

CODIFIED ORDINANCES OF SHEFFIELD LAKE  
PART ELEVEN - PLANNING AND ZONING CODE

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TITLE ONE - Platting

Chap. 1101. Subdivision Regulations.

TITLE THREE - Zoning Administration

Chap. 1111. General Provisions.

Chap. 1113. Administration, Enforcement and Penalty.

Chap. 1115. Board of Zoning and Building Appeals.

Chap. 1117. Amendments and Changes.

Chap. 1119. Limited Use Rezoning.

TITLE FIVE - Zoning Use Districts

Chap. 1131. Districts and Boundaries Generally.

Chap. 1132. R-1A Residence Districts. (Repealed)

Chap. 1133. R-1 Residence Districts.

Chap. 1134. R-1-S Residence Districts. (Repealed)

Chap. 1135. R-2 Residence Districts.

Chap. 1137. R-3 Residence Districts.

Chap. 1139. B-1 Business Districts.

Chap. 1141. B-2 Business Districts.

Chap. 1143. B-3 Business Districts.

Chap. 1145. B-4 Business Districts.

Chap. 1147. B-5 Business Districts.

Chap. 1149. I Industrial Districts.

Chap. 1150. Adult Entertainment Businesses Location Regulations.

Chap. 1151. Accessory Uses in Residence Districts.

Chap. 1153. Nonconforming Uses.

TITLE SIX - Community Development/Planned Residential Development

Chap. 1160. General Provisions.

Chap. 1162. Definitions.

Chap. 1164. P.R.D. General Design Requirements.

Chap. 1166. P.R.D. Processing.

Chap. 1168. Additional P.R.D. Regulations.

TITLE SEVEN - Use, Height and Area Regulations; Off-Street Parking

Chap. 1171. Use, Height and Area Regulations.

Chap. 1183. Off-Street Parking.



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TITLE ONE - Platting  
Chap. 1101. Subdivision Regulations.

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CHAPTER 1101  
Subdivision Regulations

1101.01	Engineering plan; performance bond.	1101.03	Maintenance bond.
1101.02	Issuance of building permits.	1101.04	Deposit required.
		1101.05	Construction standards.

CROSS REFERENCES

Planning Commission organization - see CHTR. Art. VII, §2(a)  
 Planning Commission powers and duties - see CHTR. Art. VII, §2(b);  
 Ohio R.C. 713.02, 713.06  
 Mandatory referral to Planning Commission - see CHTR. Art. VII, §2(c)  
 Zoning definitions - see P. & Z. 1111.04  
 Charges for public improvements - see BLDG. 1361.01

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**1101.01 ENGINEERING PLAN; PERFORMANCE BOND.**

No plat of a subdivision of land within the Municipality shall be approved by the Municipal Planning Commission until there has been submitted to Council an engineering plan of all improvements to be constructed in the subdivision and until the plan has been approved by Council and the improvements have been constructed according to the plan, or, in lieu thereof, there has been deposited with the Municipality a performance bond in the sum of the cost of the improvements, as determined by the Engineer, in a form approved by the Director of Law and with a completion date satisfactory to Council.  
 (Ord. 34-57. Passed 7-23-57.)

**1101.02 ISSUANCE OF BUILDING PERMITS.**

No building permits for construction in such subdivision shall be issued, nor any construction begun, until the engineering plan of the aforesaid improvements has been approved by Council, nor shall any building permits be issued or any construction begun until the aforesaid performance bond is in full force and effect, or while the principal obligor is in default of performance under the terms of the bond.  
(Ord. 34-57. Passed 7-23-57.)

**1101.03 MAINTENANCE BOND.**

No improvements shall be approved or accepted by the Municipality after construction until the Municipality is furnished with a maintenance bond in a form acceptable to the Director of Law, in the amount of ten percent of the construction cost of such improvements and for a term to be determined by Council, but not to exceed a period of two years.  
(Ord. 34-57. Passed 7-23-57.)

**1101.04 DEPOSIT REQUIRED.**

No plat shall be approved until there is deposited with the Municipality a sum equal to not less than two percent nor more than four percent of the construction cost of such improvements, as determined by the Engineer, to be used to defray the costs of inspection of the installation of such improvements by the Municipality. Any portion of the deposit which is not so used shall be returned to the persons making the deposit upon the acceptance of the improvements by the Municipality. (Ord. 34-57. Passed 7-23-57.)

**1101.05 CONSTRUCTION STANDARDS.**

The schedule of construction standards entitled "Construction Specifications for Sheffield Lake Village, Ohio", as prepared by Neff and Associates, dated August, 1959, shall be the minimum requirements of the Municipality for improvements to be constructed in subdivisions and the same are hereby adopted as if fully set out herein pursuant to Ohio R.C. 731.231.

One copy of such specifications is on file with the Municipal Clerk for inspection by the public. One copy is also on file in the Lorain County Law Library. In addition, the Municipal Clerk shall have copies available for distribution to the public, at cost.

- TITLE THREE - Zoning Administration
- Chap. 1111. General Provisions.  
 Chap. 1113. Administration, Enforcement and Penalty.  
 Chap. 1115. Board of Zoning and Building Appeals.  
 Chap. 1117. Amendments and Changes.  
 Chap. 1119. Limited Use Rezoning.
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CHAPTER 1111  
 General Provisions

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|----------------------|-------------------------|
| 1111.01 Short title. | 1111.03 Interpretation. |
| 1111.02 Purpose.     | 1111.04 Definitions.    |

CROSS REFERENCES

- Zoning Map changes - see PRELIM. UNIT, TABLE H  
 Zoning Board may vary or modify Zoning Code - see  
 P. & Z. 1115.08  
 Intent of nonconforming uses - see P. & Z. 1153.01
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1111.01 SHORT TITLE.

Titles Three through Seven of this Part Eleven - Planning and Zoning Code shall be known as the "Zoning Code", and the map which accompanies the original copy of Ordinance 1822 and which is hereby incorporated herein and made a part hereof shall be referred to as the "Zoning Plan" and shall be dated, with subsequent revisions.  
 (Ord. 1822. Passed 6-15-54.)

1111.02 PURPOSE.

From and after the passage and approval of this Zoning Code, the following regulations shall apply in such districts, for the purpose of regulating and restricting the location of buildings and other structures and of premises to be used for trade, industry, residence or other specified uses; regulating and limiting the height of buildings and other structures; and regulating the bulk and location of buildings and other structures, the percentage of lot occupancy, the density of population, setback building lines and the area of yards, courts and other open spaces.

Further, such regulations are deemed necessary in order to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate

open spaces for light and air; to prevent and fight fires; to prevent undue concentration of population; to lessen congestion on streets; to facilitate adequate but economical provisions for community utilities and facilities such as water, transportation, sewerage, schools, parks and other public requirements; and to promote health, safety and the general welfare of the community. (Ord. 1822. Passed 6-15-54.)

#### 1111.03 INTERPRETATION.

In interpreting and applying the provisions of this Zoning Code they shall be held to be minimum requirements for the promotion of public health, safety or general welfare. It is not intended by this Zoning Code to interfere with, abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or land or to any easements, covenants or other agreements between private parties. However, where this Zoning Code imposes greater restrictions upon the use of a building or land or upon the height, bulk or size of a building or structure or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or permits, or by easements, covenants or agreements, the provisions of this Zoning Code shall govern. Where any other ordinances, rules, regulations or permits, or any easements, covenants or agreements impose greater restrictions upon the use of a building or land or upon the height, bulk or size of a building or structure or require larger open spaces than are required under the regulations of this Zoning Code, then such other provisions shall govern. (Ord. 1822. Passed 6-15-54.)

#### 1111.04 DEFINITIONS.

For the purpose of this Zoning Code certain terms and words are defined as follows in this section. Words used in the present tense include the future; the singular number includes the plural and the plural the singular. The words "individual" or "person" include a corporation or partnership as well as an individual. The word "lot" includes the word "plot" or "parcel". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied". The word "building" includes the word "structure". The word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the Building Code.

- (1) "Accessory use" means a use customarily incidental and subordinate to the principal use.
- (2) "Administrative Officer" means the Building Inspector, acting as the "Zoning Inspector".
- (3) "Agriculture" means the cultivation of land itself for production of crops grown from the land so cultivated, and includes the keeping thereon of such livestock for farm work, dairy and poultry purposes as is generally customary to farm operations in Lorain County, Ohio. However, the term "agriculture" is not intended to mean or include or at any time authorize or permit the keeping for commercial purposes of any such animals as mink, ferrets, rats, mice, rabbits, fox, skunk, raccoon, opossum, muskrats or guinea pigs, whose chief value lies in the marketableness of the living animals for experimental or food purposes, or for the pelts or clippings or flesh therefrom, and the keeping of more than two of any such animals at any one place or location by anyone shall be held to be keeping the same

- for commercial purposes in violation of the provisions of this Zoning Code. The term "agriculture" includes the processing and storage of the products of the farm and sale on the farm where produced of such products in their natural or processed form, with the necessary ingredients and containers.
- (4) "Agriculture use" means any single piece of property which is more than five acres in size and from which enough income is derived from agriculture to be the major support of the family owning or living on it.
  - (5) "Alley" means a public thoroughfare not over twenty-five feet wide which affords only a secondary means of access to abutting property.
  - (6) "Alteration" means any change or replacement in a building already erected, which changes or tends to change the structural features of the building.
  - (7) "Alteration, structural" means any change or replacement of the supporting members of any building, such as bearing walls, columns, joists, beams, girders, etc.
  - (8) "Apartment" means the same as "dwelling unit" or "multiple dwelling".
  - (9) "Area":
    - (a) "Building area" means the total of areas taken on a horizontal plane at the main grade level of the principal building and all of its accessory buildings, including unenclosed porches, exclusive of terraces and steps.
    - (b) "Lot area" means the total area within the property lines of any parcel of land excluding streets, alleys or other public ways.
    - (c) "Rentable area" means the floor area in a building, exclusive of corridors, stairs, elevator shafts, lavatories, flues and janitors' closets.
  - (10) "Auto courts" means the same as "motel".
  - (11) "Automobile service or gasoline station" means any premises primarily used for supplying gasoline and oil, at retail, directly to the consumer, including minor accessories and minor services for automobiles.
  - (12) "Automobile and trailer sales area" means an open area, other than a street, used for the display or sale of new or used motor vehicles, and where no repair work is done except minor incidental repair of motor vehicles to be sold on the premises.
  - (13) "Automobile wrecking" means the dismantling of wrecked or used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. (See Junk)
  - (14) "Basement" means a story partly or wholly underground which, if not occupied for living purposes by other than the janitor or his family, shall not be included as a story for purpose of height measurements.
  - (15) "Billboard" or "poster panel" means any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or place of sale of which is remote from such display.
  - (16) "Block" means an area bounded by at least three or more legal streets and in which the area has been subdivided into lots.
  - (17) "Board" means the administrative Board of Zoning Appeals.
  - (18) "Building":
    - (a) "Building" means any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattels.
    - (b) "Accessory building" means a supplemental building or a portion of the main building, the use of which is incidental to the use of a main or principal building and located on the same lot.

- (c) "Apartment building" means a building consisting of three or more dwelling units.
- (d) "Community building" means a building for social, educational and recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain.
- (e) "Group building" means two or more buildings, other than dwellings, grouped upon a lot and held under one ownership, such as universities, hospitals, institutions and industrial plants.
- (f) "Height of building" means the vertical distance measured from the curb level to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs. For buildings set back from the street line the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided its distance from the street line is not less than the height of such grade above the established curb level.
- (g) "Building line" means a theoretical line, parallel to a public way or another building, established in this Zoning Code for the purpose of defining the limits within which a structure may be built.
- (h) "Main building" means a building in which is conducted the principal use of the lot on which it is situated.
- (i) "Building permit" means a written approval by the Zoning Inspector or his agent authorizing the construction, alteration or repair of some building or structure at a specific location and under definite regulations which the owner of the property, building or structure and/or the contractor or builder of the same agrees to follow exactly.
- (j) "Principal building" means the same as "main building".
- (k) "Building unit" means the same as "dwelling unit".
- (19) "Cabin" means the same as "tourist cabin".
- (20) "Camp":
  - (a) "Camp" means any area or tract of land used or designed to accommodate an automobile, house trailer, tourist camp or camping parties, including tents or other camping outfits.
  - (b) "Camp grounds" means the same as "camp".
  - (c) "Public camp" means the same as "camp".
  - (d) "Trailer camp" means the same as "camp".
  - (e) "Tourist camp" means the same as "camp".
- (21) "Cemetery" means land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbaria, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such area.
- (22) "Certificate of occupancy" means a statement, signed by the Zoning Inspector, setting forth either that a building or structure complies with the Zoning Code or that a building, building structure or parcel of land may lawfully be employed for specific uses, or both.
- (23) "Commission" means the Municipal Planning Commission and/or the Board of Zoning and Building Appeals.



- (24) "Court":
- (a) "Court" means an open, unoccupied, unobstructed space, other than a yard, on the same lot as the building.
  - (b) "Apartment court" means one, two or three multiple dwellings arranged around two or three sides of an area or court which opens onto a street or a place approved by the Commission.
  - (c) "Height of court" means the vertical distance from the lowest level of such court to the highest point of any building wall.
  - (d) "Inner court" means a court surrounded on all sides by walls, or by walls and a lot line.
  - (e) "Open court" means a court extending to an opening upon a street, alley or yard.
  - (f) "Outer court" means the same as "open court".
  - (g) "Outer length of court" means the mean horizontal distance between the open and closed ends of a court.
  - (h) "Tourist court" means the same as "motel".
- (25) "Curb":
- (a) "Curb" means a vertical member along the edge of a pavement to form part of a gutter.
  - (b) "Curb grade" means the relative elevation above the sea level of a specific point on the top of the curb.
  - (c) "Curb level" means the level of the curb in front of the center of the building or portion thereof under consideration. Where no curb level has been established, the curb level shall be the mean average curb elevation as determined within the block by the Municipal Engineer. Where the structure does not adjoin the street the average level of the proposed grade line of the ground immediately adjacent to such structure as shown on the building plans shall be considered as the "curb level".
- (26) "De novo" means anew, afresh.
- (27) "Drive-in" means an establishment built for the accommodation of patrons' automobiles, from which the occupants may watch, purchase, etc.
- (28) "Duplex" means a building designed exclusively for the occupancy of two families living independently of each other on equal or separate levels.
- (29) "Dwelling":
- (a) "Dwelling" means a building designed or used as living quarters for one or more families.
  - (b) "Group dwelling" means one or more buildings, not more than two and one-half stories in height, containing dwelling units and arranged around two or three sides of a court which opens onto a street, or a place approved by the Commission, including one-family, two-family, row or multiple dwellings and court apartments.
  - (c) "Multiple dwelling" means a building or portion thereof designed for or occupied as the home of two or more families or households living independently of each other, including tenement houses, apartment houses and apartment hotels.
  - (d) "One-family dwelling" means a detached building designed for and occupied exclusively by one family and having a front yard and two side yards and a rear yard.

- (e) "Row dwelling" means a row of three to six attached one-family dwellings, not more than two and one-half stories in height, nor more than two rooms deep.
  - (f) "Semi-detached dwelling" means a building designed exclusively for the occupancy of two families living independently of each other on the ground level.
  - (g) "Two-family dwelling" means a building designed exclusively for the occupancy of two families living independently of each other. (See "Duplex"; "Semidetached")
  - (h) "Dwelling unit" means one or more rooms in a building designed and used by one family for living purposes and having exclusive cooking facilities.
- (30) "Educational institution" means a college or university giving general academic instruction equivalent to the standards prescribed by the State Board of Education.
- (31) "Eleemosynary" means appropriated to supply the poor; supported by charity.
- (32) "Family" means one or more persons occupying the premises and living as a single housekeeping unit.
- (33) "Farm machinery sales area" means an open area, other than a street, used for the display or sale of new or used farm machinery, where no repair work is done except minor incidental repair of machinery to be sold on the premises.
- (34) "Frontage" means all the property fronting on one side of a street between the two nearest intersecting streets or other natural barriers or boundaries.
- (35) "Garage":
- (a) "Garage" means a building, structure or any portion thereof used for the accommodation of motor vehicles. This does not include rooms for storing, exhibiting or showing new cars for sale.
  - (b) "Community garage" means a group of private garages, one story in height, arranged in a row or surrounding a common means of access and erected for the use of adjacent property owners who have no private garage on their individual lots.
  - (c) "Private garage" means a garage designed to house one or more motor vehicles; but a private garage may house more than two motor vehicles if the area of the lot on which the garage is located contains 3000 square feet or more for each motor vehicle to be stored there.
  - (d) "Public garage" means any garage used for the sale of cars, equipment or gasoline and the storage or repair of any motor vehicles.
  - (e) "Storage garage" means a garage for housing or storage of motor vehicles by the hour, day, month or any other rate method desired. No sales, repairing or storage of wrecks shall be allowed in this type of garage.
- (36) "Grade":
- (a) "Grade" means the same as "curb grade" or the rate of ascent or descent of a road, etc., or a level portion of a road, etc.
  - (b) "Established grade" means a grade, legally created, on a road to which is tied all public or private construction.
  - (c) "Natural grade" means the normal slope of the ground before any construction is started in the area under consideration.
- (37) "Home":
- (a) "Convalescent homes for aged, children's nurseries" means buildings used for the care of the semisick, aged, pensioners, babies and children, except those for correctional or mental cases.
  - (b) "Institutional home" means the same as "convalescent home" except that public funds are available for all or a portion of its operation.

- (c) "Home occupation" means an occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no sound or smell audible beyond such dwelling, no person employed, no display, no advertising and no selling of a commodity upon the premises.
  - (d) "Tourist home" means private homes where rooms are rented for overnight use only.
- (38) "Hotel":
- (a) "Hotel" means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than twelve rooms usually occupied separately and no provision made for cooking in any individual apartments.
  - (b) "Apartment hotel" means a building, or portion thereof, designed for or containing both individual guest rooms or suites of rooms and dwelling units.
  - (c) "Commercial hotel" means the same as "hotel".
  - (d) "Residential hotel" means a dwelling occupied by permanent guests and not by transients. It may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidentally the public.
- (39) "House":
- (a) "House" means a residential building designed and used for one or two families on an individual plot of ground.
  - (b) "Apartment house" means a building or portion thereof designed for and occupied as the home of three or more families or households living independently of each other, including tenement houses and apartment hotels.
  - (c) "Boarding house" means a building, other than a hotel, where lodging and meals, for five or more persons, are served for compensation.
  - (d) "Double house" means the same as "semi-detached dwelling".
  - (e) "Guest house" means the living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.
  - (f) "Lodging house" means a building with not more than five guest rooms where lodging is provided for compensation.
  - (g) "Rooming house" means the same as "lodging house".
- (40) "Improvement location permit" means a written approval of the exact location, size and type of a building or structure, issued out of the office of the Zoning Inspector and permitting the erection or construction thereof.
- (41) "Junk" means any personal property which is or may be salvaged for re-use, resale, reduction or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for such purposes.
- (42) "Junk buildings, junk shops, junk yards" mean any land, property, structure, building, or combination of the same, on which junk is stored or processed. (Ord. 1822. Passed 6-15-54.)
- (43) "Kennel" means any group of more than four dogs or four cats, more than four months old, kept by an individual, corporation, partnership or other entity at one location within the City. (Ord. 22-05. Passed 1-25-05.)
- (44) "Living quarters" means the same as "dwelling unit".

- (45) "Loading space" means an off-street space or berth on the same lot or property with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.
- (46) "Lot":
- (a) "Lot" means a parcel of land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under this Zoning Code, having its principal frontage upon a public street or officially approved place, and usually recorded under one ownership.
  - (b) "Lot area" means the total horizontal area within the lot lines of a lot.
  - (c) "Corner lot" means a lot situated at the junction of two or more streets.
  - (d) "Depth of lot" means the mean horizontal distance between the front and rear lot line.
  - (e) "Interior lot" means a lot other than a corner lot.
  - (f) "Key lot" means the first interior lot to the rear of a reversed corner lot and not separated by an alley.
  - (g) "Lot lines" means the property lines between two established parcels of land or one parcel and public property.
  - (h) "Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of the front line of the lot to its rear.
  - (i) "Through lot" means an interior lot having frontage on two streets.
  - (j) "Width of lot" means the mean distance measured between the side lot lines and at right angles to its depth.
- (47) "Medical center" means a principal building used by one or more physicians, surgeons or dentists as offices, clinics, laboratories and operating rooms for the diagnosis and treatment of human ailments and the care of patients before and after minor operations.
- (48) "Motel" means a group of attached or detached dwellings containing not less than four hundred square feet of floor area for each sleeping or living unit and which are provided primarily for transient guests, including auto courts, motels and motor lodges.
- (49) "Nonconforming building" means an existing building, structure or portion thereof, which does not comply with the provisions of this Zoning Code.
- (50) "Nonconforming use" means a use of lands or buildings which now (June 15, 1954) exists lawfully, and which existed at the date of the adoption of the original Zoning Ordinance of Sheffield Lake, Ohio, April 17, 1928, known as Ordinance No. 371, which use has existed continuously ever since the date of the adoption of the original Zoning Ordinance and which ever since has been maintained in accordance or compliance with the provisions of such Ordinance and the revisions and amendments thereto and this revision thereof.
- (51) "Occupancy":
- (a) "Certificate of occupancy" means a statement, signed by the Zoning Inspector, setting forth that the use of the land, building or structure at a specific location complies with the Zoning Code, or that it is a nonconforming use and why, or that approves the use of the land, structure or building for a specified use.
  - (b) "Mixed occupancy" means a single piece of property or building on which two different classification uses as described in this Zoning Code are contemplated or in existence.

- (52) "Open space" means an unoccupied space open to the sky.
- (53) "Parking":
- (a) "Private parking area" means an open area in which parking of motor vehicles is permitted only by those persons holding permits therefor.
  - (b) "Public parking area" means an open area, other than a private parking area, street or alley, used for the parking of motor vehicles, and available for the public or for quasi-public use.
  - (c) "Parking space" means space within a building or a private or public parking area for the parking of one automobile.
- (54) "Place" means an open unoccupied space permanently reserved for purposes of access for abutting property.
- (55) "Open porch" means a roofed, open structure projecting from the front, side or rear wall of the building without any enclosed features of glass, wood or other material, except screens, more than thirty inches above the floor thereof, except the necessary columns to support the roof.
- (56) "Restaurant" means an establishment where refreshments or meals may be procured by the public; a public eating house which holds a State license and has chairs and tables for the serving of meals.
- (57) "School":
- (a) "Elementary and high school" means an institution which offers instructions in the several branches of learning and study required to be taught in the public schools by the Ohio School Code. High schools are both junior and senior.
  - (b) "Public school" means a school primarily financed by means of public tax moneys.
  - (c) "Private school" means a school primarily financed by means of tuitions and individual or private moneys.
- (58) "Service station": See "automobile service or gasoline station".
- (59) "Setback" means the minimum horizontal distance between the established property line facing the street, and the building or any projection thereof, except:
- (a) Steps, terraces and open fire escapes;
  - (b) Balconies, canopies or cornices projecting not more than one foot beyond the main building wall and when not less than story height above the foundation;
  - (c) Offset or overhanging portions of the second floor of the building that do not extend more than one foot beyond the main wall of the building, and when returned along the front face of the building at least the dimension of the overhang.
- (60) "Signboard" means any structure or part thereof on which lettered or pictorial matter is displayed for advertising or notice purposes.
- (61) "Split zoning" means an area between two streets, portions of which have been placed in two different district classifications by this Zoning Code.
- (62) "Stable":
- (a) "Stable" means any building, structure or portion thereof which is used for the shelter and care of horses, cattle or other similar animals, either permanently or transiently.
  - (b) "Private stable" means a stable with a total capacity for not more than three animals.

- (c) "Public stable" means a stable with a capacity for four or more animals.
- (63) "Story":
- (a) "Story" means that portion of a building included between the surface of any floor and the surface of the next floor above it; or if there be no floor above it, then the space between such floor and the ceiling next above it, or the roof.
- (b) "Half story" means a story under a gabled, hipped or gambrel roof, the wall plates of which on at least two opposite exterior walls, are not more than two feet above the finished floor of such story.
- (64) "Street" means a public thoroughfare more than twenty-five feet wide. For types of streets, see the schedule of construction standards on file at the Municipal Building.
- (65) "Street line" means the legal dividing line between a street or alley and the private lot in question.
- (66) "Structural alteration" see "alteration, structural".
- (67) "Structure" means anything constructed or erected, the use of which requires a more or less permanent location on the land, or attachment to something having a permanent location on the land.
- (68) "Tavern" means a business which requires an Ohio State alcoholic beverage license and whose trade is primarily the sale of alcoholic beverages or the sale of alcoholic beverages and meals which are to be consumed upon the premises.
- (69) "Telephone exchange building" means a building and its equipment used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers and other business of the telephone company, but in a Residence District shall not include public business facilities, storage of plant materials or spare parts other than those carried for the particular building, equipment, trucks, repair facilities, housing or quarters for installation, repair or trouble crews.
- (70) "Terrace" means a natural or artificial embankment between a building and its lot lines. The "height of terrace" is the difference in elevation between the curb level and the top of the terrace at the center of the building wall.
- (71) "Tourist":
- (a) "Tourist cabin" means a detached dwelling containing not less than 400 square feet of floor space as a sleeping unit or living unit and used primarily for transient guests.
- (b) "Tourist camp" means the same as "camp".
- (c) "Tourist court" means a group of attached or detached dwellings containing not less than 400 square feet of floor area for each sleeping or living unit, and which is provided primarily for transient guests including auto courts, motels and motor lodges.
- (d) "Tourist home" means a private home where rooms are rented for overnight use only.
- (72) "Trailer":
- (a) "Trailer" means a vehicle or residence on wheels, skids, rollers or blocks, without motive power, designed to be used for human habitation or for carrying persons or property from place to place, including a trailer coach or house trailer.

- (b) "Automobile trailer" means a vehicle without motive power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer.
  - (c) "Trailer camp" see "camp".
  - (d) "Trailer sales area" means the same as "automobile and trailer sales area".
- (73) "Use" means the purpose for which either land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.
- (74) "Vehicles", unless otherwise indicated, includes motor vehicles.
- (75) "Window" means an opening to the outside other than a door which provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window.
- (76) "Yard":
- (a) "Yard" means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
  - (b) "Front yard" means a yard across the full width of the lot extending from the front wall of the building to the front line of the lot.
  - (c) "Yard height" means the vertical distance from the ground level of such yard to the highest point of any bounding wall.
  - (d) "Rear yard" means a yard, unoccupied except by an accessory building as hereinafter permitted, extending across the full width of the lot between the rear line of the building and the rear line of the lot.
  - (e) "Side yard" means a yard between the side wall of the building and the side line of the lot, extending from the front wall of the building to the rear wall of the building.
- (77) "Zoning Board" means the Board of Zoning and Building Appeals.
- (78) "Zoning Code" means Titles Three through Seven of this Part Eleven - Planning and Zoning Code.
- (79) "Zoning Inspector" means the Building Inspector.
- (80) "Zoning Plan" means the map which accompanies the original copy of Ordinance 1822 and which is incorporated and made a part of this Zoning Code in Section 1111.01.  
(Ord. 1822. Passed 6-15-54.)

**CHAPTER 1113**  
Administration, Enforcement and Penalty

1113 01	Administrative officer.	1113.07	Lot survey.
1113 02	Excavation; building permits.	1113.08	Record of certificates.
1113.03	Land occupancy.	1113.09	Expiration of permit.
1113.04	Certificate of occupancy or improvement location permit.	1113.10	Plats.
1113.05	Certificate of occupancy for use of land.	1113.11	Structures partially constructed.
1113.06	Permit requirements.	1113.12	Structures not begun.
		1113.13	Violation; enforcement.
		1113.99	Penalty.

**CROSS REFERENCES**

Violation of zoning ordinances - see Ohio R.C. 713.13  
 Zoning Inspector must keep records - see ADM. 137.04  
 Certificate of occupancy defined - see P. & Z. 1111.04(22)  
 Board of Zoning and Building Appeals - see P. & Z. Ch. 1115  
 Ohio Building Code - see BLDG. Ch. 1301  
 Regional Dwelling House Code - see BLDG. Ch. 1305  
 Permits and fees - see BLDG. Ch. 1361

**1113.01 ADMINISTRATIVE OFFICER.**

The duty of administering and enforcing the provisions of this Zoning Code is hereby conferred upon the Building Inspector, referred to in this Code as the Zoning Inspector, and for this purpose he shall have such powers as are conferred upon him by this Zoning Code and as reasonably may be implied, and he must enforce this Zoning Code.  
 (Ord. 1822. Passed 6-15-54.)

**1113.02 EXCAVATION; BUILDING PERMITS.**

No excavation for a foundation or for the erection, construction or structural alteration of any structure or part of a structure shall be undertaken until a building permit and improvement location permit therefor have been issued by the Zoning Inspector.  
 (Ord. 1822. Passed 6-15-54.)

**1113.03 LAND OCCUPANCY.**

No vacant land shall be occupied or used and no structure shall be erected or structurally altered or changed in use until a certificate of occupancy has been issued by the Zoning Inspector.  
 (Ord. 1822. Passed 6-15-54.)



#### 1113.04 CERTIFICATE OF OCCUPANCY OR IMPROVEMENT LOCATION PERMIT.

A certificate of occupancy and improvement location permit either for the whole or a part of a new structure, or in connection with the alteration of an existing structure, shall be applied for coincident with the application for a building permit and a certificate of occupancy shall be issued within ten days after the erection or alteration of such structure or part has been completed in conformity with the provisions of this Zoning Code.  
(Ord. 1822. Passed 6-15-54.)

#### 1113.05 CERTIFICATE OF OCCUPANCY FOR USE OF LAND.

A certificate of occupancy for the use or occupancy of vacant land or for a change in the use of an existing building shall be applied for before any such land or existing building is occupied or used or changed in use, and a certificate of occupancy shall be issued within ten days after application has been made, provided such proposed use is in conformity with the provisions of this Zoning Code.  
(Ord. 1822. Passed 6-15-54.)

#### 1113.06 PERMIT REQUIREMENTS.

No permit for excavation for a foundation, nor for the erection, construction or structural alteration of any structure shall be issued before application has been made for the certificate of occupancy and an improvement location permit.

A notice of application must be posted on the building site, easily visible from the street, by the contractor for a waiting period of ten days before a building permit can be issued. (Ord. 1822. Passed 6-15-54.)

#### 1113.07 LOT SURVEY.

Evidence must be shown that the property has been surveyed by a registered surveyor or engineer and proper stakes designating the property line shall be placed on the four corners of the property.

(Ord. 1822. Passed 6-15-54.)

#### 1113.08 RECORD OF CERTIFICATES.

A record of all certificates of occupancy and/or improvement location permits shall be kept on file in the office of the Zoning Inspector. Such certificates shall be issued on request to any person having a proprietary interest in the building or land affected, and the fee for an original certificate of occupancy shall be as set by the ordinance in effect, but the payment of building permit fees shall entitle the applicant to such certificate and permit without extra charge. For duplicate copies of a certificate and permit the charge shall be twenty-five cents (25¢). (Ord. 1822. Passed 6-15-54.)

#### 1113.09 EXPIRATION OF PERMIT.

A permit that has not been used within six months after its date of issuance, or a permit which has been issued and construction commenced thereon, but discontinued for a period of six months, shall automatically expire, and a new permit shall be required before any use of land, occupancy of building, structural alteration or new construction is started.

(Ord. 1822. Passed 6-15-54.)

**1113.10 PLATS.**

All applications for building permits and certificates of occupancy, as herein required, shall be accompanied by a plat in duplicate drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of the buildings to be erected and such other information as may be required. All construction shall be in accordance and carried out in strict compliance with the plat herein described. Any variance from such plat shall void the building permit and be sufficient cause for the Building Inspector to stop such construction in addition to any other penalties provided by this Zoning Code. A record of such applications and plats shall be kept in the office of the Zoning Inspector.  
(Ord. 107-72. Passed 9-26-72.)

**1113.11 STRUCTURES PARTIALLY CONSTRUCTED.**

All structures, the construction of which or a portion of which has been begun or for which a contract or contracts have been let prior to the passage of this Zoning Code may be completed and used in accordance with the original plans.  
(Ord. 1822. Passed 6-15-54.)

**1113.12 STRUCTURES NOT BEGUN.**

If the construction or structural alteration of a structure has been planned but no substantial construction has been made, and no contract or contracts have been let for its construction, prior to the passage of this Zoning Code, a new permit for such construction or structural alteration shall be undertaken.  
(Ord. 1822. Passed 6-15-54.)

**1113.13 VIOLATION; ENFORCEMENT.**

Whenever and wherever a violation of the provisions of this Zoning Code occurs and comes to or is brought to the attention of the Zoning Board, if the violator fails or refuses to correct the violation when and as the Zoning Inspector directs, then it shall be the duty of the Zoning Inspector thereupon to prosecute in the name of the Municipality such violations of this Zoning Code. (Ord. 1822. Passed 6-15-54.)

**1113.99 PENALTY.**

Whoever violates any of the provisions of this Zoning Code shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each violation. Each day of twenty-four hours that a violation continues shall be deemed a separate and distinct offense.  
(Ord. 1822. Passed 6-15-54.)

CHAPTER 1115  
Board of Zoning and Building Appeals

1115.01	Meetings.	1115.06	Relief; variances.
1115.02	Appeals.	1115.07	Powers of Council reserved.
1115.03	Decisions.	1115.08	Notice for variance hearings.
1115.04	Time for hearings.	1115.09	Conditional variances.
1115.05	Faulty maps; plan.		

CROSS REFERENCES

Established; organization - see CHTR. Art. VII, §1(a)  
Powers and duties - see CHTR. Art. VII, §1(b)  
Appeals from zoning decisions - see Ohio R.C. 713.11  
Purpose and interpretation of Zoning Code - see P. & Z.  
1111.02, 1111.03

1115.01 MEETINGS.

Meetings of the Zoning Board shall be held at least once a month when there is business to transact. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings showing the action of the Board and the vote of each member upon each question considered. The Board may adopt regulations setting up certain policies and interpretations for the Zoning Inspector to follow. The presence of three members shall be necessary to hold a meeting. A vote of a majority of the members of the Board is necessary to approve or make any recommendation.  
(Ord. 1822. Passed 6-15-54.)

1115.02 APPEALS.

(a) Refusal by Zoning Inspector. In case the Zoning Inspector refuses to issue a permit or an approval upon application, or revokes a permit, the applicant or the holder of the revoked permit may, within five days after the receipt of notice of the Inspector's refusal or revocation, appeal to the Zoning Board for an order requiring the Inspector to issue or reissue such permit. Such appeal shall be perfected by the filing by the applicant with the Inspector of notice of his intention to appeal and paying a fee of one hundred dollars (\$100.00) to reimburse the Municipality for any costs involved by making such an appeal and for notifying all property owners who, pursuant to the ordinances of the City, must be notified of the appeal. Upon the filing of such notice the Inspector shall, within three days thereafter, transmit a copy of such notice of appeal, together with a written statement of the matter in controversy and the reasons for the refusal or the revocation made by him, to the Clerk of Council, who shall then present the appeal to the Board at its next meeting.  
(Ord. 71-05. Passed 9-13-05.)

(b) Board Authorized to Grant. The Board is authorized to grant, upon appeal, in specific cases, such variance from the terms of this Zoning Code as will not be contrary to the public interest, where, owing to the special condition, a literal enforcement of the provisions of this Zoning Code will result in unnecessary hardship such that the spirit of this Zoning Code shall be observed and substantial justice done.

(c) Representation by Zoning Inspector. The Zoning Inspector or his designated assistant shall be present to furnish any information desired by the Board.

(d) Representation by the Applicant. The applicant may be represented at the meeting by counsel whom he may select at his own expense.

(e) Data Furnished. The applicant shall furnish any drawings, data or other pertinent information required by the Board at his own expense.  
(Ord. 1822. Passed 6-15-54.)

#### 1115.03 DECISIONS.

The Zoning Board shall hear and decide appeals de novo and review on appeal any order, requirement, decision or determination made by the Zoning Inspector relating to the enforcement of this Zoning Code. It shall also hear and decide all matters referred to it, or upon which it is required to pass under the provisions of this Zoning Code.  
(Ord. 1822. Passed 6-15-54.)

#### 1115.04 TIME FOR HEARINGS.

The Zoning Board shall fix a reasonable time for the hearing of the appeal. At the hearing, any party may appear in person or by an agent or attorney.  
(Ord. 1822. Passed 6-15-54.)

#### 1115.05 FAULTY MAPS; PLAN.

Where the street layout actually on the ground, or as recorded, differs from the street layout as shown on the Zoning Plan, the Board shall interpret the Zoning Plan in such a way as to carry out the intent and purposes of this Zoning Code and the Zoning Plan for the particular section or district in question.  
(Ord. 1822. Passed 6-15-54.)

#### 1115.06 RELIEF; VARIANCES.

Where, by reason of a topographical condition or a district border line situation immediately adjoining existing developments or because of other exceptional circumstances, the strict application of any provision of this Zoning Code would result in exceptional practical difficulty or undue hardship upon the owner of any specific property, the Zoning Board, in passing upon appeals, shall have the power to vary or modify such strict application or to interpret the meaning of this Zoning Code so as to relieve such difficulty or hardship, provided that such variance, modification or interpretation remains in harmony with the general purpose and intent of this Zoning Code, so that the health, safety and general welfare of the community shall be conserved and substantial justice done. In the exercise of this power the Board may, among other variances, modifications and interpretations, authorize a permit to be issued:

- (a) For the extension of a district boundary where the line, as shown on the Zoning Plan, divides a lot in a single ownership at the time of the passage of this Zoning Code.
- (b) For the extension of a structure or use into a more restricted district immediately adjacent thereto, but such extension shall not extend more than one lot under the same single ownership at the time of the passage of this Zoning Code, and shall not exceed sixty feet beyond the boundary line of the district in which such building or use is authorized.
- (c) For such variation of the regulations herein set forth as the Zoning Board may deem necessary to the appropriate development of a lot adjacent to a lot, the development of which at the time of the passage of this Zoning Code did not conform to the use regulations of the Zoning Code.
- (d) For such variation of the regulations herein set forth as the Zoning Board may deem necessary to secure an appropriate improvement of a lot where such lot was separately owned at the time of the passage of this Zoning Code, and is of such restricted area that it cannot be appropriately improved without such variance.
- (e) For the remodeling of a building having a front yard of less than the required depth, provided the Zoning Board determines that such reduced depth of front yard is in keeping with the improvements within the square affected.
- (f) For the erection or remodeling of a building on a corner lot having a side yard adjacent to the street less than the required width, provided the Zoning Board determines that such reduced width of the side yard is in keeping with the improvements within the square affected.
- (g) For the erection in a Residence District of a community garage located within less than 100 feet of an existing dwelling. In passing upon such an appeal the Board shall give weight to the consents to such variation from the provisions of this Zoning Code as shown by the signatures of the owners in interest and number of sixty percent of all property within 500 feet of the proposed structure.
- (h) For the erection in a Business District of a public garage or service station within fifty feet of a Residence District. In passing upon such an appeal the Board shall give weight to the consents to such variation from the provisions of this Zoning Code as shown by the signatures of the owners in interest and number of sixty percent of all the property within 1000 feet of the proposed structure.
- (i) For the enlargement of an existing structure, or the erection on the same lot or plot of ground, of additional structures for trade, business or industry located in a district restricted against its use or to permit a variance in the use of existing structures where such enlargement, extension or variance of such trade, business or industry will not be detrimental to or tend to alter the character of the neighborhood.
- (j) For the reconstruction of a building in a district restricted against its use when such building has been destroyed by fire or other calamity, provided the specifications for such meet with the requirements of the Building Code.
- (k) For the erection or use of a multiple dwelling on a lot located in a district restricted against its use wherever a side property line of such lot is adjacent to a side or rear property line of a lot in a "B-2" Business District and not separated therefrom by a street or alley, provided the frontage of such lot does not exceed 100 feet and further provided that any such dwelling complies with the height and area regulations prescribed by this Zoning Code for the district in which it is located.

- (l) For a temporary building in a Residence District where such building is incidental to the residential development, such permit to be issued for a period of not more than one year. Such temporary building shall be removed on order of the Zoning Inspector.
- (m) In any block where split zoning occurs no permit shall be issued for the use or construction of any building upon a piece of property that abuts the dividing line of two different classifications of uses until the same has been approved by the Zoning Board. The Zoning Board shall have the right to establish setback or building lines as they deem most advantageous for the community as a whole. (Ord. 1822. Passed 6-15-54.)

#### 1115.07 POWERS OF COUNCIL RESERVED.

Nothing in this Zoning Code shall give the Zoning Board the power to act for Council as provided in Ohio R.C. 713.07 through 713.12. (Ord. 1822. Passed 6-15-54.)

#### 1115.08 NOTICE FOR VARIANCE HEARINGS.

(a) All record title holders, as defined in Article IV, Section 12 of the City Charter, of property immediately adjacent to, adjoining and abutting property for which a variance or exception has been requested from the Board of Zoning and Building Appeals, shall be notified at least ten days prior to the hearing before the Board on such request.

(b) At the time of application, the individual requesting the variance or exception shall make available to the Board a list of all adjacent, adjoining and abutting property owners.

(c) Falsification of the statement referred to in subsection (b) hereof shall be a minor misdemeanor subject to a fine of not more than one hundred dollars (\$100.00).

(d) The Board shall send notice to all property owners identified in subsection (c) by ordinary mail and such notice shall include:

- (1) Address of the property for which an application for a variance has been requested.
- (2) The Ordinance from which an application for a variance has been requested.
- (3) The substance of the applicant's request for a variance.
- (4) The date, time and location of the hearing upon the request for variance.
- (5) Notification that any interested property owner may contact the Sheffield Lake Building Department for additional information regarding the request for variance.

(e) The Building Department shall also cause a sign to be placed in the front yard of the property for which a variance is requested. Said sign give public notice of the variance request and shall contain the same information contained in subsection (d).

(f) The Building Department shall cause the sign described in subsection (e) to be removed from the property following the hearing on the variance request. (Ord. 52-05. Passed 7-12-05.)

1115.09 CONDITIONAL VARIANCES.

(a) The Board of Zoning and Building Appeals may grant a variance conditioned on the applicant for the variance demolishing an existing structure. Should the variance applicant fail to demolish the structure within 30 days of completion of the structure, or within six months from the issuance of the building permit, whichever first occurs, the variance shall be rescinded. The Building Inspector shall inspect the property and shall revoke any building permits issued pursuant to the order of the Board of Zoning and Building Appeals if the variance applicant fails to timely comply with all conditions set by the Board.

(b) Whoever fails to comply with the provisions of this section by not demolishing a structure within the time limits set forth herein, is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each violation. A separate violation shall be deemed committed for each day for failure to demolish a structure as required hereunder. (Ord. 11-04. Passed 3-9-04.)





CHAPTER 1117  
Amendments and Changes

1117.01	Procedure.	1117.04	Time required.
1117.02	Costs.	1117.05	Procedure for referring
1117.03	Refusal by Planning Commission.		requests for zoning changes to City officials.

CROSS REFERENCES

Procedure for amendment of area, zone or district  
classification - see CHTR. Art. IV, §12  
Changes of zoning classification - see Ohio R.C. 713.10 et seq.  
Variance standards and reasons - see P. & Z. 1115.08  
Limited use rezoning - see P. & Z. Ch. 1119  
Procedure to establish B-5 Business District for shopping  
centers - see P. & Z. 1148.09  
Creation of nonconforming use by amendment - see P. & Z. 1153.03

1117.01 PROCEDURE.

Council may, from time to time, amend, supplement or change the district boundaries or regulations herein established or subsequently established. This shall be done in accordance with law and in the following manner:

- (a) Filing with Council by the owner/owners of or the holders of a valid and enforceable option to purchase or similar interest in the land for which the desired change is being requested. A petition for the desired change made on a standard form prescribed by the Municipal Planning Commission, setting forth the necessary data, maps, plans, etc. all in accordance with the requirements of this Zoning Code, and the provisions with the requirements of this Zoning Code, and the provisions of Chapter 1119 of the Codified Ordinances of the City of Sheffield Lake, Ohio, Limited Use Rezoning. No petition filed by any person or persons, corporation or corporations, or other entity or entities shall be accepted and/or acted upon by the City unless it fully and completely complies with all of the terms of the Codified Ordinances of the City, and unless the petition is made in accordance with and complies with and is subject to all of the provisions of Chapter 1119 of the Codified Ordinances.  
(Ord. 29-92. Passed 4-14-92.)

- (b) Adopting a resolution setting a time and location for a public hearing on the proposed change in the Zoning Plan and Zoning Code, such date allowing sixty days consideration of the proposal by the Planning Commission and also authorizing the Clerk of Council to give thirty days notice by publication of the time and place of such hearing, in the manner required by the City Charter, as well as ten days notice to record title holders, as provided in Article IV, Section 12 of the City Charter, when such notice is required.
- (c) Adopting a resolution submitting to the Planning Commission the proposed change in the Zoning Plan and Zoning Code.
- (d) A copy of the text of such ordinance, measure or regulation, together with the maps or plans or copies thereof forming a part of or referred to in the resolution and the maps, plans and reports submitted to and by the Planning Commission, shall be on file for public examination in the office of the Zoning Inspector or in such other office as may be designated by Council.

#### 1117.02 COSTS.

Any petition, request or filing for the purpose of starting legal proceedings to consider any amendment, supplement or a change in this Zoning Code, whether the same is finally adopted or not, shall cost the applicant a filing fee of four hundred dollars (\$400.00), paid in advance to the Building Inspector, to pay the costs of clerical help, filing, advertising, etc. The applicant shall furnish all data and information necessary to complete the preparation of legislation for such change, including the filing with Council, in triplicate, of a scaled map of the area to be considered for zone change which shall indicate and identify the property by subplot numbers or by metes and bounds. Any errors or defects in such descriptions shall not be corrected by the City unless specifically requested by the applicant in writing. Such maps, together with any and all other information requested by either Council or the Municipal Planning Commission, shall be made available at the applicant's own costs. If standard data established by rules and regulations is required, then this must be furnished without request. (Ord. 13-66. Passed 2-8-66; Ord. 34-92. Passed 4-28-92; Ord. 49-93. Passed 4-27-93.)

#### 1117.03 REFUSAL BY PLANNING COMMISSION.

In case the proposed amendment, supplement or change is disapproved by the Municipal Planning Commission, or a protest is presented duly signed and acknowledged by the owners of twenty percent of the frontage in the rear thereof, or by the owners of twenty percent of the frontage directly opposite the frontage proposed to be altered, or by both adjacent owners, such amendment, supplement or change shall not be passed except by an affirmative vote of not less than two-thirds of the full membership of Council.

#### 1117.04 TIME REQUIRED.

Council shall take action upon such amendment, supplement or change within a period of sixty days after the filing of the petition for the same with the Clerk of Council.

#### 1117.05 PROCEDURE FOR REFERRING REQUESTS FOR ZONING CHANGES TO CITY OFFICIALS.

(a) All petitions for a zoning change or amendment filed pursuant to Section 1117.01 or limited use rezoning filed pursuant to Section 1119.01, together with all required data, maps, plans (including preliminary and comprehensive plans required for limited use rezoning) shall be provided and delivered to the Service Director, City Engineer, Building Inspector, Fire Chief and Police Chief.

(b) The petitioner shall provide all copies required herein and shall be responsible for delivering them to the City officials as set forth herein.

(c) All City officials receiving information concerning a rezoning request or limited use rezoning request shall review said petition and plans and provide the Planning Commission with a report and/or recommendations concerning the proposed zoning change or limited use zoning change. Said officials shall file with Planning Commission their report and/or recommendation within thirty days of receiving the petition and plans.

(d) The Planning Commission shall not take any action on a request for rezoning or give final approval for a limited use rezoning until it has received reports from the Service Director, City Engineer, Building Inspector, Fire Chief and Police Chief concerning the requested rezoning or limited use rezoning. (Ord. 14-02. Passed 3-12-02.)



CHAPTER 1119  
Limited Use Rezoning

- |   |                                 |
|---|---------------------------------|
| 1119.01 Preliminary plan.                 | 1119.03 Conditions of approval. |
| 1119.02 Comprehensive plans and evidence. |                                 |

CROSS REFERENCE

Council may amend districting or zoning - see CHTR.  
Art. IV, §12

1119.01 PRELIMINARY PLAN.

Any rezoning petition presented to the Municipal Planning Commission and Council for rezoning to R-2 Residence District, R-3 Residence District, B-1 Business District, B-2 Business District, B-3 Business District, B-4 Business District or B-5 Business District may be granted on a limited use basis. If the rezoning being proposed is to one of such districts, the documents filed with the original petition shall include a preliminary plan which will show the layout of the total area to be included in the proposed district and shall indicate and be accompanied by documentary evidence to the satisfaction of the Planning Commission showing that:

- (a) The plan shall be consistent with the comprehensive plan for the orderly development of the City and with the purpose of this Zoning Code to promote the general welfare of the City;
  - (b) The appropriate use and value of property adjacent to the area included in the plan will be safeguarded;
  - (c) The capacity of existing or proposed utilities, streets and thoroughfares is adequate to absorb the additional burden created by the special use district;
  - (d) The developments will consist of a harmonious grouping of buildings or other structures, adequate service, parking and open spaces, planned as a single and common operating and maintenance unit, as applicable;
  - (e) The uses included are limited to those permitted in such districts where the special use district is applicable;
  - (f) All buildings will be served by adequate storm and sanitary sewers, public water supply and public utilities, as determined by the City Engineer;
  - (g) If the development is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions and the intent of this Zoning Code shall be fully complied with at the completion of any stage.
- (Ord. 109-69. Passed 11-25-69.)

### 1119.02 COMPREHENSIVE PLANS AND EVIDENCE.

In the event the preliminary plan of such rezoning petition is approved by the Municipal Planning Commission such approval shall constitute a preliminary approval only and shall be subject to the submission by the applicant of comprehensive detailed plans and accompanying evidence for Planning Commission approval before transmittal with its recommendations to Council. Such comprehensive detailed plans and accompanying evidence shall show the following:

- (a) That adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site;
- (b) That the scale of the plan is not less than one inch equals fifty feet with contours at one foot intervals and indicating any unusual topographical features;
- (c) That the location, dimensions and arrangements of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, loading and unloading zones, pedestrian ways, widths of roads, streets and sidewalks are adequate to provide safe and efficient ingress and egress to and from public streets and highways serving the development;
- (d) The capacity of all areas to be used for automobile access, parking, loading and unloading;
- (e) The location, uses planned, dimensions, gross floor area, building coverage, and height of each building or other structure;
- (f) The location, dimension and arrangement of all areas devoted to planted lawns, trees, recreation and similar purposes;
- (g) The provisions made for the location of existing or proposed storm and sanitary sewers, water supply, parking lot lights and other utilities; and
- (h) Sufficient additional data as may be required by the Planning Commission or Council subsequent to the approval of the preliminary plan to enable the Planning Commission and Council to judge the effectiveness of the design and character of the entire special use district and to consider properly such things as the relationship to surrounding area, anticipated traffic and the public health, safety and general welfare.  
(Ord. 109-69. Passed 11-25-69.)

### 1119.03 CONDITIONS OF APPROVAL.

Every such rezoning petition, when approved by Council either as submitted or as resubmitted in modified form, shall constitute an agreement by the petitioner or owner that such installation shall be made, completed and operated as indicated by the approved plan and in accordance with the provisions of this section and that the area which has been rezoned shall lose its new classification and revert to its former classification in either of the following events:

- (a) If construction of approved buildings and improvements is not undertaken within twelve months after the approval of the detailed plans or within such additional time as may be authorized by Council; or
- (b) If there is a failure to complete construction or to comply or to continue to comply with the specified conditions listed in the approved plan and in this section, or with conditions imposed by Council hereunder in the zoning of the area, provided, however, that after a period of at least five years has elapsed the petitioner or owner, his successors or assigns, may petition the Planning Commission to request reasonable changes in the specified conditions of the zoning approval and the Planning Commission may recommend such changes to Council for its approval

if it finds such changes are reasonably warranted in the light of changed conditions since the adoption of the rezoning ordinance.

The approved plan, drawn in India ink, or a suitable permanent-type ink shall be endorsed with a signed acknowledgment by the petitioner or owner of such agreement and of the reversion provisions of this section, and it shall then be incorporated by reference in the rezoning ordinance as finally passed by Council. Upon passage, the approved plan shall become the property of the City. (Ord. 109-69. Passed 11-25-69.)





## TITLE FIVE - Zoning Use Districts

- Chap. 1131. Districts and Boundaries Generally.
- Chap. 1132. R-1A Residence Districts. (Repealed)
- Chap. 1133. R-1 Residence Districts.
- Chap. 1134. R-1-S Residence Districts. (Repealed)
- Chap. 1135. R-2 Residence Districts.
- Chap. 1137. R-3 Residence Districts.
- Chap. 1139. B-1 Business Districts.
- Chap. 1141. B-2 Business Districts.
- Chap. 1143. B-3 Business Districts.
- Chap. 1145. B-4 Business Districts.
- Chap. 1147. B-5 Business Districts.
- Chap. 1149. I Industrial Districts.
- Chap. 1150. Adult Entertainment Businesses Location Regulations.
- Chap. 1151. Accessory Uses in Residence Districts.
- Chap. 1153. Nonconforming Uses.

## CHAPTER 1131

## District and Boundaries Generally

1131.01 Districts generally.

1131.02 Boundaries generally.

## CROSS REFERENCES

- Zoning of annexed areas - see Ohio R.C. 303.25, 519.18
- Basis of districts - see Ohio R.C. 713.10
- District and boundary changes - see P. & Z. Ch. 1117
- Limited use rezoning - see P. & Z. Ch. 1119

## 1131.01 DISTRICTS GENERALLY.

The location and boundaries of the districts are established as shown on the Zoning Plan, which is declared to be a part hereof, and shall be known as:

- R-1 Residence Districts
- R-1A Residence Districts
- R-1-S Residence Districts
- R-2 Residence Districts
- R-3 Residence Districts
- B-1 Business Districts
- B-2 Business Districts.
- B-3 Business Districts
- B-4 Business Districts
- B-5 Business Districts
- I Industrial Districts.

(Ord. 63-71. Passed 9-14-71; Ord. 30-73. Passed 4-10-73; Ord. 36-79. Passed 4-24-79.)

**1131.02 BOUNDARIES GENERALLY.**

The boundaries between districts, as designated on the Zoning Plan, unless otherwise indicated, are the center line of streets, alleys or other public ways, or lot lines or such lines extended or lines parallel thereto. (Ord. 1822. Passed 6-15-54.)

CHAPTER 1132  
R-1A Residence Districts (Repealed)

(EDITOR'S NOTE: Former Chapter 1132 was repealed by Ordinance 29-04,  
passed June 22, 2004.)



CHAPTER 1133  
R-1 Residence Districts

1133.01	Establishment.	1133.05	Required lot area.
1133.02	Permitted uses.	1133.06	Percentage of lot coverage.
1133.03	Height of buildings.	1133.07	Yards required.
1133.04	Minimum floor area.	1133.08	Storage and parking.

CROSS REFERENCES

Zoning definitions - see P. & Z. 1111.04  
 District established - see P. & Z. 1131.01  
 Accessory uses in residence districts - see P. & Z. Ch. 1151  
 Use, height and area regulations - see P. & Z. Ch. 1171  
 Regional Dwelling House Code - see BLDG. Ch. 1305  
 Metal sheds and accessory buildings - see BLDG. Ch. 1383

1133.01 ESTABLISHMENT.

There is hereby established an R-1 Residential District classification for the purposes and uses hereinafter mentioned.  
 (Ord. 63-68. Passed 5-28-68.)

1133.02 PERMITTED USES.

The following uses shall be permitted in an R-1 Residential District:

- (a) One-family dwellings; churches; schools, elementary and high; libraries and museums.
- (b) Public parks, playgrounds, municipal offices, fire and police offices, and other municipal recreational uses (not including an amusement park operated for profit). (Ord. 63-68. Passed 5-28-68.)
- (c) Accessory buildings shall not exceed twelve feet in height and may occupy not more than thirty percent of the rear yard. A private garage may not exceed in height the height of the dwelling. A private garage shall be located not less than sixty feet from the front line or the established setback line or shall be within or attached to the dwelling. A private garage may exceed a two vehicle capacity but, a private garage may not occupy more than thirty percent of the rear yard. (Ord. 62-04. Passed 12-14-04.)
- (d) Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business, including home occupations not involving the conduct of a business on the premises and the office of a physician, surgeon, dentist, musician, artist or such other professional person as

approved by the Zoning Board (except a mortician) when situated in the dwelling, provided that no name plate exceeding one square foot in area, nor a sign exceeding eight square feet in area appertaining to the lease, hire or sale of a building or premises, is used. No advertising sign of any other character shall be permitted in any R-1 Residential District.

- (e) Telephone exchange building; substation of electric light works without rotary machinery, gas regulating stations or pumping stations for sewage.
- (f) Uses not clearly included within the above descriptive language are excluded. (Ord. 63-68. Passed 5-28-68.)

#### 1133.03 HEIGHT OF BUILDINGS.

No building or structure shall exceed two stories or thirty-five feet in height. (Ord. 52-89. Passed 7-25-89.)

#### 1133.04 MINIMUM FLOOR AREA.

The minimum floor area shall be 1500 square feet in the R-1 Residential Districts. (Ord. 31-78. Passed 5-9-78.)

#### 1133.05 REQUIRED LOT AREA.

Every one-family dwelling shall be located on a lot not less than 9000 square feet in area and having a width of not less than ninety feet. (Ord. 29-73. Passed 4-10-73.)

#### 1133.06 PERCENTAGE OF LOT COVERAGE.

All structures, including accessory buildings, shall not cover more than thirty-five percent of the area of the lot. (Ord. 63-68. Passed 5-28-68.)

#### 1133.07 YARDS REQUIRED.

- (a) Front yards shall be a depth of fifty feet except:
  - (1) Where a uniform setback line has been established or observed on one side of a street between two intersecting streets or for a distance of 600 feet on either side of the lot in question at the time of the passage of this Zoning Code (Ordinance 1822, passed June 15, 1954). No building hereafter erected or structurally altered shall project beyond such setback line.
  - (2) Where twenty-five percent or more of all the property, according to front feet, abutting upon one side of a street between two intersecting streets or for a distance of 600 feet on either side of the lot in question, is built up with buildings having average setback lines of more or of less than fifty feet from the street line, no building hereafter erected or structurally altered shall project beyond the average setback line so established.
- (b) Nothing in this section shall be interpreted to reduce the buildable width of a corner lot facing an intersecting street and of record at the time of the passage of this Zoning Code (Ordinance 1822, passed June 15, 1954) to less than twenty-two feet. (Ord. 63-68. Passed 5-28-68.)

(c) Every single building shall have two side yards, the combined widths of both to be not less than thirty feet and the lesser of them to be not less than ten feet in width. (Ord. 28-73. Passed 4-10-73.)

(d) No building shall be erected at a distance of less than twelve feet from another building. (Ord. 63-68. Passed 5-29-68.)

(e) Rear yards shall not be less than thirty feet in depth if a garage is attached to the house. Rear yards shall not be less than thirty-five feet in depth if a garage is not attached to the house or if there is no garage built on the same lot as the house. (Ord. 55-81. Passed 7-14-81.)

(f) Churches, schools, libraries and museums are permitted only if they are located at least twenty-five feet from all lot lines. (Ord. 63-68. Passed 5-28-68.)

#### 1133.08 STORAGE AND PARKING.

The pertinent provisions of Chapter 1173 shall apply to this chapter. (Ord. 63-68. Passed 5-28-68.)





CHAPTER 1134  
R-1-S Residence Districts (Repealed)

(EDITOR'S NOTE: Former Chapter 1134 was repealed by Ordinance 29-04,  
passed June 22, 2004.)



CHAPTER 1135  
R-2 Residence Districts

1135.01	Establishment.	1135.06	Percentage of lot coverage.
1135.02	Permitted uses.	1135.07	Yards required.
1135.03	Height of buildings.	1135.08	Court dimensions required.
1135.04	Minimum floor area.	1135.09	Bulletin board.
1135.05	Required lot area.	1135.10	Storage and parking.

CROSS REFERENCES

Zoning definitions - see P. & Z. 1111.04  
 District established - see P. & Z. 1131.01  
 Accessory uses in residence districts - see P. & Z. Ch. 1151  
 Use, height and area regulations - see P. & Z. Ch. 1171  
 Regional Dwelling House Code - see BLDG. Ch. 1305

1135.01 ESTABLISHMENT.

There is hereby established an R-2 Residential District classification, the purposes and uses of which are hereinafter listed.

(Ord. 3-70. Passed 1-13-70.)

1135.02 PERMITTED USES.

(a) The following uses shall be permitted in an R-2 Residential District:

- (1) All uses permitted in the R-1 Residence Districts subject to all of the provisions, exceptions and requirements specified for such R-1 Residence Districts except in front yards, lot areas and minimum floor area. (Ord. 56-81. Passed 7-14-81.)
- (2) Multi-family dwellings, lodging house, boarding house.
- (3) Hospitals and clinics (including dormitory for nurses and attendants), other than a hospital for persons suffering from insanity or other mental diseases or such diseases as are commonly isolated in a separate building.
- (4) Public or semipublic institutions, educational or charitable, not including a jail, reformatory or other correctional institution nor a mental or contagious hospital.
- (5) Tourist homes (auto trailer or similar mobile housing units shall not be construed to be included as permissible uses under the provisions of any section of this Zoning Code).

(b) No exterior advertising display shall be permitted except as provided for R-1 Residence Districts except as an accessory to residential hotels which shall be allowed one sign not exceeding ten square feet in area. Such a sign shall be attached to the hotel or shall be a distance of not less than ten feet from the street line and may be illuminated so

as to be readily visible at a distance not to exceed fifty feet except that a colored display or gas filled tube illumination is prohibited.

(c) Accessory uses incident to any of the principal uses listed above and not involving the conduct of a business nor including a building or a structure not on the same lot with the building to which it is accessory, are permitted.

(d) Uses not clearly included within the above descriptive language are excluded.  
(Ord. 3-70. Passed 1-13-70.)

#### 1135.03 HEIGHT OF BUILDINGS.

(a) No building or structure shall exceed two stories nor shall any building or structure exceed thirty-five feet in height.

(b) For purposes of this section, a garden-type dwelling unit which consists of a dwelling unit partially below and extending no more than four feet above ground level shall not be considered a story.  
(Ord. 3-70. Passed 1-13-70.)

#### 1135.04 MINIMUM FLOOR AREA.

The minimum floor area shall be as follows:

<u>Type of Dwelling</u>	<u>Sq. Ft.</u>
One-family	1200
Two-family	1600
Multi-family dwelling:	
Each three-bedroom unit	1000
Each two-bedroom unit	800
Each one-bedroom unit	700
Each efficiency or studio-type unit	600

(Ord. 115-78. Passed 9-26-78.)

#### 1135.05 REQUIRED LOT AREA.

Every one-family dwelling shall be located on a lot not less than 7000 square feet in area and having a width of not less than seventy feet. Every two-family and multi-family dwelling shall be located on a lot of not less than 9000 square feet in area with a width of not less than seventy feet. Every two-family and multi-family dwelling shall have, in addition to the lot area adjacent to such apartment as required for parking and building area, the following lot areas:

<u>For Each Dwelling Unit or Suite With:</u>	<u>Sq. Ft.</u>
Three bedrooms	825
Two bedrooms	600
One bedroom	500
Efficiency or studio-type	425

(Ord. 65-81. Passed 7-14-81.)

**1135.06 PERCENTAGE OF LOT COVERAGE.**

The foundation size of buildings, including accessory buildings, shall not cover more than thirty-five percent (35%) of the area of any lot. The total gross floor area of the principal building shall not exceed the gross area of the lot.  
(Ord. 66-81. Passed 7-14-81.)

**1135.07 YARDS REQUIRED.**

(a) Front Yards. Front yards shall be a depth of thirty-five feet except:

- (1) Where a uniform setback line has been established or observed on one side of a street between two intersecting streets or from a distance of 600 feet on either side of the lot in question at the time of the passage of this Zoning Code (Ordinance 1822, passed June 15, 1954). No building hereafter erected or structurally altered shall project beyond such setback line.
- (2) Where twenty-five percent or more of all the property, according to front feet, abutting upon one side of a street between two intersecting streets or for a distance of 600 feet is built up with buildings having an average setback line of more or less than thirty-five feet from the street line, no building hereafter erected or structurally altered shall project beyond the average setback line so established.
- (3) Nothing in this section shall be interpreted to reduce the buildable width of a corner lot facing an intersecting street and of record at the time of the passage of this Zoning Code (Ordinance 1822, passed June 15, 1954) to less than twenty-two feet.

(b) Side Yards. Every single building shall have a side yard of not less than five feet. Every multiple dwelling or residence hotel shall have two side yards the width of which shall be not less than fifteen feet.

(c) Rear Yards. The rear yards shall be not less than twenty-five feet.  
(Ord. 3-70. Passed 1-13-70.)

**1135.08 COURT DIMENSIONS REQUIRED.**

The width of any court shall be not less than the height of the highest opposing wall forming the court and the depth shall not be greater than one and one-half times the width of the court. One side or one end of any court must be open.  
(Ord. 3-70. Passed 1-13-70.)

**1135.09 BULLETIN BOARD.**

A sign or bulletin board, not exceeding ten square feet in area, placed not nearer than twenty feet from the front lot line, and not to obstruct the view across the corner of intersecting streets and erected upon the premises of a church or similar institution, for the purpose of displaying the name and activities thereof or the services therein provided, shall be permitted.  
(Ord. 3-70. Passed 1-13-70.)

**1135.10 STORAGE AND PARKING.**

The pertinent provisions of Chapter 1173 shall apply to this chapter.  
(Ord. 3-70. Passed 1-13-70.)



CHAPTER 1137  
R-3 Residence Districts

1137.01	Establishment; permitted uses.	1137.05	Required floor area.
1137.02	Height of buildings.	1137.06	Lot coverage by buildings.
1137.03	Required lot area.	1137.07	Yards.
1137.04	Maximum unit size.		

CROSS REFERENCES

Zoning definitions - see P. & Z. 1111.04  
 District established - see P. & Z. 1131.01  
 Accessory uses in residence districts - see P. & Z. Ch. 1151  
 Use, height and area regulations - see P. & Z. Ch. 1171

**1137.01 ESTABLISHMENT; PERMITTED USES.**

There is hereby established the zoning classification to be known as R-3 Residential District, which district shall include the following permitted uses:

- (a) Multi-family apartment dwellings.
- (b) Recreational facilities provided for the use and enjoyment of the occupant of the principal permitted use. Recreational facilities shall not be available to the general public on a fee basis.  
(Ord. 115-69. Passed 12-9-69.)

**1137.02 HEIGHT OF BUILDINGS.**

No building to be used as an apartment dwelling under the provisions of this chapter shall be less than three stories in height ( a garden level is considered a story for the purpose of this classification), nor shall it exceed ten stories in height.  
(Ord. 115-69. Passed 12-9-69.)

**1137.03 REQUIRED LOT AREA.**

In addition to the area adjacent to an apartment dwelling required for parking, and the building area, the following lot areas are required:

<u>Type of Dwelling</u>	<u>Sq. Ft.</u>
Three bedroom	825
Two bedroom	600
One bedroom	500
Efficiency or studio-type	425

(Ord. 115-69. Passed 12-9-69.)

## 1137.04 MAXIMUM UNIT SIZE.

The maximum size of a unit shall be three bedrooms.

(Ord. 115-69. Passed 12-9-69.)

## 1137.05 REQUIRED FLOOR AREA.

Each apartment must have a minimum area of:

<u>Type of Dwelling</u>	<u>Sq. Ft.</u>
Three bedroom	1000
Two bedroom	800
One bedroom	700
Efficiency or studio-type	600

(Ord. 115-69. Passed 12-9-69.)

## 1137.06 LOT COVERAGE BY BUILDINGS.

Buildings, including accessory buildings, shall not cover more than twenty-five percent of the area of any lot.

(Ord. 115-69. Passed 12-9-69.)

## 1137.07 YARDS.

(a) Frontage. There shall be a minimum lot width of 150 feet at the front setback line, and such lot shall abut on a street for a distance of not less than 100 feet.

(b) Front Yard. There shall be a minimum depth of forty-five feet from the front right-of-way line or the average of the prevailing setback for a distance of 300 feet on each side, whichever is greater.

(c) Side Yards. Apartment buildings shall set back from the interior lot lines not less than the sum of the height of the building and the length of the wall adjacent to and most nearly parallel to the lot line divided by six feet, but in no case shall the side yard be less than sixteen feet.

(d) Rear Yards. There shall be a rear yard for a main building of not less than the sum of the height of the building and the length of the wall adjacent to and most nearly parallel to the lot line divided by four, but in no case shall there be a rear yard of less than twenty-five feet.

Unattached accessory buildings shall be located in the rear yard of a main building and may not be closer than five feet to the rear property line. Otherwise, this distance shall be not less than ten feet.

(e) Corner Lot Yards. One street shall be subject to front yard requirements as specified in subsection (b) hereof and the setback requirements on the other street shall be computed the same as a side yard.

(f) Storage and Parking. The pertinent portions of Chapter 1173 shall apply herein.  
(Ord. 115-69. Passed 12-9-69.)



CHAPTER 1139  
B-1 Business Districts

1139.01	Application of chapter.	1139.04	Size of structure.
1139.02	Residential uses permitted. (Repealed)	1139.05	Percentage of lot coverage.
1139.03	Other permitted uses.	1139.06	Yards.
		1139.07	Storage and parking.

CROSS REFERENCES

Noxious or offensive odors - see GEN. OFF. 521.09  
 Zoning definitions - see P. & Z. 1111.04  
 District established - see P. & Z. 1131.01  
 Use, height and area regulations - see P. & Z. Ch. 1171

1139.01 APPLICATION OF CHAPTER.

The regulations set forth in this chapter shall apply in all B-1 Business Districts.  
 (Ord. 93-67. Passed 11-14-67.)

1139.02 RESIDENTIAL USES PERMITTED.

(EDITOR'S NOTE: This section was repealed by Ordinance 52-81, passed July 14, 1981.)

1139.03 OTHER PERMITTED USES.

(a) The following uses are permitted in B-1 Business Districts, but subject always to and conditioned upon the absolute requirements that: (Ord. 62-81. Passed 7-14-81.)

- (1) Neither they nor any of them shall be so conducted or operated as to cause or permit noise, smoke, fumes, gases, steam or dust to be emitted or arise therefrom which are shown to be offensive to the general public or business or resident neighbors;
- (2) No merchandise of any kind there offered for sale shall be displayed outside the building, nor shall waste matter be allowed to accumulate or to be stored either inside or outside the building;
- (3) Failure to comply with subparagraphs (1) or (2) hereof shall constitute a violation of this Zoning Code, anything otherwise provided in this Zoning Code to the contrary notwithstanding;

- (4) If a violation of the provisions of this section occurs and is brought to the attention of the violator, such violator, whether a person, firm or corporation shall forthwith take steps or measures to correct and prevent a repetition thereof at the earliest practicable date fixed by the Zoning Inspector. (Ord. 93-67. Passed 11-14-67.)
- (b) (1) Uses permitted are: business, medical or professional offices; retail shops including bakery, butcher, clothing, shoe, book, barber/beauty shop, delicatessen, drug store, hardware/electrical, retail sale of garden equipment, garden furniture, nursery, greenhouse, laundry and dry cleaners. Also permitted are stores and shops of the general classes listed herein which are designed chiefly to serve the local neighborhood in which they are located.
- (2) Also permitted are service type businesses where operations are conducted within wholly enclosed buildings. Also permitted are amusements including arcades, billiards, bowling alleys, miniature golf, racquetball and skating rinks. (Ord. 36-01. Passed 6-26-01.)
- (c) Uses not clearly included within the above descriptive language are excluded. (Ord. 93-67. Passed 11-14-67.)

#### 1139.04 SIZE OF STRUCTURE.

- (a) No B-1 Business District building or structure shall exceed four stories or forty-five feet in height.
- (b) A building or structure shall have a building foundation area of not less than 1200 square feet. (Ord. 93-67. Passed 11-14-67.)

#### 1139.05 PERCENTAGE OF LOT COVERAGE.

In a B-1 Business District the entire lot may be covered, except as hereinafter otherwise specified. (Ord. 93-67. Passed 11-14-67.)

#### 1139.06 YARDS.

- (a) Front Yards. The front yard required shall be a depth of twenty-five feet unless there is an established B-1 setback in the area. (Ord. 93-67. Passed 11-14-67.)
- (b) Side Yards. Every building or structure erected on a lot in a B-1 Business District shall have two side yards the combined widths of both to be not less than fifteen feet and the lesser of them to be not less than six feet in width. (Ord. 53-81. Passed 7-14-81.)
- (c) Rear Yards. On every lot in a B-1 Business District there shall be provided a rear yard of at least fifteen feet.

On a corner lot which borders on a Residential District the application for a permit to build on a lot shall be submitted to the Board of Zoning and Building Appeals for its approval of the size and location of the proposed building. (Ord. 54-81. Passed 7-14-81.)

#### 1139.07 STORAGE AND PARKING.

The pertinent provisions of Chapter 1173 shall apply to this chapter. (Ord. 93-67. Passed 11-14-67.)

CHAPTER 1141  
B-2 Business Districts

1141.01	Residential and B-1 uses permitted.	1141.03	Size of structure.
1141.02	Other permitted uses.	1141.04	Percentage of lot coverage.
		1141.05	Yards.

CROSS REFERENCES

Noxious or offensive odors - see GEN. OFF. 521.09  
 Zoning definitions - see P. & Z. 1111.04  
 District established - see P. & Z. 1131.01  
 Use, height and area regulations - see P. & Z. Ch. 1171

**1141.01 RESIDENTIAL AND B-1 USES PERMITTED.**

All uses permitted in B-1 Business Districts shall be permitted in B-2 Business Districts, subject to the following:

- (a) The restriction against merchandise display in B-1 Business Districts is omitted from B-2 Business Districts; and
- (b) At no time shall a business and residence be permitted on the same lot or parcel. (Ord. 61-81. Passed 7-14-81.)

**1141.02 OTHER PERMITTED USES.**

(a) In addition to the permitted B-1 Business District uses, the following uses shall be permitted, but subject always to and conditioned upon the absolute requirements that: (Ord. 59-81. Passed 7-14-81.)

- (1) Neither they nor any of them shall be so conducted or operated as to cause or permit noise, smoke, fumes, gases, steam or dust to be emitted or arise therefrom, which are shown to be offensive to the general public or business or resident neighbors;
- (2) No waste matter shall be allowed to accumulate or to be stored either inside or outside the building;
- (3) Failure to comply with subparagraphs (1) or (2) hereof shall constitute a violation of this Zoning Code, anything otherwise provided in this Zoning Code to the contrary notwithstanding;
- (4) If a violation of this section occurs and is brought to the attention of the violator, such violator, whether a person, firm or corporation, shall forthwith take steps or measures to correct and prevent a repetition thereof at the earliest practicable date fixed by the Zoning Inspector. (Ord. 94-67. Passed 11-14-67.)

(b) Uses permitted are: restaurants; funeral parlors; music or dance schools, public meeting halls and private meeting halls; motels and motor lodges.  
(Ord. 37-01. Passed 6-26-01.)

(c) Uses not clearly included within the above language are excluded.  
(Ord. 40-98. Passed 10-13-98.)

#### 1141.03 SIZE OF STRUCTURE.

(a) The building height requirement shall be the same as in B-1 Business Districts.

(b) A building or structure shall have a building foundation area of not less than 800 square feet.  
(Ord. 94-67. Passed 11-14-67.)

#### 1141.04 PERCENTAGE OF LOT COVERAGE.

The percentage of the lot that is allowable is the same as in B-1 Business Districts except as hereinafter otherwise specified.  
(Ord. 94-67. Passed 11-14-67.)

#### 1141.05 YARDS.

(a) Front Yard. No building shall be constructed less than twenty-five feet from the front property line, unless there is established B-2 setback in the area.

(b) Side Yards. Side yard requirements shall be the same as in B-1 Business Districts.

(c) Rear Yards. Rear yard requirements shall be the same as in B-1 Business Districts. (Ord. 94-67. Passed 11-14-67.)

CHAPTER 1143  
B-3 Business Districts

1143.01 Establishment.

1143.02 Permitted uses.

CROSS REFERENCES

Zoning definitions - see P. & Z. 1111.04

District established - see P. & Z. 1131.01

Use, height and area regulations - see P. & Z. Ch. 1171

Stables, kennels and animal shelters - see BLDG. Ch. 1381

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1143.01 ESTABLISHMENT.

There is hereby established a B-3 Business District classification, the purposes and uses of which are hereinafter listed.

(Ord. 100-67. Passed 11-28-67.)

1143.02 PERMITTED USES.

The following uses are permitted in a B-3 Business District:

- (a) Uses enumerated under Chapter 1173 that are pertinent to a B-3 Business District. (Ord. 60-81. Passed 7-14-81.)

CHAPTER 1145  
B-4 Business Districts

1145.01	Establishment.	1145.04	Size of structure.
1145.02	Residential and business uses permitted.	1145.05	Percentage of lot coverage.
1145.03	Other permitted uses.	1145.06	Yards.
		1145.07	Storage and parking.

CROSS REFERENCES

Noxious or offensive odors - see GEN. OFF. 521.09  
 Zoning definitions - see P. & Z. 1111.04  
 District established - see P. & Z. 1131.01  
 Use, height and area regulations - see P. & Z. Ch. 1171  
 Stables, kennels and animal shelters - see BLDG. Ch. 1381

1145.01 ESTABLISHMENT.

There is hereby established a B-4 Business District classification which shall include permitted uses as outlined in the following sections.  
 (Ord. 101-67. Passed 11-28-67.)

1145.02 RESIDENTIAL AND BUSINESS USES PERMITTED.

All uses permitted in B-1, B-2 and B-3 Business Districts shall be permitted in B-4 Business Districts, but subject always to the same conditions and requirements that would apply to B-1, B-2 or B-3 business use as if the property were in a B-1, B-2 or B-3 Business District, and subject to the following conditions:

- (a) The restriction against merchandise display shall be omitted from B-4 Business Districts; and
- (b) At no time shall a business and residence be permitted on the same lot or parcel.  
 (Ord. 57-81. Passed 7-14-81.)

1145.03 OTHER PERMITTED USES.

(a) In addition to the uses permitted in B-1, B-2 and B-3 Business Districts, the following uses shall be permitted in a B-4 Business District, but subject always to and conditioned upon the absolute requirements that:  
 (Ord. 58-81. Passed 7-14-81.)

- (1) Neither they nor any of them shall be so conducted or operated as to cause or permit noise, smoke, fumes, gases, steam or dust to be emitted or arise therefrom, which are shown to be offensive to the general public or business or resident neighbors.

- (2) No waste matter shall be allowed to accumulate or to be stored either inside or outside the building.
  - (3) Failure to comply with subparagraphs (1) or (2) hereof shall constitute a violation of this Zoning Code, anything otherwise provided in this Zoning Code to the contrary notwithstanding.
  - (4) If a violation of this section occurs and is brought to the attention of the violator, such violator, whether a person, firm or corporation, shall forthwith take steps or measures to correct and prevent a repetition thereof at the earliest practicable date fixed by the Zoning Inspector.
- (b) Uses permitted are:
- (1) Dance halls, theaters, veterinary, public garage, service stations.
  - (2) In any B-4 Business District a public garage or service station may be established, erected or enlarged, provided that:
    - A. No portion of the building shall be located less than fifty feet from a residential district, nor have an entrance or exit for motor vehicles less than 200 feet from any entrance or exit of a school, playground, park, church, hospital, public library or other similar public or semipublic institution located on the same street or way; and
    - B. No repair facilities shall be maintained on the front portion of the lot, or in the front portion of the first story of the building, within twenty-five feet of the street. The vehicular entrance door shall set back a distance of at least twenty-five feet from the street line and an open unoccupied space shall be maintained between the door and the street line.
  - (3) Uses not clearly included within the above descriptive language are excluded. (Ord. 101-67. Passed 11-28-67.)

#### 1145.04 SIZE OF STRUCTURE.

- (a) The building height requirement shall be the same as in B-1 and B-2 Business Districts.
- (b) A building or structure shall have a building foundation area of not less than 800 square feet. (Ord. 101-67. Passed 11-28-67.)

#### 1145.05 PERCENTAGE OF LOT COVERAGE.

The percentage of the lot that is allowable is the same as in B-1 and B-2 Business Districts except as hereinafter otherwise specified. (Ord. 101-67. Passed 11-28-67.)

#### 1145.06 YARDS.

- (a) Front Yards. No building shall be constructed less than twenty-five feet from the front property line, unless there is an established setback line in the area.
- (b) Side Yards. Side yard requirements shall be the same as in B-1 and B-2 Business Districts.

(c) Rear Yards. Rear yard requirements shall be the same as in B-1 and B-2 Business Districts.  
(Ord. 101-67. Passed 11-28-67.)

1145.07 STORAGE AND PARKING.

The pertinent provisions of Chapter 1173 shall apply to this chapter.  
(Ord. 101-67. Passed 11-28-67.)



CHAPTER 1147  
B-5 Business Districts

1147.01	Establishment.	1147.06	Percentage of lot coverage.
1147.02	Permitted uses.	1147.07	Yards.
1147.03	Accessory uses permitted.	1147.08	Storage and parking.
1147.04	Height of buildings.	1147.09	Procedure to establish district.
1147.05	Minimum lot area.	1147.10	Effective period of permits.

CROSS REFERENCES

Zoning definitions - see P. & Z. 1111.04  
 District established - see P. & Z. 1131.01  
 Use, height and area regulations - see P. & Z. Ch. 1171  
 Sign regulations - see BLDG. Ch. 1371  
 Stables, kennels and animal shelters - see BLDG. Ch. 1381

1147.01 ESTABLISHMENT.

There is hereby established a B-5 Business District classification for shopping centers and regulations set forth in the following sections shall apply thereto.  
 (Ord. 104-67. Passed 12-12-67.)

1147.02 PERMITTED USES.

The following uses shall be permitted in a B-5 Business District:

- (a) Retail business.
- (b) Professional offices and services.
- (c) Banking offices.
- (d) Tavern, restaurant or other place for serving food and beverages.
- (e) Services such as laundries and/or dry cleaning, self-service or pick-up.
- (f) Parking area for shoppers or persons using the permitted facilities.

(Ord. 104-67. Passed 12-12-67.)

1147.03 ACCESSORY USES PERMITTED.

The following accessory uses shall be permitted in a B-5 Business District:

- (a) Customary uses incident to a permitted use.
- (b) Nonflashing signs pertaining to permitted uses and located on the same lot.
- (c) Spot lighting of buildings on the lot, provided that such lights are shaded and so located that beams are directed away from any Residential District and any public highway.

(Ord. 104-67. Passed 12-12-67.)

**1147.04 HEIGHT OF BUILDINGS.**

No building shall be erected or located to a height in excess of thirty-five feet.  
(Ord. 104-67. Passed 12-12-67.)

**1147.05 MINIMUM LOT AREA.**

No building or use shall be erected or located on a lot having an area of less than five acres.  
(Ord. 104-67. Passed 12-12-67.)

**1147.06 PERCENTAGE OF LOT COVERAGE.**

No principal or accessory building shall cover more than twenty percent of the lot.  
(Ord. 104-67. Passed 12-12-67.)

**1147.07 YARDS.**

(a) Front Yard. Front yards shall be a minimum depth of sixty feet from any existing street right-of-way line. For lots fronting on the Officially Adopted Plan of Major Thoroughfares as set forth in the Master Plan, or any subsequent revisions thereof, the front yard shall be sixty feet from the proposed right-of-way line.

(b) Side Yards.

(1) A side yard of at least twenty feet on each side shall be provided on each lot. Such space shall remain open and unoccupied by any principal or accessory structure or use. Such space shall be maintained as a landscaped buffer area.

(2) Where a side yard abuts any Residential District, a side yard of at least seventy-five feet shall be provided. Such space shall remain open and unoccupied by any structure. A twenty-foot strip adjoining such Residential District shall be maintained as a landscaped buffer area.

(c) Rear Yards. A rear yard of at least thirty-five feet shall be provided. Such space shall remain open and unoccupied by any structure. A twenty-foot strip adjoining the rear lot line shall be maintained as a landscaped buffer area.  
(Ord. 104-67. Passed 12-12-67.)

**1147.08 STORAGE AND PARKING.**

The pertinent provisions of Chapter 1173 shall apply to this chapter.  
(Ord. 104-67. Passed 12-12-67.)

**1147.09 PROCEDURE TO ESTABLISH DISTRICT.**

The B-5 Business District for shopping centers shall be developed as a unit in accordance with a plan properly filed with and approved by Council and the Municipal Planning Commission in accordance with the provisions of this Zoning Code. The plan shall include, among other requirements:

- (a) A site plan showing the location and dimensions of all proposed buildings, parking areas, means of ingress and egress with access street, where required, loading space and the location and size of signs.
- (b) A report on the market to be served, the economic justification of the project and the types and amount of services needed.

- (c) Traffic surveys prepared showing:
  - (1) The proposed effect of the shopping center on adjacent streets and properties;
  - (2) The anticipated points of origin; and
  - (3) The anticipated direction and amount of traffic flow to and from the shopping center.
- (d) A report showing the financial ability to complete construction, including landscaping, in accordance with the plan and the requirements of this Zoning Code. (Ord. 104-67. Passed 12-12-67.)

1147.10 EFFECTIVE PERIOD OF PERMITS.

If the physical construction of the shopping center is not started within eighteen months after the approval by Council, the original permits shall be void and application for new permits must be made before construction may begin.  
(Ord. 104-67. Passed 12-12-67.)

CHAPTER 1149  
I Industrial Districts

1149.01	General regulations.	1149.05	Percentage of lot coverage.
1149.02	Uses permitted.	1149.06	Yards required.
1149.03	Height of buildings.	1149.07	Storage and parking.
1149.04	Required lot area.		

CROSS REFERENCES

Noxious or offensive odors - see GEN. OFF. 521.09  
 Zoning definitions - see P. & Z. 1111.04  
 District established - see P. & Z. 1131.01  
 Use, height and area regulations - see P. & Z. Ch. 1171  
 Stables, kennels and animal shelters - see BLDG. Ch. 1381

1149.01 GENERAL REGULATIONS.

In any I Industrial District, buildings and premises may be used for any of the purposes listed in Section 1149.02 or similar or kindred purposes, subject always to and conditioned upon the absolute requirement that:

- (a) Neither they nor any of them shall be so operated or conducted as to cause or permit any noxious, offensive or injurious smoke, fumes, gases or dust to escape or be carried beyond the limits of the particular premises where the industry is being carried on.
- (b) No waste material shall be allowed to accumulate or be stored either inside or outside the building.
- (c) Failure to comply with subsections (a) and (b) hereof shall constitute a violation of this Zoning Code, anything otherwise provided in this Zoning Code to the contrary notwithstanding.
- (d) If a violation of the provisions of this section occurs and is brought to the attention of the violator, such violator, whether a person, firm or corporation, shall forthwith take steps or measures to correct the violation and prevent a repetition thereof at the earliest practicable date fixed by the Zoning Inspector. (Ord. 103-67. Passed 12-12-67.)

1149.02 USES PERMITTED.

- (a) The following uses shall be permitted:
  - (1) Storage in bulk of, or warehouse for, such materials as building materials, contractor's equipment, clothing, cotton, drugs, dry goods, feed, fertilizers, food, fuel, furniture, hardware, ice machinery, metals, oil and petroleum for uses on the premises, paint and paint materials, pipe, rubber, shop supplies, tobacco and wool.

- (2) Wholesale produce market.
- (3) Wholesale produce salesroom.
- (4) Team or loading or storage tracks.
- (5) Cold storage or processing plant.
- (6) Creamery.
- (7) Ice manufacturing.
- (8) Ice cream manufacturing.
- (9) Bottling works.
- (10) Milk bottling or control distribution station.
- (11) Rail, motor or water freight terminal.
- (12) Textile fabric manufacturing, such as spinning and weaving, cutting and sewing.
- (13) Canning, freezing or preserving factory.
- (14) Cottonseed products manufacturing.
- (15) Flour milling.
- (16) Grain elevator.
- (17) Sugar refining.
- (18) Yeast manufacturing.
- (19) Manufacturing or preparation of food for human consumption.
- (20) Electric lamp manufacturing, other than fluorescent lamps.
- (21) Manufacturing of materials made from cellulose products, other than explosive products.
- (22) Rubber products manufactured from other than crude or scrap materials.
- (23) Printing shop.
- (24) Basket materials manufacturing.
- (25) Furniture manufacturing.
- (26) Steam or power saw or planing mill.
- (27) Cement products manufacturing.
- (28) Stone cutting.
- (29) Oil compounding or barreling.
- (30) Clay, shale or glass products manufactured from imported materials.
- (31) Central station light or power plant.
- (32) Steel treating furnace.
- (33) Nut, bolt or screw manufacturing.
- (34) Machine, tool and die shop.
- (35) Cider mill.
- (36) Wine press.
- (37) Metal fabrication, other than forge shop or blacksmith shop.
- (38) Assembly and assembly plant.
- (39) (EDITOR'S NOTE: Subparagraph (a)(39) was repealed by Ordinance 6-73, passed January 23, 1972. )

(b) Uses not clearly included within the above descriptive language are excluded. None of the business or industrial uses hereby authorized to be conducted in an I Industrial District shall permit or authorize a junk yard, nor an automobile wrecking establishment, nor storage of obsolete and/or wrecked motor vehicles, nor storage of scrap metals or materials, but scrap materials which are to be processed on the premises in the conduct of a permitted use in an I Industrial area, to produce a manufactured product, may be stored on the premises where used

in such quantities as are required for the normal operations of the business or industry. (Ord. 103-67. Passed 12-12-67.)

1149.03 HEIGHT OF BUILDINGS.

No building or structure shall be erected to a height in excess of forty-five feet. (Ord. 103-67. Passed 12-12-67.)

1149.04 REQUIRED LOT AREA.

No parcel of land included in an I Industrial District may be used for industrial purposes under the provisions of this Zoning Code unless it has an area of 10,000 square feet or more. (Ord. 41-78. Passed 5-23-78.)

1149.05 PERCENTAGE OF LOT COVERAGE.

The principal and necessary structures and uses shall not cover more than seventy-five percent of the area of the lot. (Ord. 103-67. Passed 12-12-67.)

1149.06 YARDS REQUIRED.

(a) Front Yard. There shall be a front yard of not less than twenty-five feet from the property line, of which fifty percent must be graded and landscaped.

(b) Side Yards. There shall be two side yards, each having a width of not less than ten feet.

(c) Rear Yards. There shall be a rear yard of not less than ten feet in depth. (Ord. 103-67. Passed 12-12-67.)

1149.07 STORAGE AND PARKING.

The pertinent portions of Chapter 1173 shall apply to this chapter. (Ord. 103-67. Passed 12-12-67.)

CHAPTER 1150  
Adult Entertainment Businesses Location Regulations

1150.01	Purpose and findings.	1150.06	Prohibition against children in adult entertainment businesses.
1150.02	Definitions.		
1150.03	Classification.	1150.07	Severability.
1150.04	Location of adult entertainment businesses.		
1150.05	Additional regulations concerning public nudity.		

CROSS REFERENCES

Obscenity and sex offenses - see GEN. OFF. Ch. 533

1150.01 PURPOSE AND FINDINGS.

(a) Purpose. It is the purpose of this Chapter to regulate Adult Entertainment Businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of Adult Entertainment Businesses within the City. The provisions of this chapter do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment of their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

(b) Findings. The City Council has received substantial evidence concerning the adverse secondary effects of adult uses on a community in findings incorporated in the cases of *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. (1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976) and *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (1991), and on studies in other communities including, but not limited to, Phoenix, Arizona; Tucson, Arizona; Garden Grove, California; Los Angeles, California; Whittier, California; Indianapolis, Indiana; Minneapolis, Minnesota; St. Paul, Minnesota; New York, New York; Cleveland, Ohio; Oklahoma City, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Houston, Texas; and Seattle, Washington. (Ord. 04-01. Passed 1-30-01.)

## 1150.02 DEFINITIONS.

(a) “Adult bookstore” “adult novelty store” or “adult video store” means a commercial establishment which, as one of its purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”: or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.” For the purposes of this chapter any rental establishment which devotes at least twenty percent (20%) of the total lineal feet available for the display of items or materials for sale or rental which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” shall be categorized as an adult bookstore, adult novelty store, or adult video store.

(b) “Adult cabaret” means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity or semi-nudity; or
- (2) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
- (3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

(c) “Adult motion picture theater” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions, or by various electronic media such as the Internet, are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

(d) “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities.”

(c) “Establishment” means and includes any of the following:

- (1) The opening or commencement of any adult entertainment business as a new business;
- (2) The conversion of an existing business, whether or not an adult entertainment business, to any adult entertainment business;



- (3) The additions of any adult entertainment business to any other existing adult entertainment business; or
- (4) The relocation of any adult entertainment business.

(g) "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.

(h) "Semi-nudity" or in a "semi-nude condition" means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

(i) "Adult entertainment business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(j) "Specified anatomical areas" means:

- (1) The human genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (2) Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

(k) "Specified Sexual Activities" means any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- (3) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

(l) "Substantial enlargement" of an adult entertainment business means the increase in floor areas occupied by the business by more than twenty-five percent (25%) as the floor areas exist on the date this chapter takes effect. (Ord. 04-01. Passed 1-30-01.)

#### 1150.03 CLASSIFICATION.

Adult Entertainment Businesses are classified as follows:

- (a) Adult arcades;
- (b) Adult bookstores, adult novelty stores, or adult video stores;
- (c) Adult cabarets;
- (d) Adult motion picture theaters;
- (e) Adult theaters. (Ord. 04-01. Passed 1-30-01.)

## 1150.04 LOCATION OF ADULT ENTERTAINMENT BUSINESSES.

(a) No adult entertainment business may be established in any zoning district other than an I-Industrial District, and in such district may not be established within 280 feet of:

- (1) A church, Kingdom Hall, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
- (2) A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
- (3) A boundary of a residential district as defined in the Zoning Code;
- (4) A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City park and recreation authorities;
- (5) The property line of a lot devoted to a residential use as defined in the Zoning Code;
- (6) An entertainment business which is oriented primarily towards children or family entertainment; or
- (7) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State of Ohio.

(b) No adult entertainment business may be established, operated or enlarged within 250 feet of another adult business entertainment.

(c) Not more than one adult entertainment business shall be established or operated in the same building, structure, or portion thereof.

(d) For the purpose of subsection (a) hereof, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where an adult entertainment business is conducted, to the nearest property line of the premises of a use listed in subsection (a). Presence of a City, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(e) For purposes of subsection (b) hereof the distance between any two adult entertainment businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

(f) Any adult entertainment business lawfully operating on the date of adoption of this chapter, that is in violation of subsections (a) through (e) shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a nonconforming use. (Ord. 04-01. Passed 1-30-01.)

#### 1150.05 ADDITIONAL REGULATIONS CONCERNING PUBLIC NUDITY.

(a) It shall be a misdemeanor for a person who knowingly or intentionally, in an adult entertainment business, appears in a state of nudity or depicts specified sexual activities.

(b) It shall be a misdemeanor for a person who knowingly or intentionally in an adult entertainment business appears in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten feet from any patron or customer and on a stage at least two feet from the floor.

(c) It shall be a misdemeanor for an employee, while semi-nude in an adult entertainment business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in an adult entertainment business.

(d) It shall be a misdemeanor for an employee, while semi-nude, to touch a customer or the clothing of a customer. (Ord. 04-01. Passed 1-30-01.)

#### 1150.06 PROHIBITION AGAINST CHILDREN IN ADULT ENTERTAINMENT BUSINESSES.

A person commits a misdemeanor if the person knowingly allows a person under the age of eighteen years on the premises of an adult entertainment business. (Ord. 04-01. Passed 1-30-01.)

#### 1150.07 SEVERABILITY.

(a) If any section, subsection, or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

(b) All ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed. (Ord. 04-01. Passed 1-30-01.)



**CHAPTER 1151**  
**Accessory Uses in Residence Districts**

1151.01	General provisions.	1151.04	Signboard.
1151.02	Private garages.	1151.05	Nameplate.
1151.03	Storage.		

**CROSS REFERENCES**

Advertising - see GEN. OFF. 541.08  
 Accessory use defined - see P. & Z. 1111.04(1)  
 Private garage defined - see P. & Z. 1111.04(35)(c)  
 Storage garage defined - see P. & Z. 1111.04(35)(e)  
 Signboard defined - see P. & Z. 1111.04(60)  
 Signs and billboards - see BLDG. Ch. 1371  
 Metal sheds and accessory buildings - see BLDG. Ch. 1383

**1151.01 GENERAL PROVISIONS.**

Accessory uses in any residence district shall be as set forth in this chapter. Accessory uses shall be customarily incident to the principal uses listed as permitted. They shall be understood to include an office, such as that of a physician, dentist, musician, artist or such other professional person as approved by the Zoning Board, when located within his or her dwelling, and home occupations such as dressmaking or millinery engaged in by persons within their own dwelling.

(Ord. 1822. Passed 6-15-54.)

**1151.02 PRIVATE GARAGES.**

Private garages shall be located not less than sixty feet from the front lot lines, or beyond the setback line, if in a separate building, or in a suitable room within or attached to the dwelling.

(Ord. 1822. Passed 6-15-54.)

**1151.03 STORAGE.**

Where hotels and apartment houses are located, provisions may be made for automobile storage space upon the same lot where such hotel or apartment house is located for those who have a permanent residence in such hotel or apartment house, provided that:

- (a) No portion of the same is closer to the street than the line fixed by this Zoning Code for buildings or structures upon the adjoining line; and that
- (b) No repair facilities are maintained and no repairs, except those of a minor nature, are made.

(Ord. 1822. Passed 6-15-54.)

**1151.04 SIGNBOARD.**

A sign or signboard shall be permitted, not exceeding eight square feet in area, appertaining to the lease or sale of the premises, provided that not more than one such sign or signboard shall be permitted on each property so offered for lease or sale.  
(Ord. 1822. Passed 6-15-54.)

**1151.05 NAMEPLATE.**

A nameplate not exceeding one square foot in area shall be permitted.  
(Ord. 1822. Passed 6-15-54.)

CHAPTER 1153  
Nonconforming Uses

1153.01	Intent.	1153.04	Discontinuance.
1153.02	Continuance.	1153.05	Enlargement.
1153.03	Creation by amendment.	1153.06	Damage by act of God, fire, etc.

CROSS REFERENCES

Nonconforming uses, retroactive measures - see Ohio R.C.  
713.15  
Nonconforming use defined - see P. & Z. 1111.04(50)

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1153.01 INTENT.

It is the intent of this chapter to provide for the use of structures and land which do not conform to the provisions of this Zoning Code and to provide for their conversion into conforming uses as soon as is reasonably possible. A nonconforming use, lawfully existing on the date of the adoption of this Zoning Code (Ordinance 1822, passed June 15, 1954), may be continued, subject to the conditions contained in the following sections.  
(Ord. 80-61. Passed 12-26-61.)

1153.02 CONTINUANCE.

The lawful use of any dwelling, building or structure and of any land or premises as existing and lawful at the time of the enactment of this Zoning Code (Ordinance 1822, passed June 15, 1954) may be continued although such use does not conform with the provisions of this Zoning Code. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.  
(Ord. 80-61. Passed 12-26-61.)

1153.03 CREATION BY AMENDMENT.

Whenever the use of any dwelling, building or structure and of any land or premises becomes nonconforming through an amendment of this Zoning Code or the Zoning Plan, such use may be continued, and if no structural alterations are made it may be changed to another nonconforming use of the same or of a more restricted classification.  
(Ord. 80-61. Passed 12-26-61.)

**1153.04 DISCONTINUANCE.**

In the event that a nonconforming use of any dwelling, building or structure and of land or premises is voluntarily discontinued for two years or more, any future use thereof shall be in conformity with the provisions of this Zoning Code.

(Ord. 6-87. Passed 1-27-87.)

**1153.05 ENLARGEMENT.**

A nonconforming building or use may be enlarged, extended, reconstructed or structurally altered to no more than a ten percent increase in the cubic footage of such nonconforming building or use. Only one ten percent expansion shall be allowed.

The nonconforming use of an outdoor storage area may be extended to cover no more than ten percent of the square footage of the nonconforming use. Only one such ten percent expansion shall be allowed.

(Ord. 80-61. Passed 12-26-61.)

**1153.06 DAMAGE BY ACT OF GOD, FIRE, ETC.**

When a building, the use of which does not conform to the provisions of this Zoning Code for the district in which it is located, is damaged by fire, explosion, Act of God, or the public enemy, to the extent of not more than thirty percent of its total building replacement cost, which cost is to be determined by an independent commercial appraisal firm or bank appointed by the Building Inspector and the President of Council and which appraisal cost will be paid for by the applicant at the time the building permit is applied for, it may be restored and extended in size but such restoration extension shall not exceed more than a ten percent increase in the cubical content of the original damaged nonconforming use and shall be begun within one year from the time the building is damaged, otherwise such building shall conform to the provisions of this Zoning Code for the district in which it is situated.

(Ord. 18-71. Passed 3-9-71.)



TITLE SIX - Community Development/Planned Residential Development

- Chap. 1160. General Provisions.
- Chap. 1162. Definitions.
- Chap. 1164. P.R.D. General Design Requirements.
- Chap. 1166. P.R.D. Processing.
- Chap. 1168. Additional P.R.D. Regulations.

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CHAPTER 1160  
General Provisions

- |         |                             |         |                   |
|---------|-----------------------------|---------|-------------------|
| 1160.01 | Short title.                | 1160.03 | Scope.            |
| 1160.02 | Interpretation and purpose. | 1160.04 | Approving agency. |

CROSS REFERENCES

- Zoning applies to housing projects - see Ohio R.C. 3735.44
- Off-street parking - see P.& Z. Ch. 1173

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1160.01 SHORT TITLE.

Title Six of this Part Eleven, the Planning and Zoning Code, shall be known and may be cited as "The Planned Residential Development Ordinance of the City" or just the "Planned Residential Development Regulations". References throughout this Title Six to these "Regulations" shall mean these Planned Residential Development Regulations. (Ord. 46-86. Passed 5-27-86.)

1160.02 INTERPRETATION AND PURPOSE.

In their interpretation and application, the provisions of these Planned Residential Development Regulations shall be held to be the requirements adopted for the protection of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for a permanently wholesome community environment, adequate Municipal services and safe streets. In addition, these regulations allow for the flexibility of site design to preserve open space, reduce the cost of Municipal services and to allow for a creative and imaginative mixture of dwelling types,

including single-family, two-family and multi-family dwellings such as townhouses, garden apartments and condominiums, and at a maximum density permitted in the district within which the Planned Unit Residential Development is proposed; and to permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation, the conservation of natural amenities of the landscape, the provision of readily accessible open space, the creation of functional and interesting residential areas, and the provision of a necessary complement of community facilities.  
(Ord. 46-86. Passed 5-27-86.)

1160.03 SCOPE.

These Planned Residential Development Regulations shall only apply to those areas specifically designated for a P.R.D. use after the review of the Planning Commission and the adoption by Council of a specific ordinance.  
(Ord. 46-86. Passed 5-27-86.)

1160.04 APPROVING AGENCY.

The provisions of these Regulations shall be administered by Council, except as otherwise provided herein, or as otherwise determined by Council through a duly enacted ordinance. (Ord. 46-86. Passed 5-27-86.)

CHAPTER 1162  
Definitions

1162.01	Interpretation.	1162.05	Common open space.
1162.02	Planned Residential Development.	1162.06	Professional consultant.
1162.03	Landowner.	1162.07	P.R.D.
1162.04	Plan.	1162.08	Gross land area.

CROSS REFERENCES

General Code definitions - see ADM. 101.02  
Zoning definitions - see P. & Z. 1111.04

1162.01 INTERPRETATION.

For the purpose of these Planned Residential Development Regulations, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Any words not herein defined shall be construed as they are defined in other parts of the Planning and Zoning Code and the Building Code.

(Ord. 46-86. Passed 5-27-86.)

1162.02 PLANNED RESIDENTIAL DEVELOPMENT.

"Planned Residential Development" is an area of land, controlled by a landowner, to be developed as a single entity for a variety of dwelling units and/or other uses, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one zoning district, created from time to time, under the provisions of the Planning and Zoning Code enacted by Council.

(Ord. 46-86. Passed 5-27-86.)

1162.03 LANDOWNER.

"Landowner" means the legal or beneficial owner or owners of all of the land proposed to be included in a Planned Residential Development. The holder of an option or contract to purchase, or other person having a fee simple interest in such land, shall be deemed to be a landowner for the purposes of this section.

(Ord. 46-86. Passed 5-27-86.)

**1162.04 PLAN.**

"Plan" means the written and graphic submission for a Planned Residential Development, including a plat of subdivision, all covenants and articles of incorporation of the homeowners' association relating to use, location and bulk of building and other structures, density of development, private streets, ways and parking facilities, common open space, and public facilities.

(Ord. 46-86. Passed 5-27-86.)

**1162.05 COMMON OPEN SPACE.**

"Common open space" means a parcel or parcels of land or an area of water, or a combination of land and water within the Planned Residential Development site designed and intended for the use or enjoyment of the residents of the P.R.D. Street rights of way, driveways and parking lots which directly serve dwellings shall not be counted toward area requirements of common open space. Those directly serving a recreational area may be counted toward common open space area requirements at the discretion of the Planning Commission. (Ord. 46-86. Passed 5-27-86.)

**1162.06 PROFESSIONAL CONSULTANT.**

"Professional consultant" means a person who possesses the knowledge and skills, by reason of education, training and experience to comprehend the full nature and extent of the project in question regarding its social, economic, physical, environmental, and design characteristics and implications in order to foster a unified plan for development. He may be, but not necessarily limited to, a registered architect, landscape architect, engineer, planner or equivalent. (Ord. 46-86. Passed 5-27-86.)

**1162.07 P.R.D.**

"P.R.D." means Planned Residential Development as defined in "Planned Residential Development" above.

(Ord. 46-86. Passed 5-27-86.)

**1162.08 GROSS LAND AREA.**

"Gross land area" of a Planned Residential Development means all areas, whether covered by land or water, contained within the exterior property boundaries of the P.R.D. that are a part of the P.R.D.

(Ord. 46-86. Passed 5-27-86.)

CHAPTER 1164  
P.R.D. General Design Requirements

1164.01	Minimum parcel size requirements.	1164.05	Open space requirements.
1164.02	Location of a Planned Residential Development district.	1164.06	Permitted densities.
1164.03	Permitted uses.	1164.07	Setback requirements.
1164.04	Homeowners' Association; organization and requirements.	1164.08	Perimeter requirements.
		1164.09	Infrastructure; street and utility standards.
		1164.10	Conflict of restrictions.

CROSS REFERENCES

Use, height and area regulations - see P.& Z. Ch. 1171  
Off-street parking - see P.& Z. Ch. 1173

**1164.01 MINIMUM PARCEL SIZE REQUIREMENTS.**

The minimum area required for Planned Residential Development zoning shall be a gross land area of five acres.  
(Ord. 46-86. Passed 5-27-86.)

**1164.02 LOCATION OF A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT.**

The Planned Residential Development zoning district may be applicable to any residentially zoned area where the applicant can demonstrate that his or her proposal will meet the objectives of the Planned Residential Development preliminary proposal. The Planning Commission shall submit its recommendation to Council.  
(Ord. 46-86. Passed 5-27-86.)

**1164.03 PERMITTED USES.**

All uses allowed under any residential zoning classification are allowable uses in the Sheffield Lake Planned Residential Development district.  
(Ord. 46-86. Passed 5-27-86.)

#### 1164.04 HOMEOWNERS' ASSOCIATION; ORGANIZATION AND REQUIREMENTS.

There shall be established a Homeowners' Association and its by-laws and other similar deed restrictions which provide for the control and maintenance of all common areas, recreation facilities or open spaces all of which shall meet with the approval of the Planning Commission. The Homeowners' Association must be set up before the homes are sold. Membership shall be mandatory for each homebuyer and any successive buyer or owner. The Association must be responsible for liability insurance, local real estate taxes and the maintenance of recreational and other facilities. Homeowners must pay a pro rata share of the cost; the assessment levied by the Association can become a lien on the property of any party who is delinquent in paying the assessment. The Association shall be able to adjust the assessment to meet changed needs.

(Ord. 46-86. Passed 5-27-86.)

#### 1164.05 OPEN SPACE REQUIREMENTS.

Required open space shall be determined by either of two options:

- (a) At least twenty percent (20%) of the gross land area shall be devoted to properly planned permanent usable open space; or
- (b) Open space shall be equivalent to the total reduction in lot sizes where clustering is used to modify yard, bulk and space requirements.

(Ord. 46-86. Passed 5-27-86.)

#### 1164.06 PERMITTED DENSITIES.

Density increases shall be allowed based upon the following criteria:

- (a) For Planned Residential Developments of less than ten acres, the total gross project density shall be no greater than those permitted in the original zoning district regulations.
- (b) For Planned Residential Developments of greater than ten acres:
  - (1) For the first one-half acre of common open space above the minimum required, a maximum of five percent (5%) density increase is allowed;
  - (2) For such additional one-half acre of common open space provided, a maximum of two percent (2%) density increase is allowed.
- (c) For all Planned Residential Developments up to an additional five percent (5%), maximum density increase can be provided based upon excellence in architectural and landscape design. This increase must be approved by the Planning Commission.

(Ord. 46-86. Passed 5-27-86.)

#### 1164.07 SETBACK REQUIREMENTS.

The location of all structures shall be as shown on the final approved plat. Minimum lot size, front, rear and side yard lines and lot width are not regulated specifically by this section, although the Planning Commission may be guided by standards set elsewhere in the Planning and Zoning Code for comparable conditions and by common good practice. The relationship of buildings to each other, to the local street system and to open space land shall be consistent with the intent of this chapter.

(Ord. 46-86. Passed 5-27-86.)

**1164.08 PERIMETER REQUIREMENTS.**

If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the Planned Residential Development as determined solely by Council with the advice of the Planning Commission, the Planning Commission shall impose either or both of the following requirements:

- (a) Structures and parking areas located on the perimeter of the Planned Unit Residential Development shall be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses. A minimum shall be the required distances in the original zone.
- (b) Structures located on the perimeter of the Planned Unit Residential Development shall be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses. The screening requirements are: the P.R.D. shall be effectively screened from adjacent existing uses so as to protect their privacy and amenity. The screening shall be a fence of acceptable design in accord with the City fence ordinance as may be deemed necessary or desirable by the Planning Commission.  
(Ord. 46-86. Passed 5-27-86.)

**1164.09 INFRASTRUCTURE; STREET AND UTILITY STANDARDS.**

(a) The design and designation of all streets, public or private, shall be subject to the approval of Council. Minimum pavement construction and dimension standards shall be as set forth in the City ordinances. Because of the nature of a Planned Residential Development and in the interest of this chapter, the overall shape and dimension of the street right of way shall be at the discretion of Council.

(b) All utilities, including communication and electrical systems shall be placed underground within the limits of a Planned Residential Development. Appurtenances to these systems may be excepted.  
(Ord. 46-86. Passed 5-27-86.)

**1164.10 CONFLICT OF RESTRICTIONS.**

Wherever there is a conflict or difference between the provisions of this chapter and those of the other chapters of the "Planning and Zoning Code" as they may relate to a P.R.D., the provisions of Planned Residential Development shall prevail. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in the City ordinances.  
(Ord. 46-86. Passed 5-27-86.)





CHAPTER 1166  
P.R.D. Processing

1166.01 Application and approval procedures.

1166.02 Phases of review.

CROSS REFERENCES

Processing applications for zoning changes - see ADM. 115.02  
Subdivision Regulations - see P.& Z. Title One

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1166.01 APPLICATION AND APPROVAL PROCEDURES.

Whenever a Planned Residential Development is proposed, before a permit for the erection of a permanent building in such P.R.D. shall be granted, and before a subdivision plat of any part thereof may be submitted to the Planning Commission, the developer or his authorized agent shall apply and secure approval of such P.R.D. in accordance with this chapter. (Ord. 46-86. Passed 5-27-86.)

1166.02 PHASES OF REVIEW.

(a) Phase I - Concept Plan.

- (1) Concept plan. In order to allow the Planning Commission and the developer to reach an understanding on basic design requirements prior to detailed design, the applicant shall submit:
- A. A legal description of the metes and bounds of the parcel;
  - B. An area map showing adjacent property owners and existing uses within 600 feet of the proposed P.R.D. parcel;
  - C. A sketch plan approximately to scale, though it need not be to the precision of a finished engineering drawing which shall display the following:
    - 1. The existing topographical features of the site;
    - 2. General map of the watershed in which the project is to be located;
    - 3. Location of the various uses and their areas in acres;
    - 4. The general outlines of the interior roadway system and all existing rights of way and easements whether public or private;

5. Delineation of the various residential and nonresidential areas, indicating for each area its general extent, size and composition in terms of total number of dwelling units and approximate percentage allocation by dwelling unit type;
  6. Calculation of the residential density in dwelling units per gross acre including interior roadways;
  7. The interior open space system;
  8. Where portions of the site are subject to flooding, the map shall indicate extent and frequency;
  9. Principal ties to the community at large with respect to transportation, water supply and sewage disposal;
  10. General description of the availability of other community facilities, such as schools, fire protection services and cultural facilities, if any, and how these facilities are affected by this proposal;
  11. Evidence that the proposed P.R.D. is compatible with the goals of the City's official Comprehensive Plan;
  12. General statement as to how common open space is to be owned and maintained;
  13. If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the sketch plan shall show the intended total project;
  14. The application shall certify that a professional consultant's services are being utilized in the planning procedures. Such consultant shall be involved in the application procedures.
- D. The Planning Commission shall review the concept plan and its related documents at a public hearing for which notice shall be given as required in the Planning and Zoning Code and shall render a written report completed by the Planning Commission to Council and to the applicant within fifteen days of the public hearing. The Planning Commission need only concern itself with general conceptual merit, and in no way shall commit any future acceptance or rejection of detailed design elements required in subsequent phases of plan review. The written report shall include the following:
1. Whether the proposal meets the intent and objectives of this P.R.D. section;
  2. Whether the proposal is conceptually sound in that it conforms to accepted design principles in the proposed functional roadway system, land use configuration, open space system, drainage system and scale of the developed elements;
  3. Whether there are adequate services and utilities available or proposed to be made available in the construction of the project;

- E. Council shall review the proposed conceptual P.R.D. plan within forty-five days of receipt of recommendations from the Planning Commission.
- (b) Phase II - Preliminary Plat Approval.
- (1) Preliminary plat plan. After having received approval of the proposed P.R.D. conceptual plan, the applicant may then proceed to Phase II of the approval process. In Phase II the applicant shall present the preliminary site plan (plat) for Planning Commission review.
  - (2) Application filing and public notification. Application for preliminary plat approval shall be submitted to the Planning Commission. The proposed preliminary plat and any supportive documents shall be filed with Planning Commission office at least thirty days in advance of the public hearing at which the proposed plat is to be reviewed. The applicant shall meet all Planning Commission and City public hearing requirements as set out in the City's ordinances.
  - (3) Contents of preliminary plat. The preliminary plat shall be filed in four copies and include the following information prepared by a professional consultant:
    - A. An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets and easements within 300 feet of the applicant's property;
    - B. A topographic map of the entire area showing contour intervals of not more than two feet shall be provided;
    - C. A preliminary site plan including the following information:
      1. Title of drawing, name of project, name and address of applicant, name and address of professional consultant;
      2. The land use plan identifying the type, location, quantity, design floor area, and density of specific sections and the project in total;
      3. North point, scale and date;
      4. Existing and proposed watercourses;
      5. Street layout and design;
      6. The open space plan and planned sites for schools, recreation areas, community centers and other public improvements where applicable;
      7. Location of all existing or proposed site and off-site improvements, including drains, ditches, culverts, retaining walls, and fences; descriptions and location of method of sewage disposal and water supply; location and size of all signs (street name and traffic control); location and design of street and parking lighting; and the amount of building area proposed for community facility uses, if any;

8. A plan for phasing the construction of the project, showing the geographical coverage of future plats, their approximate sequence of development, and the tentative timetable for development. It is the intent of this section that the tempo and sequence of development in a P.R.D. be such that land uses which provide only moderate local revenues, yet require large municipal and school service costs, are scheduled simultaneously with those that provide larger local revenues yet which are not as costly to service.
  - D. The Planning Commission and/or Council may require, if all or part of the gross land area of the P.R.D. has moderate to high susceptibility to flooding, a transparent overlay showing all soils, areas and their classifications, as well as those areas susceptible to flooding, or moderately or highly susceptible to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation and tree coverage.
- (4) Factors for consideration. The Planning Commission's review of a preliminary site plan shall include, but not be limited to, the following considerations:
- A. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures, signs and traffic controls;
  - B. Adequacy and arrangement of pedestrian traffic access and circulation, separation of pedestrian from vehicular traffic and pedestrian convenience;
  - C. Location, arrangement, appearance and sufficiency of off-street parking and loading;
  - D. Location, size and placement of buildings, lighting and signs;
  - E. Type and arrangement of landscape features;
  - F. Adequacy, location and size of storm water and sanitary waste disposal facilities;
  - G. Adequacy of structures or roadways in areas with moderate to high susceptibility to flooding, ponding or erosion;
  - H. Conformance with other specific requirements of Council which may be set forth in the P.R.D. conceptual resolution;
  - I. In its review, the Planning Commission may consult with Municipal officials and employees, other departments or officials, as well as with the representatives of Federal and State agencies if necessary. The Planning Commission may also require changes and alterations to comply with regulations, Municipal, State and Federal, that appear necessary for the public health, safety and general welfare;
  - J. Property adjacent to the proposed development shall not be adversely affected.

- (5) Action on preliminary plat plan. Within forty-five days of the public hearing at which the preliminary plat is submitted for approval, the Planning Commission shall act on it. If no decision is made within such forty-five day period, the preliminary plat plan shall be considered conditionally approved. The Planning Commission's action shall be in the form of a written statement to the applicant, mailed by ordinary U.S. mail to the last known address, stating whether or not the preliminary plat plan is conditionally approved. A copy of the appropriate minutes of the Planning Commission shall be a sufficient report. The Planning Commission's statement may include recommendations as to desirable revisions to be incorporated into the final plat plan, of which conformance with shall be considered a condition of approval. Such recommendations shall be limited, however, to siting and dimensional details within general use areas and shall not significantly alter the sketch plan as it was approved in Phase I. If the preliminary plat plan is disapproved, the Planning Commission's statement shall contain the reasons for such findings. In such case the Planning Commission may recommend further study of the plat plan and resubmission of the preliminary plat plan to the Planning Commission after it has been revised. In either event, whether the Planning Commission recommended or disapproved, Council shall act on an ordinance to give final approval to the preliminary plat plan. If the ordinance is not passed the applicant may within ninety days submit a revised preliminary plat plan to the Planning Commission for consideration according to law.
- (c) Additional Phases for Plat Approval.
- (1) After having received Phase I, Concept Plan and Phase II, Preliminary Plat Approval, the additional procedures shall be governed by the pertinent provisions of the Planning and Zoning Code.
  - (2) The Phase I and Phase II requirements for P.R.D. replace the Preliminary Drawing provisions set forth in the Planning and Zoning Code and compliance with the same is not required for P.R.D. plat approval. (Ord. 46-86. Passed 5-27-86.)



CHAPTER 1168  
Additional P.R.D. Regulations

1168.01	Proceedings.	1168.06	Recording.
1168.02	Modification.	1168.07	Rezoning limitations.
1168.03	Request for changes.	1168.08	Official Zoning Map amended.
1168.04	Expiration of approval.	1168.99	Penalty.
1168.05	Abandonment.		

CROSS REFERENCES

Board of Zoning and Building Appeals - see P.& Z. Ch. 1115  
Amendments and changes - see P.& Z. Ch. 1117

1168.01 PROCEEDINGS.

All proceedings brought under this section shall be in compliance with the Charter, ordinances, resolutions and rules and regulations of the City of Sheffield Lake, Ohio. (Ord. 46-86. Passed 5-27-86.)

1168.02 MODIFICATION.

In the exercise of its continuing jurisdiction, Council may, from time to time, modify the approved final plat plan in a manner consistent with the approved preliminary plat plan to allow for changed circumstances and conditions unforeseen at the time of the original approval. (Ord. 46-86. Passed 5-27-86.)

1168.03 REQUEST FOR CHANGES.

If, in the site development, it becomes apparent that certain elements of the plan as it has been approved by the City are not feasible and in need of significant modification, the applicant shall then present his solution to the Planning Commission. The Planning Commission shall then determine whether or not the modified plan is still in keeping with the intent of the Master Plan and Zoning Ordinance of that P.R.D. If a negative decision is reached, the site plan shall be considered as disapproved. The applicant may then produce another site plan solution. If a negative or affirmative decision is reached, the Planning Commission shall notify Council, stating all of the particulars of the matter and the reasons for its recommendations for approval or disapproval; whichever the case may be. Council shall act upon an ordinance to approve the modified plat plan. If the ordinance is not passed the modified plat plan shall be for all purposes disapproved. (Ord. 46-86. Passed 5-27-86.)

#### 1168.04 EXPIRATION OF APPROVAL.

Approval by Council shall expire after a period of five years from the approval of the P.R.D's Master Plan unless the development is fifty-one percent (51%) completed in terms of public improvements such as power, gas, water, and sanitary sewers, in which latter instances an extension of time may be granted by Council not to exceed five successive periods of two years each.

(Ord. 46-86. Passed 5-27-86.)

#### 1168.05 ABANDONMENT.

Upon abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Master Plan for twelve months or upon expiration of the approval as prescribed in these additional regulations) the Planning Commission shall recommend an amendment to the Zoning Ordinance so that the land will be zoned into a category or categories which most nearly approximates its then existing use or such other zoning category or categories which it deems appropriate to Council for its action thereon. Council shall act on such recommendation and shall by ordinance and according to law take steps to rezone such real estate to an appropriate classification. (Ord. 46-86. Passed 5-27-86.)

#### 1168.06 RECORDING.

All approved final plat plans and modifications thereof shall be recorded in the appropriate plat books in the offices of the Lorain County Recorder's office in the same manner as all other subdivisions.

(Ord. 46-86. Passed 5-27-86.)

#### 1168.07 REZONING LIMITATIONS.

The Planning Commission shall not initiate any amendments to the Zoning Ordinance concerning property involved in a P.R.D. before completion of the development so long as development is in conformity with the approved Master Plan and final approved plat plans, and is proceeding in accordance with the time requirements. Rezoning may, however, be initiated by consent of the property owner. In such a case, the Planning and Zoning Code procedures for rezoning property shall be complied with.

(Ord. 46-86. Passed 5-27-86.)

#### 1168.08 OFFICIAL ZONING MAP AMENDED.

Upon final passage of a P.R.D. use ordinance by Council, the specific area affected shall be shown on the official zoning map of the City as P.R.D. District. Reference shall be made on the map to the number, title, and date of passage of such ordinance.

(Ord. 46-86. Passed 5-27-86.)

#### 1168.99 PENALTY.

Violations of this chapter shall be a misdemeanor of the first degree. Each day that a violation continues shall be a separate offense.

(Ord. 46-86. Passed 5-27-86.)



TITLE SEVEN - Use, Height and Area Regulations; Off-Street Parking  
 Chap. 1171. Use, Height and Area Regulations.  
 Chap. 1173. Off-Street Parking.

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CHAPTER 1171  
 Use, Height and Area Regulations

1171.01	Application of use regulations.	1171.03	Exceptions to height regulations.
1171.02	Application of height regulations.	1171.04	Application of area regulations.
		1171.05	Exceptions to area regulations.

CROSS REFERENCES

Height regulation - see Ohio R.C. 713.08  
 Use defined - see P. & Z. 1111.04(73)

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1171.01 APPLICATION OF USE REGULATIONS.

(a) No land shall be used or occupied and no building or structure shall be erected, altered, used or occupied, except in conformity with the regulations herein established for the district in which such land, building or structure is located.

(b) In cases of mixed occupancy, the regulations for each use shall apply to the portion of the building or land so used.

(c) No building can be used for residential purposes unless the same faces directly on or has direct access to a public street or way.

(d) Storage and parking space shall be necessary for every new building, structure or occupancy permit required from the passage of this Zoning Code. At a later date no space set up for parking or storage can be used for additional structures until other space is furnished by agreement with the Zoning Board to replace the original space set up in the original application.

(e) The rear portion of any interior or corner lot shall not be used for the erecting or remodeling of any building for any residential or commercial use, unless consistent with the regulations herein.  
 (Ord. 1822. Passed 6-15-54.)

**1171.02 APPLICATION OF HEIGHT REGULATIONS.**

The height regulations of this Zoning Code shall be applied as follows:

- (a) Notwithstanding any other provisions of this Zoning Code or any other City ordinance, a cellar or basement, when designed for occupancy as a dwelling, shall be counted as a story. When otherwise designed and used, it shall not be counted as a story.
- (b) Notwithstanding any other provisions of this Zoning Code or any other City ordinance, on corner lots having two frontages, the maximum height shall be measured from a level midway in elevation between the two average curb levels and this height limitation shall apply upon such lot not farther than to the centerline of the block, beyond which any portion of the same lot shall have a height limitation similar to that applying upon the property next adjacent thereto.
- (c) Notwithstanding any other provisions of this Zoning Code or any other City ordinance, on corner lots having more than two frontages, the height measurements shall be taken from a level midway in elevation between the highest and lowest curb levels and this height limitation shall apply upon such lot not farther than to the centerline of the block, beyond which any portion of the same lot shall have a height limitation similar to that applying upon the property next adjacent thereto.
- (d) Notwithstanding any other provisions of this Zoning Code or any other City ordinance, on through lots the height limit, including all exceptions thereto, beginning at either frontage, shall apply to a depth not exceeding one-half the depth of the lot.
- (e) Notwithstanding any other provisions of this Zoning Code or any other City ordinance, on interior lots the height limit, including all exceptions thereto, shall apply to a depth equal to one-half the depth of the block as measured from frontage to frontage on a line projected through the center of the lot in question. Any rear portion of such lot beyond the centerline of the block shall have a height limit similar to that applying upon the lot immediately abutting in the rear thereof.
- (f) Notwithstanding any other provisions of this Zoning Code or any other City ordinance, any mechanical equipment or any projection that projects above the roof line of any building in the City, shall be considered a story, provided, however, the provision of this Zoning Code shall not apply to noncommercial antennas.
- (g) Notwithstanding any other provisions of this Zoning Code or any other City ordinance, no building shall be constructed within the City, unless such building is constructed so as to allow that a line drawn at sixty degrees from the horizontal at any point on the building shall fall within the perimeter lot line of the lot on which the building is constructed.
- (h) Notwithstanding any other provisions of this Zoning Code or any other City ordinance, any mechanical equipment or any projection that projects above the roof line of any building in the City shall be faced or otherwise surrounded by a material of a substantially compatible type and kind as the front of the building. The material used for such facing shall be presented for approval by the City Building Inspector who shall reject no material without first consulting with the Planning Commission. Any building owner or contractor who desires to object to the determination of the Building Inspector, shall have the right of appeal to the Board of Zoning Appeals in accordance with law.  
(Ord. 24-77. Passed 2-22-77.)

### 1171.03 EXCEPTIONS TO HEIGHT REGULATIONS.

(a) Height of Public Buildings. In any district the height of public or semipublic buildings, hospitals, sanitariums, schools or educational institutions may be increased to sixty feet, but not to exceed four stories, wherever the height limitation is less than sixty feet or four stories, provided that such buildings set back from the side lot lines a distance equal to the width of the yards required by the area regulations for the district in which the building is located, and provided, also, that no point in any wall of the building above the height limitation of the district in which it is located is nearer to the vertical plane through the lot line than a distance equal to one-half the height of such point above the curb level.

(b) Height of Monuments, etc. In any district, the height limitation of the district may be exceeded by a monument for ornamental purposes only, or by a building occupied exclusively as a church, cathedral or temple, provided that such building has the prescribed yards on all sides and otherwise complies with the regulations herein presented.  
(Ord. 1822. Passed 6-15-54.)

### 1171.04 APPLICATION OF AREA REGULATIONS.

(a) No yard, court or other open space provided about any building for the purpose of complying with the provisions of this Zoning Code shall again be considered as a yard, court or other open space for another building, nor can such area at a later date be used for the purpose of erecting a building upon the same.

(b) In any Residence District, accessory buildings shall be at least fifteen feet from the centerline of an adjoining alley, at least fifteen feet from any street line and at least fifteen feet from the rear lot line when such rear lot line is the side line of another lot.

(c) The depth required for rear yards shall be the depth exclusive of any portion so used for accessory buildings.

(d) In any district the minimum lot area per family required may be reduced ten percent for a corner lot by unanimous approval of the Zoning Board.

(e) In any district if a side yard is not required but is provided, it shall have a minimum width of at least four feet.

(f) Except as herein prescribed, an outer court is not required in any district, but if provided, its width shall be not less than ten feet nor less than one-fourth of its length nor less than two and one-half inches for each foot of height of the court measured from the bottom thereof to the top of the highest wall abutting it, provided that in determining the width of an outer court adjoining a side yard, the width of such yard may be counted.

(g) Except as herein prescribed, an inner court is not required but if provided its width shall be not less than ten feet nor less than one-fourth of its length nor less than four inches for each foot of the height of the court measured from the bottom thereof to the top of the highest wall abutting it.

(h) In any Business District, any dwelling, or, in cases of mixed occupancy, any portion of a building used as a dwelling, shall be provided with open spaces equivalent in location and dimension to those described herein or as shown in the height and area regulations for an R-2 Residence District.

(i) When a portion of a building in a Business District is used as a dwelling only above the ground floor, an outer court in the rear shall be provided for the stories used for residence purposes, open and unobstructed for the full width of the lot and for a similar depth to that required for a rear yard in an R-2 Residence District.  
(Ord. 1822. Passed 6-15-54.)

#### 1171.05 EXCEPTIONS TO AREA REGULATIONS.

(a) Cornice, Underground Area, Fence. In measuring the width and depth of the yards prescribed herein a cornice projecting not more than twelve inches, an underground areaway or a fence shall not be held to reduce such required dimensions.

(b) Side or Rear Lines Nonparallel or Perpendicular. In measuring the width and depth of side or rear yards, in cases where the rear lot line is not parallel with, or the side lot lines not perpendicular to, the street line, average dimensions may be used.

(c) Prohibit Single Family on a Lot. Nothing in the area requirements of this Zoning Code relating to lot area per family shall be held to prohibit the erection of a one-family dwelling upon a lot, the area of which is less than that prescribed as the lot area per family, provided that such lot, at the time of the passage of this Zoning Code (Ordinance 1822, passed June 15, 1954), was held under separate ownership from the adjoining lots.

(d) Through Lots. In the case of buildings on through lots, the requirements for a rear yard may be waived, provided there is furnished an equivalent open space in lieu thereof.

(e) Porch. Between a building line and the street line, no building or portion of a building, extending above the curb level, may be erected.  
(Ord. 1822. Passed 6-15-54.)

CHAPTER 1173  
Off-Street Parking

1173.01	Application of regulations.	1173.05	Parking and loading requirements.
1173.02	Materials for drives, approaches, etc.	1173.06	Loading space requirements.
1173.03	Distance between parking areas and property.	1173.07	Dimensions of parking and loading spaces.
1173.04	Entrances, exits, setbacks, bumper curbs.		

CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.  
Traffic regulations - see TRAF. Ch. 351  
Loading space defined - see P. & Z. 1111.04(45)  
Parking defined - see P. & Z. 1111.04(53)

1173.01 APPLICATION OF REGULATIONS.

The following regulations governing off-street parking shall be applicable to all zones of the City.  
(Ord. 92-67. Passed 11-14-67.)

1173.02 MATERIALS FOR DRIVES, APPROACHES, ETC.

All parking spaces, drives, approaches and aisles shall be hard-surfaced concrete or asphaltic concrete or similar material.  
(Ord. 69-70. Passed 8-25-70.)

1173.03 DISTANCE BETWEEN PARKING AREAS AND PROPERTY.

All off-street parking areas shall have a front line of five feet from the property.  
(Ord. 92-67. Passed 11-14-67.)

1173.04 ENTRANCES, EXITS, SETBACKS, BUMPER CURBS.

With the exception of R-1 and R-2 Residence Districts where there are no more than two residential living units the following shall be uniformly applicable to all zoning use districts:

- (a) There shall be a minimum of fifty feet between each entrance to or exit from each parking area. Each entrance or exit shall be a minimum width of twenty-five feet and a maximum of thirty-five feet. The approach or exit apron shall not be less than five feet wider than the entrance or exit to the parking areas.

- (b) There shall be a side yard setback of fifteen feet from the property line whenever such property abuts or is within a Residence District.
- (c) There shall be a rear yard setback of fifteen feet whenever such property abuts or is within a Residence District.
- (d) There shall be a bumper curb of not less than five inches in height along all parking area setback lines.  
(Ord. 121-68. Passed 12-14-68.)

#### 1173.05 PARKING AND LOADING REQUIREMENTS.

- (a) Spaces shall be provided in accordance with the following schedule:  
Amount of Off-Street Parking Space Required.
- One-family dwelling - Two spaces for each family unit, plus one space for each two roomers.
- Two-family dwelling - One and one-half spaces for each family, plus one space for each two roomers.
- Multi-family dwelling - Two and one-half spaces for each unit having two bedrooms or less, and one additional parking space for each additional bedroom in a unit in excess of two bedrooms. One space for each employee.
- Motel - One space per unit, plus one space for each employee.
- Office buildings - One parking space for each 200 square feet of gross floor area, excluding any floor space used for parking.
- Retail stores - One parking space for each 200 square feet of gross floor area, except self-service or supermarket stores which shall provide one parking space for each 100 square feet of gross floor area.
- Barber shops and beauty parlors - Two parking spaces for each chair, plus one space for each employee.
- Restaurant with only inside service or tavern - One parking space for each four seats, plus one for each employee.
- Banks, dry cleaning, laundries and similar service business - One parking space for each 250 square feet of floor area.
- Drive-in eating establishment - One parking space for each twenty-five square feet of floor area, but not less than twenty spaces.
- Bowling alleys - Five parking spaces for each alley.
- Auto service station - Four parking spaces.
- Automobile sales and service garage - One parking space for each 200 square feet of floor area in the main display room.
- Used car lot - One space for each 1500 square feet of lot area.
- Hospitals - One space for each four beds, plus one space for each staff doctor and one space for each two full-time employees on shift, including nurses.
- Professional offices, medical clinics - One parking space for each 200 square feet of floor area.
- Sanitariums, convalescent homes or children's homes - One parking space for each three beds, plus one space for each two employees.
- Mortuaries or funeral homes - One parking space for each fifty square feet of floor area in the slumber rooms, parlors or individual funeral service rooms.
- Elementary and junior high schools - One parking space for each employee, plus one parking space for each seventeen classroom seats or one space for each six fixed seats in the main auditorium, whichever is greater.

- Libraries, museums or art galleries - One space for each 600 square feet of floor area, plus one space for each four employees.
- Post office - One parking space for each 500 square feet of floor area, plus one space for each three employees.
- Auditoriums, theaters, assembly halls, other than schools - One parking space for each six persons allowed by the Fire Prevention Code up to 1,000 seats, plus one parking space provided for each three persons allowed by the Fire Prevention Code over 1,000 seats.
- Warehouses, wholesale stores - One parking space for each 800 square feet of floor area.
- Contractors' yard or plant storage yard - One parking space for each three employees.
- Research laboratories - One parking space for each employee per work shift.
- Churches - One parking space for each three seats in the main auditorium.
- Laundromats - One parking space for each two washing machines.

(b) In the case of a use not specifically mentioned the requirements for off-street parking shall be the same as for a similar use specifically mentioned. Similarity shall be determined by the Zoning Board.  
(Ord. 69-70. Passed 8-25-70.)

#### 1173.06 LOADING SPACE REQUIREMENTS.

In addition to area adequate for maneuvering and ingress and egress, a minimum amount of off-street loading spaces for business uses shall be provided according to the following schedule:

<u>Square Feet of Gross Floor Area</u>	<u>Required Spaces</u>
Up to 20,000	1
20,000 to 40,000	2
40,000 to 70,000	3
70,000 to 120,000	4
120,000 to 200,000	5

(Ord. 116-78. Passed 9-26-78.)

#### 1173.07 DIMENSIONS OF PARKING AND LOADING SPACES.

Each off-street loading space should be not less than ten feet wide and twenty-five feet long. Each parking space should be not less than nine feet wide and eighteen feet long. In addition, access drives need to be provided.

Parking or loading and unloading shall not be permitted between the property line and the curb.

(Ord. 92-67. Passed 11-14-67.)