

Elyria, Ohio  
Planning and Zoning Code  
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# **TITLE ONE- PLANNING AND PROCESSES**

## **Chapter 1101 Preservation of Landmarks and Historic District Regulations**

### **SECTION 1101.01 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 1101.02 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. Certificate of Approval: given to the applicant by Council following a recommendation of approval or denial from the Elyria Landmarks Commission.
3. Change: any alteration, demolition, removal or construction involving any property subject to the provisions of this chapter.
4. Commission: the Elyria Landmarks Commission.
5. Demolish or Demolition: the razing or removal, in whole or in part, of any structure.
6. 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.
7. In-Kind Replacement: the act of matching, replacing, or repairing a historic building material, feature, or even a whole structure, using the exact same type of material, design, color, texture, and detailing as the original.
  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 1101.03 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, Chief Building Official, 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 ORC, 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 ORC.

#### **SECTION 1101.04 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 and to non-historic buildings within designated districts and for new construction within designated 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 1101.05 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 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 1101.06 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 therefor 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. The Commission shall utilize the Secretary of the Interiors Standards for Rehabilitation as a reference.

#### **SECTION 1101.07 CERTIFICATE OF APPROVAL APPLICATION PROCESS.**

- a. The Commission Secretary shall notify the Building Department, Director of Community Development, and Zoning Administrator 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.

- b. 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.
- c. 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.
- d. 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.

#### **SECTION 1101.08 APPEALS.**

Any decision of the Commission may be appealed to Council. A majority vote of Council is necessary to override a Commission ruling. The applicant may provide Council an affidavit of financial hardship to the Council.

#### **SECTION 1101.08 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 1101.09 PENALTY.**

See “SECTION 1105.16 VIOLATIONS.” and “SECTION 1105.17 PENALTIES AND REMEDIES.” for penalties for any violation of this chapter and for misdemeanor classifications.

## SECTION 1101.10 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 marked as **Exhibit A** and incorporated herein.



## Elyria Landmarks Map



Figure 1: (Exhibit A) Map of Elyria's West Avenue Historic District.

# **Chapter 1103 Neighborhood Stabilization Program (NSP)**

## **SECTION 1103.01 IMPLEMENTATION.**

The City of Elyria (City) has elected to adopt and implement the procedures set forth in ORC. 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 ORC. Chapter 5722.

## **SECTION 1103.02 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 1103.03 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 ORC Chapter 5722.

#### **SECTION 1103.04 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 Council's approval.

#### **SECTION 1103.05 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 1103.06 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 1103.07 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 1103.08 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 1103.09 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 1103.10 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 1103.11 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 1103.12 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 1103.13 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 1103.14 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 1103.15 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 16<sup>th</sup> 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 1105 Administration and Procedures

## **SECTION 1105.01 PURPOSE.**

This chapter sets forth the administrative processes required for zoning map and text amendments, conditional uses, variances, and zoning and design review in the City of Elyria. Further, it outlines the powers and duties of the various City officials, departments, appointment bodies, and Council in consideration of the applications outlined in this Chapter.

## **SECTION 1105.02 AUTHORITY.**

The following City officials and bodies have responsibility for implementing and administering this Code:

1. Zoning Administrator
2. Planning Commission
3. Board of Zoning Appeals
4. Council

## **SECTION 1105.03 RESPONSIBILITIES OF THE ZONING ADMINISTRATOR.**

### **1105.03.01 Roles and Powers**

The City Planner shall be the Zoning Administrator. The tasks of the Zoning Administrator shall include the following:

1. Administer the Zoning Code, including the maintenance of all records.
2. Maintain in current status the official Zoning Map. See “SECTION 1119.03 MAINTENANCE OF ZONING MAP.”
3. Conduct reviews of existing and proposed uses of land to determine compliance or noncompliance with the Zoning Code through the issuance of Zoning Certificates.
4. Review applications regarding Zoning and Design Review process and provide staff reports for Design Review Waivers to Planning Commission when applicable.
5. Provide staff reports for Variances to the Board of Zoning Appeals
6. Revoke zoning permits or approvals based on a false statement, misrepresentation, or inaccurate information in the application of the Zoning Code or where a provision of the Zoning Code has been violated.
7. Render determinations of the provisions of this Code, including principal and accessory use determinations, pursuant to “SECTION 1117.04 DETERMINATION OF PRINCIPAL AND ACCESSORY USES.”, and Enforcement of the Zoning Code.
8. Conduct preapplication conferences with applicants regarding potential requests for text or map amendments.
9. Prepare a written staff report regarding the content of text amendments, map amendments, or conditional uses including compliance with the Zoning Code and consistency with any Council adopted plan.

### **1105.03.02 Appeals of Decisions**

Any decision of the Zoning Administrator related to the administration of this Zoning Code may be appealed by the applicant to the applicable entity as found in “SECTION 1105.08 COMPREHENSIVE TABLE OF PROCEDURES.”

## **SECTION 1105.04 RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS SECRETARY.**

Roles and Powers. The duties of the position shall be to have direct charge of all records and minutes of proceedings of the Board of Zoning Appeals as defined in Section 14.02 of Article XIV of the Charter of the City of Elyria.

## **SECTION 1105.05 RESPONSIBILITIES OF THE PLANNING COMMISSION SECRETARY.**

Roles and Powers. The duties of the position shall be to have direct charge of all records and minutes of proceedings of the Commission as defined in Section 13.02 of Article XIII of the Charter of the City of Elyria.

## **SECTION 1105.06 RESPONSIBILITIES OF PLANNING COMMISSION.**

### **1105.06.01 Roles and Powers**

The Planning Commission shall have the following responsibilities:

1. To hear and make recommendations to Council on proposed map and text amendments.
2. Initiate amendments to the zoning map or text of this Code where the amendments will promote the best interest of the public.
3. To hear and make recommendations to Council on Conditional use requests.
4. To hear and make decisions regarding Zoning and Design Review applications containing Modifications from the Design Review Guidelines.
5. Rules and regulations may be adopted by a majority vote of the members of the Planning Commission to provide for the number of meetings and method of calling meetings and special meetings, and to provide for the conduct and government of meetings
6. Interpret the precise location of the boundary lines between zoning districts.
7. Such other powers and duties that are consistent with ARTICLE XIII of the City Charter.

### **1105.06.02 Voting**

A majority of the members of Planning Commission shall constitute a quorum. A concurrence of a majority of the members of Planning Commission shall be required to act upon any matter that is before the Planning Commission. Every decision shall be accompanied by written findings specifying the reason for granting or denying the application or making its recommendation.

### **1105.06.03 Appeal of Decisions**

Determinations of the Planning Commission regarding the Zoning and Design Review applications are appealable to Council. All decisions of the Planning Commission are recommendations that provided to Council for final determination. The final decision of Council is appealable to the Court of Common Pleas. Any such appeal shall be taken within 30 days of the day the decision was rendered.

#### **1105.06.04 Compensation**

All members of the Planning Commission shall serve without compensation.

### **SECTION 1105.07 RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS.**

#### **1105.07.01 Roles and Powers**

The Board of Zoning Appeals shall have the following responsibilities:

1. To hear and decide Variance requests.
2. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of the provisions of this Code.
3. To hear and decide appeals of decisions of the Zoning Administrator in the administration of the Design Review process for applications to include requests for Modification from the Zoning Code.
4. To interpret the provisions of this Zoning Code or the Zoning Map where there is doubt as to meaning or application. The Board shall have the specific power to:
  - a. Interpret the classification of a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted use in accordance with the intent and purpose of each district. With the exception of any use not permitted as a principally permitted use, a permitted accessory use or a conditionally permitted use in any zoning district shall be prohibited in that zoning district.
  - b. The Board shall not have the power to alter or change the zoning district classification of any property, nor to make changes in the terms or intent of this Code, but does have the power to act on those matters where this Code provides for review, interpretation or variance, as defined in this chapter.”
5. Rules and regulations may be adopted by a majority vote of the members of the Board of Zoning Appeals to provide for the number of meetings and method of calling meetings and special meetings, and to provide for the conduct and government of meetings
6. Such other powers and duties that are consistent with ARTICLE XIV of the City Charter.

#### **1105.07.02 Appeal of Decisions**

Decisions of the Board of Zoning Appeals may be appealed to the Court of Common Pleas.

#### **1105.07.03 Organization and Procedures**

The following shall apply to the organization and procedures of the Board of Zoning Appeals:

1. **Appointment.** The Board shall be composed of five (5) electors of the City. Members shall be appointed by the Mayor for a period of five (5) years. The terms shall be arranged so that the term of one member shall expire each year. Should any vacancy on the Board occur for any reason, the Mayor shall appoint a successor to serve the unexpired term. The Mayor shall have the right to remove any members of the Board with due cause.
2. **Organization and Rules.** The Board shall organize annually and elect a Chairperson,

Vice-chairperson and secretary from its membership. The secretary need not be a member of the Board. The Board shall adopt such procedural rules as may be necessary to carry into effect the provisions of this Zoning Code and to exercise the powers and jurisdiction conferred upon it by this Code.

- a. The Chairperson shall preside at all meetings of the Board. He or she shall decide on all points of order and procedure unless otherwise directed by a majority of the Board. The Chairperson may appoint committees deemed necessary to carry out the business of the Board. The Chairperson may administer oaths and compel the attendance of witnesses as necessary to carry out the business of the Board. The Chairperson's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.
  - b. The Vice-chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during his or her absence, disability or disqualification.
  - c. The secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Board.
3. **Meetings.** Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings shall be open to the public.
4. **Voting.** All actions of the Board shall be taken by resolution, the vote of each member being recorded. Three members of the Board shall constitute a quorum to do business. A concurring vote of three (3) members shall be necessary to grant variances from the strict letter of this Code or to reverse any other order, requirement, decision or determination of the Building Official. No member of the Board shall vote on any matter in which he or she is personally or financially interested.
5. **Minutes and Records.** The secretary of the Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be certified correct and filed in the City Hall and shall be a public record.
6. **Witnesses and Oaths.** The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths and compel testimony and the production of books, papers and other evidence pertinent to any issue before the Board.
7. **Department Assistance.** The Board may call on all City departments for assistance in the performance of its duties, and it shall be the duty of such departments to render assistance to the Board as may be required. In addition, the Department of Community Development staff may make an analysis and present a report on any matter before the Board. Such report shall be considered by the Board at the time of hearing on the matter.
8. **Alternate members of the Board.** The Mayor may appoint up to three alternate members to the Board, each for a term of five years. An alternate member shall take the place of an absent regular member at any meeting of the Board, according to procedures prescribed by the Board. An alternate member shall meet the same qualifications and criteria for appointment as a regular member. When attending a meeting in the place of an absent member, the alternate member is authorized to vote on any matter upon which the absent member is authorized to vote.

## **SECTION 1105.08 RESPONSIBILITIES OF COUNCIL.**

See ARTICLE III of the Charter of the City of Elyria, Ohio for information pertaining to the responsibilities of Council.

## **SECTION 1105.09 COMPREHENSIVE TABLE OF PROCEDURES.**

The following table summarizes the applications, review processes, and responsible reviewing party set forth in this Chapter:

<b>Zoning Permits</b>	
Submitted to:	Planning Commission Secretary
Reviewed by:	Zoning Administrator
Decision by:	Zoning Administrator
Appeal:	Board of Zoning Appeals
<b>Appeal for Administrative Determinations</b>	
Submitted to:	Planning Commission Secretary
Reviewed by:	Zoning Administrator
Decision by:	Zoning Administrator
Appeal:	Board of Zoning Appeals
<b>Variances</b>	
Submitted to:	Board of Zoning Appeals Secretary
Reviewed by:	Zoning Administrator
Decision by:	Board of Zoning Appeals
Appeal:	Court of Common Pleas
<b>Conditional Uses</b>	
Submitted to:	Clerk of Council
Reviewed by:	Zoning Administrator and Planning Commission
Decision by:	Council
Appeal:	Court of Common Pleas
<b>Zoning Map and Text Amendments</b>	
Submitted to:	Clerk of Council
Reviewed by:	Zoning Administrator and Planning Commission
Decision by:	Council
Appeal:	Court of Common Pleas
<b>Zoning and Design Review with disapproval of zoning</b>	
Submitted to:	Board of Zoning Appeals Secretary
Reviewed by:	Zoning Administrator
Decision by:	Board of Zoning Appeals
Appeal:	Court of Commons Pleas

<b>Zoning and Design Review with disapproval of design review guidelines</b>	
Submitted to:	Planning Commission Secretary
Reviewed by:	Zoning Administrator
Decision by:	Planning Commission
Appeal:	Council
<b>Zoning Enforcement</b>	
Submitted to:	Planning Commission Secretary
Reviewed by:	Zoning Administrator
Decision by:	Zoning Administrator
Appeal:	Board of Zoning Appeals

## **SECTION 1105.10 ZONING CERTIFICATES.**

### **1105.09.01 Applicability**

A Zoning Certificate is required when it is determined through administrative review by the Zoning Administrator that proposed uses would be permitted on a property such as:

1. A new principal use of a lot, accessory use, or portion thereof;
2. Any change in the principal use of a lot, accessory use, or portion thereof, to a different principal or accessory use term or classification;
3. Any expansion of use; and
4. Any change in the use of a nonconforming use.

### **1105.10.02 Applying for a Zoning Certificate**

The property owner or authorized agent or entity having legal authority to act in accordance with the approval sought shall file an application for a Zoning Certificate.

### **1105.10.03 Process for Obtaining a Zoning Certificate**

The property owner or authorized agent shall submit a request for zoning information to the Zoning Administrator. The Zoning Administrator shall review the request based on the information provided by the applicant or authorized agent and provide a formal response as to how the existing or proposed use may or may not conform to the existing zoning district. If it is determined by the Zoning Administrator that the proposed use is permitted administratively, and if applicable, use-specific standards are met, a fee shall be paid by the applicant and the Zoning Administrator shall issue a signed zoning certificate to the applicant. Zoning Certificates shall not be required for projects that require a rezoning, conditional use, or variance.

### **1105.10.04 Requirement**

A Zoning Certificate shall be required prior to obtaining any permits through the City of Elyria Building Department or for a zoning permit.



## **SECTION 1105.11 ZONING AND DESIGN REVIEW PROCESS.**

### **1105.11.01 Purpose**

The purpose of the Zoning and Design Review process is to promote safe, functional, and attractive development of commercial, industrial, and multi-family residential areas; to enhance the character of the City's business centers and thoroughfares as a valid general welfare concern; to unify properties, both visually and physically with surrounding principal uses; to facilitate a more healthful urban atmosphere; to protect and preserve the unique and cultural features within the City; and to protect the community's property values by enhancing the City's appearance. Plans submitted to the City for the Zoning and Design Review process are reviewed for compliance with applicable zoning codes and the Design Review Guidelines.

### **1105.11.02 Zoning and Design Review Requirements**

Zoning and Design Review approval shall be required for all new buildings, building additions, and alterations, signs, fences, parking lots except for one-unit, two-unit, and 3-4 unit residential uses. The following are the requirements for plans submitted for the Zoning and Design Review process:

#### **1. Signs:**

- a. Information of all proposed and existing signs indicating the following: number of existing and proposed signs, dimensions, number of faces, total area, height, and if the sign is to be illuminated.
- b. Scaled drawing of signage showing the materials, height, dimensions, color, lighting, and lettering style.
- c. Site plan- a scaled drawing showing property/properties and the location of proposed improvements to the site. Show building width where the sign(s) is/are to be placed.
- d. Existing conditions photos of the property/properties.
- e. See "SECTION 1121.10 SIGN REGULATIONS" of the Planning and Zoning Code for more information.

#### **2. Existing building modifications (except for one-unit, two-unit, and 3-4 unit residential uses)- roof, windows, siding, parking, driveway, lighting, and landscaping:**

- a. Design details (indicating color, material, dimensions, and overall design of proposed modifications).
- b. Building elevations.
- c. Site plan- a scaled drawing showing property/properties and the location of proposed improvements to the site.
- d. Existing conditions photos of the property/properties.

#### **3. New buildings (except for one-unit, two-unit, and 3-4 unit residential uses)**

- a. Design details (indicating color, material, dimensions, and overall design of proposed modifications).
- b. Building elevations.
- c. Site plan- a scaled drawing showing property/properties and the location of proposed improvements to the site.
- d. Existing conditions photos of the property/properties.

#### **4. Fences**

- a. Site plan- a scaled drawing showing property/properties, the location of the fence in relation to the site, height, dimensions of gates and direction of gate swing (if applicable), and screening material (if applicable) proposed to the site.
- b. Existing conditions photos of the property/properties.
- c. See “SECTION 1121.05 SCREENING, BUFFERING, AND OUTDOOR STORAGE REGULATIONS.” and “SECTION 1121.07 FENCE REGULATIONS.” for more information.

Additional information may be required per the Zoning Administrator.

#### **1105.11.03 Exceptions to Zoning and Design Review Requirements**

The following activities shall be excluded from the Zoning and Design Review process:

1. Repairs or ordinary maintenance of any property, area, or object, provided such work involves no change in material, design, dimensions, texture, color, or outer appearance;
2. Replacement of flat roofs, which cannot be seen from the ground, with any approved material of any texture or color per the requirements found in the Design Review Guidelines;
3. Demolitions; and
4. Interior alterations.

#### **1105.11.04 Process for Zoning and Design Review and Approval by Zoning Administrator**

1. Submission. The applicant shall submit an application for Zoning and Design Review and the necessary site plans (see ZONING AND DESIGN REVIEW REQUIREMENTS section) to the Zoning Administrator.
2. Routing. The Zoning Administrator shall, if necessary, distribute the plans to applicable City Departments for review.
3. Review. The Zoning Administrator shall review the application and the provided site plan within 10 business days to determine conformity with the Design Review Guidelines and the Zoning Code.
4. Voluntary Amendments. As a result of the review, changes may be recommended to the application and the applicant may make voluntary amendments to the application and plans for additional staff review.
5. Approval. After a thorough review of details of the project, if the Zoning Administrator determines that the project will conform to the Design Review Guidelines and the requirements of the Zoning Code, the application shall receive Zoning and Design Review approval. The Planning Commission Secretary shall send notice of the approval to the applicant.

#### **1105.11.05 Disapproval**

If the Zoning and Design Review is disapproved by the Zoning Administrator, one of the following actions shall occur:

1. If the project does not meet the requirements of the Design Review Guidelines, the

applicant shall complete a separate Design Review Waiver application. The application shall be forwarded to the Planning Commission and the Zoning Administrator by the Planning Commission Secretary. The Zoning Administrator shall provide the Planning Commission with a staff report. Please refer to the Process for Design Review Waivers from Planning Commission.

2. If the project does not meet the requirements of the zoning code and requires a variance, the applicant shall seek a Variance, see “SECTION 1105.12 VARIANCES.” The application shall be forwarded to the Board of Zoning Appeals. The application shall be accompanied by the fee established by Council. Please refer to the Variance Process section of this Article for more information on variances.

#### **1105.11.06 Compliance**

Plans submitted for the Zoning and Design Review Process shall comply with the Design Review Guidelines and the Zoning Code, including any conditions placed thereon, and other applicable regulations of the City.

#### **1105.11.07 Recordkeeping**

The Zoning Administrator shall keep a record of its review and shall attach to the application copies of information, sketches, and data needed to clearly describe any amendment to it.

#### **1105.11.08 Process for Design Review Waivers**

Zoning and Design Review applications requiring modifications from the Design Review Guidelines shall require review by the Planning Commission and shall conform to the following procedure:

1. Application Submittal. Where instructed by the Zoning Administrator, the applicant shall submit an application for a Design Review Waiver, a copy of the site plan, and any other supporting documentation to the Zoning Administrator.
2. The Zoning Administrator shall, if necessary, distribute the plans to applicable City Departments for review.
3. The Zoning Administrator shall create a staff report indicating how the submitted plans do not conform to the requirements of the Design Review Guidelines and forwards the staff report to the Planning Commission Secretary.
4. The Planning Commission Secretary shall place the matter on the Planning Commission agenda and forward the staff report of the Zoning Administrator to the applicant and Planning Commission before the scheduled Planning Commission meeting.
5. The Planning Commission shall review the plans, taking into account the purpose statement of “SECTION 1105.10 PLAN REVIEW PROCESS.”, the location of the proposal, any extraordinary circumstances that may apply to the project, the effect on the surrounding properties and the relationship of the proposal to any adopted plan of the City.
6. Approval may be granted by the Planning Commission if the following can be determined:
  - a. The modification is needed to achieve the purpose and objectives of design

- review; and
- b. The modification does not adversely impact an adjacent building or property or create an unsafe pedestrian or vehicular situation;
- 7. If modifications are approved by the Planning Commission, the modifications shall be made a part of the final plans or such modifications shall be affixed to the plans approved and signed by the applicant and chairman of the Planning Commission. The applicant and/or his assigns shall be bound by such modifications and conditions affixed and/or made a part of the approved plan.
- 8. Upon approval by the Planning Commission, the applicant may apply for a building or zoning permit. Building plans, engineering plans, all construction drawings, and any other associated plans shall comply with the plans approved by the Planning Commission, including any conditions placed thereon, and other applicable regulations of the City.

#### **1105.11.09 Council Review of Design Review Waivers**

1. In the event any plan is disapproved or modified in whole or in part by the Planning Commission, the applicant may request review thereof by Council. Any such request shall be in writing, shall set forth with reasonable detail the basis of the appeal, and shall be filed with the Clerk of Council not later than 30 calendar days after the date of the Planning Commission's decision. A copy of the appeal shall be served upon the Law Director.
2. Council shall review the request after the filing thereof. Council shall act upon the request by majority vote. Such action may be to sustain or modify in-part the decision of Planning Commission or to deny the request in its entirety or to refer the request to a committee or commission for further deliberation.
3. Council may establish a fee to defray administrative costs associated with Council Review, and said fee shall be deposited with the Clerk of Council upon filing.

#### **1105.11.10 Appeal of Council Decision Regarding Design Review Waivers**

The applicant may appeal the decision of Council to the Court of Common Pleas of Lorain County, Ohio. The procedure for such appeal shall be governed by ORC Chapter 2506.

### **SECTION 1105.12 ZONING PERMITS.**

#### **1105.12.01 Applicability**

No person shall construct an accessory building or structure without first making application to the Zoning Administrator and obtaining a zoning permit for same. Fees for accessory structure permits shall be as provided in Section 109.13 of Elyria Codified Ordinances. This section shall not be construed as relief from any requirements to obtain other approvals/permits if required by other sections of the Elyria Codified Ordinances. A Zoning Permit is required to be obtained prior to effecting any of the following:

1. New construction of any building or structure, including accessory buildings; and

2. Expansion, demolition, or structural alteration of any building or structure, including accessory buildings and parking lots.

### **1105.12.02 Applying for Zoning Permits**

The applicant or authorized agent or entity having legal authority to act in accordance with the approval sought shall file an application for a zoning permit.

### **1105.12.03 Obtaining a Zoning Permit**

An applicant shall submit a zoning permit application to the Zoning Administrator if approved for the criteria found in SECTION 1105.10, Zoning and Design Review Process. If the applicant did not require approval from the Zoning and Design Review Process, the applicant shall submit a site plan that meets the following requirements:

#### **1. Signs:**

- a. Information of all proposed and existing signs indicating the following: number of existing and proposed signs, dimensions, number of faces, total area, height, and if the sign is to be illuminated.
- b. Scaled drawing of signage showing the materials, height, dimensions, color, lighting, and lettering style.
- c. Site plan- a scaled drawing showing property/properties and the location of proposed improvements to the site. Show building width where the sign(s) is/are to be placed.
- d. Existing conditions photos of the property/properties.
- e. See Section 1121.09 SIGN REGULATIONS of the Planning and Zoning Code for more information.

#### **2. Existing building modifications (except for one-unit, two-unit, and 3-4 unit residential uses), parking, driveway, and lighting:**

- a. Design details (dimensions of proposed modifications).
- b. Building elevations.
- c. Site plan- a scaled drawing showing property/properties and the location of proposed improvements to the site.
- d. Existing conditions photos of the property/properties.

#### **3. New buildings (except for one-unit, two-unit, and 3-4 unit residential uses)**

- a. Design details (dimensions of proposed modifications).
- b. Building elevations.
- c. Site plan- a scaled drawing showing property/properties and the location of proposed improvements to the site.
- d. Existing conditions photos of the property/properties.

#### **4. Fences**

- e. Site plan- a scaled drawing showing property/properties, the location of the fence in relation to the site, height, dimensions of gates and direction of gate swing (if applicable), and screening material (if applicable) proposed to the site.
- f. Existing conditions photos of the property/properties.
- g. See Section 1121.05 SCREENING, BUFFERING, AND OUTDOOR STORAGE

REGULATIONS and Section 1121.06 FENCE REGULATIONS of the Planning and Zoning Code for more information.

Additional information may be required by the Zoning Administrator as needed.

The Planning Commission Secretary forwards the Zoning Permit application and, if applicable, the site plan to the Zoning Administrator.

Within 10 business days after receipt of an application for a Zoning Permit, the Zoning Administrator shall determine whether the application is complete and if applicable, the site plan meets the requirements of the Zoning Code. If determined to be incomplete or does not meet the requirements of the zoning code, the applicant will be notified in writing, specifying the deficiencies of the application. No further action will be taken by the City until the deficiencies are corrected. If the applicant fails to correct the specified deficiencies within six months of the notification of deficiency, the City shall deem the application withdrawn.

#### **1105.12.04 Violation**

Any deviation from the proposed principal and/or accessory use and/or structural changes to the property, as described and/or drawn on the application, may constitute a violation of the provisions of this Zoning Code.

### **SECTION 1105.13 VARIANCES.**

#### **1105.13.01 Purpose**

A variance permits the landowner to deviate from a specific standard of this Zoning Code. Variances may, for example, allow for deviation from the Zoning Code's height maximums, setback minimums, floor area minimums or maximums, fenestration/transparency requirements, or fence regulations;

The following subsections outline the process for reviewing and granting variances:

#### **1105.13.02 Variance Application**

The applicant seeking a variance shall submit an application to the Clerk of the Board of Zoning Appeals. The Clerk of the Board of Zoning Appeals will route the application to the Zoning Administrator for review and to the Board of Zoning Appeals. The Zoning Administrator shall provide a staff report to summarize the situation involving the variance request. The application shall include the following information:

1. The name, address, and contact information for the applicant
2. A description of the nature of the Variance
3. A statement demonstrating that the requested Variance meets the criteria as found in the Variance Review Criteria sub-section.
4. The names and addresses of the owners of property contiguous to and directly across the street, road or highway from such property.

5. A fee as established by Council.

#### **1105.13.03 Variance Public Hearing**

Within 60 calendar days of receipt of such application, the Board of Zoning Appeals shall conduct a quasi-judicial public hearing regarding the application. Following the public hearing, decisions will be transmitted back to the Zoning Administrator, and, if the variance was approved by the Board of Zoning Appeals, the Zoning Administrator will grant a zoning certificate .

#### **1105.13.04 Variance Review Criteria**

In consideration of requests for Variances, the Board of Zoning Appeals shall grant approval only when the use is consistent with the following standards:

1. The Board of Zoning Appeals shall not be authorized to grant variances for signage that is expressly prohibited by this Code.
2. The Board of Zoning Appeals may authorize a variance when such variance will not be contrary to the public interest, where, owing to special conditions, so that the spirit of the Code shall be observed, and substantial justice done.
3. In its determination, the Board of Zoning Appeals shall consider the following factors for variance requests and if a majority of the following factors are met, as determined by the Board of Zoning Appeals, a variance may be granted. (Duncan v. Middlefield (1986), 23 Ohio St. 3d 83).
  - a. Whether the property in question will yield a reasonable return or whether there can be beneficial use of the property without the variance;
  - b. Whether the variance is substantial;
  - c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
  - d. Whether the variance would adversely affect the delivery of governmental services;
  - e. Whether the property owner purchased the property with the knowledge of the zoning restriction;
  - f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
  - g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

#### **1105.13.05 Conditions and Specificity of Variances**

The Board of Zoning Appeals may impose such conditions and restrictions upon the Variance as the Board of Zoning Appeals may deem necessary to comply with the standards set forth in this Section to reduce or minimize the impact of such use upon other property in the neighborhood and to further the purpose and intent of this Zoning Code.



## **SECTION 1105.14 APPEAL OF ADMINISTRATIVE DETERMINATIONS.**

In the case of an alleged error in any order, requirement, decision, or determination made by an administrative office of the City in the administration, interpretation, or enforcement of this Zoning Code, the Board of Zoning Appeals shall hear the request as stipulated below.

### **1105.14.01 Appealing an Administrative Determination**

Any property owner directly affected by an order, requirement, decision, or determination made by an administrative office of the City in the administration, interpretation, or enforcement of this Zoning Code may appeal such order, requirement, decision, or determination.

### **1105.14.02 Receiving an Appeal of an Administrative Determination**

Appeals shall be filed with the Zoning Administrator no later than 30 calendar days following the alleged error in the order, requirement, decision, or determination made by an administrative office of the City in the administration, interpretation, or enforcement of the Zoning Code. The appeal shall state the grounds of the alleged error. The appeal shall include the required fee as established by Council. The Zoning Administrator shall, upon receipt of an appeal, transmit the appeal to the Board of Zoning Appeals; for applications for appeal of administrative decisions, the Zoning Administrator shall also transmit to the Board of Zoning Appeals all the documentation constituting the record upon which the appeal was taken.

### **1105.14.03 Effect of Filing an Appeal**

The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Zoning Appeals, after the notice of appeal has been filed, that by reason of facts stated in the Zoning Permit, a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed except by a restraining order that may be granted by the Board of Zoning Appeals or by a court of record.

### **1105.14.04 Appeal Public Hearing**

Within 60 calendar days of receipt of such appeal, the Board of Zoning Appeals shall conduct a quasi-judicial public hearing regarding the appeal. Following the public hearing, decisions will be transmitted back to the Zoning Administrator, and the Zoning Administrator will communicate the decision to the appellant.

### **1105.14.05 Review Criteria**

The following criteria shall be used to review all appeals of administrative decision or for interpretation of this Zoning Code:

1. An order, decision, determination, or interpretation shall not be reversed or modified unless the Board of Zoning Appeals finds competent material and substantial evidence in the record that the order, decision, determination, or interpretation failed to comply with either the procedural or substantive requirements of the Zoning Code, state law, or the federal or state constitutions.
2. The Board of Zoning Appeals may impose conditions upon an affirmative decision to



ensure that the requirements and purposes of this Zoning Code are followed.

## **SECTION 1105.15 TEXT AND MAP AMENDMENTS TO THE ZONING CODE.**

The below text outlines the process for amending the text of this Zoning Code and for amending the Official Zoning Map.

### **1105.15.01 Initiating Amendments**

Amendments or supplements to the Zoning Code or the Official Zoning Map may be initiated by a motion of the Council or Planning Commission or by private land owners.

### **1105.15.02 Pre-Application Meeting**

Where the applicant is not the Council or the Planning Commission, the applicant is recommended to meet with the Zoning Administrator to discuss the initial concepts of a zoning map amendment and general compliance with applicable provisions of this Code prior to the submission of the application.

### **1105.15.03 Application Process**

1. Applications for text amendments to the zoning code or zoning map amendments (rezoning), to the Official Zoning Map, shall be submitted to the Clerk of Council and forwarded to the Planning Commission Secretary and the Zoning Administrator for review.
2. The application shall include the following for the application to be deemed complete:
  - a. The petitioner's name, address, and interest in the petition and the name, address, and interest of every person, firm, corporation, or governmental agency represented by the petitioner in the petition;
  - b. The street address or parcel identification number of the parcel(s) proposed to be rezoned, if applicable;
  - c. A legal description of the land proposed to be rezoned, if applicable;
  - d. The present zoning classification and use of the parcel(s) proposed to be rezoned, if applicable;
  - e. The proposed zoning classification with any applicable use-specific requirements and how they will be met or the proposed zoning language with concise explanation of its presumed effect; and
  - f. A list of property owners contiguous to and directly across the street from the land proposed to be rezoned, if applicable. Signature by at the owner(s), or the owner's authorized agent of the property within the area proposed to be rezoned, attesting to the truth and correctness of all facts and information presented with the application(s).
3. The Planning Commission Secretary shall provide written notice of the Text Amendment or Zoning Map amendment by first class mail, or hand delivered, at least 10 days before the date of the hearing to all owners of the property to be zoned or rezoned and to the list of property owners provided by the applicant (owners of property contiguous to and directly across the street, road or highway from such property). Additionally, the notice shall contain the same information as required of notices under Section 4.13 of the

Charter for the City of Elyria.

4. The Zoning Administrator shall send information provided for zoning map amendments to the Chief Building Official, City Engineer, Fire Marshal, and Wastewater departments for review and comments. Comments are included within the staff report created by the Zoning Administrator. The staff report provided by the Zoning Administrator is forwarded to the applicant and Planning Commission before the Planning Commission meeting. The staff report generated by the Zoning Administrator acts as a recommendation.

#### **1105.15.04 Planning Commission**

Text or Map Amendments shall be referred to the Planning Commission immediately after their introduction by Council. Within 60 days of such referral, recommendation to the Clerk of Council together with the written recommendations of the majority of the members of such Commission.

No such ordinance or resolution which violates, differs from, or departs from the written recommendation of the Planning Commission shall take effect unless passed and approved by a majority vote of members of Council.

The public hearing shall take place based on when the applicant submits the application for the Text or Map Amendment. The applicant shall submit the Text or Map Amendment based on the schedule for Planning Commission application deadlines and meetings provided by the City.

#### **1105.15.05 Text and Map Amendment Review Criteria**

In making its recommendation to Council, Planning Commission shall take into consideration the Comprehensive Plan or other adopted plans or policies of the City, this Code, other applicable city codes and regulations, and the proposed zoning classification of the parcel(s) impacted by the proposed change.

#### **1105.15.06 Planning Commission Recommendation**

The Planning Commission, after public hearing, shall recommend the approval, approval with conditions, or denial of the proposed amendment and submit such recommendation together with the application and text or map amendment pertaining thereto to the Council.

#### **1105.15.07 Council**

Following recommendation by Planning Commission, Council shall act in accordance with Sections 4.12 and 4.13 of the Charter of the City of Elyria.

### **SECTION 1105.16 CONDITIONAL USES.**

#### **1105.16.01 Purpose**

The Planning Commission, with the consent of Council, or Council without the consent of the Planning Commission, may grant conditional use permits for principal or accessory uses that

possess characteristics of unique and special nature relative to location, design, size, method of operation and circulation. 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 Council. The Planning Commission, or Council, may require additional conditions and safeguards above and beyond those provided in the “Conditional Use Review Criteria” 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 Council, or by 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.

The following provisions outline the process for reviewing and granting conditional use approvals:

#### **1105.16.02 Conditional Use Application**

1. Applications for Conditional Uses shall be submitted to the Clerk of Council and forwarded to the Planning Commission Secretary and Zoning Administrator for review.
2. The application shall include the following for the application to be deemed complete:
  - a. The petitioner's name, address, and interest in the petition and the name, address, and interest of every person, firm, corporation, or governmental agency represented by the petitioner in the petition;
  - b. The street address or parcel identification number of the land proposed to be rezoned;
  - c. A legal description of the parcel(s) for the proposed Conditional Use;
  - d. The present zoning classification and proposed Conditional Use of the parcel(s);
  - e. A concise explanation of how the proposed Conditional Use that meets the criteria found in CONDITIONAL USE REVIEW CRITERIA sub-section 1105.15.04; and
  - f. A list of property owners contiguous to and directly across the street from the land proposed to be rezoned, if applicable. Signature by at the owner(s), or the owner's authorized agent of the property within the area proposed to be rezoned, attesting to the truth and correctness of all facts and information presented with the application(s).
3. The Planning Commission Secretary shall provide written notice of the Conditional Use by first class mail, or hand delivered, at least 10 days before the date of the hearing to all owners of the property to be zoned or rezoned and to the list of property owners provided by the applicant (owners of property contiguous to and directly across the street, road or highway from such property). Additionally, the notice shall contain the same information as required of notices under Section 4.13 of the Charter for the City of Elyria.
4. The Zoning Administrator shall send information provided for Conditional Uses to the Chief Building Official, City Engineer, Fire Marshal, and Wastewater departments for review and comments. Comments are included within the staff report created by the Zoning Administrator. The staff report provided by the Zoning Administrator is

forwarded to the applicant and Planning Commission before the Planning Commission meeting. The staff report generated by the Zoning Administrator acts as a recommendation.

#### **1105.16.03 Planning Commission**

Conditional Uses shall be referred to the Planning Commission immediately after their introduction by Council. Within sixty days of such referral, the Planning Commission shall return its recommendation to the Clerk of Council together with the written recommendations of the majority of the members of such Commission.

No such ordinance or resolution which violates, differs from, or departs from the written recommendation of the Planning Commission shall take effect unless passed and approved by a majority vote of members of Council.

The public hearing shall take place based on when the applicant submits the application for the Conditional Use. The applicant shall submit the Conditional Use based on the schedule for Planning Commission application deadlines and meetings provided by the City.

#### **1105.16.04 Conditional Use Review Criteria**

In consideration of requests for Conditional Uses, the Planning Commission shall grant approval only when the use is consistent with all of the following standards:

1. The proposed Conditional Use will be consistent with the purpose and intent of this zoning code, the adopted City of Elyria Comprehensive Plan, and any other formally adopted plan by the City;
2. The proposed Conditional Use will not impact public safety in the surrounding community;
3. The proposed Conditional Use is necessary to serve the community needs;
4. The proposed Conditional Use will serve the public convenience and welfare;
5. The proposed Conditional Use will not be detrimental to the economic welfare of the community;
6. The proposed Conditional Use will not create excessive requirements, at public cost, for public facilities and services;
7. The proposed Conditional Use will be compatible with the character of the general area;
8. The proposed Conditional Use will not involve uses, activities, processes, materials, equipment conditions of operation, or hours 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;
9. The proposed Conditional Use is listed as requiring Conditional Use Review in the district where the subject principal or accessory use is proposed to be conducted and meets any use-specific standards set forth in the Zoning Code; and
10. The Planning Commission may impose such conditions and restrictions upon the Conditional Use as the Planning Commission may deem necessary to comply with the

standards set forth in this Section to reduce or minimize the impact of such use upon other property in the neighborhood and to further the purpose and intent of this Zoning Code.

#### **1105.16.05 Planning Commission Recommendation**

After the close of the Planning Commission public hearing the Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed Conditional Use and submit such recommendation together with the application And Conditional Use pertaining thereto to the Council.

#### **1105.16.06 Council**

Following recommendation by Planning Commission, Council shall act in accordance with Sections 4.12 and 4.13 of the Charter of the City of Elyria.

#### **1105.16.07 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 (1) 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.

#### **1105.16.08 Expiration**

Any conditional use permit shall automatically expire after commencement of the permitted conditional use if the conditional use has changed ownership or the conditional use has ceased for a period of more than one (1) year.

### **SECTION 1105.17 VIOLATIONS.**

1. No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used, in violation of this Zoning Code. Each day's continuation of a violation of this Code may be deemed a separate offense.
2. Any deviation from the proposed principal or accessory use and/or structural changes to the property, as described and/or drawn on the application, may constitute a violation of the provisions of this Zoning Code.

### **SECTION 1105.18 PENALTIES AND REMEDIES.**

#### **1105.18.01 Failure to acquire a Zoning Permit**

An amount equal to double the normal scheduled fees shall be assessed to the property owner for failure to acquire a Zoning Permit as required by this Zoning Code.

#### **1105.18.02 Penalties**

Any person, firm, or corporation violating any regulation, provision, amendment, or supplement

to this Zoning Code, or failing to obey any lawful order of the Zoning Administrator issued pursuant thereto, shall be deemed guilty of a minor misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 or the maximum amount allowed by the ORC. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

### **1105.18.03 Remedies**

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this Code, the Zoning Administrator, the Building Official, Elyria Law Director, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

## **SECTION 1105.19 FEES.**

### **1105.19.01 Fees Established**

The City shall charge appropriate fees for the review or issuance of Zoning Permits, Zoning Certificates, Conditional Uses, Appeals, Variances, Zoning Amendments, Nonconforming Use Certificates, and other applicable certificates to cover the costs of inspection, investigation, legal notices, and other expenses incidental to the enforcement and administration of this Code. Such fees shall be paid to the City of Elyria and shall be paid in accordance with the fee schedule established by Council.

### **1105.19.02 Refund of Fee**

Application or review fees are not refundable except where the Zoning Administrator determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of overpayment will be refunded to the applicant.

# **TITLE THREE- SUBDIVISION REGULATIONS**

## **Chapter 1109: General Provisions and Penalties**

### **SECTION 1109.01 AUTHORITY.**

The City Planning Commission derives its authority to regulate subdivisions by virtue of and in accordance with ORC. Chapter 711. The Commission is authorized to adopt rules and regulations governing plats and subdivisions of land and to approve, conditionally approve, or disapprove plans or subdivisions of land falling within its jurisdiction.

### **SECTION 1109.02 TITLE.**

The official name of these regulations shall be the "Subdivision Regulations of the City of Elyria, Ohio," hereinafter known as "these Regulations".

### **SECTION 1109.03 PURPOSE.**

These Regulations are adopted to secure and provide for:

1. The proper arrangement of streets or highways in relation to existing or planned streets or highways or to City or regional plans;
2. Adequate and convenient open spaces for traffic, utilities, access of emergency vehicles, recreation, and light and air; and
3. Adequate provision of pure water and sewage treatment, and to ensure provision for storm drainage and various other facilities, so as to ensure an integrated development of the City in an efficient and orderly manner to promote the health, safety and general welfare of the residents of the City.
  - a. To protect public health, safety, and General Welfare of the City.
  - b. To guide the future growth and development of the City in accordance with the Elyria Comprehensive Plan.
  - c. To establish standards of design and procedures for subdivisions, in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
  - d. To ensure the public facilities are available and will have a sufficient capacity to serve proposed subdivisions.
  - e. To prevent the pollution of air streams and ponds, to ensure adequate drainage facilities, safeguard the water table, preserve natural resources, topography, and the value of land.

Minimize environmental disruption and provide safety for life and property from natural disaster such as fire, flood, and other natural occurrences.

### **SECTION 1109.04 INTERPRETATION, APPLICATION, AND CONFLICTS OF LAWS.**

In their interpretation and application, the provisions of these Regulations shall be held to be

minimum requirements. Wherever these Regulations impose a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, covenants, restrictions, or ordinances, the provisions of these Regulations shall apply.

#### **SECTION 1109.05 DIVISION OF LAND NOT SUBJECT TO REGULATIONS.**

The following are not subject to these Regulations:

1. The division or partition of land into parcels of more than 5 acres, not involving any new streets or easements of access;
2. The sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites, as defined by the Zoning Code or these Regulations, or reduce the original tract below the requirements of the Zoning Code or these Regulations; and
3. The establishment of private streets serving industrial structures on their own property where there is no division of land.

#### **SECTION 1109.06 DIVISION OF LAND SUBJECT TO REGULATIONS.**

All divisions of land set forth in SECTION 1113.02 STATUTORY DEFINITION OF A SUBDIVISION, which are not specifically exempted by SECTION 1109.05 DIVISION OF LAND NOT SUBJECT TO REGULATIONS, shall be subject to the provisions of these Regulations.

#### **SECTION 1109.07 JURISDICTION.**

These Regulations shall apply to all subdivisions hereinafter made of all land within the City.

#### **SECTION 1109.08 RELATIONSHIP TO ZONING.**

Whenever a proposed subdivision is located in an area that is zoned under the provisions of ORC Chapter 713 or 519, it shall conform to the requirements of the Zoning Code, except as specified in SECTION 1109.04 INTERPRETATION, APPLICATION, AND CONFLICTS OF LAWS.

#### **SECTION 1109.09 PARTITIONS.**

Wherever land is to be divided by the process of partition, in court, pursuant to ORC. 5307.06, all petitions for the partition shall be submitted to the Planning Commission, which shall act thereon within 30 days or within such additional time as agreed upon by the petitioners.

#### **SECTION 1109.10 SUBDIVISION MODIFICATIONS.**

Where it can be shown, in the case of a particular proposed subdivision, that strict compliance with the requirements of these Regulations would result in extraordinary or undue hardship to the developer, or that these conditions would result in retarding the achievement of the objectives of these Regulations, the Planning Commission may waive, vary, or modify the requirements so



that the subdivision is in conformance with all applicable regulations and standards, and the public interest is secured to the greatest extent possible. Any such determination shall be based fundamentally on a finding that:

1. The granting of the modification from the requirements of the zoning code will not be detrimental to the public safety, health, or welfare and is not injurious to other property;
2. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other properties;
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship (as distinguished from a mere inconvenience) to the owner would result if the strict letter of these Regulations is carried out; and
4. The relief sought will not, in any manner, modify the provisions of the Zoning Code, the Comprehensive Plan, or the Official Zoning Map, except that those documents may be amended in the manner prescribed by law.

In no case shall any subdivision modification be more than a minimum easing of the requirements,

In granting subdivision modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of these Regulations so affected.

The developer shall apply for a subdivision modification in writing, to the Planning Commission simultaneously with that of the preliminary subdivision plan. The application shall explain in detail the reasons for any facts supporting the request. Any modifications granted shall be entered, in writing, into the minutes of the Planning Commission meeting.

#### **SECTION 1109.11 HEALTH REQUIREMENTS.**

Health requirements shall be in accordance with the regulations of the Lorain County Public Health Department, if applicable. Such health requirements shall be administered and enforced by the Lorain County Public Health Department, if applicable.

#### **SECTION 1109.12 ADMINISTRATION.**

It shall be the responsibility of the City staff outlined in these Regulations to administer these Regulations.

#### **SECTION 1109.13 DECISION.**

It shall be the responsibility of the Council to make, or designate an official to make, final decisions outlined in these Regulations to the extent of its obligations.

#### **SECTION 1109.14 ENFORCEMENT.**

It shall be the duty of Council, the Planning Commission, and its designated officials to enforce these Regulations within the City of Elyria.

The subdivision of any lot or parcel of land, by the use of metes and bounds description for the purpose of sale, transfer or lease with the intent of evading these Regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these Regulations.

No building permit (where applicable), zoning permit, or certificate of occupancy, shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these Regulations.

#### **SECTION 1109.15 SEPARABILITY.**

If any section, clause, phrase, word, provision or portion of these Regulations is held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect the validity of these Regulations as a whole, or any part thereof other than the section, clause, phrase, word, provision, or portion so held to be invalid.

#### **SECTION 1109.16 RIGHTS TO APPEAL.**

Rights to Appeal can be made within 30 days of final decisions made by the Council to the Court of Common Pleas.

#### **SECTION 1109.17 PENALTY.**

Whoever violates any of the provisions of these Subdivision Regulations shall, upon conviction thereof, be subject to a fine of not less than \$100.00 nor more than \$250.00, or imprisonment for a term not to exceed 30 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

# **Chapter 1110 Procedure for Subdivision Approval**

## **SECTION 1110.01 APPROVAL REQUIRED.**

No construction work, with the exception of preliminary site work approved by the City Engineer on proposed public improvements for subdivisions, by any person, firm, corporation, or other entity shall proceed until the Planning Commission has granted approval of the preliminary subdivision plan, and the required developer Performance Agreement with the City has been executed.

## **SECTION 1110.02 LOT CONSOLIDATIONS (MINOR AND MAJOR).**

A lot consolidation involving five lots or less is a minor lot consolidation and shall be reviewed by the Zoning Administrator and shall be referred to the Lorain County Auditor, Tax Map Department for approval.

A lot consolidation involving more than five lots shall be considered a major consolidation and shall be reviewed by the Planning Commission without the requirement of approval from Council. If approved by the Planning Commission, the proposed major consolidation shall be referred to the Lorain County Auditor, Tax Map Department for approval.

If a lot consolidation includes right-of-way or easements that are to be dedicated to the City, or vacated, additional approval from Council shall be required.

## **SECTION 1110.04 MINOR SUBDIVISIONS INVOLVING FIVE LOTS OR LESS.**

Whenever a division of a parcel of land shown as a unit on the last preceding tax roll (duplicate) is proposed along an existing public street not involving the opening, widening, or extension of any street or road, and yields no more than 5 lots, the division shall be considered a minor subdivision and submitted to the Planning Commission for action without a plat.

For a minor subdivision, a request shall be accompanied by a survey or plan, prepared by a registered engineer or surveyor, including information as may be necessary, as determined by the Zoning Administrator. Such survey or plan shall show the original tract being divided, the tract to be conveyed and adjacent owners and shall be recorded as part of the deed conveyance. If the Planning Commission is satisfied that such proposed division is not contrary to applicable platting, subdivision, and zoning regulations, it shall, within 7 days after the submission, approve such proposed division. On presentation of a conveyance of the parcel, the same shall be stamped "Approved, City of Elyria Planning Commission" and signed by the Zoning Administrator.

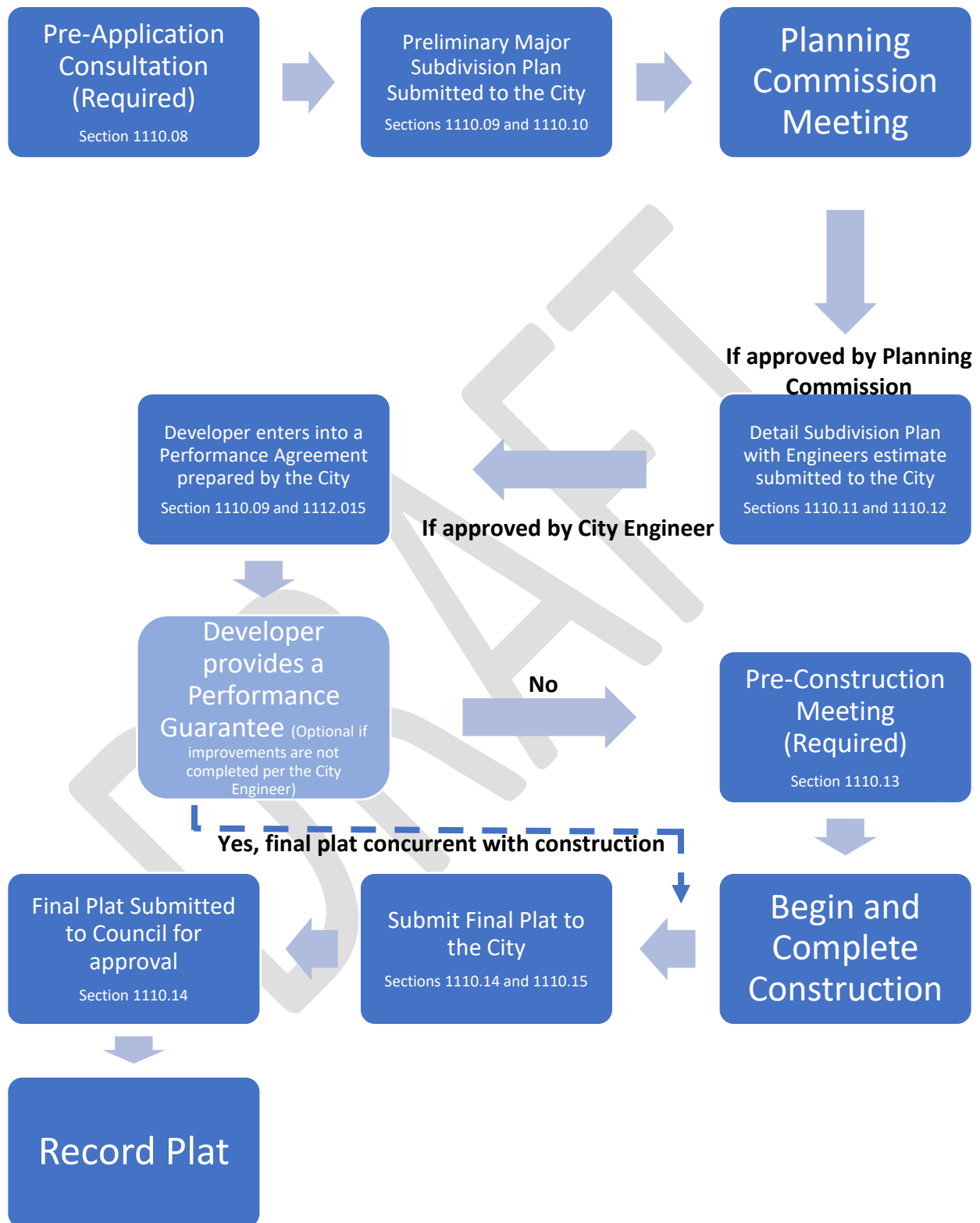
## **SECTION 1110.05 MAJOR SUBDIVISIONS INVOLVING MORE THAN FIVE LOTS.**

Whenever a division of a parcel of land shown as a unit on the last preceding tax roll (duplicate) is proposed to yield more than 5 lots, such proposal and act shall be considered a major subdivision and pursuant to the process of SECTION 1110.06 PRE-APPLICATION CONSULTATION through SECTION 1110.11 FINAL PLAT herein. The procedure for a

subdivision yielding more than 5 lots shall follow the schedule below:

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## SECTION 1110.06 MAJOR SUBDIVISION PROCESS:



### **SECTION 1110.07 COMPLIANCE WITH DESIGN STANDARDS AND REQUIRED IMPROVEMENTS.**

In planning and developing a subdivision of more than five (5) lots, a developer shall comply with the requirements laid out in CHAPTER 1111 DESIGN STANDARDS and CHAPTER 1112 REQUIRED IMPROVEMENTS of these Regulations, and in every case shall pursue the following procedure.

### **SECTION 1110.08 PRE-APPLICATION CONSULTATION.**

It is required that prior to submitting a Preliminary Subdivision Plan to the Planning Commission, the developer, and/or the developer's engineer, meet with the Building Official, the City Engineer, the City Fire Marshal, and Zoning Administrator, while the Preliminary Subdivision Plan is in conceptual form, to discuss all pertinent issues and technical requirements.

### **SECTION 1110.09 PRELIMINARY MAJOR SUBDIVISION PLANS.**

The developer shall prepare a Preliminary Major Subdivision Plan of the proposed subdivision, which shall contain all information as required by Section 1110.09 PRELIMINARY MAJOR SUBDIVISION APPLICATION AND PLAN REQUIREMENTS and shall involve the following process:

1. Submission. The developer shall submit a complete and accurate application along with payment and two (2) paper copies and a digital copy of a preliminary subdivision plan to the Clerk of Council who will route the plans to the Planning Commission Secretary.
  - a. The Planning Commission Secretary shall forward the Preliminary Major Subdivision Plan paper copies to the City Engineer and Zoning Administrator and the digital copy to the Planning Commission, the Building Official, the City Engineer, the City Fire Marshal, and Zoning Administrator.
2. Staff Review. The Building Official, the City Engineer, the City Fire Marshal, Waste Department, and Zoning Administrator shall check the preliminary subdivision plan for conformance with these Regulations and other applicable regulations. They shall record their findings in a staff report to be shared with the developer and the Planning Commission. The Commission shall consider the Zoning Administrator's findings when deliberating on the preliminary subdivision plan.
3. Council Referral. Upon receipt of the application, Council shall refer the matter of the Preliminary Subdivision Plan and application to the Planning Commission.
4. Planning Commission Decision.
  - a. Upon receipt of the Zoning Administrator's recommendations, the Planning Commission shall review the preliminary subdivision plan for conformity to these Regulations and to other land use or thoroughfare plans adopted by the Council. The Commission shall, within 30 days or such further time as agreed to by the

Commission and developer, issue approval, conditional approval, or disapproval of the preliminary subdivision plan, noting thereon any changes that shall be required. The Commission shall also inform the developer as to which public offices must be contacted to determine the nature and extent of the improvements required if the preliminary subdivision plan is approved.

- i. Approval or conditional approval of a preliminary subdivision plan shall not constitute approval of a final plat. Rather, it shall be deemed an expression of approval of the layout, as returned to the developer on the preliminary subdivision plan. The preliminary subdivision plan as returned to the developer shall act as a guide for the preparation of the final plat, which will be submitted for approval to the Commission and for recording upon fulfillment of the requirements of these Regulations and the conditions of approval, if any.
- ii. Disapproval of a preliminary major subdivision plan, the Commission shall enter in its minutes the reason for disapproval, including a citation of or reference to the rule or regulation violated by said plan. The developer may thereafter make such changes as they deem necessary to conform the plan to such rules and regulations and may resubmit the plan, as revised, to the Commission for approval, conditional approval, or disapproval, to be processed within the time and in the manner provided for in these Regulations.
- iii. If the Commission does not render approval of the preliminary subdivision plan within the period stipulated in this subsection, or such further time as agreed to by the Commission and the developer, nothing in these Regulations shall prohibit the developer from officially filing his or her final plat with the Commission.

Upon completion of the review, two copies of the preliminary major subdivision plan, with the date of the Commission's action endorsed thereon, will be made. One copy will be retained by the Planning Commission and the other returned to the developer. The approval of the preliminary subdivision plan by the Planning Commission is to be considered only as an approval of the layout, with the understanding that the City Engineer, and other applicable City Officials, may modify any engineering or construction details proposed by the developer, whenever required for the protection of the public interest.

Approval shall be effective for a period of 36 months from the approval date of the preliminary subdivision plan, unless an extension of time is granted by the Planning Commission for good cause shown. After expiration, the preliminary subdivision plan must be resubmitted in accordance with the procedures and requirements of these Regulations.

The construction of improvements shall be started within one year and all improvements shall be completed within 3 years of the approval of the preliminary subdivision plan by the Commission. If no construction has begun within one (1) year from the date of approval, the approval shall

lapse. The start of construction is to be determined by the City Engineer.

Any request from a developer for an extension of the effective period for a preliminary subdivision plan, over and beyond that set forth in subsection (e) hereof, shall be granted only if the Commission determines that such extension is absolutely necessary and, in addition, the City Engineer determines that the developer is proceeding in a satisfactory manner with the installation of the required improvements. An extension of the effective period for a preliminary subdivision plan, as provided for in this section, shall be for a period not to exceed 1 year, provided that during the one (1) year extension period, the developer must meet all applicable rules and regulations, current and in force, including, but not restricted to, these Regulations and all provisions of the Elyria Zoning Code, and provided further that the developer may post a Performance Guarantee, as indicated in CHAPTER 1112 REQUIRED IMPROVEMENTS, with the City, to insure completion of the project improvements within the said one-year extension period.

If a preliminary subdivision plan expires, the developer will be required to submit a new preliminary subdivision plan to the City for review and approval before proceeding with the development.

## **SECTION 1110.10 PRELIMINARY MAJOR SUBDIVISION APPLICATION AND PLAN REQUIREMENTS.**

The preliminary major subdivision plan is a packet of documents intended to provide the Planning Commission with the information necessary to establish the acceptability of a subdivisions overall design. The following are the requirements of a preliminary major subdivision application and plans.

### **1110.10.01 Preliminary Major Subdivision Application Requirements**

- a. **Owners of Record.** The names, addresses and phone numbers of the owner or owners of record, the developer, and the engineer or surveyor preparing the preliminary subdivision plan. The recording references for the deed(s) of conveyance to the owner or owners shall also be depicted.
- b. **Title Guarantee.** Evidence of a title or control that shows the status of the title, including ownership, liens and mortgages, if any, the interest of the developer, and any easements and rights of way affecting the land being submitted for plan approval.

### **1110.10.02 Preliminary Major Subdivision Plan Requirements**

Plans shall be full-size plans (24" x 36" or 22" x 34") and shall include the following requirements (Requirements may vary on a case to case basis as they may be pertinent to the project):

- a. **Title Sheet.** The north point, scale, date and the title, subdivision name (which shall not duplicate or closely approximate the name of any other subdivision in the City of Elyria), name of the design engineer with signature and seal, vicinity



map, zoning district, index, and the name and address of the owner and developer.

- b. **Existing Data and Information.** The preliminary plan shall clearly show the following existing features and information:
- i. Designation. The tract designation according to real estate records of the recorder of the county where located.
  - ii. Owners of record. The names, addresses and phone numbers of the owner or owners of record, the developer and the engineer or surveyor preparing the preliminary plan. The recording references for the deed(s) of conveyance to the owner or owners shall also be depicted.
  - iii. Abutting owners. The names of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land. The recording references for the deed(s) of conveyance to the owner or owners shall also be depicted.
  - iv. Boundary lines. The boundary lines, accurate in scale, showing bearings and distances and the method by which, they were derived, as surveyed by a registered surveyor or as shown by existing deed records of the tract to be subdivided. If applicable, all corporation lines, section lines and Township lines shall be shown.
  - v. Streets and other public ways. The names and locations of all existing or platted streets or other public ways, such as alleys, bridges, railroad lines, etc., within or adjacent to the subdivision. The width of all rights-of-way and roadways shall be identified.
  - vi. Easements. The location, width and purpose of any easement within or immediately adjacent to the proposed subdivision (i.e. sanitary, water, storm sewers, private utilities, and the allocation of responsibilities for such utilities)
  - vii. Utilities. Existing utility plan shall include the location of all existing sewers, water mains, pipe lines (including electric, gas, television, and telephones lines), pole lines, high tension lines, culverts and other underground structures within the tract.
  - viii. Grading (2-foot contours).
  - ix. Natural and site features. The location of all significant physical features of the site, including watercourses, lakes, rivers, floodplains, and a GIS map, when available.
  - x. Zoning. Zoning boundary lines of the subdivision and adjacent property.
- c. **Proposed Features and Information.** The preliminary plan shall clearly show

the following proposed features and information:

- i. Streets. The layout of proposed streets, alleys and crosswalks, with the right- of-way and pavement designs meeting the requirements of these Subdivision Regulations. Proposed street names shall be indicated and shall not duplicate or closely approximate any existing street names in the City of Elyria, except for the extensions of existing streets.
- ii. Easements. The location, width and purpose of all easements (i.e. sanitary, water, storm sewers, private utilities, etc.)
- iii. Lots. The layout of the proposed lots, consecutively numbered, scaled dimensions, estimated areas of irregular-shaped lots, in square feet, and front yard setback lines of proposed lots.
- iv. Grading plan (2-foot contours). Include fill and cut areas, garage floor elevation, yard drains.
- v. Utilities. Proposed utility plan shall include the location of all existing sewers, water mains, pipe lines (including electric, gas, television, and telephones lines), pole lines, high tension lines, culverts and other underground structures within the tract.
- vi. Land for public use. All parcels of land intended to be dedicated or temporarily reserved for public use, such as open spaces, parks or playgrounds, or all parcels of land of which the ownership remains private which are reserved in the deeds for the common use of property owners in the subdivision, with the purpose, condition or limitation of such reservation indicated. If such land is to be private, a statement of proposed covenants or restrictions for future maintenance shall be furnished, whether on the plat or as a separate recorded instrument.
- vii. Development analysis. The total acreage, number of lots, typical lot size required by zoning, and acreage of open space, if provided, etc.
- viii. Buried debris. The location and dimensions of any existing or proposed burial sites of organic debris which results from clearing and construction of the proposed subdivision. Organic debris includes tree stumps and other organic matter which naturally decomposes. This provision shall not be interpreted to authorize burial or landfilling of inorganic debris, including, but not limited to, construction debris or other solid wastes, which shall only be disposed of according to the regulations of the Ohio Environmental Protection Agency, or such other authorized agency. Plans shall indicate whether or not the specific parcel contains buried debris as identified above. If said parcel contains no buried debris, it shall be certified by the owner's signature on the plan as follows: "Owner states that no buried debris is known and surveyors

state that none is observed on said property."

- ix. Stormwater and sanitary sewer system. A stormwater and sanitary sewer drainage plan.
- x. Subdivision of Land within Flood Hazard Areas. The Planning Commission shall not grant Preliminary Subdivision Plan approval, allowing the construction of improvements, or Final Plat approval, as set forth in other sections of these Regulations, after the effective date of this section, nor shall any representative of the Commission approve any split of land located within a flood hazard area, as defined on the official City Flood Insurance Rate Map (FIRM), unless the City Engineer has first approved the drainage, floodproofing plans and a grading plan for the area in question. It shall be the responsibility of the owner/developer to prepare improvement plans in conformity with Chapter 1112 REQUIRED IMPROVEMENTS of these Regulations. Submission of improvement plans (involving vertical elevations) shall also include a copy of the field notes showing a survey that utilized one of the bench marks given on the grading map.

Developers of shopping centers and other commercial uses, as well as industrial uses, must comply with the same requirements as residential developers, with the exception of Land for Public Use. Plans or written signed statements regarding planted areas and buffer strips may be required where applicable.

Any other use which may either alter the existing street or road pattern, or materially change or disrupt the existing street or road pattern, or materially change or disrupt the existing flow of traffic, shall be reviewed by the Planning Commission and a plat may be required if the Planning Commission is of the opinion that such a plat should be recorded.

#### **SECTION 1110.11 DETAILED SUBDIVISION PLANS.**

Once a preliminary subdivision plan is approved by Planning Commission, the developer shall submit two paper copies of a detailed subdivision plan set and a digital copy indicating all improvements to the Planning Commission Secretary. The Planning Commission Secretary shall route the paper copies to the City Engineer and Zoning Administrator for review. The digital copy shall be sent to the Chief Building Official, City Engineer, Fire Marshal, and Zoning Administrator for review. All streets, sanitary sewers, and other public improvements shall conform with CHAPTER 1111 DESIGN STANDARDS and CHAPTER 1112 REQUIRED IMPROVEMENTS of these Regulation. The Developer shall receive approval for construction and drainage plans, per SECTION 1111.03 DRAINAGE of these Regulations, from the City Engineer.

If approved, the developer shall enter into a Performance Agreement that will be prepared by the

City, and the developer shall provide an engineer's estimate of construction for incorporation into the Performance Agreement.

#### **SECTION 1110.12 DETAILED SUBDIVISION PLAN REQUIREMENTS.**

The detailed subdivision plan is a packet of documents intended to provide the City Engineer with detailed information as to the improvements being made in the construction phase of the proposed subdivision.

The developer shall prepare detailed engineering plans for all Required Improvements (Section 1113) associated with the proposed subdivision including but not limited to streets, sidewalks, water sewer, drainage, stormwater management, lighting, private utilities, traffic control etc. Detailed plans and specifications shall be prepared by an Ohio Professional Engineer and/or Surveyor in good standing. The design engineer shall provide detailed plans with a standard of care that outlines and details all existing structure/features and proposed improvements. Improvements shall be constructed to City Design Standards (Section 1112).

1. Detailed Subdivision Plans shall include all requirements as found in "SECTION 1110.10 PRELIMINARY MAJOR SUBDIVISION APPLICATION AND PLAN REQUIREMENTS." subsection (b) "Preliminary Subdivision Plan Requirements," and requested revisions of the preliminary subdivision plans as required by the Planning Commission. Requirements may include, but are not limited to the following:
  - a. Detailed subdivision plans shall be full-size plans 24" x 36" or 22"x 34".
  - b. Site Plan shall include centerline stationing, pavement and sidewalk limits, lot lines, subplot numbers, right-of-way, setbacks, easements, common areas, buildable areas, natural features such as lakes, river, and ponds.
  - c. Typical Sections shall include easements, right-of-way, pavement build-up, sidewalks, utilities- layout and depth, curbing, and underdrains.
  - d. Stormwater Pollution Prevention Plan (SWPPP) (construction and post construction details).
  - e. Retention/Detention construction details including calculations.
  - f. Grading plan (existing and proposed) (1-foot contours) including fill and cut areas, garage floor elevation, yard drains.
  - g. Utility Plan (Existing and Proposed) including sewers, water mains, pipe lines (including electric, gas, television, and telephones lines), pole lines, high tension lines, culverts and other underground structures within the tract, and immediately adjacent thereto, with pipe sizes, types and grades indicated, and the location and depth of all existing underground utilities
  - h. Plans and Profiles (Horizontal: 1" = 20', Vertical: 1" = 5')
  - i. General construction notes including testing requirement
  - j. Standard construction notes including testing requirements
  - k. Traffic control details and notes
  - l. Cross-Sections (as needed)

## **SECTION 1110.13 CONSTRUCTION.**

1. Following approval of the Detailed Subdivision plan, and execution of the Performance Agreement, the developer shall schedule a pre-construction meeting with the City Engineer and Zoning Administrator. Once complete, the contractor may begin construction of the improvements. Access to the site for the Engineering Department must be provided at all times.
2. Alternatively, the developer may enter into a Performance Guarantee consistent with SECTION 1112.02 PERFORMANCE GUARANTEE of these Regulations or as otherwise deemed acceptable by the City. The Performance Guarantee acts to cover the full cost of completing any unfinished improvements by the City of Elyria and allows the developer to prepare a final plat concurrently with the construction phase. If the Performance Guarantee is established, the developer may acquire and attach the Performance Guarantee to the Final Plat Application and inform within the application that the Performance Guarantee has been duly filed to secure the construction of any improvements required by these Regulations.
3. Pre-Construction Meeting. At the meeting, the developer and their contractor shall submit the following:
  - a. Explicit information on the work to be done including material submittals
  - b. Names of contractors and sub-contractors including emergency contacts.
  - c. A schedule of the work to be completed.
  - d. Starting and completion dates.
  - e. Completion of Public Improvements.
    - i. The construction of all improvements required by the City Engineer, or these Regulations shall be completed within 36 months from the date of approval of the preliminary subdivision plan by the Planning Commission. If the required improvements are not completed within 36 months from the date of approval of the preliminary subdivision plan, the developer may request an extension of the approval from the Planning Commission. Such extension request shall be submitted to the Planning Commission for its consideration prior to the expiration of the preliminary subdivision plan. The preliminary subdivision plan approval shall expire if the improvements are not completed within the required timeframe and an extension was not requested by the developer.
    - ii. All storm sewers and all major ditches and swales draining the proposed subdivision area and any area beyond adjacent lots and erosion control shall be installed prior to the start of lot grading work and the occupancy

of any structure. Grading of swales, ditches, and the like shall be completed as the initial grading operation.

1. This work shall not include the construction of minor lot swales, which shall be the responsibility of the lot owner.
- iii. No final plat for any subdivision shall be approved unless all the required public improvements as required by Chapter 1112 Required Improvements have been completed and certified.

#### **SECTION 1110.14 FINAL PLAT.**

The Final Plat is a detailed map showing the layout of a proposed subdivision that accurately marks and identifies streets, alleys, blocks, and lots. The Final Plat shall conform to the preliminary subdivision plan approved by Planning Commission.

The developer may attend an optional meeting with City Staff prior to submitting a final plat. Upon completion of all required improvements or providing a Performance Guarantee, if work is incomplete, the developer may file a Final Plat application including all required documents and fees with the Clerk of Council. A subdivision which has Preliminary Plan approval, may be developed in phases, and a Final Plat for each phase shall be submitted to Planning Commission for approval.

The developer shall prepare a final plat, which shall contain all information required by § SECTION 1110.15 FINAL PLAT REQUIREMENTS and shall involve the following process:

1. Submission. The developer shall submit two paper copies and a digital copy of a final plat to the Clerk of Council who will route the plans to the Planning Commission Secretary.
  - a. The Planning Commission Secretary shall forward the Preliminary Major Subdivision Plan paper copies to the City Engineer and Zoning Administrator and the digital copy to the Planning Commission, the Building Official, the City Engineer, the City Fire Marshal, and Zoning Administrator.
2. The final plat shall not be submitted later than 36 months after the date of the approval of the Preliminary Subdivision Plan. If the Final Plat application is filed more than 36 months after the Preliminary Subdivision Plan receives approval, it will not be processed unless an extension is requested by the developer prior to the expiration of the 36 months and shall be granted by the Planning Commission.
3. Staff Review. After the final plat is submitted to the Planning Commission and before the Commission is set to approve the final plat, the City Engineer shall conduct a final inspection of the subdivision improvements covered by such plat, in order to determine whether the subdivision improvements have been constructed in accordance with the

Preliminary Subdivision Plan and these Regulations, or other requirements established by the Planning Commission or the City of Elyria.

- a. If, upon such inspection, the City Engineer finds that said subdivision improvements have been satisfactorily completed in accordance with the foregoing, he or she shall so certify in an inspection report. The Engineer shall provide a copy of the inspection report to the developer and the Commission.
  - b. If the City Engineer finds that the subdivision improvements have not been satisfactorily completed in relation to any requirement of the Preliminary Subdivision Plan or requirements of these Regulations, the Engineer shall fully and accurately describe the deficiencies to the Commission and the developer in writing before the Planning Commission hearing for which the final plat is filed. The City Engineer shall also stipulate a reasonable period of time, not to exceed one year, in which such deficiencies shall be corrected by the developer. Any extensions of the minimum time limit for completion of the subdivision improvements, together with any required extensions of the performance bond required by these Regulations, shall be stipulated by the City Engineer in its notice of such deficiencies to the developer.
4. Council Referral. Council shall refer the matter of the Final Plat to the Planning Commission.
5. Planning Commission Decision. The Commission shall provide an affirmative approval or disapproval of the final plat.
  - a. The approval by the Commission, or the refusal to approve, shall take place after the submission of the Final Plat Application from the developer.
    - i. If the Planning Commission approves the Final Plat, the Chairperson shall sign and return the Final Plat to the City Engineer.
      1. Despite Planning Commission approval, no final plat may be recorded with the Office of the County Recorder until the City of Elyria accepts ownership of utilities, dedication of streets, easements, and rights-of-way in accordance with these Regulations.
      2. The developer shall, within 30 days of recording, furnish the Planning Commissions Secretary with two paper copies and a digital copy of the final plat drawing for distribution to the City Engineer and Zoning Administrator.
6. Council Approval and Dedication. At the first Council meeting after receipt by the Council Clerk of notice of the Planning Commission's approval of a Final Plat, Council shall approve or deny the acceptance of all utilities and dedication of all streets and easements for public use.

- a. Upon passage of an ordinance by the City accepting ownership of utilities and dedicating the streets and easements within the subdivision for public use, the following shall occur:
  - i. The approved Final Plat shall be recorded with the Office of the County Recorder 30 days after the passage of the Ordinance and the transfer of lots may begin.
  - ii. Any Performance Guarantee shall remain in place until construction is complete and approved by the City.
  - iii. When construction is completed, developer must submit an acceptable 2-year Maintenance Bond.
7. Maintenance Bond. The developer shall maintain and keep in repair all required improvements. Upon completion of these requirements, approval of the City Engineer's inspection, and payment of all inspection fees, the Maintenance Bond will be released.

#### **SECTION 1110.15 FINAL PLAT REQUIREMENTS.**

Two paper copies and a digital copy of the final plat shall be submitted to the Clerk of the Planning Commission and routed to the City Engineer and Zoning Administrator.

The Final Plat is a packet of documents, including the plat for recordation, intended to show substantial conformance with the approved subdivision plan. The Final Plat is considered the official record plat. It shall not be approved by the Planning Commission prior to the completion, or the assurance of completion, of all public improvements in accordance with these Subdivision Regulations.

1. Recordation Application shall include the following:
  - a. Certification by a registered professional engineer or surveyor to the effect that:
    - i. The plat represents a survey made by them and that all monuments indicated thereon actually exist and their location, size, and material are correctly shown.
    - ii. All requirements of these subdivision regulations have been fully complied with.
  - b. Acknowledgement of the owners and witnesses before an officer authorized to take the acknowledgment of deeds, which officer shall certify their official act on the plat.
  - c. Reports from the City Engineer, the Zoning Administrator, or any other applicable agency involved by the Planning Commission.
  - d. If required by Planning Commission, any Homeowners Association Declaration, Articles of Incorporation and by-laws, Covenants, Restrictions, or Supplemental



Declaration.

2. **As-Built Drawing.** The developer shall submit one paper copy and a digital copy of “As-Built” detailed construction drawings of all installed, inspected, and approved improvements. The As-Built drawings shall also be submitted in a digital format compatible with the City’s mapping system in addition to one pdf document. As-Built drawings shall be prepared and stamped by a Professional Engineer or Land Surveyor registered in the State of Ohio. Strikethrough proposed dimensions and elevations and show As-Built information in “red”. Information shall include, at a minimum:
  - a. Pipe Size, Material, And Lengths.
  - b. Structure Locations.
  - c. Top of Rim Elevations.
  - d. Invert Elevations.
  - e. Detention/Retention Basin Outlet Structure Dimensions.
  - f. Size and Inverts of Orifice/Windows on Outlet Structures.
  - g. Top of Bank and Spillway Elevations for Detention/Retention Facilities.
  - h. Detention Storage Volume Verification.
  - i. Location of Detention Storage Area in Relation to Storm Water Basin Easement.
  - j. Fire Hydrants, Valve and Lateral/Service Locations.
3. **Final Plat Drawing.** The final plat drawing, shall provide the final layout of the subdivision. The developer shall furnish the following information, as a minimum, with the understanding that other information may be required by the City Planner, the City Engineer or the Planning Commission.
  - a. **Title Block.** The north point, scale, title and date, name of subdivision, and owners or record.
    - i. Owners of record shall include the names and addresses of the owners of record, the developer, and the registered engineer or surveyor who prepared the final plat.
    - ii. The name of the subdivision as provided in the preliminary subdivision plan.
  - b. **Existing Subdivision Name or Tract Number.** The name of the largest subdivision or number of the largest tract of which the tract now subdivided tract forms a part.
  - c. **Adjacent Subdivision.** The names and addresses of adjacent subdivisions and the names of record owners of adjacent parcels on unplatted land. The recording

references for the deed(s) of conveyance to the owner or owners shall also be depicted.

- d. **Boundary Lines.** The boundary lines, accurate in scale, showing bearings, distances, and the method by which they were derived, as surveyed by a registered surveyor of the final plat. If applicable, all corporation lines, section lines, and Township lines shall be shown, with an error of closure of not to exceed one to 10,000 (1:10,000).
- e. **Recorded Streets.** The exact locations, including bearings, profiles, and measurements, and the widths along the lot lines, of all existing or recorded streets intersecting or paralleling the boundaries of the tract.
- f. **Bearings and Distances.** Relative bearings and distances to nearest established street bounds, patent corners or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument marked and located on the plat, and their names shall be lettered on them.
- g. **Monuments.** The accurate location and material of all permanent reference monuments.
- h. **Layout.** The exact layout of the subdivision, including:
  - i. **Street and Alley Lines.** Identifying their names, bearings, length (along the centerline), angles of intersection, and widths (including widths along the line of any obliquely intersecting street).
  - ii. **Lengths of All Arcs.** Identifying all radii, points of curvature and tangent bearings.
  - iii. **Easements.** Identifying all easements, whether public or private, and related rights-of-way, when provided for or owned by public services (with limitation of the easement rights definitely stated on the plat).
  - iv. **Lot Lines.** All lot lines with dimensions in feet and hundredths, and with bearings and angles to seconds, if other than right angles to the street and alley lines.
- i. **Lots and Block Numbers.** All lots, units and townhomes numbered by progressive numbers throughout the proposed subdivision. Subdivisions bearing the same name shall be numbered in consecutive order. Condominiums and townhomes bearing the same name shall be listed as phases in consecutive order. In tracts containing more than one block, the blocks shall be lettered in alphabetical order.
- j. **Setback Lines.** Front, side, and rear yard setback building lines, as established by the Zoning Code, and any other setback lines or street lines established by the

City and those stipulated in the deed restrictions, which shall be shown graphically, with dimensions.

- k. **Parcels for Common or Public Use.** An accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated thereon.
  - l. **Watercourses.** If subdivision is traversed by a lake, river, stream, or creek, the location of such watercourses.
  - m. **Superimposition of Survey Map.** Every plat shall be superimposed on a survey of the lands of the dedicators from which such plat is drawn and shall contain an accurate background drawing of any metes and bounds descriptions of the lands of the dedicators from which such plat is drawn.
  - n. **Additional Requirements.** Any additional statements, certifications, affidavits or information required by the Zoning Administrator, the City Engineer or the Planning Commission.
  - o. **Use of Licensed Engineer or Surveyor.** The final plat drawing shall be prepared by a professional engineer or surveyor licensed to practice in the State of Ohio. Any final plat drawing must bear the stamp of the seal prescribed by the State Board of Registration for Professional Engineers and Surveyors in the State of Ohio. Plans not bearing such a stamp shall not be given consideration and shall be returned to the developer.
  - p. **Drawings.** The final plat drawing shall be accurately and clearly drawn at a scale of one 1-inch equals 20 feet or less. The profile shall be drawn to the same scale horizontally and 5 feet to the inch vertically. However, the same scale shall be maintained throughout any one project. The drawing shall be submitted as one paper copy and a digital copy to the Clerk of the Planning Commission and route to the City Engineer, Zoning Administrator, and Fire Marshal. Where necessary, an enlarged drawing shall be made to show details.
4. **Development Summary Chart**
- a. **Total Tract Acreage.**
  - b. **Average Proposed Lot Size.**
  - c. **Proposed Number of Lots.**
  - d. **Proposed Uses.**
  - e. **Proposed Number of Housing Units.**
  - f. **Total Proposed Acreage for Common or Public Use.**
  - g. **Total Proposed Acreage for Public Rights-of Way.**

In the event that there is property to be deeded to the City for a public purpose, which property is a part of the subdivision, the deeds shall be given to the City at the time of the approval of the

final plat.

**SECTION 1110.16 SUBDIVISION OF LAND WITHIN FLOOD HAZARD AREAS.**

The Planning Commission shall not grant preliminary subdivision plan approval, allowing the construction of improvements, or final plat approval, as set forth in other sections of these Regulations, after the effective date of this section, nor shall any representative of the Commission approve any split of land located within a flood hazard area, as defined on the official City Flood Insurance Rate Map (FIRM), unless the City Engineer has first approved the drainage, floodproofing plans and a grading plan for the area in question. It shall be the responsibility of the owner/developer to prepare improvement plans in conformity with CHAPTER 1112 REQUIRED IMPROVEMENTS of these Regulations. Submission of improvement plans (involving vertical elevations) shall also include a copy of the field notes showing a survey that utilized one of the benchmarks given on the Map.

# Chapter 1111 Design Standards

## SECTION 1111.01 GENERALLY.

1. The provisions of CHAPTER 1111 DESIGN STANDARDSs of these Regulations shall control the manner in which streets, public utilities, lots and blocks, and other physical elements of a subdivision are to be arranged on land.
2. Subdivision design principles and standards shall help ensure convenient and safe streets, the creation of usable lots, provision of adequately sized public utility systems, and the reservation of land for recreational purposes. The planning of attractive and functional neighborhoods shall be promoted, and the impact that subdivision developments will have on the provision of community facilities and the character of adjoining areas will be evaluated in order to ensure the continuation of an orderly and desirable residential community within the City of Elyria, Ohio. Public and private improvements shall meet the standards set forth by the City.
3. The Planning Commission shall consult with the Chief Building Official, City Engineer, Fire Marshal, and Zoning Administrator to ensure that all of the design standards are met within any subdivision development.

## SECTION 1111.02 PHYSICAL FEATURES.

1. Subdivisions shall be planned to take advantage of the topography of the land, economize in the construction of drainage, street, and sewer improvements to reduce the amount of grading, preserve tree stands and topsoil, and protect such land features as watercourses and unusual rock formations, which, if safeguarded, will contribute to the value of the subdivision, the neighborhood, and the City of Elyria, Ohio.
2. Due consideration shall be given to the following conservation principles in preparing the design of a subdivision:
  - a. Flood Plain Protection. Lands prone to flooding within the boundaries of the subdivision shall not be platted for residential use or for any other use that may cause increased danger to health, life, or property or further aggravate the flood hazard. Developers shall consult the flood plain ordinance of the City of Elyria and the Flood Insurance Rate Map (FIRM), as published by the Federal Emergency Management Agency (FEMA), to determine whether or not the proposed development is within a flood hazard area.
  - b. Erosion and Sedimentation Control. Consideration shall be given to sedimentation and erosion control where earth-moving practices involve finished grading of improved lots, rehabilitation of excavated slopes, road grading, topsoil removal, or alteration or enlargement of waterways or drainage creeks, during and after construction.

- c. Protection of Natural Features. Irregularities in slope, natural drainage patterns of rivers and streams, groves of trees, and other natural features shall be protected and avoided in designing the layout of streets, lots, and blocks.
  - d. The Planning Commission may waive certain design principles in order to preserve unusual land features within the boundaries of the tract to be subdivided.
  - e. Streets and Natural Land Features. Where the tract is relatively flat, or includes very gentle undulations, the street pattern shall be designed to follow the natural land and watercourses to the greatest extent possible.
3. All building sites, wherever possible, shall be above the finished grade of the street.

### **SECTION 1111.03 DRAINAGE.**

Subdivisions shall conform to the following general drainage requirements:

- 1. The Planning Commission shall not approve any subdivision having storm and/or sanitary drainage which is determined to be inadequate by the City Engineer.
- 2. No natural drainage course shall be altered, and no fill, buildings, or other structures shall be placed in it, unless approved by the City Engineer, or the County Engineer, if he or she is involved. The City or the County Engineer may require that an easement be provided.

### **SECTION 1111.04 PUBLIC SITES AND OPEN SPACES.**

Subdivisions shall conform to the following public sites and open space requirements:

- 1. Provision shall be made, if requested by the Planning Commission, for the allocation of areas for private playgrounds, parks, and other outdoor recreational facilities, to be included in a common area for a subdivision as indicated on the adopted or amended City Comprehensive Plan of Parks or any other plan of the area in which the subdivision is located, to be made available by one of the following methods:
  - a. Parks, playgrounds, open spaces, and recreational areas.
    - i. The dedication for public use of a parcel of land equal to at least 4% of the proposed subdivision and indicated on the final plat.
    - ii. The conveyance by deed to an appropriate public body of a parcel of land equal to at least 4% of the proposed subdivision.
    - iii. A conveyance or reservation to the owners of land within the proposed subdivision of a parcel of land equal to at least 4% of the proposed subdivision for use by the property owners within such subdivision. In such instances, the City shall not be responsible for the continuing maintenance of this land.
    - iv. Cash, equal to 4% of the raw land acquisition cost of the tract proposed for

subdivision, if the tract was acquired within the last 10 years.

- v. Other methods as mutually agreed to by the developer and the Planning Commission.

b. School sites.

- i. The dedication for public use of a parcel of land equal to at least one acre per 25 acres proposed for subdivision or as otherwise agreed to by the developer and Planning Commission.
- ii. The reservation of a parcel of land for acquisition by the school district within which the proposed subdivision is located within a period of 18 months. The reserved parcel shall be equal to at least 1 acre per 25 acres proposed for subdivision or as otherwise agreed to by the developer and Planning Commission. Such reservation shall be made in such a manner as to provide for a release of the parcel back to the developer in the event no public agency proceeds with the purchase within 18 months of the final plat being officially recorded.

- c. Designation. Each public site, utility easement, and other area to be dedicated, as indicated on the final plat, shall be so designated as to indicate the purpose of such dedication and to whom it is to be dedicated.

- 2. Due regard shall be shown for preserving natural features, such as scenic spots, watercourses, or mature groves of trees.

#### **SECTION 1111.05 TREES.**

Street trees shall be located outside any sewer or water easements adjacent to the street right-of way, unless otherwise approved by the Parks and Recreation Department. All street trees shall be planted in a manner that does not and will not impair the visibility of any vehicular or pedestrian traffic at any corner. Types of trees must be in accordance with those specified in the provisions of these Codified Ordinances pertaining to trees.

#### **SECTION 1111.06 SUBDIVISION NAME.**

The proposed name of a subdivision shall not duplicate or closely approximate the name of any other subdivision in the City of Elyria.

#### **SECTION 1111.07 STREET NAMES.**

- 1. The names of new streets shall not duplicate or be similar to existing dedicated or private streets within the City. New streets which are extensions of, or in alignment with, existing streets shall bear the name of the existing streets.
- 2. For all proposed streets, both public and private, within the proposed subdivision, the

street names and modifying terms, such as street, avenue, boulevard, drive, court, road, place, lane, or circle, shall be subject to the approval of the Planning Commission.

#### **SECTION 1111.08 LOT IDENTIFICATION.**

All lots shall be numbered by progressive numbers throughout the proposed subdivision. The lots in numbered additions bearing the same name shall be consecutive throughout the subsequent additions. Where land is subdivided into more than one subdivision by the same developer, the lots in each subdivision shall be so numbered that the lots will bear the same consecutive numbers.

#### **SECTION 1111.09 OFF-STREET PARKING AND LOADING REQUIREMENTS.**

Off-street parking and loading requirements shall be in accordance with those specified in the City of Elyria Zoning Code found in SECTION 1121.04 PARKING REGULATIONS.

#### **SECTION 1111.10 EASEMENTS.**

1. Utility Easements. Easements shall be required for utility poles, wiring, cable, conduits, storm and sanitary sewers, water lines, water mains, gas lines and/or other utility lines. Utility easements shall be not less than 12' in width and shall be located along front, rear and/or side lot lines of each lot. Notwithstanding the above, easements of greater width may be needed in particular cases, upon determination of the City Engineer.
2. Watercourse Easements and Riparian Setbacks. When any stream or surface drainage course is located within a proposed subdivision, the developer or owner shall provide an easement along each side of such stream or water course for the purpose of widening, deepening, relocating or other maintenance. The width of such easement shall be determined by the City Engineer. The developer or owner shall maintain all watercourse easements.

#### **SECTION 1111.11 STREETS.**

Streets in subdivisions shall be subject to the following requirements:

1. Generally. The arrangement, character, extent, width, grade, and location of all streets shall be considered in relation to existing and planned streets and topographical conditions, the public convenience and safety, and to the proposed uses of the land to be served by such streets. Streets shall accommodate prospective traffic and afford satisfactory access to police, fire, snow removal, sanitation, and road maintenance equipment.
2. Necessary Right-of-Way. The developer shall provide, within the boundaries of the proposed subdivision, the necessary rights-of-way for the widening, continuance, or alignment of such streets pursuant to the following:



- a. The dedication of the necessary right-of-way for the continuation, extension, or connection of any present or planned thoroughfare shall be as shown on the Official Thoroughfare Plan.
  - b. When subdividing land fronting on an existing public road or street, a reasonable provision shall be made for necessary rights-of-way or easements for traffic, utilities, and drainage.
  - c. The minimum width for a new right-of-way shall be 60 feet.
  - d. Adequate rights of way shall be provided to comply with the City of Elyria Code of Ordinances.
3. Major Traffic Arteries and Physical Barriers.
- a. Traffic Arteries. Where a subdivision abuts or contains an existing or proposed street of equal or greater width than a secondary street, the Planning Commission may require any of the following:
    - i. Marginal access streets.
    - ii. Reverse frontage with planting contained in a nonaccess reservation along the rear lot line or a landscaping buffer with a minimum width of 20 feet on the rear of lots with no vehicular access across such strip.
    - iii. Deep lots with rear service alleys.
    - iv. Other treatment as necessary for adequate protection of residential properties and to afford separation of through and local traffic.
  - b. Physical Barriers. Where a subdivision borders on or contains a railroad right-of-way, or a limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for necessary traffic circulation.
4. Arrangement. The arrangement of streets in subdivisions shall be subject to the following:
- a. Local streets, as defined herein, shall be so laid out that their use by through traffic will be discouraged.
  - b. The street layout shall make provision for the proper projection and continuance of streets into adjacent unsubdivided acreage where it is deemed appropriate and desirable by the Planning Commission. Reserve strips controlling access to streets shall be prohibited.
  - c. Where the plat to be submitted includes only part of the tract owned by the developer, the Commission may require a sketch of a tentative future street system for the unsubdivided portion.

5. Alignment. The alignment of streets in subdivisions shall be subject to the following:
- a. Horizontal.
    - i. Jogs. No street layouts with a centerline offset of less than 125 feet shall be permitted without the consent of the Planning Commission.
    - ii. Angle of Intersections. Streets shall be laid out so as to intersect as nearly as possible at 90-degree angles, and no street shall intersect any other street at less than an 80-degree angle.
    - iii. Reverse Curves. Between reverse curves, there shall be a centerline tangent of not less than 200 feet long on major streets or secondary streets, and not less than 100 feet long on local streets.
    - iv. All intersecting streets shall have a minimum curb radius of 25 feet. Where new streets intersect existing arterial streets, the edge of the pavement or the back of the curb shall have a minimum radius of 35 feet.
  - b. Vertical. Approaches to intersections shall be reduced to a grade not exceeding 3% for a distance of at least 150 feet. The Planning Commission may modify this requirement when an unreasonable hardship would result from its strict enforcement.
6. Classification. The Planning Commission, approving each street in a proposed subdivision, shall be governed by the following standards:
- a. Minimum Radius of Curvature. The minimum radius of curvature shall be:
    - i. 300 feet on the centerlines for major streets.
    - ii. 100 feet on the centerlines for secondary streets.
    - iii. 50 feet on the centerlines for local streets.
  - b. Horizontal Curves. All horizontal curves shall show the complete functions of such curves, and each point of curvature and each point of tangency shall be stationed.
  - c. Profiles and Grades. All proposed grades shall be the centerline grades of the respective streets and shall be indicated in complete detail in the profiles and referenced to the stationing shown on the plan. The maximum grades shall not exceed 7% for secondary streets or higher, or 10% for local streets. The minimum grade for all classifications of streets shall be 0.3%. Wherever possible, a desirable minimum of 0.4% grade shall be sought. All major changes in grade shall be connected by vertical curves of minimum length equal to 15 times the algebraic difference in rate of grade for thoroughfares, and 1/2 the minimum length for local streets. The point of curvature and the point of tangency of all

vertical curves shall be stationed, and elevations shall be shown at least every 20 feet within the limits of the vertical curves.

7. Dead-End Streets. Dead-end streets in subdivisions shall be subject to the following:

a. Permanent.

- i. Dead-end streets (cul-de-sacs), designed to be permanently so, shall not be longer than 600 feet. The length of the permanent dead-end street shall be measured at the centerline from the nearest right-of-way line of the intersecting street to the farthest point of the permanent dead-end street right-of-way. In the case of a series of permanent dead-end streets served by a single outlet, the measurement shall be taken from the nearest right-of-way line at the single outlet to the most distant right-of-way line. Such streets shall be provided, at the closed end, with a turn-around having a street lot line diameter of at least 120 feet. The street right-of-way lines and the 120-foot diameter turn-around shall be joined by tangent arcs with at least a 50-foot radius, each.
- ii. Where only single-household residences are involved, and where the street does not exceed 350 feet in length, a T-type back-around terminus may be approved within the normal right-of-way.

b. Temporary.

- i. Where streets are extended to the boundary of a subdivision to provide for their proper continuance at such time as the adjacent land is subdivided, dead-end streets may be terminated with a T-type back-around terminus as required for permanent dead-end streets of 350 feet or less.
- ii. If a dead-end street extends only one lot depth past a street intersection, no turn-around is required.

c. Industrial Subdivisions. In the case of an industrial subdivision, the requirement that dead-end streets (cul-de-sacs) shall not be longer than 600 feet may be modified upon the affirmative recommendation of the Planning Commission and approval of Council, provided that:

- i. The proposed subdivision has limited frontage which would not be sufficient to allow for construction of more than one street intersection;
- ii. The proposed subdivision is bounded by lands which are already developed or not suitable for development;
- iii. There is no availability of the extension of other road rights-of-way into the subdivision;
- iv. The size of the parcel is not sufficient to allow for the construction of

more than a single roadway;

- v. The length of the proposed street right-of-way is greater than 600 feet, but does not exceed 1,000 feet; and
- vi. The approval of such road right-of-way does not increase the distance within which buildings or structures may be permitted to be located. Upon recommendation of the City Engineer, utilities, and water service requirements may be increased to provide for the additional demands, such as water pressure, caused by the length and position of such road right-of-way.

### **SECTION 1111.12 ALLEYS.**

Alleys in subdivisions shall be subject to the following:

1. When Required. Alleys shall act as a secondary means of access and be provided in multi-household dwelling, commercial, and industrial districts, except where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking, consistent with and adequate for the uses proposed.
2. When Prohibited. Alleys shall be prohibited in single-family neighborhoods districts, except where it is desirable to continue an existing alley to the nearest intersection or where the lots face a street, and provision has not or cannot be made for limited access on such street as determined by Planning Commission.
3. Width. The minimum width of an alley shall be 20 feet.
4. Intersections and Corners. The radius of all corners at alley intersections shall be sufficiently designed to provide for safe and efficient vehicular movement.

### **SECTION 1111.13 BLOCKS.**

Blocks in subdivisions shall be subject to the following:

1. General Provisions. The lengths, widths, and shapes of blocks shall be determined with due regard to:
  - a. The provision of adequate building sites suitable to the special needs of the proposed uses;
  - b. Zoning requirements and the requirements contained in these Regulations as to lot size and dimension;
  - c. The needs for convenient access, circulation, control, and safety of street traffic; and
  - d. Limitations and opportunities of topography.
2. Length. Blocks shall not exceed 1,800 feet in length, except where topographical conditions require longer blocks, nor shall they be less than 250 feet in length. Wherever blocks are longer than 1,000 feet, -mid-block crosswalk easements, not less than 30 feet in width, shall be required near the center of the block. The Planning Commission may

require that sidewalks be provided in such crosswalk easement.

3. Width. Blocks shall contain 2 rows of lots except where double and reverse frontage lots are permitted.

#### **SECTION 1111.14 LOTS.**

Lots in subdivisions shall be subject to the following:

1. Generally. The lot size, width, depth, shape, and orientation and the minimum setback line shall be appropriate for the location of the subdivision, the type of development, and any proposed uses. Such considerations shall help secure and provide for the proper arrangement of streets or highways in relation to existing or planned streets or highways, for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light, and air, and for the avoidance of overly congested populations. Lots shall meet all lawful requirements as adopted by the various governmental subdivisions or public agencies having jurisdiction over this matter. Furthermore, all lots shall meet the minimum lot requirements of the Zoning Code in the district where said lot is located, exclusive of all easements for gas transmission mains and electric transmission lines. The Planning Commission may limit lots to a maximum depth-to-width ratio of 3.5 to 1 to encourage the most efficient use of land. However, all lots shall conform to the area requirements of the City of Elyria Zoning Code.
2. Corner Lots. Corner lots for residential use shall have extra width, where necessary, to permit a required building setback from, and orientation to, both streets. Ingress and Egress. The subdividing of land shall be as such as to provide each lot with frontage on a public street, unless otherwise allowed by the Planning Commission.
3. Grading. The developer shall submit to the City a grading plan of the area to be developed. The developer shall do the grading in accordance with the plans approved by the City and shall not deviate from such plans except upon written permission from the City Engineer.

The developer or builder shall grade lots in the following manner: The floor elevation of each structure shall be established in proper relation to surrounding grades, driveways, and streets. There shall be a minimum grade of 5.0 percent around each structure so that water drains to lower areas. Drainage swales shall have a minimum grade of 0.5 percent. Lot grading shall be designed so that surface water will drain into the driveway, a drainage structure on the lot, a street gutter and storm sewer, or a natural drainage way. Maximum grades of driveway aprons shall be 8 percent, driveways shall be 4.0 percent, and rear yards shall be 5 percent, respectively. Grading shall be adjusted so there will be no abrupt grades in front yards and alongside lot lines. Earth terraces shall have a maximum side slope ratio of 2.5:1. If grading results in the stripping of topsoil, such soil shall not be removed from any subdivision or used as fill but shall be saved and uniformly spread over the lots as grading is finished.

4. Double and Reverse Frontage. Double frontage and reverse frontage lots may be allowed where they are essential to provide separation of residential development from vehicular

thoroughfares or to overcome specific disadvantages of topography and orientation.

5. Side Lot Lines. Side lot lines shall be substantially at 90-degree angles or radial to street lines.
6. Building Setback Lines. Building setback lines shall be in accordance with those specified in the City of Elyria Zoning Code.

#### **SECTION 1111.15 NEIGHBORHOOD DEVELOPMENT.**

Neighborhood development shall be subject to the following:

1. Generally. Neighborhood unit-type development is encouraged by the Planning Commission. Where large subdivisions, designed on the basis of neighborhood units, are being reviewed, consideration will be given to the placement of commercial areas and public areas in relation to both the neighborhood unit being developed and other units that might be developed. Where small subdivisions are being reviewed, the Commission shall coordinate such subdivisions, to the extent practicable, into units so that the same relationship with respect to commercial areas and public areas may be realized.
2. Exceptions in Neighborhood Unit Development. Whenever a subdivision is developed as a neighborhood unit, with adequate parks or playgrounds, and such neighborhood is protected from through traffic, the Planning Commission may vary the requirements of SECTION 1111.10 EASEMENTS through SECTION 1111.14 LOTS to allow the developer more freedom in the arrangement of streets and lots. However, the Planning Commission shall ensure the convenience, health, welfare, and safety of the future residents of the proposed subdivision and adjacent property, the general welfare of the City, and the intent of these Regulations.

#### **SECTION 1111.16 SIDEWALKS.**

Sidewalks shall be required in accordance with SECTION 1112.04 SIDEWALKS AND HANDICAPPED RAMPS of these Regulations.

#### **SECTION 1111.17 HOMEOWNERS ASSOCIATION.**

If a proposed subdivision includes common areas or dedicated open space(s), a homeowners' association shall be created by the developer which encompasses the proposed subdivision in its entirety for the purpose of maintaining the required open space(s) within the subdivision. The homeowners' association shall be established prior to the sale of the first lot within the subdivision. The developer shall control the homeowners' association until 75% of the lots in the subdivision have been sold.

# Chapter 1112 Required Improvements

## **SECTION 1112.01 INSTALLATION OR GUARANTEE REQUIRED.**

Before submitting the final plat to Planning Commission, the Developer shall construct all of the subdivision improvements required under these Subdivision Regulations and delineated on the detailed subdivision plan, or the developer will need to provide a Performance Guarantee filed within the time period specified in SECTION 1112.02 PERFORMANCE GUARANTEE of these Regulations.

## **SECTION 1112.02 PERFORMANCE GUARANTEE.**

In the event a Performance Guarantee is supplied by the developer in-lieu of completion of public improvements and in a form approved by the City Law Director. Said Performance Guarantee shall be one of the following:

1. A letter of credit;
2. A performance bond;
3. An escrow bank account; or
4. Such other method approved by the City Law Director.

Whichever of the above Performance Guarantee methods is provided, it shall be approved by the City Law Director and shall be established for the sole benefit of the City of Elyria, in an amount determined by the City Engineer to be sufficient to pay for the costs of construction or to complete improvements. All engineering costs, including inspection fees, shall be included in said amount. Amount shall include provisions for estimated inflation, up to the date stipulated for completion of the improvements.

For the purposes of this section, a project shall be deemed complete one year after 100% of the required improvements of the subdivision, or a designated phase of the subdivisions, are installed, pursuant to the requirements of these Regulations, and approved by the City Engineer.

No Performance Guarantee shall be released until all requirements of the Performance Agreement outlined in § SECTION 1112.15 PERFORMANCE AGREEMENT of these Regulations are satisfied.

Release of any Performance Guarantee shall be made only by the approval of the City Engineer and the City Law Director, pursuant to the following:

No amount from the Performance Guarantee shall be released until Council accepts ownership of improvements in accordance with § 1110.14 FINAL PLAT.

## **SECTION 1112.03 STREET CONSTRUCTION.**

All concrete pavements shall have an overall minimum width of 28 feet (back of curb to back of curb) and a minimum thickness of 8 inches. The concrete pavement shall be placed on a granular stone base of not less than 4 inches in thickness. The integral rolling curb shall have a depth of 4 inches. The entire right-of-way of all streets, including side streets, shall be graded the full width

between lot lines. Refer to City design standards. Private streets shall be a minimum 22 feet wide and constructed the same as public streets. No parking will be allowed on streets less 26 feet or less (back of curb to back of curb). Streets may be constructed with a concrete curb with an asphalt center as determined by the City Engineer.

#### **SECTION 1112.04 SIDEWALKS AND HANDICAPPED RAMPS.**

One-course 4-inch-thick (6 inches thick at driveways) concrete sidewalks shall be constructed on walkways, at intersections, on the long side of corner lots and along both sides of all streets, and at such other locations in the subdivision as approved by the Planning Commission, by and at the expense of the subdivision developer. Sidewalks shall be constructed in front of new buildings by the builder of the building. Ramps for individuals with disabilities shall be constructed by the developer at each intersection, of a design that meets State Code and Americans with Disabilities Act (ADA) requirements.

#### **SECTION 1112.05 SANITARY SEWERS.**

Where public sanitary sewers are available, every subdivision shall be provided with a public sanitary sewer adequate to serve the area being platted into lots. All public sanitary sewer improvements shall be designed, constructed and installed in accordance with the standards and specifications of the City.

1. Sanitary Sewers. Sanitary sewers shall be designed with the following minimum requirements:
  - a. No public gravity sanitary sewer conveying raw wastewater shall be less than 8 inches in diameter.
  - b. Sanitary sewers shall be sufficiently deep to receive wastewater from basements and to prevent freezing. Insulation shall be provided for sewers and building sewer laterals that cannot be placed at a depth sufficient enough to prevent freezing.
  - c. All sanitary sewers shall be designed and constructed to give mean velocities, when flowing full, of not less than 2 feet per second, based on the Manning formula using an "n" value of 0.013. The following are the recommended minimum slopes which shall be provided. However, slopes greater than these are more desirable.

SEWER SIZE (INCHES)	MINIMUM SLOPE IN FEET PER 100 FEET
8	0.40
10	0.28
12	0.22
14	0.17
15	0.15
16	0.12
18	0.10
21	0.10
24	0.08



- d. The pipe diameter and slope shall be selected to obtain the greatest practical velocities to minimize settling problems. Oversized sewers shall not be utilized to justify using flatter slopes. The actual depths and velocities at minimum, average, and design maximum day and peak-hour flow for each design section of the sanitary sewer, shall be calculated by the design engineer and shall be included with the plans submitted to the City for review.
- e. Sanitary sewers shall be laid with a uniform slope between manholes.
- f. Where velocities greater than 15 feet per second are attained, special provisions shall be made to protect pipes against displacement by erosion and impact.
- g. Sanitary sewers 24 inches in diameter and smaller shall be laid with straight alignment between manholes. Straight vertical alignment shall be controlled by a laser beam. Curvilinear alignment of sanitary sewers larger than 24 inches may be considered on a case-by-case basis.
- h. When a sewer joins a larger one, the invert of the larger sewer should be lowered sufficiently to maintain the same energy gradient. An approximate method for securing these results is to place the eight-tenths depth point of both sewers at the same elevation.
- i. Main trunk sanitary sewer extensions shall be designed, in respect to grade and size, for projected service area design flows.
- j. Sanitary sewers shall be constructed of solid-wall PVC pipes or other materials as approved by the City Engineer.
- k. Sanitary lateral shall be gasketed solid wall PVC pipe. Connections at the sewer main shall be with a manufactured tee or wye.
- l. The trenching, bedding, haunching, initial backfilling, and final backfilling shall be completed as per pipe manufacturers specifications and approved by the Engineering Department.
- m. A deflection test shall be performed on all flexible pipes not less than 60 days after installation. Deflection tests shall be based on the materials and operational standards of each pipe.
  - i. If the deflection exceeds 5 percent, replacement shall be accomplished in accordance with the requirements of the specifications.
  - ii. The deflection test shall be conducted with a mandrel having a diameter of not less than 95 percent of the inside sewer diameter. The test shall be performed without any mechanical pulling devices.
- n. A leakage test, with either water or low-pressure air testing methods, shall be completed as per Ohio EPA.

- o. Manholes shall be installed at the end of each line, at all changes in grade, size, or alignment, at all intersections, and at distances not greater than 400 feet for sewers 16 inches or less in diameter, and 500 feet for all sewers 18 to 30 inches in diameter. Greater spacing, up to 600 feet, may be permitted by the City Engineering Department on sewers larger than 30 inches in diameter.
  - i. Drop manholes shall be constructed with an outside drop connection when the sewer entering the manhole is at an elevation of 24 inches or more above the manhole invert. The entire outside drop connection shall be encased in concrete.
  - ii. The minimum inside diameter of manholes shall be 48 inches. Larger diameters are required for larger sewers.
  - iii. The minimum inside diameter of a manhole shall be 48-inches. Larger diameters are required for larger sewers. A minimum access diameter of 21-inches shall be provided for all manholes.
- p. Sanitary Sewage Lift Stations.
  - i. Where required to provide the minimum depth for sanitary sewers, a sanitary sewage lift station shall be constructed, unless other provisions for sewage flow are approved by the Planning Commission.
  - ii. Sanitary sewage lift stations shall be located on permanent easements outside of the minimum right-of-way required for street purposes. The stations, for maintenance purposes, shall be accessible by a paved driveway and shall include an off-street parking area when located along arterial streets.
  - iii. The sanitary sewage lift station shall have not less than 2 pumps, each of which shall have the design capacity to pump sewage at the peak design flow rate, based on the Ohio Environmental Protection Agency's recommended flow volumes. The lift station shall be able to handle the peak design flow with the largest pump out of service.
  - iv. The wet well storage volume shall be large enough that, after failure of the pump to operate for any reason, sewage may continue to flow for 2 hours at average design flow rates into the system (including the sewer line) before reaching the elevation point in the crown of the sewer line where the lowest house lateral is connected.
  - v. Except for individual home pumps used for pressure sewer systems, the sanitary sewage lift station shall be designed as suction lift. The suction lift station design requirement may be modified by the City Engineer provided that there is sufficient design and operational documentation available to substantially justify that an alternative pump design is

appropriate for the specific conditions. The determination by the City Engineer as to the appropriateness of a suction lift design or an alternative design resides entirely with the City Engineer and is not subject to an appeal.

- vi. Sanitary sewage lift stations shall have a permanent stand-by power generator or secondary source of electrical power. To be considered a secondary source of electrical power, it must come from a different utility substation. Any generator furnished shall be driven by either a diesel or natural gas engine.
- vii. Sanitary sewage lift stations shall be equipped for connection to the City's SCADA system and alarm sending unit.

### **SECTION 1112.06 STORMWATER DRAINAGE SYSTEMS.**

Every subdivision shall be provided with stormwater sewer connections adequate to serve the area being subdivided into lots. All sewer improvements shall be designed, constructed, and installed in accordance with City standards and specifications:

1. Stormwater Detention. Every subdivision shall provide for adequate stormwater detention/retention, with a stormwater sewer or drainage system adequate to serve the area being subdivided into lots. Stormwater drainage systems shall be designed, constructed, and installed in accordance with these Regulations and the standards and specifications of the City.
2. Installation. The developer shall be responsible for the installation of all drainage facilities shown on the Stormwater and Sanitary Sewer Drainage Plan, except for minor lot swales that are the responsibility of the lot owner. Lot owners shall be responsible for construction of minor swales draining just their lot or the adjacent lot and such work shall be shown on the plot plan or site plan submitted with the application for a building permit. Such plans shall be in accordance with the Stormwater and Sanitary Sewer Drainage Plan.
3. Stormwater Sewers. Stormwater sewers are to be closed conduits which convey stormwater run-off from a drainage area to an outlet. Stormwater sewers are to be designed to carry the peak rate of run-off from a design storm without having ponding of water. The stormwater sewers are not required to be designed to carry all of the run-off during infrequent major storms fast enough to avoid the local water ponding on the streets or nearby properties. Underdrains shall be installed on all publicly maintained roadways as required by the City Engineer. The grades of the streets and the development of a Stormwater and Sanitary Sewer Drainage Plan shall be considered while designing the improvements for the subdivision. Stormwater sewers shall be designed with the following minimum requirements:
  - a. The peak design discharge flow rates shall be determined using the Rational

Method for drainage areas of less than 200 acres. The basic formula for the Rational Method is  $Q=CiA$ .

- b. Storm sewer pipes shall be sized to carry a minimum of a ten-year storm without flowing under pressure.
- c. The rainfall intensity ("i" in the rational method), in inches per hour, expressed for different times of concentration, shall be as follows:

CONCENTRATION TIME	STORM FREQUENCY					
	2 YEAR	5 YEAR	10 YEAR	25 YEAR	50 YEAR	100 YEAR
5 MINUTES	4.40	6.45	7.85	9.25	11.00	12.45
10 MINUTES	3.50	4.75	5.60	6.50	7.40	8.50
15 MINUTES	2.80	3.70	4.25	5.04	5.85	6.15
20 MINUTES	2.30	3.00	3.50	4.15	4.70	5.20
30 MINUTES	1.75	2.35	2.70	3.81	3.70	4.00
40 MINUTES	1.40	1.90	2.25	2.60	3.10	3.40
50 MINUTES	1.35	1.75	2.00	2.40	2.75	2.90
60 MINUTES	1.20	1.65	1.85	2.00	2.45	2.70

- d. The minimum pipe slope shall be the slope determined by finding the slope that produces an average velocity of flow of 3 feet per second for a two-year storm.
- e. The minimum storm sewer pipe diameter shall be 12 inches.
- f. The maximum allowable velocity in a pipe or at an outlet point shall be 12 feet per second.
- g. The minimum cover for a storm sewer pipe and a house storm lateral pipe shall be 1 foot of clearance between the bottom of the pavement's granular base to the top of the outside of the pipe.
- h. The hydraulic design of the storm sewers shall be based on the Manning equation.
  - i. The roughness coefficient, Mannings "n", shall be 0.013 for concrete pipes. Other materials, if approved for use by the City Engineer, shall have "n" values as published in the American Society of Civil Engineering Manual on Engineering Practice No. 37.
- i. The storm sewer pipe shall be laid in a straight line on a straight grade between manholes or outlets.
- j. Manholes or access structures shall be located at junctions of conduits (including the street inlet connections to the storm sewer), at changes in direction, at changes in slope, and near the midpoint of radius pipe locations. The maximum spacing of

manholes or access structures shall be 400 feet for pipes 42 inches in diameter and smaller, and 575 feet for pipes 48 inches in diameter and larger.

- k. Street inlets shall be located at not more than 400 feet from high points or previous inlets on a grade sloping in the same direction.
- l. All grades shall be designed to divert surface waters and surface drainage into underground storm drainage systems and to prohibit the diversion of water to adjacent lots.
- m. All storm sewer pipe, under roads, shall be concrete (RCP) unless approved by the City Engineer.
- n. Lateral connections to storm sewers shall be made with a manufactured tee or wye for mainline sizes under 15-inch.

#### **SECTION 1112.07 STREET LIGHTING.**

The Developer shall be responsible for the installation of street lighting on all new streets within the subdivision. Developer shall coordinate with the local electric company as to installations requirements. Street lighting shall be included at all intersections, cul-de-sacs, crosswalks, common parking areas, and cluster mailboxes. Street lighting shall not exceed 350 feet apart.

Developer shall submit a plan for approval to the City Engineer prior to starting construction on the street lights. The City shall be responsible for cost of operating street lighting on public streets as soon as they meet the approval of the local electric company and are placed into service. Operating costs for street lighting constructed on private streets will become the responsibility of the Homeowners Association.

#### **SECTION 1112.08 ELECTRIC, GAS, TELEPHONE LINES, AND TELEVISION CABLES.**

In all subdivisions, underground electric current lines, gas lines, telephone/ fiberoptic lines, and television cables shall be buried in accordance with the specifications and standards set forth by the appropriate utility company. Developer shall provide a master utility plan within the Preliminary and Detailed Subdivision Plans that indicates the depth and location of all proposed utilities.

#### **SECTION 1112.09 WATER MAINS.**

Each street, avenue, and court shall be provided with both sanitary and stormwater sewers adequate for the probable needs thereof, and also with a water main and service pipes adequate for the probable needs thereof. Water mains shall be constructed by the developer under the supervision of the City Engineer and in accordance with the following:

- 1. Water Mains. All new water mains shall be constructed with ductile iron pipe, cement lined, Class 52 or thicker.

2. **Fire Hydrants.** Fire hydrants shall be placed at no greater than 400-foot intervals along residential subdivisions, with one hydrant located at the end of each cul-de-sac. Each street-foot intervals (measured along the street centerline), with a hydrant located at all dead-end mains and other locations approved by the Elyria Fire Marshal or his or her designee. 6-inch hydrant leads shall not exceed 20 feet in length. All fire hydrants shall be installed by the developer in accordance with the specifications of the City.
3. **Valve Locations.** Control Valves shall be placed on each leg of an intersection watermain: 4 control valves at cross-intersection, 3 control valves at tee-intersection and a valve ahead of each fire hydrant.
4. **Loops.** Wherever possible, proposed mains shall be looped/connected to existing mains. Dead ends shall not be permitted where it is possible to obtain a closed circuit to a proposed or existing main. The length of a permanent dead-end water main shall not exceed 700 feet.
5. **Minimum Size.** The minimum size of new water mains on residential streets shall be 8 inches in diameter. The minimum size of new water mains along streets and all long lines in or adjacent to commercial or industrial zoned land shall be 12 inches in diameter.
6. **Water Services.** Services shall be a minimum 1-inch in size. City service line from the main to the curb stop shall be type-K soft copper.

#### **SECTION 1112.10 WATER SUPPLY.**

Every subdivision shall be provided with a drinking and fire protection water system adequate to serve the area being subdivided into lots. The subdivision shall be provided with a complete loop-type water distribution system, except as provided in SECTION 1112.09 WATER MAINS. All water improvements shall be designed, constructed, and installed in accordance with Chapter 1112 Required Improvements of these Regulations and the standards and specifications of the City.

#### **SECTION 1112.11 MONUMENTS.**

Monuments shall be placed at all subdivision boundary angles, at all subplot corners and on the centerline of streets at angle points, centerline intersections, points of tangency and points of curvature. The monuments shall be solid iron pins -inch in diameter and 30 inches long. Street monuments shall be set in suitable monument boxes.

#### **SECTION 1112.12 CONSTRUCTION PLANS.**

Construction plans for improvements to be installed shall be furnished in accordance with the specifications of these Regulations. All such plans shall receive approval from the City Engineer before improvements are installed. Construction plans shall include the following:

1. The centerline profile (and original ground profile) of each proposed street at a scale of 20 feet or less to the inch, with tentative grades indicated.

2. The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks, and the location and size of utility mains.
3. The plans and profiles of proposed sanitary sewers, with grades and sizes indicated, or the method of sewage disposal in lieu of sewers.
4. A plan and profile of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants.
5. A drainage plan showing all existing and proposed storm sewers, manholes, catch basins, watercourses, culverts, and other underground structures within the tract and immediately adjacent thereto, with pipe sizes and grades and waterway openings indicated thereon. The drainage plan shall show the method to be used for the adequate disposal of all stormwater, including drainage outlets, and such other data as may be required by the Engineering Department. The drainage plan shall be prepared and made a part of the construction drawings for the total development, showing the intended drainage from individual lots as well as the total development. The plan shall coordinate the needs for proper drainage and the aesthetics of the total development. Positive surface drainage shall be provided for the total development. This may be accomplished by grading and/or the installation of a pipe drainage system.
6. A grading plan showing all existing and proposed contours, trees and vegetation to be removed, and erosion control methods. The plan shall also indicate the location of all soil borings and be accompanied by a soil report, if required, and may be prepared by a geotechnical engineer, stating existing conditions, and recommendations for the construction of the required improvements and future structures.

When the topography is changed to a higher or lower level than the natural grade, suitable slopes (slopes which do not exceed a 1-foot vertical rise within a 3-foot horizontal run) or measures shall be provided to blend the changed contour in with the surroundings. The grading from the natural contour shall not impede the natural flow of storm drainage. Grading shall be done so that the amount of existing storm drainage (run-off) to the adjoining property is not increased or concentrated to spill off the property at new locations. Proper considerations shall be given to maintaining acceptable housekeeping or standards of cleanliness and neatness on the site during and after development. The site shall not be used as a waste area for construction debris. In case of on-site excess earthen materials, the wasting of such shall be in a manner which will be compatible with the general grading or drainage plans. The piling or dumping of such material without spreading or distributing such material shall not be permitted.

### **SECTION 1112.13 AS-BUILT CONSTRUCTION DRAWINGS.**

Upon completion of construction, reproducible copies of the as-built construction drawings for improvements installed, along with copies of the construction notes and records from which the as-built drawings were made, shall be provided to the City of Elyria. As-built drawings shall include the following:

1. Centerline Profile. The centerline profile (and original ground profile) of each street at a scale of 50 feet or less to the inch, with the final percent of grade indicated.
2. Sanitary Sewers. The plan and profile of all sanitary sewers constructed, indicating the size, grade, and all manhole inverts referenced to U.S.G.S. datum, or as may be required. All lateral branches shall be referenced to visible permanent physical features, as to location, and the length, as required by the City Engineer. Indicating the depth of sanitary sewers shall be optional and may be provided by the developer, if available.
3. Stormwater Drainage Systems. The plan and profile of all storm sewers and detention basins constructed, indicating the size, grade, and all manholes, inlets, headwalls, and culvert invert elevations referenced to U.S.G.S. datum, or as may be required. All storm laterals shall be referenced to visible permanent physical features, as to location, and the length, as required by the City Engineer. Indicating the depth of the stormwater drainage system shall be provided by the developer.
4. Water Distribution Systems. The plan of all water mains showing the exact locations of all fittings, valves, and fire hydrants. All service branches shall be shown, sizes indicated and referenced to visible permanent physical features, as to location, and the length, as required by the Engineering Department. Indicating the depth of the water distribution system shall be optional and may be provided by the developer, if available.

#### **SECTION 1112.14 INSPECTION.**

1. Inspection. Arrangements shall be made to provide for the inspection of the work sufficient, in the opinion of the City Engineer, to ensure compliance with the plans and specifications as approved. The Developer/Contractor shall be required to notify the City Engineering Department as to the date on which the work will start and when a City inspector will be required. It is necessary that the contractor give the City Engineering Department at least one business day notice in each instance where an inspector is to be provided. The Developer will be required to reimburse the City for cost of all on-site construction inspections prior to the Performance Guarantee being released.
2. Inspection of Private Improvements. Inspection of private improvements will extend to any and all parts of the work done under the application and will be on parity with that on City contracts. Any defects noted by the City Engineer shall be corrected before the contractor leaves the project or certifies approval for release of escrow.

#### **SECTION 1112.15 PERFORMANCE AGREEMENT.**

1. To insure the proper construction and installation of all improvements required by these Regulations, the developer shall execute a Performance Agreement in a form approved by the City Law Director, the City Engineer, and the Planning Commission.
2. The agreement shall provide that all required improvements shall be constructed and



installed, at the developer's expense, in compliance with the standards and specifications for each of the various types of improvements, and that such improvements will be completed within 3 years from the date of the approval of the preliminary subdivision plan. Such agreement shall also contain a provision whereby the developer warrants to the City of Elyria, for a period of 1 year from the completion date of all improvements, that all of the subdivision improvements are constructed in a good and workmanlike manner and in accordance with the standards and specifications of the City of Elyria, and are free from defects in construction and materials. Said warranty shall survive the approval of the final or record plat by the Planning Commission, and the acceptance and recording of such plat by the City of Elyria. Any further provisions that the Planning Commission and the City Engineer deem necessary in the public interest may be added to the developer's agreement.

3. The Performance Agreement shall further provide that where the improvements are not completed within the specified period of time, the City of Elyria may complete the improvements and recover full costs and expenses thereof from funds posted in a Performance Guarantee per SECTION 1112.02 PERFORMANCE GUARANTEE of these Regulations. No Performance Guarantee shall be released until the Performance Agreement is satisfied.
4. No construction of any water mains, sanitary sewer, storm sewers, embankment/fill dirt or pavement improvements shall commence prior to the execution of the developer's agreement.
5. Prior to the acceptance of the Performance Agreement by the City, the Engineering Department will not conduct any inspections on the project.
6. Expenses. Any charges for reviews completed by Engineering Department shall be based on an hourly rate established by Council for the actual time spent in review of such plans and of engineering services provided during construction, as determined from engineering cost records of the Engineering Department.

# Chapter 1113 References and Definitions

## SECTION 1113.01 REFERENCES.

For the purpose of these Regulations, certain terms shall refer to specific documents as follows:

REFERENCE	SEE	INTERNAL LOCATION(S)
Construction and repair of sidewalks	S. & P.S. Ch. 901	P. & Z. 1113
Engineering Department	ADM. Ch. 143	P. & Z. 1115
Modifications, generally	P. & Z. SECTION 1109.10 SUBDIVISION MODIFICATIONS	P. & Z. 1114
Planning Commission	CHTR. §§ 13.01 et seq.	P. & Z. 1115
Plat and subdivision, defined	ORC 711.001	P. & Z. 1115
Revision of plats	ORC 711.28 et seq.	P. & Z. 1110
Sewers	S. & P.S. Ch. 932	P. & Z. 1110-1113 and P. & Z. 1115
Standard Construction Drawings	S. & P.S. Ch. 907	P. & Z. 1111 and P. & Z. 1113
Street construction and repair	S. & P.S. Ch. 901	P. & Z. 1113
Street dedication and acceptance	ORC 723.03	P. & Z. 1110 and P. & Z. 1112
Subdivision of land within flood hazard areas	P. & Z. 1110.16	P. & Z. 1110
Underground electrical wiring	S. & P.S. 941.01; BLDG. 1361.20	P. & Z. 1113
Water supply systems in flood hazard areas	BLDG. 1323.07	P. & Z. 1112 and P. & Z. 1113
Zoning definitions	P. & Z. 1125	P. & Z. 1115

## SECTION 1113.02 STATUTORY DEFINITION OF A SUBDIVISION.

A subdivision is defined, for the purposes of these Regulations, as:

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into 2 or more parcels, sites, or lots, any one of which is less than 5 acres, for the purpose, whether immediate or future, of transfer of ownership. However, the division or partition of land into parcels of more than 5 acres, not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such a sale or exchange does not create additional building sites, shall be exempted.
2. The improvement of one or more parcels of land for residential, commercial, or industrial structures, or groups of structures, involving the division or allocation of land for the

opening, widening, or extension of any street or streets, except private streets serving industrial structures, or the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

### **SECTION 1113.03 OTHER DEFINITIONS.**

For the purpose of these Regulations, certain terms are defined as follows:

3. "Block" means a parcel, or parcels, of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, or a combination thereof.
4. "City" means the City of Elyria.
5. "Zoning Administrator" means the Zoning Administrator as appointed by the Safety Service Director of the City of Elyria acting in an official capacity.
6. "County" means Lorain County, Ohio.
7. "Crosswalk", which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
8. "Developer" means any person, firm, partnership, or corporation, or a duly authorized agent thereof, who constructs or contracts to construct improvements on subdivided land as defined in SECTION 1113.02 STATUTORY DEFINITION OF A SUBDIVISION of these Regulations.
9. "Easement" means a right to some profit, benefit, or use out of, or over, the land of another, created by grant or prescription.
10. "Engineer" means a person registered with the Ohio State Board of Registration, in good standing, authorized to practice engineering.
11. "Engineering Departments" or "City Engineer" means the City Engineer of the City of Elyria and any employee of the Engineering Department acting in an official capacity.
12. "Flood plain" means a special flood hazard area as identified on the Flood Insurance Rate Map (FIRM) for the City of Elyria, as prepared by the Federal Emergency Management Agency (FEMA). Areas of special flood hazard are designated by FEMA as Zones A, AE, AH, AO, A1-30 and A99.
13. "Future Comprehensive (General or Master) Plan" means the Plan adopted by the Planning Commission and hereafter amended and supplemented, indicating the general locations recommended for land uses, principal streets, parks, public buildings, zoning districts, the character and extent of community development, and other physical aspects of urban and rural planning, or portions thereof, on file in the office of the County Recorder and in the office of the Planning Commission.

14. "Improvements" means street pavements, with or without curbs or gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, street trees, and other appropriate items.
15. "Inspection fee" means the cost to the City or the County, if it is involved, of supervising construction, to be paid by the developer or the developer.
16. "Key (location) map" means a drawing, at a reduced scale, located on a preliminary subdivision plan, which shows, legibly, by dimension and/or other means, enough area beyond the bounds of the proposed subdivision to locate and orient the subdivision within the City, and the relationship of the site to the community facilities which serve or influence the property.
17. "Lot" means a piece or parcel of land, unoccupied, occupied by a principal building or group of buildings and accessory buildings or utilized for a principal use or accessory uses thereto, together with required open spaces, and having frontage on a public street or on an easement of record.
18. "Lot Consolidation" means a combination of one or more recorded parcels into a newly created parcel pursuant to SECTION 1110.02 LOT CONSOLIDATIONS of these Subdivision Regulations and the provisions of the O.R.C.
19. "Lot, corner" means a lot abutting upon 2 or more streets at their intersection.
20. "Lot split" means any division of land into 2 or more parcels for the purpose, whether immediate or future, of transfer or ownership, and which does not constitute a subdivision as defined herein.
21. "ODOT" means the Ohio Department of Transportation.
22. "Official Thoroughfare Plan" means the system of existing and proposed thoroughfares, as adopted by Council, together with all amendments, establishing the location and official right-of-way width of major thoroughfares and streets in the City.
23. "Open space" means land used for resource protection, outdoor recreation, amenity, and/or buffers.
24. "Performance guarantee" means a personal or corporate agreement between a developer and the City, in favor of the City, guaranteeing the completion of physical improvements according to the approved plan and specifications within the time prescribed by the developer's agreement.
25. "Planning Commission" or "Commission" means the duly appointed Planning Commission of the City of Elyria, which controls the platting of land within the City.
26. "Plan, preliminary subdivision" means a plan, map, or drawing on which the layout and design of a subdivision is displayed in conformance with § SECTIONS 1110.07 and 1110.08 of these Regulations

27. "Plan, detailed subdivision" means a detailed plan, map, or drawing on which the layout and design of a subdivision is displayed in conformance with § SECTIONS 1110.09 and 1110.10 of these Regulations.
28. "Plat, final" means a plan, map, or drawing as established in § SECTIONS 1110.12 and 1110.13 of these Regulations. A final plat is a record plat of a subdivision to be submitted to the Office of the County Recorder for recording.
29. "Regulations" means the Subdivision Regulations of the City of Elyria.
30. "Reproducible tracing" means a sepia, brownline, mylar, or other drawing from which a print may be directly taken.
31. "Right-of-way" means a strip of land between lot lines dedicated for use by the public or owned by the public for street use.
32. "Roadway" means the portion of a street right-of-way available for vehicular traffic, including parking lanes.
33. "Setback line, building" means a line indicating the minimum horizontal distance between the related front, side, or rear lot line and any building line, or any projection thereof, exclusive of such parts hereinafter excepted. 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, rear, or side yard more than 2 feet. Open, unenclosed, and uncovered porches, steps, paved terraces, and the like may project beyond the front building line or into a required rear yard a distance not to exceed 5 feet.
34. "Street" means an avenue, highway, road, thoroughfare, boulevard, parkway, alley, or other way proposed for vehicular traffic, and any existing State, County, Township or City street or way shown upon a plat heretofore duly approved, filed, and recorded in the office of the County Recorder. Included in this definition is the land between street right-of-way lines, whether improved or unimproved, and the definition may comprise pavement, shoulders, gutters, sidewalks, median or dividing strips, or other areas within the street lines. Streets shall be classified as follows:
- a. "Limited-access highway (freeway)" means a divided street, designed for the fast movement of large volumes of traffic, providing no access to abutting properties, and having grade separations at all intersections.
  - b. "Major street" or "arterial street" means a street usually having uncontrolled access and intersections at grade and designed for moving large volumes of traffic between large or intensively developed districts.
  - c. "Secondary street" or "collector street" means a street supplementary to connecting major streets, local streets, and district centers.
  - d. "Local street" means a street primarily for access to abutting residential properties

and serving local needs.

- e. "Cul-de-sac" means a street, one end of which connects with another street and the other end of which terminates with turning facilities for vehicles.
  - f. "Marginal access street" means a local street providing access to lots which abut or are adjacent to a limited-access highway or major street.
  - g. "Alley" means a street providing service access to the rear or side of properties abutting also on other streets.
  - h. "Private street" means a strip of private land providing access to abutting properties.
35. "Performance Agreement" means an agreement by and between a developer and/or developer and the City that sets forth the manner in which the developer and/or developer agrees to proceed with the construction of public improvements and the disposition of lots in the subject subdivision.
36. "Surveyor" means a person registered with the Ohio State Board of Registration, in good standing, to practice land surveying.
37. "Tree lawn" means the portion of a street right-of-way between the edge of the pavement or curb and the public sidewalk or lot line.
38. "Variance" means a modification of the strict terms of these 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 any action of the developer, a literal enforcement of these Regulations would result in unnecessary and undue hardship.
39. "Width, average" means the distance measured between the midpoint of the sides of a lot. When the 2 sides are not straight, the Planning Commission shall determine the average width.

# **TITLE FIVE- ZONING**

## **Chapter 1115: Introduction to and Using this Ordinance**

### **SECTION 1115.01 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 1115.02 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 1115.03 APPLICABILITY.**

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

### **SECTION 1115.04 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 1115.05 RULES OF INTERPRETATION.**

1. Whenever a capitalized term 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 1115.06 RULES OF MEASUREMENT.

1. Determining Building Height and Height Exceptions. Height shall be interpreted as the vertical distance from the average established curb grade or established grade in front of the lot, or from the average finished grade at the building line, if higher, to the top of the roof.

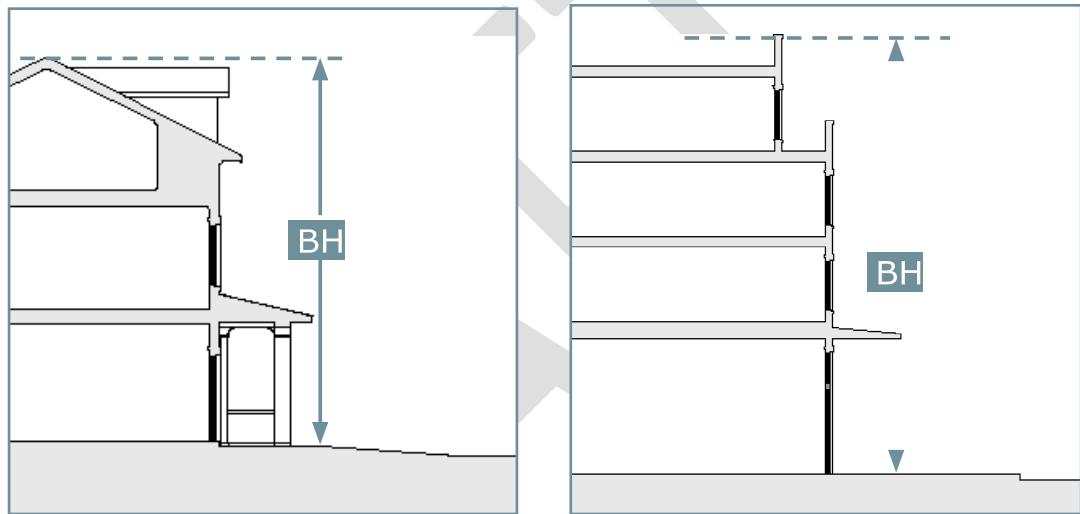


Figure 2: Image showing how to measure building height for a sloped roof (left) and flat roof (right).

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 fixture shall exceed the height limit of the district in which it is located, except by a variance approved by the Board of Zoning Appeals. For information on variances, please refer to "SECTION 1105.12 VARIANCES."
  - 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 1121.01 ACCESSORY STRUCTURE REGULATIONS."
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. For the purposes of this code, where a property fronts on multiple streets, only the street named in the registered address of the property shall be considered the front lot line; all other street frontages shall be considered side lot lines.
    - iii. Side Lot Line. A side lot line is any lot line not considered a front lot line or a rear lot line. For the purposes of this code, where a property fronts on multiple streets, only the street named in the registered address of the property shall be considered the front lot line; all other street frontages shall be considered side lot lines.
    - 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 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.
    - v. Lot Lines for Corner Lots and Double Frontage Lots. 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, the front lot line shall be determined as the street the lot is addressed. In the case of a corner lot, the second frontage shall be determined as a side lot line and the lot line opposite of the addressed street shall be considered the rear lot line. In the case of a Double Frontage lot, the front lot line shall be determined as the street the lot is addressed and the secondary frontage shall be determined as the rear lot line. If an address has not been assigned, the

City Engineer shall provide an address per the City of Elyria Code of Ordinances, Chapter 909.

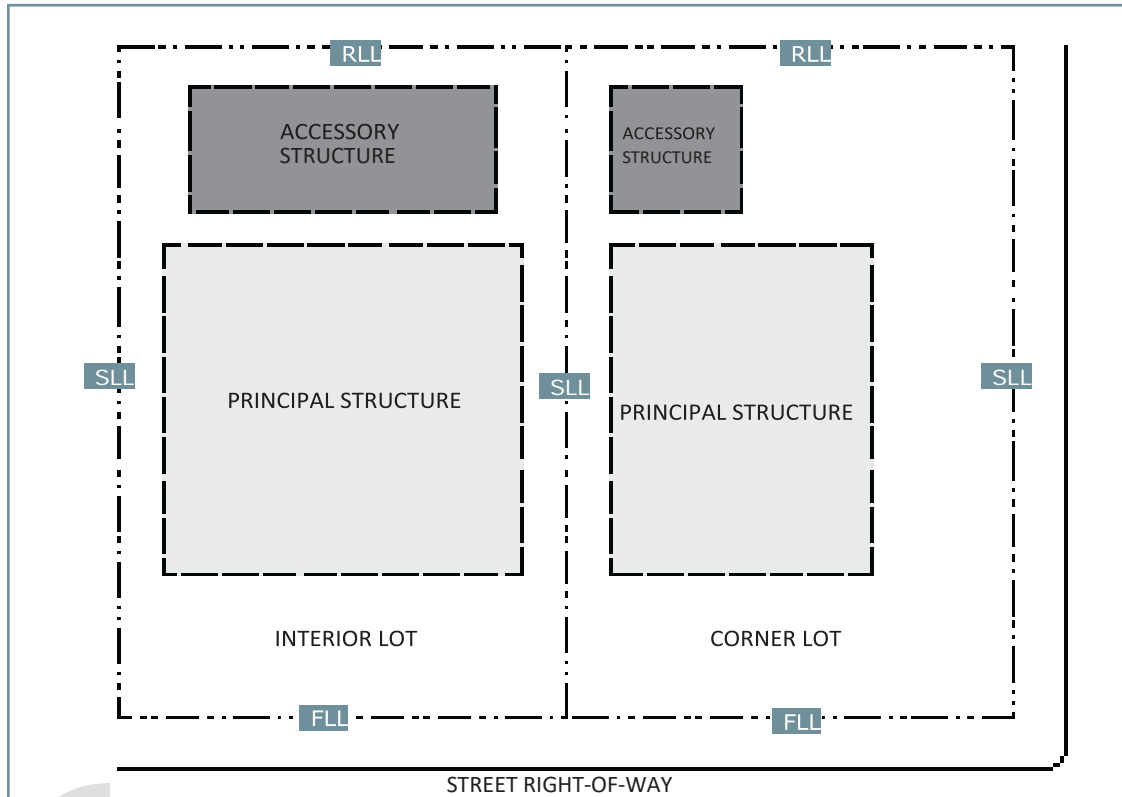


Figure 3: Graphic showing lot lines, including front lot lines (FLL), side lot lines (SLL), and rear lot lines (RLL) on an interior lot (left) and a corner lot (right).

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 the purposes of this code, the front setback shall apply only to the right-of-way of the street named in the registered address of the property; where a property fronts on more than one street, the setbacks from streets not identified in the registered address of the property shall be considered side setbacks.
- ii. Side Setback. A side setback is the shortest horizontal distance between a structure and a side lot line of the lot. For the purposes of this code, the setback between a structure and any street right-of-way not named in the registered address of the property shall be considered a side setback, not a front setback, and the side setback shall be twice the standard side setback

for the applicable zoning district.

- 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 1121.01 ACCESSORY STRUCTURE REGULATIONS.”

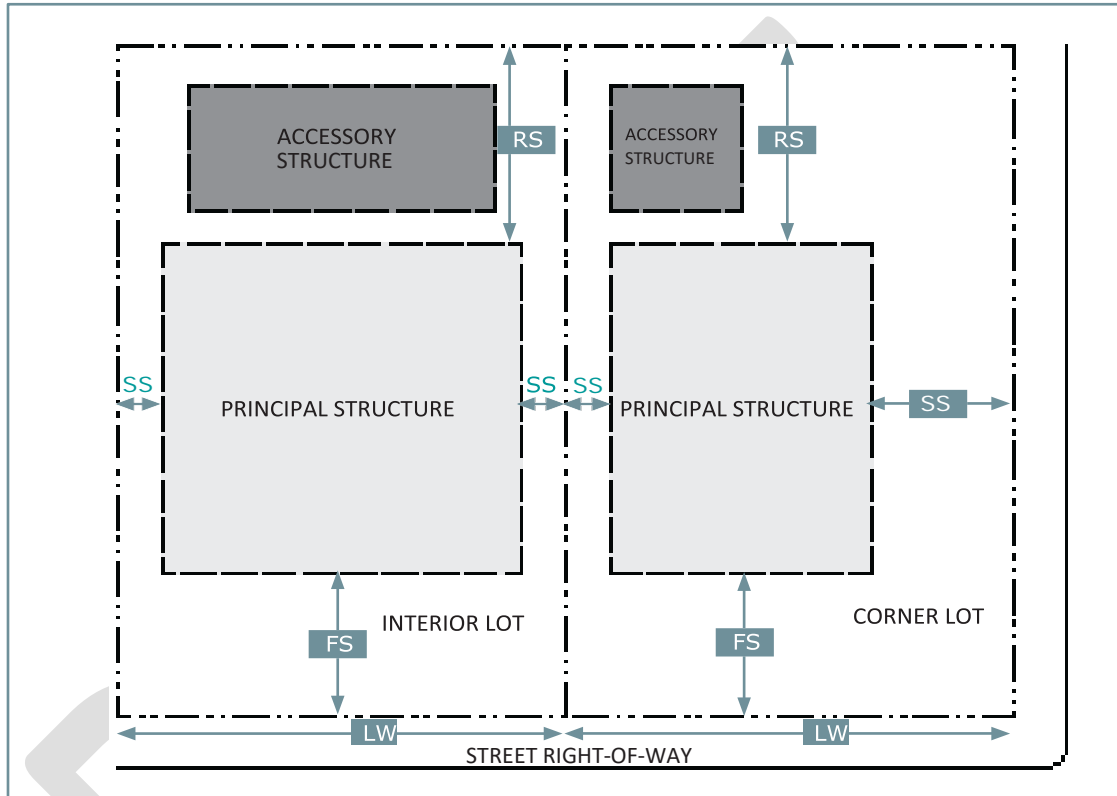


Figure 4: Graphic showing different setbacks, including front setbacks (FS), side setbacks (SS), and rear setbacks (RS). This graphic also shows lot widths (LW) for an interior lot (left) and corner lot (right).

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

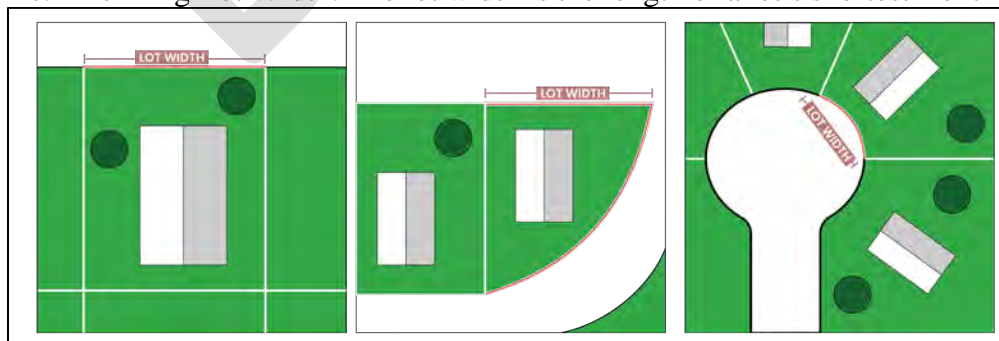


Figure 5: Graphic showing different lot widths in standard (left), corner (middle), and cul de sac (right) lots.

- 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.

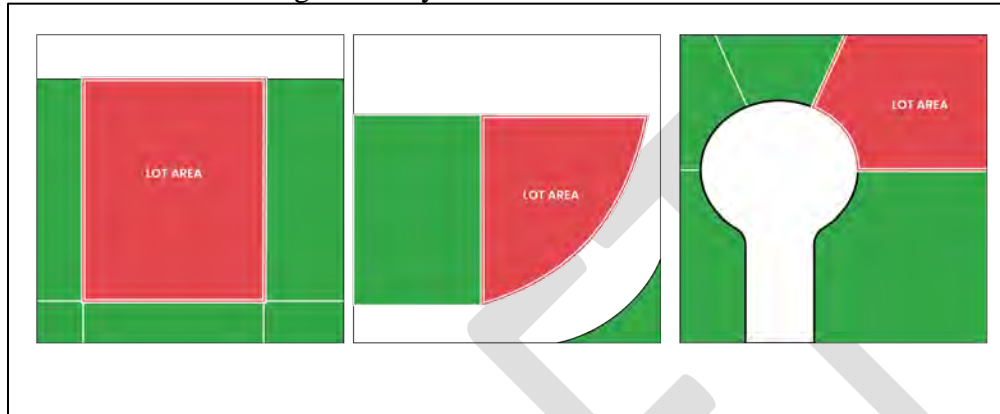
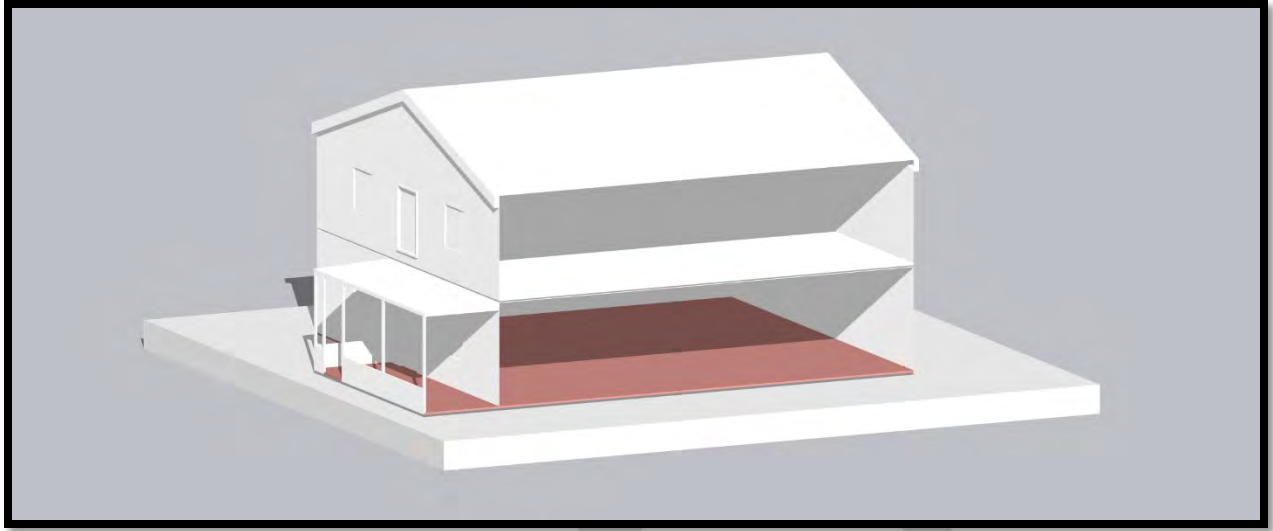


Figure 6: Graphic showing different lot area in standard (left), corner (middle), and cul de sac (right) lots.

- 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.



*Figure 7: Graphic showing building footprint (red area) of a building with a porch.*

# Chapter 1117: General Terms and Principal Uses

## SECTION 1117.01 PURPOSE.

This chapter provides the definition of general terms found within the Code and to define principal uses permitted within the City's Zoning districts. The regulations are intended to reduce the effects that certain principal 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 1117.02 DEFINITIONS OF GENERAL TERMS.

1. Abandonment. Refer to the definition in "Chapter 1123 Nonconformities."
2. Administrative Review. A review process for a use which is permitted outright in a district that requires singularly a review from the zoning administrator.
3. Alley. means a street providing secondary access to the rear or side of properties abutting also on other streets. Any property with an alley shall have a primary means of access.
4. Building. Any structure having a roof supported by walls used, as 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.
5. Building Footprint. Refer to the definition and illustrations in "SECTION 1115.06 RULES OF MEASUREMENT."
6. Building Height or Structure Height. Refer to "SECTION 1115.06 RULES OF MEASUREMENT."
7. City. The City of Elyria, Ohio.
8. Driveway. Any unenclosed, improved surface paved so as to provide a durable and dustless surface of asphalt, concrete, brick, or other surface approved by the Zoning Administrator 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.
9. 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.
10. 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.

11. Lot. A piece or parcel of land unoccupied or occupied by a principal use/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.
12. Lot Area. Refer to “SECTION 1115.06 RULES OF MEASUREMENT.”
13. Lot Coverage. The total area of a lot covered by all buildings, including principal uses, Accessory Uses, and accessory structures, expressed as a percentage.
14. Lot Line. A lot line is a line dividing one lot from another lot or from a street or any public place.
15. Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.
16. Lot, Double Frontage. A lot, excluding corner lots, that has two street frontages on non-intersecting streets, allowing for access from both sides. These lots run through a city block from one street to another.
17. Lot Line, Front. Refer to the definition and illustrations in “SECTION 1115.06 RULES OF MEASUREMENT.”
18. Lot Line, Rear. Refer to the definition and illustrations in “SECTION 1115.06 RULES OF MEASUREMENT.”
19. Lot Line, Side. Refer to the definition and illustrations in “SECTION 1115.06 RULES OF MEASUREMENT.”
20. Lot of Record. 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.
21. Lot Width. Refer to the definition and illustrations in “SECTION 1115.06 RULES OF MEASUREMENT.”
22. Mixed use means a combination of two (2) or more permitted principal uses or within a district, in the same building or on the same premises.
23. Nonconforming Lot. Refer to the definition in “Chapter 1123 Nonconformities.”
24. Nonconforming Structure. Refer to the definition in “Chapter 1123 Nonconformities.”
25. Nonconforming Use. Refer to the definition in “Chapter 1123 Nonconformities.”
26. Ohio Revised Code (ORC). The ORC is the official compilation and restatement of Ohio's permanent and general laws.



27. **Parking Area.** An off-street area for the parking of motor vehicles.
28. **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.
29. **Right-of-Way.** A strip of land between lot lines dedicated for use by the public or owned by the public for street and/or utility use.
30. **Setback, Front.** Refer to the definition and illustrations in “SECTION 1115.06 RULES OF MEASUREMENT.”
31. **Setback, Rear.** Refer to the definition and illustrations in “SECTION 1115.06 RULES OF MEASUREMENT.”
32. **Setback, Side.** Refer to the definition and illustrations in “SECTION 1115.06 RULES OF MEASUREMENT.”
33. **Specific Nature.** Refer to the definition in “Chapter 1123 Nonconformities.”
34. **Structure, Accessory.** A feature on the same lot as a principal building that is subordinate, incidental, and customary to the principal use.
35. **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.
36. **Use, Accessory.** A use that is incidental and customarily found in connection with the principal use on the same lot, provided the Accessory Use was begun at the same time or after the construction of the Principal Use.
37. **Use, Conditional.** A use which is permitted in a district only if such use is expressly authorized by the Planning Commission, and/or Council.
38. **Use, Principal.** 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.
39. **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.
40. **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.

41. 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.
42. Variance. A modification of the zoning code granted by the Board of Zoning Appeals in accordance with “SECTION 1105.12 VARIANCES.”
43. Zoning Code. This Planning and Zoning Code for the City of Elyria, Ohio.
44. Zoning Permit. 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 1117.03 PRINCIPAL 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 or as permitted by the Board of Zoning Appeals and (2) by restricting the use of land by use-specific standards, as described later in this chapter.

### **SECTION 1117.04 DETERMINATION OF PRINCIPAL AND ACCESSORY USES.**

1. Determination and Application of Principal Uses by the Zoning Administrator. As this Code cannot conceive of every proposed use in the city, it uses general principal use terms and defines these terms in this “Chapter 1117: General Terms and Principal Uses.” The Zoning Administrator 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. Principal or Accessory Uses Not Matching Any Listed Principal or Accessory Use Term. In some cases, the Zoning Administrator may determine to be of a similar character of the allowed land uses listed. However, in some cases, the Zoning Administrator may determine that the real or proposed principal or accessory use does not meet the definitions of any of the defined general principal or accessory use terms, and, in such case, the Zoning Administrator shall determine that such principal or accessory use is prohibited in all districts in the city, except where allowed by nonconforming use

regulations found in “Chapter 1123 Nonconformities.”

3. Appeal of Determination of Principal or Accessory Uses. Where an applicant or property owner affected by the determination 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 principal or accessory use terms was made in error, such party may appeal the determination. The appeal process is described in detail in “SECTION 1105.12 VARIANCES.”

## **SECTION 1117.05 PROHIBITED AND ALLOWED PRINCIPAL AND ACCESSORY 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 except a use as determined by the Zoning Administrator to be of a similar character or unless a use variance has been issued by the Board of Zoning Appeals.
2. Any use not permitted as a principal use, a permitted Accessory Use or a Conditional Use in any zoning district shall be prohibited in that zoning district, except a use as determined by the Zoning Administrator to be of a similar character or unless the Board of Zoning Appeals permits such use through a use variance.
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. Principal and Accessory Use Term Interpretation. It shall be the responsibility of the Zoning Administrator to interpret the definitions of the principal and accessory 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 as to an interpretation can be made to the Board of Zoning Appeals in a process described in “SECTION 1105.13 APPEAL OF ADMINISTRATIVE DETERMINATIONS.”
5. Proposed Land Uses Fitting More Than One Principal or Accessory Use Term. Wherever the proposed use of a lot is a single use and such single use fits the definition of more than one principal or Accessory Use term and where at least one of those land use terms is an allowed land use in that district, such proposed principal or Accessory 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 1105 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 as being defined by more than one land use term, and at least one of those land use terms is allowed in that district unless otherwise allowed by order of the Board of Zoning Appeals.

## **SECTION 1117.06 DEFINITIONS OF PRINCIPAL USES AND USE-SPECIFIC STANDARDS.**

No use shall be conducted except where conforming to all of the standards contained in this section or where otherwise permitted by “Chapter 1123 Nonconformities.”

### **1. Residential Uses**

#### **a. One-Unit Residential**

- i. Definition.** A residential use consisting of exactly one principal dwelling unit per one lot. This term shall refer only to a residential use conducted within a dwelling with a permanent foundation.



*Figure 8: Graphic showing a one-unit residential structure.*

- ii. Use-Specific Standards.** This Planning and Zoning Code does not contain



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

## **b. Two-Unit Residential**

- i. Definition.** A residential use consisting of exactly two principal dwelling units on one lot, where both of the units are located within one contiguous building with a permanent foundation. Each unit shall have separate cooking and sanitary facilities. This term includes uses generally recognized as duplexes.



*Figure 9: Graphic showing a two-unit residential structure.*

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

## **c. 3-4 Unit Residential**

- i. Definition.** A residential use consisting of 3-4 dwelling units on one lot, where all of such units are located within one contiguous building with a permanent foundation. Each unit shall have separate cooking and sanitary facilities. This term includes structures generally recognized as “Missing Middle” housing, such as triplexes and quadplexes.



*Figure 10: Graphic showing a 3-4-unit residential structure.*

- 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. Mixed-Use Residential**

- i. Definition.** A small-to-medium-sized, low-to-mid-rise building with two or more different uses such as residential, office, or retail uses.





*Figure 11: Graphic showing a mixed-use residential structure.*

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

1. No residential use shall be allowed on the ground floor of a Mixed-Use Residential Building. Example floor space configurations include but are not limited to:
  - a. Ground floor retail, restaurant, or office storefronts with multi-family residential units on the second floor;
  - b. A three-floor building with retail on the ground floor, office on the second floor, and multi-family residential units on the third floor.

**e. Multi-Family Residential**

- i. Definition.** A residential use containing five (5) or more dwelling units in a single building on a single lot. Each unit shall have separate cooking and sanitary facilities. This term includes apartment buildings and school- or college-related dormitories.



Figure 12: Graphic showing a multi-family residential structure, with five or more dwelling units in one building.

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

1. Multi-family residential use shall occupy not more than sixty percent (60%) of the total lot area.

**f. Townhouse Residential**

**i. Definition.** A residential use consisting of one dwelling unit, where such dwelling unit is a component of a row of two (2) or more 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.





*Figure 13: Graphic showing a townhouse residential structure.*

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

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 landownership model are exempt from the lot width requirements of the district in which they are located. Townhouse lots with a landownership model must be at least 15 feet wide.
4. **Density.** The density of the entire development area shall not exceed eight (8) dwelling units per acre, unless otherwise approved by the Planning Commission and City Council.
5. **Open Space.**
  - a. Common open space areas shall be as set forth on the final approved development plan, provided, however, that the common open space shall be located and designed to be integrally related to the overall design of the development and to conserve and protect significant natural features such as wetlands, woodlands, streams, lakes, historic features, and environmentally sensitive areas.
  - b. The ownership of all common open space areas shall be identified and a perpetual maintenance plan for said areas submitted to the City for review and approval. Said perpetual maintenance plan shall set forth responsibility for maintenance of all such areas and describe the method of financing for said maintenance program. The perpetual maintenance plan shall become part of the development plan and shall identify the City of Elyria as a beneficial party thereto with rights, but no obligation, to enforce the provisions contained therein.
  - c. The minimum common open space shall be twenty percent (20%) of the total land area of the townhouse development. Said common open space shall be concentrated in one area unless otherwise approved by the Planning Commission.

[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. Landominium. 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. Townhouse developments may be administratively approved where allowed by administrative review; see the use permissions in the district regulations of “Chapter 1119: Zoning District Standards.”

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 Townhouses. 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.

**g. Manufactured Home Park**

**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.** No Manufactured Home Park use shall be conducted except where all of the following conditions are satisfied:

1. Plan Required. No Manufactured Home Park 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 use shall be permitted except where each dwelling unit within the Manufactured Home Park is connected to a public water supply. No Manufactured Home Park use shall be permitted except where each dwelling unit within the Manufactured Home Park is connected to public sewerage.
3. Screening. No Manufactured Home Park use shall be permitted except where such Manufactured Home Park use is screened from adjacent lots by a continuous six-foot-high landscaping buffer or

fencing. No screening shall be required between the Manufactured Home Park use and a public right-of-way.

4. **Emergency Response.** No Manufactured Home Park use 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 use shall be subject to review by the City's Safety Service Department.
5. **Unit Separation.** No Manufactured Home Park shall have dwelling units that have a separation of less than 12 feet.
6. **RVs Prohibited.** No Manufactured Home Park use shall permit residing within recreational vehicles. The manufactured home residential units of a Manufactured Home Park use 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.

**h. Permanent Shelter**

**i. Definition.** A use consisting of the year-round provision of shelter for 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**

**iii. Definition.** A use consisting of the seasonal (as opposed to year-round) provision of shelter for 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."

**iv. 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 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 Small Rehabilitation Care housing use shall be conducted except where all of the following conditions are satisfied:

7. No Small Rehabilitation Care Housing use shall be conducted except under a state license.
1. No Rehabilitation Care Housing use shall be located within 1,000 feet, measured in a straight line from the nearest lot lines of the subject parcel to the nearest lot line of a parcel on which is situated a Small or Large Rehabilitation Care use.
8. No Small Rehabilitation Care Housing use shall be located within 1,000 feet, measured in a straight line from the nearest lot line of the subject parcel, to the nearest lot line of a parcel on which is situated any of the following uses: adult-oriented; cannabis-dispensing facility (medical or recreational); daycare (home and non-home); library, museum, playhouse, or school; liquor store; religious assembly; playground or park; smoke or vape store; weapon or firework store; or any other use of similar character to 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 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 Large Rehabilitation Care housing 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 Liquor Store use shall be located within 1,000 feet, measured in a straight line from the nearest lot lines of the subject parcel to the nearest lot line of a parcel on which is situated a Small or Large Rehabilitation Care Housing use.

3. No Large Rehabilitation Care Housing use shall be located within 1,000 feet, measured in a straight line from the nearest lot line of the subject parcel, to the nearest lot line of a parcel on which is situated any of the following uses: adult-oriented; cannabis-dispensing facility (medical or recreational); daycare (home and non-home); library, museum, playhouse, or school; liquor store; religious assembly; playground or park; smoke or vape store; weapon or firework store; or any other use of similar character to 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 ORC. A Small Residential Care Housing use, for the purposes of this Code, may also include rehabilitation services for patients under medical supervision while recovering from surgeries, psychiatric care, personal care services, eating disorder care, the physically handicapped or disabled, those with developmental disabilities, or mental illnesses. A Small Residential Care Housing use shall provide 24-hour, in-home support staff presence. This use shall be permitted in all residential districts per ORC, Section 5119.341 (A).
- ii. **Use-Specific Standards.** No Small Residential Care Housing use shall be conducted except under a state license.

**m. Residential Care Housing (Large)**

- iii. **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 ORC. A Large Residential Care Housing use, for the purposes of this Code, may also include rehabilitation services for patients under medical supervision while recovering from surgeries, psychiatric care, personal care services, eating disorder care, the physically handicapped or disabled, those with developmental disabilities, or mental illnesses. A Large Residential Care Housing use shall 24-hour, in-home support staff presence.

**iv. Use-Specific Standards.** No Large Residential Care Housing use shall be conducted except where all of the following conditions are satisfied:

1. No Large Residential Care Housing use shall be conducted except under a state license.
1. No Large Residential Care Housing use shall be located within 1,000 feet, measured in a straight line from the nearest lot lines of the subject property to the nearest lot line of another Large Residential Care Housing use
2. No Large Residential Care Housing use shall be located within 1,000 feet, measured in a straight line from the nearest lot line of the subject parcel, to the nearest lot line of a parcel on which is situated any of the following uses: adult-oriented; adult-use cannabis facility; daycare (home and non-home); liquor store; medical marijuana facility; religious assembly; rehabilitation care housing (small and large); smoke or vape store; weapon or firework store; or any other use of similar character to the uses listed herein.

## **2. Commercial Uses**

### **a. Adult-Oriented Use**

**i. Definition.** An establishment where any 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 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. No Adult-Oriented use shall be located within 1,000 feet, measured in a straight line from the nearest lot lines of the subject parcel to the nearest lot line of a parcel on which is situated an Adult-Oriented use.
2. No Adult-Oriented use shall be located within 1,000 feet, measured in a straight line from the nearest lot line of the subject parcel, to the nearest lot line of a parcel on which is situated any of



the following uses: cannabis-dispensing facility (medical or recreational); daycare (home and non-home); library, museum, playhouse, or school; rehabilitation care housing (small and large); religious assembly; residential use, land zoned for residential use, or residential uses permitted pursuant to a conditional use permit or as lawful prior nonconforming uses playground or park; pocket park; smoke or vape store; weapon or firework store; or any other use of similar character to the uses listed herein.

3. **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.
4. **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 signage 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.

#### **b. Adult-Use Cannabis Facility**

**i. Definition.** A use consisting of the sale or dispensation of adult-use cannabis the sale of consumable products containing marijuana-derived psychoactive compounds that are subject to State licensure. Adult-Use Cannabis Facilities shall only be permitted by a conditional use permit.

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

1. No Adult-Use Cannabis Facility use shall be located within 1,000 feet, measured in a straight line from the nearest lot lines of the subject parcel to the nearest lot line of a parcel on which is situated a Medical Marijuana Facility or another Adult-Use Cannabis Facility.
2. No Adult-Use Cannabis Facility use shall be located within 1,000 feet, measured in a straight line from the nearest lot line of the subject parcel, to the nearest lot line of a parcel on which is situated any of the following uses: adult-oriented; daycare (home

and non-home); library, museum, playhouse, or school; liquor store; religious assembly; rehabilitation care facility (small and large); playground or park; pocket park; smoke or vape store; weapon or firework store; or any other use of similar character to the uses listed herein or such greater distance as may be required by Chapter 3780 of the ORC, and administrative rules promulgated thereunder.

3. Adult-Use Cannabis Facility uses shall operate in conformity with State standards as administered by the Ohio Department of Commerce, Division of Cannabis Control.
4. In addition to the requirements for conditional uses as found in “SECTION 1105.15 CONDITIONAL USES.” the following criteria shall also be considered by the Planning Commission: (1) 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 (2) the location of the proposed use in relation to medical or pharmaceutical facilities of a complimentary nature (e.g., pharmacies, physician offices, etc.). 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 Chapters 3780 and/or 3796 of the ORC.
5. Any conditional use approval granted for an Adult-Use Cannabis Facility use shall include an expiration clause with the following: If an Adult-Use Cannabis Facility 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.

#### **c. 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.

**d. 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 applicable Ohio law and shall maintain current licenses as required by the Ohio Department of Commerce – Division of Liquor Control.
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.

**e. 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 applicable Ohio law and shall maintain current licenses as required by the Ohio Department of Commerce – Division of Liquor Control.
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.

**g. Daycare 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 Daycare Home and Type B Family Daycare Home in that it involves providing daycare services in a facility that is not the permanent residence of the daycare administrator.

**ii. Use-Specific Standards.** No daycare facility (non-home) use shall be located within 1,000 feet, measured in a straight line from the nearest lot line of the subject parcel, to the nearest lot line of a parcel on which is situated any of the following uses: adult-oriented; adult-use cannabis facility; liquor store; medical marijuana facility; smoke or vape store; weapon or firework store; or any other use of similar character to the uses listed herein.

#### **h. 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. Typically, these food trucks are operated from “box trucks”. Note: any food truck operating on a public right-of-way is not regulated by this Planning and Zoning Code.

**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 within 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.

**i. 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.

**j. 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.

**k. 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, 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.

#### **l. 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 50 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 Use.

- ii. Use-Specific Standards.** 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).

#### **m. 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 50 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.

#### n. 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.

#### o. 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 (a food service business that prepares meals for delivery or takeout and does not include a dining space), incubator kitchens (a licensed and fully equipped spaces that provides food businesses with access to professional grade kitchen facilities), 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.

**p. 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.

**q. 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 1105.15 CONDITIONAL USES.” 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. No Industrial (High-Intensity) use shall be located within 1,000 feet, measured in a straight line from the nearest lot line of the subject parcel, to the nearest lot line of a parcel on which is situated any of the following uses: daycares (home and non-home), library, museum, playhouse, or school; religious assembly; playground and park, residential; or any other use of similar character to the uses listed herein.
3. 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.

4. No finished or semi-finished products shall be unscreened per local design review guidelines or other local codes and standards.

#### **r. Liquor Store**

**i. Definition.** any retail establishment at which 40 percent or more of the total floor area is used for the sale of liquor, wine, and beer for only off-site consumption. On-site consumption and the production of beer, wine, and other alcoholic spirits is prohibited.

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

1. No Liquor Store use shall be located within 1,000 feet, measured in a straight line from the nearest lot lines of the subject parcel to the nearest lot line of a parcel on which is situated a Liquor Store use.
2. No liquor store use shall be located within 1,000 feet, measured in a straight line from the nearest lot line of the subject parcel, to the nearest lot line of a parcel on which is situated any of the following uses: adult-oriented; adult-use cannabis facility; daycare (home and non-home); library, museum, playhouse, or school; medical marijuana facility; rehabilitation care housing (small and large); religious assembly; playground or park; pocket park; smoke or vape store; weapon or firework store; or any other use of similar character to the uses listed herein.

#### **b. Medical Marijuana Facility**

**i. Definition.** A use consisting of the sale or dispensation of medical marijuana as defined in Chapter 3796 of the Revised Code. Medical Marijuana facilities shall only be permitted by a conditional use permit.

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

1. No Medical Marijuana Facility use shall be located within 1,000 feet, measured in a straight line from the nearest lot lines of the subject property to the nearest lot line of another Medical Marijuana Facility or an Adult-Use Cannabis-Dispensing Facility.
2. No Medical Marijuana Facility use shall be located within 1,000 feet, measured in a straight line from the nearest lot lines of the subject property to the nearest lot line of a parcel on which is situated any of the following uses: adult-oriented; daycare (home

and non-home); library, museum, playhouse, or school; liquor store; religious assembly; rehabilitation care facility (small and large); playground or park; pocket park; smoke or vape store; weapon or firework store; or any other use of similar character to the uses listed herein or such greater distance as may be required by Chapters 3796 of the ORC, and administrative rules promulgated thereunder.

3. Medical Marijuana Facility uses shall operate in conformity with State standards as administered by the Ohio Department of Commerce, Division of Cannabis Control.
4. In addition to the requirements for conditional uses as found in “SECTION 1105.15 CONDITIONAL USES.”, the following criteria shall also be considered by the Planning Commission: (1) 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 (2) the location of the proposed use in relation to medical or pharmaceutical facilities of a complimentary nature (e.g., pharmacies, physician offices, etc.).
5. 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 3796 of the ORC.
6. Any conditional use approval granted for a Medical Marijuana - facility use shall include an expiration clause with the following: If a Medical 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.

**s. Medical Services (Emergency and In-Patient)**

- 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, shall provide a minimum of 500 feet, measured in a straight line from the nearest lot lines of the subject property to the nearest lot line of any 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.

**t. Medical Services (General)**

**i. Definition.** A use providing services for out-patient medical, 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, licensed psychiatric counseling in an office setting, 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.

**u. Micro-brewery, Micro-winery, and Micro-distillery**

**i. Definition.** An establishment where beer, ale, wine (including mead and cider), spirituous liquor, or other alcoholic beverages are manufactured on

the premises of a building for on-premise consumption or into individually ordered growlers or other legal to-go containers but are not canned or bottled for wholesale distribution. 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.

**v. 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. This use shall be an accessory use to a related indoor principal use.

**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 which is not regulated by this Planning and Zoning Code.

**w. 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 1121.10 SIGN REGULATIONS”

#### **x. 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.

#### **y. 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 1121.04.05 Recreational Vehicles.”

## **z. 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.

## **aa. 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.

## **bb. Short-Term Rental**

- 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 within 1,000 feet, measured in a straight line from the nearest lot lines of the subject parcel to the nearest lot line of a parcel on which is situated another Short-Term Rental use.

## **cc. Smoke or Vape Store**

**i. Definition.** any retail use in which 10 percent or more of the total floor area is used for the sale of nicotine or tobacco products, vaping devices, electronic smoking products (cigarettes, cigars, pipes, hookahs). These retail establishments may also include the sale of CBD, delta-8, delta-9, cannabinoids, kratom, and other tobacco products. This use shall not permit the sale of cannabis for medical or recreational purposes.

**ii. Use-Specific Standards.** No Smoke or Vape Store use shall be conducted except where all of the following conditions are satisfied:

1. No Smoke or Vape Store use shall be located within 1,000 feet, measured in a straight line from the nearest lot lines of the subject parcel to the nearest lot line of a parcel on which is situated a Smoke or Vape Store use.
2. No Smoke or Vape Store use shall be located within 1,000 feet, measured in a straight line from the nearest lot line of the subject parcel, to the nearest lot line of a parcel on which is situated any of the following uses: adult-oriented; adult-use cannabis facility; daycare (home and non-home); library, museum, playhouse, or school; liquor store; medical marijuana facility; rehabilitation care housing (small and large); religious assembly; playground or park; pocket park; weapon or firework store; or any other use of similar character to the uses listed herein.

**dd. Telecommunication (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.

**ee. Telecommunication (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.

## **ff. 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 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.

**gg. 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 1,000 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.

**hh. Weapon or Firework Store**

**i. Definition.** A use consisting of the assembling and/or the sale of firearms, rifles, ammunition, knives, archery equipment, fireworks, or the sale of fountain devices as defined in Section 3743.01 of the ORC. Novelties or trick noise makers (party poppers, snappers, snakes or glow worms, smoke devices, and trick matches) may be sold at an Indoor Sales and Service use.

**ii. Use-Specific Standards.** No Weapon or Firework Store use shall be conducted except when all of the following conditions are satisfied:

1. No Weapon or Firework Store use shall be conducted within 1,000 feet, measured in a straight line from the nearest lot lines of the subject parcel to the nearest lot line of a parcel on which is situated another Weapon or Firework Store use.
2. No Weapon or Firework Store use shall be conducted within 1,000

feet, measured in a straight line from the nearest lot line of the subject parcel, to the nearest lot line of a parcel on which is situated of the following uses: adult-oriented; adult-use cannabis facility; medical marijuana dispensing facility; daycare (home and non-home); library, museum, playhouse, or school; liquor store; rehabilitation care housing (small and large); religious assembly; playground or park; pocket park; smoke or vape store; or any other use of similar character to the uses listed herein.

3. All Weapon or Firework Stores shall obtain all applicable licenses.

## **Transportation Uses**

### **f. 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.

### **g. 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.

### **h. 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.

**i. 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.

**j. 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 stations may be included as a component of a Vehicle Refueling use, but electric vehicle charging stations shall be considered an Accessory Use of a parking space serving any land use and shall not, on its own, constitute a Vehicle Refueling land use.

**k. 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 1121.04.05 Recreational Vehicles.”
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.

### 3. 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.

#### **4. Community Uses**

##### **a. Library, Museum, Playhouse, and School**

**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 Center**

**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.

### d. Union Hall

**i. Definition.** A use providing space for a nonprofit association of persons who are bona fide members paying regular dues, and organized for some common purpose, but excluding religious places of worship or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**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. 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.

**b. Camping, Nature Retreat Center, or Summer Camp**

**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. 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.

#### d. Community Garden

>>SECTION 1117.06 DEFINITIONS OF PRINCIPAL USES AND USE-SPECIFIC STANDARDS.



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: one quarter of an acre or less.

**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 shall include 5 acres of land or more. 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 an 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 shall not include the slaughter, skinning, dehairing, or eviscerating of livestock produced on the premises.

- 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.

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# Chapter 1119: Zoning District Standards

## SECTION 1119.01 ESTABLISHMENT OF DISTRICTS.

The districts described in this article are hereby established.

## SECTION 1119.02 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 1119.03 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 "Chapter 1105 Administration and Procedures."

## SECTION 1119.04 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 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 Planning Commission 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 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 1119.05 ZONING UPON ANNEXATION.**

In the case that any land, annexed by the City, such land shall assume a zoning district designation that is the most restrictive zoning designation of the adjacent properties as determined by the Zoning Administrator. 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 “SECTION 1105.14 TEXT AND MAP AMENDMENTS TO THE ZONING CODE.”

## SECTION 1119.06 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 shall have a Principal Use, as listed in the table below, in order to have an Accessory Structure or Accessory Use.
  - b. Accessory Structures shall be permitted in accordance with Accessory Structure Regulations found in “SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS.”
  - c. Accessory Uses shall be permitted in accordance with the Accessory Uses listed below and Accessory Use Regulations found in “SECTION 1121.02 ACCESSORY USE REGULATIONS.”
  - 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 uses allowed, except a use determined by the Zoning Administrator to be of a similar character of the allowed uses listed below. Additional use regulations of “Chapter 1117: General Terms and Principal Uses” shall apply. All use terms are defined in “Chapter 1117: General Terms and Principal Uses.”

USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	“SECTION 1117.06”
Two-Unit Residential	Administrative Review	“SECTION 1117.06”
Residential Care Housing (Small)	Administrative Review	“SECTION 1117.06”
Residential Care Housing (Large)	Conditional Use Review	“SECTION 1117.06”
Rehabilitation Care Housing (Small and Large)	Conditional Use Review	“SECTION 1117.06”
Townhouse Residential	Administrative Review	“SECTION 1117.06”
Manufactured Home Park	Administrative Review	“SECTION 1117.06”
COMMERCIAL USES		
Telecommunication (Small)	Administrative Review	“SECTION 1117.06”
COMMUNITY USES		
Library, Museum, Playhouse, and School	Conditional Use Review	“SECTION 1117.06”
Religious Assembly	Administrative Review	“SECTION 1117.06”
OPEN SPACE USES		

Cemetery	Administrative Review	"SECTION 1117.06"
Community Garden	Administrative Review	"SECTION 1117.06"
Playground or Park	Administrative Review	"SECTION 1117.06"
Pocket Park	Administrative Review	"SECTION 1117.06"
Preserves	Administrative Review	"SECTION 1117.06"
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	"SECTION 1117.06"
ACCESSORY USES		
Accessory Dwelling Unit	Administrative Review	SECTION 1121.02
Beekeeping	Conditional Use Review	SECTION 1121.02
Cottage Food Production	Administrative Review	SECTION 1121.02
Daycare Home Services (Type A)	Conditional Use Review	SECTION 1121.02
Daycare Home Services (Type B)	Administrative Review	SECTION 1121.02
Home Animal Husbandry	Conditional Use Review	SECTION 1121.02
Home Gardening	Administrative Review	SECTION 1121.02
Home Occupation	Administrative Review	SECTION 1121.02
Any other accessory use customary and incidental to the principal use(s)	Administrative Review	SECTION 1121.02
ACCESSORY STRUCTURES		
Accessory Structures	Any accessory structure customary and incidental to the permitted principal use as listed in "SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS."	

### 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.*
	Lot Width	60 ft. min.*
	Lot Depth	100 ft. min.*
BUILDING SETBACK STANDARDS		
	Front Yard Setback	25 ft. min.*
	Side Yard Setback	8 ft. min.*
	Rear Yard Setback	25 ft. min.*
BUILDING SCALE STANDARDS		



<b>DEVELOPMENT STANDARDS</b>		
	Building Height	40 ft. max.
	Accessory Structure and Use Height	15 ft. max.
	Lot Coverage	50% maximum of total lot area for commercial, community, and open space uses; 40% maximum of total lot area for residential uses. Lot coverage shall not apply to Townhouse Residential uses. See Townhouse Residential Use-specific standards for density requirements.
NOTES		
* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in "SECTION 1117.06 DEFINITIONS OF PRINCIPAL USES AND USE-SPECIFIC STANDARDS." part (f).		

#### **4. REGULATIONS APPLICABLE TO THE RESIDENTIAL 1 DISTRICT**

- a. **General Regulations.** General regulations pertaining to Accessory Structures; Accessory Uses; the vision clearance triangle; screen, buffering, and outdoor storage; fences; outdoor lighting; dumpsters and solid waste storage; and signs can be found in "Chapter 1121: General Regulations."
- b. **Noise Regulations.** Noise regulations are not included in this Planning and Zoning Code. Noise disturbances must adhere to the Disorderly Conduct and Peace Disturbance regulations as found in Chapter 509 of the City of Elyria Code of Ordinances.
- c. **Building Code Regulations.** Building code regulations are not included in this Planning and Zoning Code. 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.

## SECTION 1119.07 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 shall have a Principal Use, as listed in the table below, in order to have an Accessory Structure or Accessory Use.
  - b. Accessory Structures shall be permitted in accordance with Accessory Structure Regulations found in “SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS.”
  - c. Accessory Uses shall be permitted in accordance with the Accessory Uses listed below and Accessory Use Regulations found in “SECTION 1121.02 ACCESSORY USE REGULATIONS.”
  - 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 uses allowed, except a use as determined by the Zoning Administrator to be of a similar character of the allowed uses listed below. Additional use regulations of “Chapter 1117: General Terms and Principal Uses” shall apply. All use terms are defined in “Chapter 1117: General Terms and Principal Uses.”

USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	“SECTION 1117.06”
Two-Unit Residential	Administrative Review	“SECTION 1117.06”
3-4 Unit Residential	Administrative Review	“SECTION 1117.06”
Residential Care Housing (Small)	Administrative Review	“SECTION 1117.06”
Residential Care Housing (Large)	Conditional Use Review	“SECTION 1117.06”
Rehabilitation Care Housing (Small and Large)	Conditional Use Review	“SECTION 1117.06”
Townhouse Residential	Administrative Review	“SECTION 1117.06”
COMMERCIAL USES		
Day Care Facility (Non-Home)	Conditional Use Review	“SECTION 1117.06”
Indoor Dining, Drinking, and Entertainment (Small)	Conditional Use Review	“SECTION 1117.06”

Indoor Sales and Services	Conditional Use Review	"SECTION 1117.06"
Short-Term Rental	Conditional Use Review	"SECTION 1117.06"
Small Telecommunications	Administrative Review	"SECTION 1117.06"
COMMUNITY USES		
Library, Museum, Playhouse, and School	Conditional Use Review	"SECTION 1117.06"
Religious Assembly	Administrative Review	"SECTION 1117.06"
OPEN SPACE USES		
Cemetery	Administrative Review	"SECTION 1117.06"
Community Garden	Administrative Review	"SECTION 1117.06"
Playground or Park	Administrative Review	"SECTION 1117.06"
Pocket Park	Administrative Review	"SECTION 1117.06"
ACCESSORY USES		
Accessory Dwelling Unit	Administrative Review	SECTION 1121.02
Beekeeping	Conditional Use Review	SECTION 1121.02
Cottage Food Production	Administrative Review	SECTION 1121.02
Daycare Home Services (Type A)	Conditional Use Review	SECTION 1121.02
Daycare Home Services (Type B)	Administrative Review	SECTION 1121.02
Home Animal Husbandry	Conditional Use Review	SECTION 1121.02
Home Gardening	Administrative Review	SECTION 1121.02
Home Occupation	Administrative Review	SECTION 1121.02
Any other accessory use customary and incidental to the principal use(s)	Administrative Review	SECTION 1121.02
ACCESSORY STRUCTURES		
Accessory Structures	Any accessory structure customary and incidental to the permitted principal use as listed in "SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS."	

### 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	4,000 sq. ft. min.*
	Lot Width	40 ft. min.*
	Lot Depth	100 ft. min.*

BUILDING SETBACK STANDARDS		
	Front Yard Setback	20 ft. min.*
	Side Yard Setback	5 ft. min.* and **
	Rear Yard Setback	20 ft. min.*
BUILDING SCALE STANDARDS		
	Building Height	35 ft. max.
	Accessory Structure Height	15 ft max
	Lot Coverage	70% maximum of total lot area for commercial, community, and open space uses; 50% maximum of total lot area for residential uses. Lot coverage shall not apply to Townhouse Residential uses. See Townhouse Residential Use-specific standards for density requirements.
NOTES		
<p>* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in "SECTION 1117.06 DEFINITIONS OF PRINCIPAL USES AND USE-SPECIFIC STANDARDS." part (f).</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. REGULATIONS APPLICABLE TO THE RESIDENTIAL 2 DISTRICT

- a. General Regulations. General regulations pertaining to Accessory Structures; Accessory Uses; the vision clearance triangle; screen, buffering, and outdoor storage; fences; outdoor lighting; dumpsters and solid waste storage; and signs can be found in "Chapter 1121: General Regulations."
- b. Noise Regulations. Noise regulations are not included in this Planning and Zoning Code. Noise disturbances must adhere to the Disorderly Conduct and Peace Disturbance regulations as found in Chapter 509 of the City of Elyria Code of Ordinances.
- c. Building Code Regulations. Building code regulations are not included in this Planning and Zoning Code. 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.

## SECTION 1119.08 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 shall have a Principal Use, as listed in the table below, in order to have an Accessory Structure or Accessory Use.
  - b. Accessory Structures shall be permitted in accordance with Accessory Structure Regulations found in “SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS.”
  - c. Accessory Uses shall be permitted in accordance with the Accessory Uses listed below and Accessory Use Regulations found in “SECTION 1121.02 ACCESSORY USE REGULATIONS.”
  - 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 uses allowed, except a use as determined by the Zoning Administrator to be of a similar character of the allowed uses listed below. Additional use regulations of “Chapter 1117: General Terms and Principal Uses” shall apply. All use terms are defined in “Chapter 1117: General Terms and Principal Uses.”

USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	“SECTION 1117.06”
Two-Unit Residential	Administrative Review	“SECTION 1117.06”
3-4 Unit Residential	Administrative Review	“SECTION 1117.06”
Mixed-Use Residential	Administrative Review	“SECTION 1117.06”
Multi-Family Residential	Administrative Review	“SECTION 1117.06”
Townhouse Residential	Administrative Review	“SECTION 1117.06”
Permanent Shelter	Conditional Use Review	“SECTION 1117.06”
Seasonal Shelter	Administrative Review	“SECTION 1117.06”
COMMERCIAL USES		
Brewpub	Administrative Review	“SECTION 1117.06”
Day Care Facility (Non-Home)	Administrative Review	“SECTION 1117.06”
Food Truck Park	Conditional Use Review	“SECTION 1117.06”
Hotels, Motels, and Inns	Administrative Review	“SECTION 1117.06”
Indoor Sales and Services	Administrative Review	“SECTION 1117.06”

Indoor Dining, Drinking, and Entertainment (Small and Large)	Administrative Review	"SECTION 1117.06"
Large Indoor Events Center	Administrative Review	"SECTION 1117.06"
Liquor Store	Administrative Review	"SECTION 1117.06"
Medical Marijuana Facility	Conditional Use Review	"SECTION 1117.06"
Medical Services (General)	Administrative Review	"SECTION 1117.06"
Micro-brewery, Micro-winery, and Micro-distillery	Administrative Review	"SECTION 1117.06"
Outdoor Events Venue	Conditional Use Review	"SECTION 1117.06"
Short-Term Rental	Conditional Use Review	"SECTION 1117.06"
Small-Scale Utility Transmission and Substation Uses	Conditional Use Review	"SECTION 1117.06"
Telecommunications (Small and Large)	Conditional Use Review	"SECTION 1117.06"
COMMUNITY USES		
Library, Museum, Playhouse, and School	Administrative Review	"SECTION 1117.06"
Physical Recreation Centers	Administrative Review	"SECTION 1117.06"
Religious Assembly	Administrative Review	"SECTION 1117.06"
Union Hall Uses	Administrative Review	"SECTION 1117.06"
OPEN SPACE USES		
Community Garden	Administrative Review	"SECTION 1117.06"
Pocket Park	Administrative Review	"SECTION 1117.06"
Preserves	Administrative Review	"SECTION 1117.06"
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	"SECTION 1117.06"
ACCESSORY USES		
Daycare Home Services (Type B)	Administrative Review	SECTION 1121.02
Electric Vehicle Charging Stations	Administrative Review	SECTION 1121.02
Food Truck	Administrative Review	SECTION 1121.02
Home Gardening	Administrative Review	SECTION 1121.02
Outdoor Dining, Drinking, and Entertainment	Administrative Review	SECTION 1121.02
Any other accessory use customary and incidental to the principal use(s)	Administrative Review	SECTION 1121.02
ACCESSORY STRUCTURES		
Accessory Structures	Any accessory structure customary and incidental to the permitted principal use as listed in "SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS."	

### 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.

<b>DEVELOPMENT STANDARDS</b>		
LOT DIMENSION STANDARDS		
	Lot Area	2,000 sq. ft. min.*
	Lot Width	15 ft. min.*
	Lot Depth	80 ft. min.*
BUILDING SETBACK STANDARDS		
	Front Yard Setback	0 ft. min.; 30 ft. max.
	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.
	Accessory Structure Height	15 ft. max.
	Lot Coverage	100% maximum of total lot area for commercial, community, and open space uses; 80% maximum of total lot area for residential uses. Lot coverage shall not apply to Townhouse Residential uses. See Townhouse Residential Use-specific standards for density requirements.
	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 1117.06 DEFINITIONS OF PRINCIPAL USES AND USE-SPECIFIC STANDARDS." part (f).</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. REGULATIONS APPLICABLE TO THE DOWNTOWN DISTRICT

- a. General Regulations. General regulations pertaining to Accessory Structures; Accessory Uses; the vision clearance triangle; screen, buffering, and outdoor storage; fences; outdoor lighting; dumpsters and solid waste storage; and signs can be found in "Chapter 1121: General Regulations."
- b. Noise Regulations. Noise regulations are not included in this Planning and Zoning Code. Noise disturbances must adhere to the Disorderly Conduct and Peace Disturbance regulations as found in Chapter 509 of the City of Elyria Code of Ordinances.
- c. Building Code Regulations. Building code regulations are not included in this Planning and Zoning Code. 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.

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## SECTION 1119.09 DOWNTOWN RESIDENTIAL DISTRICT.

1. **PURPOSE OF THE DOWNTOWN RESIDENTIAL DISTRICT.** The Downtown Residential District includes the West Avenue Historic District and is located near the heart of Elyria. The district acts as a transitional zoning district between the downtown area and nearby residential communities with intermittent mixed-uses and pedestrian-oriented development while acting to maintain the historic integrity of the existing building stock. Public spaces, such as pocket parks, are encouraged.
2. **USES ALLOWED IN THE DOWNTOWN RESIDENTIAL DISTRICT**
  - a. Number of Uses per Lot. No more than one Principal Use is permitted per lot in the Downtown Residential District. All properties shall have a Principal Use, as listed in the table below, in order to have an Accessory Structure or Accessory Use.
  - b. Accessory Structures shall be permitted in accordance with Accessory Structure Regulations found in “SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS.”
  - c. Accessory Uses shall be permitted in accordance with the Accessory Uses listed below and Accessory Use Regulations found in “SECTION 1121.02 ACCESSORY USE REGULATIONS.”
  - 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 uses allowed, except a use as determined by the Zoning Administrator to be of a similar character of the allowed uses listed below. Additional use regulations of “Chapter 1117: General Terms and Principal Uses” shall apply. All use terms are defined in “Chapter 1117: General Terms and Principal Uses.”

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	“SECTION 1117.06”
Two-Unit Residential	Conditional Use Review	“SECTION 1117.06”
3-4 Unit Residential	Conditional Use Review	“SECTION 1117.06”
Residential Care Housing (Small)	Administrative Review	“SECTION 1117.06”
COMMERCIAL USES		
Brewpub	Conditional Use Review	“SECTION 1117.06”
Hotels, Motels, and Inns	Conditional Use Review	“SECTION 1117.06”
Indoor Sales and Services	Administrative Review	“SECTION 1117.06”
Indoor Dining, Drinking, and Entertainment (Small)	Conditional Use Review	“SECTION 1117.06”
Medical Services (General)	Administrative Review	“SECTION 1117.06”

Short-Term Rental	Conditional Use Review	"SECTION 1117.06"
COMMUNITY USES		
Library, Museum, Playhouse, and School	Administrative Review	"SECTION 1117.06"
Religious Assembly	Administrative Review	"SECTION 1117.06"
OPEN SPACE USES		
Community Garden	Administrative Review	"SECTION 1117.06"
Pocket Park	Administrative Review	"SECTION 1117.06"
ACCESSORY USES		
Accessory Dwelling Unit	Administrative Review	SECTION 1121.02
Beekeeping	Conditional Use Review	SECTION 1121.02
Cottage Food Production	Administrative Review	SECTION 1121.02
Daycare Home Services (Type B)	Administrative Review	SECTION 1121.02
Home Animal Husbandry	Conditional Use Review	SECTION 1121.02
Home Gardening	Administrative Review	SECTION 1121.02
Home Occupation	Administrative Review	SECTION 1121.02
Any other accessory use customary and incidental to the principal use(s)	Administrative Review	SECTION 1121.02
ACCESSORY STRUCTURES		
Accessory Structures	Any accessory structure customary and incidental to the permitted principal use as listed in "SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS."	

### 3. DEVELOPMENT STANDARDS IN THE DOWNTOWN RESIDENTIAL 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	3,200 sq. ft. min.*
	Lot Width	40 ft. min.*
	Lot Depth	80 ft. min.*
BUILDING SETBACK STANDARDS		
	Front Yard Setback	20 ft. min.*

<b>DEVELOPMENT STANDARDS</b>		
	Side Yard Setback	5 ft. min.* and **
	Rear Yard Setback	20 ft. min.*
<b>BUILDING SCALE STANDARDS</b>		
	Building Height	35 ft. max.
	Accessory Structure Height	15 ft max
	Lot Coverage	80% maximum of total lot area for commercial, community, and open space uses; 60% maximum of total lot area for residential uses
<b>NOTES</b>		
<p>* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in "SECTION 1117.06 DEFINITIONS OF PRINCIPAL USES AND USE-SPECIFIC STANDARDS." part (f).</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. REGULATIONS APPLICABLE TO THE DOWNTOWN RESIDENTIAL DISTRICT**

- a. **General Regulations.** General regulations pertaining to Accessory Structures; Accessory Uses; the vision clearance triangle; screen, buffering, and outdoor storage; fences; outdoor lighting; dumpsters and solid waste storage; and signs can be found in "Chapter 1121: General Regulations."
- b. **Noise Regulations.** Noise regulations are not included in this Planning and Zoning Code. Noise disturbances must adhere to the Disorderly Conduct and Peace Disturbance regulations as found in Chapter 509 of the City of Elyria Code of Ordinances.
- c. **Building Code Regulations.** Building code regulations are not included in this Planning and Zoning Code. 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.

## SECTION 1119.10 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 shall have a Principal Use, as listed in the table below, in order to have an Accessory Structure or Accessory Use.
  - b. Accessory Structures shall be permitted in accordance with Accessory Structure Regulations found in "SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS."
  - c. Accessory Uses shall be permitted in accordance with the Accessory Uses listed below and Accessory Use Regulations found in "SECTION 1121.02 ACCESSORY USE REGULATIONS."
  - 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 uses allowed, except a use as determined by the Zoning Administrator to be of a similar character of the allowed uses listed below. Additional use regulations of "Chapter 1117: General Terms and Principal Uses" shall apply. All use terms are defined in "Chapter 1117: General Terms and Principal Uses."

USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	"SECTION 1117.06"
Two-Unit Residential	Administrative Review	"SECTION 1117.06"
3-4 Unit Residential	Administrative Review	"SECTION 1117.06"
Mixed-Use Residential	Administrative Review	"SECTION 1117.06"
Multi-Family Residential	Administrative Review	"SECTION 1117.06"
Residential Care Housing (Small)	Administrative Review	"SECTION 1117.06"
Residential Care Housing (Large)	Conditional Use Review	"SECTION 1117.06"
Rehabilitation Care Housing (Small and Large)	Conditional Use Review	"SECTION 1117.06"
Townhouse Residential	Administrative Review	"SECTION 1117.06"
COMMERCIAL USES		
Brewpub	Conditional Use Review	"SECTION 1117.06"
Day Care Facility	Administrative Review	"SECTION 1117.06"
Food Truck Park	Conditional Use Review	"SECTION 1117.06"

Funeral Homes	Administrative Review	"SECTION 1117.06"
Indoor Sales and Services	Administrative Review	"SECTION 1117.06"
Liquor Store	Conditional Use Review	"SECTION 1117.06"
Medical Services (General)	Administrative Review	"SECTION 1117.06"
Indoor Dining, Drinking, and Entertainment (Small)	Administrative Review	"SECTION 1117.06"
Indoor Dining, Drinking, and Entertainment (Large)	Conditional Use Review	"SECTION 1117.06"
Hotels, Motels, and Inns	Conditional Use Review	"SECTION 1117.06"
Micro-brewery, Micro-winery, and Micro-distillery	Conditional Use Review	"SECTION 1117.06"
Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	"SECTION 1117.06"
Telecommunications (Small)	Conditional Use Review	"SECTION 1117.06"
COMMUNITY USES		
Library, Museum, Playhouse, and School	Administrative Review	"SECTION 1117.06"
Physical Recreation Centers	Administrative Review	"SECTION 1117.06"
Religious Assembly	Administrative Review	"SECTION 1117.06"
Union Hall Uses	Administrative Review	"SECTION 1117.06"
OPEN SPACE USES		
Cemetery	Administrative Review	"SECTION 1117.06"
Community Garden	Administrative Review	"SECTION 1117.06"
Preserves	Administrative Review	"SECTION 1117.06"
Playground or Park	Administrative Review	"SECTION 1117.06"
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	"SECTION 1117.06"
ACCESSORY USES		
Daycare Home Services (Type B)	Administrative Review	SECTION 1121.02
Drive-Through Services	Administrative Review	SECTION 1121.02
Electric Vehicle Charging Stations	Administrative Review	SECTION 1121.02
Food Truck	Administrative Review	SECTION 1121.02
Home Gardening	Administrative Review	SECTION 1121.02
Any other accessory use customary and incidental to the principal use(s)	Administrative Review	SECTION 1121.02
ACCESSORY STRUCTURES		
Accessory Structures	Any accessory structure customary and incidental to the permitted principal use as listed in "SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS."	SECTION 1121.01

### 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.

<b>DEVELOPMENT STANDARDS</b>		
LOT DIMENSION STANDARDS		
	Lot Area	2,000 sq. ft. min.*
	Lot Width	15 ft. min.*
	Lot Depth	80 ft. min.*
BUILDING SETBACK STANDARDS		
	Front Yard Setback	0 ft. min.; 30 ft. max.
	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; 30 ft when abutting residential districts, 20 ft. min. when abutting any other district,
BUILDING SCALE STANDARDS		
	Building Height	40 ft. max.
	Accessory Structure Height	15 ft max
	Lot Coverage	90% maximum of total lot area for commercial, community, and open space uses; 75% maximum of total lot area for residential uses. Lot coverage shall not apply to Townhouse Residential uses. See Townhouse Residential Use-specific standards for density requirements.
NOTES		
<p>* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in "SECTION 1117.06 DEFINITIONS OF PRINCIPAL USES AND USE-SPECIFIC STANDARDS." part (f).</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. REGULATIONS APPLICABLE TO THE CORRIDOR DISTRICT**

- a. General Regulations. General regulations pertaining to Accessory Structures; Accessory Uses; the vision clearance triangle; screen, buffering, and outdoor storage; fences; outdoor lighting; dumpsters and solid waste storage; and signs can be found in "Chapter 1121: General Regulations."
- b. Noise Regulations. Noise regulations are not included in this Planning and Zoning Code. Noise disturbances must adhere to the Disorderly Conduct and Peace Disturbance regulations as found in Chapter 509 of the City of Elyria Code of Ordinances.
- c. Building Code Regulations. Building code regulations are not included in this Planning and Zoning Code. 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.

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## SECTION 1119.11 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 shall have a Principal Use, as listed in the table below, in order to have an Accessory Structure or Accessory Use.
  - b. Accessory Structures shall be permitted in accordance with Accessory Structure Regulations found in “SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS.”
  - c. Accessory Uses shall be permitted in accordance with the Accessory Uses listed below and Accessory Use Regulations found in “SECTION 1121.02 ACCESSORY USE REGULATIONS.”
  - 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 uses allowed, except a use as determined by the Zoning Administrator to be of a similar character of the allowed uses listed below. Additional use regulations of “Chapter 1117: General Terms and Principal Uses” shall apply. All use terms are defined in “Chapter 1117: General Terms and Principal Uses.”

USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
Mixed-Use Residential	Conditional Use Review	“SECTION 1117.06”
Multi-Family Residential	Conditional Use Review	“SECTION 1117.06”
Permanent Shelter	Conditional Use Review	“SECTION 1117.06”
Seasonal Shelter	Administrative Review	“SECTION 1117.06”
Townhouse Residential	Conditional Use Review	“SECTION 1117.06”
COMMERCIAL USES		
Adult-Use Cannabis Facility	Conditional Use Review	“SECTION 1117.06”
Animal Boarding or Shelter	Administrative Review	“SECTION 1117.06”
Brewery	Administrative review	“SECTION 1117.06”
Brewpub	Administrative Review	“SECTION 1117.06”
Day Care Facility (Non-Home)	Administrative Review	“SECTION 1117.06”
Food Truck Park	Conditional Use Review	“SECTION 1117.06”
Funeral Homes	Administrative Review	“SECTION 1117.06”



Hotels, Motels, and Inns	Conditional Use Review	"SECTION 1117.06"
Indoor Sales and Services	Administrative Review	"SECTION 1117.06"
Indoor Dining, Drinking, and Entertainment (Small and Large)	Administrative Review	"SECTION 1117.06"
Indoor Events Center	Administrative Review	"SECTION 1117.06"
Industrial (Low-Intensity)	Administrative Review	"SECTION 1117.06"
Liquor Store	Administrative Review	"SECTION 1117.06"
Medical Marijuana Facility	Conditional Use Review	"SECTION 1117.06"
Medical Services (Emergency and In-Patient)	Administrative Review	"SECTION 1117.06"
Medical Services (General)	Administrative Review	"SECTION 1117.06"
Micro-brewery, Micro-winery, and Micro-distillery	Administrative Review	"SECTION 1117.06"
Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	"SECTION 1117.06"
Outdoor Sales	Administrative Review	"SECTION 1117.06"
Outdoor Events Venue	Administrative Review	"SECTION 1117.06"
Outdoor Storage of Commercial Equipment or Vehicles	Administrative Review	"SECTION 1117.06"
Principal Solar Energy System	Administrative Review	"SECTION 1117.06"
Principal Wind Energy System	Conditional Use Review	"SECTION 1117.06"
Smoke and Vape Store	Conditional Use Review	"SECTION 1117.06"
Telecommunications (Small and Large)	Conditional Use Review	"SECTION 1117.06"
Utility Transmission and Substation Uses (Small and Large)	Conditional Use Review	"SECTION 1117.06"
Weapon or Firework Store	Conditional Use Review	"SECTION 1117.06"
TRANSPORTATION USES		
Bus Station or Train Station	Administrative Review	"SECTION 1117.06"
Taxi, Rideshare, or Limousine Service Hub	Administrative Review	"SECTION 1117.06"
Vehicle Refueling	Administrative Review	"SECTION 1117.06"
Vehicle Sales, Rental, Repair, and Servicing	Administrative Review	"SECTION 1117.06"
AVIATION USES		
Drone, Remote-Control Plane, and Remote-Control Helicopter Launch or Landing Area	Administrative Review	"SECTION 1117.06"
COMMUNITY USES		
Library, Museum, Playhouse, and School	Administrative Review	"SECTION 1117.06"
Physical Recreation Centers	Administrative Review	"SECTION 1117.06"
Religious Assembly	Administrative Review	"SECTION 1117.06"
OPEN SPACE USES		
Cemetery	Administrative Review	"SECTION 1117.06"

Community Garden	Administrative Review	"SECTION 1117.06"
Preserves	Administrative Review	"SECTION 1117.06"
Playground or Park	Administrative Review	"SECTION 1117.06"
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	"SECTION 1117.06"
ACCESSORY USES		
Daycare Home Services (Type B)	Administrative Review	SECTION 1121.02."
Drive-Through Services	Administrative Review	SECTION 1121.02."
Electric Vehicle Charging Stations	Administrative Review	SECTION 1121.02."
Food Truck	Administrative Review	SECTION 1121.02."
Home Gardening	Administrative Review	SECTION 1121.02."
Any other accessory use customary and incidental to the principal use(s)	Administrative Review	"SECTION 1121.02."
ACCESSORY STRUCTURES		
Accessory Structures	Any accessory structure customary and incidental to the permitted principal use as listed in "SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS."	

### 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.*
	Lot Width	100 ft. min.*
	Lot Depth	100 ft. min.*
BUILDING SETBACK STANDARDS		
	Front Yard Setback	20 ft. min.
	Side Yard Setback	30 ft. min. where abutting a lot within the Residential 1 or Residential 2 District; 10 ft. min. where abutting any other district, except 0 ft. min.** where building is part of a contiguous, unified commercial development
	Rear Yard Setback	30 ft. min. where abutting a lot within the Residential 1 or Residential 2 District; 10 ft. min. where abutting any other district
BUILDING SCALE STANDARDS		
	Building Height	55 ft. max.

<b>DEVELOPMENT STANDARDS</b>		
	Accessory Structure Height	25 ft max.
	Lot Coverage	80% maximum of total lot area for commercial, community, and open space uses; 60% maximum of total lot area for residential uses. Lot coverage shall not apply to Townhouse Residential uses. See Townhouse Residential Use-specific standards for density requirements.
NOTES		
<p>* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in "SECTION 1117.06 DEFINITIONS OF PRINCIPAL USES AND USE-SPECIFIC STANDARDS." part (f).</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. REGULATIONS APPLICABLE TO THE COMMERCIAL DISTRICT**

- a. **General Regulations.** General regulations pertaining to Accessory Structures; Accessory Uses; the vision clearance triangle; screen, buffering, and outdoor storage; fences; outdoor lighting; dumpsters and solid waste storage; and signs can be found in "Chapter 1121: General Regulations."
- b. **Noise Regulations.** Noise regulations are not included in this Planning and Zoning Code. Noise disturbances must adhere to the Disorderly Conduct and Peace Disturbance regulations as found in Chapter 509 of the City of Elyria Code of Ordinances.
- c. **Building Code Regulations.** Building code regulations are not included in this Planning and Zoning Code. 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.

## SECTION 1119.12 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 shall have a Principal Use, as listed in the table below, in order to have an Accessory Structure or Accessory Use.
  - b. Accessory Structures shall be permitted in accordance with Accessory Structure Regulations found in “SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS.”
  - c. Accessory Uses shall be permitted in accordance with the Accessory Uses listed below and Accessory Use Regulations found in “SECTION 1121.02 ACCESSORY USE REGULATIONS.”
  - 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 uses allowed, except a use as determined by the Zoning Administrator to be of a similar character of the allowed uses listed below. Additional use regulations of “Chapter 1117: General Terms and Principal Uses” shall apply. All use terms are defined in “Chapter 1117: General Terms and Principal Uses.”

USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
COMMERCIAL USES		
Adult-Oriented Uses	Conditional Use Review	“SECTION 1117.06”
Adult-Use Cannabis Facility	Conditional Use Review	“SECTION 1117.06”
Animal Boarding or Shelter	Administrative Review	“SECTION 1117.06”
Brewery	Administrative review	“SECTION 1117.06”
Brewpub	Administrative review	“SECTION 1117.06”
Indoor Sales and Services	Conditional Use Review	“SECTION 1117.06”
Indoor Dining, Drinking, and Entertainment (Large)	Conditional Use Review	“SECTION 1117.06”
Indoor Dining, Drinking, and Entertainment (Small)	Administrative Review	“SECTION 1117.06”
Indoor Events Center	Conditional Use Review	“SECTION 1117.06”
Utility Transmission and Substation Uses (Large-Scale)	Administrative Review	“SECTION 1117.06”

Medical Services (Emergency and In-Patient)	Administrative Review	"SECTION 1117.06"
Medical Services (General)	Administrative Review	"SECTION 1117.06"
Industrial (Low-Intensity)	Administrative Review	"SECTION 1117.06"
Industrial (Medium-Intensity)	Conditional Use Review	"SECTION 1117.06"
Micro-brewery, Micro-winery, Micro-distillery	Administrative Review	"SECTION 1117.06"
Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	"SECTION 1117.06"
Outdoor Sales	Administrative Review	"SECTION 1117.06"
Outdoor Events Venue	Administrative Review	"SECTION 1117.06"
Outdoor Storage of Commercial Equipment or Vehicles	Administrative Review	"SECTION 1117.06"
Principal Solar Energy System	Administrative Review	"SECTION 1117.06"
Principal Wind Energy System	Administrative Review	"SECTION 1117.06"
Smoke and Vape Store	Administrative Review	"SECTION 1117.06"
Telecommunications (Small)	Administrative Review	"SECTION 1117.06"
Telecommunications (Large)	Conditional Use Review	"SECTION 1117.06"
Utility Transmission and Substation (Small)	Administrative Review	"SECTION 1117.06"
Weapon or Firework Store	Administrative Review	"SECTION 1117.06"
TRANSPORTATION USES		
Bus Station or Train Station	Administrative Review	"SECTION 1117.06"
Taxi, Rideshare, or Limousine Service Hub	Administrative Review	"SECTION 1117.06"
Tow Yard	Administrative Review	"SECTION 1117.06"
Truck Terminal	Administrative Review	"SECTION 1117.06"
Vehicle Refueling	Administrative Review	"SECTION 1117.06"
Vehicle Sales, Rental, Repair, and Servicing	Administrative Review	"SECTION 1117.06"
AVIATION USES		
Drone, Remote-Control Plane, and Remote-Control Helicopter Launch or Landing Area	Administrative Review	"SECTION 1117.06"
COMMUNITY USES		
Religious Assembly	Administrative Review	"SECTION 1117.06"
ACCESSORY USES		
Drive-Through Services	Administrative Review	"SECTION 1117.06"
Electric Vehicle Charging Stations	Administrative Review	"SECTION 1117.06"
Food Truck	Administrative Review	"SECTION 1117.06"
Home Gardening	Administrative Review	"SECTION 1117.06"

ACCESSORY STRUCTURES		
Accessory Structures	Any accessory structure customary and incidental to the permitted principal use as listed in "SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS."	

### 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	No minimum lot area	
Lot Width	No minimum lot width	
Lot Depth	No minimum lot depth	
BUILDING SETBACK STANDARDS		
Front Yard Setback	20 ft. min.	
Side Yard Setback	Where all or part of a side lot line is immediately abutting a lot within a residential district: 100 ft. min. on that side; otherwise: 30 ft. min. on that side	
Rear Yard Setback	Where all or part of the rear lot line is immediately abutting a lot(s) within a residential District: 100 ft. min.; otherwise: 30 ft. min.	
BUILDING SCALE STANDARDS		
Building Height	50 ft. max.	
Accessory Structure Height	25 ft max.	
Lot Coverage	No maximum total lot area for all uses	
NOTES		
** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.		

### 4. REGULATIONS APPLICABLE TO THE INDUSTRIAL 1 DISTRICT

- a. General Regulations. General regulations pertaining to Accessory Structures; Accessory Uses; the vision clearance triangle; screen, buffering, and outdoor storage; fences; outdoor lighting; dumpsters and solid waste storage; and signs can be found in "Chapter 1121: General Regulations."
- b. Noise Regulations. Noise regulations are not included in this Planning and Zoning Code. Noise disturbances must adhere to the Disorderly Conduct and Peace Disturbance regulations as found in Chapter 509 of the City of Elyria

Code of Ordinances.

- c. **Building Code Regulations.** Building code regulations are not included in this Planning and Zoning Code. 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.

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## SECTION 1119.13 INDUSTRIAL 2 DISTRICT.

1. **PURPOSE OF THE INDUSTRIAL 2 DISTRICT.** The Industrial 2 District intends to promote large job centers, 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 parks 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 shall have a Principal Use, as listed in the table below, in order to have an Accessory Structure or Accessory Use.
  - b. Accessory Structures shall be permitted in accordance with Accessory Structure Regulations found in “SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS.”
  - c. Accessory Uses shall be permitted in accordance with the Accessory Uses listed below and Accessory Use Regulations found in “SECTION 1121.02 ACCESSORY USE REGULATIONS.”
  - 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 uses allowed, except a use as determined by the Zoning Administrator to be of a similar character of the allowed uses listed below. Additional use regulations of “Chapter 1117: General Terms and Principal Uses” shall apply. All use terms are defined in “Chapter 1117: General Terms and Principal Uses.”

USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
COMMERCIAL USES		
Adult-Oriented Uses	Conditional Use Review	“SECTION 1117.06”
Brewery	Conditional Use Review	“SECTION 1117.06”
Industrial (Medium-Intensity)	Administrative Review	“SECTION 1117.06”
Industrial (High-Intensity)	Conditional Use Review	“SECTION 1117.06”
Indoor Sales and Services	Conditional Use Review	“SECTION 1117.06”
Outdoor Sales	Administrative Review	“SECTION 1117.06”
Outdoor Storage of Commercial Equipment or Vehicles	Administrative Review	“SECTION 1117.06”
Principal Solar Energy System	Administrative Review	“SECTION 1117.06”
Principal Wind Energy System	Administrative Review	“SECTION 1117.06”
Telecommunications (Large)	Conditional Use Review	“SECTION 1117.06”
Telecommunications (Large)	Conditional Use Review	“SECTION 1117.06”
Telecommunications (Small)	Administrative Review	“SECTION 1117.06”



<b>USES ALLOWED</b>	<b>REQUIRED APPROVAL PROCESS</b>	<b>APPLICABLE USE-SPECIFIC REGULATIONS</b>
Utility Transmission and Substation Uses (Small and Large)	Administrative Review	"SECTION 1117.06"
Weapon or Firework Store	Administrative Review	"SECTION 1117.06"
<b>TRANSPORTATION USES</b>		
Tow Yard	Administrative Review	"SECTION 1117.06"
Truck Terminal	Administrative Review	"SECTION 1117.06"
Vehicle Refueling	Administrative Review	"SECTION 1117.06"
<b>AVIATION USES</b>		
Airplane or Helicopter Sales, Repair, Rental, Chartering, Refueling, Educational Services, Landing Strips and Pads, and Storage	Conditional Use Review	"SECTION 1117.06"
Drone, Remote-Control Plane, and Remote-Control Helicopter Launch or Landing Area	Administrative Review	"SECTION 1117.06"
<b>ACCESSORY USES</b>		
Any other accessory use customary and incidental to the principal use(s)	Administrative Review	SECTION 1121.02
<b>ACCESSORY STRUCTURES</b>		
Accessory Structures	Any accessory structure customary and incidental to the permitted principal use as listed in "SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS."	

### 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.

<b>DEVELOPMENT STANDARDS</b>		
<b>LOT DIMENSION STANDARDS</b>		
	Lot Area	No minimum lot area
	Lot Width	No minimum lot width
	Lot Depth	No minimum lot depth
<b>BUILDING SETBACK STANDARDS</b>		
	Front Yard Setback	50 ft. min.
	Side Yard Setback	Where all or part of a side lot line is immediately abutting a lot within a residential district: 100 ft. min. on that side; otherwise: 30 ft. min. on that side.

	Rear Yard Setback	Where all or part of the rear lot line is immediately abutting a lot(s) within a residential district: 100 ft. min.; otherwise: 30 ft. min.
BUILDING SCALE STANDARDS		
	Building Height	75 ft. max.
	Accessory Structure Height	25 ft max
	Lot Coverage	No max. total lot coverage
NOTES		
** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.		

#### 4. REGULATIONS APPLICABLE TO THE INDUSTRIAL 2 DISTRICT

- a. General Regulations. General regulations pertaining to Accessory Structures; Accessory Uses; the vision clearance triangle; screen, buffering, and outdoor storage; fences; outdoor lighting; dumpsters and solid waste storage; and signs can be found in “Chapter 1121: General Regulations.”
- b. Noise Regulations. Noise regulations are not included in this Planning and Zoning Code. Noise disturbances must adhere to the Disorderly Conduct and Peace Disturbance regulations as found in Chapter 509 of the City of Elyria Code of Ordinances.
- c. Building Code Regulations. Building code regulations are not included in this Planning and Zoning Code. 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.

## SECTION 1119.14 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 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 shall have a Principal Use, as listed in the table below, in order to have an Accessory Structure or Accessory Use.
  - b. Accessory Structures shall be permitted in accordance with Accessory Structure Regulations found in “SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS.”
  - c. Accessory Uses shall be permitted in accordance with the Accessory Uses listed below and Accessory Use Regulations found in “SECTION 1121.02 ACCESSORY USE REGULATIONS.”
  - 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 uses allowed, except a use as determined by the Zoning Administrator to be of a similar character of the allowed uses listed below. Additional use regulations of “Chapter 1117: General Terms and Principal Uses” shall apply. All use terms are defined in “Chapter 1117: General Terms and Principal Uses.”

USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
COMMERCIAL USES		
Indoor Sales and Services	Conditional Use Review	“SECTION 1117.06”
Indoor Dining, Drinking, and Entertainment (Small and Large)	Conditional Use Review	“SECTION 1117.06”
Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	“SECTION 1117.06”
Telecommunications (Small)	Administrative Review	“SECTION 1117.06”
COMMUNITY USES		
Library, Museum, Playhouse, and School	Administrative Use Review	“SECTION 1117.06”
Physical Recreation Centers	Conditional Use Review	“SECTION 1117.06”

<b>USES ALLOWED</b>	<b>REQUIRED APPROVAL PROCESS</b>	<b>APPLICABLE USE-SPECIFIC REGULATIONS</b>
Religious Assembly	Administrative Review	"SECTION 1117.06"
<b>OPEN SPACE USES</b>		
Urban Farming	Administrative Review	"SECTION 1117.06"
Agritourism	Administrative Review	"SECTION 1117.06"
Camping, Nature Retreat Center, or Summer Camp	Administrative Review	"SECTION 1117.06"
Cemetery	Administrative Review	"SECTION 1117.06"
Community Garden	Administrative Review	"SECTION 1117.06"
Preserves	Administrative Review	"SECTION 1117.06"
Playground or Park	Administrative Review	"SECTION 1117.06"
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	"SECTION 1117.06"
<b>ACCESSORY USES</b>		
Food Truck	Administrative Review	"SECTION 1121.02."
Beekeeping	Administrative Review	"SECTION 1121.02."
Any other accessory use customary and incidental to the principal use(s)	Administrative Review	SECTION 1121.02."
<b>ACCESSORY STRUCTURES</b>		
Accessory Structures	Any accessory structure customary and incidental to the permitted principal use as listed in "SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS."	

### 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.

<b>DEVELOPMENT STANDARDS</b>		
<b>LOT DIMENSION STANDARDS</b>		
	Lot Area	N/A
	Lot Width	N/A
	Lot Depth	N/A
<b>BUILDING SETBACK STANDARDS</b>		
	Front Yard Setback	20 ft. min.
	Side Yard Setback	15 ft. min.
	Rear Yard Setback	15 ft. min.
<b>BUILDING SCALE STANDARDS</b>		

	Building Height	35 ft. max.
	Accessory Structure Height	15 ft max
	Lot Coverage	20% maximum of total lot area for all uses

#### 4. REGULATIONS APPLICABLE TO THE PARKS AND OPEN SPACE DISTRICT

- a. General Regulations. General regulations pertaining to Accessory Structures; Accessory Uses; the vision clearance triangle; screen, buffering, and outdoor storage; fences; outdoor lighting; dumpsters and solid waste storage; and signs can be found in “Chapter 1121: General Regulations.”
- b. Noise Regulations. Noise regulations are not included in this Planning and Zoning Code. Noise disturbances must adhere to the Disorderly Conduct and Peace Disturbance regulations as found in Chapter 509 of the City of Elyria Code of Ordinances.
- c. Building Code Regulations. Building code regulations are not included in this Planning and Zoning Code. 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.

## **SECTION 1119.15 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.

# Chapter 1121: General Regulations

## SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS.

1. **Note to the Reader.** This Section specifically applies to accessory structures. Accessory uses are regulated in “SECTION 1121.02 ACCESSORY USE REGULATIONS.”
2. **Examples of Accessory Structures.** Accessory Structures may include, but are not limited to the following: carports, decks, garages, gazebos, patios, open porches, balconies, canopies, stoops, pergolas or trellises, sheds (portable and permanent), accessory solar panels or wind turbines, swimming pools or hot tubs, or any other structure as determined by the Zoning Administrator. Accessory structures shall not include exterior elements affixed to the principal use including but not limited to generators or A/C units.
3. **Permissibility of Accessory Structures.** Accessory structures are permitted in any district unless otherwise specified by this Section, this Code, or other City provision. The use of all accessory structures shall conform to the definition above, and no accessory structure shall be used for human habitation.
4. **Permit Required for Accessory Structures.** A zoning permit is required for any accessory structure.
5. **Location of Accessory Structures.** An 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 structures, other than signs and fences, shall be located in the side or rear yard only and located not closer than three (3) feet from any lot line, covering not more than 40% of the side or rear yard requirement found in the applicable district standards. These provisions may be waived through a variance granted by the Board of Zoning of Appeals.
6. **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 lot 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.

7. **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 which are regulated in “SECTION 1121.10 SIGN REGULATIONS.” 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.



8. **Timing.** Accessory structures shall not be constructed or established prior to the start of construction of the principal use or building. An accessory structure shall not be used until the construction of the principal use or building is complete.
9. **Swimming Pool and Hot Tub Fences.** Swimming pools and hot tubs shall be required to install a fence; such regulations can be found in Chapter 1395, “Swimming Pools” of the Elyria Codified Ordinances and any other applicable ORC sections.

## **SECTION 1121.02 ACCESSORY USE REGULATIONS.**

1. **Note to the reader.** This section specifically applies to accessory uses. Accessory structures are regulated in “SECTION 1121.01 ACCESSORY STRUCTURE REGULATIONS.”
2. **Accessory Uses Not Defined.** Accessory uses that meet the definitions of Accessory Uses found in this section shall meet the accessory use-specific standards provided. Additional Accessory Uses that are not defined in this Planning and Zoning Code may be permitted if it is determined by the Zoning Administrator that the accessory use is customary and incidental to the principal use of the property. Accessory Uses not listed below shall be located in the rear yard only and located not closer than three (3) feet from any lot line.
3. **Location of Accessory Uses.** An accessory use in or on which it is conducted must be located on the same lot as the principal use with which the accessory use is associated. Accessory uses defined in this Planning and Zoning Code shall conform to all location requirements listed in the applicable accessory use-specific standards. Accessory uses shall conform to the location requirements provided. If location requirements are not provided, accessory uses shall be located three (3) feet from any lot line.

### **1121.02.01 Accessory Dwelling Unit Accessory Use**

**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 stand-alone dwelling unit or garage conversion, or as attached to the principal one-unit dwelling, such as a basement unit or an attic unit.
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” is defined as an 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.** An accessory dwelling unit must conform to all building code and health code standards applicable to all dwellings.

## 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 located separate from the principal use, shall be located in the rear yard only and located not closer than three (3) feet from any lot line and covering not more than 40% of the rear yard requirement found in the applicable district standards.

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

### 1121.02.02 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 on properties with a one-unit residential, community garden, urban farming, or agritourism principal use.

**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 beekeeping accessory use shall be kept in a front yard or side yard. The front of any beehive shall face away from the lot 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 lot lines. All fences and hedges shall comply with “SECTION 1121.07 FENCE REGULATIONS.”, 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.

### 1121.02.03 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 ORC; at the time of this Code’s writing, the ORC 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 only within a one-unit residential use.

**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. 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-axle delivery box trucks shall be permitted on an infrequent basis.
3. If located separate from the principal use, 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

### 1121.02.04 Daycare Homes Service (Type A) Accessory Use

**i. Definition.** The ORC defines a Family Daycare 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. Type A daycares shall only be conditionally permitted in the Residential-1 and Residential- 2 Districts and only within one-unit residential uses.

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

1. Type A daycare homes shall only be permitted in one-unit residential uses in both the Residential-1 and Residential-2 zoning districts.
2. No Type A daycare home use shall be located within 1,000 feet, measured in a straight line from the nearest lot lines of the subject parcel to the nearest lot line of a parcel on which is situated

- another Type A daycare.
3. No Type A daycare home use shall be located within 1,000 feet, measured in a straight line from the nearest lot line of the subject parcel, to the nearest lot line of a parcel on which is situated any of the following uses: adult-oriented; adult-use cannabis facility; liquor store; medical marijuana facility; rehabilitation care housing (small and large); smoke or vape store; weapon or firework store; or any other use of similar character to the uses listed herein.
  4. The minimum lot area satisfies the minimum lot area requirement for one-unit detached dwellings in the same district;
  5. The minimum lot width satisfies the minimum lot width requirement for one-unit detached dwellings in the same district;
  6. The minimum building setbacks satisfy the minimum building setback requirements for one-unit detached dwellings in the same district;
  7. The drop-off/pick-up is located so as not to impede traffic safety.
  8. Parking should be located to avoid the necessity for the parent and/or children to cross streets or access driveways.
  9. 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.

#### **1121.02.05 Daycare Homes Service (Type B) Accessory Use**

- i. Definition.** The ORC defines Family Daycare 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.
- ii. Accessory Use-Specific Standards.** Type B daycares shall be a permitted use in all zoning districts in which residential uses are permitted per ORC Section 5104.054.

#### **1121.02.06 Drive-Through Service 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-through services accessory use shall be conducted except where all of the following conditions are satisfied:

1. A zoning permit is required;
2. No drive-through services use shall cause the blocking of a fire lane.
3. No drive-through services use shall amplify sound to a volume audible by the users of adjacent lots.
4. Drive-through services shall provide a minimum of a 10-foot bypass lane whereby vehicles may exit the lot at any point from the drive-through.
5. Located not closer than three (3) feet from any lot line, six (6) feet from any alley;
6. Abutting residential uses. The following use-specific standards shall apply only to drive-through accessory uses that abut a lot that contains a residential use.
  - a. The operation of drive-throughs that abut a lot with a residential use shall be prohibited from 10:00 p.m. to 6:00 a.m. daily.
  - b. Drive-throughs shall be screened from adjacent lots that contain residential uses by a continuous six-foot-high landscaping buffer or fencing.



*Figure 14: Above graphic describes appropriate screening between drive through and residential property*

#### **1121.02.07 Electric Vehicle Charging Station 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. NOTE: This Planning and Zoning Code regulates electric vehicle charging for commercial purposes and does not regulate electric vehicle charging within one-unit residential, two-unit, and 3-4 unit residential uses.

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

1. A zoning permit is required;
2. Electric Vehicle Charging Stations shall be considered an accessory use of any vehicle parking space.
3. No electric vehicle charger may be located within three feet of a lot line.
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.

#### **1121.02.08 Food Truck Accessory Use**

**i. Definition.** An accessory use comprising the preparation and/or vending of prepared “carry-out” foods from food trucks or mobile kitchens on private land (not to exceed two on a singular property). Typically, these food trucks are operated from “box trucks”. Note that this Planning and Zoning Code only 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.

**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 8:00am, 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.

### **1121.02.09 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 one-unit residential dwelling use.

**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. A Home Animal Husbandry accessory use shall only be permitted on a property with a one-unit residential use;
3. A Home Animal Husbandry accessory use shall not be permitted on any property with a mobile home, two-unit dwellings, 3-4 unit dwellings, multi-family residential, multi-use residential, rehabilitation care housing (small and large), residential care housing (small and large), townhouse dwellings, or mobile home parks, or any other residential use of similar character to the residential uses listed herein;
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 or other applicable laws or regulations shall be prohibited;
5. Home Animal Husbandry accessory uses shall not 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 that is six feet in height and shall meet the requirements of "SECTION 1121.05 SCREENING, BUFFERING, AND OUTDOOR STORAGE REGULATIONS." and "SECTION 1121.07 FENCE REGULATIONS."
  - 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. Chicken coops or fenced enclosures shall be located a minimum of 10 feet away from any other inhabited dwelling structure, accessory structure, accessory use, or lot line.
  - 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. Roosters shall not 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 home 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 that shall not take place more than 10 days following the receipt of notice from the City to ensure compliance with the regulations provided herein.
9. No greater number of chickens or backyard hens shall 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 an Urban Farming principal use.

#### **1121.02.10 Home Gardening Accessory Use**

- i. Definition.** a small-scale, supplementary garden, often featuring a diverse mix of annual and perennial plants consisting of vegetables or flowers, managed by household members primarily for their own consumption or aesthetic purposes.
- ii. Accessory Use-Specific Standards.** A zoning permit is not required for a Home Gardening accessory use. A Home Gardening accessory use does not require a principally permitted use on the same parcel

#### **1121.02.11 Home Occupation Accessory Use**

- i. Definition.** An accessory use to a one-unit residential use 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 and service activities for clients in-person. 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, or hair salon (maximum of one chair), ; 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 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. Hours of Visitation. A home occupation may not serve in-person customers between the hours of 8:00 PM and 7:00 AM;
6. Signage. Signs 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.
7. 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;
8. 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;
9. 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;

## SECTION 1121.03 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 lot lines of corner lots and a line joining points along said street lines 25 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 lot line and the edge of the driveway and a line joining points along said street and driveway 25 feet from their point of intersection.
4. **Vision Triangle to Remain Clear.** No structure, vegetation, sign, fence, or other visual obstruction shall be placed within the vision triangle.

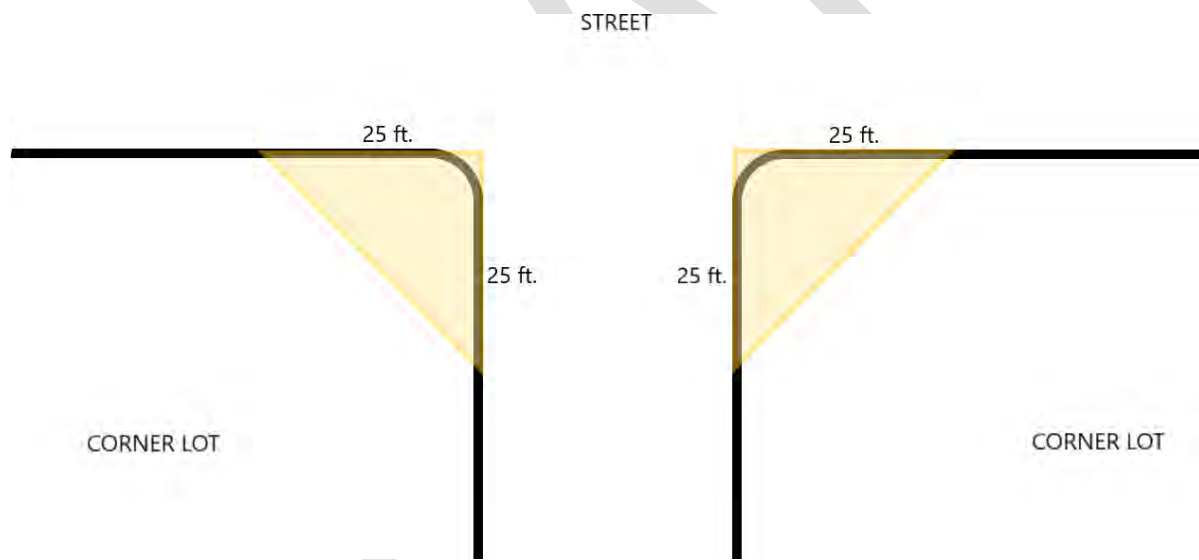


Figure 15: Diagram showing the Vision Clearance Triangle for corner lots.

## SECTION 1121.04 PARKING REGULATIONS.

### 1121.04.01 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.

#### **1121.04.02 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.

#### **1121.04.03 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.

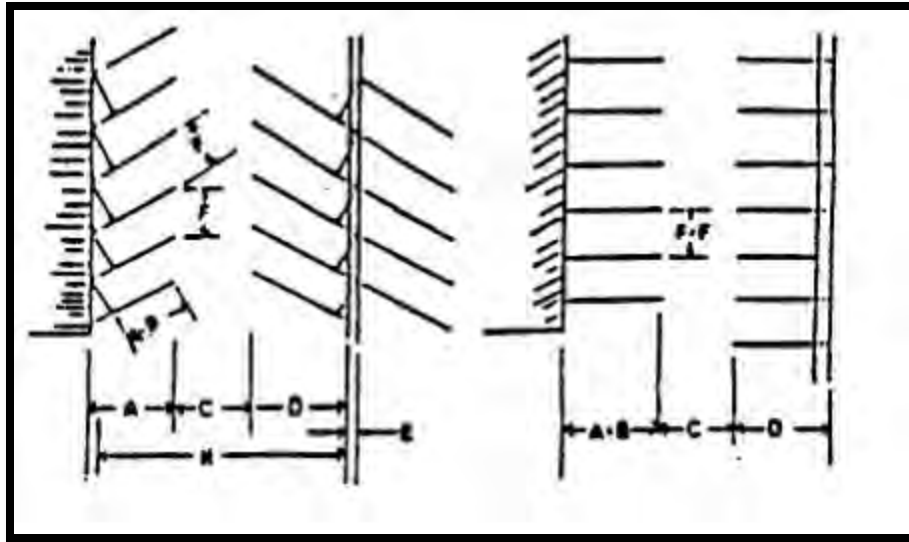


Figure 16: Graphic showing angled parking and perpendicular parking arrangements.

#### 1121.04.04 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 which are prohibited from parking in the front yard within the Corridor, Downtown, Downtown-Residential, Residential 1, and Residential 2 Districts.

#### 1121.04.05 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 lot line, and no less than three (3) feet from any other lot 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.

#### 1121.04.06 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.

#### **1121.04.07 Units of Measurement**

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

1. 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.
2. 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.
3. Fractional numbers shall be increased to the next higher whole number.
4. 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.

#### **1121.04.08 Mixed Uses**

In the case of mixed uses, the required off-street parking spaces shall be the sum of the requirements for the separate uses.

#### **1121.04.09 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 “SECTION 1105.12 VARIANCES.” for more information.

<b>Use</b>	<b>Parking Minimum</b>
<b>Automotive Sales</b>	1 space for each 800 square feet.
<b>Automotive Repair</b>	2 spaces for each service bay.
<b>Car Wash</b>	2 spaces per wash bay.
<b>Care Facility</b>	1 space for each 4 beds.
<b>Contractor Yard</b>	1 space for each 1,000 square feet of floor area plus one space for each facility vehicle.

<b>Day Care Facility (non-home)</b>	1 space for each four persons of design capacity.
<b>Educational Institutions</b>	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.
<b>Financial Institution</b>	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.
<b>Funeral Home</b>	One space for each 200 square feet of floor area plus one reserved space for each hearse or company vehicle.
<b>Gas Stations</b>	1 space per pump.
<b>Government Buildings</b>	1 space for each 200 square feet of floor area.
<b>Hospitals</b>	1 space for each 2 beds.
<b>Hotels, Motels, and Inns</b>	1 space for each room and plus 1 space for each 400 square feet of public meeting area or restaurant area.
<b>Manufacturing</b>	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.
<b>Office</b>	1 space for each 400 square feet of floor area.
<b>Parks</b>	As determined by the Zoning Administrator.
<b>Religious Places of Worship</b>	1 space for each five seats in the place of assembly.
<b>Residential (One-unit, two-unit, 3-4 unit)</b>	2 spaces for each dwelling unit.
<b>Residential (Multi-Family)</b>	1.5 spaces for studio and one-bedroom units; 2 spaces for all other unit types.
<b>Retail Business</b>	1 space per 400 square feet of floor area.
<b>Restaurants</b>	1 space per 250 square feet of floor area.
<b>Restaurants with Drive-Throughs</b>	1 space per 250 square feet of floor area plus sufficient stacking space for 5 vehicles at each Drive-Through window.
<b>Self-Storage</b>	1 space per 10 door openings, plus parking for uses on the

	site such as truck rental.
<b>Shopping Center</b>	1 space per 200 square feet of floor area.
<b>Warehousing</b>	1 space for each 1,000 square feet or 1 space for each employee, whichever is less.

#### **1121.04.10 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.
- b. **Area.** The areas of the driveway in a front yard shall not exceed 40% of the area of such yard, and the width of such driveway shall not exceed twenty feet measured at the front lot lines.
- c. **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 space shall be located within the required front yard or side yard on any lot.
- d. **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 12 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.
- e. **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.



*Figure 17: Above graphic describes adequate set-up for excess stormwater drainage in parking lot*

- f. **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.
- g. **Barriers.** Wherever a parking lot extends to a lot line, fencing, bollards, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the lot line. Barriers shall be located six (6) inches from any lot line.
- h. **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.
- i. **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.
- j. **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.
- k. ADA-Compliant Parking. Parking must comply with the Americans with Disabilities Act and regulations promulgated thereunder, as applicable.
  - l. 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.
  - m. 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 monument signs in accordance with “SECTION 1121.10 SIGN REGULATIONS.”
  - n. 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.
  - o. 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.

#### **1121.04.11 Parking Facility Requirements (non-residential and multi-family)**

The following regulations and standards shall apply to access drives and parking facilities for non-residential or multi-family 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 all affected properties file a joint application for the drive. Mutual easements to the satisfaction of the City may be required.
- 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.

#### **1121.04.12 Parking Facility Requirements (Single-Family and Two-Unit Residential Uses)**

- a. For purposes herein, a driveway shall be limited to an area not exceeding twenty (20) feet in width from the street right-of-way to a garage or parking enclosure.
- b. No more than one curb cut per residential property shall be permitted. A second curb cut is only permitted for residential property which contains more than 120 feet of lot frontage.

- c. Driveways shall be constructed with a concrete, brick or asphalt surface. Permeable pavements may be utilized after review and approval by the City Engineer.



*Figure 18: Graphic above describes permeable pavement used on single family parcel*

- d. 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 vehicle which are prohibited from parking in any Residential-1, Residential-2, or Downtown-Residential district.

#### **1121.04.13 Bicycle Parking**

The following regulations and standards shall apply to the parking of bicycles within the City.

- a. **Application.** Bicycle parking shall be provided for non-residential and multi-family residential uses and shall be provided on lots where new construction or any significant alteration of an existing principal structure occurs or where a parking area is newly constructed.
- b. **Bicycle Parking Minimums.** For the purpose of this Zoning Code, the following bicycle parking space requirements shall apply. The Zoning Administrator is hereby authorized to determine the bicycle 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 “SECTION 1105.12 VARIANCES.”

Use	Bicycle Parking Requirement (2
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	<b>spaces minimum for all uses listed below)</b>
<b>Automotive</b>	1 space per 20,000 square feet of floor area
<b>Schools</b>	1 space per 15 students
<b>Multi-Family Dwellings (3 units or more in one building)</b>	0.125 space per bedroom
<b>Restaurants</b>	1 space per 5,000 square feet of floor area
<b>Offices</b>	1 space per 20,000 square feet of floor area
<b>Sales and Services</b>	1 space per 5,000 square feet of floor area
<b>Community Centers</b>	Spaces for 2% of building occupancy

**c. Location.**

- i. Bicycle parking spaces shall be located not more than 100 feet from the main entryway of the principal structure measured along the pedestrian route.
- ii. Shall not obstruct pedestrian pathways, ramps, or ADA-accessible routes.
- iii. If multiple bicycle racks are required, they shall be spaced 3 feet apart from one another.

**d. Design Standards.**

- i. **Bicycle parking spaces.** Include infrastructure that allows a bicycle to be secured using a standard U-shaped bicycle lock. Such infrastructure may be comprised of a bicycle rack, an enclosed bicycle storage compartment, a keyed indoor room, or a similar structure. Bicycle parking areas shall be designed so that when fully occupied, bicycles, including bicycle trailers, shall not obstruct an adjacent sidewalk, path, or other pedestrian way.
- ii. **Permitted Bicycle Racks:** Only the following rack types are permitted:
  1. Inverted-U racks.
  2. Post-and-loop racks.
  3. Artistic or custom racks designed specifically for bicycle parking, subject to approval by the Zoning Administrator.





*Figure 19: Images of bike racks. On left, an inverted-U styled bike rack, which is permitted. On the right, an artistic bike rack, which is permitted only with express consent of the Zoning Administrator.*



*Figure 20: Image of a bike rack. This style of bike rack is not permitted to fulfill bike parking requirements per this Planning and Zoning Code as it does not allow for secure bicycle locking to the frame of the bicycle.*

iii. **Bicycle Rack Requirements:**

1. Racks shall support the bicycle frame at two points to prevent falling.
2. Racks shall allow locking of the frame and at least one wheel with a standard U-lock.
3. Racks shall be constructed of durable, weather-resistant materials (e.g., stainless steel, galvanized steel, or powder-coated steel).
4. Racks shall be securely anchored to a stable, level surface (e.g., embedded in concrete or bolted to a concrete pad) per manufacturer specifications.

iv. **Prohibited Bicycle Racks:** Wave-style, wheel-bender, comb-style, or grid-style (schoolyard) racks are prohibited.

## **SECTION 1121.05 SCREENING, BUFFERING, AND OUTDOOR STORAGE REGULATIONS.**

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 lot 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.



*Figure 21: Graphic above describes vegetation screening protected by bumper blocks*

6. All screening shall be trimmed, maintained in good condition.
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.

#### **SECTION 1121.06 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 1121.07 FENCE REGULATIONS.**

**1121.07.01 Definition.** 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.

**1121.07.02 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:

**1121.07.03 General Fence Requirements in All Zoning Districts.**

- Front Yards. Fences in front yards shall be no more than four feet in height.
- Fence Gates. Fence gates, doors and other obstructions shall not swing across public sidewalks or a public right-of-way.
- 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.
- 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 1121.03 VISION CLEARANCE TRIANGLE."*
- 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.
- Fences shall be permitted to be installed a minimum of six (6) inches from any lot line or shall be a minimum of 18 inches from the public sidewalk, whichever is greater.

**1121.07.04 Fence Requirements in 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. 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 lot line, public sidewalk or public right-of-way and only include three (3) or less strands of barbed wire. 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.

#### **1121.07.05 Fence Requirements in Downtown, Corridor, Commercial, Parks and Open Space, and Residential Zoning Districts.**

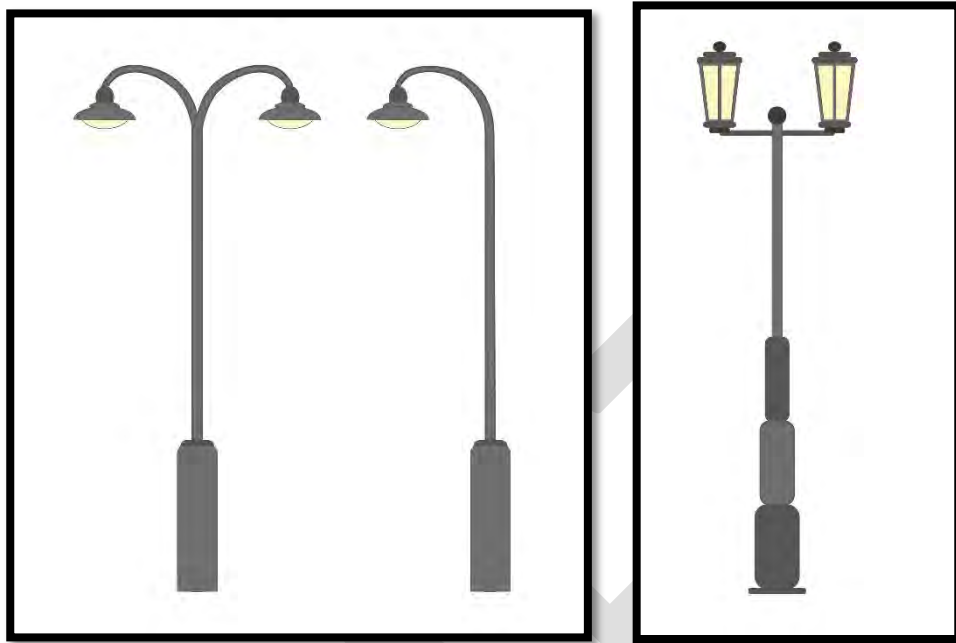
- Side yard and rear yard fences shall not be higher than six (6) feet.
- Fences shall not be topped with sharp points such as may result in bodily injury.
- Fences shall not include barbed wire.
- If a natural plant species is used as a fence and the plant species used has briars, prickles, thorns or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

### **SECTION 1121.08 OUTDOOR LIGHTING REGULATIONS.**

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.**

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.





*Figure 22: Images of outdoor lighting. On the left, lighting fixtures that include shielding to prevent horizontal and upward light glare. On the right, prohibited lighting fixtures that encourage horizontal or upward light glare and do not include full cut-off shields.*

## **SECTION 1121.09 DUMPSTERS AND SOLID WASTE STORAGE REGULATIONS.**

1. **Setbacks.** Dumpsters and other solid waste storage containers shall be located within the side or rear yard, shall not be closer to the street right-of-way than the principal structure on the lot, and shall not be closer than 6' to the side or rear property lines.
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 1121.07 FENCE REGULATIONS.”



Figure 23: Above graphic depicts adequate screening for commercial dumpsters with >7-foot-high opaque fence

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 1121.10 SIGN REGULATIONS.

1. **Purpose of Sign Standards.** These sign standards are intended to regulate the time, place, and manner of signs displayed in Elyria in order to advance the governmental interests of neighborhood aesthetics and safety of pedestrians and drivers.
2. **Sign Definition.** For the purposes of these regulations, a sign shall be interpreted as any visual or graphic device that is designed and/or used to communicate--primarily through use of words, numbers, characters, and/or proprietary symbols, as defined herein--a verbal and/or visual message. Such a device shall be considered a sign whether or not a message is currently displayed thereupon. Sign shells, embellishments, and support structures shall be considered part of the sign. Flags shall be considered signs per this definition. Murals and wall paintings shall be considered signs per this definition.
3. **Applicability of Sign Standards.** These sign standards shall apply to all signs in the city that have content that is visibly discernable from the public right-of-way. However, these sign standards shall not apply to the following signs,
  - a. Signs that have content that is not visibly discernable from the road right-of-way;
  - b. Signs of less than two square foot each in sign area, where such signs are not

used together to effectively constitute a larger sign (also known as “incidental signs” by this Code);

- c. Signs etched into cornerstones or masonry of buildings;
- d. Signs etched into cemetery headstones in a cemetery or in a cemetery headstone sales lot;
- e. Signs upon vending machines totaling less than 20 square feet per lot;
- f. Signs upon umbrellas in outdoor dining areas, and;
- g. Signs comprising the exterior paint of a vehicle, where such a vehicle is currently registered and in operable condition and where such signs are not illuminated.

#### **4. Sign Permitting Process**

- a. **Sign Types Requiring a Permit.** No sign shall be erected, relocated, expanded, made higher, or replaced or changed in illumination type, without obtaining a valid permit issued by the City following Zoning and Design Review as found in SECTION 1105.10 ZONING AND DESIGN REVIEW PROCESS. This requirement shall not apply to the maintenance of an existing sign where such maintenance does not require its relocation, expansion, or replacement. This requirement shall not apply to temporary signs, as described as not requiring a permit in the subsection below; and this requirement shall not apply to those signs under which these sign standards do not apply, as described in the subsection above: “Applicability of Sign Standards.”

- b. **Sign Types Not Requiring a Permit:**

- i. Temporary signs, as defined in this code, shall not require a permit in order to be erected, provided that they conform to the sign standards of this section, including maximum sign size, maximum sign height, and specific sign material and location regulations, and provided that they do not occupy the public right-of-way.
  - ii. Incidental signs shall not require permits; for the purposes of this code, an incidental sign shall be defined as a sign of less than two square feet, with or without illumination, that is not part of a larger array of signs that, when combined, form one cohesive sign; an address number, a “handicapped parking” sign, a “no trespassing” sign, and an “open” sign are examples of an incidental sign. An incidental sign may not include illumination that blinks or twinkles; an incidental sign may not include scrolling text or a screen or similar device that has movement effects.

- c. **Application Requirements for Signs.** Applicants wishing to erect, relocate,



expand, or replace a sign, except for a sign type not requiring a permit per this section, or wishing to change a sign's illumination type shall submit an application for Zoning and Design Review. For more information regarding this process, see "Chapter 1105 Administration and Procedures." If approved for Zoning and Design Review, a permit application shall be submitted by the applicant to the Building Department. Such permit application shall include the permit application fee, as indicated on a fee schedule as approved by the City. Such permit application shall indicate the following:

- i. The exact location and orientation of the sign, including a to-scale map of the lot with detailed description of the proposed sign's setbacks from the public right-of-way, the side lot lines, and any existing structures on the lot, and including clarification as to whether the sign will project into or occupy parts of the public right-of-way;
- ii. The sign area, as measured according to the sign area measurement instructions in this section;
- iii. The sign height, as measured according to the sign height measurement instructions in this section;
- iv. The sign material;
- v. The sign illumination type and intensity of illumination, if any;
- vi. The sign's mounting structure.

- d. **Sign Permit Application Decisions.** Within 30 calendar days of the submission of a permit application, the Building Department shall grant a permit to the applicant for the proposed sign or shall deny a permit with indication, in writing, the reason(s) why the permit application was denied. If a permit is granted, the applicant may proceed with the permitted erection, relocation, expansion, heightening, or replacement of a sign or the permitted change in the sign's illumination type.

**5. Prohibited Signs.** The following sign types shall be prohibited as both permanent signs and temporary signs for all uses in all districts:

- a. Air-activated signs or cold-air inflatable balloon signs;
- b. Festoons, as defined herein, except during recognized holiday periods or seasonal festivals or special community events during which the outdoor display of decorations is encouraged or is customary.
- c. Flashing signs, as defined herein, or signs containing strobe lights;
- d. Search-light or spot-light signs;
- e. Moving signs, as defined herein, other than flags;
- f. Signs placed on fences.
- g. Materials such as bed linens, tarps, plywood;
- h. Plastic sleeves that cover existing signage;
- i. Signs in the public right-of-way, except that temporary sandwich board signs,

wall signs, and projecting signs may be expressly permitted in the public right-of-way with written approval from the Safety-Service Director, and;

- j. Signs that violate any federal, state or City law or regulation, such as emission of noise, odor, or particulate or gaseous matter.

## 6. Measuring Signs.

### 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.
- 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.
- 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.

- 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. In the case of projecting signs or wall signs, the sign height shall be measured from the bottom of the sign to the top.

- ## 7. Signs in the Vision Clearance Triangle.
- Both permanent and temporary monument and projecting signs shall be set back from the street pavement as necessary to comply with the restrictions on obstructions within vision clearance triangles, as described in “SECTION 1121.03 VISION CLEARANCE TRIANGLE.” and monument or temporary signs shall be a minimum of five (5) feet from the right-of-way.

## 8. Sign Illumination Standards.

- a. **Sign Illumination Defined.** Sign illumination shall be any artificial lighting source that illuminates the surface or interior of a sign. Lighting around the border of a sign, such as in the case of perimeter lighting around a window displaying a window sign or in the case of a border of lights around a marquee sign, shall be considered part of the sign illumination. Sign illumination shall not be construed as referring to any illumination of signs provided by light sources intended to

generally illuminate an area in which a sign is located--such as streetlights, facade lighting, or parking lot lighting--rather than specifically to illuminate the sign.

- b. **Prohibited Sign Illumination Types.** The following sign illumination types shall be prohibited in all districts:
  - i. Sign illumination that causes glare to neighboring properties, vehicles, or pedestrians, such as bare-bulb illumination that is not properly shielded or diffused;
  - ii. Sign illumination that blinks, shudders, or twinkles, or in any way is not constant and even in intensity and direction.
- c. **Permitted Sign Illumination Types.** The following sign illumination types shall be allowed in specific districts, provided that a permit is attained for the given sign illumination type:
  - i. Internal illumination, which includes the following types:
    - 1. 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 included as examples of channel-letters;



Figure 24: An image of imitation neon lighting, made from high-efficiency LED string lighting. This is an example of channel letter illumination.

2. 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;
3. 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; and



*Figure 25: An image of a sign with halo-letter illumination. Uni Uni has light shining towards the gray sign background, creating the effect of a white halo around the dark, silhouetted letters.*

ii. External illumination, which includes the following types:

1. 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; and



*Figure 26: An image showing a gooseneck-style outdoor lighting fixture in Columbus, Ohio.*

2. Ground lighting: a type of lighting involving a ground-mounted lamp projecting light at the sign surface.
9. **Changeable Copy Sign Standards.** Changeable copy signs shall be permitted on any sign type, provided that the copy of a sign is not changed more than once every 10 seconds and provided that the changing of the copy does not create a swiping, flying, blinking, swirling, or other visual effect.
  10. **Electronic Display Sign Standards.** Also known as electronic message display/electronic message centers are signs that include a backlit LCD display or an illuminated LED display. Electronic display signs are conditionally permitted within the Residential-1, Residential-2, or Downtown-Residential zoning. Electronic display signs shall only be applied as either monument or wall signs. The following requirements for electronic display 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 display shall be a minimum of 15 seconds in duration.
    - 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.

11. **Signs in the Public Right-of-Way.** No sign may occupy the public right-of-way, including above the public right-of-way, without express permission from the City Safety-Service Director, typically indicated on the permit.
12. **Sign Maintenance.** Nothing in this section shall 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 as determined by the Zoning Administrator. Penalties per 1105.17.02 shall apply.
13. **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.
14. **Nonconforming Signs**
  - a. Existing signs which were erected legally prior to the enactment of this code but which do not conform to the sign standards of this code shall be deemed legal nonconforming signs. Likewise, signs deemed nonconforming by the previously enforced development code shall be considered legal nonconforming signs by this code. However, a sign which is nonconforming for its use of nonconforming changeable copy animations, for its use of illumination that causes unhealthful glare on adjacent properties or passersby, or for its lack of maintenance in a safe, working, and clean condition shall not be considered a legal nonconforming sign and shall be made to conform to those standards or be deemed a violation.
  - b. A legal nonconforming sign shall be allowed to continue to exist including the changing of copy; the maintenance of the sign face, wiring, and structure; and the replacement of the sign provided that no change is made to the sign type, sign area, sign height, sign location, and sign illumination type. However, where the City determines that the sign poses a danger to public health or safety, it may order that the sign be removed or reinforced in order to mitigate such danger.
  - c. Where a legal nonconforming sign is removed by order of the City due to it being a danger to public health or safety or where a legal nonconforming sign is destroyed by calamity, a sign of exact area, location, height, type, and illumination type may be erected within 12 months of the date of removal or destruction, regardless of whether it meets this code's sign standards, provided that the new sign does not present a danger to public health or safety, as determined by the City. The replacement sign shall be deemed a legal nonconforming sign by this code. Where the sign is not replaced within 12 months of the date of removal or destruction, the sign shall be considered to be abandoned by intent, and the legal

nonconforming status shall be stripped from the sign.

**15. Sign Types and Tables of Permissions.** In the following subsections, sign types are defined and permitted by district.

**a. Temporary Sign Standards**

- i. **Definition.** A sign that is not permanently affixed to a structure, is not permanently embedded in the ground, or is made of material that is not designed to be permanently outdoors (such as canvas, fabric, cardboard or corrugated plastic) and shall be displayed for no longer than 180 calendar days. Examples of temporary signs include fabric signs or a corrugated plastic signs in a yard.



*Figure 27: An illustration of a temporary sign--in this case, a yard sign in front of a residence.*

- ii. **Review and Permitting.** An application for Zoning and Design Review is required. If the temporary sign is approved for Zoning and Design Review, a permit is not required to erect a temporary sign. Please note that temporary signs in the public right-of-way, such as sandwich board signs (i.e., A-frame signs) displayed on a public sidewalk, shall be permitted only with written City approval from the Zoning Administrator.
- iii. **Standards.** No temporary sign shall be displayed except in accordance with the table below.

Temporary Sign Standards	Zoning District								
	Residential -1	Residential -2	Downtown	Downtown - Residential	Corridor	Commercial	Industrial -1	Industrial -2	Parks and Open Space
# of signs per lot	4	4	6	4	6	6	6	6	4



<b>Sign Illumination Types</b>	None	None	None	None	None	None	None	None	None
<b>Setback of sign from lot lines</b>	5 foot minimum	5 foot minimum	5 foot minimum	5 foot minimum	5 foot minimum	5 foot minimum	5 foot minimum	5 foot minimum	5 foot minimum
<b>Maximum Sign Height</b>	4 ft.	4 ft.	8 ft.	4 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.
<b>Maximum Sign Area</b>	12 sq. ft.	12 sq. ft.	32 sq. ft.	12 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.
Notes. Asterisk (*) indicates that, for a lot on a corner or multiple corners, such number of signs per lot per sign type shall be interpreted as per street frontage; therefore, a lot on the corner of two streets shall be permitted twice the normal number of that sign type, provided that half of the permitted signs are installed on one frontage and the other half of the permitted signs are installed on the other frontage.									

## b. Projecting Sign Standards

- i. **Definition.** Any permanent building sign attached perpendicular to a building wall and extending laterally more than 12 inches but not more than 60 inches from the face of such wall. Any support structures and cables that stabilize the sign from the effects of the wind and gravity and originate from the building's facade or roof may be treated as parts of a projecting sign but shall not contribute to the sign area of the projecting sign.



Figure 28: Projecting signs--an illustration (left) and a real-world example from Athens, GA (right).

- ii. **Review and Permitting.** An application for Zoning and Design Review is required prior to permitting. If the projecting is approved for Zoning and Design Review, a permit from the Building Department is required to install or enlarge a projecting sign or to change the illumination associated with a projecting sign. Changing the content on a projecting sign shall not require a permit. The act of applying for a permit for a projecting sign that hangs over the public right-of-way shall be interpreted by the City as applying for a public right-of-way encroachment permit; when issuing a



permit, the City shall indicate whether the projecting sign shall be permitted to overhang the public right-of-way and shall detail any necessary requirements on such encroachment. Where an encroachment of the public right-of-way is permitted by the City for a particular sign on a particular lot, the encroachment permit shall be interpreted as nullifying the minimum front setback in the table below. Refer to Chapter 921 of the Elyria Codified Ordinances.

- iii. **Standards.** No projecting sign shall be displayed except in accordance with the table below.

Projecting Sign Standards	Zoning District								
	Residential -1	Residential -2	Downtown	Downtown - Residential	Corridor	Commercial	Industrial -1	Industrial -2	Parks and Open Space
# of signs per lot	Not permitted	Not permitted	1*	Not permitted	1*	1*	1*	1*	Not permitted
Sign Illumination Types	N/A	N/A	Internal or external	N/A	Internal or external	Internal or external	Internal or external	Internal or external	N/A
Sign Area	N/A	N/A	20 sq. ft max.	N/A	20 sq. ft max.	20 sq. ft max.	20 sq. ft max.	20 sq. ft max.	N/A
Front Setback of Sign	N/A	N/A	5 foot minimum	N/A	5 foot minimum	5 foot minimum	5 foot minimum	5 foot minimum	N/A
Side and Rear Setback of Sign	N/A	N/A	5 foot minimum	N/A	5 foot minimum	5 foot minimum	5 foot minimum	5 foot minimum	N/A
Sign Height	N/A	N/A	15 ft. max.	N/A	15 ft. max.	15 ft. max.	15 ft. max.	15 ft. max.	N/A
Notes. Asterisk (*) indicates that, for a lot on a corner or multiple corners, such number of signs per lot per sign type shall be interpreted as per street frontage; therefore, a lot on the corner of two streets shall be permitted twice the normal number of that sign type, provided that half of the permitted signs are installed on one frontage and the other half of the permitted signs are installed on the other frontage.									

c. **Monument Sign Standards**

- i. **Definition.** Are signs that are attached to, erected on, or supported by some structure, such as a post, mast, or frame that is not itself an integral part of or attached to a building or other structure whose principal function is something other than support of a sign.



Figure 29: Monument signs--an illustration (left) and a real-world example from Colorado (right).

- ii. **Review and Permitting.** An application for Zoning and Design Review is required prior to permitting. If the monument sign is approved for Zoning and Design Review. A permit from the Building Department is required to install or enlarge a monument sign or to change the illumination associated with a freestanding sign. Changing the content on a monument sign shall not require a permit.
- iii. **Standards.** No monument sign shall be displayed except in accordance with the table below.

Monument Sign Standards	Zoning District								
	Residential -1	Residential -2	Downtown	Downtown Residential	Corridor	Commercial	Industrial -1	Industrial -2	Parks and Open Space
# of signs per lot	Not permitted	Not permitted	1*	Not permitted	1*	1*	1*	1*	Not permitted
Uses Permitted	Non-residential, unless the sign is for the purpose of a subdivision. If the signage is for a subdivision, signage must be placed in common area.								
Sign Illumination Types	N/A	N/A	Internal or external	N/A	Internal or external	Internal or external	Internal or external	Internal or external	N/A
Setback of sign from lot lines	N/A	N/A	5 foot minimum	N/A	5 foot minimum	5 foot minimum	5 foot minimum	5 foot minimum	N/A
Maximum Sign Height	N/A	N/A	10 ft	N/A	10 ft	10 ft	12	12	N/A
Maximum Sign Area (per face)	N/A	N/A	36 sq. ft.	N/A	36 sq. ft.	48 sq. ft.	48 sq. ft.	48 sq. ft.	N/A
Notes. Asterisk (*) indicates that, for a lot on a corner or multiple corners, such number of signs per lot per sign type shall be interpreted as per street frontage; therefore, a lot on the corner of two streets shall be permitted twice the normal number of that									

sign type, provided that half of the permitted signs are installed on one frontage and the other half of the permitted signs are installed on the other frontage.

#### d. Wall Sign Standards

- i. **Definition.** A sign attached flat or mounted parallel to the facade of a building. Wall signs are intended to be viewed by pedestrians on the opposite side of street.



Figure 30: Wall signs--an illustration (left) and a real-world example from Columbus, Ohio (right).

- ii. **Review and Permitting.** An application for Zoning and Design Review is required prior to permitting. If the wall sign is approved for Zoning and Design Review, a permit from the Building Department is required to install or enlarge a wall sign or to change the illumination associated with a wall sign. Changing the content on a wall sign shall not require a permit.
- iii. **Standards.** No wall sign shall be displayed except in accordance with the table below.

Wall Sign Standards	Zoning District								
	Residential -1	Residential -2	Downtown	Downtown Residential	Corridor	Commercial	Industrial -1	Industrial -2	Parks and Open Space
# of signs per lot	1*	1*	1*	1*	1*	1*	1*	1*	1*
Uses Permitted	Non-residential								
Sign Illumination Types	None	None	Internal or external	None	Internal or external	Internal or external	Internal or external	Internal or external	Internal or external
Maximum Sign Height	No higher than the	No higher than the	No higher than the	No higher than the	No higher	No higher than the	No higher than the	No higher than the	No higher

	wall on which it is erected.	wall on which it is erected.	wall on which it is erected.	wall on which it is erected.	than the wall on which it is erected.	wall on which it is erected.	wall on which it is erected.	wall on which it is erected.	than the wall on which it is erected.
<b>Maximum Sign Area</b>	2.5 square feet per lineal foot of building width. Maximum 30 sq. ft. per sign face.	2.5 square feet per lineal foot of building width. Maximum 30 sq. ft. per sign face.	2.5 square feet per lineal foot of building width. Maximum 48 sq. ft. per sign face.	2.5 square feet per lineal foot of building width. Maximum 30 sq. ft. per sign face.	2.5 square feet per lineal foot of building width. Maximum 48 sq. ft. per sign face.	3 square feet per lineal foot of building width.	3 square feet per lineal foot of building width.	3 square feet per lineal foot of building width.	3 square feet per lineal foot of building width.
Notes. Asterisk (*) indicates that, for a lot on a corner or multiple corners, such number of signs per lot per sign type shall be interpreted as per street frontage; therefore, a lot on the corner of two streets shall be permitted twice the normal number of that sign type, provided that half of the permitted signs are installed on one frontage and the other half of the permitted signs are installed on the other frontage.									

e. **Canopy or Awning Sign Standards**

- i. **Definition.** A sign located on an awning or canopy. For awning signs, the valance portion of the sign shall be considered the portion, if any, of an awning that is plumb, typically the area furthest from the façade of the building; the sloped portion of the sign shall be considered the portion of an awning that is sloped away from the building and is not completely plumb.



Figure 31: Canopy or awning signs--an illustration (left) and a real-world example from Colorado (right). In the image on the right, the sign text is on the valance portion of the awning (the vertical hanging portion).

- ii. **Review and Permitting.** An application for Zoning and Design Review is required prior to permitting. If the canopy or awning sign is approved for Zoning and Design Review, a permit is required to install or enlarge a canopy or awning sign or to change the illumination associated with a canopy or awning sign. Changing the content on a canopy or awning sign

shall not require a permit. The act of applying for a canopy or awning permit for a canopy or awning sign that hangs over the public right-of-way shall be interpreted by the City as applying for a public right-of-way encroachment permit; when issuing a permit, the City shall indicate whether the canopy or awning sign shall be permitted to overhang the public right-of-way and shall detail any necessary requirements on such encroachment.

- iii. **Standards.** No canopy or awning sign shall be displayed except in accordance with the table below.

Canopy or Awning Sign Standards	Zoning District								
	Residential -1	Residential -2	Downtown	Downtown - Residential	Corridor	Commercial	Industrial -1	Industrial -2	Parks and Open Space
# of signs per lot	Not permitted	Not permitted	1*	Not permitted	1*	1*	1*	1*	Not permitted
Uses permitted	N/A	N/A	Non-residential	N/A	Non-residential	Non-residential	Non-residential	Non-residential	N/A
Sign Illumination Types	N/A	N/A	External-Gooseneck only	N/A	External-Gooseneck only	External-Gooseneck only	External-Gooseneck only	External-Gooseneck only	N/A
Maximum Sign Height	N/A	N/A	No higher than the wall on which it is erected.	N/A	No higher than the wall on which it is erected.	No higher than the wall on which it is erected.	No higher than the wall on which it is erected.	No higher than the wall on which it is erected.	N/A
Maximum Sign Area	N/A	N/A	25% of the valance area or 75% of the sloped portion	N/A	25% of the valance area or 75% of the sloped portion	25% of the valance area or 75% of the sloped portion	25% of the valance area or 75% of the sloped portion	25% of the valance area or 75% of the sloped portion	N/A
Notes. Asterisk (*) indicates that, for a lot on a corner or multiple corners, such number of signs per lot per sign type shall be interpreted as per street frontage; therefore, a lot on the corner of two streets shall be permitted twice the normal number of that sign type, provided that half of the permitted signs are installed on one frontage and the other half of the permitted signs are installed on the other frontage.									

f. **Window Sign Standards**

- i. **Definition.** Individual letters, numerals, or a logo applied directly to the inside or outside of a window or door. One window pane may include multiple individual signs, in which case they shall be considered the same window sign. Likewise, where multiple panels of a window are broken up by decorative grilles or muntins, all signs contained by the whole window within the window frame shall be treated as one window sign, rather than one window sign per section of the multi-paneled window.



Figure 32: Window signs. The image on the left is an illustration (left) of a window sign on a commercial shopfront. The image on the right shows window signs located on the windows and the glass doors, plus a wall sign located above the door. While the front door has dozens of small signs, each door shall be considered one window sign, each of approximately 2.5 feet by 5 feet. The illuminated “open” sign shall be considered an incidental sign.

- ii. **Review and Permitting.** An application for Zoning and Design Review is required prior to permitting. If the wall sign is approved for Zoning and Design Review, a permit from the Building Department is required to install or enlarge a window sign. Changing the content of a window sign shall not require a permit.
- iii. **Standards.** No window sign shall be displayed except in accordance with the table below.

Windows Sign Standards	Zoning District								
	Residential-1	Residential-2	Downtown	Downtown-Residential	Corridor	Commercial	Industrial-1	Industrial-2	Parks and Open Space
# of signs per lot	Not permitted	Not permitted	4	Not permitted	4	4	4	4	4
Uses Permitted	N/A	N/A	Non-residential uses	N/A	Non-residential uses	Non-residential uses	Non-residential uses	Non-residential uses	Non-residential uses
Sign Illumination Types	N/A	N/A	None	N/A	None	None	None	None	None
Maximum Sign Height	N/A	N/A	20 ft.	N/A	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Maximum Sign Area	N/A	N/A	1/3 of total window area or 25 sq. ft., whichever is less.	N/A	1/3 of total window area or 25 sq. ft., whichever is less.	1/3 of total window area or 25 sq. ft., whichever is less.	1/3 of total window area or 25 sq. ft., whichever is less.	1/3 of total window area or 25 sq. ft., whichever is less.	1/3 of total window area or 25 sq. ft., whichever is less.

g. **Murals.** Murals are similar to signs but are regulated differently than signs by this Code.

i. **Purpose of Mural Regulations.** 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.

ii. **Definition.** A mural is a hand-produced work of art of at least 400 square feet 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.

1. The following shall not be considered murals:

a. 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;

b. Mechanically produced or computer-generated prints or images, including digitally printed vinyl sheets and wraps;

c. Works containing electrical or mechanical components (although some murals paint over electrical or mechanical components), or;

d. Works that involve changing or moving images or components.

e. Paint applied over existing signage.

iii. **Standards**

1. Murals shall use durable, exterior-grade paints and materials and shall use weatherproof and ultraviolet-protective coatings;

2. 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;

3. 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;

4. Murals shall not be permitted on brick surfaces that were, at the time of brick manufacture and building erection, designed to remain unpainted, such as low-fire bricks that require moisture permeability, and such as scratched bricks;

5. No mural shall be illuminated; however, a variance granted by the Zoning Board of Appeals may permit the illumination of a mural.

6. Once a mural is approved for a particular building face, a new approval is not needed for touch-ups of the paint or for a change in



mural content, provided that the location and the size of the mural is not changed.

- iv. Review and Permitting. Murals may be approved by submitting a Zoning and Design Review application to the Zoning Administrator, indicating that the application is for a mural. If approved, the applicant will not need to seek further approval and may proceed with application of the mural.

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# Chapter 1123 Nonconformities

## SECTION 1123.01 PURPOSE OF NONCONFORMITIES CHAPTER.

This chapter's regulations are intended to permit certain nonconforming uses, lots, and structures to continue to exist.

## SECTION 1123.02 SAVINGS PROVISION.

Any application for a permit concerning the erection or modification of a structure or the initiation or change of a 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, Council, Board of Zoning Appeals, or any other relevant City department, board, or commission 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 1123.03 DEFINITIONS.

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

1. Abandonment. Abandonment shall mean the cessation of a use without intention to continue the particular use. Such cessation of a use without intention to continue the use may be demonstrated by scenarios including, but not limited to, the following: (1) the transition of the use to another 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 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 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 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 1123.04 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 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 use is in full compliance with the terms

of this Code.

## **SECTION 1123.05 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 1105 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 1105 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 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 1123.06 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 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 that is damaged, to any extent, may be restored or reconstructed and continue to be used or occupied as a nonconforming use, provided that reconstruction commences within the time allotted in accordance with Section 1123.05(4). 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 1123.07 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 Use or Structure. The City bears the burden of demonstrating that the use was not lawfully commenced or the structure was not lawfully erected, as evidenced by affirmative proof that: (1) the use was not commenced or the structure was not erected before the change in use regulations that rendered the use or structure nonconforming; and (2) the use or structure was not lawful at the time of commencement or erection.
2. Proof of Abandonment of a Use. The City bears the burden of demonstrating the abandonment of a use, as evidenced by affirmative proof that the landowner intended to abandon the use.

## **SECTION 1123.08 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 1121.08 OUTDOOR LIGHTING REGULATIONS.” 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 1123.09 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 1123.10 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 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.