural styles which complement the existing, historic character of the neighborhood. Sidewalk and bicycle connectivity is necessary for supporting nearby mixed-use areas.
- 2. USES ALLOWED IN THE RESIDENTIAL 2 DISTRICT**
 - a. Number of Uses per Lot. No more than one principal use is permitted per lot in the Residential 2 District. All properties must have a principal use in order to have an accessory structure or accessory use.
 - b. Accessory Structures shall be permitted in accordance with accessory structure standards found in Section 1104.02.
 - c. Accessory Uses. Accessory uses shall be permitted in accordance with accessory use standards found in Section 1104.03.
 - d. Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code's Glossary in Chapter XXXX.

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	Section XXXX.XX
Two-Unit Residential	Administrative Review	Section XXXX.XX
3-8-Unit Residential	Conditional Use Review	Section XXXX.XX
Residential Care Housing (Small and Large)	Conditional Use Review	Section XXXX.XX
Rehabilitation Care Housing (Small and Large)	Conditional Use Review	Section XXXX.XX
Townhouse Residential	Administrative Review	Section XXXX.XX
Short-Term Rental	Administrative Review	Section XXXX.XX
Cottage Court Residential	Administrative Review	Section XXXX.XX
Modular Home Residential	Administrative Review	Section XXXX.XX
COMMERCIAL USES		
Day Care Facility (Non-Home)	Conditional Use Review	Section XXXX.XX
Indoor Dining, Drinking, and Entertainment (Small)	Conditional Use Review	Section XXXX.XX
Indoor Sales and Services	Conditional Use Review	Section XXXX.XX
Small Telecommunications	Administrative Review	Section XXXX.XX
COMMUNITY USES		
Libraries, Museums, Playhouses, and Schools	Conditional Use Review	Section XXXX.XX

Religious Assembly	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Cemetery	Administrative Review	Section XXXX.XX
Community Gardening	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Pocket Park	Administrative Review	Section XXXX.XX
MISCELLANEOUS USES		
Accessory Uses	Administrative Review, except as otherwise noted in use-specific regulations section	Section XXXX.XX

3. DEVELOPMENT STANDARDS IN THE RESIDENTIAL 2 DISTRICT

- a. No lot may be created which does not conform with the lot dimension standards listed below.
- b. No building shall be erected or modified unless such building or the modified portion of such building conforms with the building setback and building scale standards listed below.

DEVELOPMENT STANDARDS			
LOT DIMENSION STANDARDS			
	Lot Area	4,750 sq. ft. min.*	PLACEHOLDER FOR GRAPHIC
	Lot Width	40 ft. min.*	
	Lot Depth	100 ft. min.*	
BUILDING SETBACK STANDARDS			
	Front Yard Setback	20 ft. min.*	PLACEHOLDER FOR GRAPHIC
	Side Yard Setback	5 ft. min.* and **	
	Rear Yard Setback	20 ft. min.*	
BUILDING SCALE STANDARDS			
	Building Height	35 ft. max.	PLACEHOLDER FOR GRAPHIC
	Accessory Structure Height	15 ft max	
	Building Footprint	3,000 sq. ft. max. for commercial uses; no max. for all other uses	
NOTES			
* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in Section XXXX-XX.			
** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.			

4. DESIGN STANDARDS APPLICABLE TO THE RESIDENTIAL 2 DISTRICT

- a. PLACEHOLDER FOR DESIGN STANDARDS FOR THE RESIDENTIAL 2 DISTRICT

5. OTHER STANDARDS APPLICABLE TO THE RESIDENTIAL 2 DISTRICT

- a. Parking and Driveway Regulations. Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX “Parking and Driveway Regulations”. Fence Regulations. Fence regulations can be found in this Planning and Zoning Code Chapter XXXX “Fence Regulations”.
- b. Outdoor Lighting Regulations. Outdoor lighting regulations can be found in this Planning and Zoning Code Section 1104.07 “Outdoor Lighting Regulations”.
- c. Outdoor Storage Regulations. Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Storage Regulations”.
- d. Noise Regulations. Noise levels are regulated by the Disorderly Conduct and Peace Disturbance chapter of the City of Elyria Code of Ordinances and is not included in this Planning and Zoning Code; please contact the City of Elyria for details on noise regulations.
- e. Building Code Regulations. All new buildings and modifications to buildings must adhere to the building code found in Part Thirteen of the City of Elyria Code of Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Elyria Building and Land Department for details on conforming to the building code.

SECTION 1103.08 DOWNTOWN DISTRICT

1. **PURPOSE OF THE DOWNTOWN DISTRICT.** The Downtown District intends to embody the heart of Elyria with mixed-use, pedestrian-oriented development. Public spaces, such as plazas, pocket parks, and outdoor dining areas, are encouraged.
2. **USES ALLOWED IN THE DOWNTOWN DISTRICT**
 - a. Number of Uses per Lot. More than one principal use is permitted per lot in the Downtown District. All properties must have a principal use in order to have an accessory structure or accessory use.
 - b. Accessory Structures shall be permitted in accordance with accessory structure standards found in Section 1104.02.
 - c. Accessory Uses. Accessory uses shall be permitted in accordance with accessory use standards found in Section 1104.03.
 - d. Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code's Glossary in Chapter XXXX.

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	Section XXXX.XX
Two-Unit Residential	Administrative Review	Section XXXX.XX
3-8-Unit Residential	Administrative Review	Section XXXX.XX
9-Plus-Unit Residential	Administrative Review	Section XXXX.XX
Townhouse Residential	Administrative Review	Section XXXX.XX
Permanent Shelter	Conditional Use Review	Section XXXX.XX
Seasonal Shelter	Administrative Review	Section XXXX.XX
COMMERCIAL USES		
Brewpub	Administrative Review	Section XXXX.XX
Cannabis-Dispensing Facility	Conditional Use Review	Section XXXX.XX
Day Care Facility (Non-Home)	Administrative Review	Section XXXX.XX
Food Truck Park	Conditional Use Review	Section XXXX.XX
Indoor Sales and Services	Administrative Review	Section XXXX.XX
Indoor Dining, Drinking, and Entertainment (Small and Large)	Administrative Review	Section XXXX.XX
Large Indoor Events Center	Administrative Review	Section XXXX.XX
General Medical Services	Administrative Review	Section XXXX.XX
Short-Term Rental	Administrative Review	Section XXXX.XX
Hotels, Motels, and Inns	Administrative Review	Section XXXX.XX
Micro-brewery, Micro-winery, and Micro-distillery	Administrative Review	Section XXXX.XX

Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Outdoor Events Venue	Conditional Use Review	Section XXXX.XX
COMMUNITY USES		
Libraries, Museums, Playhouses, and Telecommunications (Small and Large)	Administrative Review Conditional Use Review	Section XXXX.XX
Physical Recreation Centers	Administrative Review	Section XXXX.XX
Religious Assembly	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Community Gardening	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Pocket Park	Administrative Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	Section XXXX.XX
MISCELLANEOUS USES		
Accessory Uses	Administrative Review, except as otherwise noted in use-specific regulations section	Section XXXX.XX

3. DEVELOPMENT STANDARDS IN THE DOWNTOWN DISTRICT

- a. No lot may be created which does not conform with the lot dimension standards listed below.
- b. No building shall be erected or modified unless such building or the modified portion of such building conforms with the building setback and building scale standards listed below.

DEVELOPMENT STANDARDS			
LOT DIMENSION STANDARDS			
	Lot Area	2,000 sq. ft. min.*	PLACEHOLDER FOR GRAPHIC
	Lot Width	15 ft. min.*	
	Lot Depth	80 ft. min.*	
BUILDING SETBACK STANDARDS			
	Front Yard Setback	0 ft. min.; 30 ft. max.	PLACEHOLDER FOR GRAPHIC
	Side Yard Setback	0 ft. min. per side** where abutting another lot in the Downtown District; 10 ft. min. per side where immediately abutting any other district	
	Rear Yard Setback	20 ft. min.	
BUILDING SCALE STANDARDS			
	Building Height	22 ft. min. and 75 ft. max.	PLACEHOLDER FOR GRAPHIC
	Accessory Structure Height	15 ft max.	
	Building Footprint	40,000 sq. ft. max.	

	Building Frontage	The building or building elements must span at least 60% of the lot width, measured 30 feet back from the front lot line..
NOTES		
<p>* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in Section XXXX-XX.</p> <p>** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.</p>		

4. DESIGN STANDARDS APPLICABLE TO THE DOWNTOWN DISTRICT

- a. PLACEHOLDER FOR DESIGN STANDARDS FOR THE DOWNTOWN DISTRICT

5. OTHER STANDARDS APPLICABLE TO THE DOWNTOWN DISTRICT

- a. Parking and Driveway Regulations. Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX "Parking and Driveway Regulations".
- b. Fence Regulations. Fence regulations can be found in this Planning and Zoning Code Chapter XXXX "Fence Regulations".
- c. Outdoor Lighting Regulations. Outdoor lighting regulations can be found in this Planning and Zoning Code Section 1104.07 "Outdoor Lighting Regulations".
- d. Outdoor Storage Regulations. Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX "Outdoor Storage Regulations".
- e. Noise Regulations. Noise levels are regulated by the Disorderly Conduct and Peace Disturbance chapter of the City of Elyria Code of Ordinances and is not included in this Planning and Zoning Code; please contact the City of Elyria for details on noise regulations.
- f. Building Code Regulations. All new buildings and modifications to buildings must adhere to the building code found in Part Thirteen of the City of Elyria Code of Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Elyria Building and Land Department for details on conforming to the building code.

SECTION 1103.09 CORRIDOR DISTRICT

- 1. PURPOSE OF THE CORRIDOR DISTRICT.** The Corridor District intends to (1) encourage a mix of residential and business uses along main streets and near significant intersections, (2) encourage buildings placed near the sidewalk with adequate pedestrian and bicycle connections to and from neighborhoods and parks, and (3) encourage densities that support transit access and improve the mobility of Elyria's citizens.
- 2. USES ALLOWED IN THE CORRIDOR DISTRICT**
 - a. Number of Uses per Lot. More than one principal use is permitted per lot in the Corridor District. All properties must have a principal use in order to have an accessory structure or accessory use.
 - b. Accessory Structures shall be permitted in accordance with accessory structure standards found in Section 1104.02.
 - c. Accessory Uses. Accessory uses shall be permitted in accordance with accessory use standards found in Section 1104.03.
 - d. Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code's Glossary in Chapter XXXX.

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	Section XXXX.XX
Two-Unit Residential	Administrative Review	Section XXXX.XX
3-8-Unit Residential	Administrative Review	Section XXXX.XX
9-Plus-Unit Residential	Administrative Review	Section XXXX.XX
Residential Care Housing (Small)	Administrative Review	Section XXXX.XX
Residential Care Housing (Large)	Conditional Use Review	Section XXXX.XX
Rehabilitation Care Housing (Small and Large)	Conditional Use Review	Section XXXX.XX
Townhouse Residential	Administrative Review	Section XXXX.XX
COMMERCIAL USES		
Brewpub	Conditional Use Review	Section XXXX.XX
Day Care Facility	Administrative Review	Section XXXX.XX
Food Truck Park	Conditional Use Review	Section XXXX.XX
Funeral Homes	Administrative Review	Section XXXX.XX
Indoor Sales and Services	Administrative Review	Section XXXX.XX
General Medical Services	Administrative Review	Section XXXX.XX
Indoor Dining, Drinking, and Entertainment (Small)	Administrative Review	Section XXXX.XX
Indoor Dining, Drinking, and Entertainment (Large)	Conditional Use Review	Section XXXX.XX
Hotels, Motels, and Inns	Conditional Use Review	Section XXXX.XX

Micro-brewery, Micro-winery, and Micro-distillery	Conditional Use Review	Section XXXX.XX
Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Short-Term Rental	Administrative Review	Section XXXX.XX
Smoke and Vape Shops	Conditional Use Review	Section XXXX.XX
Telecommunications (Small)	Conditional Use Review	Section XXXX.XX
COMMUNITY USES		
Libraries, Museums, Playhouses, and Schools	Administrative Review	Section XXXX.XX
Physical Recreation Centers	Administrative Review	Section XXXX.XX
Religious Assembly	Administrative Review	Section XXXX.XX
Union Hall Uses	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Cemetery	Administrative Review	Section XXXX.XX
Community Gardening	Administrative Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	Section XXXX.XX
MISCELLANEOUS USES		
Accessory Uses	Administrative Review, except as otherwise noted in use-specific regulations section	Section XXXX.XX

3. DEVELOPMENT STANDARDS IN THE CORRIDOR DISTRICT

- a. No lot may be created which does not conform with the lot dimension standards listed below.
- b. No building shall be erected or modified unless such building or the modified portion of such building conforms with the building setback and building scale standards listed below.

DEVELOPMENT STANDARDS			
LOT DIMENSION STANDARDS			
	Lot Area	2,000 sq. ft. min.*	PLACEHOLDER FOR GRAPHIC
	Lot Width	15 ft. min.*	
	Lot Depth	80 ft. min.*	
BUILDING SETBACK STANDARDS			
	Front Yard Setback	0 ft. min.; 30 ft. max.	PLACEHOLDER FOR GRAPHIC
	Side Yard Setback	0 ft. min. per side** where abutting another lot in the Corridor District; 20 ft. min. per side where abutting any other district	

	Rear Yard Setback	5 ft. min.* where abutting another lot in the Corridor District; 20 ft. min. where abutting any other district	
BUILDING SCALE STANDARDS			
	Building Height	40 ft. max.	PLACEHOLDER FOR GRAPHIC
	Accessory Structure Height	15 ft max	
	Building Footprint	30,000 sq. ft. max.	
	Building Frontage	At least 60% of lot width at front yard setback line must be occupied by building or building elements	
NOTES			
<p>* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in Section XXXX-XX.</p> <p>** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.</p>			

4. DESIGN STANDARDS APPLICABLE TO THE CORRIDOR DISTRICT

- a. PLACEHOLDER FOR DESIGN STANDARDS FOR THE CORRIDOR DISTRICT

5. OTHER STANDARDS APPLICABLE TO THE CORRIDOR DISTRICT

- a. Parking and Driveway Regulations. Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX "Parking and Driveway Regulations".
- b. Fence Regulations. Fence regulations can be found in this Planning and Zoning Code Chapter XXXX "Fence Regulations".
- c. Outdoor Lighting Regulations. Outdoor lighting regulations can be found in this Planning and Zoning Code Section 1104.07 "Outdoor Lighting Regulations".
- d. Outdoor Storage Regulations. Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX "Outdoor Storage Regulations".
- e. Noise Regulations. Noise levels are regulated by the Disorderly Conduct and Peace Disturbance chapter of the City of Elyria Code of Ordinances and is not included in this Planning and Zoning Code; please contact the City of Elyria for details on noise regulations.
- f. Building Code Regulations. All new buildings and modifications to buildings must adhere to the building code found in Part Thirteen of the City of Elyria Code of Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Elyria Building and Land Department for details on conforming to the building code.

SECTION 1103.10 COMMERCIAL DISTRICT

1. **PURPOSE OF THE COMMERCIAL DISTRICT.** The Commercial District intends to support businesses, services, and employers that provide jobs and services that may be oriented towards highways or major arterial roads and may not be compatible with residential uses. While some uses may be accessed primarily by vehicles, the Commercial District should respect pedestrian access and safety.
2. **USES ALLOWED IN THE COMMERCIAL DISTRICT**
 - a. Number of Uses per Lot. More than one principal use is permitted per lot in the Commercial District. All properties must have a principal use in order to have an accessory structure or accessory use.
 - b. Accessory Structures shall be permitted in accordance with accessory structure standards found in Section 1104.02.
 - c. Accessory Uses. Accessory uses shall be permitted in accordance with accessory use standards found in Section 1104.03.
 - d. Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code's Glossary in Chapter XXXX.

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
9-Plus-Unit Residential	Conditional Use Review	Section XXXX.XX
Permanent Shelter	Conditional Use Review	Section XXXX.XX
Seasonal Shelter	Administrative Review	Section XXXX.XX
COMMERCIAL USES		
Animal Boarding or Shelter	Administrative Review	Section XXXX.XX
Brewery	Administrative review	Section XXXX.XX
Brewpub	Administrative Review	Section XXXX.XX
Day Care Facility (Non-Home)	Administrative Review	Section XXXX.XX
Cannabis-Dispensing Facility	Conditional Use Review	Section XXXX.XX
Emergency and In-Patient Medical Services	Administrative Review	Section XXXX.XX
Food Truck Park	Conditional Use Review	Section XXXX.XX
Funeral Homes	Administrative Review	Section XXXX.XX
General Medical Services	Administrative Review	Section XXXX.XX
Indoor Sales and Services	Administrative Review	Section XXXX.XX
Indoor Dining, Drinking, and Entertainment (Small and Large)	Administrative Review	Section XXXX.XX
Indoor Events Center	Administrative Review	Section XXXX.XX
Hotels, Motels, and Inns	Conditional Use Review	Section XXXX.XX

Utility Transmission and Substation Uses (Small and Large)	Conditional Use Review	Section XXXX.XX
Micro-brewery, Micro-winery, and Micro-distillery	Administrative Review	Section XXXX.XX
Telecommunications (Small and Large)	Conditional Use Review	Section XXXX.XX
Industrial (Low-Intensity)	Administrative Review	Section XXXX.XX
Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Outdoor Sales	Administrative Review	Section XXXX.XX
Outdoor Events Venue	Administrative Review	Section XXXX.XX
Outdoor Storage of Commercial Equipment or Vehicles	Administrative Review	Section XXXX.XX
Principal Solar Energy System	Administrative Review	Section XXXX.XX
Principal Wind Energy System	Conditional Use Review	Section XXXX.XX
Short-Term Rental	Administrative Review	Section XXXX.XX
Smoke and Vape Shops	Conditional Use Review	Section XXXX.XX
Weapon Sales	Conditional Use Review	Section XXXX.XX
TRANSPORTATION USES		
Bus Station or Train Station	Administrative Review	Section XXXX.XX
Taxi, Rideshare, or Limousine Service Hub	Administrative Review	Section XXXX.XX
Tow Yard	Administrative Review	Section XXXX.XX
Vehicle Refueling	Administrative Review	Section XXXX.XX
Vehicle Sales, Rental, Repair, and Servicing	Administrative Review	Section XXXX.XX
AVIATION USES		
Airplane or Helicopter Sales, Repair, Rental, Chartering, Refueling, Educational Services, Landing Strips and Pads, and Storage	Conditional Use Review	Section XXXX.XX
Drone, Remote-Control Plane, and Remote-Control Helicopter Launch or Landing Area	Administrative Review	Section XXXX.XX
COMMUNITY USES		
Libraries, Museums, Playhouses, and Schools	Administrative Review	Section XXXX.XX
Physical Recreation Centers	Administrative Review	Section XXXX.XX
Religious Assembly	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Cemetery	Administrative Review	Section XXXX.XX
Community Gardening	Administrative Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	Section XXXX.XX

MISCELLANEOUS USES		
Accessory Uses	Administrative Review, except as otherwise noted in use-specific regulations section	Section XXXX.XX

3. DEVELOPMENT STANDARDS IN THE COMMERCIAL DISTRICT

- a. No lot may be created which does not conform with the lot dimension standards listed below.
- b. No building shall be erected or modified unless such building or the modified portion of such building conforms with the building setback and building scale standards listed below.

DEVELOPMENT STANDARDS			
LOT DIMENSION STANDARDS			
	Lot Area	10,000 sq. ft. min.*	PLACEHOLDER FOR GRAPHIC
	Lot Width	100 ft. min.*	
	Lot Depth	100 ft. min.*	
BUILDING SETBACK STANDARDS			
	Front Yard Setback	20 ft. min.	PLACEHOLDER FOR GRAPHIC
	Side Yard Setback	100 ft. min. where abutting a lot within the Residential 1 or Residential 2 District; 30 ft. min. where abutting any other district, except 0 ft. min.** where building is part of a contiguous, unified commercial development	
	Rear Yard Setback	100 ft. min. where abutting a lot within the Residential 1 or Residential 2 District; 30 ft. min. where abutting any other district	
BUILDING SCALE STANDARDS			
	Building Height	55 ft. max.	PLACEHOLDER FOR GRAPHIC
	Accessory Structure Height	25 ft max.	
NOTES			
<p>* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in Section XXXX-XX.</p> <p>** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.</p>			

4. DESIGN STANDARDS APPLICABLE TO THE COMMERCIAL DISTRICT

- a. PLACEHOLDER FOR DESIGN STANDARDS FOR THE COMMERCIAL DISTRICT

5. OTHER STANDARDS APPLICABLE TO THE COMMERCIAL DISTRICT

- a. Parking and Driveway Regulations. Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX "Parking and Driveway Regulations".

- b. Fence Regulations. Fence regulations can be found in this Planning and Zoning Code Chapter XXXX “Fence Regulations”.
- c. Outdoor Lighting Regulations. Outdoor lighting regulations can be found in this Planning and Zoning Code Section 1104.07 “Outdoor Lighting Regulations”.
- d. Outdoor Storage Regulations. Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Storage Regulations”.
- e. Noise Regulations. Noise levels are regulated by the Disorderly Conduct and Peace Disturbance chapter of the City of Elyria Code of Ordinances and is not included in this Planning and Zoning Code; please contact the City of Elyria for details on noise regulations.
- f. Building Code Regulations. All new buildings and modifications to buildings must adhere to the building code found in Part Thirteen of the City of Elyria Code of Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Elyria Building and Land Department for details on conforming to the building code.

SECTION 1103.11 INDUSTRIAL 1 DISTRICT

1. **PURPOSE OF THE INDUSTRIAL 1 DISTRICT.** The Industrial 1 District intends to promote large job centers, including office, industrial, and medical uses, that are incompatible with residential uses due to noise or traffic generation or other negative externalities. These areas are intended to be located in existing industrial sites and near railroad corridors. Development should be well connected by walking and biking amenities to attract workers who may not have access to a personal vehicle.
2. **USES ALLOWED IN THE INDUSTRIAL 1 DISTRICT**
 - a. Number of Uses per Lot. More than one principal use is permitted per lot in the Industrial 1 District. All properties must have a principal use in order to have an accessory structure or accessory use.
 - b. Accessory Structures shall be permitted in accordance with accessory structure standards found in Section 1104.02.
 - c. Accessory Uses. Accessory uses shall be permitted in accordance with accessory use standards found in Section 1104.03.
 - d. Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code's Glossary in Chapter XXXX.

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
COMMERCIAL USES		
Adult-Oriented Uses	Conditional Use Review	Section XXXX.XX
Animal Boarding or Shelter	Administrative Review	Section XXXX.XX
Brewery	Administrative review	Section XXXX.XX
Brewpub	Administrative review	Section XXXX.XX
Cannabis-Dispensing Facility	Conditional Use Review	Section XXXX.XX
Emergency and In-Patient Medical Services	Administrative Review	Section XXXX.XX
General Medical Services	Administrative Review	Section XXXX.XX
Indoor Sales and Services	Conditional Use Review	Section XXXX.XX
Indoor Dining, Drinking, and Entertainment (Large)	Conditional Use Review	Section XXXX.XX
Indoor Dining, Drinking, and Entertainment (Small)	Administrative Review	Section XXXX.XX
Indoor Events Center	Conditional Use Review	Section XXXX.XX
Utility Transmission and Substation Uses (Large-Scale)	Administrative Review	Section XXXX.XX
Industrial (Low-Intensity)	Administrative Review	Section XXXX.XX
Industrial (Medium-Intensity)	Conditional Use Review	Section XXXX.XX
Micro-brewery, Micro-winery, Micro-distillery	Administrative Review	Section XXXX.XX

Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Outdoor Sales	Administrative Review	Section XXXX.XX
Outdoor Events Venue	Administrative Review	Section XXXX.XX
Outdoor Storage of Commercial Equipment or Vehicles	Administrative Review	Section XXXX.XX
Principal Solar Energy System	Administrative Review	Section XXXX.XX
Principal Wind Energy System	Administrative Review	Section XXXX.XX

Smoke and Vape Shops	Administrative Review	Section XXXX.XX
Telecommunications (Small)	Administrative Review	Section XXXX.XX
Telecommunications (Large)	Conditional Use Review	Section XXXX.XX
Utility Transmission and Substation (Small)	Administrative Review	Section XXXX.XX
Weapon Sales	Administrative Review	Section XXXX.XX
TRANSPORTATION USES		
Bus Station or Train Station	Administrative Review	Section XXXX.XX
Taxi, Rideshare, or Limousine Service Hub	Administrative Review	Section XXXX.XX
Tow Yard	Administrative Review	Section XXXX.XX
Truck Terminal	Administrative Review	Section XXXX.XX
Vehicle Refueling	Administrative Review	Section XXXX.XX
Vehicle Sales, Rental, Repair, and Servicing	Administrative Review	Section XXXX.XX
AVIATION USES		
Airplane or Helicopter Sales, Repair, Rental, Chartering, Refueling, Educational Services, Landing Strips and Pads, and Storage	Conditional Use Review	Section XXXX.XX
Drone, Remote-Control Plane, and Remote-Control Helicopter Launch or Landing Area	Administrative Review	Section XXXX.XX
COMMUNITY USES		
Religious Assembly	Administrative Review	Section XXXX.XX
MISCELLANEOUS USES		
Accessory Uses	Administrative Review, except as otherwise noted in use-specific regulations section	Section XXXX.XX

3. DEVELOPMENT STANDARDS IN THE INDUSTRIAL 1 DISTRICT

- a. No lot may be created which does not conform with the lot dimension standards listed below.
- b. No building shall be erected or modified unless such building or the modified portion of

such building conforms with the building setback and building scale standards listed below.

DEVELOPMENT STANDARDS			
LOT DIMENSION STANDARDS			
	Lot Area	<p>Where all or part of 1 side or of the rear of the lot is immediately abutting a lot(s) within the Residential 1 or Residential 2 District: 20,000 sq. ft. min.</p> <p>Where all or parts of 2 sides of the lot or where all or parts of 1 side of the lot and the rear of the lot are immediately abutting a lot(s) within the Residential 1 or Residential 2 District: 30,000 sq. ft. min.</p> <p>Where all or parts of 2 sides of the lot and the rear of the lot are immediately abutting a lot(s) within the Residential 1 or Residential 2 District: 40,000 sq. ft. min.</p> <p>Where none of the lot is immediately abutting a lot within the Residential 1 or Residential 2 District: 10,000 sq. ft. min.</p>	PLACEHOLDER FOR GRAPHIC
	Lot Width	<p>Where all or part of 1 side of the lot is immediately abutting a lot(s) within the Residential 1 or Residential 2 District: 200 ft. min.</p> <p>Where all or parts of both sides of the lot are immediately abutting a lot(s) within the Residential 1 or Residential 2 District: 300 ft. min.</p> <p>Where no part of the sides of the lot is immediately abutting a lot within the Residential 1 or Residential 2 District: 100 ft. min.</p>	
	Lot Depth	<p>Where all or part of the rear of the lot is immediately abutting a lot within the Residential 1 or Residential 2 District: 200 ft. min.</p> <p>Where none of the rear of the lot is immediately abutting a lot within the Residential 1 or Residential 2 District: 100 ft. min.</p>	
BUILDING SETBACK STANDARDS			

	Front Yard Setback	20 ft. min.	PLACEHOLDER FOR GRAPHIC
	Side Yard Setback	Where all or part of a side lot line is immediately abutting a lot within the Residential 1 or Residential 2 District: 100 ft. min. on that side. Where none of a side lot line is abutting a lot within the Residential 1 or Residential 2 District: 30 ft. min. on that side, except 0 ft. min.** where building is part of a contiguous, unified commercial development	
	Rear Yard Setback	Where all or part of the rear lot line is immediately abutting a lot(s) within the Residential 1 or Residential 2 District: 100 ft. min. Where none of the rear lot line is abutting a lot within the Residential 1 or Residential 2 District: 30 ft. min.	
BUILDING SCALE STANDARDS			
	Building Height	50 ft. max.	PLACEHOLDER FOR GRAPHIC
	Accessory Structure Height	25 ft max	
NOTES			
** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.			

4. OTHER STANDARDS APPLICABLE TO THE INDUSTRIAL 1 DISTRICT

- a. Parking and Driveway Regulations. Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX "Parking and Driveway Regulations".
- b. Fence Regulations. Fence regulations can be found in this Planning and Zoning Code Chapter XXXX "Fence Regulations".
- c. Outdoor Lighting Regulations. Outdoor lighting regulations can be found in this Planning and Zoning Code Section 1104.07 "Outdoor Lighting Regulations".
- d. Outdoor Storage Regulations. Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX "Outdoor Storage Regulations".
- e. Noise Regulations. Noise levels are regulated by the Disorderly Conduct and Peace Disturbance chapter of the City of Elyria Code of Ordinances and is not included in this Planning and Zoning Code; please contact the City of Elyria for details on noise regulations.
- f. Building Code Regulations. All new buildings and modifications to buildings must adhere to the building code found in Part Thirteen of the City of Elyria Code of Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Elyria Building and Land Department for details on conforming to the building code.

SECTION 1103.12 INDUSTRIAL 2 DISTRICT

1. PURPOSE OF THE INDUSTRIAL 2 DISTRICT. The Industrial 2 District intends to promote large job centers, e primarily for medium and high-intensity industrial uses, and, that are incompatible with residential uses due to noise or traffic generation or other negative externalities. These areas are intended to be located in existing industrial sites and near railroad corridors.

2. USES ALLOWED IN THE INDUSTRIAL 2 DISTRICT

- a. Number of Uses per Lot. More than one principal use is permitted per lot in the Industrial 2 District. All properties must have a principal use in order to have an accessory structure or accessory use.
- b. Accessory Structures shall be permitted in accordance with accessory structure standards found in Section 1104.02.
- c. Accessory Uses. Accessory uses shall be permitted in accordance with accessory use standards found in Section 1104.03.
- d. Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code's Glossary in Chapter XXXX.

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
COMMERCIAL USES		
Adult-Oriented Uses	Conditional Use Review	Section XXXX.XX
Brewery	Conditional Use Review	Section XXXX.XX
Cannabis-Dispensing Facility	Conditional Use Review	Section XXXX.XX
Industrial (Medium-Intensity)	Administrative Review	Section XXXX.XX
Industrial (High-Intensity)	Conditional Use Review	Section XXXX.XX
Indoor Sales and Services	Conditional Use Review	Section XXXX.XX
Outdoor Sales	Administrative Review	Section XXXX.XX
Outdoor Storage of Commercial Equipment or Vehicles	Administrative Review	Section XXXX.XX
Principal Solar Energy System	Administrative Review	Section XXXX.XX
Principal Wind Energy System	Administrative Review	Section XXXX.XX

Telecommunications (Large)	Conditional Use Review	Section XXXX.XX
Telecommunications (Small)	Administrative Review	Section XXXX.XX
Utility Transmission and Substation Uses (Small and Large)	Administrative Review	Section XXXX.XX
Weapon Sales	Administrative Review	Section XXXX.XX
TRANSPORTATION USES		
Tow Yard	Administrative Review	Section XXXX.XX

Truck Terminal	Administrative Review	Section XXXX.XX
Vehicle Refueling	Administrative Review	Section XXXX.XX
AVIATION USES		
Airplane or Helicopter Sales, Repair, Rental, Chartering, Refueling, Educational Services, Landing Strips and Pads, and Storage	Conditional Use Review	Section XXXX.XX
Drone, Remote-Control Plane, and Remote-Control Helicopter Launch or Landing Area	Administrative Review	Section XXXX.XX
MISCELLANEOUS USES		
Accessory Uses	Administrative Review, except as otherwise noted in use-specific regulations section	Section XXXX.XX

3. DEVELOPMENT STANDARDS IN THE INDUSTRIAL 2 DISTRICT

- a. No lot may be created which does not conform with the lot dimension standards listed below.
- b. No building shall be erected or modified unless such building or the modified portion of such building conforms with the building setback and building scale standards listed below.

DEVELOPMENT STANDARDS**LOT DIMENSION STANDARDS**

	Lot Area	<p>Where all or part of 1 side or of the rear of the lot is immediately abutting a lot(s) within the Residential 1 or Residential 2 District: 20,000 sq. ft. min.</p> <p>Where all or parts of 2 sides of the lot or where all or parts of 1 side of the lot and the rear of the lot are immediately abutting a lot(s) within the Residential 1 or Residential 2 District: 30,000 sq. ft. min.</p> <p>Where all or parts of 2 sides of the lot and the rear of the lot are immediately abutting a lot(s) within the Residential 1 or Residential 2 District: 40,000 sq. ft. min.</p> <p>Where none of the lot is immediately abutting a lot within the Residential 1 or Residential 2 District: 10,000 sq. ft. min.</p>	PLACEHOLDER FOR GRAPHIC
	Lot Width	<p>Where all or part of 1 side of the lot is immediately abutting a lot(s) within the Residential 1 or Residential 2 District: 200 ft. min.</p> <p>Where all or parts of both sides of the lot are immediately abutting a lot(s) within the Residential 1 or Residential 2 District: 300 ft. min.</p> <p>Where no part of the sides of the lot is immediately abutting a lot within the Residential 1 or Residential 2 District: 100 ft. min.</p>	
	Lot Depth	<p>Where all or part of the rear of the lot is immediately abutting a lot within the Residential 1 or Residential 2 District: 200 ft. min.</p> <p>Where none of the rear of the lot is immediately abutting a lot within the Residential 1 or Residential 2 District: 100 ft. min.</p>	
BUILDING SETBACK STANDARDS			

	Front Yard Setback	50 ft. min.	PLACEHOLDER FOR GRAPHIC
	Side Yard Setback	Where all or part of a side lot line is immediately abutting a lot within the Residential 1 or Residential 2 District: 100 ft. min. on that side. Where none of a side lot line is abutting a lot within the Residential 1 or Residential 2 District: 30 ft. min. on that side, except 0 ft. min.** where building is part of a contiguous, unified commercial development	
	Rear Yard Setback	Where all or part of the rear lot line is immediately abutting a lot(s) within the Residential 1 or Residential 2 District: 100 ft. min. Where none of the rear lot line is abutting a lot within the Residential 1 or Residential 2 District: 30 ft. min.	
BUILDING SCALE STANDARDS			
	Building Height	75 ft. max.	PLACEHOLDER FOR GRAPHIC
	Accessory Structure Height	25 ft max	
NOTES			
** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.			

4. OTHER STANDARDS APPLICABLE TO THE INDUSTRIAL 2 DISTRICT

- a. Parking and Driveway Regulations. Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX "Parking and Driveway Regulations".
- b. Fence Regulations. Fence regulations can be found in this Planning and Zoning Code Chapter XXXX "Fence Regulations".
- c. Outdoor Lighting Regulations. Outdoor lighting regulations can be found in this Planning and Zoning Code Section 1104.07 "Outdoor Lighting Regulations".
- d. Outdoor Storage Regulations. Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX "Outdoor Storage Regulations".
- e. Noise Regulations. Noise levels are regulated by the Disorderly Conduct and Peace Disturbance chapter of the City of Elyria Code of Ordinances and is not included in this Planning and Zoning Code; please contact the City of Elyria for details on noise regulations.
- f. Building Code Regulations. All new buildings and modifications to buildings must adhere to the building code found in Part Thirteen of the City of Elyria Code of Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Elyria Building and Land Department for details on conforming to the building code.

SECTION 1103.13 PARKS AND OPEN SPACE DISTRICT

- 1. PURPOSE OF THE PARKS AND OPEN SPACE DISTRICT.** The Parks and Open Space District intends to comprise existing recreational and natural areas within Elyria. Connecting these areas with other land uses, especially neighborhoods, local businesses, and schools, should be considered with any future improvement or development projects by including robust infrastructure such as sidewalks, transit, trails and other bike facilities. Amenities within parks should be tailored towards a wide range of ages and abilities with specialty parks, such as dog parks, splash pads, or gardens serving nearby residential neighborhoods. Parks are not limited only to this district and should be permitted as allowed uses in all other districts.
- 2. USES ALLOWED IN THE PARKS AND OPEN SPACE DISTRICT**
 - a. Number of Uses per Lot. More than one principal use is permitted per lot in the Parks and Open Space District. All properties must have a principal use in order to have an accessory structure or accessory use.
 - b. Accessory Structures shall be permitted in accordance with accessory structure standards found in Section 1104.02.
 - c. Accessory Uses. Accessory uses shall be permitted in accordance with accessory use standards found in Section 1104.03.
 - d. Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code's Glossary in Chapter XXXX.

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
COMMERCIAL USES		
Indoor Sales and Services	Conditional Use Review	Section XXXX.XX
Indoor Dining, Drinking, and Entertainment (Small and Large)	Conditional Use Review	Section XXXX.XX
Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Telecommunications (Small)	Administrative Review	Section XXXX.XX
COMMUNITY USES		
Libraries, Museums, Playhouses, and Schools	Administrative Use Review	Section XXXX.XX
Physical Recreation Centers	Conditional Use Review	Section XXXX.XX
Religious Assembly	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Urban Farming	Administrative Review	Section XXXX.XX
Agritourism	Administrative Review	Section XXXX.XX
Camping, Nature Retreat Center, or Summer Camp	Administrative Review	Section XXXX.XX
Cemetery	Administrative Review	Section XXXX.XX
Community Gardening	Administrative Review	Section XXXX.XX

Preserves	Administrative Review	Section XXXX.XX
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Playground or Park	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	Section XXXX.XX
MISCELLANEOUS USES		
Accessory Uses	Administrative Review, except as otherwise noted in use-specific regulations section	Section XXXX.XX

3. DEVELOPMENT STANDARDS IN THE PARKS AND OPEN SPACE DISTRICT

- a. No lot may be created which does not conform with the lot dimension standards listed below.
- b. No building shall be erected or modified unless such building or the modified portion of such building conforms with the building setback and building scale standards listed below.

DEVELOPMENT STANDARDS			
LOT DIMENSION STANDARDS			
	Lot Area	N/A	PLACEHOLDER FOR GRAPHIC
	Lot Width	N/A	
	Lot Depth	N/A	
BUILDING SETBACK STANDARDS			
	Front Yard Setback	20 ft. min.	PLACEHOLDER FOR GRAPHIC
	Side Yard Setback	15 ft. min.	
	Rear Yard Setback	15 ft. min.	
BUILDING SCALE STANDARDS			
	Building Height	35 ft. max.	PLACEHOLDER FOR GRAPHIC
	Accessory Structure Height	15 ft max	
NOTES			
None			

4. OTHER STANDARDS APPLICABLE TO THE PARKS AND OPEN SPACE DISTRICT

- a. Parking and Driveway Regulations. Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX “Parking and Driveway Regulations”.
- b. Fence Regulations. Fence regulations can be found in this Planning and Zoning Code Chapter XXXX “Fence Regulations”.
- c. Outdoor Lighting Regulations. Outdoor lighting regulations can be found in this Planning and Zoning Code Section 1104.07 “Outdoor Lighting Regulations”.
- d. Outdoor Storage Regulations. Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Storage Regulations”.

- e. Noise Regulations. Noise levels are regulated by the Disorderly Conduct and Peace Disturbance chapter of the City of Elyria Code of Ordinances and is not included in this Planning and Zoning Code; please contact the City of Elyria for details on noise regulations.
- f. Building Code Regulations. All new buildings and modifications to buildings must adhere to the building code found in Part Thirteen of the City of Elyria Code of Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Elyria Building and Land Department for details on conforming to the building code.

SECTION 1103.14 SUPPLEMENTAL DISTRICT REGULATIONS

1. **CONVERSION OF DWELLINGS.** The conversion of any building into a dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Zoning Code, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and courts and off-street parking. The aforesaid requirement with respect to yards and courts shall not apply where the conversion does not involve any exterior structural change.
2. **SINGLE-HOUSEHOLD DWELLING ON EXISTING LOT.** In any district where dwellings are permitted, a single household detached dwelling may be erected on any lot of official record on the effective date of this Code, irrespective of its area or widths, provided the applicable yard and other open space requirements satisfy the requirements of the district in which it is located.
3. **REDUCING LOT, YARD, COURT OR PARKING AREA.** No lot, yard, court, parking area or other space shall be so reduced in area or dimension as to make such area or dimensions thereof less than the minimum required under this Zoning Code, and no part of a required yard, court or other open space provided about any building or other structure shall be included as a part of a required yard, court or other open space for another building or other structure.
4. **MODIFICATIONS OF SIDE YARD REQUIREMENTS.** Side yards may be reduced by three (3) inches from the otherwise required least width of each side yard for each foot by which the lot of record, at the time of the enactment of this Zoning Code, is narrower than forty (40) feet, if the building is not higher than two and one-half (2-1/2) stories and if the owner of record does not own any adjoining property. However, no side yard shall be narrower at any point than four (4) feet for the principal building nor less than three (3) feet for any excepted projection.
5. **FRONT YARD ON LOTS RUNNING THROUGH THE BLOCK.** In any district where a lot runs through a block from street to street, a front yard shall be provided along each street lot line.

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Chapter 1104: Generally Applicable Standards

SECTION 1104.01 CONDITIONAL USES

1. **Purpose.** The Planning Commission, with the consent of City Council, or City Council without the consent of the Planning Commission, may grant conditional use permits for certain uses which are not permitted by right under this Zoning Code. In granting a conditional use permit, the Commission shall make a determination based on information presented that the conditional use shall conform to the intent of this Code and meet the conditions and safeguards for such use as established by City Council. The Planning Commission, or City Council, may require additional conditions and safeguards above and beyond those provided in the “Conditional Use Standards” sub-section. If such additional conditions and safeguards are reasonably necessary to carry out the purpose and intent of a specific conditional use. Further, any conditions and safeguards specifically established may be waived by the Planning Commission, with the approval of City Council, or by City Council without the approval of the Planning Commission, if such conditions and safeguards can be shown to be superfluous, outdated or otherwise unnecessary to the particular conditional use for which an application is being made.
2. **Conditional Use Standards.** In addition to any use-specific standards required by this code, a conditional use permit will need to have the following general standards considered by the Planning Commission and City Council.
 - a. The proposed use will be consistent with the purpose and intent of this zoning code and the adopted City of Elyria Comprehensive Plan.
 - b. The proposed use is necessary to serve the community needs;
 - c. The proposed use is adequately served by essential public facilities and services;
 - d. The proposed use will be compatible with the character of the general area;
 - e. The proposed use will not involve uses, activities, processes, materials, equipment or conditions of operation, that will be detrimental to any persons, surrounding properties and uses, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic that could be detrimental to the public health and safety.
3. **Revocation.** A conditional use permit shall become null and void if construction of the proposed use, or the proposed use for which a conditional use permit has been granted, has not begun within one year after approval by Council. Upon revocation of a conditional use permit, all uses shall conform to the standards and requirements of permitted principal and accessory uses established for the particular zoning district.
4. **Expiration.** Any conditional use permit shall automatically expire after commencement of the permitted conditional use if the conditional use has ceased for a period of more than six (6) months

SECTION 1104.02 STANDARDS APPLICABLE TO ACCESSORY STRUCTURES

1. **Note to the Reader.** This Section specifically applies to accessory structures. Accessory uses shall be regulated in the following section, not in this section.
2. **Definition.** Accessory structures may include, but are not limited to the following: air conditioning units, carports, decks, garages, gazebos, generators, patios, open porches,

balconies, stoops, pergolas or trellises, sheds, accessory solar panels or wind turbines, swimming pools, hot tubs, etc.

3. **Permissibility of Accessory Structures.** Accessory structures are permitted in any district unless otherwise specified by this Section, this Code, or other City provision.
4. **Permit Required for Accessory Structures.** A zoning permit is required for any accessory structure.
5. **Fences shall require a zoning permit.** Fences are regulated by Section 1104.05 Fence Standards.
6. **Signs.** Outdoor advertising signs are not regulated by this Section; signs are regulated in Section 1104.09 “Off-Premise Sign Standards” and Section 1104.10 “On-Premise Sign Standards”.
7. **Location of Accessory Structures.** An accessory use and any accessory structure in or on which it is conducted must be located on the same lot as the principal use with which it is associated; Accessory uses, other than signs and fences, shall be located in the rear yard only and located not closer than three (3) feet from any lot line, six (6) feet from any alley and covering not more than 40% of the rear yard requirement found in the applicable district standards. this provision may be waived through a variance granted by the Board of Zoning of Appeals.
8. **Required Setbacks for Accessory Structures.**
 - a. With the exception of certain accessory structures detailed in this subsection, all portions of an accessory structure shall be set back from any lot line per the District Requirements.
 - b. Exceptions to Accessory Structure Setback Requirements
 - i. Ground-level uses and structures, such as asphalt or concrete paving, pavers, , and wood or faux-wood decking entirely within 8 inches of ground level, shall not be subject to the setback requirements that are generally applicable to accessory structures found in this subsection.
 - ii. Within districts (with minimum front setbacks for principal structures of 10 feet or less): front porches, balconies, elevated terraces, and stoops, where such accessory structures are not enclosed by windows and are open to the outdoors--except for railings, waist-level walls, or insect screens--shall not be subject to the front setback requirement that are generally applicable to accessory structures found in this subsection; instead, such accessory structures may extend up to six feet from the front of the principal structure. Such accessory structures shall not be permitted to extend beyond the front lot line into the public right-of-way unless granted a permit by the City Safety Service Director.
 - iii. With the exception of wind turbines mounted to the roof of the principal structure, no wind turbine shall be erected except where its base is set back from all lot lines by a distance equal to its height, where the height of a wind turbine shall be measured from the ground elevation to the highest reach of any

of its blades.

- iv. Add-on accessibility ramps and add-on accessibility elevators designed to allow access to the premises for persons with disabilities or with ambulatory challenges shall not be required to conform to the setback requirements that are generally applicable to accessory structures found in this subsection; instead, such accessibility ramps and accessibility elevators shall be permitted to be installed a minimum of six inches from the front property line or shall be a minimum of 18 inches from the public sidewalk, whichever is greater. This provision shall not apply to permanent accessibility ramps, such as those constructed with concrete as part of a new commercial structure, and shall not apply to permanent, integrated elevators, such as those installed in permanent elevator shafts in a new commercial or multi-unit residential building.

- c. [INSERT GRAPHIC HERE TO SHOW SETBACKS OF MULTIPLE ACCESSORY STRUCTURES]

9. **Height Maximums for Accessory Structures.** No accessory structure shall be erected except where such accessory structure satisfies all of the following conditions:

- a. Accessory structure height shall be limited by the applicable zoning district development standards. This provision shall not apply to signs (off-premise and on-premise), which are regulated in Sections 1104.09 and 1104.10. Please note that this Code allows for exceptions to height allowances for specified features, such as steeples, chimneys, solar panels, wind turbines, and the likes, for such exceptions, please refer to Section “Exceptions to Height Maximums.”
- b. No accessory structure, including an accessory wind energy system, shall impair the safe operation of aircraft, as determined by the Federal Aviation Administration.
- c. [INSERT GRAPHIC HERE TO SHOW ALLOWABLE HEIGHTS]

10. **Swimming Pool and Hot Tub Fences.** Swimming pools and hot tubs shall be required to install a fence to prevent the accidental entrance and drowning of children; such regulations can be found in Chapter 1395, “Swimming Pools” of the Elyria Codified Ordinances and any other applicable Ohio Revised Code sections.

SECTION 1104.03 STANDARDS APPLICABLE TO ACCESSORY BUILDINGS AND USES

- 1. **Note to the reader.** This section specifically applies to accessory uses. Accessory structures are regulated in the above section, not in this section.
- 2. **Definition.** a land use that is incidental and customarily found in connection with the principal use of a property. Accessory Buildings or Uses shall include: accessory dwelling units, day-care homes, home occupations, electric vehicle charging, animal husbandry. An accessory use may be occupied with the principal structure or a separate accessory building on the same property as the principal use. Accessory buildings and uses must meet the requirements listed.

- a. **Standards Applicable to Accessory Dwelling Units**

i. Definition. An accessory dwelling unit is a dwelling unit that facilitates a dwelling use secondary to a principal one-unit dwelling. Accessory dwelling units are sometimes referred to as granny flats, in-law suites, and carriage houses. If a lot contains a principal dwelling and an accessory dwelling, and if such accessory dwelling is detached from the principal dwelling, the accessory dwelling shall be the dwelling with the greater setback from the front lot line.

ii. Accessory Use-Specific Standards. No accessory dwelling unit shall be conducted except where all of the following conditions are satisfied:

1. A zoning permit is required;
2. **Eligibility.** No accessory dwelling unit may be erected except where all of the following conditions are satisfied:
 - a. The accessory dwelling unit is located within a district that permits one-unit dwellings via administrative review;
 - b. The accessory dwelling unit is located on a lot that contains a one-unit dwelling;
 - c. The accessory dwelling unit is located on a lot that conforms to the minimum lot area, minimum lot width, and minimum lot depth standards of the district in which it is located.
3. **Creation.** An accessory dwelling unit may be created through new construction, the conversion of an existing structure, or as an addition to an existing structure.
4. **Arrangement.** An accessory dwelling unit may be arranged as a detached structure, such as a garage conversion, or as attached to the principal one-unit dwelling, such as a basement unit or an attic unit.
 - a. [INSERT GRAPHIC HERE TO SHOW POSSIBLE ARRANGEMENTS OF ACCESSORY DWELLING UNITS.]
5. **Amenities Required.** An accessory dwelling unit shall, at a minimum, contain all of the following amenities:
 - a. A sleeping area or a bedroom area as defined by the applicable building code and provides light, air, ingress, and egress as required by the applicable building code;
 - b. A toilet and bathing facility;
 - c. A “junior kitchen” area that includes a kitchen sink and allows for the installation of plug-in kitchen appliances, such as a microwave, a single-burner, a toaster oven, and similar devices, meeting plumbing, electrical, and fire prevention requirements of the applicable building code; and
 - d. Utility separation from the principal one-unit dwelling where required by the applicable building code.

6. **Quantity.** No lot may contain more than one accessory dwelling unit.

7. Occupancy and Use.

- a. An accessory dwelling unit must conform to all building code and health code standards applicable to all dwellings.
- b. Occupancy of an accessory dwelling unit shall be limited to two adults per bedroom, as bedroom is defined by applicable codes;

8. Size and Height

- a. No accessory dwelling unit may exceed 1,200 square feet of gross floor area.
- b. Accessory dwelling units shall not exceed the height of the existing principal structure or shall not exceed the building height requirements found in the applicable zoning district.

9. **Location.** If an accessory dwelling unit is detached from the principal structure, no portion of such accessory dwelling unit shall be closer to the front lot line than the forward-most portion of the principal structure.

10. **Parking.** An accessory dwelling unit shall not require extra parking than required by this Code.

b. Standards Applicable to Home Occupations (Accessory Use)

i. Definition. An accessory use to a principal dwelling use (the principal dwelling use is permitted in single-family residential that is compatible with the character of the district and performed solely by the resident of the dwelling where a resident of such principal dwelling use conducts business activities. A home occupation conventionally includes the following: telework or remote office work performed by a resident of the dwelling. Home occupations may include the following:

- 1. Clerical and other similar business services;
- 2. Teaching for music, dance or other forms of teaching (maximum of two students at a time);
- 3. Office for an accountant, attorney, broker, consultant, planners, insurance agent, realtor, architect, engineer, sales representative, and other similar office-oriented occupations;
- 4. Artists, sculptors, photographers, home crafts,
- 5. Licensed barber shop, hair salon (maximum of one chair), or massage; and
- 6. Any other similar uses as determined by the Zoning Administrator

ii. Accessory Use-Specific Standards. No Home Occupation accessory use shall be conducted except where all of the following conditions are satisfied:

- 1. A zoning permit is required;

2. Home Occupations. A home occupation shall be permitted as an accessory use of a principal structure; all home occupations shall meet the requirements of the Ohio Building Code;
3. Exterior Appearance. No home occupation shall cause an alteration to the principal dwelling use's architecture, form, color, or presentation that would demonstrate to the public that the structure supports the conduct of any principal land use other than a dwelling use;
4. Outdoor Storage of Home Occupation-Related Materials. No home occupation shall result in the storage of materials outdoors and visible from the right-of-way, including any equipment associated with the home occupation;
5. Parking. Traffic and parking generated by a home occupation shall not be more than that generated by a single household and home occupations shall involve not more than one (1) receiver of such services at any one time;
6. Hours of Visitation. A home occupation may not serve in-person customers between the hours of 8:00 PM and 7:00 AM;
7. Signage. Signs that identifying the home occupation shall be limited to one sign no larger than four (4) square feet per face and be non-illuminated and shall be attached to the building. There shall be no other temporary or special sale signage related to the home occupations on the premises;
8. Deliveries. No home occupation shall cause the shipment of materials or goods that necessitates a semi-truck for pick-up from or delivery to a residential property; deliveries or shipments of materials via conventional two-axled delivery box trucks shall be permitted;
9. Animal Breeding. No home occupation shall comprise the raising and sale of more than one litter of animals at any time per lot; Animal breeding shall only permit animals including cats and dogs. This home occupation shall not include the boarding of more than two animals, not including the litter;
10. No equipment, processes, materials or chemicals shall be used which may create noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances which are detectable outside of the dwelling unit from which the home occupation is located;
11. The burden of proof that a home occupation complies with the limitations set forth herein shall be on the person or persons involved in such home occupation;
12. Not more than one (1) room of the dwelling unit shall be devoted to the home occupation use; and
13. No persons other than the residents of the premises shall operate the home occupation.

c. Standards Applicable to Day-Care Homes (Accessory Use)

i. Definition. Any Family Day Care Home Type A or Family Day Care Home Type B, as defined by the Ohio Revised Code. At the time of the drafting of this chapter, the Ohio Revised Code defined a Family Day Care Home Type A as 7 to 12 children (or 4 to 12 children if 4 children are under 2 years of age) cared for in the provider's home, where the provider's own children under 6 years of age must be included in the total count; and the Ohio Revised Code defined Family Day Care Home Type B as 1 to 6 children cared for in the provider's personal home, where no more than 3 children may be under the age of 2, and where the provider's own children under 6 years of age must be included in the total count. Type A daycares shall only be conditionally permitted in the Residential 1 and 2 Districts. Per Ohio Revised Code Section 5104.054, Type B daycares shall be a permitted use in all zoning districts in which residential uses are permitted.

ii. Accessory Use-Specific Standards. No Type A day-care home services use shall be conducted except where all of the following conditions are satisfied:

1. Type A daycare facilities shall only be permitted in One-Unit Residential in both the Residential-1 and Residential-2 zoning districts. No Type-A daycare facility shall be permitted in any multi-family residential use, mobile home, or accessory structure (i.e. two-unit dwellings, 3-8-unit dwellings, 9-plus unit dwellings, townhouse dwelling, cottage court dwelling, or mobile home park)
2. The minimum lot area satisfies the minimum lot area requirement for one-unit detached dwellings in the same district;
3. The minimum lot width satisfies the minimum lot width requirement for one-unit detached dwellings in the same district;
4. The minimum building setbacks satisfy the minimum building setback requirements for one-unit detached dwellings in the same district;
5. The drop-off/pick-up is located so as not to impede traffic safety.
6. Parking should be located to avoid the necessity for the parent and/or children to cross streets or access driveways
7. Outdoor Play Area. An outdoor play area shall be provided meeting the minimum requirements set forth by the state. The outdoor play area shall be completely secured and screened by a solid fence or a chain link fence of not less than four feet in height located in the rear yard.
8. Location. Shall not be located within 1,000 feet of another Type A day-care home, cannabis-dispensing facility, adult-oriented use, weapon sale use, or rehabilitation care housing (small and large).

d. Standards Applicable to Cottage Food Production and Operation (Accessory Use)

i. Definition. An accessory use that fits the definition of “Cottage Food Production Operation” as defined in Chapter 3715 of the Ohio Revised Code; at the time of this Code’s writing, the Ohio Revised Code defined a Cottage Food Production Operation as a person who, in the person’s home, produces food items that are not potentially hazardous foods, including bakery products, jams, jellies, candy, fruit butter, and similar products. For the purposes of this Code, a Cottage Food Production and Operation use may include the sale or distribution of food products produced in the home.

ii. Accessory Use-Specific Standards. No Cottage Food Production and Operation accessory use shall be conducted except where all of the following conditions are satisfied:

1. A zoning permit is required;
2. Residential Kitchen Appliances Only. No home where a Cottage Food Production and Operation use is conducted shall contain more than one stove or oven used for cooking designed for common residential usage and not for a commercial usage; that stove or oven, which may be a double-oven, shall be operated in an ordinary kitchen within the residence.
3. Deliveries. No Cottage Food Production and Operation use shall cause the shipment of materials or goods that necessitates a semi-truck for pick-up from or delivery to a residential property; however, deliveries or shipments of materials via conventional two-axled delivery box trucks shall be permitted on an infrequent basis.

e. Standards Applicable to Drive-Thru Services (Accessory Use)

i. Definition. An accessory use of a restaurant, bank, pharmacy, or other commercial establishment that allows customers to communicate with an establishment’s staff, place orders, receive services or goods, or make payments without exiting their private automobiles. This service is typically provided through a window or a series of windows where transactions can be completed.

ii. Accessory Use-Specific Standards. No drive-thru services accessory use shall be conducted except where all of the following conditions are satisfied:

1. A zoning permit is required;
2. No Drive-Thru Services use shall cause the blocking of a fire lane.
3. No Drive-Thru Services use shall amplify sound to a volume audible by the users of adjacent lots.

f. Standards Applicable to Electric Vehicle Charging (Accessory Use)

i. Definition. The charging of an electric vehicle as an accessory use of other vehicle parking or storage uses, and including charging cables, plugs, and their associated converters/inverters.

ii. Accessory Use-Specific Standards. No electric vehicle charging accessory use shall be conducted except where all of the following conditions are satisfied:

1. A zoning permit is required;
2. Electric Vehicle Charging shall be considered an accessory use of any vehicle parking space.
3. No electric vehicle charger may be located within three feet of a lotline.
4. No electric transformer box associated with nine or more electric vehicle charging stations may be situated on a lot except when screened with a fully opaque fence or wall.

g. Standards Applicable to Food Trucks (Accessory Use)

i. Definition. An accessory use comprising the preparation and/or vending of prepared “carry-out” foods from food trucks (not to exceed two) or mobile kitchens on private land. Typically, these food trucks are operated from “box trucks”. Note that any food truck serving prepared food must conform to any applicable health code regulations and that this Planning and Zoning Code regulates food trucks operating on private lands; any food truck operating on a public right-of-way is not regulated by this Planning and Zoning Code and the operator must secure a right-of-way permit from the Safety Service Director.

ii. Accessory Use-Specific Standards. No food truck accessory use shall be conducted except where all of the following conditions are satisfied:

1. A zoning permit is required;
2. No food truck may operate between the hours of 11:00pm and 11:00am, including set-up and break-down;
3. No food truck may be operated within 3 feet of a side lot line or a rear lot line of any lot;
4. No food truck may be operated within 15 feet of a building;
5. No food truck may be operated within 50 feet of the entrance of a restaurant;
6. No food truck may be operated within 50 feet of a dwelling unit;
7. No food truck may obstruct a public sidewalk, and no food truck may vend to customers on a sidewalk where such sidewalk is narrower than six (6) feet;
8. No food truck contained within a food truck park may be operated in any designated fire lane;
9. No food truck may be operated except upon a level, paved surface with safe pedestrian access; and
10. No food truck shall violate the City’s noise ordinance; see Section 509.08.

h. Standards Applicable to Home Animal Husbandry (Accessory Use)

i. Definition. An accessory use consisting of the non-commercial raising and care of chickens or backyard hens, as an accessory to a principal one-unit residential dwelling use. This term does not include the raising of pets, such as dogs, cats, indoor tropical fish, indoor pet parrots and other non-farm-type pet birds, indoor pet reptiles, and indoor pet amphibians.

ii. Accessory Use-Specific Standards. No animal husbandry accessory use shall be conducted except where all of the following conditions are satisfied:

1. A zoning permit is required;
2. Home Animal Husbandry shall only be permitted in a one-unit residential;
3. No Home Animal Husbandry use shall be permitted in any multi-unit residential use, mobile home, or accessory structure (i.e., two-unit dwelling, 3-8-unit dwelling, 9-plus-unit dwelling, townhouse dwelling, cottage court dwelling, or mobile home park);
4. The disposal of animal waste, emission of odors, excessive noise, or other external effects in violation of Part Five, General Offenses Code, of the Elyria Codified Ordinances shall be prohibited;
5. No Home Animal Husbandry accessory use shall consist of the slaughtering of animals;
6. Chickens shall be kept within a coop or enclosure (a fenced or wired in area, or pen, required in conjunction with a coop to provide an outside area for grazing).
 - a. Coops and enclosures shall be screened from the neighbors' view, using an opaque fence and/or landscape screen.
 - b. Any chicken coop or fenced enclosure shall be located in the rear yard of the property. No coop, enclosure or chickens shall be allowed in any front or side yard.
 - c. The coop shall provide a minimum of three-square feet per chicken and be of sufficient size to afford free movement of the chickens. The coop may not be taller than six feet measured from the natural grade, and must be easily accessible for cleaning and maintenance.
7. No roosters may be kept.
8. As a condition of the issuance of a zoning permit for this accessory use, a permit holder consents to inspection of their property if complaints are received from the City as related to animal husbandry. Following a complaint as to a particular property and upon notice to the permit holder, the permit holder shall allow the Building Department or other

authorized City staff to enter onto their property during a scheduled visit to ensure compliance with the regulations, provided herein.

9. No greater number of chickens may be raised or cared for as a Home Animal Husbandry use except as permitted by the table below:

Lot Area	Maximum Number of Backyard Hens
0.25-0.50 acres	4 hens (no rooster is permitted)
0.51-1.00 acres	6 hens (no rooster is permitted)
1.01-3.00 acres	8 hens (no rooster is permitted)
3.01-4.99 acres	12 hens (no rooster is permitted)
5.00 acres or greater	On a lot of 5 acres or greater, animal husbandry shall be considered a component of a principal urban farming use.

i. Standards Applicable to Beekeeping (Accessory Use)

i. Definition. The keeping or harboring of bees, including but not limited to honey bees and bumble bees, shall be limited to a maximum of two hives on a minimum lot size of 0.25 of an acre. One additional colony is permitted per additional 0.5 of an acre. Beekeeping shall only be permitted in the Residential 1, Residential 2, and Parks and Open Space districts.

ii. Accessory Use-Specific Standards. No beekeeping accessory use shall be conducted except where all of the following conditions are satisfied:

1. A zoning permit is required;
2. Location and Setbacks. No beehive shall be kept closer than 15 feet to any lot line and 20 feet to a dwelling unit. No bee hive shall be kept in a front yard or side yard. The front of any beehive shall face away from the property line of the Residential property closest to the beehive;
3. A solid fence or dense hedge, six (6) feet in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five (5) feet of the colony and shall extend at least 10 feet on either side of the hive. No fence or hedge shall be required if all beehives are located at least 25 feet from all property lines. All fences and hedges shall comply with Section 1104.06 of this Code.; and
4. A water source must be provided on the premises and in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.

SECTION 1104.04 PARKING STANDARDS

1. **Purpose of Parking Standards.** These parking and loading standards are intended to mitigate the negative impacts of motor vehicle parking on government interests, including impacts on neighborhood aesthetics, pedestrian safety, and stormwater management. Whenever a building or use constructed or established after the effective date of this Code is changed or enlarged in floor

area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

2. **Location, Size, and Access.** Off-street parking spaces shall be provided either in garages or parking facilities located on the premises intended to be served. In the case of commercial or industrial uses, such spaces, if not located on the premises to be served, shall be within 500 feet of any part of such premises.
3. **Parking Space Requirements.** The following parking space requirements shall be regarded as minimum requirements for design purposes:

Dimensions (ft.)				
	Angle (Deg.)			
Parking Spaces	45	60	75	90
A Stall depth to wall*	17.0	18.5	19.0	18.0
B Stall depth parallel to	18.0	18.0	18.0	18.0
C Aisle width	12.0	16.0	22.0	25.0
D Stall depth to interlock	15.0	17.0	18.0	18.0
E Stall depth reduction due to interlock	2.0	1.5	1.0	0.0
F Stall width perpendicular to vehicle	9.0	9.0	9.0	9.0

*For bumper overhang, deduct 1.5 ft. from stall depth to wall or 3 ft. from wall to wall for 45 degree and 60-degree parking. The equivalent dimensions for 75 degree and 90-degree parking are 2.0 ft. and 4.0 ft., respectively.

4. **Parking in Front Yards.** Permitted front yard parking shall include motor vehicles as defined in [Section 301.20](#) of the Traffic Code, except trucks, tractors, or any other commercially licensed vehicles over one-ton capacity which are prohibited from parking in the Residential 1, Residential 2, and Corridor Districts. Parking for trucks, tractors, or any other commercially licensed vehicles over one-ton capacity these uses not permitted in a residential district shall not be permitted in a residential district, nor shall any residential district property be utilized as access for uses not permitted in that residential district.
5. **Recreational Vehicles.** The parking of recreational vehicles shall be subject to the following regulations:
 - a. The parking of recreational vehicles shall not be permitted in the Corridor and Downtown zoning districts.
 - b. Camping and recreational vehicles may be connected to electric only. At no time shall said vehicles be used for living or housekeeping purposes while located on the residential premises. Said equipment shall have current licenses.
 - c. If the camping or recreational vehicle is parked outside of a garage, it shall be parked no less than 10 feet from the front property line, and no less than three (3) feet from any other property line.
 - d. The number of recreational vehicles parked outside any enclosed structure shall be

- limited to two (2), with not more than one (1) located in the front yard.
- e. Recreational vehicles shall be parked on a fully improved or legally nonconforming driveway in a front, rear or side yard, or on paver-bricks or similar material in a side or rear yard.
6. **Temporary Storage of Inoperable Vehicles.** The temporary storage of inoperable vehicles shall be limited to one inoperable vehicle per lot and shall be stored on a paved surface; however, a vehicle-oriented use (such as a car sales use or car rental operation) shall be permitted to store more than one inoperable vehicle per lot where such storage is temporary. For the purposes of this regulation, “temporary” shall be interpreted to mean six months or less in duration; and “permanent” shall be interpreted to mean more than six months in duration.
7. **Parking Areas with Electric Vehicle Charging Stations.** Any parking space of any motor vehicle parking area or driveway may contain an electric vehicle charging station, provided that any electric vehicle charging station is set back from any lot line by at least three feet.
8. **Units of Measurement.** In computing the number of parking spaces required by this Zoning Code, the following shall apply:
- Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross leasable area of all floors of a non-residential building.
 - 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 20 linear inches of seating units.
 - Fractional numbers shall be increased to the next higher whole number.
 - Parking space requirements for a use not specifically mentioned in this Zoning Code shall be determined by using the most similar and restrictive parking space requirement as determined by the Zoning Administrator.
9. **Parking Minimums.** For the purpose of this Zoning Code, the following parking space requirements shall apply, except within the Downtown District (no parking minimums are required). The Zoning Administrator is hereby authorized to determine the off-street parking requirements for uses not specifically listed in the table below based on the most appropriate use or uses listed. The determination provided by the Zoning Administrator can be appealed to the Board of Zoning Appeals. See the Variances process within the Administration and Procedures for more information, Chapter 1106.

Use	Parking Minimum
Automotive Sales	1 space for each 800 square feet
Automotive Repair	2 spaces for each service bay
Car Washes	2 spaces per wash bay
Care Facility	1 space for each 4 beds
Contractor Yard	1 space for each 1,000 square feet of floor

	area plus one space for each facility vehicle.
Day Care Facility (non-home)	1 space for each four persons of design capacity.
Educational Institutions	2 spaces for each classroom plus 1 space for each 4 seats in the auditorium. High schools shall also include 1 space for each 10 students of design capacity.
Financial Institution	One space for each 400 square feet of floor area plus sufficient stacking space to accommodate the number of automobiles equal to five times the number of drive-through teller windows.
Funeral Home	One space for each 200 square feet of floor area plus one reserved space for each hearse or company vehicle.
Gas Stations	1 space per pump
Government Buildings	1 space for each 200 square feet of floor area.
Hospitals	1 space for each 2 beds
Hotels, Motels, and Inns	1 space for each room and plus 1 space for each 400 square feet of public meeting area or restaurant area.
Manufacturing	1 space for each 600 square feet up to 3,000 square feet of gross building area. For buildings over 3,000 square feet of gross building area, one space for each 800 square feet of gross building area shall be required.
Office	1 space for each 400 square feet of floor area.
Parks	To be determined by the Zoning Administrator
Religious Places of Worship	1 space for each five seats in the place of assembly
Residential	2 spaces for each dwelling unit.
Retail Business	1 space per 400 square feet of floor area
Restaurants	1 space per 250 square feet of floor area
Restaurants with Drive-Thrus	1 space per 250 square feet of floor area plus sufficient stacking space for 5 vehicles at each Drive-Thru window

Self-Storage	1 space per 10 door openings, plus parking for uses on the site such as truck rental
Warehousing	1 space for each 1,000 square feet or 1 space for each employee, whichever is less.

10. General Parking Facility Requirements. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:

- a. **Surfacing.** Any off-street parking area for more than five (5) vehicles and any parking lot within 100 feet of a residential district shall be suitably paved so as to provide a durable and dustless surface of asphalt, concrete, brick, or other surface approved by the Zoning Administrator of sufficient strength to support vehicular loads imposed on it, except that the foregoing requirements, with respect to a paved surface, shall not apply to a parking area located in an Industrial 1 or 2 District. The areas of the driveway in a front yard shall not exceed one-third of the area of such yard, and the width of such driveway shall not exceed twenty feet measured at the front lot lines.
- b. **Minimum Distances and Setbacks.** No part of any parking area for more than five (5) vehicles shall be closer than 10 feet to any dwelling, educational institution, hospital or other institution for human care. No parking area shall be located within the front yard or side street side yard required on any lot.
- c. **Access.** There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access as follows:
 - i. For single household detached dwellings or two household dwellings, the access drive shall be a minimum of eight (8) feet in width.
 - ii. For all other uses, the access drive shall be a minimum of 20 feet in width.
 - iii. All parking spaces, except those required for single household detached dwellings and two household dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or onto a public street or alley shall be traveling in a forward motion.
 - iv. Parking for uses not permitted in a residential district shall not be permitted in a residential district, nor shall any residential district property be utilized as access for uses not permitted in that residential district.
- d. **Drainage.** All parking spaces, together with driveways, aisles and other circulation areas, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or public streets. Adequate arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system.
- e. **Wheel Stops.** Any parking space that (1) is associated with any use other than a one-unit or two-unit dwelling and that (2) has a front or a rear yard that abuts the perimeter of the parking area (or perimeter landscaping strip) must be equipped with a wheel stop. Each wheel stop shall be a singular block of durable material with a maximum height and width of six (6) inches and a maximum length of six (6) feet. Wheel stops are to be securely fastened to the ground and located no less than two (2) feet from the perimeter of the parking area and no less than four (4) feet from any structures, buildings, walls, or plant material, excluding ground cover.
- f. **Buffering.** All parking facilities for more than five (5) vehicles shall be screened by a

landscaping strip of not less than five (5) feet when abutting a Residential or Parks and Open Space District.

- g. **Visibility.** With the exception of the Downtown District, access of driveways for parking facilities shall be located in such a way that any vehicle entering or leaving such parking area shall have an unobstructed line of sight in all directions and shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street or alley.
 - h. **Parking Space Marking.** Designated parking spaces shall be marked on the surface of the parking area with paint or permanent marking materials and maintained in a clearly visible condition.
 - i. **ADA-Compliant Parking.** For every use, except one-unit dwellings and two-unit dwellings, accessible parking spaces shall be provided as required in the Americans with Disabilities Act Section 208 and Section 502. The Americans with Disabilities Act can be reviewed at the United States Access Board website.
 - j. **Maintenance.** Any owner of property used for parking facilities shall maintain such facilities in good condition without holes and free from all dust, trash, weeds and other debris.
 - k. **Signage.** Where necessary, due to multiple curb cuts, the entrance, exits and the intended circulation pattern shall be clearly marked in the parking area. Signage shall consist of pavement markings or freestanding directional signs in accordance with Section 1104.10.
 - l. **Lighting.** Any lights used to illuminate roadways, parking areas, and service areas shall be so arranged as to direct the light away from the adjacent properties and rights-of-way. The maximum height of a light pole device shall not exceed 25 feet. The light lens shall be parallel to the ground and have no sidewall.
 - m. **Curbing.** All parking areas shall have continuous concrete curbing all along the perimeter, around islands, landscaping beds and other locations within the parking lot. The concrete curb shall be Type-2 or Type-6 as per ODOT Standard Drawing BP-5.1 or equivalent.
- 11. Additional Parking Facility Requirements (non-residential).** The following regulations and standards shall apply to access drives and parking facilities for other than one or two household uses (i.e.: commercial, industrial, institutional, religious places of worship and other non-one and two household uses).
- a. Owners of private property are responsible for the construction and maintenance of access drives that serve such properties, including the portion of the access drives located within the public right-of-way. No person shall hereafter construct, build, establish or alter any access drives over, across or upon any public sidewalk or tree lawn without first obtaining a driveway permit in addition to the building permit in accordance with this section.
 - b. An application for a driveway permit shall be made by the property owner or his or her agent on a permit form furnished by the City Engineer. The applicant is responsible for the preparation of a detailed plan of the proposed drives. The plan submitted shall become a part of the permit record and shall contain information sufficient for:
 - i. A review of the application;
 - ii. A contractor to construct the proposed driveway in accordance with the terms of the permit; and
 - iii. Serving as a record of the work authorized by the City Engineer.
 - iv. A non-refundable permit fee for each curb cut, as established by Council, shall be paid at the time of issuance of the permit. Each construction, building, establishment or alteration of any access drive over, across or upon any public

sidewalk or tree lawn shall require a separate permit.

The detailed plan shall be drawn to a scale of one inch to 40 feet or less:

- a. General. The north point, scale and date of the plan;
- b. Property. The property boundary lines and dimensions thereof, the source of the same for which the access drive approval is requested, including existing easements and right-of-way lines, adjacent properties on the same frontage and adjacent properties on the opposite frontage, indicating the location of existing and/or known proposed ingress and egress to such properties;
- c. Topography. Topographical data, including existing street widths and the location of edges, curbs, islands, sidewalks, catch basins, inlets, fire hydrants, culverts, drainage ditches or water courses and other items located in the street right-of-way along the frontage of the property being served by the proposed access drives, the exact location and dimensions of existing curb cuts, if any, and the existing directions of traffic flow on the subject property and into and from public ways;
- d. Proposed Access Drives. The exact location, dimensions and type of construction of proposed facilities of ingress and egress to the subject property, proposed curb cuts, if any, and the proposed direction of traffic flow on the subject property and into and from public ways. The detailed plan of the driveway shall be accompanied by a detailed site plan, if needed, to show all information both on and off the street right-of-way that will affect traffic movement, such as curbs, parking facilities, buildings, pump islands and loading dock locations;
- e. Drainage. The method of surface water (storm water) run-off control that ensures that concentrated flows will not be directed by the proposed driveway across sidewalks or public street pavements or curbs, and the location and description of proposed drainage structures within the public right-of-way, if any;
- f. Applicant. The name and address of the person seeking approval of the proposed access drive; and
- g. Approval Blank. Provision on the face of the site plan for the approval stamp of the City Engineer. Approval of a driveway permit shall be considered only as approval of proposed work within the public street right-of-way. The location and design of all items related to traffic movement upon the private property, such as curbs, parking facilities, parking aisles and pump islands, shall be subject to the review and approval of the Zoning Administrator. The City Engineer shall determine whether or not the proposed access drive conforms with the following requirements:
 - i. Driveway Width. The minimum width of a drive for commercial, institutional, religious places of worship and other non-one and two household uses, excluding industrial uses shall be 15 feet for a one-way drive and 24 feet for a two-way drive, and the maximum width shall be 18 feet for a one-way drive and 36 feet for a two-way drive at moderate volume locations (150 parking spaces or less). The minimum width for commercial or multi-household driveways at high-volume locations (over 150 parking spaces) shall be the same and the maximum width shall be 48 feet plus a median width that may vary between four (4) and 12 feet.
 - ii. The median width may be delineated with raised curb or surface traffic painting. The width of an industrial driveway shall be a minimum of 20 feet for a one-way drive and 28 feet for a two-way drive, and the maximum width shall be 24 feet for a one-way drive and 36 feet for a two-way drive, unless a median is provided in the driveway, in which case the maximum width may be the same as the maximum commercial or multi-household driveway. The width shall be

measured along the line parallel to the centerline of the street at the street right-of-way line or at the location where the radius flare becomes tangent to a line perpendicular to the street.

- h. Driveway Alignment. The intersection angle of the centerline of the driveway and the street shall be between 70 and 90 degrees except for gasoline stations, which shall be between 45 and 90 degrees.
- i. Curb Requirements; Curbed Streets. Drives abutting curbed streets may be either curbed or uncurbed. Where a drive abuts a street with a rolled-type curb with a maximum width of four (4) inches, the owner may either install a depressed curb two (2) inches high or construct the drive flush with the top of the curb. Where a proposed drive abuts a street with a vertical-type curb, the owner shall install a depressed curb not higher than two (2) inches above the original gutter line of the street.
- j. Curb Requirements; Uncurbed Streets. Drives abutting uncurbed streets may be either curbed or uncurbed. However, the drive curb shall not extend closer to the through pavement edge than eight (8) feet.
- k. Sidewalk Ramp. Where a drive curb is extended past a sidewalk, a sidewalk ramp shall be installed.
- l. Driveway Edge Turning Radius. When the drive apron is constructed with a radius edge, the minimum radius shall be 20 feet for uncurbed street locations and 15 feet for curbed street locations. When the drive apron is constructed with straight edges, the paved surface area shall provide for the turning movements that can be made on a radius drive with the minimum radius specified in this paragraph. For determining acceptable straight edge design the turning radius may be considered as being tangent to a line two (2) feet to the street side of the back of the street curb, and tangent to a line one (1) foot to the drive side of the edge of the drive.
- m. Length of Dropped Curb. The maximum length of a dropped curb or the maximum length of a drive apron meeting the back of a rolled curb shall be 80 feet.
- n. Material Requirements.
 - i. Drive aprons constructed on curbed streets shall be constructed with Portland cement concrete. The minimum thickness shall be six (6) inches for drives to be used by passenger cars and light trucks and eight (8) inches for drives to be used by heavy trucks.
 - ii. Drive aprons constructed on uncurbed streets may be constructed with either Portland cement concrete or asphalt concrete. Concrete thickness shall be as noted above. The minimum thickness of a drive shall be either 2.5 inches of asphalt concrete over eight (8) inches of aggregate base or one (1) inch of asphalt concrete over five (5) inches of bituminous aggregate. The owner shall use additional thicknesses of material for locations where heavy trucks will use the driveway.
 - iii. On concrete drive aprons, expansion joint material shall be provided between the curb and apron and between the apron and the sidewalk.
 - iv. Where an apron crosses an existing sidewalk of less thickness than the required concrete the sidewalk shall be removed and reconstructed.
 - v. The sidewalk area through an asphalt drive shall be constructed with concrete.
- o. Offset Location. All drives shall be located to minimize the offset distance from another drive or a street intersection on the far side of the street.
- p. Spacing Between Curb Cuts. The minimum spacing between curb cuts serving the same property shall be 80 feet along arterial streets, 60 feet along collector streets and 20 feet along local streets.
- q. Sight Distance. A drive to be located along a property frontage that has less sight distance

available than the minimum sight distance required for making all turning movements safely shall be located to provide the maximum sight distance available for right turns for ingress and egress and shall be restricted in use to right turns only.

- r. Number of Curb Cuts. The maximum number of curb cuts to be allowed for one property along one frontage on both arterial and collector streets shall be two. Any number of curb cuts meeting the length and spacing requirements may be installed along local streets. As used in this paragraph "property" means:
 - i. A platted lot under single ownership which is of record at the time of passage of this section;
 - ii. Two or more platted lots or combinations of lots with continuous frontage under
 - iii. An unplatted parcel of land with continuous frontage under single ownership, except land where a final plat is approved by the Planning Commission after such date, in which case each new parcel shall be considered as one property.
- s. Spacing at Corners. The minimum spacing from the end of a curb cut for a drive to a public street intersection shall be 10 feet plus the radius of the intersection curb or the edge of the pavement, but not less than 35 feet as measured from the curb line or edge of the pavement projected from the cross street to the curb cut along the street curb line.
- t. Major Traffic Generators. Access drives for major traffic generator developments with over 100 parking spaces shall be located not less than 200 feet on arterial streets and collector streets and not less than 100 feet on local streets from a street intersection as measured from the near curb line or the edge of the pavement projected from the cross street to the centerline of the driveway.
- u. City Utility Adjustments. If the drive requires a change in any City owned item, the owner shall be responsible for the expense of the adjustment as required for the following:
 - i. Pole relocation;
 - ii. Manhole cover adjustment to grade;
 - iii. Relocation or adjustment to grade of a water valve box;
 - iv. Relocation or change on a street inlet; and
 - v. Moving a fire hydrant to provide six (6) feet of clearance from the edge of the apron and the centerline of the hydrant.
- v. Joint Use Driveways. A permit may be issued for a joint use drive, provided the owners of both properties file a joint application for the drive.
- w. Median Openings. No new median openings for drives shall be permitted on divided streets.
- x. Parking Aisles.
 - i. No on-site vehicular parking aisle or on-site access drive shall be located less than 30 feet from any parallel public street, measured from the nearest curb line of the aisle or access drive to the nearest right-of-way line of the parallel public street.
 - ii. Commercial drives serving parking facilities with 100 or more parking spaces constructed along any classification of street should be designed to prevent cross movement of internal traffic on the property for a distance of 100 feet from the street right-of-way line. This may be accomplished by the use of a raised divider or by the use of curbing.
 - iii. Industrial drives serving parking facilities with 100 or more parking spaces constructed along an arterial street should be designed to prevent cross movement of internal traffic on the property side of the street right-of-way line for a distance of 100 feet from the street right-of-way line.
- y. Driveway grades.

- i. Where possible, the driveway crossing of the sidewalk shall be made with no change in the sidewalk grade. Where conditions preclude meeting this objective, the sidewalk shall be warped to meet the driveway grade. Sidewalk step-down sections shall not be used.
- ii. Within the right-of-way limits, the drive grade shall be limited to a maximum of six (6) percent. Where possible, the profile of the commercial or industrial drive shall have a relatively flat area 30 feet long from the edge of the pavement to permit vehicles from turning off a roadway without immediately climbing or descending.
- iii. The drive shall have small sag or crest rounding as may be required in the vertical profile, at a grade change point, to provide vehicle clearance.

SECTION 1104.05 VISION CLEARANCE TRIANGLE

1. **Purpose of Vision Clearance Triangle.** These vision clearance triangle standards are intended to reduce visual obstructions and mitigate the dangers associated with motor vehicles turning onto streets and to advance the government's interests in public health and safety.
2. **Applicability.** These vision triangle clearance standards shall apply at any street-and-street intersection and any street-and-driveway intersection.
3. **Vision Clearance Triangle Definition.** For any street-and-street intersection, the vision triangle shall be defined as the area bounded by the street property lines of corner lots and a line joining points along said street lines 20 feet from their point of intersection. For any street-and-driveway intersection, the vision triangle shall be defined as the area bounded by the street property line and the edge of the driveway and a line joining points along said street and driveway 20 feet from their point of intersection.
4. **Vision Triangle to Remain Clear.** No structure, vegetation, sign, or other visual obstruction shall be placed within the vision triangle except where the structure, vegetation, or sign fulfills one of the following conditions:
 - a. The structure, vegetation, or sign does not exceed three feet of height above the crest of the driveway or the street with a more minor classification at a street-and-street intersection;
 - b. The structure, vegetation, or sign presents a visual obstruction of a pole-type nature, such as a support beam or a tree trunk, where the pole-type visual obstruction is less than one foot in diameter, with no greater visual obstruction between three and eight feet of height above the crest of the driveway or the street with a more minor classification at a street-and-street intersection.
5. No vision clearance triangle is required for unimproved or unpaved alleys.



Figure 6: Diagram showing the Vision Clearance Triangle for corner lots

SECTION 1104.06 SCREENING, BUFFERING, FENCE, AND OUTDOOR STORAGE STANDARDS

SCREENING AND BUFFERING.

Screening or buffering shall be provided for any permitted or conditionally permitted non-residential uses which abut any residential district, in addition to setback and yard requirements provided elsewhere in this Code. The following provisions shall apply with respect to screening.

1. Screening shall be provided for one or more of the following purposes:
 - a. A visual barrier to partially or completely obstruct the view of structures or activities.
 - b. An acoustic screen to aid in absorbing or deflecting noise.
 - c. A physical barrier to contain debris and litter
2. Screening may consist of one (1) or a combination of the following materials
 - a. A solid masonry wall.
 - b. A solidly constructed decorative fence.
 - c. A louvered fence.
 - d. Dense vegetation.
 - e. A landscaped mound.
3. Height of screening shall be in accordance with the following:
 - a. Visual screening walls, fences, plants, or mounds shall be a minimum of five and a half (5 ½) feet in height in order to accomplish the desired screening effect, except in required front yards where the maximum height shall not be greater than four (4) feet. Plantings shall be a minimum of four (4) feet in height at the time of planting.
 - b. Dense plants with a minimum height of four (4) feet at planting and a mature height of at least five and a half (5 ½) feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent lands zoned for residential uses, except for the portion of such boundary located within a required front yard.
4. Buffering to absorb or deflect noise shall have a depth of at least 15 feet of dense plants or a solid masonry wall in combination with plants. The height shall be adequate to absorb noise such that a level of 65 decibels or less is attained at the property line on the side of the fence opposite the subject property.
5. Whenever screening is required adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles.
6. All screening shall be trimmed, maintained in good condition and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.
7. Any screening and buffering required under the provisions of this Code shall be provided at the time of the site improvements by the developer or property owner making the site improvements.

FENCE STANDARDS

A fence, means a structure or a continuous barrier erected around or by the side of any open space to prevent passage or for protection. A fence or wall may be solid or open and may be constructed of masonry, metal, wood or any other material securely fastened to the ground. A hedge or other natural

plant species which has been planted to form a continuous barrier to prevent passage or for protection shall be considered a fence for the purpose of this chapter.

Measuring Fence Height. Fence height at a given location along a fence line shall be the difference in elevation between the grade at the base of the fence and the top of the fence at that location. The grade at the base of the fence shall be the elevation of the ground surface before mounding or building-up of the ground surface, if any, occurred. If a fence occurs along a terraced portion of earth, such as a retaining wall, its height is measured from the higher ground elevation.

The following are applicable to all fences erected on all property, except as otherwise set forth herein:

General Fence Requirements in all zoning districts.

- Front Yards. Fences in front yards shall be no more than four feet in height and shall be open for at least 50% of its projected area. The open space shall be evenly distributed (i.e.: chain link; picket with 2" board, 2" opening; etc.).
- Fence Gates. Fence gates, doors and other obstructions shall not swing across public sidewalks or a public right-of-way.
- Advertising. No advertising shall be allowed on any fence
- Retaining walls which measure more than three (3) feet above the lowest grade level they are proposed to serve shall be protected by a fence not less than four (4) feet high, except that such fence need not be more than three (3) feet high when the retaining wall extends beyond the building line.
- Fences shall be erected to withstand the wind load as specified in the Ohio Basic Building Code, shall be placed perpendicular to the ground and shall be substantially and properly supported according to standard practice.
- No fences shall be installed such that they violate the provisions of the Vision Clearance Triangle standards. *See the Vision Clearance Triangle standards in Section 1104.05.*
- Fence Maintenance. All fences shall be maintained and in a safe and upright condition.
- Permit Required. The installation of a fence shall require a zoning permit from the Zoning Administrator.
- Any fence in excess of eight (8) feet will require an applicable variance from the Board of Zoning Appeals and final approval from the Building Department.
- Fences shall be permitted to be installed a minimum of six inches from the front property line or shall be a minimum of 18 inches from the public sidewalk, whichever is greater.

Fence Requirements in Commercial and Industrial Districts.

- Side yard and rear yard fences shall not exceed eight (8) feet in height.
- High-Intensity Industrial Uses. Fences enclosing high-intensity industrial uses, shall include a barrier of at least six (6) feet in height, constructed of nontransparent material and maintained to obscure junk and all items from ordinary view of passersby upon State, County, Municipal and Township highways, roads and streets. The fence shall be maintained in good order and repair. No advertising shall be permitted on such fence, other than the name of the person under whose name the facility is operated and the nature of the business conducted therein
- Barbed Wire in Industrial Districts. Fences may be topped with barbed wire only within the Industrial-1 and Industrial-2 zoning districts. Barbed wire shall be placed at a 45-degree angle-

arm away from the side of the fence that fronts a property line, public sidewalk or public right-of-way. No fence shall be entirely constructed of barbed wire, be in any way electrified or be topped with broken glass, spikes or other sharp-edged materials

- A fence used for equipment security or protection or when required to fully screen areas or activities from public view as may be required by Design Review Guidelines, may exceed eight (8) feet in height when approved in advance by the Zoning Administrator.

Fence Requirements in Downtown, Corridor, Parks and Open Space, and Residential Zoning Districts.

- Side yard and rear yard fences shall not be higher than six (6) feet.
- Fences shall not be topped with sharp points such as may result in bodily injury.
- Fences shall not include barbed wire.
- If a natural plant species is used as a fence and the plant species used has briars, prickles, thorns or any other foliage which can scratch, injure or harm a person or animal, the owner of such natural plant species used as a fence shall keep it trimmed. Fences formed of a natural plant species may be compact throughout.

OUTDOOR BULK STORAGE OR DISPLAY.

The outdoor storage or display of bulk goods, including seasonal items such as firewood and mulch, shall be regulated by the following standards:

- The outdoor storage or display of merchandise, inventory or materials shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways.
- The outdoor storage or display of merchandise, inventory or materials shall not be located in any required front yard area.
- The outdoor storage or display of merchandise, inventory or materials shall not include the use of banners, pennants or strings of pennants.
- Outdoor storage areas shall be fully screened with an opaque fence or wall not to exceed the height restrictions of the applicable fencing requirements.

SECTION 1104.07 OUTDOOR LIGHTING STANDARDS

1. **Intent of Outdoor Lighting Standards.** Outdoor lighting intensity must be limited to reduce nuisances to neighboring uses and protect the night sky from light pollution.
2. **Applicability.** The following exterior lighting is exempt from the requirements of this Section:
 - a. FAA-mandated lighting associated with a utility tower or airport;
 - b. Lighting for the United States flag, Ohio flag, a County or City flag, a corporate flag, or any other flag;
 - c. Festive lighting during the months of November, December, and January, provided the lighting does not create unsafe glare on street rights-of-way;
 - d. Battery-powered emergency lighting;

- e. Architectural lighting using lamps of 800 lumens or less; and
 - f. Public safety lighting.
3. **Outdoor Lighting Standards.** All outdoor lighting, in the subsection above, shall comply with all of the following standards:
- a. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.
 - b. Lighting may not be oriented to direct glare or excessive illumination onto adjacent properties, streets, or sidewalks. All outdoor lighting must include full-cutoff shields to direct light downward as illustrated in the graphic below.

SECTION 1104.08 DUMPSTERS AND SOLID WASTE STORAGE STANDARDS

- 1. **Setbacks.** Dumpsters and other solid waste storage containers shall be located in compliance with the same minimum setbacks and may not be located closer to the street right-of-way than the principal structure on the lot.
- 2. **Screening.** Dumpsters, shall be completely screened with an opaque, 7-foot-high fence or wall. The requirements are separate from fencing requirements found in Section 1104.06.
- 3. **Surface.** Any dumpster or trash collection area in a zoning district requiring paved parking or driveway areas shall be located wholly on a paved surface, including any access leading to such area, such that vehicles entering and exiting the area to dispose of refuse or empty the refuse containers will not damage the accessway.
- 4. **Conformance.** Any existing dumpster, trash collection area and related service entrances located in a residential district shall fully conform to the provisions of this chapter

SECTION 1104.09 OFF-PREMISE SIGN STANDARDS

- 1. **Off-Premise Signs.** This section establishes the regulations for the continuing use of outdoor advertising in order to encourage an attractive environment for businesses, inform and direct the general public, protect and enhance the physical appearance of the community, ensure public safety along streets and highways, and provide businesses with a format for advertising the goods and services made available by the business community. Outdoor advertising should be regulated to provide for safe structures, to be properly located so as to meet uniform standards for construction and maintenance, and to be maintained to conform to a neat and pleasant community appearance. Furthermore, the city has determined that, without adequate regulation and design standards, signs are a nuisance. The number of signs in the city is excessive and is unduly distracting to motorists and pedestrians, creates a traffic hazard, and in some places reduces the effectiveness of signs. The following regulations shall be known as the outdoor advertising ordinance of the City of Elyria.
- 2. **Definitions.** Where terms are not defined in this chapter and are defined in other chapters of this Zoning Code, they shall have the same meanings ascribed to them as in those chapters. Undefined terms shall have ascribed to them their meanings as found in the latest edition of Merriam Webster's Third New International Dictionary of the English Language or such as the context herein may imply.

- a. Back-to-Back Sign means an off-premises sign consisting of two sign facings oriented in opposite directions with not more than two faces per sign facing.
- b. Directional Sign means a sign erected for the convenience of the public, such as for directing traffic movement, parking, or identifying rest rooms, public telephones, walkways and other similar features or facilities, and bearing no advertising message.
- c. Double Faced Sign means an off-premises sign with two adjacent faces oriented in the same direction and not more than 10 feet apart at the nearest point between the two faces.
- d. Facing means that portion of an off-premises sign upon which advertising is affixed or painted and which is visible in only one direction at one time.
- e. Freestanding Sign means an off-premises sign erected on a free-standing framework supported and affixed by one or more uprights or braces in or upon the ground.
- f. Multiple Faced Sign means an off-premises sign comprised of sections which rotate to display a series of advertisements, each advertisement being displayed for at least six (6) seconds continuously without movement; the duration of movement of sections between advertisements not exceeding two (2) seconds. For determination of permit fees, the total area of each display shall be calculated (i.e., 3 displays at 300 square feet each totals 900 square feet of sign area).
- g. Official Sign means a sign erected by a governmental agency or its designee, setting forth information pursuant to law.
- h. Off-Premises Outdoor Advertising Sign (billboard) means a sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located. The following shall not be considered an off-premise sign for the purposes of this chapter:
 - i. Directional or official signs authorized by law
 - ii. Temporary signs
 - iii. On-premises signs
- i. On-Premises Sign means a sign which advertises the primary goods or services sold or taking place upon the premises on which the sign is located. See Section 1104.10 "On-Premises Signs."
- j. Roof Mounted Sign means an off-premises sign attached to the roof of a building.
- k. V Type Sign means an off-premises sign structure which consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding 10 feet apart at the nearest point to each other.
- l. Wall Sign means an off-premises sign attached to the wall of a building or structure.

3. Off-premises signs shall be permitted in the following zoning districts:

- a. Commercial
- b. Industrial 1
- c. Industrial 2

4. **Legal Nonconforming Signs.** Any off-premises sign lawfully erected and in existence on the effective date of this Zoning Code which does not meet the requirements of this chapter may be maintained as a matter of right as a legal nonconforming sign and may be rebuilt or relocated on the same property, provided that the sign's degree of nonconformity is not increased.
3. **Sign Measurements.** The sign area shall be calculated by the entire area of the background, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. The sign area does not include any supports or bracing/ When a sign has two or more faces, the area of all the faces shall be included to determine the total area of the sign.
5. **General Provisions.** The following regulations shall apply to all off-premises signs in the City:
 - a. No off-premises sign shall be constructed which resembles any official marker erected by a governmental entity, or which by reason of position, shape, or color would conflict with the proper functioning of any official traffic control device.
 - b. Off-premises signs shall be constructed in accordance with local and State building and electrical codes.
 - c. Off-premises signs shall be regularly maintained in good and safe structural condition.
 - d. No off-premises sign shall be located on a property without the consent of the property's owner or legal representative.
 - e. The general area in the vicinity of any free-standing sign on undeveloped property shall be kept free and clear of sign materials, debris, trash and refuse.
 - f. Off-premises signs shall be constructed such that messages erected on said signs do not face residential districts.
6. **Size of off-premise signs.** The size of off-premises signs shall be regulated as follows:
 - a. The maximum area for any one face of an off-premises sign shall not exceed that established by Table 1 excluding the base or apron, trim supports and other structural elements. Temporary embellishments shall not exceed 20% of the maximum sign area allowed.

TABLE 1 MAXIMUM OFF-PREMISES SIGN AREA	
Not Permitted	0 mph - 30 mph roadway
300 sq. ft. (ex. 12'x25')	35 mph - 50 mph roadway
672 sq. ft. (ex. 14'x48')	Over 50 mph roadway

Clarification 1: In school zones, the posted or statutory speed limit applies.

Clarification 2: If the speed limit is not posted, the statutory speed limit applies.

Signs may be back-to-back, double-faced, V-type and multiple-faced with not more than two faces to each facing and such structure shall be considered as one off-premises sign.

SECTION 1104.10 ON-PREMISE SIGN STANDARDS

1. **On-Premise Signs.** It is the purpose of these sign regulations to permit the use of signs as a means of communication in the City; to maintain and enhance the City's natural and manmade environment; to encourage an attractive and healthy economic environment; to promote the public health, safety and general welfare; and to minimize the possible adverse effects of signs on nearby public and private property. The purpose as stated above recognizes the following findings

concerning signs:

- a. That excessive numbers of signs in a single location may create dangerous traffic conditions, intrude on motorist and pedestrian enjoyment of the natural and man-made beauty of the City, and as such are detrimental to the public health, safety of pedestrian and driver and the general welfare of the City.
 - b. That business enterprises and other institutions located along public and private streets have a need to identify themselves and their activities to motorists and pedestrians by means of signs.
2. **Definitions.** Where terms are not defined in this chapter and are defined in other chapters of this code, they shall have the same meanings ascribed to them as in those chapters. ***The following are definitions for general sign terms:***
 - a. Awning: A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework (compare "marquee").
 - b. Channel Letters: A type of internal illumination where each letter or symbol has a light source integrated within it, where such light shines out through a semi-translucent diffusing material on the surface of the letter or symbol; neon lighting and imitation neon lighting are examples of channel-letters.
 - c. Copy: The wording on a sign surface in either permanent or removable letter form.
 - d. Dissolve: A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
 - e. Façade: The entire building front, including the parapet.
 - f. Fade: A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to point of legibility.
 - g. Frame: A complete static display screen on an electronic message display.
 - h. Frame Effect: A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.
 - i. Flashing: A method of attracting attention by utilizing sequential or intermittent display of light.
 - j. Gooseneck lighting: A type of lighting involving a rigid arm extending horizontally away from the sign with a shielded lamp aiming light back towards the sign surface.
 - k. Ground lighting: a type of lighting involving a ground-mounted lamp projecting light at the sign surface.
 - l. Halo-letters: A type of internal illumination where a light source is routed within each letter or symbol and shines towards the backdrop of the sign, creating the effect of a lit halo around each silhouetted letter or symbol.
 - m. Height of Sign: The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare "clearance").
 - n. Light-box: A type of internal illumination where a light source is integrated within a sign, rather than following the course of each letter or symbol, where such light shines out through a semi-translucent diffusing material on the surface of the sign.
 - o. Lot: A parcel of land legally defined on a subdivision map recorded with the Assessment Department or Land Registry Office, or a parcel of land defined by a legal record or a survey map.

- p. Maintenance: The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.
- q. Mansard: A slope roof or roof-like facade architecturally comparable to a building wall.
- r. Nameplate: A nonelectric, on-premises identification sign giving only the name, address and/or occupation of an occupant or group of occupants.
- s. Nits: A unit of measurement used to quantify the luminance or brightness of a screen. One nit represents one candela per square meter (cd/m^2) and is the standard unit of luminous intensity in the International System of Units. This metric reflects how much light is emitted from a display, visible to the human eye over a specific area.
- t. On-premises Sign: A sign which pertains to the use of the premises on which the building is located thereon.
- u. Owner: A person recorded as such on official records. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign, unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator (e.g. a sign leased from a sign company).
- v. Scroll: A mode of message transition on an electronic message display where the message appears to move vertically across the display surface.
- w. Transition: A visual effect used on an electronic message display to change from one message to another.
- x. Travel: A visual effect used on an electronic message display where the message appears to move horizontally across the display surface.

The following are definitions for signage types:

- a. Abandoned Sign: A sign which no longer identifies or advertises a going concern, lessor, service, owner, product or activity, and/or for which no legal owner can be found.
- b. Animated Sign: A sign which uses movement or change of lighting to depict action or to create a special effect or scene, including flashing and video, but excluding methods of transition and frame effects as defined within (compare "flashing sign").
- c. Awning Sign: A sign painted or printed on, or attached flat against, the surface of an awning.
- d. Billboard: See "off-premises sign section."
- e. Changeable Copy Signs:
 - i. Automatic Type: A sign on which the copy changes automatically through mechanical means, e.g. electrical or electronic time and temperature units (see "electronic message display").
 - ii. Manual Type: A sign on which copy is changed manually in the field (e.g. reader boards with changeable letters).
- f. Clearance Sign: The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.
- g. Digital Sign (also known as Electronic Message Display or Electronic Message Centers): A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means or may be backlit by Light Emitting Diodes (LED).
- h. Directional/Informational Sign: An on-premises sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy (e.g. parking or exit and entrance signs).
- i. Double-faced Sign: A sign with two (2) faces.
- j. Freestanding Sign: A sign supported on the ground by poles or braces and not attached to any building.

- i. Ground-mounted (Monument) Sign: A freestanding sign supported by a solid foundation or base to and affixed to the ground.
 - ii. Pole/Pylon Sign: A freestanding sign supported by one or more poles, not including a ground-mounted/monument sign.
- k. Government Sign: A temporary or permanent sign erected and maintained by the City, County, State or Federal Government for traffic direction or for the designation of or direction to any school, hospital, historical site or public service, property, or facility.
- l. Identification Sign: A sign, whose copy is limited to the name and address of a building, institution or person, and/or to the activity or occupation being identified.
- m. Illegal Sign: A sign which does not meet the requirements of this chapter and which has not received legal nonconforming status.
- n. Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign, not including an LED sign.
- o. Incidental Sign: A small sign, emblem or decal informing the public of goods, facilities or services available on the premises (e.g. a credit card sign or a sign indicating hours of business).
- p. Institutional Sign: Any sign designating a hospital, nursing home, child care facility, place of worship, educational institution, or club.
- q. Marquee Sign: A sign attached to or supported by a marquee structure.
- r. Nonconforming Sign: A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations; or a sign which does not conform to these regulations but for which a special permit has been issued.
- s. Painted Wall Sign: A sign which is applied with paint or a similar substance on the face of a wall.
- t. Roofline Sign: Any sign erected over or on the roof of a building. (Compare "Mansard" and "Wall sign.")
- u. Rotating Sign: A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.
- v. Portable Sandwich Board Sign: A sign with two display surfaces that is not permanently anchored to the ground or a structure and has a hinged or A-frame construction that allows the sign to be displayed indoors or outdoors.
- w. Portable Sign: Any sign designed to be moved easily and not permanently affixed to a structure, building or the ground.
- x. Scoreboard Sign: A sign primarily for the purpose of keeping scores of sporting events and may include advertising. May include changeable automatic letters, LED signage.
- y. Subdivision Identification Sign: Any ground-mounted, freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.
- z. Temporary Sign: Any sign not constructed or intended for long-term use and which is not permanently mounted or placed in or on any premises. Temporary signs include the following:
 - i. Aerial Sign: A temporary sign that may include a balloon or other airborne floating device which is tethered to the ground or to a building or other structure which directs attention to a business, commodity, service, or entertainment conducted, sold or offered.
 - ii. Bag Sign: A temporary sign placed over an existing sign face and constructed of fabric, nylon, or any non-rigid material that does not include an enclosing frame.
 - iii. Banner Sign: A temporary sign made of fabric or any non-rigid material with no enclosing framework.
 - iv. Feather Flag Sign: A temporary and portable advertising banner that consists of a narrow piece of printed fabric mounted on a lightweight frame.

- v. Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.
 - vi. Snipe Sign: A temporary sign or poster affixed to a tree, utility pole, fence, etc.
 - vii. Special Event Sign: A temporary sign for an event which occurs infrequently, no more than once per quarter.
 - viii. Yard Sign: a temporary sign erected on a lawn, the ground or the driveway of any premises.
 - aa. Wall Sign: a sign attached parallel to and extending not more than 15 inches from the wall of a building, including painted individual letters, channel letters and cabinet signs, and signs on a mansard roof.
 - bb. Window Sign: a sign painted on, attached to or suspended behind or in front of a window or the glass portion of a door and which sign is intended to be viewed from the outside.
4. **General Provisions.** The following regulations shall apply to the display of all signs in the city:
- a. No sign shall be erected unless it is in compliance with the regulations of this chapter.
 - b. Signs must be constructed in compliance with any applicable regulations of the City's Building Code and any applicable State building and fire codes. Furthermore, no person may engage in the business of erecting, altering, relocating, or maintaining signs without a valid City of Elyria contractor's license and all required State and Federal licenses.
 - c. All signs shall be properly maintained. Exposed surfaces shall be clean and painted, if paint is required. Defective parts shall be replaced. The Zoning Administrator shall have the right to order the repair or removal of any sign which is defective, damaged or substantially deteriorated. The property owner, agent, or the person having the beneficial use of the premises shall be responsible for all costs for such repair or removal.
 - d. Any abandoned sign constitutes a public nuisance and such sign shall be taken down and removed by the owner, agent or person having the beneficial use of the premises upon which such sign is found. Such sign shall be removed within 10 days after written notice from the Zoning Administrator or the sign may be removed by the Zoning Administrator or his or her authorized representative and the costs shall be charged to the owner, agent or person having the beneficial use of the premises on which such sign is found.
 - e. Any sign, retractable canopy or awning which advertises a business no longer being conducted or a product no longer being sold on the premises to which the sign relates constitutes a public nuisance and such sign shall be taken down and removed by the owner, agent or person having the beneficial use of the premises upon which such sign is found. Such sign shall be removed within 10 days after written notice from the Zoning Administrator or the sign may be removed by the Zoning Administrator or his or her authorized representative and the costs shall be charged to the owner, agent or person having the beneficial use of the premises on which such sign is found.
 - f. No sign shall obstruct or interfere with traffic or traffic visibility, or resemble or imitate signs or signals erected by the City or other governmental agency for the regulation of traffic or parking.
 - g. No sign, whether freestanding, ground-mounted, pole, or attached to a building or other structure, may project over any public street, sidewalk or other public right-of-way, except as expressly permitted in this chapter. Each sign erected, hung or suspended and which extends over and across any public sidewalk, public street or part thereof, shall not extend out from the building or structure upon which the sign is erected, suspended or hung a distance greater than eight (8) feet, nor in any event, except as hereinafter provided, to a point nearer than three (3) feet from any curb line extended vertically. No such sign shall be erected so as to have less than eight (8) feet of vertical clearance between such sign and the public sidewalk or way over which sign is suspended, erected

or hung; however, this provision shall not apply to signs erected upon, but not suspended from, any marquee, in which case the sign may extend to within three (3) feet of the curb line of the street.

- h. Any sign which is permanently mounted shall bear, in a permanent position, a clearly legible identification stating the name and address of the owner of the sign, and the person, firm or corporation responsible for its construction, and the date of erection.
- i. No sign, with the exception of governmental signs, shall be placed, displayed or erected in the public right-of-way or on public property without written approval from the Safety-Service Director.
- j. No snipe signs shall be placed, erected or displayed within the City right-of-way.
- k. Unless otherwise specified by this chapter, any sign herein allowed may use manual or automatic changeable copy.
- l. Clearance of overhead utilities shall be in conformance with the National Electrical Code and all local utility standards.
- m. No sign shall be erected or placed on any property without the consent of the owner.
- n. No sign shall be placed where it blocks or impedes sight lines for any person, pedestrian or operator of a vehicle on a public right-of-way, driveway or sidewalk and shall comply with setback requirements of this chapter.
- o. No sign shall imitate or resemble official traffic or governmental signs or signals.
- p. No sign shall be erected so as to have less than eight (8) feet of vertical clearance between such sign and the public sidewalk or public right-of-way.

5. Sign Measurements

a. Measuring Sign Area.

- i. **Signs with a background.** The sign area shall be calculated by the entire area of the background, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. The sign area does not include any supports or bracing.

[PLACEHOLDER FOR GRAPHIC]

- ii. **Signs with individual letters.** The sign area shall be calculated where individual letters or elements are mounted or painted on a building façade 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 combination of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign. [PLACEHOLDER FOR GRAPHIC]

- iii. **Three-dimensional signs.** The sign area is calculated as 50% of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.

[PLACEHOLDER FOR GRAPHIC]

- b. **Measuring Sign Height.** The height of a sign shall be determined by measuring the vertical distance between the top part of the sign to the elevation of the ground beneath the sign. The calculation of sign height shall be measured from the average established curb grade. [PLACEHOLDER FOR GRAPHIC]

- 6. **Sign Illumination Standards.** Signs may be illuminated, except temporary signs, by either external or internal sources of light except where otherwise prohibited in this chapter. However, no illuminated sign shall be permitted, any part of which flashes on or off sequentially or displays changing degrees of intensity (this does not apply to holiday, religious or automatic changeable copy signs or digital signs). No light source for illuminated signs shall be of such brightness as to

constitute a hazard to pedestrian or vehicular traffic. This regulation applies to signs located outside buildings, and to window signs inside buildings which are meant to be seen from the outside.

a. Internal Illumination types, includes the following types:

- i. Channel letters: [PLACEHOLDER FOR A GRAPHIC SHOWING CHANNEL LETTERS]
- ii. Light-box: [PLACEHOLDER FOR A GRAPHIC SHOWING LIGHT-BOX ILLUMINATION]
- iii. Halo-letters: [PLACEHOLDER FOR A GRAPHIC SHOWING LIGHT-BOX ILLUMINATION]

b. External illumination, includes the following types:

- i. Gooseneck lighting [PLACEHOLDER FOR A GRAPHIC SHOWING A GOOSENECK LIGHTING, BOTH STRAIGHT NECKED AND SINUOUS NECK]
- ii. Ground lighting [PLACEHOLDER FOR A GRAPHIC SHOWING A GROUND-MOUNTED LIGHT]

7. **Digital Sign Standards.** Also known as electronic message display/electronic message centers are permitted within all non-residential zoning districts. When a request is made for a digital sign in a residential zoning district, a conditional use permit is required. The following requirements for digital signs shall be met:

- a. Operational Limitations. There shall be a direct change from each message to the next. No transition effects, blank, or dark intervals in between messages to avoid a flashing or blinking effect.
- b. No Flashing, blinking, or fluttering displays.
- c. Minimum Display Time. Each message shall be displayed for a minimum of 15 seconds.
- d. Brightness. Shall not exceed 6,000 nits during daylight hours and 500 nits between dawn and dusk. The intensity of illumination shall not change.
- e. All messages shall be limited to on-site advertising of goods or services provided on the property, or noncommercial messages (i.e., time, temperature, or public service announcements). All off-site advertising messages are prohibited.

8. **Nonconforming Signs.** All signs erected following the effective date of these regulations shall comply with all the provisions of these regulations. All signs which are in existence on the effective date of these regulations and which do not conform with the standards of this chapter shall be considered nonconforming uses and shall not be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated.

9. **Sign Maintenance.** This chapter shall not prohibit the maintenance of an existing sign, including the rewiring, repainting, change of copy, or reinforcement of structural elements, where such maintenance does not constitute a relocation, change in height, or enlargement of the sign and where such maintenance does not constitute a change of sign illumination type. Signs shall be maintained in a safe, working, and clean condition by the landowner. Signs which are deemed by the City to be dangerous to public health and safety shall be ordered by the City to be removed immediately at the landowner's expense.

10. **Sign Replacement.** The replacement of an existing permitted or legal nonconforming sign shall be permitted where the replacement constitutes no change in sign type, sign area, sign location and height, or sign illumination type.

- 11. Permits and Fees Required.** A zoning permit and payment of all fees shall be required to place, erect or display an on-premises sign in the City unless otherwise provided by this chapter. All zoning permits shall be issued by the Zoning Administrator subject to the following conditions:
- a. Each applicant for such a zoning permit shall file with the Zoning Administrator an application on forms to be supplied and a sketch, drawing, diagram or such other descriptive matter as shall show the type, kind and location of the sign and the manner in which the same shall be erected.
 - b. Payment of appropriate fees to the City of Elyria pursuant to Chapter [109](#) of these Codified Ordinances.
 - c. No person shall place, erect or display any sign unless all provisions of this Code have been met.
 - d. A sign for which a permit has been issued shall not be modified, relocated, altered or replaced unless an amended or a new permit is obtained from the Zoning Administrator.

12. Denials of Permits; Appeals.

- a. It shall be the duty of the Zoning Administrator to refuse a permit for the erection of any sign if the application therefor and the accepted drawing or diagram shows that the sign, when erected, will not be in accordance with the provisions of this chapter or if the sign shall constitute a hazard to the safety of persons using the public street or other public place in the vicinity of the proposed sign.
- b. For appeal of these standards or the Design Review Guidelines, see the Administration and Procedures Chapter.

13. Signs Permitted in all Districts without a Permit. The following signs may be displayed in all zoning districts without a permit subject to all the provisions of this chapter:

- a. One (1) plaque, nameplate or tablet denoting the name of the building and/or date of erection the total area of which shall not exceed two (2) square feet per sign face.
- b. Directional or informational signs shall not exceed eight (8) square feet per sign face.
- c. Official, Federal, State or local government signs, flags, emblems, and historical markers.
- d. Holiday or special event decorations subject to the provisions of this chapter.
- e. Temporary signs unless otherwise provided by this chapter, shall be placed, erected or displayed subject to the following conditions:
 - i. Any such temporary sign shall be placed, erected or displayed on the same lot to which it is an accessory use and shall be located no closer than five (5) feet from the right-of-way.
 - ii. No temporary sign shall be illuminated.
 - iii. No temporary sign, including special event signs, except real estate and construction signs, shall be displayed longer than 20 days. Special event signs shall not be displayed, erected or placed more than 17 days prior to the special event and shall be removed within two (2) days following said special event. Real estate signs shall be removed within 30 days after the property is sold (transfer date) or rented. Construction signs shall be removed within 30 days after the construction has ceased.
 - iv. No temporary sign in any Residential 1 or Residential 2 District shall exceed eight (8) square feet per sign face. No temporary sign in any other district shall exceed 32 square feet per sign face.
 - v. Signs designed to be moved on trailer wheels, skids or similar devices shall not be permitted as temporary sign.
- f. Public notices or information signs identifying rest rooms and similar facilities, not to exceed two (2) square feet per sign face. Advertising matter is not permitted on such

signs.

- g. Incidental signs.

14. **On-Premise Signs in the Residential 1 District.** On-premise signs that require a zoning permit within the Residential 1 include the following:

- a. **Subdivision identification sign.**

- i. One ground mounted, wall or painted sign.
- ii. The maximum area of such sign shall be 32 square feet per sign face, not to exceed a maximum area of 64 square feet.
- iii. The maximum height of a ground mounted sign shall be six (6) feet.
- iv. Such sign shall be located on private property at the dedicated street entrance of the development no closer than five (5) feet from the right-of-way.

- b. **Institutional sign.**

- i. One ground-mounted, wall or painted wall sign.
- ii. The maximum area shall be 32 square feet per sign face, not to exceed a maximum area of 64 square feet.
- iii. The maximum height of a ground mounted sign shall be six (6) feet.
- iv. Such sign shall be placed or erected on the same lot to which it is an accessory use no closer than five (5) feet from the right-of-way.

- c. **Multi-household dwelling sign.**

- i. One ground-mounted, wall or painted wall sign.
- ii. The maximum height shall be six (6) feet.
- iii. The maximum area of any ground-mounted shall be 32 square feet per sign face, not to exceed a maximum of 64 square feet.
- iv. The multi-household sign shall be located at the dedicated street entrance no closer than five (5) feet from the right-of-way.

15. **On-Premise Signs in Residential 2 District.** On-premise signs that require a zoning permit within the Residential 2 include the following:

- a. **Subdivision identification sign.**

- i. One ground mounted, wall or painted sign.
- ii. The maximum area of such sign shall be 32 square feet per sign face, not to exceed a maximum area of 64 square feet.
- iii. The maximum height of a ground mounted sign shall be six (6) feet.
- iv. Such sign shall be located on private property at the dedicated street entrance of the development no closer than five (5) feet from the right-of-way.

- b. **Institutional sign.**

- i. One ground-mounted, wall or painted wall sign.
- ii. The maximum area shall be 32 square feet per sign face, not to exceed a maximum area of 64 square feet.
- iii. The maximum height of a ground mounted sign shall be six (6) feet.
- iv. Such sign shall be placed or erected on the same lot to which it is an accessory use no closer than five (5) feet from the right-of-way.

- c. **Multi-household dwelling sign.**

- i. One ground-mounted, wall or painted wall sign.
- ii. The maximum height shall be six (6) feet.
- iii. The maximum area of any ground-mounted shall be 32 square feet per sign face, not to exceed a maximum of 64 square feet.
- iv. The multi-household sign shall be located at the dedicated street entrance no closer than five (5) feet from the right-of-way.

d. Business signs.

- i. One (1) ground-mounted sign to identify the business or center to be used by all tenants occupying the premises.
 1. The maximum height of a ground mounted sign shall be nine (9) feet with a maximum sign area of 48 square feet.
 2. Such sign shall be placed or erected on the same lot to which it is an accessory use no closer than five (5) feet from the right-of-way.
- ii. One wall or painted wall sign, awning sign or marquee sign per tenant space. The maximum height of a wall, painted wall, marquee or awning sign shall be no higher than the wall on which it is erected, with a maximum sign area of 2.5 square feet per lineal foot of lot frontage, up to a maximum area of 48 square feet per tenant space.
- iii. One projecting sign or under-canopy sign with a maximum area of three (3) square feet per sign face, not to exceed a maximum area of six (6) square feet.
- iv. On-Premise Signs in the Downtown District.

16. On-Premise Signs in the Downtown District. On-premise signs that require a zoning permit within the Downtown District include the following:

a. Business signs.

- i. One (1) ground-mounted sign to identify the business or center to be used by all tenants occupying the premises.
 1. The maximum height of a ground mounted sign shall be nine (9) feet with a maximum sign area of 48 square feet.
 2. Such sign shall be placed or erected on the same lot to which it is an accessory use no closer than five (5) feet from the right-of-way.
- ii. One wall or painted wall sign, awning sign or marquee sign per tenant space. The maximum height of a wall, painted wall, marquee or awning sign shall be no higher than the wall on which it is erected, with a maximum sign area of 2.5 square feet per lineal foot of lot frontage, up to a maximum area of 48 square feet per tenant space.
- iii. One projecting sign or under-canopy sign with a maximum area of three (3) square feet per sign face, not to exceed a maximum area of six (6) square feet.

b. Signs on corner lots. On a corner lot, one additional wall sign or painted wall sign and additional canopy, under-canopy, awning and marquee signs shall be permitted on the additional frontage, not to exceed the size limitations of other allowed wall and painted wall signs.

c. Conformity with State law. All signs shall conform to Ohio law regarding copy and use of symbols on the sign face.

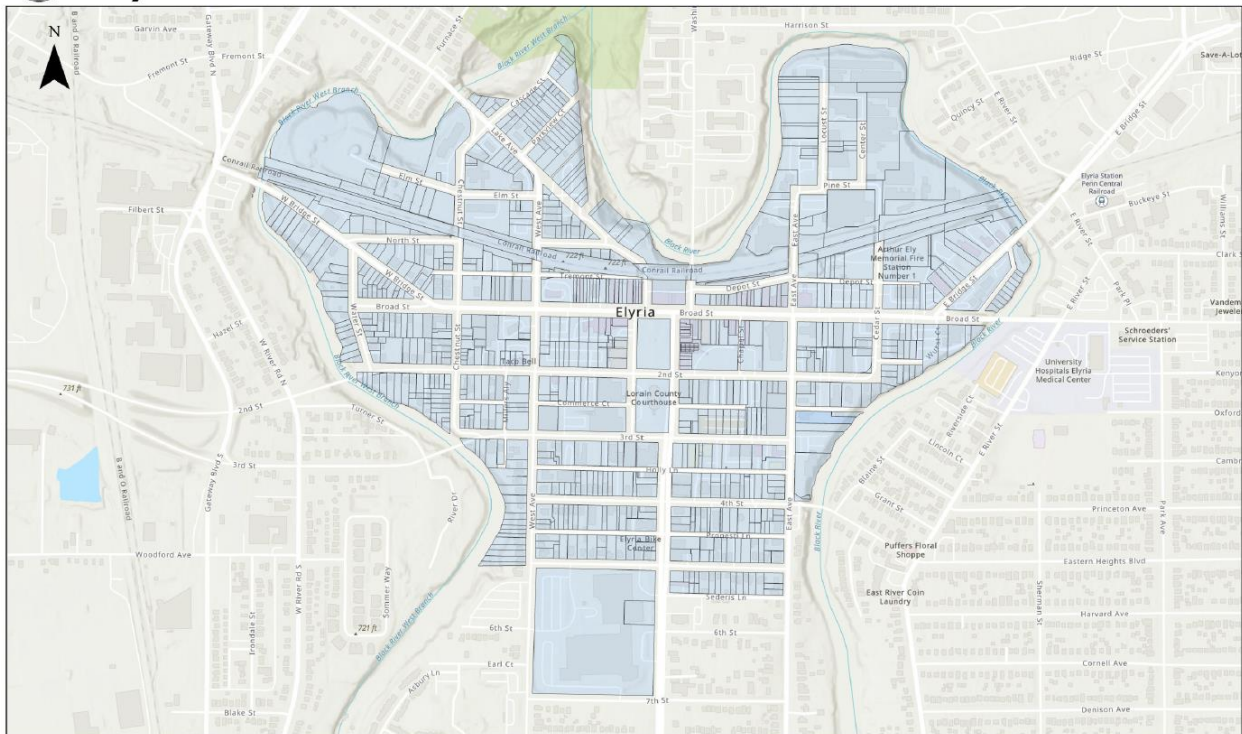
17. Downtown Commons Area. All of the properties included on both sides of the streets regardless of their zoning classifications and whether or not the legal addresses face the street (i.e. corner lots) of the following:

- a. Broad Street (Cedar Street to Chestnut Street);
- b. Court Street;
- c. Middle Avenue (Broad Street to Fifth Street);
- d. Lake Avenue (Broad Street to the west branch of the Black River);
- e. Washington Avenue (north to the Black River Bridge);
- f. Depot Street (west of Cedar Street);
- g. Merchant Alley;
- h. Chapel Street;

- i. East Avenue (Conrail railroad tracks south to Fifth Street);
- j. Second Street (Chestnut Street to Cedar Street);
- k. First Place;
- l. Commerce Court;
- m. Temple Court;
- n. Third Street (between the east and west branches of the Black River);
- o. Holly Lane;
- p. Fourth Street (between the east and west branches of the Black River);
- q. Barres Lane;
- r. Fifth Street;
- s. Tremont Street;
- t. Chestnut Street;
- u. Elm Street;
- v. North Street (east of Chestnut Street);
- w. Cedar Street;
- x. West Avenue (Lake Avenue to Fifth Street);
- y. And “Unnamed alley” (between and parallel to Chestnut Street and West Avenue).



Elyria Downtown Commons Area



The following sign types do not require a zoning permit within the Downtown Commons Area, however, must meet the following requirements:

- a. Special event apparatus, such as banners, balloons, posters and similar devices, with the approval of the Zoning Administrator, may be displayed, erected or placed not more than 10 days prior to the special event and shall be removed within two (2) days following said special event.
- b. Awning signs, the area of which shall be included in the maximum sign area permitted per premises.

- c. Incidental signs not to exceed two (2) square feet per sign face per tenant space, the area of which shall be included in the maximum sign area permitted per premises.
- d. On-premise signs that require a zoning permit within the Downtown Commons Area include the following (total sign area shall not exceed 125 square feet in cumulative area per premises):
 - i. One (1) ground mounted sign per premises not to exceed two (2) square feet in sign area for each linear foot of main street frontage, up to a maximum of 48 square feet. Such sign shall not exceed a height of nine (9) feet. No part of any freestanding sign shall extend over any public sidewalk or public street, or part thereof.
 - ii. Two (2) painted wall signs or wall signs per tenant space, not to exceed two and one-half (2-1/2) square feet in sign area for each linear foot of that occupancy's building frontage, up to a maximum of 125 square feet, except as provided in Section 1174.08 (A) (2) (a).
 - iii. One (1) under-canopy sign per tenant space, not to exceed four (4) square feet in sign area, the area of which shall not be included in the maximum area permitted.
 - iv. One (1) non-illuminated projecting sign per tenant space, not to exceed three (3) square feet per sign face
- e. Prohibited Signs.
 - i. Signs which advertise goods or services and are placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to signs or lettering on buses, taxis or other vehicles operating during the normal course of business).
 - ii. Off-premises signs (billboards).
 - iii. Signs placed or displayed on a building wall to advertise goods or services not pertaining to the permitted use conducted on the premises.
 - iv. Roof signs and portable signs.
 - v. Any illuminated sign lighting device that does not emit light of constant intensity, or which contains a flashing, intermittent or moving light or lights (this does not apply to an automatic changeable copy sign).
- f. **Conformity with state law.** All signs shall conform to Ohio law regarding copy and use of symbols on the sign face.

18. On-Premise Sign in the Corridor District. On-premise signs that require a zoning permit within the Corridor District include the following:

a. Institutional signs.

- i. One (1) ground-mounted wall or painted wall sign.
 - 1. The maximum area of the sign shall be 32 square feet per sign face.
 - 2. The maximum height of the ground mounted sign shall be six (6) feet.
- ii. Such sign shall be located on the same lot to which it is an accessory use and shall be located no closer than five (5) feet from the right-of-way.

b. Business signs.

- i. One (1) ground mounted sign to identify the business or center to be used by all tenants occupying the premises.
 - 1. The maximum height of a ground mounted sign shall be nine (9) feet with a maximum area of 30 square feet per sign face, not to exceed a maximum area of 60 square feet.
 - 2. Such sign shall be located on the same lot to which it is an accessory use and shall be located no closer than five (5) feet from the right-of-way.
- ii. One wall, painted wall or awning sign per tenant space.

1. The maximum height of a wall, painted wall, or awning sign shall be no higher than the wall on which it is erected, with a maximum area of 2.5 square feet per linear foot of building frontage, up to a maximum of 30 square feet per sign face.
2. Such sign shall not project more than 15 inches from the building wall.
- iii. One marquee sign with a maximum area of six (6) square feet per sign face per tenant space.
- iv. One projecting or under-canopy sign with a maximum area of three (3) square feet per sign face, not to exceed six (6) square feet per tenant space.
- v. Signs on corner lots. On a corner lot one additional wall sign or painted wall sign and additional canopy, under-canopy, awning and marquee signs shall be permitted on the additional frontage, not to exceed the size limitations of other allowed wall and painted wall signs.
- vi. Conformity with State law. All signs shall conform to Ohio law regarding copy and use of symbols on the sign face.

19. On-Premise Signs in Commercial, Industrial 1, and Industrial 2 Districts. On-premise signs that require a zoning permit within the Commercial, Industrial 1, and Industrial 2 districts include the following:

a. Business signs.

- i. One (1) free standing sign (ground-mounted/monument or pole sign) to identify the business or center to be used by all tenants occupying the premises.
 1. The maximum height of a ground-mounted sign shall be nine (9) feet, the maximum area shall be 48 square feet per sign face, and the total area shall not exceed 64 square feet.
 2. The maximum height if a pole sign shall be 50 feet and the maximum area shall be 150 square feet per sign face.
- ii. Such sign shall be placed or erected on the same lot to which it is an accessory use no closer than five (5) feet from the right-of-way.
- iii. Free standing signs are prohibited for Sexually Oriented Business.
- iv. Any combination of three (3) wall, painted wall, projecting, awning, marquee, or under-canopy signs per tenant space shall be permitted.
 1. The maximum area of such signs, collectively, shall be three (3) square feet per lineal foot of building width.
 2. The maximum height of such signs shall be no higher than the wall to which they are fastened.
- v. All signs for Sexually Oriented Businesses shall be "wall signs" as defined in Section [1174.02](#), with a maximum allowable sign area of 50 square feet and measured in accordance with the standards and specified in Section [1174.02](#), and shall not be internally illuminated.

b. Subdivision identification signs.

- i. One (1) ground-mounted, wall or painted wall sign.
 1. The maximum area of such sign shall be 32 square feet per sign face, not to exceed a total area of 64 square feet.
 2. The maximum height of a ground mounted sign shall be nine (9) feet.
- ii. Such sign shall be located on private property at the dedicated street entrance of the development and shall be located no closer than five (5) feet from the right-of-way.

c. Signs on corner lots. On a corner lot one additional wall sign or painted wall sign and additional canopy, under-canopy, awning and marquee signs shall be permitted on the

additional frontage, not to exceed the size limitations of other allowed wall and painted wall signs.

- d. Conformity with State law. All signs shall conform to Ohio law regarding copy and use of symbols on the sign face.

20. On-Premise Signs in the Parks and Open Space Districts. On-premise signs that require a zoning permit within the Parks and Open Space districts include the following:


a. Subdivision identification signs.

- i. One ground-mounted, wall or painted sign.
 - 1. The maximum area of any subdivision sign shall be 32 square feet per sign face, not to exceed a maximum area of 64 square feet.
 - 2. The maximum height of a ground-mounted sign shall be six (6) feet.
- ii. Such sign shall be located on private property at the dedicated street entrance of the development and shall be located no closer than five (5) feet from the right-of-way.

b. Institutional signs.

- i. One ground-mounted, wall or painted wall sign.
- ii. The maximum area of any institutional sign shall be 32 square feet per sign face, not to exceed a maximum area of 64 square feet.
- iii. The maximum height of a ground-mounted sign shall be six (6) feet.
- iv. Such sign shall be located on the same lot to which it is an accessory use and shall be located no closer than five (5) feet from the right-of-way.
- c. Signs on corner lots. On a corner lot one additional wall sign or painted wall sign and additional canopy, under-canopy, awning and marquee signs shall be permitted on the additional frontage, not to exceed the size limitations of other allowed wall and painted wall signs.
- d. Conformity with State law. All signs shall conform to Ohio law regarding copy and use of symbols on the sign face.

21. Highway Overlay District

-  **a. Location.** The Highway Sign Overlay District shall run along both sides of I-90 within the City and along both sides of SR 57 between the north corporate boundary and Route 113. It shall include any parcel that is located within 200 feet on each side of said right-of-way.
- b. Regulations.** All signs within the Highway Sign Overlay District shall comply with the regulations of the applicable district except that a permit is required to place, erect or display one freestanding or one ground-mounted sign per premises. Such signs shall have a maximum height of 50 feet, with a maximum area of 200 square feet per face, and a total area not to exceed 400 square feet.

22. Murals

- a. Purpose.** This Code treats murals differently than signs--murals celebrate or comment on the community's cultural heritage, enhance the quality of life, and important in place-making, which is a community imperative.
- b. Definition.** A mural is a hand-produced work of art of at least 400 square feet depicting objects, people, landscapes, shapes or patterns, words, symbols, or phrases using only paint applied by hand directly onto an exterior wall of a building or structure or to panels mounted flush to the exterior wall of a building or structure. The following shall not be considered murals:

- i. The conventional painting of structures with patterns that generally adhere to material lines, brick lines, trim, lintels, cornices, sills, or other elements of the building's architecture; such painting shall be considered part of building decor and maintenance;
- ii. Mechanically produced or computer-generated prints or images, including digitally printed vinyl sheets and wraps;
- iii. Works containing electrical or mechanical components (although some murals paint over electrical or mechanical components); or
- iv. Works that involve changing or moving images or components

c. Standards.

- i. Murals shall use durable, exterior-grade paints and materials and shall use weatherproof and ultraviolet-protective coatings;
- ii. Murals shall not obscure character-defining architectural features of a building, such as cornices, archways, or columns, although some murals may imitate or enhance architectural features, such as illustrating columns where no columns exist;
- iii. Murals may create the illusion of 3 dimensionality, but they shall not be built out from the building face except where disguising mechanical features, such as electric conduit or other utilities;
- iv. Murals shall not include obscene language or graphics. The Zoning Administrator shall determine whether the content of a proposed mural is obscene, and appeals to the Zoning Administrator's decision shall be heard by the Board of Zoning Appeals.
- v. No mural shall include the logo or name of a commercial enterprise nor the logo or name of a brand sold or serviced by a commercial enterprise where such mural is located on the wall of a structure owned by such commercial enterprise or where such mural is located on a wall of a structure within 50 feet of such commercial enterprise.
- vi. Refer to the Design Review Guidelines for further guidance on the painting of bricks.

Chapter 1105 Preservation of Landmarks and Historic District Regulations

SECTION 1105.01 PURPOSE

Elyria's historic architecture is an historic and economic asset. The following regulations are intended to protect these assets for the betterment of the community as a whole:

- 1. Safeguard the heritage of the City by preserving sites, structures and areas which reflect the City's architectural, cultural, social and archaeological heritage;
- 2. Preserve, stabilize and improve the unique architecture in landmark districts of the City;
- 3. Safeguard the architectural integrity of the City by preventing intrusions and alterations within designated areas and to listed properties that would be incompatible with the established character;
- 4. Facilitate reinvestment in historic areas;

5. Afford the widest possible scope of continuing vitality through private renewal and architectural creativity within appropriate controls and standards;
6. Encourage development of vacant and incompatibly developed properties in accordance with the character of the designated areas and listed properties;
7. Strengthen the economy of the City;
8. Protect and enhance the City's attraction to prospective residents, tourists and visitors and to provide support and stimulus to business and industry;
9. Foster civic pride in the beauty and notable accomplishments of the past;
10. Act as a liaison on behalf of the City to further historic preservation and compatible redevelopment.

SECTION 1105.02 DEFINITIONS

1. Addition: any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure.
2. Alter or Alteration: any material changes in external architectural features of any property, including, but not limited to, construction and reconstruction, which property lies within an Historic Preservation District or has been listed pursuant to this chapter, but does not include demolition.
3. Certificate of approval: approval given by the Commission for the issuance of a building permit(s) for alteration or demolition of structures, listed properties or structures or properties contained in a designated Landmark Preservation District.
4. Change: any alteration, demolition, removal or construction involving any property subject to the provisions of this chapter.
5. Commission: the Elyria Landmarks Commission.
6. Demolish or demolition: the razing or removal, in whole or in part, of any structure.
7. External architectural feature: the architectural treatment, in general arrangement, of such portion of the exterior of a structure as is designed to be exposed to public view, including, but not limited to, the kind and texture of the building material and the types of all windows, lights, signs and other fixtures appurtenant to such portion.
8. Landmark Preservation District: any area established by Council for the purpose of maintaining and fostering a distinctive historical, architectural, cultural or environmental character.
9. Listed property: any property which has special historical, aesthetic or architectural character, as part of the heritage, development or cultural characteristics of the City, State or United States, and which has been designated as a listed property pursuant to this chapter.
10. Ohio Historical Inventory: an accurate, continuing record of the architectural and historic properties of the State.

11. Reconstruction: the act or process of depicting, by means of new work, the form, features, and detailing of a non-surviving historic structure or landscape for the purposes of replicating its appearance at a specific time and in its historic location.
12. Rehabilitation: the act or process of making possible an efficient, compatible use for a historic structure or landscape through repair, alterations, and additions while preserving the portions or features which convey the historical, cultural, and architectural values.
13. Restoration: the act or process of accurately depicting the form, features, and character of an existing historic structure, landscape, or object as it appeared at a particular period of time, by removing modern additions and replacing lost portions of historic fabric, paint, or other elements.
14. Structure: any building, facade or fence, and shall be construed as if followed by the words "or part thereof".

SECTION 1105.03 ESTABLISHMENT AND MEMBERSHIP OF ELYRIA LANDMARKS PRESERVATION COMMISSION.

1. There is hereby established the Elyria Landmarks Preservation Commission, to consist of seven members who shall be qualified electors of the City, none of whom shall hold any elected public office or be employed by the local, State or Federal government.
2. The Commission members shall be appointed by the Mayor. Members shall serve for terms of three years, except that one original appointee shall serve for one year and two original appointees shall serve for two years.
3. In addition to these seven members, the following shall serve as ex-officio members of the Landmarks Preservation Commission: the Community Development Director, the Zoning Administrator, and a member of the Planning Commission (chosen by the Planning Commission).
4. The Mayor shall fill any vacancy by appointment for the remainder of the unexpired term. Such vacancy shall be filled within sixty days after the vacancy occurs.
5. All members appointed to the Commission shall have a demonstrated special interest, experience or knowledge in history, architecture or related disciplines. At least two of the members shall be a preservation related professional, such as an architect, archaeologist, landscape architect, historian or planner or in a related field.
6. Upon appointment, the Commission shall convene and select a Chairperson and a Vice-Chairperson. The Commission shall appoint a Commission Secretary who may be an employee of the City. The Commission shall adopt operating procedures and/or by-laws which shall include, in part, the procedure for designation of listed properties and Landmark Preservation Districts. Such designation procedure shall be modeled after guidelines developed by the U.S. Department of the Interior relating to historic preservation.
7. The Commission shall establish its own schedule of meeting times and places, and shall meet quarterly.
8. All commission meetings shall comply with Federal and State laws relating to public meetings and meeting notices.
9. Commission members shall be subject to the provisions of the Ohio Revised Code, City Charter

and these Codified Ordinances regarding conflict of interest and ethics.

10. The Commission shall prepare or adopt a written report at least once a year, for submission to the Mayor and Council, which summarizes Commission activities, cases, special projects and recommendations.
11. All Commission documents and materials shall be public records as defined by the Ohio Revised Code.

SECTION 1105.04 RESPONSIBILITIES OF COMMISSION.

The Commission shall have the following powers and responsibilities:

1. To initiate and conduct an ongoing process for the survey of cultural resources within the City in accordance with the standards and guidelines established by the Ohio Historic Preservation Office;
2. To keep a register of listed properties and designated Landmark Preservation Districts and to provide the City Engineer and the Building Department with a current copy. Said register shall be maintained at Elyria City Hall. The Ohio Historic Inventory Form shall be used to value properties for determination as a listed or contributing property;
3. To recommend to Council legislation for designation of individual properties and historic districts that would serve to beautify, protect, preserve, restore and develop the City or that would involve revisions to this chapter;
4. To review all proposals for National Register nominations;
5. To work to erect historic markers to denote landmark buildings and areas in the City;
6. To prepare design guidelines for renovations to existing historic buildings, historic buildings within designated districts, and new construction within historic districts;
7. To review and act on all applications for certificates of approval as required and to establish rules and procedures for this action;
8. To act as an advisor to public officials and private individuals regarding the protection of local cultural resources;
9. To work for the continuing education of the residents with respect to the architectural and historic heritage of the City;
10. To study the problems and determine the needs of the City in restoring and preserving historic landmarks, areas and neighborhoods;
11. To work with developers, builders, and building owners to make them aware of this chapter and secure their cooperation with its provisions;
12. To employ technical experts as required to perform the Commission's duties as City finances and staff permit;
13. To recommend that the City make application for grants and funds from governmental and private entities; and
14. To do such other acts that are necessary and proper to perform those duties with which it is

charged under this chapter.

SECTION 1105.05 CRITERIA FOR DESIGNATION OF LANDMARKS AND DISTRICTS.

The criteria for evaluating and designating historic districts and sites in the City shall be guided by the National Register Criteria. The Elyria Landmarks Commission or any interested party may nominate the designation of historic sites or districts that maintain integrity of location, design, setting, materials, workmanship and association and that meet one or more of the following criteria:

1. That are associated with events that have made a significant contribution to Elyria, Lorain County, or Ohio History;
2. That are associated with the life of a person who made a significant contribution to the history of Elyria, Lorain County, or the State of Ohio;
3. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a noted architect or builder; or
4. That have yielded or may be likely to yield information important in history or prehistory.

SECTION 1105.06 CERTIFICATES OF APPROVAL REQUIRED; EMERGENCIES.

No person owning, renting or occupying a property which is designated as a listed property or which is part of or within a Landmark Preservation District shall make any alteration or perform any demolition without first obtaining a certificate of approval from the Elyria Landmarks Preservation Commission. This section shall not prevent the City from acting to prevent immediate peril to its residents. In the event of fire or other emergency in which, in the judgement of the Safety Service Director, immediate action is required, permission to demolish is hereby granted. (Further guidance on emergency repairs is given to Elyria Landmarks Preservation Commission Rules and Regulations, Article VIII, 2.a.).

SECTION 1105.07 CERTIFICATE APPLICATIONS; ISSUANCE OR DENIAL; APPEALS.

1. The Commission Secretary shall notify the Zoning Administrator and the Building Department of all designations made pursuant to this chapter. The Building Department shall refer all applicants for building permits in areas so designated to the Elyria Landmarks Preservation Commission. A building permit for alteration or demolition shall not be issued unless a certificate of approval from the Commission has been obtained.
2. The Commission shall prepare an application form and a list of the procedures necessary for obtaining certificates of approval. Any application shall be reviewed within thirty days of receipt thereof or at the next regularly scheduled Commission meeting, whichever first occurs. The applicant shall be given written notice of the Commission meeting at which his or her application will be considered. A written notification of the Commission's decision will also be sent to each applicant by regular mail.
3. If the Commission finds that the proposed work will not adversely affect the building under the terms of this chapter, then a certificate of approval shall be issued. If the Commission finds that the proposed work will result in an adverse effect to the City under the terms of this chapter, and that the proposed work significantly violates the terms of the Commission's design guidelines, then a certificate of approval shall be denied. The Commission will make every attempt to work with the applicant to find an acceptable treatment.

4. When a certificate of approval is issued, a time period shall be specified during which the proposed work shall be completed. The time period shall be established by the Commission in its operating procedures based upon the type of work to be performed and a reasonable length of time for that type of work to be completed. In no case shall a certificate of approval be valid for more than eighteen months from date of issuance by the Commission.
5. Any decision of the Commission may be appealed to Council. A majority vote of Council is necessary to override a Commission ruling.

SECTION 1105.08 VIOLATIONS.

No person shall construct, reconstruct, alter, change or demolish an external architectural feature of any property, area or object in violation of this chapter.

SECTION 1105.09 PENALTY.

See the *Violations Section of the Administration and Procedures* of these Codified Ordinances for penalties for any violation of this chapter and for misdemeanor classifications.

SECTION 1105.10 WEST AVENUE HISTORIC DISTRICT.

The West Avenue Historic District is hereby created, subject to the provisions and limitations contained in this Chapter and the Zoning Code of the City. The limits of the West Avenue Historical District is described by the map are marked *Exhibit A* and incorporated herein and the list of lots identified by permanent parcel number are marked *Exhibit B* and incorporated herein.

Exhibit A- Map



Elyria Landmarks Map



Exhibit B- Permanent Parcels

Street Address	Parcel Number
340 3rd Street	626050000007
354 3rd Street	626050000005
416 3rd Street	626041000005
420 3rd Street	626041000028
3rd Street/SL 300-1	626050000006
3rd St./SL 4-5	626041000027
3rd St/SL 6	626041000003
3rd St/SL 7	626041000002
312 4th Street	626046000019
315 4th Street	626049000017
316 4th Street	626046000018
318 4th Street	626046000029
324 4th Street	626046000014
327 4th Street	626049000014
328 4th Street	626046000013

329 4th Street	626049000013
331 4th Street	626049000012
332 4th Street	626046000024
333 4th Street	626049000011
337 4th Street	626049000010
339 4th Street	626049000009
340 4th Street	626046000009
343 4th Street	626049000008
344 4th Street	626046000008
345 4th Street	626049000006
346 4th Street	626046000007
350 4th Street	626046000006
351 4th Street	626049000004
352 4th Street	626046000005
355 4th Street	626049000003
356 4th Street	626046000004
4th Street/SL 00315	626049000018
4th Street/SL 308-9	626049000005
4th Street/SL 345	626046000015
315 5th Street	626045000013
317 5th Street	626045000012
325 5th Street	626045000011
331 5th Street	626045000010
333 5th Street	626045000008
339 5th Street	626045000007

Chapter 1106 NEIGHBORHOOD STABILIZATION PROGRAM (NSP)

SECTION 1106.01 IMPLEMENTATION

The City of Elyria (City) has elected to adopt and implement the procedures set forth in Ohio R.C. Chapter 5722 to facilitate the effective reutilization of nonproductive real property (property) situated within its corporate boundaries. Such election was made by Ordinance 2004-59 dated 4-19-2004. The ordinance states the determination and existence of nonproductive property within the City's boundaries as such as to necessitate the implementation of a land reutilization program to foster the return of such nonproductive property to tax revenue generating status or the devotion thereof to public use. The City has delivered copies of Ordinance 2004-59 to the auditor, treasurer, and the prosecutor of Lorain County. As of the effective date of Ordinance 2004-59, the foreclosure, sale, management, and disposition of all nonproductive property situated within the City shall be governed by the procedures set forth in Ohio R.C. Chapter 5722.

SECTION 1106.02 NEIGHBORHOOD STABILIZATION PROGRAM (NSP) COMMITTEE.

There is hereby established the Neighborhood Stabilization Program (NSP) Committee consisting of the Director of Community Development or his/her designee, the City Law Director or his/her designee, and the Mayor or his/her designee.

SECTION 1106.03 ACQUISITION PROCEDURES - TAX FORECLOSURES AND FORFEITED PROPERTY.

1. The Lorain County Auditor and/or Lorain County Prosecutor will forward a list of tax delinquent and/or forfeited property(s) to the electing subdivision (City of Elyria), care of the Office of Community Development Director.
2. The Office of Community Development will evaluate, review, select and recommend real property to be acquired by the City.
3. The Office of Community Development will forward to the City's Law Department, care of the Law Director, a list of such real property(s) recommended to be acquired.
4. The City's Law Department will notify the Lorain County Auditor and Lorain County Prosecutor in writing of the City's property selection(s) per Ohio R.C. Chapter 5722.

SECTION 1106.04 ACQUISITION PROCEDURES UTILIZING NEIGHBORHOOD STABILIZATION PROGRAM FUNDS TO PURCHASE FORECLOSED UPON OR ABANDONED REAL PROPERTY(S) EXCLUDING SHERIFF'S SALE.

1. The NSP Committee, with assistance from other City departments, will routinely research foreclosed properties or abandoned properties within the City's corporate boundaries.
2. The NSP Committee will evaluate, review, select and determine property to be acquired by the City pursuant to the Land Reutilization Program and NSP.

3. The NSP Committee will perform exterior and interior inspections of each property to determine each property's designation as a rehabilitation or demolition activity.
4. The NSP Committee will negotiate purchase prices and purchase agreements up to ninety-nine percent of the Fair Market Value and in accordance to NSP Guidelines and Regulations for property subject to City Council's approval.

SECTION 1106.05 ACQUISITION PROCEDURES UTILIZING NEIGHBORHOOD STABILIZATION PROGRAM FUNDS SHERIFF'S SALES.

1. The NSP Committee will routinely research the Lorain County Sheriff's Sale agendas for properties within the City's corporate boundaries.
2. The NSP Committee will evaluate, review and select properties to be acquired through Sheriff's Sales.
3. The NSP Committee will perform exterior and interior (if possible) inspections of each property to determine each property's designation as a rehabilitation or demolition activity.
4. A member of the NSP Committee will attend and bid on selected properties at each applicable Sheriff's Sale. The minimum bid at Sheriff's Sale is two-thirds of the Fair Market Value. The City's maximum bid shall not exceed ninety-nine percent of the Fair Market Value in accordance to NSP Guidelines and Regulations.
5. The NSP Committee is hereby authorized to bid on and purchase those properties eligible under NSP Guidelines pursuant to the terms and conditions provided herein.

SECTION 1106.06 DUTIES AND ADMINISTRATION.

The City shall assume possession and control of any nonproductive property acquired as a part of its land reutilization program through its Office of Community Development. The City shall hold and administer such property in a governmental capacity for the benefit of itself. In its administration of such nonproductive property as a part of a land reutilization program, the City shall, through the Office of Community Development:

1. Manage, maintain, and protect, or temporarily use for a public purpose such property in such manner as it deems appropriate;
2. Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times;
3. Study, analyze, and evaluate potential, present, and future uses for such property which would provide for the effective reutilization of the nonproductive property;
4. Plan for, and use its best efforts to consummate, the sale or other disposition of such property at such times and upon such terms and conditions as it deems appropriate to the fulfillment of the purposes and objectives of its land reutilization program; and
5. Establish and maintain records and accounts reflecting all transactions, expenditures, and revenues relating to its land reutilization program, including separate itemizations of all transactions, expenditures, and revenues concerning each individual parcel of real property acquired as a part of the land reutilization program.

SECTION 1106.07 TAXING DISTRICTS.

The City shall keep all taxing districts having an interest in the taxes, assessments, charges, interest, and penalties on the real property acquired as part of the land reutilization program informed concerning the administration of its land reutilization program and shall establish a committee comprised of a representative from each such taxing district. Each member of the committee shall be appointed by the taxing district he or she represents. A representative may be an employee of the taxing district. Members shall serve without compensation. The committee shall meet at least annually to review the operations of the land reutilization program.

SECTION 1106.08 SALE OF NONPRODUCTIVE TAX-FORECLOSED PROPERTIES TO THE CITY.

1. If any nonproductive property selected by the City is advertised and offered for sale at two sales but is not sold for want of a minimum bid, the City shall be deemed to have submitted the winning bid at the second sale for the property, and the property is deemed sold to the City for no consideration other than the fee of transferring and recording of deeds.
2. Upon the filing of the entry of confirmation of sale, the officer conducting the sale shall execute and file for recording a deed conveying title to the property and, once the deed has been recorded, deliver the deed to the City. Title to the property is incontestable in the City and free and clear of all liens and encumbrances. At the time of the sale, the officer shall collect and the City shall pay the fee required by law for transferring and recording of deeds.
3. For the purposes of the Neighborhood Stabilization Program (NSP), the Land Reutilization Program will operate in a specific, defined geographic area. The City's geographic area will be defined as its corporate boundaries, inclusive of its seven wards. It will purchase properties that have been abandoned or foreclosed upon and maintain, assemble, facilitate redevelopment of, market, sell and dispose of the acquired properties to persons at or below 120% of LMI. Other restrictions and requirements apply concerning twenty-five percent of land-banked properties purchased using NSP funds which must be sold to persons at or below 50% LMI.

SECTION 1106.09 ACCEPTANCE OF FORFEITED PROPERTIES (STATE OF OHIO) TO THE CITY.

1. If any nonproductive property that has been forfeited to the State and selected by the City is advertised and offered for sale by the auditor, but no minimum bid is received, the City shall be deemed to have submitted the winning bid, and the property is deemed sold to the City for no consideration other than the fee of transferring and recording of deeds. The auditor shall deliver to the City a certificate of sale.
2. On the returning of the certificate of sale to the auditor, the auditor shall execute and file for recording a deed conveying title to the selected nonproductive property and, once the deed has been recorded, deliver it to the City. At the time of the sale, the auditor shall collect and the City shall pay the fee required by law for transferring and recording of deeds.

SECTION 1106.10 REMOVAL OF TAXES ON LAND CONVEYED TO THE CITY.

1. When the City purchases or otherwise acquires nonproductive property, the County Auditor shall remove from the tax lists and duplicates all taxes, assessments, charges, penalties, and interest that are due and payable on the property at the time of the sale.
2. The County Auditor shall certify to the City a record of all of the taxes, assessments, charges, interest, and penalties that were due on the parcel at the time of the sale; the taxing districts to which they were owed; and the proportion of the amount that was owed to each taxing district. The certification shall be used in distributing the proceeds upon the subsequent sale of the property.

SECTION 1106.11 SALE OF PROPERTY(S).

1. The City may, without competitive bidding, sell any property acquired by it as a part of its land reutilization program at such times, to such persons, and upon such terms and conditions, and subject to such restrictions and covenants as it deems necessary or appropriate to assure the properties effective reutilization. Such property shall be sold at not less than its fair market value. However, upon the approval of the legislative authorities of those taxing districts entitled to share in the proceeds from the sale thereof, the City may either retain such property for devotion by it to public use, or sell, or lease or otherwise transfer any such property to another political subdivision for the devotion to public use by such political subdivision for a consideration less than fair market value.
2. Whenever the City sells any property acquired as part of its land reutilization program for an amount equal to or greater than fair market value, it shall execute and deliver all agreements and instruments incident thereto. The City may execute and deliver all agreements and instruments without procuring any approval, consent, conveyance, or other instrument from any other person or entity, including the other taxing districts entitled to share in the proceeds from the sale thereof. The City may, for purposes of property disposition, consolidate, assemble, or subdivide individual parcels of property acquired as part of its land reutilization program.

SECTION 1106.12 DISTRIBUTION OF PROCEEDS.

When the City sells any property acquired as a part of its land reutilization program, the proceeds from such sale shall be applied and distributed in the following order:

1. To the City in reimbursement of its expenses incurred through the acquisition, administration, management, maintenance, rehabilitation and disposition of such property;
2. To the County Treasurer to reimburse the taxing districts to which the County Auditor charged the costs of foreclosure or costs of forfeiture;
3. To the County Treasurer for distribution to the taxing districts charged costs; and
4. The balance, if any, will be retained by the City for application to the payment of costs and expenses of its land reutilization program.

SECTION 1106.13 TAX EXEMPTION.

All lands acquired and held by the City within the land reutilization shall be deemed real property used for a public purpose and shall be exempt from taxation until sold.

SECTION 1106.14 DISCONTINUANCE OF PROGRAM.

The City may discontinue its land reutilization program at any time by repealing the ordinance, but it shall continue to be governed by the procedures set forth concerning the administration and disposition of real property acquired as a part of its land reutilization program until all properties have been sold or transferred and the proceeds distributed.

SECTION 1106.15 DISPOSITION OF PROPERTY.

1. Real property acquired and held by the City that is not sold or transferred within 15 years after acquisition shall be offered for sale at public auction during the 16th year after acquisition. If the real property is not sold at that time, it shall be offered every three years until it is sold. Notice of the sale shall contain a description of each parcel, the permanent parcel number, and the full street address when available. The notice shall be published once a week for three consecutive weeks prior to the sale in a newspaper of general circulation within the City. Each parcel subsequent to the fifteenth year after its acquisition as part of a land reutilization program shall be sold for an amount equal to but not less than the greater of:
 - a. Two-thirds of its fair market value; and
 - b. The total amount of accrued taxes, assessments, penalties, interest, charges, and costs incurred by the City in the acquisition, maintenance, and disposal of each parcel and the parcel's share of the costs and expenses of the land reutilization program.
2. For the purposes of the Neighborhood Stabilization Program (NSP), the Department of Housing and Urban Development (HUD) does not believe the benefits of just holding property(s) are sufficient to stabilize most neighborhoods or that this is the best use of limited NSP funds absent a re-use plan. HUD is requiring that a land reutilization program may not hold a property acquired with NSP funds for more than ten years without obligating the property for a specific, eligible redevelopment of that property in accordance with NSP requirements.

Chapter 1107 Nonconformities

SECTION 1107.01 PURPOSE OF NONCONFORMITIES CHAPTER

This chapter's regulations are intended to permit certain nonconforming uses, lots, and structures to continue to exist in order to minimize unjust takings of private property rights that may result from the enactment of new land use regulations by this Code.

SECTION 1107.02 SAVINGS PROVISION

Any application for a permit concerning the erection or modification of a structure or the initiation or change of a land use, having been submitted to the Elyria Zoning Administrator and having included all application materials required by the Code in effect at the time of the application's receipt by the City, shall be reviewed by the City, Planning Commission, City Council, Board of Zoning Appeals, or any other relevant City entity pursuant to the standards of the Code in effect at the time of the application's receipt by the City. Future modifications or amendments sought by an applicant after approval of such a qualifying application shall be reviewed in accordance pursuant to the standards of the Code in effect at the time of the applicant's submission of such modifications.

SECTION 1107.03 DEFINITIONS

For the purposes of this chapter, the following definitions apply.

1. Abandonment. Abandonment shall mean the cessation of a land use without intention to continue the particular land use. Such cessation of a land use without intention to continue the land use may be demonstrated by scenarios including, but not limited to, the following: (1) the transition of the land use to another land use, and (2) the application for and receipt of zoning permits or building permits from the City indicating a change of use.
2. Nonconforming Lot. A nonconforming lot shall mean any lot that was lawfully created prior to the enactment of this Code and that was recorded by the County Auditor's Office prior to the enactment of this Code and that does not comply with the minimum lot area, lot width, and/or lot depth standards required by this Code.
3. Nonconforming Structure. A nonconforming structure shall mean any structure that:
 - a. Was lawfully constructed, including having received any certificates or permits as required by this City at the time of erection; and
 - b. Does not now conform to the provisions of this Code or amendment thereto with respect to setback, height, building footprint, impervious coverage percentage, building type, or architectural design standards.
4. Nonconforming Use. A nonconforming use shall mean any use of a particular lot, portion of a lot, or structure that:

- a. Was established lawfully, including having been a lawful land use of the district in which it is located per the planning and zoning code in effect at the time of its establishment, and including having been issued any certificates or permits as required by the planning and zoning code in effect at the time of its establishment; and
 - b. Is no longer a lawful land use in the [zoning district] in which it is located as restricted by this Code.
- 5. Specific Nature. Specific nature shall mean the particular means, manner, and mode in which a land use is carried out. As an example of the use of this term: a planning and zoning code may include a general use-category term, such as “retail establishment,” but such general use-category term may include uses with many different specific natures, such as a retail establishment open only on weekends and selling hiking shoes directly to consumers, a retail establishment selling camping supplies only to boy scout troops, and a retail establishment open only seasonally and selling ski boots.

SECTION 1107.04 NONCONFORMING LOTS

- 1. Nonconforming Lots Continuance. A nonconforming lot or a lot of record may continue to exist, subject to the provisions of this section.
- 2. Subdividing Nonconforming Lots. A nonconforming lot may be subdivided into two or more lots, provided that none of the post-subdivided lots exceeds the nonconforming nature of the pre-subdivided lot. For example, if a pre-subdivided lot is nonconforming due to a narrower-than-allowed lot width, none of the post-subdivided lots shall have a lot width that is narrower than that of the pre-subdivided lot.
- 3. Consolidating Nonconforming Lots. No nonconforming lot shall be consolidated with one or more other lots, unless the resulting consolidated lot fulfills one of the following:
 - a. The resulting consolidated lot conforms to all lot area, frontage, width, and depth dimensions required by this Code; or
 - b. The resulting consolidated lot does not conform to all lot area, frontage, width, and depth dimensions required by this Code, but the resulting consolidated lot conforms to the lot dimensions required by this Code to an equal or greater degree than each of the lots prior to consolidation.
- 2. Nonconforming Lots with Structures and/or Land Uses. Any nonconforming lot may be improved with structures; such structures shall be subject to regulations as applied by this Code. Any nonconforming lot may be put to use, provided that the land use is in full compliance with the terms of this Code.

SECTION 1107.05 NONCONFORMING USES

- 1. Nonconforming Uses Continuance. A nonconforming use may be continued, subject to the terms of this section. Such continuance shall not require a new zoning permit from the City under this Code; however, if a landowner desires a zoning permit acknowledging a nonconforming use’s right to continue, the owner of the land under which the nonconforming use is being conducted may apply to the City for such a zoning permit under the terms of Chapter 1106 “Administration and Procedures.”

2. Change of Nonconforming Uses to an Allowed Use--Either Administrative Review or Conditional Use Review. A nonconforming use may be changed to an allowed use--whether a use subject to administrative review or a use subject to conditional use review--subject to the procedural and permitting requirements as described in Chapter 1106 "Administration and Procedures."
3. Expansion of Nonconforming Uses. A nonconforming use may not be expanded in its intensity, including in its hours of operation, average number of labor hours per week, or capacity for customers, and a nonconforming use may not be expanded in floor area or in the lot area dedicated to the use; notwithstanding the foregoing, a nonconforming use may be expanded into a portion of the lot or structure that was manifestly arranged for such use at a time when the use was lawful, and an expansion in intensity of the use is permitted where proportionate to such expansion in area.
4. Abandonment of Nonconforming Uses. Whenever a nonconforming use has been abandoned [DOES THE CITY'S COUNSEL AGREE WITH THIS LANGUAGE?] and such abandonment has been conclusive for a period of at least 12 months, the nonconforming use shall not be re-established, and any future use of the lot, portion of the lot, or structure where such use had occurred may only occur in conformity with the provisions of this Code.

SECTION 1107.06 NONCONFORMING STRUCTURES

1. Nonconforming Structures Continuance

- a. A nonconforming structure may continue to exist, provided that all of the following conditions are met:
 - i. The nonconforming structure does not pose an immediate risk to the public safety, as determined by the City; and
 - ii. The nonconforming structure is not reconstructed, repaired, or expanded, except in accordance with this section.
- b. Any portion of a nonconforming structure may be put to use, provided that such land use is in full compliance with the provisions of this Code.

2. Maintenance and Repair of a Nonconforming Structure. A nonconforming structure may be maintained and repaired, provided that the nonconforming portion of the structure is not enlarged, increased, or extended and that no new nonconforming portion of a structure is created. Note to the reader: a building permit may be required by the building code in order to lawfully conduct certain maintenance and repair activities; to determine the need for a building permit, contact the Elyria Building and Land Department.

3. Replacement and Reconstruction of a Nonconforming Structure. A nonconforming structure may be replaced or reconstructed where all of the following conditions are satisfied:

- a. The replacement or reconstruction does not result in an increase in the area or volume of the structure out of conformity with a structure-related provision of this Code;
- b. If a nonconforming portion of a structure is replaced or reconstructed, the replacement or reconstruction of that portion of the structure does not occur in a location outside of which formerly contained a nonconforming portion of the structure.

- c. To assist the reader in interpreting this regulation, the following example is provided: if an above-ground pool was nonconforming due to violating the side-yard setback provision, it may be replaced, provided such replacement does not result in an increase of the area or volume of the pool or deck that violates the side-yard setback provision, and provided that, if any area or volume of the new pool does violate the side-yard setback provision, the location of such violation does not occur outside of the location of the pre-replacement nonconformity.
 - d. Any nonconforming building or structure damaged more than fifty percent (50%) of its then-assessed valuation, exclusive of foundations, shall not be restored or reconstructed, used or occupied as a nonconforming use and shall be in conformance with the provisions of this Code. If such damage amounts to fifty percent (50%) or less of the assessed valuation, the nonconforming building or structure may be restored, provided such restoration is completed within 12 months from the time of damage.
 - e. Note to the reader: applicable permits may be required, contact the City of Elyria.
4. Expansion of a Nonconforming Structure. Unless authorized by the Board of Zoning Appeals, no nonconforming use shall hereafter be extended, unless such extension conforms with the provisions of this Zoning Code for the district in which such nonconforming use is located. However, such nonconforming use may be extended throughout those parts of a building which were manifestly designed or arranged for such use prior to the time of the enactment of this Zoning Code or the time of an amendment rendering such use nonconforming, if no structural alterations except those required by law or ordinance are made therein.

SECTION 1107.07 BURDENS OF PROOF

In any application, hearing, proceeding, appeal, or dispute involving a nonconforming use or nonconforming structure, the following burdens of proof shall apply.

1. Proof of Establishment of a Land Use or Structure. The landowner bears the burden of demonstrating that the use was lawfully commenced or the structure was lawfully erected, as evidenced by affirmative proof that: (1) the use was commenced or the structure was erected before the change in land use regulations that rendered the use or structure nonconforming; and (2) the use or structure was lawful at the time of commencement or erection[, including having been issued any certificate or permit that may have been required under land use regulations that may have been in effect at that time DOES THE CITY WANT TO KEEP THAT LAST PART IN THESE BRACKETS?]. [[[OPTION FOR THIS SECTION: Where the City and its residents may not have adequate documentation of the issuance of “any certificate or permit that may have been required under land use regulations that may have been in effect at that time”, omit that text above and replace with “...and (2) the use or structure was lawful at the time of commencement or erection or, alternatively, has been in continued existence for at least 20 years.”]]]
2. Proof of Abandonment of a Land Use. The City bears the burden of demonstrating the abandonment of a land use, as evidenced by affirmative proof that the landowner intended to abandon the use.

SECTION 1107.08 SPECIFIC APPLICATIONS OF NONCONFORMITIES

1. Nonconforming Signs as Nonconforming Structures. Nonconforming signs are regulated as

nonconforming structures.

2. **Nonconforming Outdoor Lighting.** Outdoor lighting that was lawfully established prior to the effective date of this Code or, in the case of amendment to this Code, as of the date of adoption of such amendment, and does not now conform to the provisions of Section XXXX.X “Outdoor Lighting Standards” of this Code with respect to lighting color temperature, intensity, positioning, directionality, or duration, is regulated as a nonconforming structure and is subject to the terms of this Chapter “Nonconformities.”
3. **Nonconforming Parking Structures.** For any parking area, accessway, garage, driveway, or similar paved area or structure for motor vehicles that was lawfully erected, including having received any certificates or permits as required by the City at the time of erection, but does not conform to the provisions of this Code, including area of the parking structure or number of motor vehicle parking spaces, location of the parking area, number of electric vehicle charging stations, and number of bicycle parking spaces, such parking area or similar paved area or structure for motor vehicles shall be treated as a nonconforming structure.
4. **Earlier Adopted Use and Design Standards.** If a use or structure would have been deemed compliant with particular use or design standards in effect at the time that the use or structure was established or constructed, those earlier-enacted standards shall control and the use or structure is not required to comply with later-enacted standards regarding the same subject matter. By way of example: if a shopping center’s landscaping complies with the landscaping and parking standards in effect at the time the shopping center was constructed, compliance with later-enacted landscaping or landscaping standards is not required. However, if a new use is commenced or a new structure is built, it must be in full compliance with the terms of this Code.

SECTION 1107.09 ILLEGAL USES, STRUCTURES, AND LOTS, GENERALLY

This chapter does not allow for the perpetuation of uses or structures that were unlawfully established or constructed. Uses or structures that were unlawfully established or constructed are not considered “nonconforming uses” or “nonconforming structures”; instead, such uses and structures are considered “illegal uses” or “illegal structures” and are subject to all of the provisions of this Code and any other applicable law, including penalties for violations. Likewise, this chapter does not legitimize the unlawful subdivision or consolidation of real property.

SECTION 1107.10 NONCONFORMING STATUS ATTACHED TO THE LAND

1. **Nonconforming Use Status Runs with the Land.** A nonconforming status of a use shall apply to a particular land use on a particular lot of real property. The nonconforming status of a use shall run with the land upon which the nonconforming use was lawfully established. The mere fact that such land has been sold, transferred, or conveyed has no effect on a subsequent owner’s right to continue a nonconforming use that was lawfully established under the ownership of a prior party.
2. **Nonconforming Structure Status Runs with the Land.** A nonconforming status of a structure shall apply to a particular structure, such as a building or a sign, plus its attachments, such as gutters, stairs, railings, and sconces, on a particular lot of real property. The nonconforming status of a structure shall run with the land upon which the structure was lawfully erected. The mere fact that such a structure has been sold, transferred, or conveyed has no effect on a subsequent owner’s right to maintain and use a nonconforming structure that was lawfully constructed under the ownership of a prior party.