

Subdivision Regulations

Chapter 1101

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Section 1101.01 Definitions

Subdivision means a division of any parcel of land shown as a unit or as contiguous units in the current records of the County Recorder into two (2) or more lots, parcels, sites or other division of land, any one of which is five (5) acres or less, for the purpose, whether immediate or future, of transfer of ownership, including:

- A. **Minor Subdivision** which means the proposed division of a parcel of land along an existing public street not involving the opening, widening or extension of any road or street, and involving not more than five (5) lots; and
- B. **Major Subdivision** which means a division of a parcel into two (2) or more lots when such subdivision involves the opening, widening or extension of any street or the granting of easements for the extension and maintenance of sewer, water, storm drainage or other facilities. Any division of a parcel into more than five (5) lots is a "major subdivision."

A division of land into parcels of more than five (5) acres for agricultural purposes not involving new streets or easement of access, or a division, sale or exchange of parcels between adjoining lot owners, if such exchange does not create additional building sites, shall not be considered a subdivision.

(Ord. 79-139. Passed 12-2-80.)

Section 1101.02 Major Subdivisions; Procedural Requirements

- A. Any developer who desires to present a major subdivision to the City shall make application to the City Engineer. The City Engineer shall supply the developer with all the rules and regulations of the Planning and Design Commission, as well as any pertinent ordinances dealing with the subdivision or land. Any person submitting a proposed subdivision shall submit with his application a preliminary plan and location map, a topographic map, a plat, improvement plans (unless the developer intends to submit a petition described in *Section 1101.11* for acceptance by Council) and other necessary documents, such as easements and title insurance documents.
- B. A preliminary plan and location map shall show the type of zoning of areas contiguous to the land to be platted. Such preliminary plan and location map shall contain the following information:
 - 1. A certification showing that the preliminary plan was prepared by a professional land surveyor registered in Ohio.
 - 2. The preliminary plan shall be accurately drawn to the scale of one (1) inch equals 100 feet unless waived by the City Engineer. Dimensions from the County Auditor's map may be used.
 - 3. The preliminary plans shall show all existing streets, including intersections, forming the periphery of land to be developed; the street and lot lines for the area to be developed; the existing and proposed location of drainage ditches; the existing structures on the parcel to be subdivided; the existing structures on properties immediately adjacent and within twenty feet of the boundary line; and the location and description of plugged, capped or active gas wells, within the subdivision and within 100 feet of the boundaries of the proposed subdivision.
 - 4. The location map shall show the location of all peripheral streets and subdivisions within approximately one mile of the land to be developed and showing the proposed subdivision and proposed streets shall be drawn on the preliminary plan or the proposed

- subdivision shall be drawn on a copy of the City Zone Map and submitted along with the preliminary plan.
5. The City shall be provided with 12 copies of the preliminary plan and one (1) copy of the location map. The North Olmsted Board of Education shall be provided with one (1) copy of the preliminary plan.
- C. A topographic map shall be prepared by a professional land surveyor registered in Ohio. Such topographic map shall contain the following:
1. It shall be accurately drawn to a scale of one (1) inch equals 50 feet with a contour interval of one (1) foot unless waived by the City Engineer. The elevations shall conform to sea level elevations established by the Cleveland Regional Geodetic Survey. The Geodetic Bench Mark used shall be indicated thereon.
 2. The topographic map shall show the location of houses on the lots, finished ground elevation at the house and lot corners, existing improvements on adjoining streets and proposed block and lot drainage.
 3. The City shall be provided with at least three (3) copies of the topographic map, and one (1) reproducible mylar transparency.
- D. The plat shall be prepared by a professional land surveyor registered in Ohio and his signature, registration number and seal shall appear thereon. Such plat shall contain the following information:
1. The plat shall be drawn on linen cloth or equal material with India ink to the scale of one (1) inch equals 50 feet. Scale may be waived by the City Engineer. The linen shall not be smaller than one foot by two feet or larger than two feet by three feet. Large plats may require more than one (1) sheet. If so, the sheets shall be numbered consecutively and indexed.
 2. Dimensions shall be expressed in feet and decimal parts thereof to the nearest hundredth of a foot. Angles shall be expressed in degrees, minutes and seconds to the nearest second.
 3. The plat shall be complete and consistent in itself as to all measurements. Bearings shall be assumed to show angles.
 4. The plat shall show north arrow, date, names and addresses of owners, surveyors and developer.
 5. The plat shall show an acceptance and dedication clause and approvals by City officials, which acceptance and dedication shall be for record purposes only unless the developer submits, and Council accepts, a petition described in *Section 1101.11*. Approval clauses for Director of Law, City Engineer, Director of Public Service, Planning and Design Commission and Council shall be provided on the plat.
 6. Monuments shall be indicated on the plat at all angles in the boundary of the subdivision and at all intersections of streets within the subdivision; at all points of curvature, points of tangency, points of intersection and corporation lines for street centerlines within the subdivision. These monuments shall be set in the field at all points indicated on the subdivision plat before the plat is approved for records purposes except monuments in areas to be paved. Monuments in areas to be paved shall be set during or immediately after the pavement is constructed. Municipal, Township, section lines, original lot lines and other survey control lines shall be accurately tied to lines of subdivision.
 7. Streets in the subdivision shall be given names different from existing street names within the City, and shall be checked with the North Olmsted Post Office to prevent area duplication of names.
 8. Building setback lines shall be shown on the plat.

9. Property adjacent to the subdivision shall show the owner's name and either the volume and page of his deed or the County Auditor's Permanent Parcel Number.
10. Existing streets terminating near the subdivision boundary shall be shown.
11. Easements for utilities and drainage shall be shown naming the utilities. The City Engineer shall approve the width and location of the easements.
12. Streets:
 - a. Minimum right-of-way width shall be 60 feet, whether streets are intersection streets or periphery streets abutting lands adjacent to the area to be subdivided.
 - b. No reserve strips abutting streets are permitted.
 - c. Location of streets shall conform with the City's Master Plan. Turnout radius at the intersection of right-of-way lines shall be a minimum of 30 feet.
 - d. Street intersections shall be at 90 degrees where practicable, however, never less than 60 degrees. The maximum length of a street between intersections shall be 1,300 feet. No street centerline shall intersect a thoroughfare less than 250 feet from another street centerline on either side of the thoroughfare unless recommended by Planning and Design Commission and approved by Council.
 - e. If possible, streets shall be continuous. If a continuous street cannot be fitted into the overall street plan, a cul-de-sac is permitted whose length is less than 500 feet and whose termination diameter is a minimum of 120 feet, unless larger dimensions are recommended by the Planning and Design Commission and approved by Council.
 - f. Design criteria governing profile grades, horizontal curves and cross sections shall be of sound engineering practice subject to approval by the City Engineer.
13. Sublots:
 - a. All sublots shall front on a public street.
 - b. The minimum frontage shall be determined at the right-of-way or the building setback line which ever requires the larger lot size.
 - c. Minimum frontage on a cul-de-sac shall be determined at a curved line concentric with the cul-de-sac and no more than 50 feet from the right-of-way line of the cul-de-sac. The measurement shall be along the chord.
 - d. Corner lots shall have a minimum of 50 feet setback on any street that the house fronts upon, and a minimum of 25 feet setback for the side yard requirements. Any setback shall be measured according to the definition established in *Section 1115.11* of the Zoning Ordinance entitled "Setback."
 - e. Whenever practicable, side lot lines shall be straight lines perpendicular to the street or radial to the centerline curvature.
 - f. No sublots, parcels or blocks without access to a public street shall be permitted.
 - g. Lots may not be sold until the City finally accepts the plat or accepts the plat for record purposes only.
14. The City shall be provided with three (3) copies of the plat including the original. The Board of Education shall be provided with one (1) copy of the plat.
- E. Upon receiving an application for a major subdivision, a preliminary plan and location map, a topographic map, a plat, improvement plans (unless the developer intends to submit a petition described in *Section 1101.11* for acceptance by Council) and any other necessary documents from a developer, the City Engineer shall submit the application to the Planning and Design Commission for review of the proposed development to determine its compliance with the provisions of these Subdivision Regulations and the provisions of the Zoning Code.

In the event that the developer proposes to create any lot or parcel which does not fully conform with the provisions of the Zoning Code, then the Planning and Design Commission shall refer the application to the Building and Zoning Board of Appeals with the request that the Board determine whether the developer should be entitled to a variance from strict compliance with the provisions of the Zoning Code which his proposed subdivision violates. Upon review and decision by the Building and Zoning Board of Appeals, the proposed subdivision application shall be returned to the Planning and Design Commission for its final review and approval, disapproval or modification.

(Ord. 88-60. Passed 6-7-88; Ord. 2016-36. Passed 8-2-16.)

Section 1101.03 Improvement Plans and Specifications for Major Subdivisions

Unless the developer submits, and Council accepts, a petition described in *Section 1101.11*, any developer wishing to improve a subdivision shall submit to the City Engineer his plans and specifications which shall be prepared by a civil engineer duly registered in the State. The seal of such civil engineer shall appear on the plans. Additionally, such plans and specifications shall contain the following information:

- A. The improvement plans shall be drawn with permanent ink on linen cloth or other equal material. The linen shall be two (2) feet by three (3) feet. The original material on which the plans are drawn shall be the property of the City when the construction is complete and before acceptance of the improvements by the City Engineer. When the original plans are turned over to the City, they shall reflect the improvements as constructed.
- B. The scale shall be one (1) inch equals 50 feet or smaller horizontal; one (1) inch equals five (5) feet vertical unless waived by the City Engineer.

(Ord. 88-60. Passed 6-7-88.)

Section 1101.04 Performance and Maintenance Bonds

- A. Before a building permit is issued with respect to construction within a subdivision, all required improvements shall be constructed and installed to the satisfaction of the City Engineer. If some improvements to be completed by a developer are not completed, the Engineer, in his sole discretion, may require a performance bond equal to the total cost of the improvements yet to be completed. Such bond shall set forth the City as beneficiary and shall be issued by a reputable and solvent bonding company, licensed to do business in the State and shall be deposited with the City Engineer and retained by the City until all improvements are constructed to the satisfaction of the City Engineer.
- B. After the sewer, water and paving improvements to be completed by a developer are constructed, approved and accepted for dedication, the developer shall provide the City with a two-year maintenance bond of at least 10% of the approved estimated cost of construction. The acceptance of the dedication shall not affect the maintenance bond.
- C. The developer shall complete the construction of all improvements or repairs required to be completed by the developer within two (2) years from the date of the permit. Otherwise, the City shall have the right to use the performance bond money to complete or repair the improvements. The aforesaid two-year period may be extended by Council for good cause shown.

(Ord. 88-60. Passed 6-7-88.)

Section 1101.05 Recording and Review Fees for Major Subdivisions

- A. A deposit shall be posted with the City by the developer for the recording of subdivision plats, easements, etc., the review of the preliminary plan, topographic map, plat and, if the improvements are to be completed by the developer, improvement plans and specifications before the matter is referred to the City Engineer. The cost of review shall be calculated on the basis of the actual time expended at the current hourly rates as established by and on file in the Engineering Division. If the deposit is more than the actual cost of review, the remainder shall be refunded. If the cost of recording and review is greater than the deposit, the deficient amount shall be paid to the City before Council approval is given.
- B. The filing of the final plat for recording with the County Recorder shall be done by the City Engineer who shall turn such plat over to a reputable title insurance company and request a "Statement on Streets" for the benefit of the City and when such "Statement on Streets" is finished, the Engineer shall order the plat to be recorded. All costs charged for the "Statement on Streets" and recording shall be paid for by the developer.
- C. Deposits for review of plans, topographic and preliminary maps and every document required by the City and for the recording of subdivision plats, easements, etc., shall be as follows:
1. For single-family residential subdivisions (A, B or C Zoning District):

6 to 10 lots	\$ 600.00
11 to 50 lots	\$ 800.00
51 lots and up	\$ 1,000.00
 2. All other subdivision requests \$ 600.00
 3. Rezoning requests \$ 500.00
- (Ord. 2013-52. Passed 6-25-13.)

Section 1101.06 Deposit for Inspection of Major Subdivision

- A. When plans are submitted to the Engineering Division by a developer for a major subdivision, \$1,000 shall be deposited by the developer with the City for preliminary inspection activities, including plan review. Unless the developer submits, and Council accepts, a petition described in *Section 1101.11*, the developer's engineer shall furnish an itemized estimate of the cost of construction of all required improvements for the approval of the City Engineer. When the estimate is approved by the City Engineer, \$2,000 or 5% of the approved estimate, whichever is greater, shall be deposited by the developer with the City for inspection and testing before Council approval, and such deposit shall be in addition to the initial deposit of \$1,000 at the time of plan submission.
- B. The cost of inspection shall be calculated on the basis of the actual time expended at the current hourly rates as established and on file in the Engineering Division.
- C. If the deposit is more than the actual cost, the remainder shall be refunded. If the cost of inspection is greater than the deposit, the deficient amount shall be paid to the City by the developer before construction is permitted to continue.
- (Ord. 2013-52. Passed 6-25-13.)

Section 1101.07 Procedure for Minor Subdivision

- A. **Application.** A sketch plan complying with the requirements set forth in *Section 1101.08* shall be prepared for each minor subdivision and an application for approval submitted to the office of the City Engineer not less than 12 days prior to the next regularly scheduled meeting of the Planning and Design Commission. The purposes of the sketch plan layout are to furnish sufficient information to determine if it qualifies as a minor subdivision, its relation to adjacent subdivisions and compliance with other City codes.
- B. **Review by City Engineer.** The developer shall submit either a metes and bounds deed description or plat, as required to the City Engineer for review and, if it is found to conform to the approved sketch plan and is otherwise satisfactory, the City Engineer shall so certify the approval thereon within seven working days after such receipt. In the event the City Engineer, or any other City official, determines that the proposed minor subdivision does not fully comply with all applicable provisions of the Zoning Code, the proposal shall nonetheless be submitted to the Planning and Design Commission for its review and the Planning and Design Commission shall be so advised by the City Engineer of the aspects of the proposal which so render it noncomplying.
- C. **Referral to Planning and Design Commission.** Upon referral by the City Engineer of a proposed minor subdivision, the Planning and Design Commission shall review all required maps, sketches and information, and the report of the City Engineer as to compliance with the applicable sections of this chapter and the Zoning Code.
- D. **Approval.** The minor subdivision shall be approved if the Planning and Design Commission determines the proposed division of land is a minor subdivision, and that:
1. All the contiguous land owned by the developer therein can be completely subdivided;
 2. It is properly integrated with adjoining subdivisions or could be properly coordinated with the subdivision and extension of streets to adjoining land; and
 3. It complies with the planning principles and other sections of this chapter, the Zoning Code, local street plans and other adopted plans of the City.

In the event that the developer proposes to create any lot or parcel which does not fully conform with the provisions of the Zoning Code, then the Planning and Design Commission shall refer the application to the Building and Zoning Board of Appeals with the request that the Board determine whether the developer should be entitled to a variance from strict compliance with the provisions of the Zoning Code which his proposed subdivision violates. Upon review and decision by the Building and Zoning Board of Appeals, the proposed subdivision application shall be returned to the Planning and Design Commission for its final review and approval, disapproval or modification.

An approval notation to that effect shall be made on the sketch plan by the Chairman of the Commission, and the developer shall be informed by the City Engineer if a metes and bounds deed description or a plat map will be required. Three (3) prints of the approved sketch plan shall be made by the developer and transmitted to the Commission.

- E. **Disapproval.** If the Commission determines that the proposed division of land is a major subdivision, or if the sketch is not approved for other reasons, the Commission shall state the conditions to be complied with before such division shall be approved.
- F. **Recording.** A deed or plat shall be filed and recorded in the office of the County Auditor and the County Recorder by an authorized representative of the City within 30 days after approval by the Planning and Design Commission.

(Ord. 84-125. Passed 1-16-85; Ord. 2016-36. Passed 8-2-16.)

Section 1101.08 Sketch Plan for Minor Subdivision

A. Maps and Data.

1. Property description. A drawing or print showing by scale and dimensions the parcel which is to be subdivided and all contiguous land of the same ownership, the name of the owner and of adjoining property owners, including designations of parcels according to official records, and bearing the distance to the nearest intersection of dedicated streets.
2. Topography. Information on the topography and drainage of the proposed subdivision and within 50 feet thereof.
3. Utilities. Information on the accessibility of required utilities.
4. Structures. Locations of existing structures on the parcel, residential structures of adjoining parcels within 25 feet of the proposed subdivision and all nonresidential structures on adjoining parcels.

B. Sketch Plan. The sketch plan shall be clearly drawn, at a scale of not less than 50 feet to the inch, showing:

1. The proposed layout;
2. Dimensions of each lot;
3. Existing dedicated streets, including the full width and names;
4. Required building line on all proposed lots;
5. Lot numbers; and
6. North point.

(Ord. 79-139. Passed 12-2-80.)

Section 1109.09 Fees for Minor Subdivision; Recording and Review

A deposit of \$600.00 shall be posted with the City by the developer for the recording of the subdivision, easements, etc., and for the review of the application, sketch plan, maps and other data submitted to the City Engineer. The cost of review shall be calculated on the basis of the actual time expended at the current hourly rates as established by and on file in the Engineering Division. If the charge for the recording and review is more than the amount of the deposit, the developer shall pay to the City the excess; if less, the overpayment shall be refunded.

(Ord. 2013-52. Passed 6-25-13.)

Section 1101.10 General Provisions

- A. **Easements**. Any easements required by either a major or minor subdivision shall be described in a separate document, reciting in detail the right of construction, maintenance and entry land. The easements are to be reviewed by the City before recording. Easements are to be provided for all improvements, drainage ditches and swales not located in a public street. The easements shall be shown on the plat. The utility company, if applicable, and the City shall be the grantees.
- B. **Improvements**. Except as otherwise provided in a petition described in *Section 1101.11* submitted to and accepted by Council, the following improvements are required for all subdivisions, minor or major: sanitary sewers and connections; storm sewers and connections; water mains and connections; paving; sidewalks; driveway aprons; trees; finish grading; street signs; traffic control devices; street illumination; and any appurtenances to the foregoing improvements.

Unless the developer submits, and Council accepts, a petition described in *Section 1101.11*, before construction of the improvement begins, a performance bond insuring the completion of the improvement shall be posted with the City by the developer equal to at least 100% of the approved estimate of cost of construction of the sewer, water, paving and sidewalk improvements.

1. The sanitary connection shall be six (6) inches or larger. The depth of the sanitary sewer shall be such that the sanitary connection can discharge by gravity into the sanitary sewer. Where this is not possible, basementless homes only shall be permitted. Lots to be used for basementless homes shall be noted on the plat.
2. Storm sewers shall be a minimum size of 12 inches. Minimum size storm sewer connections shall be six (6) inches. The storm sewers shall be sized to provide for storm drainage from the tributary area. The culverts and bridges across dedicated streets shall be constructed by the developer, unless the developer submits, and Council accepts, a petition described in *Section 1101.11*. Major drainage ditches passing through the proposed subdivision shall be improved as necessary. If a ditch is relocated, a plan shall be submitted for approval. All ditches passing through a proposed subdivision for which the City Engineer determines the culvert size to be 54 inch diameter circular pipe or equivalent, or less, shall be completely culverted through the subdivision. For pipe sizes between 54 inches and 72 inches inclusive, the developer shall negotiate with the City for installation of same, unless the developer submits, and Council accepts, a petition described in *Section 1101.11*. Ditches requiring in excess of 72 inch culvert may remain open, but Council, upon the advice of the City Engineer, is hereby empowered to require such ditches to be fenced with fence approved by the City Engineer, and providing that a minimum right of way of 50 feet is provided for service to such ditch. Ditch banks shall be on a minimum two (2) horizontal to one (1) vertical slope and deeded. No relocated ditch bank shall be closer than ten (10) feet to adjoining property.
3. Water mains and appurtenances shall be constructed in accordance with the standards and specifications of the Cleveland Water Department.

C. Electrical Requirements.

1. The preliminary plat or sketch plan with respect to any new subdivision shall be submitted to all utility companies serving the subdivision, as well as the Building Commissioner and City Engineer.
2. Utility easements ten (10) feet in width for communication and electric power and street lighting distribution lines and facilities shall be provided on all front lot lines and along certain side or rear lot lines where necessary.
3. Unless the developer submits, and Council approves, a petition described in *Section 1101.11*, prior to the City's granting final approval of the plat, the developer shall have installed or shall have furnished adequate bond for the ultimate installation in accordance with the requirements of this chapter and the National Electrical Code, latest edition adopted by the State and all subsequent amendments thereto pertaining to the following:
 - a. Underground communication cables;
 - b. Underground distribution cables for power and street lighting from a common distribution system, and the equipment and housing necessary in the operation of the distribution system;
 - c. Adequate provisions for street illumination lamps and standards in accordance with the design approved by Council.

Unless the developer submits, and Council approves, a petition described in *Section 1101.11*, the developer shall bear the increase in costs, if any, over the normal mode of construction of communication or electrical lines and facilities, as determined by the telephone or electric company involved in accordance with the rules and regulations

4. The Building Commissioner (or Council or the Planning and Design Commission) may authorize a variance from these regulations when undue hardship may result from strict compliance. In granting any variance, the Building Commissioner (or Council or the Planning and Design Commission) shall prescribe only conditions that he (or it) deems necessary or desirable for the public interest and finds that there are special circumstances or conditions affecting the property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.

D. Paving.

1. All streets shall be paved with eight (8) inch reinforced concrete pavement; shall have barrier curbs; shall have a minimum width of 28 feet measured from back of curb to back of curb; shall be constructed in accordance with the current State of Ohio, Department of Transportation, construction and material specifications, Item 451 reinforced Portland cement concrete pavement.
2. Areas other than residential: nine (9) inch reinforced concrete pavement with barrier curbs, and shall have a minimum width of 28 feet measured from the inside face to inside face of curbs.
3. For all areas regardless of the type of zoning where the proposed pavement width from back of curb to back of curb exceeds 32 feet, the minimum lane width shall be 11 feet except that Council may require wider lane widths to conform to the volume and type of traffic.
4. Sidewalks: concrete walks shall be five (5) feet wide, four (4) inches thick except at driveways where the thickness shall be six (6) inches. Wire mesh six (6) inch by six (6) inch, No. 10 minimum, shall be provided and used throughout the entire length of the sidewalk.
5. Driveway aprons shall have a minimum thickness of six (6) inches for residential and eight (8) inches for commercial and shall be flared toward the street a minimum of three (3) feet wider on each side of the driveway. Wire mesh, six (6) inch by six (6) inch, No. 10 minimum for residential and six (6) inch by six (6) inch, No. 4 for commercial, shall be provided and used.
6. Trees shall be planted according to the Master Tree Plan specified by the Director of Public Service on file at City Hall.
7. The City Engineer has the authority to waive or increase the above improvement requirements when authorized by Council. All construction work required by the developer shall be done in the presence of a City Inspector, under the supervision of the City Engineer.

(Ord. 88-60. Passed 6-7-88.)

Section 1101.11 Final Plat Approval

- A. Prior to the granting of final plat approval by the Planning and Design Commission, either:
 1. All improvements required by this chapter shall have been constructed or, to the extent contemplated in *Sections 1101.04* and *1101.10*, performance and maintenance bonds for their construction shall have been posted, or

2. In the case of a plat including only lands inside the City, the developer shall have petitioned Council for the construction of such improvements and the levying of special assessments to pay costs thereof and Council shall have accepted that petition. Any such petition shall:
 - a. Describe in specific terms the kinds of improvements to be constructed and the location and termini of such improvements;
 - b. Be signed by the developer and each owner of each parcel or lot of property to be assessed for the improvements and, to the extent known, by the prospective owners of each such parcel or lot of property;
 - c. Waive the procedural requirements of Ohio R.C. 727 and all resolutions, ordinances, hearings and notices for the making of such improvements and the levying of special assessments to pay costs thereof;
 - d. Set forth what portion, if any, of the cost of the improvements the City will assume;
 - e. State whether the improvements are to be installed all at once or, with the approval of the City Engineer and the Planning and Design Commission, whether portions of the improvements may be installed as determined by the City Engineer and Planning and Design Commission to be desirable; and
 - f. Contain such other provisions as counsel for the City may determine to be appropriate for the proper safeguarding of the City's interests.
- B. If any such petition is accepted by Council, the fact of such acceptance shall be noted on the final plat prior to its recording.

(Ord. 88-60. Passed 6-7-88.)

Section 1101.99 Penalty

Any person, firm, partnership, corporation, contractor, subcontractor, mechanic or architect who violates any provision of this chapter shall be fined not more than \$1,000 or such person or the president of the firm or corporation shall be imprisoned in the County Jail not more than six (6) months, or both.

(Ord. 79-139. Passed 12-2-80.)

Title, Scope and Purpose

Chapter 1113

Sections

1113.01	Title
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1113.03	Scope
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1113.05	Interpretation upon Conflict
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Section 1113.01 Title

This Zoning Ordinance shall be known and may be cited as the "Zoning Code", and when the words "Zoning Code" or "this Code" are used hereafter the same shall be deemed to mean the provisions of Ordinance 90-125, passed May 21, 1991 as amended.

(Ord. 90-125. Passed 5-21-91.)

Section 1113.02 Purpose

The purpose of the Zoning Code shall be to provide by the provisions hereinafter made for the orderly development of the land within the City and to provide in that manner for the public peace, health, safety, convenience, comfort, prosperity and general welfare of its residents and of the City.

(Ord. 90-125. Passed 5-21-91.)

Section 1113.03 Scope

The provisions of the Zoning Code, as may be from time to time amended or supplemented, shall apply to the use of land within the City by the creation of districts defining or limiting the use of land or structures within such districts and by the establishment of regulations for the location of structures, their height, bulk, percentage of lot occupancy and the area of open spaces around any structure.

(Ord. 90-125. Passed 5-21-91.)

Section 1113.04 Supplement to Other Laws and Ordinances

The provisions of the Zoning Code shall supplement any and all laws of the State, ordinances of this City or any and all rules and regulations promulgated by authority of such law or ordinance relating to the purpose and scope of this Code.

(Ord. 90-125. Passed 5-21-91.)

Section 1113.05 Interpretation upon Conflict

In interpreting and applying the provisions of the Zoning Code, such provisions shall be held to be the minimum requirements for the promotion of public peace, health, safety and general welfare. Except as specifically provided herein, it is not intended by this Code to repeal, abrogate or annul any existing provisions of any law or ordinance or any rule or regulation previously adopted or issued pursuant to law relating to the construction and use of structures and land; nor is it intended by this Code to interfere with, abrogate or annul any private easement, covenant, agreement or restriction; provided where this Code imposes greater restrictions upon size or location of buildings or use of the premises or requires larger or smaller lots, yards or other open spaces, than are otherwise required or imposed, the provisions of this Code shall control. In other cases of conflict between the provisions of this Code and any law, ordinance, rule, regulation, easement, covenant, agreement or restriction the more restrictive shall govern.

(Ord. 90-125. Passed 5-21-91.)

Section 1113.06 Severability

Each section of the Zoning Code and each part of such section are declared to be independent sections and parts of sections, and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of such sections, or the application thereof to any person or circumstance, is held invalid for any reason, the remaining sections or parts of sections and the application of such provision to any person or circumstances other than as to those to which it is held invalid, shall not be affected thereby, and it is hereby declared that the Code would have been passed independently of section, sections or parts of a section held to be invalid.

(Ord. 90-125. Passed 5-21-91.)

Definitions

Chapter 1115

Sections

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Section 1115.01 Construction of Language

- A. The words, terms and phrases used in this ordinance shall have the meaning assigned to them in this chapter, except where the context clearly indicates a different meaning.
- B. The following rules shall apply for construing or interpreting the terms and provisions of this ordinance:
1. Meanings and Intent. All provisions, terms, phrases and expressions contained in this ordinance shall be construed according to the purpose statements set forth throughout this ordinance. When a specific section of this ordinance gives a different meaning than the general definition provided in this chapter, the specific section's meaning and application of the term shall control.
 2. Headings, Illustrations and Text. In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table or map, the text shall control.
 3. Lists and Examples. Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.
 4. Computation of Time. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.
 5. References to Other Regulations/Publications. Whenever reference is made to a resolution, ordinance, statute, regulation or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation or document, unless otherwise specifically stated.
 6. Delegation of Authority. Any act authorized by this ordinance to be carried out by the Planning and Development Director may be carried out by a designee of the Planning and Development Director.
 7. Technical and Non-Technical Terms. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
 8. Public Officials and Agencies. All public officials, bodies and agencies to which references are made are those of the City of North Olmsted, unless otherwise indicated.
 9. Mandatory and Discretionary Terms. The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.
 10. Conjunctions. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
 - a. "And" indicates that all connected items, conditions, provisions or events apply; and
 - b. "Or" indicates that one (1) or more of the connected items, conditions, provisions or events apply.
 11. Tenses, Plurals and Gender. Words used in the present tense include the future tense.

Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender and vice versa.

(Ord. 2017-32. Passed 5-2-17.)

Section 1115.02 Definitions A-B

ACCESSORY BUILDING means a detached subordinate structure or building, the use of which is incidental to, and customarily associated with, the principal structure and located on the same lot as the principal structure.

ACRE means a unit of land area equal to 43,560 square feet or 160 square rods. There are 640 acres to a square mile. The acre's metric equivalent is 0.405 hectares (4,047 square meters).

ADDITION means a new structure on a site with an existing structure, or a new component to an existing structure, which causes an extension or increase in floor area or height of a building or structure.

AESTHETICS means a design term that describes the visual quality of buildings and spaces.

ALTERATION means changes made to a building or structure including the construction of additions. Normal maintenance and repairs are not considered to be alterations.

ANIMAL BOARDING FACILITY, INDOOR means any facility where domestic animals owned by another person are temporarily boarded for a fee and whose activities are conducted completely indoors.

ANIMAL, DOMESTIC means an animal commonly domesticated as a companion or pet and kept in a home or yard. Examples include dogs, cats, birds, fish, rabbits, small rodents and similar animals, and are not used for commercial purposes. Household or domesticated animals do not present an unusual risk to a person or property and are not considered farm, wild or exotic animals.

ANIMALS, EXOTIC means any animal that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad and is as defined by 9 CFR 1.1.

ANIMAL HOSPITAL/CLINICS means any facility used for the medical treatment of animals where animals may be boarded only during their convalescence from such medical treatment and where all operations are conducted completely indoors.

ANIMAL GROOMING FACILITY means any facility providing bathing or trimming of domestic animals for a fee where all operations are conducted completely indoors. This term includes facilities that board domestic animals for a maximum period of 48 hours incidental to the grooming services provided.

ANIMAL TRAINING FACILITY means any facility providing training of domestic animals for a fee, where all operations are conducted completely indoors. This term includes facilities that board domestic animals for a maximum period of 48 hours incidental to the training services provided.

APARTMENT means a multi-family building comprised of three (3) or more dwelling units, separated from each other by fireproof walls, floors and/or ceilings, of concrete, masonry or the equivalent, arranged one above the other and/or side by side, each unit having at least one (1) entrance connected to a common interior hall leading to the exterior.

APPEAL means a request for review of an administrative official's or decision-making body's interpretation or decision made under this ordinance.

APPLICANT means a person, firm or governmental agency who executes the necessary forms to obtain approval or a permit for a land disturbing activity.

ART, DANCE, OR PHOTOGRAPHY STUDIO OR GALLERY means a work space for artists or artisans including persons engaged in the application, teaching or performance of fine arts such as, but not limited to, drawing, dance, vocal or instrumental music, painting, sculpture and writing.

AVERAGE FOOT CANDLE means the level of light measured at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at three (3) to four (4) feet above the ground.

AUTO WASH means a building and land used for cleaning of passenger vehicles.

BAR means an establishment having as its principal use the serving of beer, wine or liquor for consumption on the premises. Sandwiches, light meals, snacks and/or full service meals are available for consumption on the premises but are not the principal use of the establishment.

BASEMENT means a portion of a building having more than one-half (1/2) its height below grade.

BED AND BREAKFAST INN means an owner-occupied dwelling in which overnight accommodations and a morning meal are provided to transients for compensation.

BERM means an earthen mound formed to shield undesirable views, decrease noise or add topographical interest.

BOARD means the Building and Zoning Board of Appeals (BZBA).

BREWERY means a facility operated as a manufacturing brewery or brewpub duly licensed by the Ohio Division of Liquor Control.

BUFFER means open spaces, landscaped areas, fences, walls, berms, or any combination used to physically separate or screen one use or property from another.

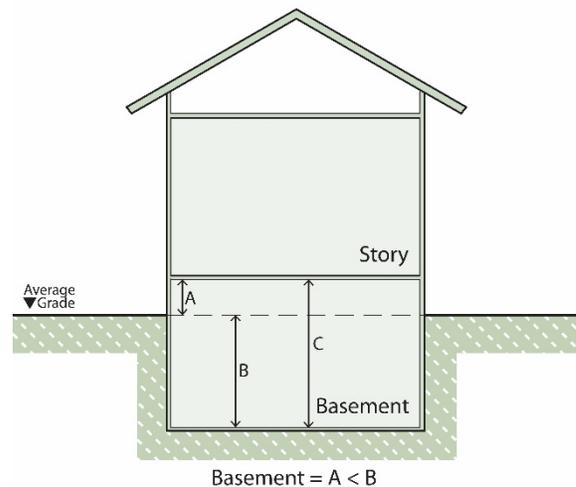
BUILD includes establish, construct, erect, assemble, arrange, reconstruct, enlarge and alter.

BUILD-TO LINE means a specified setback line at which the front of a building shall be located.

BUILD-TO ZONE means the prescribed area within which the front building façade must be placed.

BUILDABLE AREA means the land area of a given lot that is potentially available for construction after all zoning and other municipal requirements have been fulfilled. Buildable area would exclude required yards and areas on which construction may be prohibited, such as floodplains.

BUILDING means any structure having a roof supported by columns or walls and which is designed for shelter, storage or enclosure of persons, animals or property of any kind.

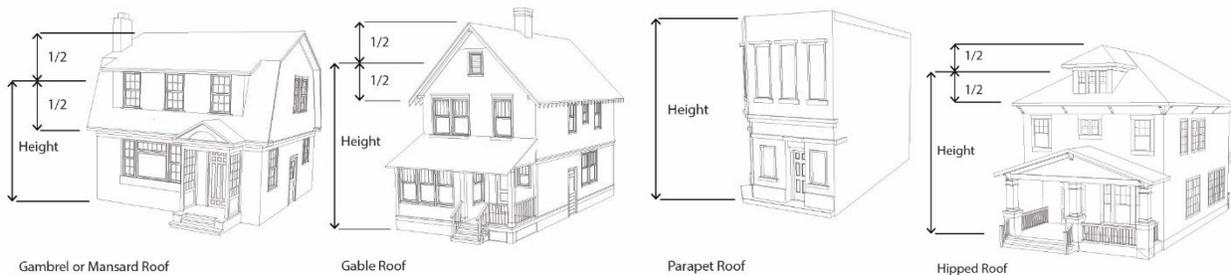


BUILDING, ACCESSORY means a detached building whose purpose is related to, but subordinate to, that of the principal building on the same parcel of land. Examples include detached garages, tool sheds and barns.

BUILDING CODE means the ordinance(s) adopted by the City that prescribes minimum standards for the construction of buildings within its boundaries.

BUILDING COMMISSIONER means the official, or his authorized representative, charged with the administration and enforcement of the building and zoning codes and other ordinances, laws, rules and regulations relating to the use, erection, construction, alteration and repair of any buildings, structures and equipment therefor or the use of the land within the City of North Olmsted.

BUILDING HEIGHT means the vertical distance of a building measured from the average elevation of the finished grade at the front of the building to the highest point of a flat roof; to the average height between the eaves and ridge line for a gable, hip or gambrel roof; or to the deck line of mansard roofs.



BUILDING LINE means a line, established by Zoning Code requirements, that delineates the boundary at grade beyond which no building or structure may extend.

BUILDING, MAIN OR PRINCIPAL means the building occupied by the main use or activity on or intended for the premises, all parts of which building are connected in substantial manner by common walls and continuous roof.

BUILDING PERMIT means a permit that the City issues before such activities as construction, substantial rehabilitation or alteration can legally take place.

BUILDING UNIT means in any building subdivided into separate units or spaces, any interior space occupying any portion of the ground floor of any building having its own exterior entrance and separated from other such spaces by a party wall or walls.

BULB means the source of electric light, to be distinguished from the whole assembly (see "luminaire").

BUSINESS OR TRADE SCHOOL means a specialized instructional establishment that provides on-site training of business, commercial or trade skills, such as accounting, data processing and computer repair or for teaching professional skills such as instrumental music, dancing, barbering, hairdressing or industrial skills.

BYLAWS means a set of rules that provide for the organization and ongoing operations of a legal body or entity, such as a homeowner's association.

(Ord. 2017-32. Passed 5-2-17.)

Section 1115.03 Definitions C-D

CHECK CASHING ESTABLISHMENT means a use other than a bank or financial institution that cashes checks, drafts and money orders for a fee, service charge or other consideration regulated pursuant to the provisions of Chapter 1301:8 of the Ohio Administrative Code.

CITY means the City of North Olmsted.

CIVIC CLUBS AND LODGES means membership organizations that hold regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol or engage professional entertainment for the enjoyment of dues paying members and their guests.

CLERK means the duly acting Clerk of Council of the City of North Olmsted.

CLUSTER DEVELOPMENT means a form of residential subdivision that permits housing units to be grouped on sites or lots with dimensions, frontages and setbacks reduced from conventional sizes, provided the density of the tract as a whole shall not exceed the density allowed by the district under existing regulations and the remaining land area is devoted to common open space.

COLLOCATION means the use of a Wireless Telecommunication Facility by more than one (1) wireless telecommunication provider.

COMMERCIAL PROPERTY means any real property in the City that is zoned for other than exclusive residential or industrial use.

COMMERCIAL VEHICLE means any propelled or non-propelled vehicle, trailer or semi-trailer designed or used to carry freight, passengers for a fee or merchandise in the furtherance of any commercial enterprise.

COMMISSION means the City's Planning and Design Commission.

COMMON OPEN SPACE means any portion of a development that is not part of a lot or tract and is designed for the common usage of residents, visitors, guests or the general public. May include complementary structures and improvements.

COMMUNICATION TOWER, FREESTANDING means a structure erected on the ground and used primarily for the support of broadcast and/or receiving equipment and utilized by commercial, governmental or other public or quasi-public users. A communication tower does not include private home use of satellite dishes and television antennas or amateur radio operators as licensed by the Federal Communications Commission.

COMMUNICATION TOWER, ROOF-MOUNTED means a structure placed on a building used primarily for the support of broadcast and/or receiving equipment and utilized by commercial, governmental or other public or quasi-public users. A communication tower does not include private home use of satellite dishes and television antennas or amateur radio operators as licensed by the Federal Communications Commission.

COMMUNITY CENTER means a building to be used as a place of meeting, recreation or social activity and is not operated for profit and in that neither alcoholic beverages nor meals are normally dispensed or consumed.

CONDOMINIUM means a type of development in which the dwellings, offices, floor area, etc. are owned individually and the structure, common area and joint facilities are owned by all of the individual owners on a proportional and undivided basis as defined in ORC 5311.01.

CONSTRUCTION means any preparation, building or erection of a structure.

COUNCIL means the legislative body of the City of North Olmsted.

COUNTY means the County of Cuyahoga, Ohio.

CUL-DE-SAC means a street having one (1) end open to traffic and being terminated by a permanent vehicular turnaround.

DAY CARE CENTER means a facility, other than a private home, providing care for preschool children, school-aged children during before or after school hours or adults who do not reside in the facility, are present primarily during daytime hours, do not regularly stay overnight and that may include some instruction.

DEDICATION means the transfer of land or an interest in land (for example, a right of way or utility easement) by its owner to public ownership, to be used for a public purpose.

DEED means a written instrument by which the owner of real estate (grantor) conveys their land, or an interest in their land, to another (grantee).

DEMOLITION means the razing of any structure, in whole or in part, including its ruin by neglect of maintenance or repairs.

DENSITY means a ratio of population, residential units or floor area of development to a unit of land area.

DETENTION STRUCTURE means a permanent storm water management structure whose primary purpose is to store storm water runoff temporarily and release the stored runoff at controlled rates.

DEVELOPER means any person acting in his own behalf, or as an owner, or as an agent for an owner of property, and (1) who makes application for plan approval and a permit under the provisions of this ordinance or (2) a person undertaking or for whose benefit, activities covered by these regulations are commenced and/or carried out.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to: subdivision of land; construction or alteration of structures, roads, utilities and other facilities; installation of septic systems; mining, dredging, grading, paving, excavation or drilling operations; deposit of refuse, debris or fill materials; and clearing of natural vegetative cover.

DIAMETER AT BREAST HEIGHT (DBH) means the diameter of a tree measured at 4.5 feet above the base of the tree. Multi-stem trees are considered one (1) individual tree and each stem must be measured 4.5 feet above the base of the stem and added together to determine the diameter of the multi-stem tree.

DIRECT ILLUMINATION means the center of a beam or main beam angle of a lighting fixture.

DISTRICT means one (1) of any number of continuous and contiguous geographic areas within which the provisions and regulations of this ordinance apply uniformly to each class or kind of structure or land.

DRAINAGE means a general term applied to the removal of surface or subsurface water from a given area either by gravity, natural means, or by systems constructed to remove water and is commonly applied to surface water.

DRIVE-IN FACILITIES means commercial enterprises that allow the consumer to do business without leaving their vehicle.

DWELLING means a building designed and occupied exclusively for residential purposes. An attached garage shall be considered a part of the dwelling.

DWELLING UNIT means a building or portion of a building designed for use and occupancy by one (1) family having permanent provisions for living, sleeping, eating, cooking and sanitation. A recreational vehicle, vehicle chassis, tent or other transient residential use is not considered a dwelling.

DWELLING, MULTIPLE-FAMILY means a building or portion of a building designed for residential use and containing three (3) or more attached dwelling units with various arrangements of entrances and party walls, comprising a unified building design. This term shall not include hotels and motels.

DWELLING, SINGLE-FAMILY ATTACHED means a building consisting of separate dwelling units sharing common or party walls with at least one (1) other dwelling unit with each unit having at least two (2) separate entrances.

DWELLING, SINGLE-FAMILY DETACHED means a freestanding dwelling unit designed for and occupied exclusively by one (1) family and having at least two (2) separate entrances.

DWELLING, TWO-FAMILY means a building consisting of two (2) dwelling units which may be either attached side by side or one above the other, separated from each other by tenant walls, floors and/or ceilings of concrete, masonry or the equivalent, and each unit having either a separate or combined entrance(s).

(Ord. 2017-32. Passed 5-2-17.)

Section 1115.04 Definitions E-F

EASEMENT means a grant or reservation made by the owner of a strip or parcel of land for specific purpose to the general public, specific people, or a corporation. The property owner retains ownership and grants perpetual use of a defined portion for a specific purpose.

ELDERLY HOUSING means a residential structure designed specifically to provide for the special housing needs of elderly persons, including any and all special safety and convenience features as required in buildings qualifying for governmental housing assistance for the elderly.

ELEVATION shall mean one of the following:

- a. A scale drawing of the view of one side of a building or structure that indicates location and dimensions of doors and windows, floor-to-floor heights and the final grade level of the ground adjacent to the building in relation to the floor level. Elevations generally show the types of wall finishes, such as wood, stone or brick, as well as architectural details of doors, windows and exterior stairs.
- b. The altitude of the ground or a place above sea level.

ENGINEER means the City Engineer of the City of North Olmsted.

EMPLOYEES means the maximum number of employees on the two (2) largest successive shifts.

ERECT shall mean to build, construct, alter, relocate, modify, attach, hang, place, suspend or affix, and shall also include the painting of signs.

EROSION means the wearing away of land surface by the action of wind, water, gravity, ice or any combination of those forces.

EROSION AND SEDIMENT CONTROL means the control of solid material, both mineral and organic, during a land disturbing activity to prevent its transport out of the disturbed area by air, water, gravity or ice.

ESSENTIAL SERVICES means the erection, construction, alteration or maintenance by a public utility or municipal department of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water, transmission, distribution collection, supply or disposal systems. This includes related poles, wires, pipes, conduit, cables, public safety alarm and communication equipment, traffic signals, hydrants and similar accessories that are necessary to furnish adequate service, addressing general public health, safety, convenience or welfare. Wireless telecommunication towers (unless located on public property and used as part of a municipal emergency communications network), wind energy conversion systems, office buildings, substations or structures that are enclosures or shelters for service equipment, or maintenance depots are not considered essential services.

EXTERIOR LIGHTING means temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this ordinance.

FALL ZONE means the area on the ground within a prescribed radius from the base of a WECS. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) and, in the case of towers, shall not be less than a radius equal in distance to the total height of the WECS.

FAMILY means one (1) or more persons, living together as a single housekeeping unit and occupying a single dwelling unit, whether or not related to each other by birth or marriage.

FILL means a deposit of soil, rock or other material placed by humans.

FLOOD LIGHT means any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

FLOOR AREA means the total area of all the floors as measured from the exterior faces of the building, except that an area used for storage of merchandise or housing of mechanical equipment may be excluded if approved by the Building Commissioner.

FLOOR AREA, GROSS means the sum of the area of all of a building's floors existing within its exterior walls.

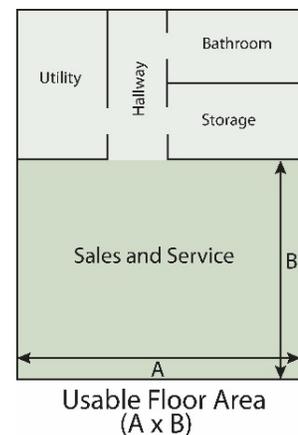
FLOOR AREA, LIVEABLE means the total area of all floors within a dwelling unit whose height is more than half above the finished grade, having a minimum floor-to-ceiling height of seven and one-half (7½) feet, located on a permanent foundation, wired for electrical service and fully enclosed for year-round use. This term shall not include garages.

FLOOR AREA, MINIMUM means the required minimum number of square feet of floor area of a dwelling unit or structure.

FLOOR AREA, NET means the total floor area of a structure minus the square footage devoted to elevator shafts, stairwells, interior space used for parking or loading, equipment and utility rooms and basement areas.

FLOOR AREA, USEABLE means the actual occupied area not including unoccupied accessory areas such as corridors, stairways, bathrooms, storage rooms, mechanical/utility rooms and closets.

FOOTPRINT means the area of land surface on the site that will be covered by the planned building. It shall equal the outside dimensions of the structures depicted on the plans used by the builder or contractor.



FRONTAGE means the distance between the side lot lines measured at the street right-of-way.

FRONTAGE, BUILDING means the linear dimension of the width of the widest portion of the building face including all appurtenant overhangs or other structures, either:

- a. Closest to parallel to the principal street or
- b. Containing the primary building entrance, of any building on any lot.

FULL CUTOFF FIXTURE means an outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

(Ord. 2017-32. Passed 5-2-17.)

Section 1115.05 Definitions G-H

GAME ROOM OR AMUSEMENT ARCADE means a place of business wherein a building or any part of a building has more than two (2) mechanical amusement devices which are used for the purpose of public entertainment through the operation, use or play of any amusement device which is operated by placing therein any coin, plate, disc, plug, key or token of value, or by the payment of a fee.

GARAGE, PRIVATE means an enclosed building with doors, accessory to a one-family, two-family or multi-family dwelling, used exclusively for the parking or temporary storage of passenger vehicles.

GARAGE, REPAIR means a main building designed and used for repairing motor vehicles. "Repair Garage" means a service garage, if accessory to an automobile salesroom.

GARAGE, STORAGE means a main enclosed building with doors, other than a private garage, used for the parking or temporary storage of passenger vehicles and in which no service shall be provided.

GLARE means stray, unshielded light striking the eye that may be viewed by the average person as resulting in:

- a. Nuisance or annoyance glare such as light shining into a window;
- b. Discomfort glare such as bright light causing squinting of the eyes;
- c. Disabling glare such as bright light reducing the ability of the eyes to see into shadows; or
- d. Reduction of visual performance.

"Glare" also includes light emitting from a luminaire with an intensity great enough to reduce the average viewer's ability to see, or, in extreme cases, causing momentary blindness.

GRADE, NATURAL means the ground elevation of the undisturbed natural surface of the ground prior to manmade alterations, such as grading, filling or excavating.

GRADE, FINISHED means the elevation of the finished surface of the ground adjoining the building after filling, final grading or excavating and settlement.

GRADING means altering surfaces to specified elevations, dimensions, and/or slopes; including excavating, stripping, cutting, filling, stockpiling and shaping or any combination.

GROUND COVER means any vegetative growth including trees, stone, gravel or other materials which render the soil surface stable against erosion.

GROUP HOME means a residential facility designed to accommodate a group of individuals, due to age or disability, living as a family unit in a non-institutional, neighborhood setting.

HEALTH AND FITNESS CLUBS means a building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities or other customary and usual recreational activities.

HIGHWAY means a street or traffic way serving and designated as an Ohio or United States route.

HOME OCCUPATION means a gainful occupation enumerated in this Code conducted by members of a resident family wholly within a dwelling.

HOSPITAL means an establishment providing physical or mental health services with overnight accommodations for the sick and injured and is open to the general public 24 hours each day including as an integral part of the establishment related facilities such as emergency care, laboratories, outpatient facilities, training facilities and medical offices.

HOSPITAL, MICRO means a limited service hospital with no more than 12 beds which is no greater than 50,000 square feet in size.

HOTEL/MOTEL means a building that provides rooms or suites intended primarily as sleeping accommodations for public rental and temporary accommodation on a daily basis for registered transient guests. A hotel contains a central, internal lobby and provides daily room cleaning and linen changes. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities, personal services and similar amenities intended principally to serve registered guests.

HOUSEHOLD means one (1) or more people living together in a single dwelling unit with common access to and common use of all living and eating areas and facilities for the preparation and serving of food within the dwelling unit.

HUB HEIGHT means the vertical distance from the base of the wind energy tower to the center of rotation of the rotor.

(Ord. 2017-32. Passed 5-2-17.)

Section 1115.06 Definitions I-J

IMPERVIOUS SURFACE means any material that substantially reduces or prevents the infiltration of storm water into the earth.

IMPROVEMENTS means permanent additions to real property that are designed to make the property more useful or to increase its value, such as buildings, parking and utilities.

INDUSTRIAL PARK means an area within the Limited Industry-Industrial Park District consisting of ten (10) or more acres which shall be developed in accordance with a development plan submitted to the Planning and Design Commission.

(Ord. 2017-32. Passed 5-2-17.)

Section 1115.07 Definitions K-L

KENNEL means any facility used for the boarding, breeding, raising, training, showing, or selling of dogs and/or cats for a fee. Such facilities may include outdoor dog runs.

LAMP means the source of electric light, the bulb and its housing. To be distinguished from the whole assembly (see "luminaire").

LAND means any ground, soil or earth, including marshes, swamps, drainage ways and areas not permanently covered by water within the City.

LAND USE means the various ways in which land may be used, employed or occupied.

LANDSCAPE NURSERY means the growing, storage and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales.

LANDSCAPE PLAN means a site plan depicting planned locations of trees, shrubs, lawns, and other landscaping that will be established on the site.

LATTICE TOWER means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.

LAW DIRECTOR means the chief legal officer for the City of North Olmsted.

LOADING SPACE means an open or enclosed space, other than a street, used for temporary parking of a commercial vehicle while its goods are being loaded or off loaded.

LOT means a division of land separated from other divisions for purposes of sale, lease or separate use, described on a recorded subdivision plat, recorded survey map or by metes and bounds. "Lot" also means an area of land being described as a lot in a duly recorded subdivision or appearing as a single parcel on the Auditor's Map Records or subdivided into a separate area or parcel in accordance with the provisions of ORC 711.01. "Lot" includes the term "plot."

LOT, CORNER means a lot with at least two (2) contiguous sides abutting the intersection of two (2) streets, forming an interior angle of less than 135 degrees. Also a lot abutting a curved street shall be considered a corner lot if the tangents of the curve, at the points of beginning with the lot or the points of intersection of the side lot lines with the street line, meet at an interior angle of less than 135 degrees.

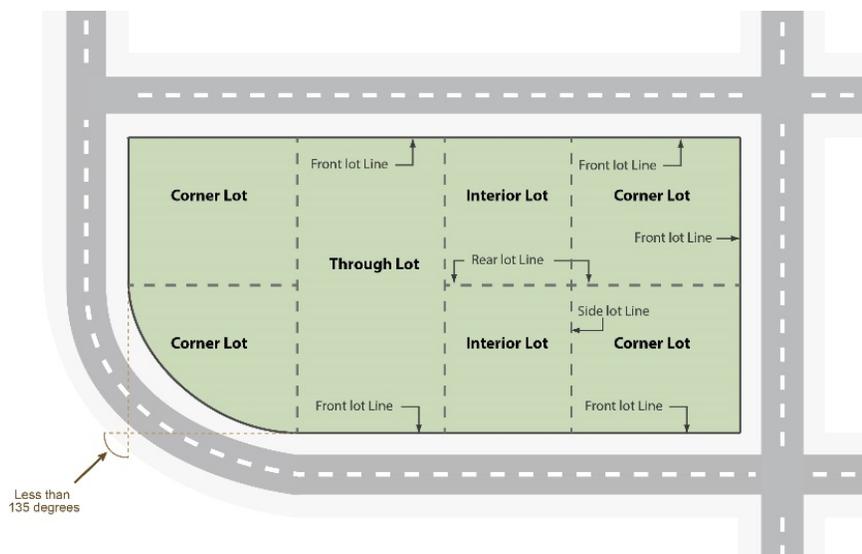
LOT, INTERIOR means a lot other than a corner lot.

LOT, THROUGH means an interior lot having frontage on two (2) parallel streets. A corner lot shall be considered having double frontage if it has access on three (3) or more sides. Also referred to as a "Double Frontage Lot."

LOT AREA means the total horizontal area within the property lines of the lot.

LOT COVERAGE means the proportion of the surface of a lot that is covered by the ground floor area of the main building and all accessory building, excluding unenclosed porches, terraces and steps, measured from the outside surface of the exterior walls.

LOT DEPTH means the mean horizontal distance of a lot measured between the front and rear lot lines.



LOT LINE means the boundary of a lot separating it from adjoining public, common or private land, including a public street.

LOT LINE, FRONT means the lot line separating a lot from the street upon which it abuts, or the shortest lot line of a corner lot which abuts upon a street. Unless the context clearly indicates the contrary, “front lot line” shall also mean “street line.”

LOT LINE, REAR means the line that is opposite the front lot line and also the farthest in distance from the front lot line.

LOT LINE, SIDE means the line that extends from the front to the rear lot line and separates a lot from an adjacent lot that faces on the same street.

LOT, NONCONFORMING means a lot existing lawfully at the time this Code, or an amendment thereto, became effective but which does not conform to the lot area, width, access or other requirements of the district in which it is located.

LOT OF RECORD means a lot that exists as shown or described on a subdivision plat, plat map or deed in the records of Cuyahoga County.

LOT SIZE, MINIMUM, means the minimum size that a building lot must be for a building to be constructed legally at that site.

LOT WIDTH means the horizontal distance of a lot measured along the front building line at the front building setback line.

LOT, ZONING means a parcel of land abutting a dedicated street, occupied or intended to be occupied by a main and accessory use or a main and accessory building, the minimum area of which shall be as required by this Code. A zoning lot may or may not coincide with a lot of record.

LOWEST FINISHED FLOOR means the lowest finished floor of the lowest enclosed area. An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access, or storage located in an area other than a basement is not considered a building's lowest finished floor; provided such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

LUMINAIRE means the complete lighting unit, including the lamp, the fixture and other parts.
(Ord. 2017-32. Passed 5-2-17.)

Section 1115.08 Definitions M-N

MARQUEE means a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building.

MASTER PLAN means the City of North Olmsted's Master Plan.

MECHANICAL AMUSEMENT DEVICE means a machine, device or instrument that upon the insertion of a coin, plate, disc, plug, key or token of value, or payment of money operates or may be operated for use as a game, contest of skill or amusement of any description. Music devices (juke boxes), postage dispensing machines, kiddie ride machines and other penny-operated machines are not included in this definition. Use of a building or any part of a building for a mechanical amusement device shall be accessory only to a permitted main use.

MEDICAL CLINICS AND MEDICAL OFFICES

a. **CLINIC** means facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses

include: medical offices with five (5) or more licensed practitioners and/or medical specialties, outpatient care facilities, urgent care facilities and other allied health services. These facilities may also include incidental medical laboratories and/or pharmacies.

- b. **MEDICAL OFFICE** means a facility other than a hospital where medical, dental, mental health, surgical and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four (4) licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five (5) or more licensed practitioners is classified under "Clinic."

MICROBREWERY see "Brewery"

MIXED USE DEVELOPMENT means a development of multiple buildings that blends a combination of residential, commercial, cultural and/or institutional uses, where those functions are physically and functionally integrated and that provides interior connectivity for vehicles and pedestrians.

MONOPOLE means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

MUNICIPALITY means the City of North Olmsted.

NONCONFORMING is a term applied to lots, structures and uses of land which were lawful before the adoption of this ordinance, or subsequent amendment, but which are prohibited by, or which are not in compliance with, the requirements of this ordinance.

NON-ESSENTIAL LIGHTING means lighting that is not necessary for an intended purpose after the purpose has been served. Non-essential lighting does not include any sign lighting or lighting used for safety and/or public circulation purposes.

NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) is the federally designated metropolitan planning organization for northeast Ohio.

NURSING HOME means a residential care facility designed to provide a range of personal and medical services to chronically ill or disabled individuals.

(Ord. 2017-32. Passed 5-2-17.)

Section 1115.09 Definitions O-P

OCCUPANCY CERTIFICATE or CERTIFICATE OF OCCUPANCY means an official statement certifying that a building, other structure or parcel of land is in compliance with the provisions of all applicable codes, or is a lawfully existing nonconforming building or use and hence may be occupied and used lawfully for the purposes designated thereon.

OCCUPIED BUILDING means a residence, school, hospital, church, library or other building used for public gathering that is occupied or in use when the permit application is submitted.

OPEN SPACE means land that is either undeveloped or is improved with various recreation facilities.

OPERATOR means the individual who has day-to-day supervision and control of activities occurring at a construction site, such as a permit holder, custodian, developer, general contractor or manager. It is anticipated that at different phases of a construction project, different parties will satisfy the definition of "operator."

ORDINARY REPAIR AND MAINTENANCE means any work to correct or prevent any deterioration, damage or decay of a structure in part or in whole and to restore the structure, as

nearly as may be practicable, to its prior condition using materials which are of a design, color and outer appearance as close as practicable to the original.

OTHER ADVERTISING STRUCTURE shall mean any marquee, canopy, awning, campanile, gazebo, kiosk or street clock serving to image, identify or promote a commercial enterprise.

OUTDOOR STORAGE LOT means any portion of a site where material or items are stored for a period greater than 24 hours, such as pipes, building materials, lumber, plumbing supplies, damaged vehicles or salvaged construction equipment.

OWNER means the individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision, any interstate body or any legal entity, who owns a legal interest in the property or the person in control of the property.

PARK means a public area or facility, under the control, operation or management of the city park and recreation authorities or the equivalent state, county or recreation district authorities, which has been designated for active or passive recreational activities and allow the enjoyment of natural features or natural beauty and to be used for recreation, exercise and/or sports.

PARKING LOT means any area, paved or unpaved, used for egress or ingress or to store or park vehicles. The areas designated for the display of new and used vehicles for sale are not included in this definition.

PARKING STRUCTURE means a structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building, such as parking garages, deck parking and underground or underbuilding parking areas.

PARKING SPACE, OFF-STREET means a defined space used to park a motor vehicle other than on a street.

PEDESTRIAN PATHWAY means a sidewalk, trail or other facility designated for use by pedestrians. Such facility may also accommodate bicycles, skates, skateboards, other non-motorized vehicles or battery powered golf carts and self-balancing personal transport vehicles.

PERFORMANCE STANDARDS means criteria that are set to ensure that a particular structure, operational activity, type of land use or development will be able to meet certain minimum standards so that its impact upon the community will not exceed established limits.

PERMIT means the authorization necessary to begin a land use activity under the provisions of this ordinance.

PERMITTEE shall mean a person receiving a permit pursuant to the provisions of this ordinance.

PERSON means any individual, partnership, corporation, company, association, syndicate, or any legal entity, whether he, she or it is acting for himself, herself or itself or as the servant, employee, agent or representative of another.

PERSONAL SERVICES means an establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include, without limitation: beauty and barbershops, shoe repair shops, watch repair and tailor shops.

PLANNING AND DEVELOPMENT DIRECTOR means the director of the Department of Planning and Development for the City of North Olmsted or his/her designee.

PLAT means a map or drawing upon which the subdivider's drawing of the subdivision is presented for approval.

PORCH means a roofed, open structure projecting from the front, side or rear wall of a building.

PRELIMINARY PLAT means the preliminary plat of a subdivision submitted pursuant to the subdivision regulations.

PRESCHOOL means a school for children primarily between birth and five (5) years of age.

PROFESSIONAL TRAFFIC ENGINEER means a person who is registered by the State of Ohio pursuant to Chapter 4733 of the Ohio Revised Code as amended and who is certified as a Professional Traffic Operations Engineer (PTOE) by the Transportation Professional Certification Board Inc. (TPCB).

PRINCIPAL STRUCTURE means the building that contains the main use for which the premises is allowed according to the applicable zoning district.

PRIVACY WALL means a continuous visual screen not less than six (6) feet in height. The screen shall be a windowless wall, fence or other type of impenetrable and opaque material that is aesthetically compatible with existing development.

PROPERTY OWNER OF RECORD means the person identified as owner by county tax records.

PUBLIC PARKING AREA means an open or enclosed publicly-owned area used for passenger automobile parking.

PUBLIC UTILITY means any person, firm, corporation, governmental agency or board fully authorized to furnish and furnishing under governmental regulation to the public electricity, gas, steam, telephone, telegraph, transportation or water or any other similar public utilities.

(Ord. 2017-32. Passed 5-2-17.)

Section 1115.10 Definitions Q-R

RECREATIONAL VEHICLE means any type of vehicle used temporarily or periodically for recreational or leisure pursuits including, but not limited to, travel trailers, motor homes, boats, special purpose automobiles, floats, rafts, trailers, detachable travel equipment of the type adaptable to light trucks, personal watercraft and other vehicles or equipment of a similar nature, as well as any trailer used to transport them.

RECYCLING COLLECTION CENTER means a facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books and other paper products; glass; metal cans; and plastics and other products are collected, sorted and temporarily stored prior to shipment for remanufacture into new materials. Such a facility may allow limited compacting or crushing of recyclable materials.

RECYCLING FACILITY means any facility that is not a junkyard, as that word is currently defined in Chapter 4737 of the Ohio Revised Code, and in which recoverable resources, such as newspapers, magazines, books and other paper products; glass; metal cans; and plastics and other products are recovered, reused, reprocessed, and treated to return such products to a condition in which they may again be used for production.

REDEVELOPMENT means a land disturbance activity that alters the use of land but does not necessarily alter the pre-development runoff characteristics.

REGISTERED LANDSCAPE ARCHITECT means a person who is registered by the State of Ohio pursuant to Chapter 4703 of the Ohio Revised Code, as amended.

REGISTERED PROFESSIONAL ENGINEER (P.E.) means a person who is registered by the State of Ohio pursuant to Chapter 4733 of the Ohio Revised Code as amended.

REGISTERED LAND SURVEYOR means a person who is registered by the State of Ohio pursuant to Chapter 4733 of the Ohio Revised Code as amended.

REGULATION means any regulation, rule or requirement prepared by the City and adopted by North Olmsted City Council pursuant to this ordinance.

RELIGIOUS INSTITUTION OR PLACE OF WORSHIP means a structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are conducted, together with its accessory buildings and uses, and which are operated, maintained and controlled under the direction of a religious group. Accessory uses may include school facilities, daycares, cemeteries, mausoleums, caretaker's housing, pastor's housing, recreational activities and group living facilities such as convents.

REPAIR means the replacement or renewal of any part of an existing building or device for the purpose of maintenance.

RESEARCH LABORATORY means a facility for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESTAURANT means an establishment whose method of operation involves either the delivery of prepared food by servers to customers seated at tables within a building or prepared food is acquired by customers at a counter or cafeteria line and consumed at tables within a completely enclosed building.

RESTAURANT, DRIVE-IN means an establishment designed to accommodate the ordering and consumption of prepared food and/or beverage in motor vehicles parked on the premises of such establishment.

RESTAURANT, DRIVE-THROUGH means an establishment whose method of operation includes both indoor seating to accommodate customers who order at a counter, as well as delivery of prepared food to the customer in a motor vehicle through a drive-through window after orders are placed at a remote menu board.

RETAINING WALL means a wall designed to prevent the lateral displacement of soil or any other material.

RIGHT-OF-WAY means a strip or parcel of land dedicated to public or private use to accommodate a transportation system and necessary public utility infrastructure, such as sewer lines, power lines, water lines and gas lines, and to allow the future maintenance of those systems.

ROADWAY means that portion of a street intended for the use by vehicular traffic.

(Ord. 2017-32. Passed 5-2-17.)

Section 1115.11 Definitions S-T

SALES LOT means an open area used for the display, sale or rental of new or used motor vehicles, on which no repair work is performed.

SCHOOL, PUBLIC OR PRIVATE means an institution at the elementary, middle or high school level that provides educational instruction to students. This definition does not include business schools or colleges.

SCREENING means any constructed wall, fence, building or living plant material used for the purpose of visually or functionally separating adjacent land uses as required by this ordinance.

SEAT means the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs or similar seating facilities; spacing of rows shall be assumed at 30 inches on center.

SERVICE STATION means a building and land, including pumps, tanks and grease racks, used for the retail sale of gasoline, lubricants, batteries and tires and possibly including the performance of minor services and repairs. A service station may include an attached convenience store that sells packaged food, convenience items, automobile accessories and beverages.

SELF-SERVICE STORAGE FACILITY means a building or group of buildings divided into sections for storage of personal items, either temporarily or long-term, also called "mini-warehouse."

SETBACK means the minimum horizontal distance that any principal or accessory building shall be separated from a street right-of-way or front, side or rear lot line to meet the minimum requirements of this ordinance.

SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult bath house, adult motel, adult motion picture theater, adult theater, escort service, massage parlor, sexual encounter center or nude model studio.

ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BATH HOUSE means a commercial establishment which provides adult patrons with such facilities as spas, saunas, swimming pools, spa rooms, spa services, showers, lockers, themed rooms and other opportunities to engage in sexual activities with other patrons. Admittance is typically, but not always, by membership only.

ADULT BOOKSTORE, NOVELTY STORE AND VIDEO STORE means a commercial establishment which has as a significant or substantial portion of its stock in trade or derives the majority of its revenues from or devotes a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one (1) or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, film, videos, slides or other visual description of specified sexual activities or specified anatomical areas.
- b. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
- c. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult bookstore, adult novelty store or adult video store. These other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty

store or adult video store as long as one (1) of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.

ADULT CABARET means a nightclub, bar, restaurant, bottle club or similar commercial establishment, without regard to whether or not alcoholic beverages are served, which regularly features:

- a. Persons who appear nude or nearly nude;
- b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- c. Films, motion pictures, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTEL means a motel, hotel or similar commercial establishment that:

- a. Offers public accommodations, for any form of consideration, and which provides patrons with closed circuit television transmissions, films, videos, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to newspapers, magazines, pamphlets, leaflets, radio or television;
- b. Offers a sleeping room for rent for a period of time less than ten (10) hours; or
- c. Allows a tenant or occupant to subrent the sleeping room for a time period of less than ten (10) hours.

ADULT MOTION PICTURE THEATER means a commercial establishment where films, videos, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

ADULT THEATER means a theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or near nudity or regularly features live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

EMPLOYEE means, as used in the context of a sexually oriented business, a person who works for or performs in and/or for a sexually oriented business, regardless of whether or not the person is paid a salary, wage, or other compensation by the operator of the business.

ESCORT SERVICE means a person or business that furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its principal business purposes.

ESTABLISHMENT means, as used in the context of a sexually oriented business, any of the following:

- a. The opening or commencement of any such business as a new business;
- b. The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this chapter;
- c. The addition of any of the sexually oriented businesses to any other existing sexually oriented business; or
- d. The relocation of any such sexually oriented business.

LIVE ENTERTAINMENT a person who appears nude, seminude or a performance which is characterized by the exposure of "specified sexual activities."

MASSAGE PARLOR means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with specified sexual activities or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas; provided, this provision shall not apply to a medical doctor, osteopathic physician, chiropractor, or similar medical professional licensed by the State of Ohio to perform medical procedures on the human body.

NEARLY NUDE means a state of dress in which clothing covers no more than the genitals, pubic region and areolae of the female breast, as well as portions of the body covered by supporting belts, strips of cloth, straps or like devices, or a state of dress which leaves exposed a substantial portion of the buttocks so that the effect of achieved by such appearance is approximately the same as viewing nudity.

NUDE MODEL STUDIO means any place where a person who appears nude or nearly nude or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDE, NUDITY OR STATE OF NUDITY means the appearance of the human bare buttock, anus, male genitals, female genitals or the areola or nipple of the female breast or a state of dress which fails to opaquely and fully cover the human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

PERMITTED OR LICENSED PREMISES means any premises that requires a license and/or permit and that is classified as a sexually oriented business.

PERMITTEE AND LICENSEE means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one (1) of its primary business purposes, offers, for any form of consideration:

- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b. Other activities between persons of the opposite sex or persons of the same sex, or both, when one (1) or more of the persons are likely to be touching, fondling or caressing other persons on the genitals, pubic area, buttocks or female breast in a manner that would stimulate sexual arousal.

SPECIFIED ANATOMICAL AREAS means any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES means any of the following:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts, regardless of whether such areas of the body are covered or not;

- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c. Masturbation, actual or simulated;
- d. Human genitals in a state of sexual stimulation, arousal or tumescence; or
- e. Excretory functions as part of or in connection with any of the activities set forth in paragraphs a through d of this definition.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS means the increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on the effective date of the ordinance from which this division is derived.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS means any of the following:

- a. The sale, lease, or sublease of the business.
- b. The transfer of securities that constitute a controlling interest in the business, whether by sale, exchange, or similar means.
- c. The establishment of a trust, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

SHADE TREE means any evergreen or deciduous tree whose mature height can be expected to exceed 35 feet and whose crown spread can be expected to exceed 30 feet according to standards set forth by the American Standard for Nursery Stock, ANSI Z60.1-2014 published by AmericanHort.

SHADOW FLICKER means the on-and-off flickering effect of a shadow caused when the sun passes behind the rotor of a wind turbine.

SHIELDING means a design feature or a device that is applied to a luminaire to prevent its luminous output from being visible from selected locations or horizontal and/or vertical angles.

SHOPPING CENTER means a group of stores planned, designed and functioning as a unit on the site on which it is built and which may have one (1) or more common features, such as off-street parking, landscaped areas and pedestrian malls or plazas provided on the property as an integral part of the center.

SHORT-TERM LENDING ESTABLISHMENT means a business or use that regularly assists consumers in finding a lending establishment, other than the broker itself, in consideration of a fee. This definition pertains only to those businesses capped by state law as to the loan amount. This definition is specific to those businesses that perform payday lending or title loan broking.

SHRUBS means self-supporting woody plants, either deciduous or evergreen, with several stems and a normal mature height of three (3) to 20 feet according to standards set forth by the American Standard for Nursery Stock, ANSI Z60.1-2014 published by AmericanHort.

START OF CONSTRUCTION means the first placement of permanent construction of a structure on a site such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. Permanent construction does not include installation of streets and/or sidewalks.

STATE means the State of Ohio.

STORM WATER means the direct runoff response of a watershed to rainfall including the surface and subsurface runoff and any associated material that enters a ditch, stream or storm sewer during a rainfall event.

STORY means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it, including a basement with a ceiling more than four (4) feet six (6) inches above the surface of the adjoining ground.

STREET means a dedicated public thoroughfare designed to provide the principal means of access to abutting property or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

STREET, ARTERIAL means a major street designed to carry high volumes of through-traffic long distances at relatively high speeds.

STREET, COLLECTOR means a street designed to carry traffic from local streets to arterial streets, as well as to serve as a means of access to traffic generators.

STREET, LOCAL means streets that are designed to provide access to primarily residential areas and relatively short distances of travel.

STREET WIDTH means the shortest distance between the lines delineating the rights-of-way of a street.

STRUCTURAL ALTERATIONS means any change to the supporting members of a building, such as foundation, bearing walls, columns, beams, girders, rafters, etc.

STRUCTURE means anything constructed or erected that requires permanent location on the surface of the land the use of which requires a location on the ground or attached to something having a location on the ground, including, but not limited to, tennis courts, swimming pools and buildings.

SUBDIVISION means the division of land which is five (5) acres or less into two (2) or more building lots or building sites. A division of land into parcels of more than five (5) acres for agricultural purposes or a division not involving new streets or easement of access, or a division, sale or exchange of parcels between adjoining lot owners, if such exchange does not create additional building sites, shall not be considered a subdivision.

SUBDIVISION, MINOR means the proposed division of a parcel of land along an existing public street not involving the opening, widening or extension of any road or street, and involving not more than five (5) lots.

SUBDIVISION, MAJOR means a division of a parcel into two (2) or more lots when such subdivision involves the opening, widening or extension of any street or the granting of easements for the extension and maintenance of sewer, water, storm drainage or other facilities. Also, any division of a parcel into more than five (5) lots.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition or improvement, the cost of which equals or exceeds 50% of the assessed value of the structure before the start of construction of the improvement. This term includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. Substantial improvement or construction is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not include any project for improvement of a structure to comply with state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions.

TECHNICALLY SUITABLE means the location of a Wireless Telecommunication Antenna reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the Antenna has been licensed by the Federal Communications

Commission (FCC) to operate without a significant loss of communication capability within developed areas of the City.

TELECOMMUNICATIONS means the technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term “Personal Wireless Services.”

TEMPORARY means a specified period of time for which an activity or use is authorized.

TOTAL HEIGHT means the vertical distance from the base of the tower to the tip of a wind generator blade when the tip is at its highest point.

TOWER, MONOPOLE means a wind energy conversion system tower consisting of a single pole, constructed without guyed wires and anchors.

TRACT means an area, parcel, site, piece of land or property that is the subject of a development proposal and application.

TRUCK OR FREIGHT TERMINAL means an area and building where buses, trucks and cargo are stored, where loading and unloading is carried on regularly and where minor maintenance of these types of vehicles is performed.

(Ord. 2017-32. Passed 5-2-17.)

Section 1115.12 Definitions U-V

USE means any purpose for which a building, other structure or land may be arranged, designed, intended, maintained or occupied. “Use” also means any activity conducted in a building or other structure or on the land.

USE, ACCESSORY means a use of land or building, or a portion thereof, that is subordinate to, and customarily associated with or incidental to the principal or primary use.

USE, CONDITIONAL means an uncommon or infrequent use which may be permitted in specific districts, subject to compliance with certain standards and explicit conditions set forth in this ordinance and subject to the granting of a conditional use permit.

USE, NONCONFORMING is a term applied to lots, structures and uses of land which were lawful before the adoption of this ordinance, or subsequent amendment, but which are prohibited by, or which are not in compliance with, the requirements of this ordinance.

USE, PERMITTED means a type of land use that is authorized by right for a particular zoning district.

USE, PRINCIPAL OR PRIMARY means the significant or primary activity carried out within a structure or upon land.

UTILITY ROOM means a room at or above or not more than four (4) feet below the finished ground elevation in a dwelling and used or designed to house equipment used for laundry, heating or other related purposes.

VARIANCE means a grant of relief from the requirements of this ordinance, based on conditions of the property that pose an unnecessary hardship in complying with the requirements.

VEGETATION means all plant growth including trees, shrubs, mosses and grasses.

VEHICLE REPAIR, MAJOR means the repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, including body and fender work, framework, welding and painting service.

VEHICLE REPAIR, MINOR means a building or premises used primarily to provide general maintenance on vehicles such as oil changes and lubrication; servicing a repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of vehicle accessories such as tires, radios and air conditioners; wheel alignment and balancing; but, excluding tire recapping or grooving or any major mechanical repairs, collision work or painting.

VEHICLE WASH means a building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

VETERINARY CLINIC means a facility for the care and treatment of small animals, including household pets. Such facilities may be entirely indoors or may have both indoor and outdoor components.

(Ord. 2017-32. Passed 5-2-17.)

Section 1115.13 Definitions W-Z

WALL, COMMON OR PARTY means a wall shared by two (2) buildings or used to separate units within a building.

WHOLESALE ESTABLISHMENT means an establishment primarily engaged in selling and distributing merchandise to retailers, industrial, commercial, institutional or professional business users, or to other wholesalers; and, acting as agents or brokers by buying merchandise for, or selling merchandise to, such individuals or companies.

WIND ENERGY CONVERSION SYSTEM (WECS) means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire or other component used in the system.

WIND ENERGY CONVERSION SYSTEM, BUILDING INTEGRATED means a wind energy facility designed to be permanently mounted on an occupied building or accessory structure, designed to be operated in direct contact with a building.

WIND ENERGY CONVERSION SYSTEM, MEDIUM means a wind energy system that has a total height of 170 feet or less, is primarily used to generate energy for use by its owner, reduces the need to purchase utility power from the grid, and has the ability to sell power back to the grid.

WIND ENERGY CONVERSION SYSTEM, SMALL means a wind energy system that has a total height of 75 feet or less, is primarily used to generate energy for use by its owner, reduces the need to purchase utility power from the grid, and has the ability to sell power back to the grid.

WIRELESS TELECOMMUNICATION ANTENNA or "Antenna" or "Antenna Array" means the physical device or an array of elements constituting a physical device through which an electromagnetic, wireless telecommunication signal authorized by the FCC is transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

WIRELESS TELECOMMUNICATION EQUIPMENT SHELTER or "Equipment Shelter" means the structure or cabinet in which the electronic receiving and relay equipment for a Wireless Telecommunication Facility is housed.

WIRELESS TELECOMMUNICATION FACILITY or "Facility" means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a

mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of Personal Wireless Services.

WIRELESS TELECOMMUNICATION TOWER or “Tower” means any structure, other than a building, that elevates the Wireless Telecommunication Antenna and may include accessory transmission and receiving equipment.

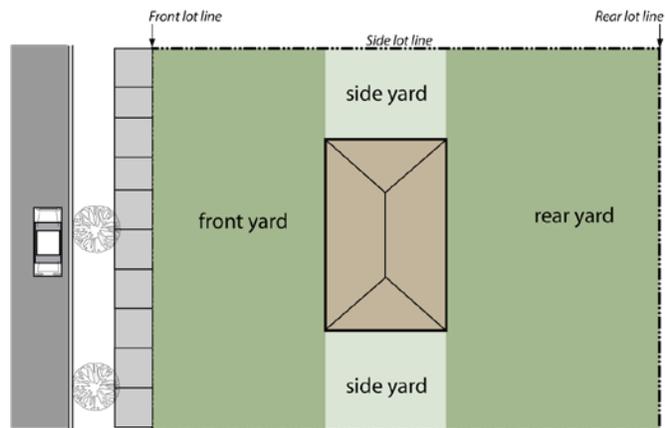
YARD means an open space at grade between a building and the adjoining lot lines.

YARD, FRONT means an open space between the front of a building and the front lot line, generally adjacent to a street, and extending the full width of the lot. Corner lots have two (2) front yards, a primary and a secondary front yard.

YARD, REAR means an open space between the rear of a building and the rear lot line and extending the full width of the lot.

YARD, SIDE means an open space between the side of a building and the side lot line extending from the front yard to the rear yard.

ZONING CODE means this ordinance and any other adopted regulations of the City of North Olmsted pertaining to the development and use of land.



ZONING DISTRICT means a portion of the community that is officially delineated on the Zoning Map and is subject to a particular set of land use requirements as set forth in the Zoning Code. These requirements, which are uniform throughout the district, control the use of land, the intensity of development and the arrangement of buildings on the land within the district.

ZONING MAP means a map (or maps) that graphically delineate(s) the boundaries of all zoning districts within the corporate boundary of the City.

(Ord. 2017-32. Passed 5-2-17.)

Administration and Enforcement

Chapter 1117

Sections

- 1117.01 Administration and Enforcement
- 1117.02 Schedule of Fees
- 1117.03 Interpretation

Section 1117.01 Administration and Enforcement

- A. **Administration.** The duty of administering the provisions of the Zoning Code is hereby conferred upon the Planning and Development Director.
1. He/she may be provided with the assistance of other persons as the City may direct.
 2. In carrying out the administrative duties of this Zoning Code, the Planning and Development Director shall also act in accordance with the requirements of any other City regulations regarding code enforcement, and shall cooperate with the Building Commissioner in the enforcement of the requirements of this ordinance.
 3. If the Planning and Development Director shall find any of the provisions of this Code are being violated, he/she shall notify the Building Commissioner of such violation.
- B. **Enforcement.** The duty of enforcing the provisions of the Zoning Code is hereby conferred upon the Building Commissioner.
1. The Building Commissioner, as approved by the Planning and Development Director, may promulgate such rules and regulations as he/she may determine as necessary to supplement or aid in the interpretation of the requirements of the Zoning Code, which regulations shall be consistent therewith and with the rules and regulations of the Building and Zoning Board of Appeals. Rules of the Building Commissioner shall have the same force and effect as provisions of the Zoning Code and the rules of the Board.
 2. In addition to any other power given to the Building Commissioner by law or ordinance, the Building Commissioner is empowered and authorized to investigate any reported violation of the provisions of the Zoning Code. The Building Commissioner shall not enter onto any premises for the purposes of conducting any such investigation without first either obtaining the express written consent of the owner or other adult person in control of or in charge of such premises to enter upon the premises to conduct such investigation, or obtaining a warrant from a court of competent jurisdiction authorizing him/her to conduct a search of the premises.
 3. The Building Commissioner shall keep, or cause to be kept, in accordance with applicable records retention requirements, a record of the Division of Building in regard to any decision, determination or conclusion reached by him/her in connection with the enforcement of the Zoning Code. Such records shall be open to public inspection during regular business hours.
- C. **Liability.** Neither the Planning and Development Director, the Building Commissioner nor any person appointed or employed by them when acting in good faith and without malice shall be personally liable for damages by reason of anything done under the provisions of the Zoning Code.

(Ord. 2017-32. Passed 5-2-17.)

Section 1117.02 Schedule of Fees

- A. City Council shall by resolution establish a schedule of fees, charges and deposits and a collection procedure for zoning compliance reviews, appeals, conditional use permits, variances, development plan reviews, rezoning applications and other matters pertaining to this Code. The schedule of fees shall be available in the Department of Planning and Development and may be amended only by City Council.
- B. An appropriate fee established by the City Council shall accompany any application.

Additionally, a separate deposit may be collected from the applicant, as determined by the City Council, and used to reimburse another party retained by the City to provide expert consultation and advice including, but not limited to, legal, planning and engineering professionals regarding the application. The amount of the deposit shall be based on a reasonable estimate to provide such services; however, the City Council may, by resolution, adopt a minimum deposit. Any unused portions of this fee shall be returned to the applicant after the City has paid all costs for consultant services.

(Ord. 2017-32. Passed 5-2-17.)

Section 1117.03 Interpretation

- A. In the interpretation and application, the provisions of this Code shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this Code to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Code, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Zoning Code imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Code shall control.
- B. The Planning and Development Director shall interpret the terms, requirements and processes of this Code. The interpretation of the text shall be narrow and based on common understanding of terms. Any determination of the Planning and Development Director may be appealed to the Building and Zoning Board of Appeals, according to *Article VII, Section 1(b)* of the City Charter and *Chapter 1123* of the Codified Ordinances.
- C. **Similar Uses.**
1. Since every potential use cannot be addressed in this Code, each district may accommodate similar uses, as referenced in this section. All applications for a use not specifically addressed in a zoning district shall be submitted to the Planning and Development Director for review and a decision, based on the following process:
 - a. The Planning and Development Director shall first find that the proposed use is not listed as a permitted or conditional use in any other district.
 - b. If the use is not permitted elsewhere, the Planning and Development Director shall review the purpose, permitted uses and conditional uses in the zoning district to determine if the proposed use is consistent with the district purpose and is similar to other allowed uses relative to its character, scale and overall compatibility, objectionable impacts on public health, safety and welfare.
 2. If a proposed use is determined to be similar to other uses listed within the district and is consistent with the district's purpose, the proposed use shall comply with all the standards or requirements associated with the listed use(s).
 3. The Planning and Development Director may, in his/her sole discretion, submit a proposed use to the Building and Zoning Board of Appeals for a similar use determination.
 4. If either the Planning and Development Director or Building and Zoning Board of Appeals determines that a proposed use is not similar to a listed use, the applicant may

request that the Planning and Design Commission or City Council initiate an amendment to the Zoning Code, as provided in *Chapter 1127*, to include the use.

5. The determination of whether a proposed use is similar to another listed use shall be considered as an interpretation of the use regulations and not a use variance. Once a use has been determined to be similar, it shall be included in the list of uses.

(Ord. 2017-32. Passed 5-2-17.)

Conditional Use Requirements

Chapter 1118

Sections

- 1118.01 Intent
- 1118.02 Scope
- 1118.03 Application
- 1118.04 Reapplication
- 1118.05 Review Procedures
- 1118.06 General Standards of Approval
- 1118.07 Expiration and Revocation
- 1118.08 Specific Conditional Use Requirements
- 1118.09 Accommodations, Hospitality and Entertainment
- 1118.10 Automotive Uses
- 1118.11 Infrastructure, Transportation and Warehousing
- 1118.12 Public and Institutional Facilities
- 1118.13 Offices and Services
- 1118.14 Residential Uses
- 1118.15 Retail
- 1118.16 Sexually Oriented Businesses

Section 1118.01 Intent

Certain uses more intensely affect the surrounding area in which they are located than permitted uses in the same zoning district. If properly controlled and regulated, these uses can be compatible within the zoning district. To provide this necessary control, such uses shall be designated as conditional uses and allowable only upon review and approval of a conditional use permit by City Council. Because of the uniqueness or special nature of a conditional use with respect to location, design, size and method of operation, each use that comes under review shall be considered individually.

(Ord. 2017-32. Passed 5-2-17.)

Section 1118.02 Scope

Conditional uses are identified within each of the zoning districts established by this ordinance. These uses may have operational characteristics such as traffic, noise, hours of operation or other factors that warrant the imposition of other requirements, in addition to the base requirements applicable to all uses allowed in the respective zoning district, in order to mitigate potential impacts and safeguard surrounding properties. This chapter specifies those added requirements for several uses identified as conditional uses. In addition to these specific requirements, other conditions may be attached to an approval to ensure that the proposed use satisfies the general review standards in this chapter.

(Ord. 2017-32. Passed 5-2-17.)

Section 1118.03 Application

Requests for approval of a conditional use shall be submitted to the Planning and Development Director on an application form for that purpose along with the associated fee and the following attachments:

- A. A statement signed by the owner that the applicant is the owner of the property or is acting as the owner's representative.
- B. A complete development plan containing all the applicable data required by *Chapter 1126*.
- C. Supporting statements, evidence, data, information and exhibits that address the standards for evaluating conditional use applications.
- D. Any additional information deemed necessary by the Planning and Development Director to determine the impact of the proposed conditional use on adjacent properties, public infrastructure and the community as a whole. Information may include, but is not limited to traffic impact analyses, environmental impact assessments, market studies (to determine market demand and feasibility), fiscal impact analyses or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads and/or environment. Any additional studies deemed necessary by the City may be completed by an individual or firm of the City's choosing, but at the applicant's expense, as provided for in *Section 1117.02.B*.

(Ord. 2017-32. Passed 5-2-17.)

Section 1118.04 Reapplication

A conditional use permit application, which has been denied wholly or in part by City Council shall not be resubmitted within 12 months from the date of denial; except on the grounds of

newly discovered evidence or proof of changed conditions. A reapplication shall be processed in the same manner as the original application.

(Ord. 2017-32. Passed 5-2-17.)

Section 1118.05 Review Procedures

- A. **Planning and Development Director Review.** The Planning and Development Director shall review the application to determine if all required information has been supplied and will only then forward the complete application and supporting data to the Planning and Design Commission for review and approval. If the application is found to be incomplete, the Planning and Development Director shall provide the applicant a written explanation of any deficiencies.
- B. **Planning and Design Commission Review.** The Planning and Design Commission shall hold a public meeting to review the application and solicit input from the general public and surrounding landowners. Notification shall be provided as required by *Chapter 149* of the Codified Ordinances. The Commission shall review the application against the requirements of this ordinance and the review standards for site plans. At the public meeting, the Planning and Design Commission shall make a recommendation to City Council on the application. The Planning and Design Commission shall act on the request within 30 days of receiving the complete application.
- C. **City Council Action.** City Council shall review the application against the Planning and Design Commission's recommendation, the requirements of this ordinance, and the review standards for site plans. City Council shall take one of the following actions on the application: table, deny, approve or approve with conditions.
- D. **Appeals.** The decision of City Council shall be final and may only be reviewed by a Court of Common Pleas, pursuant to the provisions of Chapter 2506 of the Ohio Revised Code.

(Ord. 2017-32. Passed 5-2-17.)

Section 1118.06 General Standards of Approval

- A. **Standards of Approval.** City Council shall review the particular circumstances and facts applicable to each proposed conditional use with respect to the following general standards:
1. The proposed use is physically and operationally compatible with the surrounding neighborhood and abutting uses.
 2. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district. A use which produces smoke, fumes, glare or odor shall be considered detrimental to other persons or property if it is objectionable to a reasonable person of ordinary sensibilities.
 3. The use can be accommodated on the site consistent with all applicable design standards and in conformance with all development regulations for the district in which it will be located.
 4. The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

5. On-site and off-site traffic generation and circulation patterns shall not adversely impact adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
6. The use will be adequately served by public facilities and services including, but not limited to, water, sewer, electric, schools, streets, fire and police protection, storm drainage, public transit and public parks/trails.

B. Additional Conditions. During the review, City Council may impose additional requirements on a proposed conditional use to ensure that potential significant adverse impacts on surrounding existing uses will be reduced to the maximum extent feasible, including, but not limited to, conditions or measures addressing:

1. Location on a site of activities that generate potential adverse impacts such as noise, odor and glare;
2. Hours of operation and deliveries;
3. Location of loading and delivery zones;
4. Light intensity and hours of full illumination;
5. Litter control and placement of trash receptacles;
6. On-site parking configuration and facilities;
7. On-site circulation;
8. Vehicular access to the site;
9. Privacy concerns of adjacent uses; and
10. Other conditions as determined appropriate by City Council as related to each application.

(Ord. 2017-32. Passed 5-2-17.)

Section 1118.07 Expiration and Revocation

- A. **Expiration of Permit.** A conditional use permit shall be valid for so long as the conditions approved by City Council are observed. A conditional use permit shall expire where the construction of a building or related site improvements are not started within one (1) year following the date of approval or where the normal operation of the use has been discontinued for 12 or more months. Time shall be calculated as beginning on the day following the last day in which the use was in normal operation and shall run continuously thereafter.
- B. **Revocation of Permit.** Upon determination by the Planning and Development Director that there are reasonable grounds for revocation of a conditional use permit, a hearing shall be set before City Council.
 1. **Notice and Hearing.** Notice shall be given by the Clerk of Council in the same manner required for a public meeting to consider approval as specified in *Chapter 149* of the Codified Ordinances. At the public hearing, City Council shall hear testimony of City staff and the owner of the use or structure for which the permit was granted, or the owner's representative. At a public hearing, the testimony of any other interested person shall also be heard.
 2. **Required Findings.** City Council shall revoke the permit upon making one (1) or more of the following findings:

- a. The permit was issued on the basis of erroneous or misleading information or misrepresentation;
 - b. The terms or conditions of approval of the permit have been violated or that other laws or provisions have been violated; or
 - c. There has been a discontinuance of the activity granted by the conditional use permit for 12 consecutive months.
3. Decision and Notice. Within ten (10) days of the conclusion of the hearing, the Clerk of Council shall mail notice of the decision to the owner of the use or structure for which the permit was issued and to any other person who has filed a written request for such notice.
4. Effective Date. A decision to revoke a conditional use permit shall become final ten (10) days after the date of the decision.

(Ord. 2017-32. Passed 5-2-17.)

Section 1118.08 Specific Conditional Use Requirements

In addition to the general standards of approval in this chapter, specific conditional use requirements for any use, as listed herein, shall also be met. City Council may in its sole discretion waive any specific conditional use requirement set forth in *Section 1118.09* through *Section 1118.15* based upon a finding that a waiver of such specific requirements would have no adverse impact to surrounding properties. Such waiver determination shall be final.

(Ord. 2017-32. Passed 5-2-17.)

Section 1118.09 Accommodations, Hospitality and Entertainment

A. Microbreweries.

1. All mechanical equipment visible from the street, an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure.
2. Access and loading bays are discouraged from facing toward any street; provided, where such bays do face any street, adjacent to any residential use or residential zoning district, the doors shall be closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building.
3. Outdoor storage shall not be allowed, including the use of portable storage units, cargo containers and tractor trailers.

B. Restaurants, Drive-Through.

1. Sufficient vehicular stacking capacity for the drive-in or drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of eight (8) stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation, fire lanes, parking spaces and egress from the property by vehicles not using the drive-in or drive-through portion of the facility.
2. A minimum of three (3) parking spaces shall be provided in close proximity to the exit of the pick-up window to allow for customers waiting for delivery of orders.
3. Public access to the site shall comply with the driveway spacing standards of *Chapter 1161* but, in no case, be located closer than 125 feet to any intersection or other

driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway or edge to edge from the nearest driveway.

4. Internal circulation and ingress/egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.
5. Menu boards with speakers for the transmission or broadcasting of voices or music shall be oriented and/or muffled to prevent sound from being audible beyond the boundaries of the site.

C. Outdoor Commercial Recreation.

1. The minimum front, side and rear setbacks shall be 50 feet for all buildings and outdoor components of the recreational facility; provided, setbacks for any go-cart, vehicle track or similar motorized activity shall be a minimum of 200 feet from any residential district.
2. The minimum front, side and rear parking setbacks shall be 20 feet from adjacent non-residential zoning districts and 50 feet from adjacent residential districts.
3. Lighting for night-time activity areas shall be directed and shielded so the light source is not visible from any surrounding residential use. All lighting, including building and security lighting shall conform to the requirements of *Section 1161.10*.
4. An operations plan describing the nature of the use, hours of operation, etc. shall be provided.

(Ord. 2017-32. Passed 5-2-17.)

Section 1118.10 Automotive Uses

A. Commercial Vehicle Sales.

1. Showrooms and lots for the sale of used commercial vehicles shall be located either on a parcel of land upon which an existing showroom and/or lot for the sale of new commercial vehicles is located or upon a parcel of land which is physically contiguous to a parcel of land containing an existing showroom and lot for the sale of new commercial vehicles.
2. The minimum lot size shall be three (3) acres with a minimum lot width of 350 feet.
3. The use shall be located on an arterial street and all access to the property shall be from that arterial street as designated in *Table 1161.07-1*.
4. Access to the site shall comply with the driveway spacing standards of *Chapter 1161* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway or edge to edge from the nearest driveway.
5. Flags, pennants, balloons, ribbons, search lights, strings of lights or other distracting devices are not permitted.
6. Outdoor displays shall conform to the following:
 - a. Vehicles, for sale or otherwise, shall be parked on approved paved surfaces.
 - b. Vehicle display or storage shall not be allowed in areas required for visitor, employee or service parking.

- c. All other merchandise available for sale, including, but not limited to, clothing, accessories, tires, collectibles, etc. shall be sold and displayed within an enclosed building.
 - d. Accessory service work, including vehicle washing, repair and general maintenance, shall be conducted entirely within an enclosed building.
7. Audible paging systems or outdoor speakers are prohibited. Vehicles stored on the site shall not be located by employees using audible methods such as keyless entry systems.

B. Vehicle Repair, Major or Minor.

1. All main and accessory structures shall be set back a minimum of 75 feet from any residential district.
2. The facility shall front on an arterial or collector street as defined in *Table 1161.07-1*, and all access to the property shall be from that street.
3. Access to the site shall comply with the driveway spacing standards of *Chapter 1161* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway or edge to edge from the nearest driveway.
4. Overhead doors shall not face any residential district. The Planning and Design Commission may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of building materials, architectural features and landscaping.
5. Where applicable, vehicle stacking space shall be provided in front of each service bay for at least two (2) vehicles.
6. All maintenance and repair work shall be conducted completely within an enclosed building. Equipment, including hydraulic hoists, compressors, pits, lubrication, greasing and other automobile repairing equipment shall be located entirely within an enclosed building.
7. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.
8. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle, except a tow truck, shall be permitted for no more than 30 days and shall be within a designated area. Such area shall be appropriately screened from public view in accordance with the screening requirements of *Chapter 1139*.

C. Vehicle Service Station.

1. There shall be a minimum lot area of one (1) acre and minimum lot width of 150 feet on an arterial street as defined in *Table 1161.07-1*.
2. Access to the site shall comply with the driveway spacing standards of *Chapter 1161* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway or edge to edge from the nearest driveway.
3. Only one (1) driveway shall be permitted on any street, unless the Planning and Design Commission determines additional driveways will be necessary to ensure safe and efficient access to the site.

4. Pump islands shall be a minimum of 30 feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least 15 feet from any lot line.
5. Canopies covering gasoline pump islands providing protection from inclement weather may be permitted in front of the established building line, provided that no portion of such canopy is less than 15 feet from any street right-of-way line. Canopies shall be constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the development plan. All signs, logos, or identifying paint scheme shall be in accordance with *Chapter 1163*. The canopy shall not exceed 18 feet in height. Lighting in the canopy shall be recessed, fully shielded and directed downward to prevent off-site glare.
6. In the event that a gasoline station use has been abandoned or terminated for a period of more than 12 months, all underground gasoline storage tanks shall be removed from the premises, in accordance with state requirements.
7. A vehicle service station may be combined with other uses, such as convenience store, vehicle wash, and/or restaurants provided that all relevant requirements are met and the most restrictive requirements applicable to any single use shall apply. Parking requirements may be modified, as provided in *Chapter 1161*.

D. Vehicle Towing Facility.

1. The facility shall front on an arterial street as defined in *Table 1161.07-1*, and all access to the property shall be from that street.
2. Access to the site shall comply with the driveway spacing standards of *Chapter 1161* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway or edge to edge from the nearest driveway.
3. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle, except a tow truck, shall be limited to motor vehicles that have been towed or transported pending the reclamation or disposition of such vehicles. Such area shall be appropriately screened from public view in accordance with the screening requirements of *Chapter 1139*.

E. Vehicle Wash Facility.

1. All washing activities must occur inside a building.
2. Required stacking spaces for waiting vehicles shall not be located within a public or private right-of-way and shall not conflict with maneuvering areas, parking spaces and other activities. Stacking lanes shall be designed to prevent vehicle queues from extending beyond the property.
3. The facility shall be located on an arterial street and all access to the property shall be from that arterial street as defined in *Table 1161.07-1*.
4. Access to the site shall comply with the driveway spacing standards of *Chapter 1161* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway or edge to edge from the nearest driveway.
5. Only one (1) driveway shall be permitted from any street, unless the Planning and Design Commission determines additional driveways will be necessary to ensure safe and efficient access to and egress from the site.

6. For automated drive-through wash facilities, a bypass lane is required that allows bypassing waiting vehicles.
7. Overhead doors shall not face a street, except as approved by the Planning and Design Commission in these circumstances:
 - a. When the doors of a through-garage are located at the front and rear of a building;
 - b. When a garage is located on a corner or through lot; or
 - c. When determined that a rear garage door would negatively affect an abutting residential use or district.
8. A vehicle wash facility building and any accessory buildings and uses, including vacuums, shall be located at least 100 feet from any residential district boundary.
9. The owner or operator must comply with all local noise regulations. Air handling equipment shall be located on a roof, be equipped with intervening noise reduction baffles and be in proper working condition.
(Ord. 2017-32. Passed 5-2-17.)

Section 1118.11 Infrastructure, Transportation and Warehousing

A. Mini-Warehouse or Personal Storage Units.

1. The minimum size of the site shall be not less than three (3) acres.
2. The facility shall front on an arterial or collector street as defined in *Table 1161.07-1*, and all access to the property shall be from that street.
3. Storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the City's fire prevention code, or toxic materials shall not be permitted within the self-storage buildings or upon the premises. However, storage of recreational vehicles containing fuel and other automotive fluids is permitted.
4. The use of the premises shall be limited to storage of personal and business items, except as otherwise provided, and shall not be used for operating a business, maintaining or repairing vehicles or for any recreational activity or hobby.
5. Limited retail sales of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, locks and chains shall be permitted within a central office.
6. Minimum separation between self-storage buildings shall be 24 feet. Internal drive aisles shall be at least 24 feet wide and must be clearly marked to distinguish traffic flow.
7. Building design and materials shall be compatible with the existing and intended character of the area.
8. To the maximum extent practical, storage unit doors shall not face public right-of-way.
9. Fences within front yards and any side yards adjacent to residential zoned property shall be wrought iron or a similar decorative type. Chain-link or similar style fences are prohibited.

B. Public Utility Substation or Subinstallation.

1. The use shall be enclosed by a solid fence or wall at least six (6) feet in height above finished grade.

2. Other uses including but not limited to office, commercial operations and storage of vehicles or equipment shall not be permitted on the premises.
3. Landscaping and screening shall meet the requirements of *Chapter 1139*.
(Ord. 2017-32. Passed 5-2-17.)

Section 1118.12 Public and Institutional Facilities

- A. **Schools (K-12).** The purpose of these requirements is to integrate schools into the fabric of the City of North Olmsted's neighborhoods, but not at the expense of the residential character of those areas. Therefore, the scale of the school, parking lots and related uses shall be compatible with abutting homes and in character with the surrounding neighborhood.
1. Minimum lot area shall be four (4) acres.
 2. Minimum lot width shall be 200 feet.
 3. Maximum building height may be up to 55 feet.
 4. When located in a residential district, the front yard setback shall be not less than the required front yard setback for any adjacent properties. All buildings, accessory structures and outdoor activity areas (ball fields, tennis courts, playgrounds, bleachers, etc.) shall be set back a minimum of 75 feet from any side or rear property line. All parking areas shall be set back a minimum of 20 feet from any side or rear property line.
 5. At least one (1) property line, meeting the minimum width requirement, shall abut and have direct access to an arterial or collector street as defined in *Table 1161.07-1*.
 6. To the extent practical, shared parking arrangements should be employed with other uses in the vicinity, in accordance with the provisions of *Chapter 1161*.
 7. Lighting for night-time activity areas shall be directed and shielded so the light source is not visible from any surrounding residential use. All lighting, including building and security lighting shall conform to the requirements of *Section 1161.10*.
- B. **Colleges or Universities.**
1. Minimum lot area shall be five (5) acres.
 2. The use shall front on an arterial street as defined in *Table 1161.07-1*, and all access to the property shall be from that street.
 3. Buildings shall be located at least 100 feet from all property lines and parking lots shall be located at least 50 feet from all property lines.
 4. Landscaping and screening shall meet the requirements of *Chapter 1139*.
 5. Parking shall meet the requirements of *Chapter 1161*.
- C. **Day Cares, Nursery Schools or Child Care Establishments.**
1. When located in a residential district, the front yard setback shall be not less than the required front yard setback for any adjacent properties. All buildings and accessory structures shall be set back a minimum of 50 feet from any side or rear property line. All parking areas shall be set back a minimum of 20 feet from any side or rear property line.
 2. Outdoor play areas shall be enclosed by a secure fence at least four (4) feet high. Play areas may not be located within a required yard.

3. The drop-off/pick-up area shall be of sufficient length and design to ensure that all vehicle stacking and maneuvering occurs within the facility property and does not extend into the adjacent public street.
4. Evidence shall be provided that all applicable requirements of the State of Ohio governing the licensing of the facility are met and the use shall be operated at all times in accordance with state requirements.

D. Places of Worship. The purpose of these requirements is to integrate places of worship into the fabric of the City of North Olmsted's residential areas, but not at the expense of the residential character of neighborhoods. Therefore, the scale of the facility, parking lots and related uses shall be compatible with abutting homes and in character with the surrounding neighborhood.

1. Minimum lot area shall be two (2) acres.
2. Minimum lot width shall be 200 feet.
3. When located in a residential district, the front yard setback shall be not less than the required front yard setback for any adjacent properties. All buildings, accessory structures and outdoor activity areas shall be set back a minimum of 50 feet from any side or rear property line. All parking areas shall be set back a minimum of 20 feet from any side or rear property line.
4. At least one (1) property line, meeting the minimum width requirement, shall abut and have direct access to an arterial or collector street as defined in *Table 1161.07-1*.
5. To the extent practical, shared parking arrangements should be employed with other uses in the vicinity, in accordance with the provisions of *Chapter 1161*.

E. Hospitals.

1. Minimum lot area shall be four (4) acres.
2. Minimum lot width shall be 200 feet.
3. When located in a residential district, the front yard setback shall be not less than 100 feet. All main and accessory buildings shall be set back a minimum of 100 feet from any side or rear property line. All parking areas shall be set back a minimum of 50 feet from any side or rear property line.
4. At least one (1) property line, meeting the minimum width requirement, shall abut and have direct access to an arterial street as defined in *Table 1161.07-1*.

(Ord. 2017-32. Passed 5-2-17.)

Section 1118.13 Offices and Services

A. Animal Services, Veterinary Office/Clinic, Animal Hospital, Grooming, Boarding, Training or Day Care.

1. No part of the facility shall be located closer than 100 feet from any residential zoning district.
2. If the facility is to include outdoor runs or exercise areas, minimum lot area shall be one (1) acre.
3. No dog runs or animal exercise areas shall be located in a front yard.

4. Outdoor runs/exercise/relief areas shall be set back a minimum of 50 feet from all side and rear property lines or the required setback for the zoning district, whichever is greater; provided, a 100 foot setback shall be maintained from any residential district boundary.
 5. Outdoor runs/exercise/relief areas shall be screened by a six (6) foot privacy fence constructed of quality materials that are compatible with the surrounding neighborhood in accordance with the screening requirements in *Chapter 1139*.
 6. All animal noise and odor must be confined to any building used to house the animals.
 7. All animal excrement must be removed from any outdoor runs/exercise/relief areas or yard and disposed of in a trash receptacle and removed off site on a weekly basis.
- B. Short Term Lending Establishments, Check Cashing, Payday Lender, Title Loan Company or similar.**
1. The use shall be located at least 3,000 feet, measured lot line to lot line, from the nearest check cashing establishment, payday lender, deferred presentment lender, pawnshop or title loan company.
 2. The use shall be located within a commercial shopping center building with a total floor area of all businesses being 30,000 square feet or more.
- C. Tattoo, Body Branding, Hookah Lounges, Drug Paraphernalia, Smoke Shops or similar.**
1. The use shall be located at least 3,000 feet, measured lot line to lot line, from the nearest tattoo, branding, hookah lounge, drug paraphernalia, smoking establishments.
 2. The use shall be located within a commercial shopping center building with the combined floor area of all businesses being 30,000 square feet or more.
- D. Drive-through Facilities for ATMs, Banks or Pharmacies.**
1. Stacking space for at least three (3) vehicles shall be provided at each window or machine.
 2. Stacking spaces shall be located so as not to interfere with vehicular circulation, parking spaces and egress from the property by vehicles not using the drive-through portion of the facility.
 3. Public access to the site shall comply with the driveway spacing standards of *Chapter 1161* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway or edge to edge from the nearest driveway.
 4. Internal circulation and access/egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.
- E. Accessory Outdoor Storage.**
1. Permanent outdoor storage areas shall be attached to and be considered part of the principal building relative to all setback requirements. The storage area shall be fenced with a decorative fence or wall at least six (6), but no more than eight (8), feet in height. Chain-link, or similar style fences, are prohibited. Stored materials and stockpiles shall not be piled or stacked higher than the height of the obscuring screen.

2. The outdoor storage area shall be arranged to provide safe pedestrian and vehicular circulation and safe emergency access. Maneuvering aisles shall be kept free of all obstruction.
3. The storage of soil, sand, mulch and similar loosely packaged materials shall be contained and covered to prevent it from blowing into adjacent properties. The outdoor storage of fertilizers, pesticides and other hazardous materials, unless packaged in approved containers, is prohibited.
4. Lighting for security purposes may be required, as determined by the Planning and Design Commission. All lighting shall conform to the requirements of *Section 1161.10*.
(Ord. 2017-32. Passed 5-2-17.)

Section 1118.14 Residential Uses

A. Bed and Breakfast.

1. A bed and breakfast shall not provide more than five (5) guest rooms, plus a common area for use by all guests.
2. A bed and breakfast establishment shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 1,500 square feet of useable floor area. For each guest room in excess of two (2), an additional 100 square feet of floor area shall be required.
3. The bed and breakfast shall be the principal residence of the owner, who shall reside there when the bed and breakfast is in operation. If the owner is not in residence in the dwelling unit for 14 consecutive days or more, the bed and breakfast shall be closed until the owner returns.
4. Meals shall be limited to breakfast and an evening snack, and shall be served only to guests of the facility and members of the owner's family.
5. There shall be at least one (1) parking space provided for each guest room, in addition to the parking spaces required to serve the principal residence.
6. One (1) sign in accordance with the requirements of *Chapter 1163*.
7. Cooking facilities are prohibited in bed and breakfast guest rooms.
8. Exterior refuse storage facilities shall be screened from view on all sides by a six (6) foot solid decorative fence or wall or by other screening approved by the Planning and Design Commission.
9. In addition to the development plan required by this ordinance, a floor plan of the dwelling units and the use of each room shall also be submitted with the conditional use application.
(Ord. 2017-32. Passed 5-2-17.)

Section 1118.15 Retail

A. Accessory Outdoor Display or Storage.

1. Permanent outdoor storage areas shall be attached to and be considered part of the principal building relative to all setback requirements. The storage area shall be fenced with a decorative fence or wall at least six (6), but no more than eight (8), feet in height.

Chain-link, or similar style fences, are prohibited. Stored materials and stockpiles shall not be piled or stacked higher than the height of the obscuring screen.

2. Outdoor display and storage areas shall be arranged to provide safe pedestrian and vehicular circulation and safe emergency access. Maneuvering aisles shall be kept free of all obstruction.
3. Outdoor display shall not be permitted within any required yard areas. Furthermore, no outdoor display area shall be located within 50 feet of any residential district boundary line.
4. Outdoor storage and display areas located on parking lots shall not reduce the available parking spaces to fewer than those required by *Chapter 1161* for the principal use.
5. The storage of soil, sand, mulch and similar loosely packaged materials shall be contained and covered to prevent it from blowing into adjacent properties. The outdoor storage of fertilizers, pesticides and other hazardous materials, unless packaged in approved containers, is prohibited.
6. All outdoor display and storage areas shall be paved with a permanent, durable and dustless surface of asphalt or concrete and shall be graded and drained to dispose of all surface water.
7. All loading and truck maneuvering shall be accommodated on-site. Maneuvering in the public right-of-way is prohibited.
8. Lighting for security purposes may be required, as determined by the Planning and Design Commission. All lighting shall conform to the requirements of *Section 1161.10*.

B. General Retail Stores with 100,000 Square Feet or Greater.

1. These regulations shall apply to a retail or wholesale discount stores carrying a multiple product line that contains 100,000 square feet or more of gross floor area, either freestanding or as part of a shopping center development.
2. Minimum lot frontage is 300 feet along at least one (1) of the following main arterial streets: Lorain Road, Brookpark Road or Great Northern Boulevard. All access to the property shall be from those arterial streets.
3. Sixty percent (60%) of the lot area shall be located within one-half (1/2) mile of an interstate highway interchange consisting of minimally both an eastbound and westbound entrance and exit ramp. For the purpose of measuring the one-half (1/2) mile distance, the one-half (1/2) mile arc shall begin at the intersection of the centerline of the interstate highway and the centerline of the public street onto which the highway ramps are connected.
4. Access to the site shall comply with the driveway spacing standards of *Chapter 1161* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway or edge to edge from the nearest driveway.
5. Any application must include a traffic impact analysis, prepared by a professional traffic engineer, detailing the expected impact of the development upon traffic in the vicinity of the site. The analysis shall include projections based on the proposed development and anticipated future development within the surrounding area; existing and future Level of Service, projected traffic distribution, and peak turning movements at all project driveways and street intersections in the vicinity. The report shall be presented to the City Engineer for review and approval. The developer shall be responsible for the cost of

the report and for any additional signalization or other right-of-way improvements recommended by the impact analysis, including the cost of land acquisition, to mitigate the impact of the proposed development to the fullest extent practicable as proposed in the report and approved by the City Engineer.

(Ord. 2017-32. Passed 5-2-17.)

Section 1118.16 Sexually Oriented Businesses

- A. **Intent.** The City of North Olmsted hereby recognizes that some uses, because of their very nature, may have serious objectionable operational characteristics, particularly when they are concentrated in a location, thereby causing a deleterious effect upon the adjacent areas. The proximity of sexually oriented businesses to certain uses considered particularly susceptible to the negative impacts of the concentration of sexually oriented uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime, and contribute to a blighting effect on the surrounding area. There is convincing documented evidence of the deleterious effect that sexually oriented businesses have on both existing businesses around them and the surrounding residential areas to which they are adjacent. Therefore, the following intents are served by these regulations:
1. This section describes the uses regulated and the specific standards necessary to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses, and to require sufficient spacing from uses considered most susceptible to negative impacts.
 2. These provisions are not intended, nor shall they have the effect of, imposing a limitation or restriction on the content of any communicative materials including, but not limited to, sexually oriented materials that are protected by the First Amendment to the United States Constitution.
 3. Additionally, it is not the intent of the provisions of this section, nor shall it have the effect of, restricting or denying access by adults to sexually oriented materials that are protected by said federal and state constitutions.
 4. Further, it is not the intent of these provisions, nor shall they have the effect of, denying access by the distributors and exhibitors of sexually oriented entertainment to their target market.
- B. **Requirements.** A person wishing to operate a sexually oriented business within the City of North Olmsted must obtain the following approvals:
1. A Conditional Use Permit, requiring review and recommendation by the Planning and Design Commission and approval by City Council; and,
 2. An Adult Entertainment Businesses license for such operations as required by *Chapter 761* of the Codified Ordinances of the City of North Olmsted and obtained from the Director of Public Safety.
- C. **Uses Regulated.**
1. Adult arcade.
 2. Adult bath house.
 3. Adult bookstore, novelty store, and video store.
 4. Adult cabaret.

5. Adult motel.
6. Adult motion picture theater.
7. Adult theater.
8. Escort service.
9. Massage parlor.
10. Nude model studio.
11. Sexual encounter center.
12. Strip club or gentleman's club.
13. Uses determined by the Planning and Design Commission to be similar to the uses listed above.

D. Conditional Standards of Approval.

1. A sexually oriented business may not operate as follows:
 - a. Within 500 feet of any property line of any lot in the City of North Olmsted, which is either zoned single family residential, or upon which is located a single family residence, church, playground, or school of any kind serving children.
 - b. Within 500 feet from any property line of any lot in the City of North Olmsted which is either zoned for multi-family use or upon which is located any multi-family residence.
 - c. In a location in which any principal building or accessory structure, including signs, is within 500 feet of any principal building or accessory structure of another sexually oriented business.
 - d. The location restriction shall not apply to multifamily residences more than five (5) stories tall.
 - e. The proposed sexually oriented business and any such zoned area or existing use shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of that zoned area or existing use.
2. Any sign or advertising for the sexually oriented business must comply with the provisions of this ordinance. No sign or advertising may include photographs, silhouettes or drawings of any specified anatomical areas or specified sexual activities or obscene representations of the human form and may not include animated or flashing illumination.
3. The entrances to the proposed sexually oriented business at both the exterior and interior walls, in a location visible to those entering and exiting the business, must be clearly marked with lettering at least two (2) inches in height stating:
"Persons under the age of 18 are not permitted to enter the premises;" and
"No alcoholic beverages of any type are permitted within the premises."
4. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining roadway or a neighboring property.
5. No adult entertainment business may remain open at any time between the hours of 1:00 a.m. and 6:00 a.m. on weekdays and Saturdays, and 1:00 a.m. and 10:00 a.m. on Sundays.

6. Off street and on-site parking areas shall comply with this ordinance, based on the primary use as provided in *Chapter 1161* and shall additionally be illuminated at all times in compliance with *Chapter 1161*.

(Ord. 2017-32. Passed 5-2-17.)

Building Permits and Certificates of Occupancy

Chapter 1119

Sections

- 1119.01 Building Permit Required
- 1119.02 Certificate of Occupancy
- 1119.03 Certificate of Zoning Compliance
- 1119.04 Records
- 1119.05 Voidance

Section 1119.01 Building Permit Required

No excavation for a foundation, nor the erection, construction or alteration of any structure or part of a structure, nor occupancy of any street with the building materials, nor erection of temporary structures for construction purposes, nor any other improvement to real property for which a building permit is required, shall be undertaken until a building permit therefor has been issued by the Building Commissioner.

(Ord. 2017-32. Passed 5-2-17.)

Section 1119.02 Certificate of Occupancy

- A. **When Required.** Upon completion of construction, all alterations, additions and new construction including development projects requiring approval under *Chapter 1126* must be reviewed and issued a Certificate of Occupancy as required by the Ohio Building Code.
- B. **Application.** The application for building permit filed with the Building Commissioner shall constitute the application for a Certificate of Occupancy.
- C. **Issuance.** A Certificate of Occupancy or Conditional Certificate of Occupancy shall be issued within ten (10) days after the erection or alteration of such buildings has been completed in conformity with the building permit.

(Ord. 2017-32. Passed 5-2-17.)

Section 1119.03 Certificate of Zoning Compliance

A. When Required.

1. **Change in Use or New Business.** Regardless of whether or not a building permit is required for construction activities, any change of use, establishment of a new use or new business occupancy must be reviewed and issued a Certificate of Zoning Compliance by the Building Commissioner.
2. **Development Plan.** Upon completion of construction, all alterations, additions and new construction for development projects requiring approval under *Chapter 1126* must be reviewed and issued a Certificate of Zoning Compliance by the Building Commissioner.

B. Application.

1. **Change in Use or New Business.** In the event the owner or occupant of an existing building desires to change the use or business of the same, he shall file with the Building Commissioner an application for a Certificate of Zoning Compliance which shall set forth a description of the land and buildings, the present use and the proposed new use.
2. **Development Plan.** In the event the owner or occupant proposes changes to property or buildings that constitute a development plan under *Chapter 1126*, the application for building permit filed with the Building Commissioner shall constitute the application for a Certificate of Zoning Compliance.

- C. **Issuance.** A Certificate of Zoning Compliance shall be issued within ten (10) days after the application has been made or the improvements related to the approved development plan

under *Chapter 1126* have been completed, provided such proposed use is in conformity with the provisions of this Zoning Code and any conditions imposed by City Council on the approved development plan have been met.

(Ord. 2017-32. Passed 5-2-17.)

Section 1119.04 Records

A record of all Certificates of Occupancy and Certificates of Zoning Compliance, whether issued or denied, shall be kept on file in the office of the Building Commissioner and a copy shall be furnished on request to any person having an interest in the building or land affected.

(Ord. 2017-32. Passed 5-2-17.)

Section 1119.05 Voidance

If the use, occupancy or operation should at any time fail to comply with the ordinances of the City, conditions of the Certificate of Occupancy or conditions of the Certificate of Zoning Compliance, and such failures to comply continue beyond a time fixed by the Building Commissioner to cure such default, the Certificate of Occupancy or the Certificate of Zoning Compliance shall become void and all rights thereunder shall terminate and the continuance of the use, occupancy or operation under such certificate shall cease.

(Ord. 2017-32. Passed 5-2-17.)

Penalties and Remedies

Chapter 1121

Sections

- 1121.01 Civil Action
- 1121.02 Remedies Cumulative
- 1121.03 Penalties

Section 1121.01 Civil Action

Whenever any person neglects or refuses to comply with any order of the Building Commissioner issued pursuant to the authority vested in him, or whenever any land or building is being built or used so as to be in violation of or not in conformity with any provision of the Zoning Code, the Building Commissioner may, in his discretion, request the Director of Law to institute and maintain in the name of the City an appropriate action at law or in equity to restrain such person from the further building or use of the land or buildings which are in violation of the Zoning Code, or for an order to terminate any violation of this Code.

(Ord. 2017-32. Passed 5-2-17.)

Section 1121.02 Remedies Cumulative

The exercise of the rights and remedies granted in *Sections 1121.01* and *1121.03* shall in no way preclude or limit the City or any person from exercising any other right or remedy now or hereafter granted to them or either of them under the laws of Ohio or the ordinances of the City.

(Ord. 2017-32. Passed 5-2-17.)

Section 1121.03 Penalties

- A. **Minor Misdemeanor.** Any person, including but not limited to the owner, occupant or operator of any real property, building or premises, or a part thereof, who is or has been in title, possession, use or occupancy of said property and where there exists any violation of this Zoning Code, shall be guilty of a minor misdemeanor, subject to penalties of not more than \$150.00 for each and every violation. Further, each and every day of violation shall constitute a separate offense and such penalty may be imposed for each and every day that such violation is found to persist.
- B. **Mandatory Per Diem Penalty upon Failure to Comply.** In addition to such offenses in (A), upon the observation of the commission of any such violation, it shall be a violation for any person to fail to comply with any of the provisions of this Zoning Code, or any requirements thereof, or to fail to abate any violation in compliance with any lawful order issued by the Building Commissioner or the Building and Zoning Board of Appeals, within the time specified in such order, and for each and every violation or noncompliance, shall be guilty of a minor misdemeanor and shall be fined not less than \$49.00 for each and every day during which such noncompliance persists after such person's failure to abate or comply in response to said lawful order and notification.
- C. **Mandatory Penalty upon Violation of Final Approved Development Plan.** In addition to such offenses as may be charged under Subsection A and B, any person who violates *Section 1126.10* of this Zoning Code, Compliance with Approved Plans, shall be fined \$100.00 per day for the first five (5) days of his violation of said *Section 1126.10*, and \$250.00 per day for every subsequent day of violation. For purposes of this paragraph, each day during which such violation continues shall constitute a separate violation of said *Section 1126.10*.
- D. **Enhancement of Penalty upon Proof of Prior Conviction.** Any person who is found to be Guilty of and convicted for violation of any of the provisions of this Zoning Code, pursuant to Subsections A, B or C above, upon subsequent violation within ten (10) years, shall be guilty of a misdemeanor of the fourth degree and shall be fined not more than \$250.00 and subject to imprisonment of not more than 30 days, or both, for each and every violation and day that

the violation continues to exist after lawful order and notification. Further, if a person was previously convicted of a violation of any provision of this Zoning Code within one year prior to the date of the subsequent violation, then such person shall be guilty of a misdemeanor of the first degree, subject to a fine of not more than \$1,000.00 and a term of imprisonment of not more than 180 days, or both, for each and every day the violation continues to exist after the date of the lawful order and notification. Further, the Court is hereby authorized to order, as a condition of probation or otherwise, that the offender comply with the Zoning Code and/or cure the violation of any and all provisions thereof upon which the citation and conviction are based, or otherwise upon such restrictions and within such reasonable time as ordered by the Court.

- E. **Application of Penalties to Officers or Agents.** The penalties contained hereinabove shall be applicable to all legal entities as well as to natural persons. Where the owner, occupant or operator is a legal entity, other than a natural person, the penalties of this Section shall be applicable to any statutory agent, superintendent, officer, member or partner who, alone or with others, has charge, care or control of or is otherwise responsible for the real property, building or premises. In that event the lawful order, notification and any Citation or Complaint may be styled in the business name of such legal entity, under the care of the specific, individual natural person doing business as such legal entity, together with such person's title, affiliation, or status. For example, "ABC company, Inc., care of (c/o), Mr. XYZ, date of birth (DOB), whose residential address is located at, and who is doing business as President thereof."
- F. **Equitable Remedies.** The imposition of any penalty shall not preclude the Director of Law or Prosecutor from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an violation of this Zoning Code; or to restrain, correct or abate a violation; or to prevent the occupancy of any real property, building or premises; or to require compliance with the provisions of this Zoning Code or other applicable laws, ordinances, rules or regulations or the orders or determinations of the Court, Building Commissioner or the Building and Zoning Board of Appeals.

(Ord. 2017-32. Passed 5-2-17.)

Building and Zoning Board of Appeals

Chapter 1123

Sections

- 1123.01 Powers
- 1123.02 Variance Conditions

Section 1123.01 Powers

The Building and Zoning Board of Appeals created by *Article VII, Section 1* shall have, in addition to the duties given to it by the Charter, the powers as granted to it by this Planning and Zoning Code to be exercised in the manner herein set forth. "Board," when used in this Code, means the Building and Zoning Board of Appeals.

(Ord. 2015-76. Passed 11-4-15.)

Section 1123.02 Variance Conditions

- A. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this Zoning Code, on appeal from the decision of the Building Official, the Building and Zoning Board of Appeals shall have the power in a specific case to vary or modify the application of any such provision in harmony with the general purpose and intent of the Zoning Code so that the public health, safety, morals, general welfare and convenience may be secured and substantial justice done. Such variance shall be limited to specific cases where the following conditions, also, exist:
1. The practical difficulty or unnecessary hardship, which is inherent in and is peculiar to the premises sought to be used because of physical size, shape or other characteristics of such premises, or adjoining premises, which differentiate such premises sought to be used from other premises in the same district, and as to such premises sought to be used, shall create a difficulty or hardship caused by a strict application of the provisions of the Zoning Code not generally shared by other lands or structures in the same district;
 2. The refusal of the variance or modification appealed from shall deprive the owner of premises sought to be used of substantial property rights; and
 3. The granting of the variance or modification appealed from shall not be contrary to the purposes and intents of the provisions of the Zoning Code.
- B. In order to be entitled to relief under this section the appellant shall substantiate his claim that each of the three conditions hereinbefore listed exist, and the Board shall make a finding on each of such three (3) conditions as they apply in each specific case as a prerequisite of the granting of the variance or modification.
- C. When a variance is granted by the Building and Zoning Board of Appeals in conjunction with a Development Plan submittal required by *Chapter 1126*, the variance shall be final and conditional and shall expire, be void and of no effect after the expiration of one (1) year from the date of final City Council approval of the Development Plan unless (1) building permits have been applied for and issued by the Building Department; or (2) the Director of Planning and Development, upon timely application, administratively extends the approval rendered by the Building and Zoning Board of Appeals for a period of up to one (1) year. The failure of the Director to grant such request is final and not subject to review.

(Ord. 2015-76. Passed 11-4-15.)

Development Plan Review

Chapter 1126

Sections

- 1126.01 Purpose
- 1126.02 Development Plan Objective and Composition
- 1126.03 Applicability
- 1126.04 Exemptions
- 1126.05 Development Plan Review Procedure
- 1126.06 Development Plan Requirements
- 1126.07 Development Review Criteria
- 1126.08 Amendments to Development Plans
- 1126.09 Expiration and Extensions
- 1126.10 Compliance With Approved Plans

Section 1126.01 Purpose

The purpose of this chapter is to establish a uniform set of requirements for the planning and design of developments within the community in order to achieve the following objectives:

- A. To protect the health, safety, morals and general welfare of the City;
- B. To ensure compliance with the provisions of this ordinance;
- C. To achieve the purposes of the City of North Olmsted Master Plan;
- D. To promote the orderly and harmonious development of the City;
- E. To prevent depreciation of land values;
- F. To ensure a consistent level of quality throughout the community;
- G. To protect the natural and built environment; and
- H. To promote consultation and cooperation between applicants and the City so that applicants may accomplish their objectives in the utilization of land, consistent with the public purposes of this ordinance and the Master Plan.

(Ord. 2017-32. Passed 5-2-17.)

Section 1126.02 Development Plan Objective and Composition

- A. The objective of a development plan is to provide the city, surrounding property owners and the community with an understanding of the scope of a proposed development, what the development will look like and potential impacts to surrounding properties and the community.
- B. A development plan shall consist of a site plan and all of the required attachments set forth in *Section 1126.06*.

(Ord. 2017-32. Passed 5-2-17.)

Section 1126.03 Applicability

- A. **Authority.** The Planning and Development Director or City Council, as applicable, shall review a development plan for any permitted use involving development and any conditional use, other than a one-family or two-family residential dwelling or residential accessory building, and as provided in this section. Development plan reviews are classified by two (2) types based on the extent of the proposed development: Administrative or City Council Review.
- B. **Administrative Review.** The Planning and Development Director shall review development plans in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:
 - 1. Principal and accessory buildings less than 3,000 square feet that will accommodate a use permitted by right;
 - 2. Additions to existing buildings less than 3,000 square feet;
 - 3. Alterations to existing buildings;
 - 4. Changes in the use of any existing building in any zoning district, provided the use is a permitted use in that zoning district;
 - 5. Expansion of existing off-street parking areas, provided no change is proposed to the number or location of existing driveways and such parking expansion does not encroach into any required buffer yard; or

6. When, in the opinion of the Planning and Development Director, a project which otherwise qualifies for administrative development plan review may have an impact on surrounding properties, he/she may, in their sole discretion, submit the development plan to City Council for review.

C. City Council Review. City Council shall, after receiving a recommendation from the Planning and Design Commission, act upon all development plans, other than those provided for in Subsection B, in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:

1. Buildings 3,000 square feet or more in size, except as permitted in *Section 1126.04*;
2. Any conditional use in any district;
3. Any proposal involving a rezoning request;
4. Wireless telecommunication facilities as provided in *Chapter 1151*.
5. Any expansion or alteration of an existing parking area not subject to an administrative development review; or
6. As otherwise required by this ordinance.

(Ord. 2017-32. Passed 5-2-17.)

Section 1126.04 Exemptions

Development plan review shall not be required for one or two-family dwellings, permitted residential accessory structures or home occupations.

(Ord. 2017-32. Passed 5-2-17.)

Section 1126.05 Development Plan Review Procedure

The process of reviewing a development plan shall be as follows:

A. Administrative Reviews.

1. Pre-Application Meeting. Prior to submitting a formal application, a developer is recommended to schedule a pre-application meeting with the Planning and Development Director. The purpose of this meeting will be to discuss the proposed development project as it relates to zoning requirements and review standards. The developer shall provide a sketch plan for review during this meeting. The Planning and Development Director shall outline the development plan review and approval process.
2. Application Submittal. The applicant shall submit the development plan application and all required exhibits as set forth in *Section 1126.06*, in a format and number specified by the City on the application form. The application shall include the required fees and deposits as determined by City Council. The Planning and Development Director shall distribute the plans to obtain comments from City staff and consultants, as necessary.
3. Staff Review. The Planning and Development Director may require the applicant attend a staff review meeting based on the nature of the development being proposed. The purpose of this meeting will be to discuss the proposed development project, zoning requirements and review standards. The applicant may be required to submit revised exhibits, as determined in the staff review meeting.
4. Decision. Upon receipt of a final submittal, the Planning and Development Director shall review the development plan for completeness based on the requirements set forth in *Section 1126.06*.
 - a. The Planning and Development Director shall consider the development plan, comments received and the applicable standards of this ordinance and shall either approve the development plan as submitted if all applicable requirements and

standards have been met; approve the development plan with conditions; or deny approval of the development plan, if applicable requirements and standards have not been met. The Planning and Development Director's review shall be based on the requirements of this chapter and, specifically, the review standards of *Section 1126.07*.

- b. The reasons for the Planning and Development Director's action, along with any conditions that may be attached, shall be stated in writing and provided to the applicant within ten (10) business days of receipt of the final submittal.
 - c. If approved, two (2) copies of the development plan shall be signed and dated by the Planning and Development Director. One (1) copy shall be kept on file with the City and one (1) copy shall be returned to the applicant or his designated representative.
 - d. If the plan is approved with conditions, two (2) copies of the revised plan shall be submitted reflecting those conditions which will be signed by the Planning and Development Director prior to the issuance of any permits.
5. Appeals. Any request to appeal a decision made by the Planning and Development Director shall be provided to the City in writing within ten (10) business days of the date of the decision. Appeals of administrative reviews shall be made by application to the Planning and Design Commission.

B. City Council Reviews:

1. Pre-Application Meeting. Prior to submitting a formal application, a developer is required to schedule a pre-application meeting with the Planning and Development Director. The purpose of this meeting will be to discuss the proposed development project as it relates to zoning requirements, review standards, and any required variances or conditional uses. The developer shall provide a sketch plan for review during this meeting. The Planning and Development Director may involve other staff at his/her discretion. The Planning and Development Director shall outline the development plan review and approval process.
2. Application Submittal. The applicant shall submit the development plan application and all required exhibits as set forth in *Section 1126.06*, in a format and number specified by the City on the application form. The application shall include the required fees and deposits as determined by City Council.
3. Staff Review. Upon receipt of an application, the Planning and Development Director shall review the development plan for completeness against the required application materials as set forth in *Section 1126.06* for development plan review. The Planning and Development Director and all applicable reviewing authorities, including but not limited to the Law Director, City Engineer, Fire Marshal and Building Commissioner, shall review the application and associated materials. The Planning and Development Director may require the applicant attend a staff review meeting based on the nature and complexity of the development being proposed.
 - a. If, following staff review, the application is deemed complete, it shall be placed on the next available Planning and Design Commission agenda.
 - b. If, following staff review, the application is deemed incomplete, the applicant shall be informed of the outstanding submittal requirements that resulted in the determination. If a complete application is not submitted at least two (2) weeks prior to the Planning and Design Commission meeting in which the application is to be considered, the application will be held until all required documentation has been provided.
4. Variances. Should the development necessitate a variance, a public hearing shall be held in accordance with the notice provisions of *Chapter 147* of the Codified Ordinances. A review and determination by the Building and Zoning Board of Appeals shall take

place as required in *Chapter 1123* prior to the development plan review by the Planning and Design Commission.

5. **Planning and Design Commission Review.** If a variance is not requested, a public meeting shall be held in accordance with the notice provisions of *Chapter 149* of the Codified Ordinances.
 - a. The Planning and Development Director shall prepare a report for the Planning and Design Commission's review. The staff report and application materials shall be distributed to the Planning and Design Commission prior to the public hearing.
 - b. The Planning and Design Commission shall consider the development plan against the requirements of this ordinance, the review standards of this chapter and the standards for conditional use permits, if applicable. The Planning and Design Commission shall make a recommendation to City Council on the application.
6. **City Council Action.** City Council shall review the application, staff report and comments by members of the Planning and Design Commission and public and make a final decision on the application. City Council shall consider the development plan against the requirements of this ordinance, the review standards of this chapter and the standards for conditional use permits, if applicable.
 - a. If approved, two (2) copies of the development plan shall be signed and dated by the Planning and Development Director. One (1) copy shall be kept on file with the City and one (1) copy shall be returned to the applicant or his designated representative.
 - b. If the plan is approved with conditions, two (2) copies of the revised plan shall be submitted reflecting those conditions which will be signed by the Planning and Development Director prior to the issuance of any permits.
7. **Appeals.** The decision of City Council shall be final and may only be reviewed by a Court of Common Pleas, pursuant to the provisions of Chapter 2506 of the Ohio Revised Code.

(Ord. 2017-32. Passed 5-2-17.)

Section 1126.06 Development Plan Requirements

- A. **Required Content.** Each development plan submitted shall contain the information set forth below, as applicable.
 1. **Applicant and Site Information.**
 - a. Names and addresses of the applicant and property owner.
 - b. Name and contact information for the professional individual or firm who prepared the development plan.
 - c. Address and common description of the property and permanent parcel number.
 - d. Legal description of the subject property.
 - e. Total acreage and net acreage (land minus public or private right-of-way).
 - f. Evidence of property ownership or written power of attorney when the applicant is acting as an agent of the property owner.
 2. **Site Plan.** A site plan with the following information:
 - a. Plans shall consist of an overall layout for the entire development, drawn to an engineer's scale of not less than one (1) inch = 50 feet for property less than three (3) acres, or one (1) inch = 100 feet for property three (3) acres or more in size. Sheet size shall be sufficient to show adequate detail. If a large development is shown in sections on multiple sheets, then one (1) overall composite sheet shall be included.

- b. Title block with sheet number/title name, address and telephone number of the applicant and firm or individual who prepared the plans and date(s) of submission and any revisions (month, day, year).
- c. Scale and north-point.
- d. Location map drawn to a separate scale with north-point showing surrounding land, water features, zoning and streets within a quarter mile.
- e. Identification and seal of architect, engineer, land surveyor or landscape architect who prepared drawings.
- f. Zoning classification of applicant's parcel and all abutting parcels.
- g. Proximity to section corner and major thoroughfares.
- h. Site data:
 - i. Existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site.
 - ii. Topography on the site and within 100 feet of the site at two (2) foot contour intervals, referenced to a U.S.G.S. benchmark.
 - iii. Site conditions, including existing drainage courses, floodplains, lakes, streams, wetlands and woodlands.
 - iv. Proposed lot lines, lot dimensions, property lines, setback dimensions, structures and other improvements on the site.
 - v. All existing and proposed easements.
- i. Building and Structure Details:
 - i. Location, height and outside dimensions of all existing and proposed buildings or structures.
 - ii. Building total floor area.
 - iii. Details on accessory structures.
 - iv. Size, height and method of shielding for all site and building lighting.
 - v. Building façade elevations for all sides, drawn at an appropriate scale.
 - vi. Description of exterior building materials.
 - vii. Location, height and outside dimensions of all outdoor storage areas and facilities.
 - viii. Dumpster location and enclosure details, if required.
- j. Access, Circulation and Parking:
 - i. Dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access easements.
 - ii. Dimensions of acceleration, deceleration and passing lanes.
 - iii. Opposing driveways and intersections within 250 feet of site.
 - iv. Cross section details of proposed roads, driveways, parking lots and non-motorized paths illustrating materials and thickness.
 - v. Dimensions of parking spaces, landscaped islands, circulation aisles and loading zones.
 - vi. Calculations for required number of parking spaces, landscaped islands, circulation aisles and loading zones.
 - vii. Designation of fire lanes and fire truck turning radius.
 - viii. Traffic regulatory signs and pavement markings.
 - ix. Location of existing and proposed sidewalks/pathways within the site or right-of-way.
 - x. Site lighting plan, including locations and details for lighting fixtures.
- k. Signs:
 - i. Location of all freestanding signs with setbacks.

- ii. Size, height and lighting of all proposed signs.
 - iii. A master sign plan for the property in accordance with *Section 1163.12*, if applicable.
3. Landscape Plan.
 - a. General location and canopy outline of all existing woodlands, with an identification of trees to be removed and trees to be preserved.
 - b. Description of methods to preserve existing trees.
 - c. Location of existing and proposed lawns and landscaped areas, including percentage of lot area.
 - d. Planting plan, including number, location and type of all proposed shrubs, trees and other live plant material with planting details.
 - e. Notation of required tree lawns, buffers and screening and calculation of required plants.
4. Utilities, Drainage and Related Issues.
 - a. Location of existing and proposed sanitary sewers.
 - b. Location of underground storm sewers and drains.
 - c. Location and size of existing and proposed water service and fire suppression systems.
 - d. Fire service features on site, including fire hydrants and fire connections mounted on buildings.
 - e. Storm water drainage and retention/detention calculations.
 - f. Site grading, drainage patterns and other storm water management measures.
 - g. Storm water retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls.
 - h. Size, slope and elevation data for all storm sewers and related structures.
 - i. Location of above and below ground gas, electric and telephone lines, existing and proposed.
 - j. Sedimentation control measures.
 - k. Location of transformers and utility boxes.
5. Other Information. Any required permits by other County, State or federal agencies, or proof that permit applications have been submitted and any other information required by the Planning and Development Director or City Council to demonstrate compliance with other applicable provisions of this ordinance including, but not limited to, traffic impact analysis, environmental impact assessment and market feasibility studies.

B. Information Waiver. Specific requirements of either an Administrative or City Council reviewed development plan may be waived by the respective reviewer where it is determined that such information is not applicable to the subject request.

(Ord. 2017-32. Passed 5-2-17.)

Section 1126.07 Development Review Criteria

- A. Development Review Criteria.** Approval of a development plan shall be granted only if the development plan meets all applicable requirements outlined below. Unless a more specific standard is provided in this ordinance, all uses, and structures subject to development plan review shall comply with the following standards:
1. Harmonious and Compatible Design. The development must be designed in a manner that is harmonious and compatible to the greatest extent reasonably possible, with the character of the surrounding area.

2. Minimize Hazards. The development must be designed so as to reasonably minimize hazards to adjacent property and to reasonably reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible.
3. Traffic Circulation. The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the development, and circulation within the development. In reviewing traffic features, the number, spacing and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.
4. Storm Water. Storm water detention and drainage systems shall be designed so the removal of surface waters will not have adverse effects on neighboring properties or public storm water drainage systems.
5. Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Protection or preservation of existing landscaping, buffers or street lawns may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property.
6. Buffers. Where non-residential uses abut residential uses, appropriate buffering and screening shall be provided, so as to shield residential properties from noise, headlights and glare.
7. Lighting. Lighting shall be designed to minimize glare on adjacent properties and public streets. As a condition of development plan approval, reduction of lighting during non-business hours may be required.
8. Utility Service. All interior utility service shall be underground.
9. Exterior Uses. Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties and shall be screened as reasonably necessary to ensure compatibility with surrounding properties.
10. Emergency Access. All buildings and structures shall be readily accessible to emergency vehicles.
11. Water and Sewer. Water and sewer installations shall comply with all City specifications and requirements.
12. Signs. Permitted signs shall be located to avoid creating distractions and visual clutter.

B. Development Review Criteria for B-4, Mixed-use Business District. Applications for B-4 mixed use developments shall only be approved upon a finding of compliance with the criteria in Subsection A and with the following criteria:

1. Development Plan Standards. The standards of *Section 1126.06* for development plans shall be satisfied.
2. Consistency with Master Plan. All mixed-use development shall be designed, constructed and maintained in conformance with the applicable guidelines and standards established by the City of North Olmsted Master Plan.
3. Integration with Transportation System. Mixed use developments shall be designed to integrate into the adjacent transportation system relative to:
 - a. Pedestrian connections to ensure accessibility to current or planned transit service, if applicable;
 - b. Connectivity to existing and planned roadways, sidewalks and pathways;
 - c. Compatibility with the regional transportation system of arterial and collector streets; Complete streets roadway design that accommodates multiple transportation modes;
 - d. Strategic locations of parking lots and structures; and

- e. Access management to provide internal connections between uses and prohibit individual driveway access to perimeter roads.
 4. Impact on Infrastructure. The development is staged in a manner that allows for and facilitates the timely provision of public utilities, facilities and services.
 5. Compatibility of Uses and Structures. The mixed-use development is planned so land uses and densities create an appropriate transition to existing or planned uses and densities on adjoining properties.
- C. **Conditions of Approval**. Conditions which are designed to ensure compliance with the intent of this ordinance and other regulations of the City may be imposed during development plan approval. Conditions imposed shall be based on the following criteria:
1. To ensure that public services and facilities will not be adversely affected.
 2. To ensure that the use is compatible with adjacent land uses and activities.
 3. To protect the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.
 4. To protect natural resources and the environment.
 5. To ensure compatibility between the proposed use or activity and the rights of the City to perform its governmental functions.
 6. To meet the intent and purpose of the Zoning Code and Master Plan.
 7. To be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
 8. To ensure compliance with the intent of other City ordinances that are applicable to the development plan.
- (Ord. 2017-32. Passed 5-2-17.)

Section 1126.08 Amendments to Development Plans

- A. **Amendments**. Amendments to an approved development plan shall be permitted only where the holder of an approved development plan notifies the Planning and Development Director of any proposed changes. A revised development plan shall be submitted to the Planning and Development Director for review as provided in Subsection B and contain a list of all proposed amendments and changes and shall be indicated on the site plans.
- B. **Reviewing Authority**.
1. Changes to an Administrative Review Plan. Proposed changes to a development plan approved administratively may be approved by the Planning and Development Director.
 2. Changes to a City Council Review Plan. Proposed changes to a development plan approved by City Council shall be reviewed as follows:
 - a. *Minor Changes*. Minor changes may be approved by the Planning and Development Director upon determining that the proposed revision(s) will not alter the basic design and character of the development plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - i. Reduction in size of any building and/or other structures.
 - ii. Movement of buildings or other structures by no more than ten (10) feet.
 - iii. Landscaping approved on the development plan that is replaced by similar landscaping to an equal or greater extent.
 - iv. Changes in building materials to a comparable or higher quality material.

- v. Internal re-arrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
 - vi. Changes related to Subsections i-v above, required or requested by the City or County, State, or federal regulatory agency in order to conform to other laws or regulations, provided such changes do not alter the basic design and character of the plan, nor any specified conditions imposed as part of the original approval.
- b. *Major Changes.* Major changes are changes that fall outside the scope of minor changes as defined in this section as determined by the Planning and Development Director. Major changes shall be reviewed in the same manner as the original application, including review by the Planning and Design Commission.
- (Ord. 2017-32. Passed 5-2-17.)

Section 1126.09 Expiration and Extensions

- A. **Expiration.** Building permits must be obtained within one (1) year of the date of final plan approval or the approval expires, along with the approval of any related variances. Upon expiration, no person shall acquire any vested property interest in or upon the land whatsoever, nor otherwise acquire any vested right to proceed with construction based upon such expired final development plan approval. Upon expiration, any variances from this Code that may have been issued in support thereof shall likewise expire, shall not vest any property right, and shall not run with the land.
- B. **Extensions.** Upon request from the developer or approval holder, the Planning and Development Director may grant one (1) extension of up to 12 additional months provided that:
1. The applicant provides the Planning and Development Department with a written request for an extension prior to the date of expiration of the original development plan approval;
 2. There are no changes in the project; and
 3. The zoning of the property is the same as when the project was approved.
- (Ord. 2017-32. Passed 5-2-17.)

Section 1126.10 Compliance with Approved Plans

- A. No site development, improvement or construction activities shall be commenced or permitted that fail to comply with approved development plans, including all conditions imposed or variances issued, except upon amendment authorized and issued pursuant to *Section 1126.08*. Any such deviation from final approved development plans shall be subject to an immediate Stop Work Order and penalties provided by *Chapter 1121*.
- B. For purposes of this section, “final approved development plan” means the finally approved building, site and signage plans for the property, the landscaping and lighting plans for the property, and all statements concerning the use and/or development of the property appearing affirmatively on the face of the record of the proceedings of the owner’s application for a development plan which were expressly made a condition of Administrative approval or City Council’s approval pursuant to the provisions of *Section 1126.05*.
- (Ord. 2017-32. Passed 5-2-17.)

Amendments

Chapter 1127

Sections

- 1127.01 Initiation
- 1127.02 Referral to Planning and Design Commission
- 1127.03 Public Hearing; Notice
- 1127.04 Council Action
- 1127.05 Current Record of Text and Map

Section 1127.01 Initiation

A proposed amendment to the Zoning Code or the Zone Map may be initiated either by the Planning and Design Commission or by introduction as an ordinance in Council. If the amendment is initiated by action of the Commission, and upon its introduction as an ordinance in Council, Council shall set the same for public hearing and provide for the proper notice thereof, all as provided by the Charter and in this chapter. If the amendment is initiated by its introduction as an ordinance in Council, the ordinance shall forthwith be referred to the Commission.

(Ord. 90-125. Passed 5-21-91.)

Section 1127.02 Referral to Planning and Design Commission

Any ordinance amending this Zoning Code or the Zone Map referred by Council to the Planning and Design Commission shall receive the consideration and be the subject of approval or disapproval by the Commission, which shall report its action and recommendation to Council in regard to such proposed ordinance within 30 days from the date of the referral unless Council extends such period at the time of the referral or before the expiration of such 30 day period or as established by Council. In the event the Commission does not act on such proposed ordinance within the time in this section specified, it shall be deemed to have approved such ordinance.

(Ord. 90-125. Passed 5-21-91.)

Section 1127.03 Public Hearing; Notice

- A. **Date.** Upon receipt of a notice of an action from the Planning and Design Commission regarding a proposed ordinance amending this Zoning Code or the Zone Map, or upon the introduction of such an ordinance when initiated by the Commission, Council shall establish a date for a public hearing of such ordinance. The date of such public hearing shall be not less than 30 days after the date of hearing is established.
- B. **Notice.** The Clerk of Council shall give notice of such public hearing as required by the Charter and such additional notice as may be directed by Council at the time the date of the public hearing is established. Any notice given shall set forth the time and place of public hearing and a summary of the proposed amendment.
- C. **File Copy for Inspection.** A copy of the proposed ordinance or amended Zone Map and all reports in connection therewith shall be on file for public inspection in the office of the Clerk of Council.
- D. **Procedure; Recess.** At a public hearing established by subsection (A) hereof, any interested person shall be heard who desires to present reasons for or against the adoption of a proposed amendment, subject, however, to reasonable regulations of Council or rulings from the presiding officer. Council may, by motion, recess the public hearing from time to time, but no further notice by mail or advertisement shall be given for the time and place of any subsequent recessed public hearing of that proposed amendment. Council need not take final action on such proposed amendment at the time of such public hearing.

(Ord. 90-125. Passed 5-21-91.)

Section 1127.04 Council Action

At any time after the conclusion of the public hearing required by this chapter, Council may adopt the proposed ordinance by the affirmative vote of at least a majority of the members of Council eligible to vote, provided the proposed ordinance was initiated by the Planning and Design Commission or had received the prior approval of the Commission. If the proposed ordinance or any part thereof has been disapproved by the Commission, it shall be adopted only if it receives the affirmative vote of two-thirds of all members of Council eligible to vote.

(Ord. 90-125. Passed 5-21-91.)

Section 1127.05 Current Record of Text and Map

The Building Commissioner shall maintain a permanent and current record of this Zoning Code showing all amendments to the text and map.

(Ord. 90-125. Passed 5-21-91.)

Use Districts and Maps

Chapter 1133

Sections

- 1133.01 Division into Districts
- 1133.02 Maps
- 1133.03 Boundaries
- 1133.04 Compliance with Regulations
- 1133.05 City Exemption
- 1133.06 List of Districts

Section 1133.01 Division Into Districts

For the purposes of the Zoning Code, the City is hereby divided into use districts as provided in *Chapter 1133 et seq.*

(Ord. 90-125. Passed 5-21-91.)

Section 1133.02 Maps

The boundaries of the districts are hereby established on a map entitled "City of North Olmsted, Zone Map" and on file with the Clerk of Council, which map, hereafter referred to as the "Zone Map," shall be deemed to accompany, be, and is hereby made, a part of the Zoning Code.

(Ord. 90-125. Passed 5-21-91.)

Section 1133.03 Boundaries

- A. **Street or Lot Line.** Wherever, upon the Zone Map, a district boundary is shown to coincide with a street or alley line, or with a lot line, the boundary of the district shall be the center of such street or alley, or on such lot line.
- B. **Other Boundaries.** In all other cases the location of district boundaries on the ground shall be ascertained by scaling the Zone Map and by such aids to interpretation as are shown on the Zone Map or furnished by the Zoning Code.

(Ord. 90-125. Passed 5-21-91.)

Section 1133.04 Compliance with Regulations

Hereafter no land shall be used or occupied, and no structure shall be designed, built, altered, used or occupied, except in conformity with the regulations herein established for the district in which such land or structure is located.

(Ord. 90-125. Passed 5-21-91.)

Section 1133.05 City Exemption

The City is exempted from limitations or restrictions imposed by this Zoning Code on the use of any land or structure.

(Ord. 90-125. Passed 5-21-91.)

Section 1133.06 List of Districts

The City is hereby divided into the following use districts, all of which are designated on the Zone Map by appropriate symbols or marking, which districts shall be known, in order of restrictiveness, except for Hi-Rise Classes, beginning with the most restrictive, as:

- A - One Family Residence
- B - One Family Residence
- C - One Family Residence
- Two Family Residence
- Residential Cluster
- Multiple Residence (Apartment)

Senior Residence

Residential Office

Office Building

Local Business

Office/Service

Mixed-use Business

General Business

Limited Industry-Industrial Park

Mixed Use District - A, B, C and D.

(Ord. 90-125. Passed 5-21-91; Ord. 2006-135. Passed 10-17-06; Ord. 2007-5. Passed 4-17-07.)

One and Two Family Residence Districts

Chapter 1135

Sections

- 1135.01 Permitted and Conditional Uses
- 1135.02 Accessory Uses
- 1135.03 Livable Floor Area
- 1135.04 Height Regulations
- 1135.05 Lot Area, Coverage and Width
- 1135.06 Setbacks
- 1135.07 Projections

Section 1135.01 Permitted and Conditional Uses

- A. **Permitted Uses.** In One and Two Family Residence Districts, land may be used and buildings or structures may be designed, built, altered or used for only the following permitted uses:
1. A, B and C One Family Residence Districts: One family dwellings.
 2. Two Family Residence Districts: One family dwellings and two family dwellings.
- B. **Conditional Uses.** In One and Two Family Residence Districts, land may be used and buildings or structures may be designed, built, altered or used for the following uses if a conditional use permit is issued in accordance with the provisions of *Chapter 1118*:
1. Governmental: Municipal, County, State and Federal buildings and uses for administrative functions and uses by the general public.
 2. Civic: Churches, libraries, museums, places for public assembly, memorials, monuments, cemeteries, fraternal organizations and private clubs.
 3. Educational: Primary and secondary public, private or parochial schools.
 4. Welfare: Hospitals, health centers, nursing homes, group homes, institutions for children and for the elderly, day care centers and any and all uses and restrictions as provided for in *Chapter 1138*.
 5. Recreational: Parks, recreation fields and playgrounds, lakes, pools, public gardens and golf courses.
 6. Residential: Bed and breakfast inns. (Ord. 2018-77. Passed 10-2-18.)

Section 1135.02 Accessory Uses

The following accessory uses are permitted in any One and Two Family Residence District, provided that no accessory building or structure may be erected nor accessory use be commenced prior to the construction of the dwelling:

- A. **Home Occupations.** A home occupation may be permitted subject to the following requirements:
1. Only members of the family residing within the dwelling shall work therein;
 2. The occupation shall be conducted wholly within the resident dwelling;
 3. The home occupation shall not attract a greater number of automobiles to the premises than normally associated with a single family residence;
 4. Commercial trucks, tractors, trailers or other vehicles as defined in the Traffic Code or other mobile equipment shall not be parked overnight in driveways or yards;
 5. No equipment shall be used nor activity conducted which will create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot;
 6. The residential character of the dwelling exterior shall not be changed;
 7. No sign or other outward evidence of the occupation shall be displayed except for one nameplate complying with the provisions of *Chapter 1163*.
- B. **Private Garages and Driveways.**
1. Garage Required. At least one (1) private garage shall be provided for each dwelling on lots in any One or Two Family Residence District. No more than one (1) private attached garage and one (1) private detached garage may be located upon any lot. Furthermore, the following requirements shall be met:
 - a. Area. Any private garage, attached or detached, shall not exceed 750 square feet in floor area. Additionally, any detached and attached private garages in combination shall not exceed 750 square feet in floor area.

- b. *Dimensions.* Any private garage shall have interior measurements of not less than 20 feet in depth and nine (9) feet in width. A detached private garage shall not exceed 15 feet in height.
 - c. *Setbacks.* A detached private garage shall be located not less than 15 feet from a dwelling on the same lot or any adjacent lot and shall be set back not less than five (5) feet from a side property line and ten (10) feet from a rear property line. A private garage attached by a common wall to the livable floor area of a dwelling or connected to the dwelling by a covered or other enclosed area shall be considered part of the principal structure for the purposes of determining required setbacks.
2. Driveway Required. Any private garage shall be served by a driveway meeting the following requirements:
 - a. *Curb Cuts.* One (1) driveway curb cut shall be permitted on each residential lot in any One or Two Family Residence District.
 - b. *Materials.* All driveways and parking pads shall be constructed of concrete or asphalt according to the specifications on file in the Division of Building. The use of pervious materials such as turf block, grass strips between concrete strips, brick pavers and similar materials may be approved by the City Engineer on a case-by-case basis. Gravel is not a permitted material for driveways or parking pads.
 - c. *Width.* A driveway providing access to a detached garage shall be no more than 12 feet in width in a front yard and 24 feet in width in a side or rear yard. A driveway providing access to an attached garage shall be no wider than 24 feet. A driveway section no wider than 12 feet may be extended in a side or rear yard adjacent to one side of a detached or attached garage. A paved area, the width of the attached or detached garage and any driveway adjacent to the garage as measured from the garage walls, is permitted to extend for a distance (depth) of 20 feet from the garage doors before tapering back at no less than a 45 degree angle to the required driveway width to allow access to the garage and the adjacent spaces.
 - d. *Length.* Driveways shall extend no further than the most distant point of the garage from the access street.
 - e. *Nonconforming conditions.* If a garage is not present on the residential lot, a driveway may be constructed only in the front and side yards in accordance with the restrictions for that permitted for a detached garage.
 3. Parking Pads. One and two-family dwellings are permitted an additional paved parking/turnaround pad meeting the following requirements:
 - a. *Location.* A pad may be constructed in the front yard of a residential lot having access from an arterial street as designated in *Table 1161.07-1*. A parking pad may be constructed in the rear or side yard of any residential lot.
 - b. *Design.* The pad shall be constructed perpendicular and attached to the driveway. The pad shall be located a minimum distance of five (5) feet from any property line. The pad shall have a maximum length of 18 feet measured from the existing driveway edge to the far end of the pad and a maximum width of 20 feet.
 - c. *Open Space.* The pad shall be constructed to maintain at least 60% green space in the front yard and 50% green space in the combined side and rear yards.

C. Storage Buildings and Accessory Structures.

1. Storage buildings and accessory structures shall only be permitted in rear yards of residential lots in any One or Two Family Residence District.
2. One detached storage building in addition to a private detached garage shall be

permitted on a residential lot in accordance with the following schedule:

Table 1135.02-1, Storage Buildings

Lot Area	Maximum Building Size	Maximum Building Height
Under 10,850 sq. ft.	100 sq. ft.	12 ft.
10,850 to 21,779 sq. ft.	150 sq. ft.	12 ft.
21,780 to 43,559 sq. ft.	200 sq. ft.	12 ft.
43,560 sq. ft. and greater	300 sq. ft. for the first acre plus 50 sq. ft. for each additional acre in lot size	14 ft.

3. Storage buildings 200 square feet or more in size shall meet the drainage requirements of the City Engineer.
 4. Permitted accessory structures include decks, patios, terraces, arbors, trellises, gazebos and pavilions. The maximum height of any accessory structure shall be 12 feet. Decks, patios and terraces attached or contiguous to the principal structure shall meet the required setbacks of the principal structure, except that decks may also be permitted attached or contiguous to swimming pools.
 5. Any storage building or freestanding accessory structure shall be set back not less than five (5) feet from any side or rear lot line. On a corner lot, any storage building or accessory structure shall be set back not less than the required front building setback for the abutting lot on the side street.
 6. No part of any storage building or accessory structure shall be located within a recorded utility easement or drainage swale, or in such a manner that hinders the free flow of stormwater or hinders the maintenance of stormwater control structures as determined by the City Engineer.
- D. **Fences.** Fences shall be permitted in accordance with the following regulations and the requirements and specifications contained in *Chapter 1369, Fences and Screen Walls*, in the Building Code.
1. Side and Rear Yards. A fence not exceeding six (6) feet in height may be placed along any side or rear property line providing it does not extend nearer the street line than the front building line.
 2. Front Yards. A fence may be placed between the front building line and street line so long as at least 50% of the face is open space and the fence does not exceed 30 inches in height.
 3. Corner Lots. A fence not exceeding six (6) feet in height may be constructed on a corner lot in the side and rear yards provided that the fence is set back at least 20 feet from the street line of the abutting lot on the side street. A fence that is at least 50% open and that does not exceed 30 inches in height may be constructed on a corner lot in the side and rear yards at the street line of the abutting lot on the side street.
- E. **Animal Shelters.**
1. Keeping domestic farm animals on private property is regulated in *Section 505.19* of the General Offenses Code. Where permitted, shelters for domestic farm animals shall be located within rear yard areas so that no part of the structure shall be located within ten (10) feet of any side or rear lot line, within 200 feet of a dwelling on any adjacent lot or within 200 feet of any street line.
 2. Shelters for dogs shall be limited to 15 square feet, shall not exceed six (6) feet in height and shall only be located within rear yard areas so that no part of the structure shall be located within ten (10) feet of any side or rear lot line.

- F. **Antennas and Towers.** An independent television antenna or radio tower not to exceed 50 feet in height and not used for commercial purposes may be located in either a rear or side yard, attached to the gabled side of the dwelling where practical.
- G. **Portable Storage Containers.** For the purposes of this section, “portable storage container” means any container designed for the temporary storage of personal property which is typically rented to owners or occupants of property for their storage use and which is delivered and/or removed by truck or trailer.
1. No person shall place a portable storage container on private property without first obtaining a permit from the Division of Building. Each container placed in accordance with this section shall be issued a placard that must be prominently displayed indicating the date of placement and removal.
 2. Only one container is permitted on a property.
 3. The size of any portable storage container shall not exceed 16 feet in length by eight (8) feet in width by eight (8) feet in height.
 4. Any portable storage container must be located on a driveway or other hard surfaced area.
 5. Portable storage containers shall be required to meet side and rear setback requirements for main uses. If feasible, containers must be located outside of required front setback area, but if not feasible, as close to the front setback line as possible.
 6. Portable storage containers may be placed on a property for up to 30 days. The Building Commissioner may permit the placement of a portable storage container on a property for more than 30 days, provided the property owner has an active building permit or has demonstrated that extenuating circumstances exist to justify the extension.
 7. In addition to the required placard, no more than one (1) sign having a maximum area no greater than permitted for temporary signs under Chapter 1163 may be displayed on any portable storage container.
 8. Any portable storage container shall be free of dents, rust and/or graffiti and shall be maintained in good condition.
- H. **Recreational Vehicles.** Recreational vehicles such as boats, travel trailers, motor homes and utility trailers may be stored in One and Two Family Residence Districts as follows:
1. Recreational vehicles may not be stored in front yard areas, except one vehicle may be temporarily parked upon a driveway and for a period of time which does not exceed 72 hours within a consecutive 21 day period.
 2. Recreational vehicles shall be parked or stored entirely within an enclosed building, except not more than two (2) recreational vehicles may be parked or stored in a side or rear yard area, not closer than five (5) feet to a side lot line and ten (10) feet to a rear lot line.
 3. In the case of a corner lot, no recreational vehicles shall be stored in the side street side yard or in the rear yard area closer to the street line than the required front building setback of the adjacent lot.
 4. All recreational vehicles must be parked on a driveway, parking pad or another approved, stable surface.
 5. No recreational vehicle shall have fixed connections to any utility, nor shall such vehicle be used as a dwelling.
 6. No storage shall be permitted in or under any recreational vehicle. All recreational vehicles shall be kept in good repair and shall carry the current year’s license plate registered to the legal occupant.
- I. **Swimming Pools.** Permanent swimming pools, including decks, accessory structures or other equipment shall only be permitted in rear yards of residential lots in any One or Two

Family Residence District. Any pool or associated structure shall be set back not less than ten (10) feet from any side or rear lot line.

- J. **Book Exchange Boxes.** For purposes of this section, “book exchange box” shall mean an accessory structure maintained by a resident on private property where books and recorded performing arts are kept for public use and/or exchange with no fees or sales. Book exchange boxes shall be subject to the following requirements:
1. Boxes are limited to a maximum height of five feet to the highest point on the structure and a maximum width and depth of three feet.
 2. Boxes are prohibited in the public right-of-way or in recorded easements.
 3. Boxes are permitted in the front yard or side corner yard only and must be located a minimum of five feet from any right-of-way line or any neighboring lot line, measured from the nearest point of the book exchange box.
 4. No book exchange box may be located so that it impedes pedestrian access or circulation, obstructs parking areas, or creates an unsafe condition. Boxes cannot be constructed in a manner that obstructs visibility of intersections.
 5. No more than one book exchange box is permitted per lot.
 6. Boxes which are abandoned, or which are accessory to a vacant or abandoned property, are prohibited and shall be removed. A box shall be determined to be abandoned if it has ceased its operations for a period of at least six (6) months.
- K. **Prohibited Accessory Structures and Uses.** Quonset huts, inflatable garages, portable garages, temporary garages, portable carports, temporary carports, converted storage or shipping containers, tents used for storage, and semi-tractor trailers used for storage (with or without wheels) are prohibited. Also, floodlights, search lights, loudspeakers or similar structures shall not be erected or used in any One or Two Family Residence District. (Ord. 2018-77. Passed 10-2-18.)

Section 1135.03 Livable Floor Area

In any One and Two Family Residence District, a dwelling shall contain the minimum livable first floor area as specified in *Table 1135.03-1*.

Table 1135.03-1, Livable First Floor Area (Square Feet)				
	A One Family Residence	B One Family Residence	C One Family Residence	Two Family Residence
1 story dwelling	1,500	1,300	1,100	930
1-1/2 story dwelling	1,150	1,060	950	800
2 story dwelling	900	850	800	660

Section 1135.04 Height Regulations

- A. **One Family Residences.** In any A, B or C Residence District, the maximum height shall be 35 feet above grade level or two and one-half (2½) stories, whichever is the lesser.
- B. **Two Family Residences.** In a Two Family Residence District, the maximum height shall be 30 feet above grade level or two (2) stories, whichever is the lesser.
- C. **Basements.** A basement shall be deemed a story when its ceiling is more than four and one-half (4½) feet above grade level.
- D. **Appurtenances.** Chimneys, wireless towers and television antennae erected upon and as an integral part of a dwelling may be erected or extended above the height of the district

provided that any such appurtenance shall be set from the exterior vertical plane of the building one (1) foot horizontally for each two (2) feet of height beyond the stated height limitations. (Ord. 2018-77. Passed 10-2-18.)

Section 1135.05 Lot Area, Coverage and Width

- A. **Minimum Requirements.** In any One and Two Family Residence District the minimum lot width, area and depth required per dwelling shall be as specified in *Table 1135.05-1*.

District/Dwelling	Lot Type	Minimum Lot Width (feet)	Minimum Lot Area (square feet)	Minimum Lot Depth (feet)
A One Family Residence	Interior lot	80	13,200	135
	Corner lot	90		
B One Family Residence	Interior lot	70	10,850	135
	Corner lot	85		
C One Family Residence	Interior lot	60	8,700	135
	Corner lot	75		
Two Family Residence – one family dwelling	Interior lot	60	8,700	135
	Corner lot	75		
Two Family Residence – two family dwelling	Interior lot	60	14,700	135
	Corner lot	75		

B. **Maximum Lot Coverage.**

1. **Total Lot Coverage.** The maximum land coverage by the principal structure shall not exceed 25% of total lot area.
2. **Rear Yard Lot Coverage.** The total area of all detached garages, storage buildings and any other accessory structures, such as decks, swimming pools, pavilions, gazebos or animal shelters, shall not exceed 20% of the rear yard area. (Ord. 2018-77. Passed 10-2-18.)

Section 1135.06 Setbacks

In any One and Two Family Residence District, a dwelling shall have the following minimum setbacks:

- A. **Front Yards.** The minimum distance a dwelling shall be setback from the street line is 50 feet.
- B. **Side Yards.** The minimum width of the side yard shall be on one (1) side not less than five (5) feet and the sum of the two (2) sides shall be not less than 20 feet, unless the dwelling is designed to have an attached garage, in which case the sum of the two (2) sides shall not be less than 15 feet. In no case shall the distance between adjacent dwellings be less than 15 feet. A drive may be placed in a side yard providing such side yard is no less than 15 feet in width. The width of a side yard shall be determined at the point of the least distance from any part of the dwelling to the adjacent side lot line measured perpendicular to the side lot line.
- C. **Side Yards on Corner Lots.** For a corner lot, the minimum setback on the side street shall be 25 feet.

- D. **Rear Yards.** The minimum depth of the rear yard shall be 50 feet. The depth of a rear yard shall be determined at the point of least distance from any part of the dwelling to the adjacent rear lot line of the lot measured perpendicular to the rear lot line.

Section 1135.07 Projections

- A. Entrance features such as platforms, landings, steps, stoops or other open features not extending above the first floor of a building, may project not more than eight (8) feet into a required front yard, and not more than three (3) feet into a required side yard, provided such projection is not less than three (3) feet from any side lot line.
- B. Architectural appurtenances which do not increase the livable floor area of a dwelling unit may project not more than 24 inches into a required yard area. However, in no case shall such projection be located closer than five (5) feet to any lot line.
(Ord. 2018-77. Passed 10-2-18.)

Residential Cluster (RC) District

Chapter 1136

Sections

1136.01	Intent
1136.02	Definitions
1136.03	Permitted Uses
1136.04	Development Standards
1136.05	Area and Density Regulations
1136.06	Height Regulations
1136.07	Building Spacing and Yard Regulations
1136.08	Open Space Regulations
1136.09	Parking and Circulation
1136.10	Improvements
1136.11	Development Plans Required
1136.12	Development Plan Review
1136.13	Report to Council
1136.14	Action by Council

Section 1136.01 Intent

In order to allow greater flexibility and utilization of space than is possible through the strict application of minimum requirements of the standard one (1) and two (2) family residential districts and to provide a reasonable variation in dwelling unit types and density, dwellings may be clustered in accordance with the provisions of this Chapter on land zoned in a Residential Cluster District in order to:

- A. Encourage the conservation of any natural amenities on a site, including, but not limited to, steep slopes, wooded areas, floodplains and wetlands;
- B. Increase the available housing choices within the City by providing for a variety of dwelling unit types on smaller sized lots than in conventional subdivisions;
- C. Provide a more flexible and attractive residential development that will allow for a clustering of buildings in order to allow a greater utilization of open space; and
- D. Allow for a reasonable increase in residential density for areas well served by transportation and other community facilities.
- E. Provide for rezoning consistent with the adopted Master Plan.

(Ord. 2007-5. Passed 4-17-07.)

Section 1136.02 Definitions

- A. **Buildable Area** means the land area that is available for construction after all zoning and other municipal requirements have been fulfilled. Buildable area would exclude required setbacks and preservation areas.
- B. **Development Area** means the minimum area of land to be developed by a single owner or a group of owners in accordance with the provisions of this Zoning Code.
- C. **Open Space Area** means land in a residential cluster development area not occupied by dwellings, streets, parking areas, driveways or other structures, with the exception of recreation facilities, nor land area within required yards, setbacks and buffers, and which is intended for use and enjoyment by the occupants of dwellings in the development area or for storm water cleansing and control.
- D. **Preservation Area** means any area on which construction activities may be prohibited, such as floodplains, wetlands and riparian setbacks.
- E. **Single Family Attached Dwelling** means a building consisting of separate independent dwellings connected by independent, fire rated walls or floor/ceiling assemblies to at least one (1) other dwelling unit with each unit having at least two (2) separate entrances.
- F. **Single Family Detached Dwelling** means a building consisting of a single dwelling unit having at least two (2) separate entrances.
- G. **Two Family Dwelling** means a building consisting of two (2) dwelling units which may be either attached side by side or one above the other, separated from each other by tenant walls, floors and/or ceilings, of concrete, masonry or the equivalent, and each unit having either a separate or combined entrance or entrances.

(Ord. 2007-5. Passed 4-17-07.)

Section 1136.03 Permitted Uses

Buildings and land shall be used and buildings shall be erected, altered, moved and maintained in a Residential Cluster District only in accordance with the following:

A. Principal Uses

1. Single-family detached dwellings
2. Two-family dwellings
3. Single-family attached dwellings that include not more than three dwelling units in a grouping
4. Open space areas

B. Accessory Uses

1. Private garages attached to or located in a dwelling
2. Open parking areas
3. Landscape features, private gardens, patios, walls and fences
4. Recreation and community facilities on private and common land
5. Home occupations

(Ord. 2007-5. Passed 4-17-07.)

Section 1136.04 Development Standards

- A. Site Design.** Residential cluster developments shall be designed to complement the topography of the land in order to utilize natural contours, economize in the construction of utilities, reduce required grading and maximize the conservation of trees, watercourses and other natural features. Natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the arrangements of dwellings, open space areas and accessory uses.
- B. Building Design.** In order to enhance privacy and encourage attractive building arrangements, the alignment of buildings should be varied and the façades of adjoining dwelling units shall be offset. Attractive variations in such elements as façade, width, color, exterior materials and roof lines are desirable.
- C. Landscaping.** All development and open space areas shall be landscaped according to an overall coordinated plan, utilizing a variety of trees, including evergreen type to maximize screening potential year-round. Existing trees and significant vegetation shall be retained wherever feasible and desirable. Plantings, walls, fencing and screens shall be so designed and located as to optimize privacy and aesthetic quality without encroaching upon required automobile sight distances.
- D. Vehicular Circulation.** The circulation system and parking facilities shall be designed to fully accommodate the automobile and emergency vehicles with safety and efficiency. Any driveway to arterial and collector streets shall be placed at locations where the traffic can be controlled and operated effectively with the minimum interference with the capacity and flow of the existing streets.
- E. Pedestrian Circulation.** Each residential cluster development shall be served by a comprehensive walkway system adequately separated from vehicular circulation connecting residential buildings to parking and open space areas.

(Ord. 2007-5. Passed 4-17-07.)

Section 1136.05 Area and Density Regulations

The following minimum requirements are established to guide and control the planning, development, and use of land in a Residential Cluster District.

- A. **Development Area.** The minimum area to qualify for a Residential Cluster District development shall be five contiguous acres, provided that an individual project may be less than five acres when it is contiguous to and designed in connection with an existing residential cluster district or development.
- B. **Development Area Density.** The residential density of the entire development area shall follow the schedule below, and in no case exceed 5.25 units per acre.

Open Space Preserved¹	Permitted Density (based on total development area)
20% of buildable area	4.25 units/acre
25% of buildable area	4.75 units/acre
30% of buildable area	5.25 units/acre
¹ Open space is regulated in <i>Section 1136.08</i>	

- C. **Floor Area.** The minimum livable floor area of any dwelling unit in a Residential Cluster District shall be 1,200 square feet.

(Ord. 2007-5. Passed 4-17-07.)

Section 1136.06 Height Regulations

In a Residential Cluster District structures shall be developed and maintained in accordance with the following height regulations:

- A. **Buildings.** The height of any dwelling in a residential cluster development shall not exceed 35 feet. The Planning and Design Commission may, however, allow a greater height where topographic or other conditions warrant such height.
- B. **Accessory Structures.** The height of any accessory structure shall not exceed 20 feet in height at the highest point of the roof line, nor more than one story. The height of fences, walls and other accessory structures which are not buildings shall not exceed six (6) feet.
- C. **Exceptions to Height Limit.** Chimneys and antennas located on a main building may exceed the height limit established for buildings but are limited to a maximum height of ten (10) feet above the roof line. Approved street lighting is exempt from the height limitations of subsection (B) hereof.

(Ord. 2007-5. Passed 4-17-07.)

Section 1136.07 Building Spacing and Yard Regulations

Dwelling units in a Residential Cluster District may be arranged in various groups, courts, or clusters with open spaces organized and related to the dwellings so as to form a unified composition of buildings and space, and in accordance with the following provisions:

- A. **Building Spacing.** In order to ensure adequate privacy for each dwelling unit, the minimum spacing between buildings shall be determined by the types of walls facing each other and shall be distances required below:

1. When neither of the two (2) walls facing each other contains windows, patios or decks, or the windows are in non-living areas, two dwellings shall be separated by a minimum of ten (10) feet.
2. When one (1) or both of the walls facing each other contain windows, other than primary windows of living areas, the two (2) dwellings shall be separated by a minimum of 15 feet.
3. When one (1) or both of the walls facing each other contain primary windows of living areas or patios or decks, the two (2) dwellings shall be separated by a minimum of 20 feet.
4. For the purposes of this section, the following definitions shall apply: "living areas" shall include living rooms, family rooms, great rooms, bedrooms, dining rooms and kitchens; "primary window" means any window in a living space having a sill height of 60 inches or less above the floor.

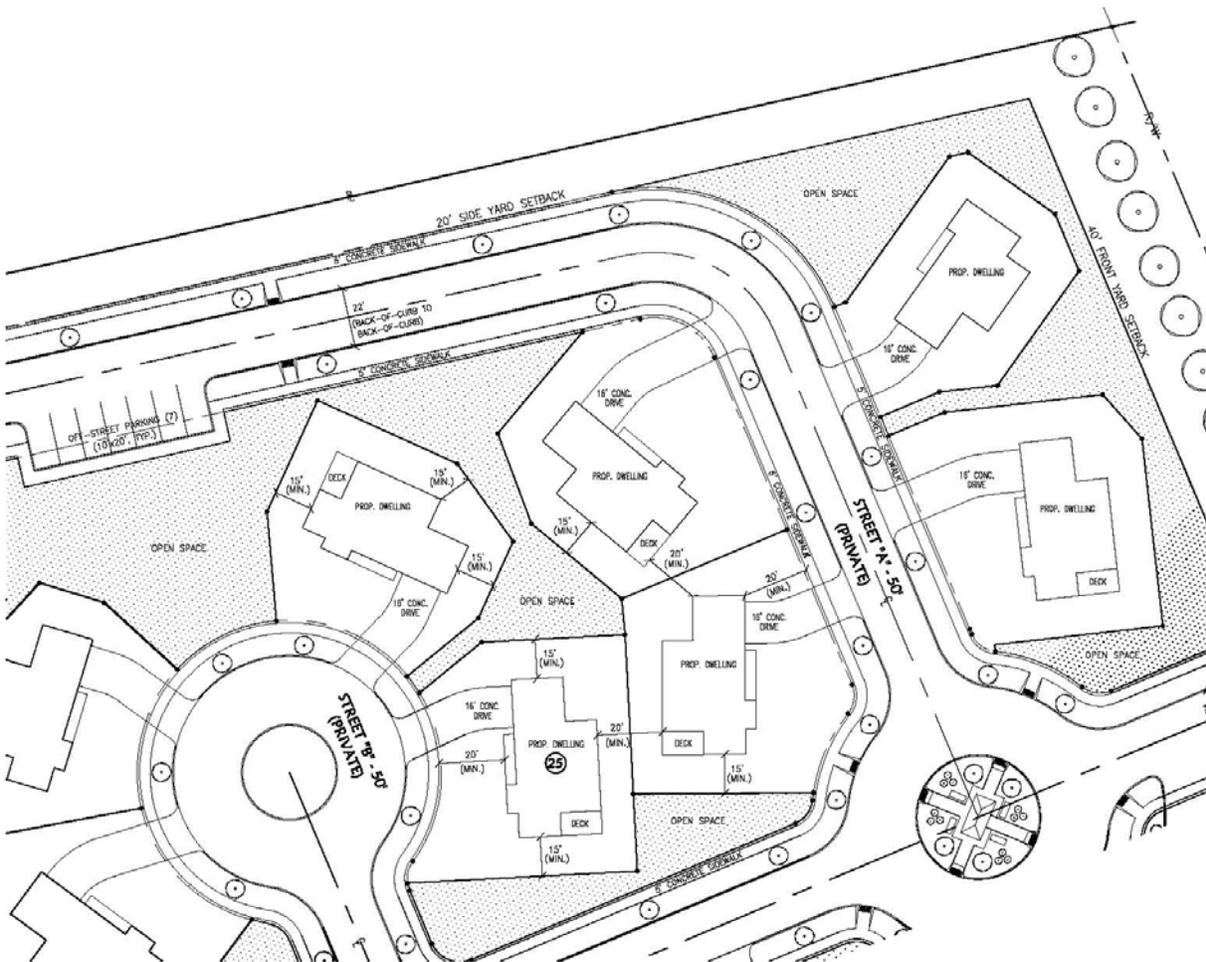


FIGURE 1. TYPICAL BUILDING SPACING & YARD REGULATIONS
(NOT TO SCALE)

B. Attached Units. Attached dwellings may be attached side by side or one (1) above the other.

C. Yard Regulations.

1. Yards not less than 40 feet in width shall be required along any public street line bordering the development area. Yards not less than 20 feet in width shall be required along any other property line.

2. No dwelling shall be closer than 20 feet from the nearest edge of the street or sidewalk pavement and no dwelling shall be less than 20 feet from a parking area other than a driveway directly serving a dwelling.
3. No dwelling shall be closer than 15 feet from the nearest edge of an open space area or required yard.

D. **Flexible Design.** With respect particularly to properties of irregular shape, unusual topography or limited size, the Planning and Design Commission may modify requirements regarding yards and spacing between uses if compliance with these requirements is either infeasible or in conflict with the development standards of this chapter. Modifications made by the Planning and Design Commission must receive the approval of Council.

(Ord. 2007-5. Passed 4-17-07.)

Section 1136.08 Open Space Regulations

Open space, wherever possible, shall consist of interconnected areas throughout the development and be adjacent to, or accessible to, the maximum number of dwelling units practicable. Highest priority shall be given to including those areas of the site which best preserve the natural landscape and/or unique natural features. Other open space areas shall be large enough to be suitable for the intended purposes of the area and shall otherwise comply with the following:

- A. The open space required in *Section 1136.05* shall be permanently preserved as common land.
- B. In determining if the proposed open space is in compliance with this section and *Section 1136.05*, the Planning and Design Commission shall consider the following criteria:
 1. A portion of the open space should be visible from adjacent public streets so that the benefits of the open space extend beyond the project boundaries.
 2. The open space should not solely include land areas merely because they have a shape or natural characteristics which make them unsuitable for conventional development.
 3. The open space shall include recreation buildings and areas exclusive of parking.
 4. The open space shall include retention or detention basins or ponds so long as they are designed in a manner which contributes to and complements the open space characteristics of the project.
 5. The open space shall not include required yards, street rights-of-way, private drives, parking areas, or minimum spacing between buildings.
- C. **Open Space Credit.** A portion of any land which is designated as preservation area, which is not considered buildable area, may be counted towards required open space based upon the following formula:

$$\begin{array}{l} \text{Maximum percentage of preservation land} \\ \text{area counted toward open space credit} \end{array} = \begin{array}{l} \text{Percentage of total dwelling units} \\ \text{immediately adjacent to and benefiting from} \\ \text{the preservation area} \end{array}$$

(Ord. 2007-5. Passed 4-17-07.)

Section 1136.09 Parking and Circulation

- A. **Resident Parking.** Two (2) enclosed off-street parking spaces shall be provided for each dwelling unit in a residential cluster development.
- B. **Visitor Parking.** Additional off-street parking areas shall be required by the Planning and

Design Commission for any recreation facilities serving the cluster development. Also, additional guest parking shall be required if the Commission determines that such additional parking is necessary to adequately serve the needs of the development.

- C. **Driveways.** Individual driveways to garages serving each dwelling unit shall have a minimum width of 16 feet. The front of the garage shall be set back a minimum of 20 feet from the nearest edge of the street or sidewalk pavement.
- D. **Sidewalks.** Sidewalks shall be provided for on both sides of any private or public street; however, the Planning and Design Commission may approve plans for a residential cluster development with sidewalks on only one side of the street when additional walks or paths within the open space area of the residential cluster development are included in the plans. Sidewalks shall be a minimum of five (5) feet in width and built to City standards.

(Ord. 2007-5. Passed 4-17-07.)

Section 1136.10 Improvements

Except as specifically provided in this section, all improvements in a Residential Cluster District shall be in accordance with the Subdivision Regulations of the City and shall conform to all existing or future requirements of the City Engineer and/or Council for plans and specifications with respect to the construction and material standards for all streets, sidewalks, storm and sanitary sewers, street lighting, water distribution, electric, telephone, and gas distribution systems within the City.

A. Streets.

1. Streets internally serving a residential cluster development shall be developed as private streets.
2. Street width for private streets may be 22 feet, measured from back of curb to back of curb, when off-street guest parking spaces are provided, if approved by the City Engineer, Safety Department, and the Planning and Design Commission.
3. Alternate paving materials of asphalt may be proposed for a private street, provided that it is designed with a minimum asphalt pavement thickness as required by the Ohio Department of Transportation Pavement Design and Rehabilitation Manual flexible pavement design procedure but in no case less than seven inches of asphalt on a six-inch aggregate base, if approved by the City Engineer and the Planning and Design Commission.
4. Curbs shall be concrete and designed as straight barrier curbs.
5. Cul-de-sac streets may be of any length.

B. Utilities.

1. All utility improvements shall be installed underground.
2. Utility improvements need not be installed in a street right of way if their location is approved by the City Engineer and permanent easements providing access to the utilities are granted to the City and the utility companies in a form satisfactory to the City Engineer and the Law Department.
3. All existing ditches are to remain open except at street crossings. Culverted street crossings are to be designed for the 10-year flood frequency. A diagram showing the proposed 100-year culvert headwater.

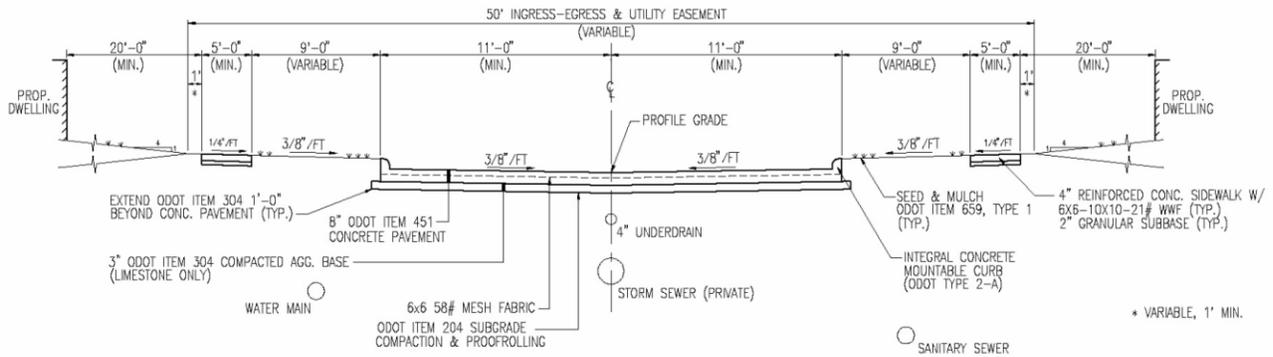


FIGURE 2. TYPICAL PRIVATE DRIVE SECTION (CONCRETE W/ CURB)
(NOT TO SCALE)

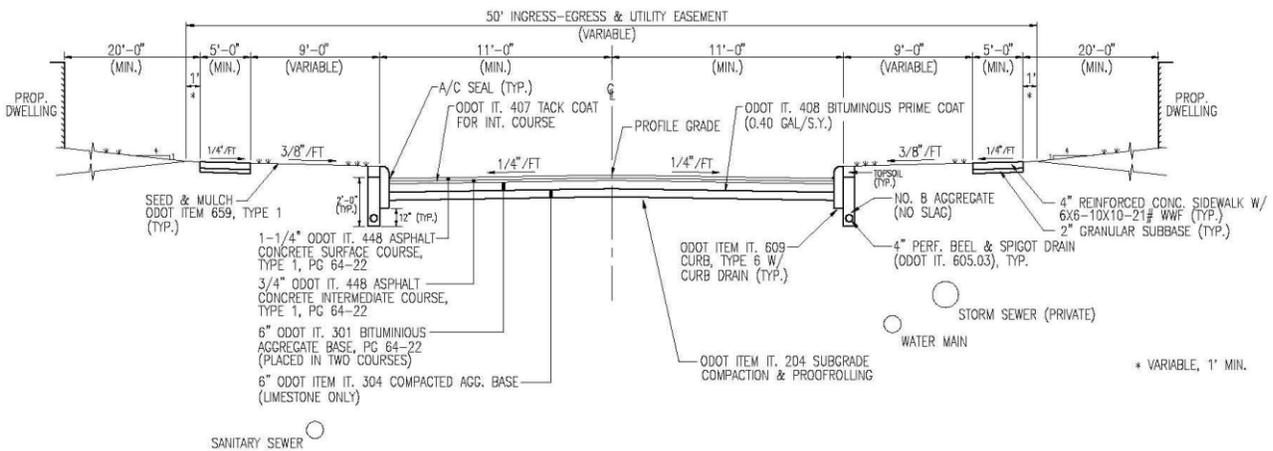


FIGURE 3. TYPICAL PRIVATE DRIVE SECTION (ALTERNATE - ASPHALT W/ CURB)
(NOT TO SCALE)

(Ord. 2007-5. Passed 4-17-07.)

Section 1136.11 Development Plans Required

Preliminary and final site development plans shall be prepared by the developer for all proposed development in a Residential Cluster District in accordance with the procedures described in *Chapter 1126* and the requirements of this Chapter. All development plans or parts thereof shall be prepared and submitted by a State licensed/registered professional such as an engineer, surveyor, architect or landscape architect. The development plans shall include all of the following items, unless waived by the Director of Planning and Development and Building Commissioner:

- A. Site plan of the development area including:
 1. The boundaries of the property or properties involved and the existing conditions including structures, rights-of-way, easements, trees and landscape features, and the gross area of the development area in acres and square feet;
 2. Location of all structures in the development area to be removed and all structures lying outside of the boundaries of the development within 200 feet;
 3. Topography at one-foot contour intervals;
 4. Number, location and arrangement of all proposed dwelling units;

5. Location and dimensions of building and setback lines;
 6. Proposed circulation system including public and private streets, parking areas, driveways, and pedestrian access ways;
 7. Location of open space and recreation areas;
 8. Location of all site utilities, easements, service areas, and storm water management areas including shape and size of proposed basins; and
 9. Location of any required wetland or riparian setbacks.
- B. Landscape plan, including tree preservation/removal, as well as any fences, walls and other site features;
- C. Building plans for each type of structure proposed, including floor plans and exterior elevations;
- D. Deed restrictions, declarations, protective covenants and other legal instruments to be used to control the use, development and maintenance of the land and improvements, including those areas to be owned in common and so maintained such as land, walls and driveways;
- E. Preliminary storm water management calculations that meet standards of the Streets, Utilities and Public Services Code *Section 927.06*; and
- F. Such other information as may be required to evaluate the proposal.
- (Ord. 2007-5. Passed 4-17-07.)

Section 1136.12 Development Plan Review

Upon receipt of complete preliminary development plans, the Building Commissioner shall transmit a copy of the plans to the Planning and Development Director, Safety Director and City Engineer for their review, report and recommendation. The Building Commissioner shall also transmit a copy of all covenants, restrictions and easements to be recorded and covenants for maintenance to the Law Director for his review, report and recommendation. The Director of Planning and Development and Building Commissioner shall, within 30 days of the submittal by the applicant, review the plan for general conformance to the development plan requirements of *Section 1136.11* and request that the applicant attend a pre-submission conference to preliminarily discuss the application. The applicant shall make, if necessary, corrections, amendments or revisions and resubmit complete final development plans to the Building Department for review by the Planning and Design Commission.

(Ord. 2007-5. Passed 4-17-07.)

Section 1136.13 Report to Council

- A. **Review Period.** Within 60 days after complete final development plans been filed with the Building Department, the Planning and Design Commission shall evaluate the plans and any reports provided by City officials and it shall furnish to Council its detailed report and recommendations with respect thereto. The review period shall commence upon the first meeting at which an application is docketed before the Planning and Design Commission. The review period may be stayed by written consent of the applicant or its representative. The Commission shall note any delay in review that is caused by the applicant and, absent consent of the applicant, may request an extension of time from City Council.
- B. **Findings and Recommendation.** The Commission's recommendation to City Council shall include a finding either that the site plan complies with the regulations, standards, and criteria prescribed by this Zoning Code for residential cluster development, or a finding of

any failure of such compliance and a recommendation that the site plan be approved, disapproved or modified. If in any such evaluation, the Commission finds that any regulations, standards or criteria prescribed by this Zoning Code are inapplicable because of unusual conditions of the development area, or the nature and quality of the proposed design, it may recommend to Council that an exception or adjustment in such regulations, standards or criteria be made, provided, however, such adjustment will not be in conflict with the promotion of the public health, safety and general welfare of the City.

- C. **Standard of Review.** The Planning and Design Commission shall offer its recommendation in accordance with its duties under the Charter of the City of North Olmsted, which includes review for conformance with the Master Plan. Accordingly, notwithstanding its review pursuant to the standards and criteria in this Chapter, the Planning and Design Commission reserves authority to recommend in favor or against rezoning.

(Ord. 2007-5. Passed 4-17-07.)

Section 1136.14 Action by Council

Following receipt of the Planning and Design Commission report, and its own review, Council may, in its legislative discretion, either approve, disapprove or modify the site plan. Council may affirm any report of the Commission by a majority vote of its members. If Council reverses a report of the Commission recommending disapproval of the development plan, it shall only do so by the affirmative vote of not less than two-thirds of its members.

In conducting its review, Council shall exercise sound legislative judgment to decide whether rezoning of the property is reasonable, rationally related to the City's legitimate interest in substantially advancing the public health, safety, morals and general welfare. The legislative determinations of Council may be guided but is not bound by the Master Plan. Likewise the administrative review of Planning and Design Commission pursuant to the criteria in this Chapter may support but shall not control the legislative rezoning determination of Council.

Following approval of the development plan, Council shall proceed with the amendment of the Zoning Map as provided in *Chapter 1127* by classifying the development area as a Residential Cluster (RC) zoning district.

Once the development plan and rezoning are approved by a majority of the members of Council, and if the applicant meets all other applicable conditions under local and state law, the Building Commissioner shall issue the applicant a building permit.

(Ord. 2007-5. Passed 4-17-07.)

Multiple Residence (Apartment) District

Chapter 1137

Sections

- 1137.01 Intent
- 1137.02 Permitted Uses
- 1137.03 Accessory Buildings and Uses
- 1137.04 Livable Floor Area Requirements
- 1137.05 Height Regulations
- 1137.06 Lot Area and Width Requirements
- 1137.07 Yard Regulations (Main Use)
- 1137.08 Yard Regulations (Accessory Use)
- 1137.09 Parking
- 1137.10 Procedures for Apartment Development
- 1137.11 Apartment Area Site Plan
- 1137.12 Building Permits
- 1137.13 Phased Development
- 1137.14 Amendment to Plans

Section 1137.01 Intent

In order to achieve a balanced residential community with a range of dwelling types designed to meet the varying housing needs of the City's present and future population, it is deemed necessary to create provisions for apartment dwellings in selected locations of the City.

(Ord. 90-125. Passed 5-21-91.)

Section 1137.02 Permitted Uses

In a Multiple Residence (Apartment) District, land may be used and buildings or structures may be designed, built, altered or used only for the following permitted uses:

- A. Any use permitted in the least restrictive One and Two Family Residence District, and Residential Cluster (RC) District, contiguous to any part of such Multiple Residence (Apartment) District, but subject to all conditions contained in the Zoning Code relating to such Districts;
- B. Apartment dwellings.
- C. Any and all uses and restrictions permitted in *Chapter 1138*.

(Ord. 97-121. Passed 2-17-98.)

Section 1137.03 Accessory Buildings and Uses

In a Multiple Residence (Apartment) District, a detached community garage providing no more than the storage space for two motor vehicles for each dwelling unit located on the same lot is permitted, provided no part of the same is nearer than 60 feet to the street line upon which the apartment dwelling fronts or nearer than 40 feet to any other street line, and further provided no repair facilities may be maintained within the same and no repairs except of a minor or emergency nature are made therein.

(Ord. 90-125. Passed 5-21-91.)

Section 1137.04 Livable Floor Area Requirements

In a Multiple Residence (Apartment) District, one, two and single family cluster dwellings shall conform to the applicable requirements for such districts set forth in *Chapters 1135 and 1136*. Any apartment dwelling unit shall contain a minimum livable floor area of not less than 660 square feet for a one (1) bedroom apartment unit and 750 square feet for a two (2) bedroom unit.

(Ord. 90-125. Passed 5-21-91.)

Section 1137.05 Height Regulations

In a Multiple Residence (Apartment) District, the maximum height limitation shall be 35 feet above grade level or two and one-half stories, whichever is the lesser.

(Ord. 90-125. Passed 5-21-91.)

Section 1137.06 Lot Area and Width Requirements

In any Multiple Residence (Apartment) District, the minimum lot area and width required per dwelling unit shall be as follows:

Figure 1137.06-1, Lot Area and Width		
Dwelling Unit	Minimum Lot Width (feet)	Minimum Area (square feet)
One family	60	8,700
Two family	60	14,000
Single family cluster	---	7,260
Apartment	---	3,630

(Ord. 90-125. Passed 5-21-91.)

1137.07 Yard Regulations (Main Use)

In order to encourage greater flexibility in design and more attractive arrangements of buildings and greater utilization of open spaces, yard regulations for apartment dwellings are hereby established for a single multifamily building and yard regulations for locating several buildings within a group development.

The yards of multifamily buildings shall be related to the space within the dwelling units as well as the yards. Buildings shall be arranged so as to assure privacy between adjacent buildings and intersecting wings of buildings, from streets, parking and recreation areas in accordance with the following:

A. **Definitions.** The terms in this section are defined as follows:

1. Single Development means a development of one multifamily building on one lot coordinated with the surrounding neighborhood and fronting on a dedicated street.
2. Group Development means a development of more than one multifamily building on a parcel planned as a unit and coordinated with the surrounding neighborhood.
3. Main Wall means any exterior wall of a multifamily building containing the principal windows of a living, dining and/or sleeping room or rooms.
4. End or Secondary Wall means any exterior wall of a multifamily building other than a main wall and containing secondary windows required for ventilation and not intended to provide direct views.
5. Overlapping Walls means that portion of the exterior walls which are directly opposing when two buildings, parallel or within thirty degrees of being parallel, face each other across an open yard or court.

B. **Front Yard Depth.** The front yard depth, or setback, for multifamily buildings, in single development or group development, shall be in accordance with the following:

1. Dedicated street ROW: 100 feet
2. Development area street: 50 feet

C. **Distance Between Facing and Overlapping Buildings.** The distance between facing and overlapping buildings or parts thereof in a group development of multifamily buildings shall vary in direct relation to the length and height of buildings. Such minimum distance shall be determined by the formula:

$$\text{Minimum Distance} = (LA + LB + HA + HB) / F$$

The elements of the formula are illustrated in Appendix I and defined as follows:

1. "Minimum distance" means the required minimum horizontal distance between any wall of building A and the nearest wall of building B or the vertical prolongation of either.

2. "LA" means the total length of building A which, for the purposes of the formula, is defined as the maximum length of the portion or portions of any wall or walls of building A from which lines drawn perpendicular to the face of such wall or walls will intersect any wall of building B.
3. "LB" means the total length of building B which, for the purposes of the formula, is defined as the maximum length of the portion or portions of any wall or walls of building B from which lines drawn perpendicular to the face of such wall or walls will intersect any wall of building A.
4. "HA" means the height of building A.
5. "HB" means the height of building B.
6. "F" means the divisor factor. In Multiple Residence (Apartment) Districts, the divisor factor is four. Provided, however, the minimum distance between main walls of separate buildings shall not be less than 40 feet.

- D. **Distance in Angular Arrangements.** The minimum distance between buildings in angular arrangements of 30 degrees to 60 degrees shall be determined by the formula:

$$\text{Minimum Distance} = (2LB + HA + HB - k) / F$$

The elements of the formula are as defined above and are shown on the illustration Appendix I. "k" in the formula varies as the sine of 2n where n is the angle from building B to building A or extensions thereof.

Where n is:	30 degrees to 34 degrees - k = 10 feet
	35 degrees to 39 degrees - k = 20 feet
	40 degrees to 50 degrees - k = 25 feet
	51 degrees to 55 degrees - k = 20 feet
	56 degrees to 60 degrees - k = 10 feet

"F" means the divisor factor. In Multiple Residence (Apartment) Districts, the divisor factor is four.

- E. **Distances Between Walls of Court Arrangements.** Such minimum distances shall be determined by applying the formula set forth in subsection (C) hereof, to each set of facing walls. In arrangements of parallel walls with offset sections, the distance between the corresponding parallel walls shall be determined by such formula. The elements of the formula are shown on the illustration Appendix I. "F" means the divisor factor. In Multiple Residence (Apartment) Districts, the divisor factor is four.
- F. **Distance Between Nonoverlapping Walls.** Where walls of two multifamily buildings do not directly face each other or do not overlap, that is, where lines drawn perpendicular from the face of any wall of any one building will not intersect the face of any wall of another multifamily building, the minimum horizontal distance between such buildings shall be not less than one-half of the combined height of the two buildings. Such minimum distance shall be determined by the formula:

$$\text{Minimum Distance} = (HA + HB) / 2$$

- G. **Distance Between Building and Boundary Line of the Multifamily Development Area.** The distance between buildings and boundary lines of a multifamily development area or part thereof, in a single development or group development and any side or rear lot line of the parcel or development area boundary shall vary in direct relation to the length and height of the building. Such minimum distance shall be as determined by the formula:

$$\text{Building Parallel to Lot Line: } (2(LL) + HA) / F$$

Building at Angle to Lot Line: $(2(LL) + HA - K) / F$

The elements of such formula are shown on the illustration Appendix I and defined as follows:

1. "Minimum distance" means the minimum required horizontal distance between any wall of a building and the nearest side or rear lot line or boundaries of the parcel or development area.
2. Where the building is parallel to the lot line, "LL" means the maximum length of the side or rear lot line which can be intersected by lines drawn perpendicular from the face or faces of any wall or walls of the buildings.
3. Where the building is at an angle to the lot line, "LL" means the maximum length of the side or rear lot line from which lines drawn perpendicular will intersect any wall of the building.
4. "HA" means the height of building A.
5. "K" in the formula varies as the sine of $2n$ where n is the angle from the lot line to the building. The value of "K" is set forth in subsection (d) hereof.
6. "F" means the divisor. In Multiple Residence (Apartment) Districts, the divisor factor is four.

(Ord. 90-125. Passed 5-21-91.)

Section 1137.08 Yard Regulations (Accessory Use)

The minimum distances from any accessory uses such as storage garages, parking areas, driveways, walks and recreation areas to certain walls of main buildings, streets and boundaries of the development area shall be not less than set forth in the following schedule:

Figure 1137.08-1, Minimum Distances for Accessory Uses

	To Walls of Main Buildings		To Streets		To Side and Rear Lot Line Adjacent to	
	Main (ft.)	End (ft.)	Public (ft.)	Project (ft.)	Residential District (ft.)	Nonresidential District (ft.)
Accessory Building or Use						
Storage Garage	30 (a)	15 (a)	60	10	10	5
Parking Area and Driveway (b)	30	15	20(c)	5(c)	20	10
Project Walk	10	5	---	---	5	5
Areas for Active Recreation	50	25	(d)	25	50	15

(Ord. 90-125. Passed 5-21-91.)

Section 1137.09 Parking

One (1) enclosed off-street parking space and one (1) open off-street parking space shall be provided for each apartment dwelling unit. One (1) additional guest off-street parking space shall be provided for each ten (10) apartment units.

(Ord. 90-125. Passed 5-21-91.)

Section 1137.10 Procedures for Apartment Development

Subject to the requirements of this chapter, a developer may submit to the Building Commissioner a site plan of an apartment development area by filing copies thereof in accordance with *Chapter 1126*.

(Ord. 90-125. Passed 5-21-91.)

Section 1137.11 Apartment Area Site Plan

A site plan of the apartment area designed in accordance with the planning standards, regulations and criteria established in this Zoning Code and the Subdivision Regulations shall indicate all uses proposed for the apartment development area, the location and arrangement of uses and shall include, unless waived by the Planning and Design Commission as not being applicable, the following:

- A. Topography at two-foot contour intervals of the proposed development area, including property lines, easements, street right-of-ways and existing structures, trees and landscape features existing thereon and a certificate, by a registered engineer or surveyor, of the gross area of the development area in acres and square feet;
- B. The location of all structures in the development area to be removed and all structures lying outside of the boundaries of the development area, located within 200 feet thereof;
- C. The number, location and arrangement of all proposed dwelling units;
- D. The proposed use of all land;
- E. The location and arrangement of all dedicated streets, private driveways, and pedestrian accessways;
- F. The number and arrangement of all open and enclosed parking and service areas;
- G. The location of all site utilities including refuse disposal areas and containers;
- H. The location of all walls and other site features;
- I. The landscape design for the apartment area;
- J. Such other relevant information as the Planning and Design Commission and City Engineer may require.

The apartment site plan of a development area shall be prepared by professional persons qualified in the planning of land development, building and landscape design. The architectural and engineering service required for the preparation of the site plan shall be rendered by licensed professional persons.

(Ord. 90-125. Passed 5-21-91.)

Section 1137.12 Building Permits

Following approval of the apartment area site plan by Planning and Design Commission, Council, the City Engineer and Safety Director and approval of building plans by the Building Commissioner, building and other permits may be issued upon payment of the required fees.

(Ord. 90-125. Passed 5-21-91.)

Section 1137.13 Phased Development

A developer, having obtained final approval of an apartment site plan, may accomplish the development in progressive stages as may be approved by the Planning and Design Commission and City Engineer.

(Ord. 90-125. Passed 5-21-91.)

Section 1137.14 Amendment to Plans

- A. At any time after the approval of an apartment site plan of a development area, the owner or owners may request an amendment of their plans. The request for such amendment shall be filed with the Building Commissioner and one copy filed with the Clerk of Council. If such amendment is in substantial agreement with the approved apartment area site plan, it shall be processed by the Planning and Design Commission.
- B. Should such amendment represent a departure from the intent of a prior approval in terms of:
1. Building location and arrangement;
 2. Street alignment;
 3. Intensity of use (density);
 4. Land use arrangements; or
 5. Area and parking requirements,

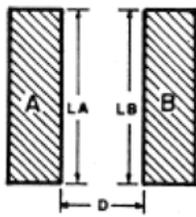
such amendment shall then be subject to the same procedures and conditions of approval as the original application.

(Ord. 90-125. Passed 5-21-91.)

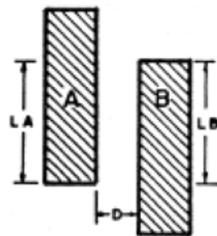
ILLUSTRATIONS OF
YARD REGULATIONS FOR MULTIFAMILY DWELLINGS

APPENDIX I

minimum distances between facing and overlapping buildings

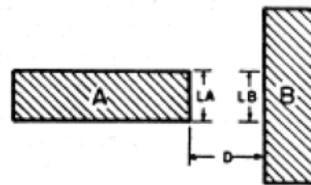


MAIN WALLS FACING



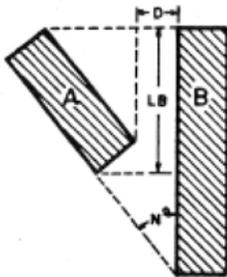
OVERLAPPING WALLS

$$D = \frac{LA + LB + HA + HB}{F}$$



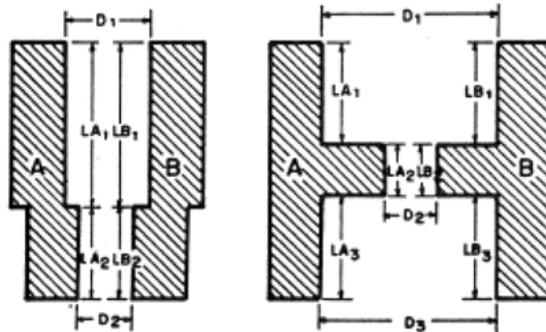
MAIN TO END WALL

minimum distance in
angular arrangements



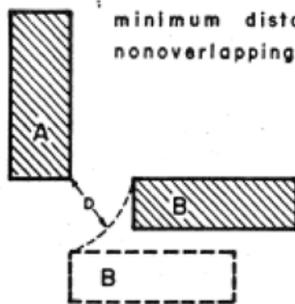
$$D = \frac{2LB + HA + HB - K}{F}$$

minimum distances between
walls of court arrangements



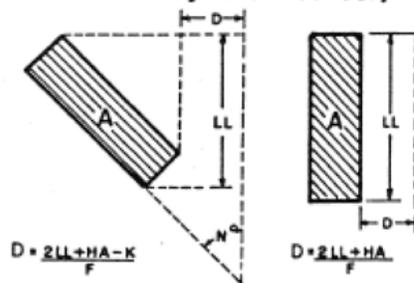
$$D = \frac{LA + LB + HA + HB}{F}$$

minimum distance between
nonoverlapping walls



$$D = \frac{HA + HB}{2}$$

minimum distance between
building and boundary lines



$$D = \frac{2LL + HA - K}{F}$$

$$D = \frac{2LL + HA}{F}$$

Senior Residence District

Chapter 1138

Sections

- 1138.01 Intent
- 1138.02 Senior Citizens Defined
- 1138.03 Use Regulations
- 1138.04 Development Criteria
- 1138.05 Area Regulations
- 1138.06 Height Regulations
- 1138.07 Setback Regulations
- 1138.08 Dwelling Unit Size
- 1138.09 Landscaping Regulations
- 1138.10 Parking Regulations
- 1138.11 Signage Regulations
- 1138.12 Procedures for Senior Residence Development
- 1138.13 Phased Development
- 1138.14 Amendment to Plans

Section 1138.01 Intent

In recognition of the special nature of the housing needs of senior citizens and to enable senior citizens to obtain suitable, safe, sanitary and decent housing designed to meet their special needs which include, among other things, a reduced dwelling size, assistance in housekeeping, availability of and location to essential amenities, and the development of neighborly relations in order to reduce feelings of alienation, it is necessary to establish an additional zoning classification regulating and controlling the location of buildings designed specifically for senior citizens. The location of such housing would be in accordance with and advance the policies of the Master Plan and would promote and protect, to the fullest extent permissible under the powers of the City, the public health, safety, convenience, comfort, prosperity and general welfare of the residents.

(Ord. 2005-95. Passed 4-4-06.)

Section 1138.02 Senior Citizens Defined

As used in this chapter, "senior citizens" means those persons of at least 55 years of age and older, unless such persons fall within one of the following exceptions:

- A. A spouse under 55 years of age married to one over that age; and
- B. A handicapped or infirm adult of at least 18 years of age whose disability requires the special amenities and services of a senior citizens facility.

(Ord. 2005-95. Passed 4-4-06.)

Section 1138.03 Use Regulations

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part, in Senior Residence Districts, only for the uses set forth in the following schedules and regulations:

- A. Permitted Uses.
 - 1. Single family cluster (attached or detached) independent living units;
 - 2. Multiple family residence generally known as a Senior Residence Center including independent and/or assisted living units;
 - 3. Residential nursing homes, provided that such use is planned and approved in conjunction with independent and assisted dwelling units as are permitted under subsections (A)(1) and (2) hereof;
- B. The following accessory uses which are immediately and exclusively accessory to the uses permitted on the site; necessary for the comfort, convenience, and primary use of residents, employees and visitors in the permitted buildings; and only as approved as appropriate accessory uses by the Planning and Design Commission and confirmed by Council:
 - 1. Medical care facilities exclusively for the residents of the development.
 - 2. Meeting and/or social rooms or areas.
 - 3. Dining facilities, restaurant and/or coffee shop for the use of residents, staff and guests.
 - 4. Indoor and/or outdoor recreational facilities.
 - 5. Beauty parlor and/or barber shop.
 - 6. Gift shop and/or newspaper stand.
- C. The following other accessory uses immediately and exclusively accessory to a use permitted on the site:

1. Automobile parking facilities.
2. Maintenance facilities.

(Ord. 2005-95. Passed 4-4-06.)

Section 1138.04 Development Criteria

The following development criteria are established to guide and control the development and use of land for housing designed for the elderly in a Senior Residence District:

- A. **Ancillary Facilities.** All developments designed for senior citizens shall contain the following ancillary facilities: a multipurpose senior center, health and counseling offices as required and permitted by the State of Ohio, craft and meeting rooms, a lounge area, areas for passive and active recreation and any and all other amenities required in buildings for senior citizens in new construction designed for senior citizens.
- B. **Special Safety and Convenience Features.** All multifamily housing designed for senior citizens shall include any and all other special safety and convenience features required in buildings qualifying for housing assistance for senior citizens in new construction designed for senior citizens.
- C. **Accessory Uses.** Accessory uses shall be integrated into the primary buildings or common areas of the senior residence development.

(Ord. 2005-95. Passed 4-4-06.)

Section 1138.05 Area Regulations

In a Senior Residence District, land and structures shall be developed and maintained in accordance with the following regulations:

- A. **Development Area.** The minimum development area in the Senior Residence District shall be two (2) acres. Further, the lot area shall not be less than:
 1. For single family cluster independent living units, 7,260 square feet per dwelling unit,
 2. For multiple family residences and residential nursing homes, 2,200 square feet per dwelling unit.
- B. **Lot Coverage.** The ground floor area of all main and accessory buildings shall not exceed 30% of the total lot area.
- C. **Attached Units.** Not more than three (3) single family cluster units may be attached in any building group.

(Ord. 2005-95. Passed 4-4-06.)

Section 1138.06 Height Regulations

In a Senior Residence District, structures shall be developed in accordance with the following regulations:

- A. The height of any permitted building under *Section 1138.03(A)(1)* shall not exceed two (2) stories.
- B. The height of any permitted building under *Section 1138.03(A)(2)* or *Section 1138.03(A)(3)* shall not exceed four (4) stories or 45 feet above average grade surrounding the building, whichever is less. Elevator housings or other rooftop mechanical equipment may extend not more than ten (10) feet above the top of any building, shall be substantially set back from all

main building walls, and shall be designed as an integral part of the building or enclosed with similar architectural treatment as the main building walls.

(Ord. 2005-95. Passed 4-4-06.)

Section 1138.07 Setback Regulations

Buildings, parking and drives shall be designed, improved and maintained in accordance with the following regulations.

- A. **Front Setback.** Building setback shall be measured from street right-of-way of dedicated streets or from the nearest edge of pavement of private drives.
1. Senior Residence Center: 100 feet or 75 feet if there is no parking in front yard.
 2. Single Family Cluster Units: 50 feet on arterial and collector roads, 35 feet on local roads.
 3. Parking and drives: 50 feet.
- B. **Side Setback.**
1. Senior Residence Center: 35 feet minimum or 1.5x height of structure, whichever is greater.
 2. Single Family Cluster Units: 35 feet.
 3. Parking and drives: 20 feet.
- C. **Rear Setback.**
1. Senior Residence Center: 35 feet or 1.5x height of structure, whichever is greater.
 2. Single Family Cluster Units: 35 feet.
 3. Parking and drives: 50 feet.
- D. The Planning and Design Commission may recommend reduction of the side and rear yard requirements if it is determined that there is no significant adverse impact on the abutting properties or if the abutting properties are to be developed for use by the elderly.
- E. The minimum distance between attached or detached single family cluster units shall be ten (10) feet.

(Ord. 2005-95. Passed 4-4-06.)

Section 1138.08 Dwelling Unit Size

The minimum floor area of dwelling units in any Senior Residence District shall be in accordance with the following regulations.

A. **Single Family Cluster Units.**

One story: 1,100 square feet.

Two story: 1,320 square feet.

B. **Multiple Family Residences.**

Independent living unit: 450 net square feet.

Assisted living unit: Dwelling unit size shall be governed by the requirements of the Ohio Department of Health as set forth in the applicable provisions of Chapter 3701-17 of the Ohio Administrative Code.

- C. **Residential Nursing Home.** Dwelling unit size shall be governed by the requirements of the Ohio Department of Health as set forth in the applicable provisions of Chapter 3701-17 of the Ohio Administrative Code.

(Ord. 2005-95. Passed 4-4-06.)

Section 1138.09 Landscaping Regulations

The development of any lot shall be done in a manner so as to preserve the natural assets, such as brooks, valleys, trees and ravines, unless it is impossible to both preserve such assets and develop such lot. Land and buildings shall be designed, improved and maintained in accordance with the following recommendations:

- A. Grassed yards, woods or other approved natural vegetation, lakes or landscaped areas shall cover all areas not occupied by buildings, approved outdoor recreation areas or paving, and in no event shall such grassed yards, woods, natural vegetation, lakes or landscaped areas total less than 30% of the total site area.
- B. Visual screening shall be required for any side or rear parking area adjacent to any residential district. Such visual screening shall consist of dense plant materials, or a combination of plant materials and earth mounds, reasonably substantial and clearly sufficient to minimize the neighbors' view of the parking area, provided such screening is recommended by the Planning and Design Commission and approved by City Council at the time of site plan approval.
- C. All improved landscaped areas shall be irrigated.

(Ord. 2005-95. Passed 4-4-06.)

Section 1138.10 Parking Regulations

Parking in any Senior Residence District shall be provided in accordance with the following schedule:

- A. For uses permitted under *Section 1138.03(A)(1)*, two (2) enclosed parking spaces shall be provided for each dwelling unit.
- B. For independent units permitted under *Section 1138.03(A)(2)*, one (1) parking space shall be provided for each unit plus one (1) parking space for each employee of the largest shift.
- C. For assisted living units permitted under *Section 1138.03(A)(2)* and for nursing care facilities permitted under *Section 1138.03(A)(3)*, one (1) parking space shall be provided for each five (5) beds plus one (1) parking space for each employee of the largest shift.
- D. If the number of parking spaces required by this section is expected to exceed the number required by actual usage, the Planning and Design Commission may permit construction of the lesser number required by this section shall be reserved and held as open space, exclusive of required setbacks, for future construction of parking spaces if the City determines that such additional spaces are necessary to accommodate increased usage.

(Ord. 2005-95. Passed 4-4-06.)

Section 1138.11 Signage Regulations

In a Senior Citizen Residential District, all signs shall be erected, maintained, altered or moved in accordance with the provisions of *Chapter 1163*.

(Ord. 2005-95. Passed 4-4-06.)

Section 1138.12 Procedures for Senior Residence Development

Subject to the requirements of this chapter, a developer shall follow the procedures and development review process described in *Chapter 1126*.

(Ord. 2005-95. Passed 4-4-06.)

Section 1138.13 Phased Development

A developer, having obtained final approval of a development site plan, may accomplish the development in progressive stages as may be approved by the Planning and Design Commission and City Council.

(Ord. 2005-95. Passed 4-4-06.)

Section 1138.14 Amendment to Plans

At any time after the approval of a site plan of a senior residence development area, the owner or owners may request an amendment of their plans. The request for such amendment shall be filed with the Building Commissioner and one copy filed with the Clerk of Council.

- A. If such amendment is in substantial agreement with the approved development area site plan, it shall be reviewed as an amendment by the Planning and Design Commission.
- B. Should such amendment represent a departure from the intent of a prior approval in terms of:
 1. Building location and arrangement;
 2. Street alignment;
 3. Intensity of use (density);
 4. Land use arrangements;
 5. Area and parking requirements; and
 6. Architectural design,

then owner or its representative shall be required to submit a new development application to the City in accordance with the requirements of *Chapter 1126* of this Zoning Code, and all other applications provisions of all other City ordinances.

(Ord. 2005-95. Passed 4-4-06.)

Business Districts

Chapter 1139

Sections

- 1139.01 Purpose
- 1139.02 Conflicts
- 1139.03 Schedule of Uses
- 1139.04 Spatial Requirements
- 1139.05 Street Lawns (Front Yards)
- 1139.06 Buffer Zones (Side and Rear Yards)
- 1139.07 Screening
- 1139.08 Berms
- 1139.09 Plant Materials
- 1139.10 Building Materials
- 1139.11 Standards for B-4 Mixed-use Business Developments
- 1139.12 Site Development Requirements

Section 1139.01 Purpose

- A. **B-1: Local Business District.** The Local Business District is intended as a location for convenience goods and services for residents of nearby neighborhoods. This district is characterized by narrow lots, varied setbacks and a mix of mature, smaller business uses. Allowed uses should be low intensity in nature, appropriate in scale and aesthetically compatible with the abutting residential character. Pedestrian accessibility and buffering between businesses and adjacent residential uses will be promoted.
- B. **B-2: Office/Service District.** The Office/Service District is applied to areas in transition, primarily from residential to office and service uses. It is characterized by a mix of low to mid density residential, including single-family homes converted to office/service uses, low intensity retail and institutional uses. Street lawns with mature trees frame the street, and sidewalks and quality materials such as brick façades are common in this district. Allowed uses should be low intensity, appropriate in scale and compatible in appearance with the surrounding residential character. A mix of residential and business development will be promoted.
- C. **B-3: General Business District.** The General Business District is intended to accommodate a range of retail and service uses serving the broader needs of the community, region and the motoring public. Large-scale retailers, auto-related businesses and similar uses not generally appropriate within other business districts are permitted. Care should be taken to incorporate sufficient buffering and screening of business uses from neighboring residential uses to ensure compatibility with adjacent uses and to minimize conflicts with traffic along abutting streets. Due to the location of the district along high traffic corridors, access management standards are critical to minimizing conflict and maintaining vehicular and pedestrian safety.
- D. **B-4: Mixed-use Business District.** The Mixed-use Business District is established to allow for and promote redevelopment within the City's core, consistent with the recommendations of the North Olmsted Master Plan for a town center. The district is intended to be compact, walkable, relatively small scale and compatible with nearby residential neighborhoods. A variety of housing types is encouraged at moderate densities, along with some office, retail and service uses that are in harmony with the desired character of the district. Size limits are imposed to ensure that nonresidential uses remain appropriate to the district intent and that a reasonable balance of uses is ensured. Buildings are required to be located close to the right-of-way line, with parking in the side, rear or beneath the building. All uses must be linked with pedestrian connections and an interior street network.

(Ord. 2017-32. Passed 5-2-17.)

Section 1139.02 Conflicts

The requirements of this chapter shall be applied in addition to other requirements of this Zoning Code and the North Olmsted Codified Ordinances. Where a conflict exists, the more restrictive provision shall apply. (Ord. 2017-32. Passed 5-2-17.)

Section 1139.03 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected or altered except for the uses specified in *Table 1139.03-1*. Furthermore, there shall be no use of land permitted in any Business District without an approved principal structure.

- A. **Permitted Use (P)**. Buildings and land in this district may be used by right, subject to all other applicable provisions of this code.
- B. **Conditional Use (C)**. Buildings and land in this district may be used provided that the general and specific conditions related to that use as found in *Chapter 1118* are met.

Table 1139.03-1, Schedule of Uses					
Use	B-1	B-2	B-3	B-4	Specific Conditions
Accommodations, Hospitality and Entertainment					
Bars, taverns, lounges and night clubs	C	C	P	P	
Convention, banquet and meeting facilities		C			
Hotels and motels		C	P	C	
Indoor commercial recreation such as movie theaters, bowling lanes and skating rinks	C	C	P	P	
Microbreweries	C	C	C	C	Ch. 741; 1118.09.A
Outdoor commercial recreation such as mini-golf and batting cages	C	C	C		1118.09.C
Pool and billiard parlors			P	P	
Restaurants without drive-through facilities	P	P	P	P	
Restaurants with drive-through facilities	C		P	C	Ch. 757; 1118.09.B; B-4 only if fronting Lorain
Automotive					
Sales of new automobiles and motorcycles including accessory sales of used automobiles and motorcycles			P	P	B-4 only if fronting Lorain
Sales of new and used commercial trucks, recreational vehicles, construction equipment, farm implements and similar vehicles and equipment			C		1118.10.A
Vehicle, truck, and trailer rental			C		
Vehicle repair, major			C		1118.10.B
Vehicle repair, minor	C	C	C		1118.10.B
Vehicle service stations	C	C	P		Ch. 739; 1118.10.C
Vehicle towing facilities		C	C		1118.10.D
Vehicle wash facilities	C		C		Ch. 729; 1118.10.E
Infrastructure, Transportation, Communications and Warehousing					
Mini-warehouse/self-storage facilities		C	C		1118.11.A
Passenger bus station, repair and storage garages			C		
Public utility buildings, substations and subinstallations	C	C	C	C	1118.11.B
Radio, television and recording studios	C	P	P		
Recycling collection centers		C			
Transit stations	C	C	C	C	
Public and Institutional					
Clubs and lodges for fraternal organizations	P	P	P	P	
Community centers and senior centers	P	P	P	P	
Cultural facilities such as museums and performing arts centers	C	C	P	P	

Table 1139.03-1, Schedule of Uses					
Use	B-1	B-2	B-3	B-4	Specific Conditions
Day cares, nursery schools and child care establishments	P	C	P	C	1118.12.C
Government offices, buildings and facilities	P	P	P	P	
Libraries	P	P	P	P	
Parks and playgrounds	P	P	P	P	
Places of worship	P	P	P	P	
Colleges or universities		C	C	C	1118.12.B
Recreational ballfields and playing fields accessory to non-profits, colleges and universities (excluding K-12 schools)		C	C		1118.12.B
School, commercial and studios including art, dance, martial arts and music	P	P	P	P	
Schools, K-12	C	C	C		1118.12.A
Schools, specialized/training	C	C	C	C	
Offices and Services					
Animal services, veterinary office/clinic, animal hospital, grooming, boarding, training, day care	C	C	P	P	1118.09.A
Body branding, piercing and tattoo services	C		P	P	1118.13.D
Dry cleaners and laundromats	P	C	P	P	
Development and testing laboratories and facilities	C	P	P	P	
Financial institutions and pharmacies	P	P	P	P	
Financial institutions and pharmacies with drive-through facilities	C	C	P	C	1118.13.D B-4 only if fronting Lorain
General offices and services	P	P	P	P	
General offices and service with a drive-through facility	C	C	P	C	B-4 only if fronting Lorain
Health and fitness clubs		C	P	P	
Hospitals		C	C		1118.12.E
Medical and dental office/clinics, micro hospitals	P	P	P	P	
Medical and dental laboratories	C	P	P	P	
Mortuaries, crematoriums and funeral homes	C	P	P		
Offices and services, such as a landscaping and tree removal company, exterminator, carpet cleaner, equipment rental, contractors' offices	P	P	P		
Offices and services, such as a landscaping and tree removal company, exterminator, carpet cleaner, equipment rental, contractors' offices with outdoor storage		C	C		1118.13.E
Personal service establishments such as barber and beauty shops, tailors, photo studios, shoe repair and watch repair	P	P	P	P	
Short-term lending establishments, check cashing, title loan companies and similar	C		C		1118.13.B
Smoke shops, hookah shops, drug paraphernalia shops and electronic cigarette shops	C		C		1118.13.C

Table 1139.03-1, Schedule of Uses					
Use	B-1	B-2	B-3	B-4	Specific Conditions
Residential					
Attached single family dwellings				P	
Bed and breakfast		C			1118.14.A
Dwelling units in buildings with non-residential uses at street level	C	C	C	P	
Group home, continuing care, nursing home	C	C	P	P	
Multiple family dwellings				P	
Senior housing		C		C	Ch. 1138
Single family dwellings existing on the adoption date of this ordinance		P			
Retail					
General retail less than 100,000 sq ft per business unit			P		
General retail 100,000 sq ft or more per business unit			C		1118.15.B
General retail not to exceed 50,000 sq ft per business unit	P			C	
General retail not to exceed 5,000 sq ft per business unit		P		P	
Accessory outdoor display or storage		C	C		1118.15.A
Other					
Sexually oriented businesses			C		Chs. 749 and 761; 1118.16
Medical marijuana dispensaries	Prohibited				
Uses of the same nature or class as uses listed in Business Districts but not listed elsewhere in this code	See 1117.03.C for similar use determination process				

- C. **Supplemental Standards for Auto Dealerships.** The following standards shall apply to facilities engaged in the sale of new automobiles and motorcycles including accessory sales of used automobiles and motorcycles:
1. Showrooms and lots for the sale of used motor vehicles shall be located either on a parcel of land upon which an existing showroom and/or lot for the sale of new motor vehicles is located or upon a parcel of land which is physically contiguous to a parcel of land containing an existing showroom and lot for the sale of new motor vehicles.
 2. The minimum lot size shall be three (3) acres.
 3. The use shall be located on an arterial street and all access to the property shall be from that arterial street as designated in *Table 1161.07-1*.
 4. Access to the site shall not be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway or edge to edge from the nearest driveway.
 5. Flags, pennants, balloons, ribbons, search lights, strings of lights or other distracting devices are not permitted.
 6. Audible paging systems and outdoor speakers are prohibited. Vehicles stored on the site shall not be located by employees using audible methods such as keyless entry systems.
 7. Outdoor areas shall conform to the following:
 - a. All vehicles shall be parked on approved paved surfaces.

- b. Vehicle display or storage shall not be allowed in areas required for visitor, employee or service parking.
- c. All other merchandise available for sale such as clothing, accessories, tires, collectibles, etc. shall be sold and displayed within an enclosed building.
- d. Accessory service work, including vehicle washing, repair and general maintenance, shall be conducted entirely within an enclosed building.

(Ord. 2017-32. Passed 5-2-17.)

Section 1139.04 Spatial Requirements

A. **Minimum Area and Width.** All lots in Business Districts shall meet the minimum area and width requirements of *Table 1139.04-1*. New lots shall not be created except in conformance with these requirements.

Table 1139.04-1, Lot Area and Width Requirements		
Zoning District	Minimum Lot Area	Minimum Lot Width
B-1 Local Business	15,000 sq. ft.	80 ft.
B-2 Office/Service	25,000 sq. ft.	100 ft.
B-3 General Business	30,000 sq. ft.	100 ft.
B-4 Mixed-use Business, single use	30,000 sq. ft.	100 ft.
B-4 Mixed-use Business, multiple uses	4 acres	200 ft.

B. **Maximum Height and Lot Coverage.** All structures shall conform to the maximum limits listed in *Table 1139.04-2* with respect to height of buildings and extent of lot coverage.

Table 1139.04-2, Height and Lot Coverage		
Zoning District	Maximum Building Height	Maximum Impervious Surface
B-1 Local Business	25 ft./2 stories	65%
B-2 Office/Service	35 ft./3 stories	50%
B-3 General Business	60 ft./5 stories	65%
B-4 Mixed-use Business, single use	35 ft./3 stories	50%
B-4 Mixed-use Business, multiple uses	50 ft./4 stories	75%

C. **Building Setback Requirements.** All buildings and structures shall meet the setback requirements specified in *Table 1139.04-3*.

Table 1139.04-3, Building Setbacks			
Zoning District	Front Setback	Rear Setback	Side Setback
B-1 Local Business	Min 10 ft.; Max 65 ft.	20 ft.	10 ft.
B-2 Office/Service	50 ft.	25 ft.	10 ft.
B-3 General Business	75 ft. (primary frontage) 35 ft. (secondary frontage corner lot)	25 ft.	10 ft.
B-4 Mixed-use Business, single use	Min 20 ft. (Lorain frontage), Min. 10 ft. (all other streets); Max 75 ft.	25 ft.	10 ft.
B-4 Mixed-use Business, multiple uses	See <i>Table 1139.11-2</i>		

D. **Parking Setback Requirements.** Parking areas may not be located within any required street lawn as described in *Section 1139.05* or buffer zone as described in *Section 1139.06*. Except in the B-4 Mixed-use Business District where a multiple use development is proposed, parking may be located within the area between the building and the required street lawn.

(Ord. 2017-32. Passed 5-2-17.)

Section 1139.05 Street Lawns (Front Yards)

A. **Requirement.** Street lawns shall be provided along any frontage abutting a public right-of-way to improve the appearance of Business Districts in the community. Except for necessary driveways, frontage roads, service drives or walkways, a street lawn shall extend the full length of the lot line.

B. **Street Lawn Standards.**

1. Depth. The minimum depth of the street lawn shall be as follows:

- a. B-1 Local Business District: 10 feet
- b. B-2 Office/Service District: 20 feet
- c. B-3 General Business District: 20 feet
- d. B-4 Mixed-use Business District (single use): 20 feet or depth of building setback, whichever is less
- e. B-4 Mixed-use Business District (multiple uses): entire depth of building setback

2. Plant Materials.

- a. At a minimum, a required street lawn along a road shall be landscaped in accordance with the following:
 - i. One (1) canopy tree plus one (1) additional canopy or ornamental tree for each 75 feet, or fraction thereof, of road frontage; and
 - ii. Six (6) shrubs per each 50 feet, or fraction thereof, of road frontage.
- b. Existing trees located within the required street lawn that are of a species provided in *Appendix A* shall be counted toward meeting the minimum requirements of this section provided that they are in a healthy condition as determined by the City. Other existing trees within the required street lawn may be counted toward the minimum requirements of this section if approved by the reviewing authority.
- c. Healthy and viable existing trees within a proposed street lawn shall be preserved unless their removal is shown, to the satisfaction of the reviewing authority, to be infeasible due to existing site characteristics, necessary grading, location of future site improvements, the species of tree (see list of prohibited species in *Appendix A*) or other similar conditions that make their preservation unreasonable or undesirable. Financial hardship or development expediency shall not be considered valid rationale for such tree removal.
- d. If berms are appropriately incorporated into the street lawn, the reviewing authority may reduce the required quantities of plant material by up to one-third (1/3).
- e. If existing conditions are such that a lot cannot accommodate the street lawn standards above, the reviewing authority may modify the landscape requirements where it is determined that the purpose of the street lawn will still be achieved.

3. Street Lawn Design.

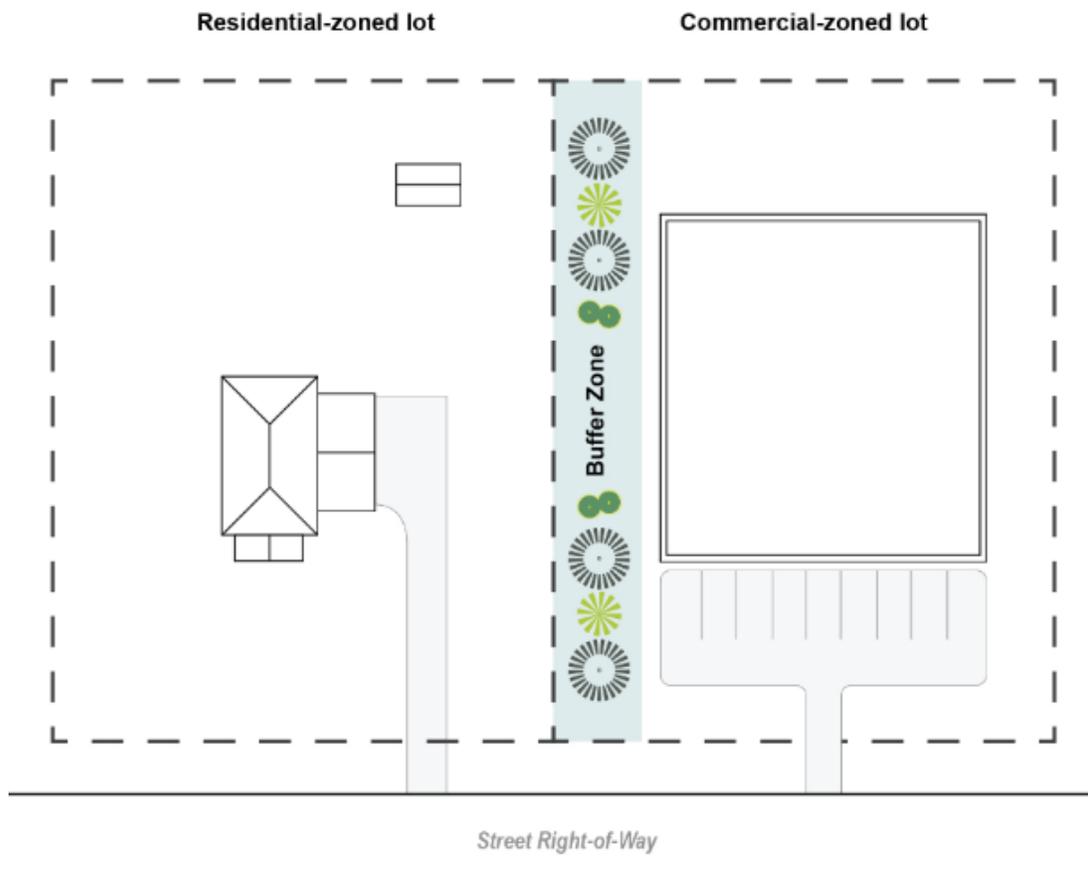
- a. Street lawn landscaping need not be evenly spaced. Clustering of trees and planting beds is encouraged to provide a more aesthetic and natural appearance.
- b. Landscaping shall be located so it does not obstruct the vision of drivers entering or exiting a site.
- c. Storm water management facilities may only be located within a required street lawn if the reviewing authority determines that such areas will enhance the appearance of the street lawn and will not jeopardize either the survival of plant material or public safety.

(Ord. 2017-32. Passed 5-2-17.)

Section 1139.06 Buffer Zones (Side and Rear Yards)

- A. **Requirement.** Landscaping shall be provided to buffer the negative impacts between incompatible land uses, to minimize the adverse effects of certain activities upon their surroundings and to improve the appearance of Business Districts within the community.
- B. **Buffer Zone Standards.** Buffer zones shall be required along the property line between adjacent lots as specified in *Table 1139.06-2* and defined in *Table 1139.06-3*.

Figure 1139.06-1, Buffer Zones



1. A buffer zone shall be required even where the adjacent property is unimproved.
2. Prior to changing the use of a property to a more intense land use (for example,

residential to commercial), or when a property is rezoned to a more intense district, a buffer zone meeting the applicable requirements of this section shall be installed.

3. All areas of the buffer zone outside of planting beds shall be planted with grass or other living ground cover or preserved in a natural wooded state.
4. Storm water management facilities may be located within a required buffer zone provided they do not reduce the screening effect.

Table 1139.06-2, Required Buffer Zones

Zoning District	Buffers Required Adjacent To:				
	One or Two Family Residence	Multiple Residence	Residential Cluster	Senior Residence	All Other Districts
B-1 Local Business	B	C	B	B	D
B-2 Office/Service	B	C	B	B	D
B-3 General Business	A	A	A	A	D
B-4 Mixed-use Business, single use	A	B	B	B	D
B-4 Mixed-use Business, multiple uses	Perimeter and interior buffers shall be established as part of the development plan review process				

Table 1139.06-3, Buffer Zone Specifications

Requirements (Plant quantities required per 100 linear feet of property line)	Buffer Zones			
	A	B	C	D
Minimum depth	30 ft.	20 ft.	10 ft.	10 ft.
Canopy trees	1	2	2	May vary based upon existing conditions and abutting land use
Ornamental trees	3	3	2	
Evergreen trees	5	3	2	
Shrubs	10	6	4	

C. **Buffer Zone Exceptions.** A buffer zone shall not apply where the reviewing authority determines that existing natural conditions are such that a lot cannot reasonably accommodate a required buffer or where existing natural conditions on the lot act as a buffer. Alternately, where the reviewing authority determines that a vegetative buffer is inappropriate for a lot, they may approve the installation of a fence or wall to meet the buffer requirements. The following factors shall be considered when evaluating any request for exception:

1. Physical characteristics of the site and surrounding area such as topography, vegetation, water features, etc;
2. Views and noise levels;
3. Proximity or potential proximity to residential uses;
4. Building and parking lot placement; and
5. Location of outdoor storage, display or sales areas.

(Ord. 2017-32. Passed 5-2-17.)

Section 1139.07 Screening

A. **Requirement.** Screening shall be required as follows, except as may be provided elsewhere in this chapter. Screening shall be required even where the adjacent property is unimproved.

1. Around all trash dumpsters in all districts.
 2. Around designated outdoor storage areas.
 3. Around any loading/unloading area visible from an adjoining street or parking area.
 4. Around heating and cooling units for all non-residential uses.
 5. Around essential public services and related accessory structures.
- B. Screening Standards.** Except as otherwise permitted by this section, a required screen shall be comprised of a solid, sight-obscuring fence or wall meeting the requirements in *Chapter 1369* of the Code and also the following minimum specifications:
1. The screen shall be at least six (6) feet in height.
 2. The screen shall be enclosed on all sides and not contain any openings other than a gate for access which shall be closed at all times when not in use. This full enclosure requirement, however, shall not apply to screening of loading/unloading areas.
 3. The screen shall be constructed of masonry, treated wood or other approved material determined to be durable, weather resistant, rust proof and easily maintained. Chain link, split rail, and metal fences shall not be permitted to meet the screening requirement.
 4. When a screen wall or fence has both a finished side and an unfinished side, the finished side shall face the adjoining property or, if on the interior of the site, shall face outward toward the perimeter of the site.
 5. If approved, the required screen may be comprised of berms or plant material, in combination with or as a substitute for a fence or wall when it is determined that the alternate solution will provide the same degree or better of opacity and screening required by this section.
- C. Screening Exceptions.** If existing conditions are such that a lot cannot accommodate the screening standards above, the reviewing authority may modify the screening requirements based on the following factors:
1. Proximity or potential proximity of residential uses;
 2. Sight lines from parking areas, adjacent properties or roadways;
 3. Noise levels generated by the facility to be screened; and
 4. Physical characteristics of the site and surrounding area such as topography and vegetation that may mitigate the need for screening.
- (Ord. 2017-32. Passed 5-2-17.)

Section 1139.08 Berms

- A. Berms shall have a minimum height of three (3) feet and maximum height of six (6) feet above grade. The crest shall gently curve with a level crown at least two (2) feet wide.
- B. Berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) foot run ratio. When topography or other site conditions prevent construction of berms at this ratio, the reviewing authority may permit retaining walls or terracing. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
- C. Berms shall be designed to vary in height and shape to create a more natural appearance. Berm areas not containing planting beds shall be covered with grass or other living ground cover maintained in a healthy condition.
- D. Required plant material shall be placed on the top and side slope facing the adjacent property. (Ord. 2017-32. Passed 5-2-17.)

Section 1139.09 Plant Materials

All required buffers, screens, berms and street lawns shall comply with the following standards in addition to all other applicable requirements of this section:

- A. All plant materials shall be hardy to Cuyahoga County and free of disease and insects. Acceptable trees may be selected from the list of desirable species in *Appendix A* or as approved by the reviewing authority.
- B. Landscaped areas shall be maintained in a neat, healthy and orderly condition following accepted horticultural practices. Withered, dying and/or dead plants and trees shall be replaced within a reasonable period of time, but not longer than one (1) growing season.
- C. Artificial plant material shall not be used within any required landscaped area. This shall not preclude the use of stone, shredded bark, wood chips, pine needles or similar accent materials within planting beds.
- D. All plant material, screens and berms shall be installed in such a manner so as not to alter drainage patterns on the site or adjacent properties or to obstruct vision for safety of ingress or egress.
- E. All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
- F. Existing plant material which complies with the standards and intent of this ordinance and the provisions of this section may be credited toward meeting the landscape requirements. Scrub, dying, diseased or prohibited (per *Appendix A*) trees and shrubs shall be removed and shall not be counted toward any requirement of this section.
- G. The overall landscape plan shall not contain more than 33% of any one plant species, unless determined to be appropriate by the reviewing authority.
- H. Plant material shall conform to the standards found in the American Standard for Nursery Stock (ANSI Z60.1 - 2014) published by AmericanHort and conform to the minimum plant sizes at time of planting listed in *Table 1139.09-1*, unless a greater requirement is specified elsewhere in this ordinance. Larger sizes may be required by the reviewing authority, if determined to be necessary to maintain a natural appearance and achieve the intended purpose of the buffer, street lawn or screen based on the size of the development, its location and/or the character of the surrounding area.

Plant Type	Minimum Size
Deciduous canopy tree	2.5 inch caliper
Deciduous ornamental tree	2.5 inch caliper
Evergreen tree	7 feet in height
Deciduous shrub	24 inches in height
Upright evergreen shrub	24 inches in height
Spreading evergreen shrub	24 inch spread

- I. All improved landscaped areas shall be serviced by an irrigation system. Plans for such irrigation system shall be reviewed by and subject to the recommendations of the Planning and Design Commission as to irrigation sufficiency.

- J. Landscaping shall be installed prior to issuance of a Certificate of Occupancy, unless the owner demonstrates that unforeseen circumstances beyond his/her control prevented the installation. In such case, the Building Commissioner may issue a conditional Certificate of Occupancy provided that a specific time limit, not to exceed 120 days, is established for completing the landscaping.

(Ord. 2017-32. Passed 5-2-17.)

Section 1139.10 Building Materials

- A. **Applicability.** The requirements of this section apply to all Business Districts where there is construction of new non-residential buildings or where there is substantial improvement proposed to existing non-residential buildings.
- B. **Materials.** All non-residential buildings shall be composed of high quality materials and, at a minimum, shall be comprised of 75% of the following: brick, stone (natural or cultured), architectural pre-cast concrete, glass, high-density stratified wood board, fiber reinforced concrete panels, stucco, or architectural metal panels. Up to 25% of the building may be comprised of the following: split face block, scored block, exterior insulation finish system (EIFS), wood, vinyl, metal and other similar quality materials. If EIFS is used, it shall not be within 36 inches of grade nor used in entryways or other high activity pedestrian or service areas. Plain concrete block, smooth-faced tilt-up concrete panels and wood sheet goods shall not be permitted. Building material requirements may only be modified with the recommendation of the Planning and Design Commission and approval by City Council.
- C. **Massing.** The articulation of a building shall reduce its perceived overall length and width by dividing the building into smaller masses. The internal function of the building shall provide the rationale for the division of massing. The overall mass of a building shall be reduced by incorporating building undulations of clearly pronounced recesses and projections, wall relief, colonnades, pilasters, piers, fenestration patterns or other techniques as approved by the Planning and Design Commission and City Council. The articulation of a building shall reduce its perceived height by dividing the building into smaller scale elements to provide a "human scale" based on its location. The building design shall incorporate a distinct base, middle and top. Features to clearly define the top of a structure may be accomplished via a defined parapet or cornice elements; distinct eaves; corbeled brick, masonry or stone; architectural roof forms and other elements as approved by the Planning and Design Commission and City Council. Each building shall have a clear, highly visible customer entrance(s) defining the major entry points to the building.
- D. **Mechanical Screening.** Buildings shall have architectural features to fully conceal rooftop equipment, such as HVAC units, exhaust, vents, transformers, roof access, etc. from public view.

(Ord. 2017-32. Passed 5-2-17.)

Section 1139.11 Standards for B-4 Mixed-use Business Developments

- A. **Applicability.** This section applies to all properties within the B-4 District redeveloped and incorporated into an approved mixed-use (multiple use) development.
- B. **Qualifying Conditions.** A mixed-use development established within the B-4 District shall satisfy the following minimum requirements:
1. The development site shall be no less than four (4) acres which may include a

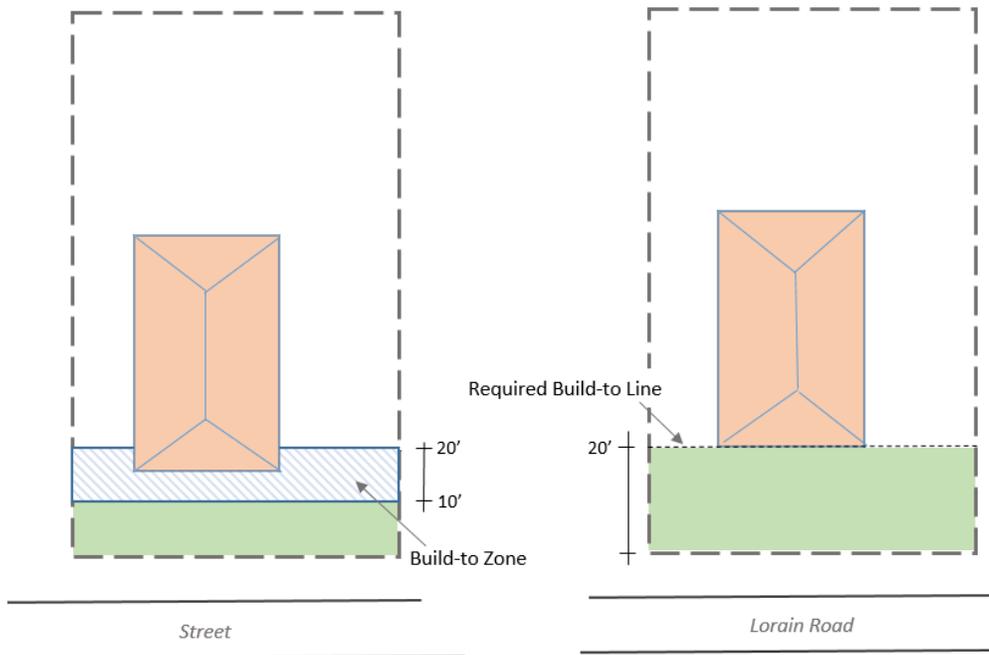
- combination of existing contiguous lots or parcels; provided, the entire site is under single control and developed as an integral project.
2. The mixed-use development shall contain both residential and non-residential uses.
 3. At least 20% but not more than 35% of the site area shall be devoted to non-residential uses.
 4. The mixed-use development shall result in a project that meets the review criteria of *Section 1126.07.B*.
- C. Streets and Blocks.** An interconnected street network with limited block size promotes walkability. It also enables the B-4 District to complement the nearby residential neighborhoods through a fine-grained development approach, sensitive to the context.
1. Connectivity of the internal street grid is required. Wherever possible, streets shall also connect to existing and planned City streets outside of the district.
 2. No block face shall have a length greater than 300 feet without an alley, common drive or pedestrian pathway providing through-access to another street, alley or service drive.
 3. Mixed-use developments shall be designed as an integrated part of the surrounding community and not as an isolated development.
- D. Building Design.** Mixed-use developments require special attention to building design because of the relationship of multiple land uses in close proximity.
1. All primary non-residential buildings shall be street oriented, with a functioning primary entrance, and a percentage of the building façade, as required in *Table 1139.11-2*, placed at the required build-to line or within the required build-to zone.
 2. The mixed-use development shall be designed to provide an appropriate interrelationship between the various uses and structures within the development through the use of complementary materials, unified streetscape treatment, buffering, connectivity for vehicular and pedestrian movement, building orientation, parking location and height transition.
 3. Structures shall provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Structures shall have consistent scale and massing to create a unified project. Compatibility with the immediate context is required. However, gradual transitions in scale and massing are permitted.
 - a. Blank walls shall be avoided by including ground floor windows, recesses, extensions and breaks in roof elevation.
 - b. Design shall provide differentiation between ground level spaces and upper stories. For example, bays or balconies for upper levels and awnings, canopies or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint, ornamentation, windows or other features such as public art may also be used.
 - c. Design shall ensure privacy in residential areas through effective window placement, soundproofing, landscape screening or orientation of outdoor living areas (e.g., balconies, porches and patios). Opposite facing windows at close distances should be offset vertically or horizontally, or employ appropriate materials (e.g., glazed or tinted) to protect privacy.
- E. Height.** Minimum building and floor heights are established to create a consistent character of scale and massing within the district.

Table 1139.11-1, Height	
Requirement	Measure
Minimum Building Height	22 feet
Maximum Building Height	50 feet/4 stories
Minimum Commercial Ground Floor Clear Height	12 feet
Minimum Upper Story Clear Height	9 feet

F. Siting.

1. Principal building façades shall be located at the required build-to line, if fronting on Lorain Road, or within the required build-to zone for all other streets. The build-to zone is the prescribed area within which the front building façade must be placed. Interior side and rear setbacks for residential uses shall be established as part of the mixed-use development plan review process.
2. The façade shall be built within the build-to zone within 20 feet of a block corner, unless otherwise specified.

Figure 1139.11-1, Build-To Zones and Lines



3. Developments shall provide a private open space area of at least 15% of the total site area for customers, residents and tenants of buildings. Private open areas may include plazas, courtyards, rooftop gardens and balconies, in addition to landscaped open spaces. If used to achieve private open area requirements, balconies shall have minimum dimensions of eight (8) feet wide and five (5) feet deep.
4. No structure or building element shall encroach into or otherwise impede the clear sidewalk area or right-of-way. For appropriate commerce and retail uses, temporary displays or cafe seating may be placed between the right-of-way or sidewalk and the front façade.
5. Vehicle parking shall be located behind the building setback line, except where parking is provided below grade or on street.

Table 1139.11-2, Siting	
Building Siting	Requirement
Build-To Line for all lots fronting on Lorain Road	20 feet
Build-To Zone for all lots fronting on other streets	10 feet to 20 feet
Minimum Façade at front setback - Primary Frontage	65%
Minimum Façade at front setback - Secondary Frontage	25%
Minimum Side Setback	5 feet
Minimum Rear Setback	20 feet

G. Non-Residential Elements.

1. Fenestration for non-residential buildings is regulated as a percentage of the façade between floor levels. Fenestration is measured as glass area (including mullions, muntins and similar window frame elements with a dimension less than one (1) inch) and/or open area.
2. At least one (1) functioning entry door shall be provided along each ground story façade facing a street or parking area. The maximum distance between functioning façade entrances prescribed in *Table 1139.11-3* shall not be exceeded.
3. In no case shall a garage door be located at or face the street line.
4. No privacy fences may be constructed forward of the primary building façade.

Table 1139.11-3, Elements	
Building Elements	Requirement
Min./Max. Ground Floor Façade Fenestration	33 to 80%
Min./Max. Upper Story Façade Fenestration	20 to 70%
Maximum Blank Wall Limitation	30 feet
Maximum Distance Between Façade Entrances	70 feet
Balconies	Permitted

H. Retail Use. Second story retail is limited to extensions of first floor uses.

I. Residential Use.

1. Maximum residential density is 12 units per acre.
2. Housing diversity shall be required. To the extent feasible, at least two (2) different residential types (attached, multiple family, live/work, or two family) with a range of sizes shall be incorporated into the development.
3. Permitted flexibility in lot sizes, setbacks, street widths and landscaping shall result in a more livable development, preservation of natural features and creation of open space consistent with the policies of the Master Plan and this Zoning Code.

J. Walkability and Development Concentration

1. Uses are concentrated to promote convenient pedestrian access, and pedestrian circulation is clearly defined and connects all uses.
2. Bicycle and pedestrian access are provided internally and to adjacent developments.
3. Sidewalks are provided on each side of rights-of-way or private streets throughout the development.
4. Strip commercial development characterized by single story uncoordinated, unconnected buildings with large street frontage parking lots is specifically prohibited. Strip malls with uncoordinated, unconnected out parcels are prohibited. All structures

shall be fully integrated into the mixed-use project through common design themes (including, but not limited to, lighting, benches, landscaping and other decorative features but not necessarily building design), integration with a variety of uses, nonlinear arrangement, common spaces, pedestrian walkways, vehicular access connections and other features.

5. Plazas, courtyards and other common areas are provided for public gathering and interaction. Amenities, such as benches, planters, lighting, fountains, art and landscaping that further the design theme of the project and encourage interaction shall be provided.

(Ord. 2017-32. Passed 5-2-17.)

Section 1139.12 Site Development Requirements

In addition to the requirements of this chapter, all development in business districts shall meet the applicable requirements as listed elsewhere in this ordinance:

- A. Conditional Use Requirements, see *Chapter 1118*.
- B. Parking and Loading, see *Chapter 1161*.
- C. Signs, see *Chapter 1163*.
- D. Development Plan Review, see *Chapter 1126*.

(Ord. 2017-32. Passed 5-2-17.)

Public Facilities Overlay District

Chapter 1140

Sections

1140.01	Intent
1140.02	Preemption
1140.03	Permitted Uses
1140.04	Height Regulations
1140.05	Area Regulations
1140.06	Yard Regulations
1140.07	Signage

Section 1140.01 Intent

Public Facilities Districts and their regulations are established herein in order to achieve, among others, the following purposes:

- A. To provide proper zoning classifications for governmental, civic, health, welfare, educational, and recreational facilities in proper locations and to an extent so as to promote the general health, safety, convenience, comfort, and welfare of residents and visitors of the City;
- B. To protect adjacent residential, commercial, and semi-public areas by regulating the bulk and spacing of public facilities, particularly at common boundaries;
- C. To protect and improve property values;
- D. To protect public and semipublic facilities from encroachment by other uses;
- E. To assure that public and semipublic uses shall be compatible with adjoining residential uses;
- F. To maintain the aesthetic appearance of the City, including, but not limited to, its residential character, unobstructed open spaces, and attractive commercial and office/industrial areas;
- G. To alert the public to the location of parcels either intended for or currently being used for public facilities;
- H. To promote the most desirable land use and traffic patterns in accordance with the City's Planning and Development Program.

(Ord. 99-139. Passed 1-4-00.)

Section 1140.02 Preemption

- A. Where applicable, the regulations governing the Public Facilities Overlay District shall control and supersede wherever inconsistent with any other portion or provision of the Zoning Code.
- B. If no inconsistency exists between the provisions of the Overlay District and the underlying Zoning District, the underlying Zoning District regulations shall remain in full force and effect and shall regulate all land use and development.

(Ord. 99-139. Passed 1-4-00.)

Section 1140.03 Permitted Uses

In a Public Facilities Overlay District, in addition to uses permitted in the underlying zoning district, buildings and land may be used, and buildings may be designed, erected, moved, altered, or maintained in accordance with the following:

A. Main Buildings and Uses

- 1. Governmental, including Federal, State, County, and municipal administrative offices, town halls, post offices, and police and fire stations;
- 2. Civic, including public zoos, public libraries, museums, art or sculpture galleries, observatories, places for public assembly, monuments, memorials, cemeteries, and fairgrounds;
- 3. Educational, including nursery, primary and secondary schools, day care centers, and institutions of higher education;

4. Recreational, including parks, sports fields, playgrounds, lakes, beaches, pools, public gardens, and golf courses;
5. Transportation, including airports, heliports, train stations, intercity and intracity bus stations and garages, and automobile and/or vehicular parking facilities;
6. Welfare, including hospitals, clinics, health centers, trauma centers, child care centers, day care centers, nursing homes, and elder care facilities.

B. Accessory Buildings and Uses

1. Public parking areas;
2. Storage garages;
3. Residences for custodial and maintenance personnel;
4. Maintenance and heating facilities.

(Ord. 99-139. Passed 1-4-00.)

Section 1140.04 Height Regulations

In a Public Facilities Overlay District, the maximum height for buildings shall be two (2) stories or 24 feet.

(Ord. 99-139. Passed 1-4-00.)

Section 1140.05 Area Regulations

The parcel of land to be developed for a public facility use shall be sufficiently large in area to provide a proper setting for the development so that the main and accessory buildings shall not occupy more than 20% of the parcel, and accommodate the off-street parking and other accessory uses without impairing the character of the neighborhood or the enjoyment or use of adjoining properties.

(Ord. 99-139. Passed 1-4-00.)

Section 1140.06 Yard Regulations

- A. **Setback.** The setback from any adjacent street or public way shall not be less than 75 feet when adjacent to any residential district, and shall not be less than the required front yard setback for any other adjacent nonresidential district.
- B. **Side and Rear Yards.**
1. Side yards shall not be less than 50 feet wide, measured from the closest point of the building to any side line at an angle perpendicular to the side line, and rear yards shall not be less than 75 feet, measured from the closest point of the building to the rear line at an angle perpendicular to the rear line.
 2. In no case shall the side and rear yards for any building be less than twice the height of such building.
 3. In addition to the requirements in (1) and (2), primary and secondary schools, general hospitals and clinics, and recreational and transportation buildings shall have a side yard no less than 75 feet wide, and a rear yard no less than 100 feet wide.
- C. **Accessory Uses.** Driveways and parking areas serving the public facility may be located within the side or rear yard set forth in subsection (B), but parking areas shall not be located less than 20 feet, nor driveways and play areas less than 50 feet from any adjacent lot line.

- D. **Yards Adjacent to Nonresidential Districts.** Side and rear yards for main and accessory buildings and uses adjacent to nonresidential districts shall not be less than the side and rear yard setbacks for that particular district.
- E. **Landscaped Area.** Around the perimeter of every Public Facilities Overlay District parcel, there shall be a landscaped buffer upon which no building, structure, drive, roadway, or parking area shall be permitted. These buffers shall not be less than 25 feet from the front and rear lot lines, nor less than 20 feet from the side lot lines, and may exclude driveways that are reasonably necessary for access to dedicated roadways. In addition, the Planning and Design Commission may require the construction or erection of landscaping, fencing, or other materials used to buffer against the transmission of sound and light into adjacent lots.
- (Ord. 99-139. Passed 1-4-00.)

Section 1140.07 Signage

Signs in Public Facilities Districts shall be designed and maintained in conformity with *Chapter 1163* of this Zoning Code.

(Ord. 99-139. Passed 1-4-00.)

Office Building District

Chapter 1141

Sections

- 1141.01 Intent
- 1141.02 Use Regulations
- 1141.03 Land Coverage; Minimum Landscaping Within Parking Area
- 1141.04 Lot Width
- 1141.05 Access
- 1141.06 Yard Regulations
- 1141.07 Supplementary Yard Regulations
- 1141.08 Height Regulations
- 1141.09 Development Plans
- 1141.10 Sign Regulations
- 1141.11 Parking and Loading Regulations

Section 1141.01 Intent

Office Building Districts and their regulations are established herein in order to achieve, among others, the following purposes:

- A. To provide a zoning district devoted exclusively to professional, financial, administrative and management services of residential, commercial and industrial facilities; and semipublic institutions;
- B. To protect adjacent residential areas by regulating the bulk and spacing of office uses, particularly at common boundaries; and
- C. To promote the most desirable land use and traffic patterns in accordance with the objectives of the City's Planning and Development Program.

(Ord. 90-125. Passed 5-21-91.)

Section 1141.02 Use Regulations

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained, in whole or in part, in Office Building Districts, only for the uses set forth in the following schedules and regulations.

- A. **Main Buildings and Uses Permitted.** Office buildings and offices, including professional, financial, governmental, public utility, executive, administrative, and sales offices, provided that only samples are displayed or stored on the lot and that no goods are distributed therefrom.
- B. **Similar Main Uses Permitted.** Any other office use not listed above or in any present or subsequent use classification and determined by the Planning and Design Commission and Building and Zoning Board of Appeals to be similar to the uses set forth in subsection (A) hereof in accordance with the provisions of *Section 1117.03*.
- C. **Accessory Uses Permitted.** Any accessory use which is incidental to the main uses, provided that it is planned and developed integrally with the main building and that it has no injurious effect on adjoining use districts, such as:
 - 1. Off-street parking areas and loading areas for employees and customers as required in *Chapter 1161*;
 - 2. Maintenance and storage facilities;
 - 3. Employee lunchrooms and physical fitness facilities; and
 - 4. Signs, including identification, professional nameplate, directional, real estate and project signs, subject to the regulations set forth in *Chapter 1163*.

(Ord. 90-125. Passed 5-21-91; Ord. 2016-36. Passed 8-2-16.)

Section 1141.03 Land Coverage; Minimum Landscaping Within Parking Area

- A. In any Office Building District, notwithstanding any other provision of this Zoning Code, the land area occupied by main and accessory buildings shall not exceed 35 percent of the total area of the parcel being developed.
- B. In any Office Building District, notwithstanding any other provision of this Zoning Code, at least ten percent of any designated parking area or areas shall be improved with landscape plantings.

(Ord. 90-125. Passed 5-21-91.)

Section 1141.04 Lot Width

In any Office Building District, a minimum lot width of 200 feet shall be provided for each individual office building use or group or cluster of office buildings developed as a single entity. (Ord. 90-125. Passed 5-21-91.)

Section 1141.05 Access

In all Office Building Districts, land shall abut a dedicated street for the required lot width and all vehicular access to the office building development must be on land zoned Office Building.

Individual office buildings may be arranged in groups or clusters provided that:

- A. Each office building is accessible by means of an individual or common private drive to service, emergency and public safety vehicles in a manner acceptable to the City Engineer and Fire Prevention Officer;
- B. The method of construction and materials for private drives meet accepted engineering practice and are approved by the City Engineer; and
- C. The location, design and construction of all utilities on private or common land are approved by the Engineer.

(Ord. 90-125. Passed 5-21-91.)

Section 1141.06 Yard Regulations

In all Office Building Districts, buildings shall be designed, erected, altered, moved or maintained, in whole or in part, only in accordance with the following schedule and regulations:

Table 1141.06-1, Yard Regulations

	Front Yard Setback	Side Yard Setback		Rear Yard Setback	
		Abutting Residential District	Abutting Non-Residential District	Abutting Residential District	Abutting Non-Residential District
Main and Accessory Building and Use	Distance from Street ROW				
Office Building and Parking Garage	100 ft	100 ft	25 ft	100 ft	25 ft
Parking Areas and Drives	20 ft	50 ft	10 ft	50 ft	10 ft

Each building constructed within an Office Building District which abuts a residential district shall be located the following minimum distance from such residential lot line:

For each one foot of building height, four feet distance from each such lot line, or part of lot line; provided, however, that in applying this formula, no property owner shall be required to locate any building more than 175 feet from any such lot line.

The Planning and Design Commission may, however, vary the building distance requirements of this section, if it determines that the requirements create an economic or architectural hardship for a developer and if the Commission further determines that no harm will be caused to adjoining residential properties as a result of varying these requirements.

(Ord. 90-125. Passed 5-21-91.)

Section 1141.07 Supplementary Yard Regulations

Yards may be used for off-street parking, loading, traffic circulation, illumination, landscaping and signs as regulated in other sections of the Zoning Code.

- A. **Front Yards.** Front yards for buildings and uses shall not be less than established in *Section 1141.06* and no structures shall be erected in front of such line unless shown otherwise on the Zone Map or specifically modified in supplementary regulations. If parking is permitted in front yards, a concrete curb shall be erected along the parking area and the yard between such curb and the public right-of-way shall be landscaped and maintained attractively.
- B. **Side Yard on Corner Lots.** Whenever an office building is located on a corner lot, the width of the side yard on the side street shall be not less than 75 feet for major arterial streets, 50 feet for collector streets and 35 feet for local collector and local streets. On a corner lot, parking shall be set back at least 20 feet from the side street right-of-way.
- C. **Yard Screening and Landscaping.** Whenever an office building is located on a lot which adjoins a Residential District, a side and/or rear yard of not less than that set forth in *Section 1141.06* shall be provided on the office building lot. A 50 foot wide area buffer within any such rear or side yard, running parallel with adjoining residential lot lines, shall further be required and this 50 foot shall be landscaped and maintained in such a way as to provide a visual and noise barrier for the adjoining residential property. The Planning and Design Commission may, however, vary the width requirement of this required buffer area, if the depth or configuration of a lot renders the strict compliance with this provision impractical.

Visual screening, such as earth mounding or walls or fences or landscape planting, shall be a required site improvement element for any office building use adjacent to any Residential District. The type and arrangement of such screening shall be as approved by the Commission.

A minimum of ten percent of the area of all offstreet parking areas shall be allocated to landscape improvements.

(Ord. 90-125. Passed 5-21-91.)

Section 1141.08 Height Regulations

The height of any main or accessory building in an Office Building District shall not exceed 50 feet. Mechanical space for building equipment placed on the building roof may be allowed above the maximum height specified, provided that such mechanical space is set back a minimum of 25 feet from any exterior wall, does not exceed ten (10) feet in height and is adequately screened from view, and provided, further, that such space and screening are approved by the Planning and Design Commission.

(Ord. 90-125. Passed 5-21-91.)

Section 1141.09 Development Plans

Site development plans shall be prepared by the developer for all proposed developments in any Office Building District and shall be submitted to the Building Official in accordance with the provisions of *Chapter 1126*.

(Ord. 90-125. Passed 5-21-91.)

Section 1141.10 Sign Regulations

Signs shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type, design, size, location, illumination and other provisions set forth in *Chapter 1163*.

(Ord. 90-125. Passed 5-21-91.)

Section 1141.11 Parking and Loading Requirements

Parking and loading in any Office Building District shall be in accordance with the regulations set forth in *Chapter 1161*.

(Ord. 90-125. Passed 5-21-91.)

Residential Office District

Chapter 1142

Sections

1142.01	Intent
1142.02	Permitted Uses
1142.03	Accessory Uses
1142.04	Conditional Uses
1142.05	Area Regulations
1142.06	Development Standards
1142.07	Landscaping and Screening Regulations
1142.08	Parking and Loading Regulations
1142.09	Lighting Regulations
1142.10	Sign Regulations
1142.11	Development Procedures
1142.12	Phased Development

Section 1142.01 Intent

The Residential Office District has been established to provide areas in which a mixture of residential uses, small-scale office and professional service establishments may occur. It is intended that this district be used to act as a transition between established residential neighborhoods and non-residential uses. It is also intended that the appearance, scale and density of such areas be residential in nature and the conduct of permitted uses not create or generate traffic or noise detrimental to adjoining neighborhoods.

(Ord. 2006-135. Passed 10-17-06.)

Section 1142.02 Permitted Uses

In a Residential Office District, land may be used and buildings or structures may be designed, built, altered or used for only the following permitted uses:

A. Residential Uses.

1. Single-family dwellings.
2. Two-family dwellings.
3. Home professional office and home occupations operated in accordance with the provisions of *Section 1135.02(A)* and *(B)*.

B. Public and Semi-Public Uses.

1. Governmental buildings and uses for administrative functions and use by the general public.
2. Public parks and playgrounds.

C. Office Uses.

1. Offices for professional services, such as physicians, dentists, lawyers, architects, engineers and similar professions.
2. Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers, including but not limited to:
 - a. Brokers and dealers in securities and investments, not including commercial banks and savings institutions.
 - b. Insurance agents and brokers.
 - c. Real estate sales and associated services.
3. Studios for artists, designers, writers, photographers, sculptors or musicians.
4. Similar uses as determined by the Planning and Design Commission and approved by City Council.

(Ord. 2006-135. Passed 10-17-06.)

Section 1142.03 Accessory Uses

In a Residential Office District, the following accessory uses and buildings are permitted provided that no accessory building may be erected prior to the construction of a permitted building:

- A. Residential accessory uses permitted in *Section 1135.02(C)* through *(L)*.
- B. Parking lots which are accessory to public, semi-public or office uses.
- C. Storage buildings accessory to public, semi-public or office uses.

(Ord. 2006-135. Passed 10-17-06.)

Section 1142.04 Conditional Uses

In a Residential Office District, land may be used and buildings or structures may be designed, built, altered or used for the following conditional uses, if a conditional use permit is issued in accordance with the provisions of this chapter and *Chapter 1118*:

- A. Bed and breakfast establishments.
- B. Primary and secondary public, private or parochial schools.
- C. Hospitals, health centers, nursing homes, and group homes.
- D. Day care facilities.
- E. Places of worship, libraries, museums, places for public assembly, memorials, monuments, cemeteries, fraternal organizations and clubs.
- F. Public utility facilities and structures.
- G. More than one permitted main building on a lot.
- H. Public, semi-public or office uses within a major subdivision.

(Ord. 2006-135. Passed 10-17-06.)

Section 1142.05 Area Regulations

In a Residential Office District, buildings shall be designed, erected, altered, moved or maintained, in whole or in part, only in accordance with the following schedule and regulations:

Table 1142.05-1, Area Regulations			
	Single-Family Dwelling	Two-Family Dwelling	All Other Uses
Minimum Lot Size	13,200 square feet	14,700 square feet	40,000 square feet
Minimum Lot Width	80 feet	80 feet	100 feet
Minimum Front Yard	50 feet	50 feet	50 feet
Minimum Side Yard	10 feet	10 feet	25 feet – building 15 feet – parking area
Minimum Rear Yard	50 feet	50 feet	50 feet – building 20 feet – parking area
Maximum Building Height	35 feet above grade	35 feet above grade	35 feet above grade
Maximum Lot Coverage	25% by the main use	25% by the main use	30% by the main use
Minimum Floor Area	Meet requirements for A Residence in 1135.03(A)	Meet requirements for Two-Family Residence in 1135.03(D)	None

(Ord. 2006-135. Passed 10-17-06.)

Section 1142.06 Development Standards

- A. **Appearance.** Construction of a new structure, or an addition to an existing structure, shall have the appearance of a residential dwelling and shall be designed to a residential scale and proportion through the use of construction materials and other design elements, as

determined by the Planning and Design Commission. The following examples, which are not intended to be an exhaustive list, illustrate architectural features which define a residential dwelling for the purposes of construction within this district:

1. Natural construction materials consistent with quality residential construction, such as brick and stone.
 2. Roof lines with vertical elements such as chimneys, dormers, and gables to reduce the visual mass of the roof.
 3. Windows with mullions, double-paned, and of residential quality.
 4. Six (6)-paneled doors, preferably wood and not glass.
 5. Features such as porches, entryways, and residential-style landscaping.
- B. **Traffic.** Any and all buildings used for non-residential purposes shall front onto or have access from a collector or arterial street.
- C. **Storage.** Storage of any materials and equipment shall be within an enclosed building.
- D. **Nuisance.** Non-residential buildings and other structures shall be constructed and/or located, and outdoor uses shall be limited, so as to minimize the possibility that noise, smoke, electrical interference, odor, glare, or any other substance or effect directly related to or resulting from a permitted use, will create a nuisance condition upon adjacent or nearby residential properties. For purposes of this provision, a nuisance condition exists when noise, odor, lighting or such other substance or effect directly related to or resulting from a permitted use endangers another's life or health, or unreasonably limits or interferes with another's quiet and peaceful enjoyment of his or her property.

(Ord. 2006-135. Passed 10-17-06.)

Section 1142.07 Landscaping and Screening Regulations

- A. **Open Space Required.** A minimum of 20% of the gross area of the lot shall be preserved as open space and/or improved with landscaping. To the greatest extent possible, development plans shall take into account preservation of existing trees and vegetation.
- B. **Screening Required.** Screening is required around any parking or loading area accessory to a non-residential use or in any side or rear yard of a non-residential use adjacent to a residential district boundary.
1. Purposes for screening. Screening shall be provided for one or more of the following purposes:
 - a. A visual barrier to partially or completely obstruct the view of structures or activities in order to minimize or prevent nuisances.
 - b. As an acoustic screen to aid in absorbing or deflecting noise.
 - c. For the containment of ambient debris and litter.
 2. Types of screening permitted. Screening may be one of the following:
 - a. Dense evergreen plantings.
 - b. Landscaped mound with ground cover, with a maximum slope of 3:1.
 - c. A solid brick or stone wall, a minimum of six (6) feet and maximum of eight (8) feet in height.
 - d. A solid decorative fence, a minimum of six (6) feet and maximum of eight (8) feet in height.

3. Sufficiency of screening. Screening shall have a minimum height of six (6) feet and be of sufficient density or opaqueness as determined by the Planning and Design Commission to accomplish the above stated purposes.

- C. **Landscape Irrigation Required**. For all non-residential uses, irrigation shall be provided for improved landscape areas. The Planning and Design Commission shall determine the sufficiency of any proposed irrigation system.

(Ord. 2006-135. Passed 10-17-06.)

Section 1142.08 Parking and Loading Regulations

- A. Parking and loading in a Residential Office District shall be in accordance with regulations set forth in *Chapter 1161* and this chapter.
- B. To the greatest extent possible, parking areas for non-residential uses shall be located to the rear of any building in this district and as far as possible from residential property lines. In no case shall parking areas be located in the front yard.
- C. Screening shall be required around any parking or loading area for any non-residential use, as described in *Section 1142.07(B)*.

(Ord. 2006-135. Passed 10-17-06.)

Section 1142.09 Lighting Regulations

Lighting in a Residential Office District shall be in accordance with regulations approved by the Planning and Design Commission.

(Ord. 2006-135. Passed 10-17-06.)

Section 1142.10 Sign Regulations

Signage in a Residential Office District shall be in accordance with regulations set forth in *Chapter 1163*.

(Ord. 2006-135. Passed 10-17-06.)

Section 1142.11 Development Procedures

Preliminary and final site development plans shall be prepared by the developer and reviewed by the City for all proposed development in a Residential Office District in accordance with the procedures described in *Chapter 1126* for non-residential uses.

(Ord. 2006-135. Passed 10-17-06.)

Section 1142.12 Phased Development

Phased developments may occur when constructing one or more main buildings on a lot, or an adjoining lot if part of a total development, provided a conditional use permit is granted by the Planning and Design Commission and Council, and so long as no more than one calendar year passes from the completion of one building to the commencement of construction of the next building.

(Ord. 2006-135. Passed 10-17-06.)

Limited Industry District

Chapter 1145

Sections

1145.01	Purpose
1145.02	Uses Permitted
1145.03	Spatial Requirements
1145.04	Landscaping
1145.05	Performance Standards
1145.06	Site Development Requirements

Section 1145.01 Purpose

The Limited Industry District is established to achieve the following purposes:

- A. To provide a location for light industrial activities in proximity to the interstate highway system so as to be accessible to a large labor force and consumers throughout the region;
- B. To provide convenient and sufficient districts for light industrial activities in order to promote economic development of the community; and
- C. To protect nearby residential areas by restricting the types of uses permitted, providing for buffering, and establishing performance standards so as to prohibit otherwise objectionable influences as much as possible. (Ord. 2017-76. Passed 2-20-18.)

Section 1145.02 Uses Permitted

The following shall be permitted in a Limited Industry District:

- A. **Office Buildings.** Offices include professional, financial, governmental, public utility, administrative and sales. Medical offices are not permitted.
- B. **Research Laboratories.** Research laboratories include experimental, research and testing, and all types of basic and applied research of product design and development.
- C. **Metal Production.** Metal production includes metal cutting, stamping, electric, gas and ultrasonic welding, grinding, machining and finishing, only in the production and/or assembly of products such as:
 - 1. Automotive and aircraft parts;
 - 2. Electrical and electronic equipment and motors;
 - 3. Electrical appliances;
 - 4. Hardware, cutlery and kitchen utensils;
 - 5. Musical and scientific equipment;
 - 6. Medical, orthopedic and photographic instruments and equipment;
 - 7. Sheet metal components, heating and ventilation ductwork, gutters and downspouts;
 - 8. Sporting goods and athletic equipment; and
 - 9. Plumbing supplies.
- D. **Nonmetal Production.** Nonmetal production includes:
 - 1. Clothing, garment manufacturing and other textile products;
 - 2. Pharmaceutical products;
 - 3. Manufacture and fabrication of plastic products, extrusion, molding and fabrication of panels, sheets, tubes and rods; and
 - 4. Ceramics, pottery, dishware, figurines and tile from clay and the enameling of pottery ware or metals.
- E. **Service, Sales and Storage Establishments.** Services, sales and storage establishments include:
 - 1. Cleaning, dyeing and dry cleaning establishments and carpet cleaning;
 - 2. Repair of household appliances and goods produced by manufacturing and assembly processes permitted above;
 - 3. Food, confection and drug preparation;
 - 4. Cold storage and food locker plants;
 - 5. Parcel delivery establishments;

6. Household and maintenance services, dry cleaning and laundry, dyeing, rug cleaning, janitorial and maintenance services;
 7. Monument works;
 8. Bulk storage or warehouses for such material as building materials, contractors' equipment, fabrics, feed, furniture, machinery, materials other than scrap or junk, paint, pipe, rubber, shop or store supplies provided there shall be no storage of discarded or salvage articles or of any material outside of buildings;
 9. Public storage establishments;
 10. Dog and/or cat kennels; provided, however, that no part of any building so used may be located within 700 feet from any dwelling in the City; and that the total number of animals within any buildings so used may not exceed 50 per acre of the lot upon which said buildings are located; and
 11. Recycling facilities and recycling collection centers provided all operations, storage and other business activities must be conducted completely indoors.
- F. **Accessory Uses.** The following accessory uses may be permitted in a Limited Industry District.
1. Retail sales directly related and incidental to a main use permitted in Subsections A through E above and limited to ten percent (10%) of total floor area.
- G. **Similar Uses.** Uses not listed above may be permitted if a determination of similar use is made by the Planning and Development Director in accordance with *Section 1117.03.C*.
- H. **Prohibited Uses.** The following uses are expressly prohibited in a Limited Industry District.
1. Medical marijuana cultivation, processing and dispensing facilities.
(Ord. 2017-76. Passed 2-20-18.)

Section 1145.03 Spatial Requirements

- A. **Minimum Area and Width.** Lots in Limited Industry Districts shall meet minimum area and width requirements. New lots shall only be created in conformance with these requirements.
1. Lot Area. Minimum lot area shall be one (1) acre.
 2. Lot Width. Minimum lot width shall be 200 feet.
- B. **Required Yards.** Yards shall be provided for every main and accessory building in a Limited Industry District in accordance with the requirements of *Table 1145.03-1*:

Setback Type	Lot Type	Main Building or Use	Parking
Street ROW Line Setback	Fronting Lorain Road	100 ft.	50 ft.
	Fronting Industrial Road	50 ft.	50 ft.
Side Lot Line Setback	Adjoining Residential District	100 ft.	30 ft.
	Adjoining Nonresidential District	20 ft.	10 ft.
	Corner Lot, along the side street	50 ft.	25 ft.
Rear Lot Line Setback	Adjoining Residential District	100 ft.	30 ft.
	Adjoining Nonresidential District	50 ft.	10 ft.

- C. **Maximum Height and Lot Coverage.** All structures shall conform to maximum limits with respect to height of buildings and extent of lot coverage.
1. Height. Permitted structures shall not exceed 35 feet in height. However, chimneys, elevator penthouses, towers, stacks, ventilators or other necessary appurtenant features

usually carried above roof lines, when erected upon and as an integral part of a building, may be erected above the height limit provided such appurtenances shall extend no higher than ten (10) feet above the building roof.

2. **Lot Coverage.** Lot coverage by all main and accessory buildings shall not exceed 35%. (Ord. 2017-76. Passed 2-20-18.)

Section 1145.04 Landscaping

A. **Intent.** The intent of this section is to:

1. Screen undesirable views of permitted industrial uses from fronting streets and surrounding residential area;
2. Increase soil water retention through landscape requirements;
3. Protect and preserve the appearance, privacy and property values of residential uses from any adverse influences of adjoining industrial use; and
4. Adequately shield adjoining residential uses from noise, dust and objectionable views.

B. **Planting Requirements.**

1. A minimum of 15% of the total site area shall be allocated to landscape improvements.
2. All improved landscaped areas shall be serviced by an irrigation system. Plans for such irrigation system shall be reviewed by and subject to the recommendations of the Planning and Design Commission as to irrigation sufficiency.
3. Plant material shall conform to the standards found in the American Standard for Nursery Stock (ANSI Z60.1-2014) published by AmericanHort and conform to the minimum plant sizes at time of planting listed in *Table 1145.04-1*, unless a greater requirement is specified elsewhere in this ordinance. Larger sizes may be required by the reviewing authority, if determined to be necessary to maintain a natural appearance and achieve the intended purpose of the buffer, street lawn or screen based on the size of the development, its location and/or the character of the surrounding area.

Table 1145.04-1, Minimum Size Requirements	
Plant Type	Minimum Size
Deciduous canopy tree	2.5 inch caliper
Deciduous ornamental tree	2.5 inch caliper
Evergreen tree	7 feet in height
Deciduous shrub	24 inches in height
Upright evergreen shrub	24 inches in height
Spreading evergreen shrub	24 inch spread

C. **Street Lawns (Front Yards).** Street lawns shall be provided along any frontage abutting a public right-of-way to improve the appearance of Limited Industry Districts in the community. Except for necessary driveways or walkways, a street lawn shall extend the full length of the lot line at the depths required in *Table 1145.03-1*. Landscaping shall meet the following requirements.

1. At a minimum, a required street lawn along a road shall be landscaped with at least one (1) canopy tree plus one (1) additional canopy or ornamental tree for each 50 feet, or fraction thereof, of road frontage.
2. Existing trees located within the required street lawn that are of a species provided in *Appendix A* shall be counted toward meeting the minimum requirements of this section provided that they are in a healthy condition as determined by the City. Other existing trees within the required street lawn may be counted toward the minimum requirements

of this section if approved by the reviewing authority.

3. Healthy and viable existing trees within a proposed street lawn shall be preserved unless existing site characteristics, necessary grading, location of future site improvements, species of tree (see list of prohibited species in *Appendix A*) or other similar conditions make their preservation unreasonable or undesirable.
4. If berms are appropriately incorporated into the street lawn, the reviewing authority may reduce the required quantities of plant material.
5. If existing conditions are such that a lot cannot accommodate the street lawn standards, the reviewing authority may modify the landscape requirements where it is determined that the purpose of the street lawn will still be achieved.

D. Buffer Zones (Side and Rear Yards). Landscaping and screening shall be provided to buffer the negative impacts between incompatible land uses, to minimize the adverse effects of certain activities upon their surroundings and to improve the appearance of Limited Industry Districts within the community.

1. Landscaping. Landscaping shall be provided within required side and rear yards where the subject property abuts another zoning district so as to provide a dense visual screen without obstructing necessary lines of sight required for safe pedestrian and vehicular movement. Buffer zones shall meet the minimum specifications defined in *Table 1145.04-2*.

Table 1145.04-2, Buffer Zone Specifications		
Requirements (Plant quantities required per 100 linear feet of property line)	Buffer Zones	
	Where Abutting Residential Districts	Where Abutting All Other Zoning Districts
Minimum depth	30 ft.	10 ft.
Canopy trees	3	2
Ornamental trees	3	2
Evergreen trees	5	2
Shrubs	10	4

2. Exceptions. A buffer zone is not required between two Limited Industry District parcels. A buffer zone shall not apply where the reviewing authority determines that existing natural conditions are such that a lot cannot reasonably accommodate a required buffer or where existing natural conditions on the lot act as a buffer. Alternately, where the reviewing authority determines that a vegetative buffer is inappropriate for a lot, they may approve the installation of a fence or wall to meet the buffer requirements.

E. Fencing and Screening.

1. Fencing Required. Along any side or rear property line that abuts a residential district, a six (6) foot high solid fence shall be provided within ten (10) feet and parallel to the district boundary. The fence shall extend the full length of the district boundary and to within 50 feet of a street line.
2. Screening. Screening in the form of a solid, sight obscuring fence or wall shall be provided around all trash dumpsters, heating and cooling units, and any loading areas visible from the public right-of-way. If approved by the reviewing authority, the required screen may be comprised of berms or plant material, in combination with or as a substitute for a fence or wall when it is determined that the alternate solution will provide the same degree or better of opacity and screening required by this section.

- F. **Applicability.** All provisions of this section shall be applicable to both new development and the expansion, alteration or modification of existing development, including such expansion, alteration or modification that may be limited solely to parking and/or access.
- G. **Compliance.** Effective buffering or screening may be required prior to other site development in order to reduce objectionable views, noise or dust associated with construction and development of the site. If not necessary and required prior to site development, all buffers and screens shall be in place prior to a Certificate of Occupancy being issued. (Ord. 2017-76. Passed 2-20-18.)

Section 1145.05 Performance Standards

Any use established in a Limited Industry District after the effective date of this Zoning Code, shall comply with the performance standards set forth hereinafter as a condition of occupancy and use. Any use already established shall not be altered, added to or otherwise modified so as to conflict with, or to further conflict with, the performance standards set forth hereinafter as a condition to further use. Statements that such uses comply or shall comply may be required by the Planning and Design Commission from the owner. In cases of doubt, the City shall select and arrange for an independent survey by a professional engineer qualified in the particular field and the costs for the services shall be paid by the owner.

- A. **Enclosure.** All permitted main and accessory uses and operations, except offstreet parking shall be performed wholly within an enclosed building or buildings. All raw materials, finished products and mobile and other equipment shall be stored within enclosed buildings.
- B. **Dust and Smoke.** The emission of smoke, soot, fly ash, fumes, dust and other types of air pollution borne by the wind shall be controlled so that the rate of emission and the quantity deposited shall not be detrimental to or endanger the public health, safety, comfort or welfare or adversely affect property values.
- C. **Odorous Matter.** The emission of odorous matter in such quantities as to produce a public nuisance or hazard shall not be permitted.
- D. **Toxic or Noxious Matter.** The emission of toxic, noxious or corrosive fumes or gases which would be demonstrably injurious to property, vegetation, animals or human health shall not be permitted.
- E. **Noise.** The sound pressure level of any operation on a lot, other than the operation of paging speakers, bells and motor vehicles shall not exceed the average intensity of the street traffic noise at the nearest Residential District, and no sound shall be objectionable due to intermittence, beat frequency or shrillness and in no case shall the noise generated exceed the applicable provisions for industrial uses as prescribed in *Chapter 555* of the Codified Ordinances.
- F. **Vibration.** Vibrations shall not be permitted beyond the lot line occupied by the use which would be perceptible without the aid of instruments.
- G. **Radioactive or Electrical Disturbances.** Radioactive or electrical disturbances shall not be created which would adversely affect any form of life or equipment at or beyond the boundaries of the lot occupied by the use.
- H. **Incineration Facilities.** If incineration facilities are used, they shall emit neither smoke nor odor and shall be located within the main building. No garbage, rubbish, waste matter or empty containers shall be permitted outside of buildings.

- I. **Waste Materials.** Liquid wastes shall not be discharged into an open reservoir, stream or other open body of water, or into a sewer, unless treated or controlled so that the amount of solid substances, oils, grease, acids, alkalines and other chemicals shall not exceed the amount permitted by other regulations of the State, county or City.
 1. Waste sampling. Industrial wastes discharged into public sewers shall be subject to periodic inspection and a determination of character and concentration of such wastes. The determinations shall be made in the manner and as often as may be deemed necessary by the responsible authority. Samples shall be collected by the responsible authority in such a manner as to be representative of the composition of the wastes. Access to sampling locations shall be granted to the responsible authority or its duly authorized representatives at all reasonable times.
 2. Analysis. Determination of the character and concentration of the industrial wastes shall be made by any qualified person or testing laboratory designated by the responsible authority. The person or testing laboratory designated by the responsible authority for the testing of the samples shall submit its invoice for the costs of such testing directly to the person whose samples were tested. (Ord. 2017-76. Passed 2-20-18.)

Section 1145.06 Site Development Requirements

In addition to the requirements of this chapter, all development in Limited Industry Districts shall meet the applicable requirements as listed elsewhere in this ordinance:

1. Development Plan Review, see *Chapter 1126*.
2. Parking, Loading and Exterior Lighting, see *Chapter 1161*.
3. Signs, see *Chapter 1163*.

(Ord. 2017-76. Passed 2-20-18.)

Mixed Use Districts

Chapter 1149

Sections

- 1149.01 Purpose
- 1149.02 Districts Established, Minimum Required Area
- 1149.03 Uses Permitted
- 1149.04 Development Regulations
- 1149.05 Landscaping
- 1149.06 Parking and Loading
- 1149.07 Exterior Lighting
- 1149.08 Signage
- 1149.09 Development Plan Review

Section 1149.01 Purpose

The purpose of these districts are to designate, regulate and restrict the location, design and use of buildings, structures and interior streets; to promote high standards of exterior appearance of buildings and grounds; to stabilize and improve property value with the smallest possible burden on municipal services and facilities with the highest possible return to the City from tax revenues consistent with maintaining and improving the general character of the City; to promote health, safety, comfort, convenience and general welfare; and thus to provide the economic and social advantages resulting from an orderly planned use of these parcels of land. (Ord. 2020-19. Passed 3-18-20.)

Section 1149.02 Minimum Required Area

The minimum required development area in all Mixed Use Districts shall be as follows below:

- A. Mixed Use District A = 10 acres
- B. Mixed Use District C = 20 acres
- C. Mixed Use District D = 20 acres (Ord. 2020-19. Passed 3-18-20.)

Section 1149.03 Uses Permitted

Buildings or land shall not be used and buildings shall not be erected or altered except for the uses specified in *Table 1149.03-1*. Furthermore, there shall be no use of land permitted in any Mixed Use District without an approved principal structure.

- A. **Permitted Use (P).** Buildings and land in this district may be used by right, subject to all other applicable provisions of this code. Within Mixed Use District D, however, in order to accomplish the purpose and intent of such districts, each development area shall include uses from at least two of the principal use categories.
- B. **Conditional Use (C).** Buildings and land in this district may be used provided that the general and specific conditions related to that use as found in *Chapter 1118* are met.

Table 1149.03-1, Schedule of Uses				
Use	Mixed Use A	Mixed Use C	Mixed Use D	Specific Conditions
Accommodations, Hospitality and Entertainment				
Bars, taverns and lounges	P			
Convention, banquet and meeting facilities	P		C	
Hotels and motels	P			
Indoor commercial recreation such as movie theaters, bowling lanes and skating rinks	P			
Restaurants without drive-through facilities	P		P	
Public and Institutional				
Clubs and lodges for fraternal organizations		P		
Community centers and senior centers		P		
Cultural facilities such as museums and performing arts centers	C	P		
Day cares, nursery schools and child care establishments	P	C		1118.12.C
Libraries		P		
Places of worship		C		1118.12.D
Parks and playgrounds		P		

Table 1149.03-1, Schedule of Uses				
Use	Mixed Use A	Mixed Use C	Mixed Use D	Specific Conditions
Recreational fields, pools and golf courses		P		
School, commercial and studios including art, dance, martial arts and music	C		P	
Schools, primary and secondary, public or private		C		1118.12.A
Schools, specialized/training/professional	C		P	
Transit stations	C			
Offices and Services				
Business and professional offices	P	C	P	
Dry cleaners and laundromats	P			
Financial institutions and pharmacies without drive-through facilities	P		P	
Health and fitness clubs	P			
Hospitals and medical clinics	P	C	P	1118.12.E
Personal service establishments such as barber and beauty shops, tailors, photo studios, shoe repair and watch repair			P	
Radio, television and recording studios			P	
Residential				
One and two family dwellings		P		Ch. 1135
Residential cluster dwelling units		C		Ch. 1136
Multiple family dwellings	C		P	Ch. 1137
Senior housing	C	C	P	Ch. 1138
Retail				
General retail 100,000 sq ft or more per business unit	C			1118.15.B
General retail up to 100,000 sq ft per business unit	C			
General retail up to 10,000 sq ft per business unit			P	
General retail up to 5,000 sq ft per business unit	P			
Other				
Medical marijuana dispensaries	Prohibited			
Uses of the same nature as uses listed in Mixed Use Districts but not listed elsewhere in this code	See 1117.03.C for similar use determination process			

(Ord. 2020-19. Passed 3-18-20.)

Section 1149.04 Development Regulations

- A. **Phased Development.** Development areas in all Mixed Use Districts may be developed in phases if approved by the Planning and Design Commission.
- B. **Setbacks.**
1. Mixed Use District A.
 - a. Building setbacks from dedicated street rights-of-way and boundary lines of the development area shall be 100 feet.
 - b. Parking setbacks from dedicated street rights-of-way, private streets and boundary lines of the development areas shall be 25 feet; except that parking setbacks shall be 50 feet along any boundary lines abutting One and Two Family Residence Districts.
 2. Mixed Use District C and D.

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- a. Building setbacks from dedicated street rights-of-way and boundary lines of the development area shall be 50 feet; except that building setbacks shall be 75 when abutting One and Two Family Residence Districts
 - b. Parking setbacks from dedicated street rights-of-way, private streets and boundary lines of the development areas shall be 25 feet; except that parking setbacks shall be 50 feet along any boundary lines abutting One and Two Family Residence Districts.
- C. **Building Materials.** The requirements of this section apply to all Mixed Use Districts where there is construction of new non-residential buildings or where there is substantial improvement proposed to existing non-residential buildings.
1. **Materials.** All non-residential buildings shall be composed of high quality materials and, at a minimum, shall be comprised of 75% of the following: brick, stone (natural or cultured), architectural pre-cast concrete, glass, high-density stratified wood board, fiber reinforced concrete panels, stucco or architectural metal panels. Up to 25% of the building may be comprised of the following: split face block, scored block, exterior insulation finish system (EIFS), wood, vinyl, metal and other similar quality materials. If EIFS is used, it shall not be within 36 inches of grade nor used in entryways or other high activity pedestrian or service areas. Plain concrete block, smooth-faced tilt-up concrete panels and wood sheet goods shall not be permitted. Building material requirements may only be modified with the recommendation of the Planning and Design Commission and approval by City Council.
 2. **Massing.** The articulation of a building shall reduce its perceived overall length and width by dividing the building into smaller masses. The internal function of the building shall provide the rationale for the division of massing. The overall mass of a building shall be reduced by incorporating building undulations of clearly pronounced recesses and projections, wall relief, colonnades, pilasters, piers, fenestration patterns or other techniques as approved by the Planning and Design Commission and City Council. The articulation of a building shall reduce its perceived height by dividing the building into smaller scale elements to provide a “human scale” based on its location. The building design shall incorporate a distinct base, middle and top. Features to clearly define the top of a structure may be accomplished via a defined parapet or cornice elements; distinct eaves; corbeled brick, masonry or stone; architectural roof forms and other elements as approved by the Planning and Design Commission and City Council. Each building shall have a clear, highly visible customer entrance(s) defining the major entry points to the building.
 3. **Mechanical Screening.** Buildings shall have architectural features to fully conceal rooftop equipment, such as HVAC units, exhaust, vents, transformers, roof access, etc. from public view.
- D. **Height.**
1. **Mixed Use District A.** The maximum height for office buildings and hotels shall not exceed seven stories and two stories for all other permitted uses.
 2. **Mixed Use District C.** The maximum height for all buildings shall not exceed two stories for all permitted uses.
 3. **Mixed Use District D.** The maximum height shall be the lesser

of: Use

Feet Above Grade

Stories Multiple dwelling 36

3

Senior housing	45	4
Office building	36	3
Retail	24	2

- E. **Access Management.** Access and interior roads shall be properly related to any existing or planned public street suitable and capable of handling the types and volumes of vehicular traffic projected to be generated by the various proposed uses so as to promote safety and minimize traffic congestion. Traffic control devices and traffic safety improvements shall be incorporated into the development plan as necessary and appropriate to maintain traffic flows and vehicular and pedestrian safety within public rights of way. To meet this requirement, the developer may be required to submit to the City, at the time it submits its application, a Traffic Impact Analysis in accordance with the requirements of Section 1161.08 to determine the traffic impacts which the proposed development will have upon abutting streets and roads within the City.
- F. **Utilities.** All utilities shall be installed underground.
- G. **Outdoor Speakers.** Use of outside speakers, sound systems or other noise producing devices shall be prohibited. (Ord. 2020-19. Passed 3-18-20.)

Section 1149.05 Landscaping

Required landscaping, screening and buffering for all Mixed Use Districts shall be in accordance with the regulations and guidelines provided in this section.

- A. **Street Lawn.** Street lawns are required yards abutting a public right-of-way. Street lawns shall be designed in accordance with the following guidelines, except as may be provided elsewhere in this section:
1. Except for necessary driveways, frontage roads, service drives or walkways, a required street lawn within a yard abutting a public road shall extend the full length of the lotline.
 2. At a minimum, a required street lawn along a road shall be landscaped in accordance with the following:
 - a. One canopy tree plus one additional canopy or ornamental tree for each 75 feet, or fraction thereof, of road frontage.
 - b. Six shrubs per each 50 feet, or fraction thereof, of road frontage.
 3. The minimum depth of the street lawn shall correspond to the minimum parking setback requirement for the district.
 4. Landscaping shall be located so it does not obstruct the vision of drivers entering or exiting a site and shall also meet the provisions of pertaining to clear vision triangles.
 5. The required street lawn landscaping, except for the sight-obscuring parking lot screen, need not be evenly spaced. Clustering of trees and planting beds is encouraged to provide a more aesthetic and natural appearance; provided, the purposes of this section are achieved.
 6. Existing trees located within the required street lawn shall be counted toward meeting the minimum requirements of this section provided they are in a healthy condition, as determined by the City.
 7. If berms are appropriately incorporated into the street lawn, the Planning and Design Commission may reduce the required quantities of plant material by up to one-third

where it is determined that the purpose of the street lawn will still be achieved.

8. A detention/retention area shall not be located within any front yard unless the Planning and Design Commission determines that it is designed as a prominent aesthetic feature that will enhance the appearance of the site and will be properly maintained as such.
- B. Buffer Zone.** Buffer zones are required yards abutting boundary lines adjacent to any residential zoning district.
1. Requirements.
 - a. A buffer zone shall be required, even where the adjacent property is undeveloped, except that the requirement may be reduced or waived where the property abuts an interstate highway.
 - b. Prior to changing the use of a property to a more intense land use, or when a property is rezoned to a more intense district, a buffer zone meeting the applicable requirements of this section shall be installed.
 2. Standards.
 - a. Buffer zones shall be planted with a combination of canopy trees, ornamental trees, evergreen trees and shrubs to constitute a dense visual buffer at plant maturity.
 - b. Buffer zones may be required to include screening or berms as provided for in (c) or (d) below based upon existing natural conditions and the proximity of residential uses as determined by the Planning and Design Commission.
 - c. All areas of the buffer zone outside of planting beds shall be planted with grass or other living ground cover or preserved in a natural wooded state.
 - d. Landscape materials shall conform to all applicable standards of this section.
 - e. Stormwater detention/retention areas may be located within a required buffer zone provided they do not reduce the screening effect.
- C. Screening.** Screening shall be required as follows, except as maybe provided elsewhere in this section.
1. Requirements. Screening shall be required:
 - a. Around all trash dumpsters in all districts;
 - b. Around any loading/unloading area visible from an adjoining street or parking area;
 - c. Around heating and cooling units and generators for all non-residential uses;
 - d. Around detention ponds and other related storm water management facilities that are not integrated into the landscape design as site amenities; and
 - e. Around essential public services and related accessory structures.
 2. Standards. A required screen shall be comprised of a solid, sight-obscuring fence or wall and also the following minimum specifications:
 - a. The screen shall be six feet in height;
 - b. The screen shall be enclosed on all sides and not containing any openings other than a gate for access which shall be closed at all times when not in use. This full enclosure requirement, however, shall not apply to screening of loading/unloading areas;
 - c. The screen shall be constructed of masonry, treated wood or other approved material determined to be durable, weather resistant, rust proof and easily maintained. Chain link, split rail and wrought iron fences shall not be permitted to meet the screening requirement;
 - d. If approved, the required screen may be comprised of berms or plant material, in combination with or as a substitute for a fence or wall when it is determined that the alternate solution will provide the same degree, or better, of opacity and screening

required by this section;

- e. When a screen wall or fence has both a finished side and an unfinished side, the finished side shall face the adjoining property or, if on the interior of the site, shall face outward toward the perimeter of the site; and
- f. Screen walls or fences shall not be constructed in a way that alters drainage on site or adjacent properties, or obstructs vision for safety or ingress/egress.

D. Berms. Where a berm is used it shall meet the following requirements:

1. It shall have a minimum height of 3 feet and maximum height of 6 feet above grade. The crest shall gently curve with a level crown at least 2 feet wide;
2. Berms shall be constructed so as to maintain a side slope not to exceed a 1-foot rise to a 3-foot run ratio. When topography or other site conditions prevent construction of berms at this ratio, the Planning and Design Commission may permit retaining walls or terracing. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
3. Berms shall be designed to vary in height and shape to create a more natural appearance. Berm areas not containing planting beds shall be covered with grass or other living ground cover maintained in a healthy condition.
4. Required plant material shall be placed on the top and side slope facing the adjoining property.
5. Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.

E. Plant Material Standards. All required landscaped areas shall comply with the following plant material standards, in addition to all other applicable requirements of this section:

1. All plant materials shall be hardy to Cuyahoga County and free of disease and insects. Acceptable trees may be selected from the list of acceptable species in Appendix A or as approved by the Planning and Design Commission.
2. Landscaped areas shall be maintained in a neat, healthy and orderly condition following accepted horticultural practices. Withered, dying and/or dead plants and trees shall be replaced within a reasonable period of time, but not longer than one growing season.
3. Artificial plant material shall not be used within any required landscaped area. This shall not preclude the use of stone, shredded bark, wood chips, pine needles or similar accent materials within planting beds.
4. All plant material shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
5. All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
6. Existing plant material which complies with the standards and intent of this ordinance and the provisions of this section may be credited toward meeting the landscape requirements. Scrub, dying, diseased or prohibited trees and shrubs shall be removed and shall not be counted toward any requirement of this section.
7. The overall landscape plan shall not contain more than 33 percent of any one plant species, unless determined to be appropriate by the Planning and Design Commission.
8. Landscaping shall be installed prior to issuance of a certificate of occupancy, unless the

owner demonstrates that unforeseen circumstances beyond his/her control prevented the installation. In such case, the Building Official may issue a conditional certificate of occupancy for a time limit not to exceed 120 days to complete the landscaping.

9. Plant material shall conform to the standards found in the American Standard for Nursery Stock (ANSI Z60.1 – 2014, as amended from time to time) published by AmericanHort and conform to the minimum plant sizes at time of planting shall conform to the standards in Table 1149.05-1, unless a greater requirement is specified elsewhere in this ordinance. Larger sizes may be required by the Planning and Design Commission, if determined to be necessary to maintain a natural appearance and achieve the intended purpose of the buffer, street lawn or screen based on the size of the development, its location and/or the character of the surrounding area.
10. Healthy and viable existing trees within a required setback shall be preserved unless their removal is shown, to the satisfaction of the Planning and Design Commission, to be infeasible due to existing site characteristics, necessary grading, location of future site improvements, species of tree or other similar conditions that make their preservation unreasonable or undesirable. Financial hardship or development expediency shall not be considered valid rationale for such tree removal.
11. Landscaping shall be provided adjacent to all buildings in order to provide shade, minimize energy demand, screen mechanical equipment and enhance the general appearance of the building and property.

Table 1149.05-1, Minimum Size Requirements	
Plant Type	Minimum Size
Deciduous canopy tree	2.5 inch caliper
Deciduous ornamental tree	2.5 inch caliper
Evergreen tree	7 feet in height
Deciduous shrub	24 inches in height
Upright evergreen shrub	24 inches in height
Spreading evergreen shrub	24 inch spread

(Ord. 2020-19. Passed 3-18-20.)

Section 1149.06 Parking and Loading

Parking and loading in all Mixed Use Districts shall be required in accordance with the provisions of Chapter 1161. (Ord. 2020-19. Passed 3-18-20.)

Section 1149.07 Exterior Lighting

Exterior lighting in all Mixed Use Districts shall be permitted in accordance with the provisions of Chapter 1161. (Ord. 2020-19. Passed 3-18-20.)

Section 1149.08 Signage

Signage in all Mixed Use Districts shall be permitted in accordance with the provisions of Chapter 1163. (Ord. 2020-19. Passed 3-18-20.)

Section 1149.09 Development Plan Review

Development Plan Review in all Mixed Use Districts shall be carried out in accordance with the provisions of Chapter 1126. (Ord. 2020-19. Passed 3-18-20.)

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Wireless Telecommunication Facilities Regulations and Wireless Telecommunication Facilities Overlay District

Chapter 1151

Sections

1151.01	Purpose
1151.02	Definitions
1151.03	Applicability
1151.04	Use Regulations
1151.05	Minimum Standards for Construction, Erection, Maintenance and Removal
1151.06	Fees
1151.07	Exemption of Certain City Property
1151.08	Waiver

Section 1151.01 Purpose

These regulations are established to provide for the construction and use of Wireless Telecommunication Facilities in the City. The regulations allow Wireless Telecommunication Facilities as a permitted use, conditional use, or accessory use depending upon the specific land areas of the City in which, and circumstances under which, they are proposed to be located. The purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996 (Public Law 104-104, codified at 47 U.S.C. §§ 151 et seq.) and the interests of the City in regulating Wireless Telecommunication Facilities for the following reasons:

- A. To provide for orderly development within the City;
- B. To protect property values;
- C. To maintain the aesthetic appearance of the City, including, but not limited to, its residential character, unobstructed open spaces and attractive commercial and office/industrial areas;
- D. To protect residential properties, parks, open spaces and less intensively used commercial zoning districts in the City from the adverse effects of Towers and related Facilities;
- E. To promote Collocation of Wireless Telecommunications Facilities in order to decrease the total number of Towers in the City;
- F. To provide for and protect the health, safety and general welfare of the residents and visitors of the City; and
- G. To maintain, where possible, the integrity of the existing zoning regulations contained in the Zoning Code.

The regulations establish a hierarchy of acceptable land areas for the location of Wireless Telecommunication Facilities through the establishment of such use as a permitted use in certain zoning districts, as a conditional use in certain zoning districts and in overlay zoning districts ("Wireless Telecommunication Facilities Overlay District" or "WTFO District"), or as a permitted accessory use for the erection of Antennas only without a supporting structure, which determination is dependent upon the location and characteristics of such land areas.

Where applicable, the regulation governing the Wireless Telecommunication Facilities Overlay District shall control and supersede wherever it is inconsistent with other provisions of the Zoning Code. If no inconsistency exists between the provisions of this WTFO District and the underlying Zoning District, the underlying Zoning District regulations and other provisions of this Zoning Code shall remain in full force and effect and shall regulate all land use and development.

(Ord. 98-130. Passed 2-1-00.)

Section 1151.02 Definitions

As used in this section:

- A. "Collocation" means the use of a Wireless Telecommunication Facility by more than one wireless telecommunication provider.
- B. "Lattice tower" means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.

- C. "Monopole" means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- D. "Personal Wireless Services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law at 47 U.S.C. §332(c)(7).
- E. "Technically Suitable" means the location of a Wireless Telecommunication Antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the Antenna(s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within developed areas of the City.
- F. "Telecommunication(s)" means the technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term "Personal Wireless Services."
- G. "Wireless Telecommunication Antenna", "Antenna" or "Antenna Array" means the physical device or an array of elements constituting a physical device through which an electromagnetic, wireless telecommunication signal authorized by the FCC is transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- H. "Wireless Telecommunication Equipment Shelter" or "Equipment Shelter" means the structure or cabinet in which the electronic receiving and relay equipment for a Wireless Telecommunication Facility is housed.
- I. "Wireless Telecommunication Facility" or "Facility" means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of Personal Wireless Services.
- J. "Wireless Telecommunication Tower" or "Tower" means any structure, other than a building, that elevates the Wireless Telecommunication Antenna and may include accessory transmission and receiving equipment.

(Ord. 98-130. Passed 2-1-00.)

Section 1151.03 Applicability

No person shall construct, erect, maintain, extend or remove a Wireless Telecommunication Facility in the City without compliance with the provisions of this Chapter.

(Ord. 98-130. Passed 2-1-00.)

Section 1151.04 Use Regulations

A. Permitted Use.

1. A Wireless Telecommunication Tower shall be permitted in any interstate highway right-of-way.
2. A Wireless Telecommunication Tower shall be permitted on or within an easement or parcel used for electric high tension power lines on support towers.

B. Conditional Use.

1. A Wireless Telecommunication Tower may be permitted as a conditional use upon approval by the Planning and Design Commission through submission of an application to the Building Commissioner, provided the applicant demonstrates compliance with each of the Collocation requirements in subsection (B)(2) below, the requirements of *Chapter 1118* of the Zoning Code, as well as the standards set forth in *Section 1151.05* of this Chapter:
 - a. In the areas indicated as a WTFO District on the Zoning Map in the following Districts: Retail Business General, Limited Industrial- Industrial Park and Mixed District.
 - b. On property owned or controlled by a political subdivision, other than property owned or controlled by the City, indicated as a WTFO area on the Zoning Map.
2. Collocation Requirements. The applicant must demonstrate:
 - a. There is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on an existing tower, building or structure within the geographic area to be served. With the application, the applicant shall list the location of every tower, building, or structure that could support the proposed antenna(s) or area where it would be technically suitable to locate the proposed antenna(s) so as to allow it to serve its intended function. If another existing tower, building or structure is technically suitable, the applicant must demonstrate that it has requested to collocate on the existing tower, building or structure and the collocation request was rejected by the owner of the tower, building or structure. If another tower, building or structure is technically suitable, the applicant must further show that it has offered to allow the owner of that other tower, building or structure to collocate an antenna(s) on another tower, building or structure within the City which is owned or controlled by the applicant, if any, on reasonably reciprocal terms and the offer was not accepted; and
 - b. All applicants for construction or erection of Wireless Telecommunication Towers shall be required to construct on a base tower structure and structure foundation that is designed to be buildable up to, but not including, 200 feet above grade. Such structure shall be designed to have sufficient structural loading capacity to accommodate at least three (3) antennas or antenna array platforms of equal loading capacity for three (3) separate providers of service to be located on the structure when constructed to the maximum allowable height. The Wireless Telecommunication Facility shall also be designed to show that the applicant has enough space on its site plan for an equipment shelter large enough to accommodate at least three (3) separate users of the facility. If an equipment shelter is initially constructed to accommodate only one (1) user, space shall be reserved on site for equipment shelter expansions to accommodate up to at least three (3) separate users. Agreement to the provisions of this subsection must be included in the applicant's lease with the landowner, if different from the owner/user of the tower. Written documentation must be presented to the Building Commissioner evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this subsection. As an additional condition of issuing a conditional use permit, the owner/user shall respond in writing to any inquiries regarding collocation of another user of the facility within 30 days after receipt of a written inquiry. Copies of all written requests to collocate and all written responses shall be sent to the Building Commissioner.

C. Accessory Use - Antennas.

1. Permitted accessory use. The installation of a Wireless Telecommunication antenna where the construction or erection of a Wireless Telecommunication Tower is not proposed by the applicant, shall be permitted as an accessory use:
 - a. On an existing tower provided that all electronic and relay equipment for the Antenna or antenna array shall be housed within the existing equipment shelter or as such Shelter may be expanded.
 - b. On existing buildings that are five (5) or more stories above grade in any zoning district in the City provided that no more than three (3) antennas or antenna arrays shall be installed on any building, the height of the antenna is no greater than 15 feet above the highest point of the roof, and all electronic and relay equipment for the antenna shall be housed within the existing building or in an equipment shelter that is screened so as not to be visible from neighboring properties, public rights-of-way, and other public areas;
 - c. On existing structures, other than buildings, (such as water towers, steeples, smokestacks, etc.) provided that the antenna shall be inconspicuous from neighboring properties, public rights-of-way, and other public areas and all electronic and relay equipment for the antenna shall be housed within the existing structure or an existing building on the same lot.
2. Conditional accessory use. The installation of an antenna where the construction or erection of a tower is not proposed by the applicant may be permitted as a conditional accessory use upon approval by the Planning and Design Commission through submission of an application to the Building Commissioner and compliance with Zoning Code *Chapter 1118*, as well as the standards set forth in *Section 1151.05* of this Chapter where applicable and under the following circumstances:
 - a. On an existing building where three (3) or more antennas or antenna arrays have been installed provided that the antenna shall otherwise comply with the requirements of (C)(1)b. of this Section; or
 - b. On an existing structure other than a building, where the proposed antenna would be installed so as not to be obscure from the views from neighboring properties, public rights-of-way and other public areas and/or all electronic and relay equipment for the antenna is not housed within the existing structure or an existing building on the same lot.

To the extent the remaining standards of this Chapter are applicable to the installation of a Wireless Telecommunication antenna on an existing tower, building or other structure, as provided in (C)(1)a., b. and c. and (C)(2)a. and b., such remaining standards shall govern the installation.

(Ord. 98-130. Passed 2-1-00; Ord. 2016-36. Passed 8-2-16.)

Section 1151.05 Minimum Standards for Construction, Erection, Maintenance and Removal

Except as otherwise provided in this Chapter to the contrary, all Wireless Telecommunication Towers and/or Facilities shall comply with the following standards:

- A. **Spacing.** There shall be a separation of a minimum of one-half (1/2) mile between Wireless Telecommunication Towers, including a separation of at least one-half (1/2) mile from any such Tower located outside the City's corporate limits at the time an application is made for a Tower to be located within the City.

B. Height.

1. The maximum height of a free-standing Wireless Telecommunication Tower, including its antenna and all appurtenances, shall be less than 200 feet above the approved grade.
2. The maximum height of any Wireless Telecommunication Antenna installed pursuant to *Section 1151.04(C)(1)c* shall be no greater than the height of the existing structure to which it is attached. The maximum height of any antenna installed pursuant to *Section 1151.04(C)(1)b* shall be no greater than 15 feet above the highest point of the roof on which it is attached.
3. The height of any equipment shelter shall not exceed 15 feet from the approved grade.

C. Setbacks.

1. Except as provided in subsection (2) below, all Wireless Telecommunication Towers shall be located a distance of at least 300 feet from the property line of all residentially zoned or used properties. Otherwise, the tower and related facilities shall comply with the required setbacks from property lines for the zoning district in which they are located. In no event shall a Wireless Telecommunication Tower or Facility be located in front of the principal building on the lot, if any.
2. All Wireless Telecommunication Towers located on an interstate highway right-of-way shall be set back from a dwelling unit a distance of at least 110% of the height of the Tower.

D. Design.

1. All Wireless Telecommunication Towers shall be of a monopole design, as opposed to a lattice design. No guy wired towers shall be permitted.
2. All Wireless Telecommunication Towers and their related Facilities shall be subject to review by the Planning and Design Commission for the purpose of enhancing the compatibility of the Facilities with their surroundings. The color of a Wireless Telecommunication Tower and/or Antennas shall be as determined by the Planning and Design Commission for the purpose of minimizing its visibility, unless otherwise required by the FCC or the Federal Aviation Administration (FAA).
3. The Wireless Telecommunication Antennas shall be of a panel design and mounted flush to the Tower, building or structure which elevates the Antennas, unless the applicant can demonstrate that it is not feasible from an engineering standpoint to use such Antennas or to mount them in such a fashion.

E. Landscaping. A landscaped buffer area of not less than 15 feet in depth shall be placed between the Wireless Telecommunication Facilities and the public rights-of-way and any adjacent properties from which a direct view can be had of the facilities, other than the tower itself. The 15 foot landscaped buffer shall have a tight screen fence of hardy evergreen shrubbery not less than six (6) feet in height. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. The landscaping shall be continuously maintained and promptly restored, if necessary.

F. Engineering Report. A report shall be prepared and submitted by a qualified and licensed professional engineer and shall provide proof of compliance with all applicable federal, state, county, and City regulations. The report shall include a detailed description of the Wireless Telecommunication Tower, antenna(s), equipment shelter, and appurtenances, shall certify that radio frequency emissions are in compliance with the regulations of the FCC, and shall

certify that the use of the facilities will not adversely affect or interfere with radio transmissions for public safety purposes.

G. Maintenance.

1. The applicant shall submit a plan documenting how the Wireless Telecommunication Facility will be maintained on the site in an ongoing manner that meets industry standards.
2. On each biennial anniversary of the issuance of the use permit for a Wireless Telecommunication Facility, or not more than 90 days prior thereto, the owner/user shall submit to the City a report prepared by a licensed professional engineer(s) which shall verify continued compliance of the facility with all governmental requirements including, but not limited to, the structural integrity and stability of any towers or antennas, electrical safety standards, and auxiliary power source safety standards.

H. Lighting. Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures and signs shall not be attached to the antenna or tower. If lighting is required by FAA regulations, the most visually nonobtrusive "state-of-the-art" lighting available shall be used, unless otherwise required by the FAA.

I. Security.

1. A security fence not less than six (6) feet in height, but not greater than eight (8) feet in height, shall fully enclose those portions of the Wireless Telecommunication Facility which come in contact with the ground. Gates shall be locked at all times.
2. A permanent warning sign with a minimum size of one (1) square foot and a maximum size of three (3) square feet shall be posted on the site, as well as an emergency telephone number of the owner/user of each set of antennas on the site. The owner/user shall also provide the Building Commissioner, the Fire Department and the Police Department with information regarding whom to contact, an address, and a telephone number in the event of an emergency.

J. Advertising Prohibited. No advertising sign(s) or devices shall be permitted anywhere on a Wireless Telecommunication Facility site.

K. Outdoor Storage. There shall be no outdoor storage of equipment or other items on the Wireless Telecommunication Facility site except during the facility construction period and to supply temporary emergency power to the facility only during a power outage.

L. Access to Facility. The access driveway to the Wireless Telecommunication Facility shall, whenever feasible, be provided along with circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the facility shall be a minimum of 18 feet in width with a minimum overhead clearance of 11 feet and shall be set back a minimum of 20 from the nearest side or rear lot line. This driveway shall meet the load limitations for fire equipment. If the access road to the facility is more than 1,500 feet from the public right-of-way, the Director of Public Safety may determine, in the Director's sole discretion, whether a turnaround shall be provided for emergency vehicles at the site and whether a by-pass, adequate for emergency vehicles, with an approachable access shall be provided for each additional 1,500 feet of the driveway. There shall be a maximum of one (1) off-street parking space on the facility site.

M. Accessory Equipment Shelter. The maximum cumulative total size of all equipment shelters accessory to a Wireless Telecommunication Tower or antenna on a lot shall not exceed 750 square feet and their maximum height shall not exceed 15 feet above the

approved grade for an equipment shelter with a pitched roof and a maximum height of ten (10) feet above the approved grade at the site for an equipment shelter with a flat roof. Only one (1) equipment shelter, or the configuration of more than one (1) equipment shelter constructed to appear that there is only one (1) equipment shelter, shall be permitted on a lot. The roof and facade of the equipment shelter shall be compatible as to architectural design and materials with the principal building on the lot, if any. Where it is technically feasible and reasonably practical, an existing building or structure on a lot shall be used to shelter the equipment associated with a Wireless Telecommunication Facility.

- N. **Utilities to be Underground.** All utility lines from the utility source to the Wireless Telecommunication Facility shall be underground.
- O. **Time Limit for Commencement and Completion.** After issuance of a building permit to construct a Wireless Telecommunication Facility, the applicant shall commence construction within six (6) months and shall complete construction within one (1) year or the permit shall expire.
- P. **Abandonment and Removal of Facilities.**
1. If at any time the use of the Wireless Telecommunication Facility is discontinued for 180 consecutive days, the facility shall be deemed abandoned. The Building Commissioner shall notify the owner/user in writing and advise that the facility must be reactivated within 90 days or it must be dismantled and removed from the site and the site restored to a landscaped condition within that same 90-day period, all at the cost of the owner/user. The owner/user of the Wireless Telecommunication Facility shall, on no less than an annual basis from the date of issuance of the use permit, file a declaration with the Building Commissioner as to the continuing operation of each of its facilities within the City.
 2. The applicant for a Wireless Telecommunication Tower shall be required as a condition of issuance of a building permit to post a cash or surety bond acceptable to the Director of Law of not less than \$100.00 per vertical foot from grade of the Wireless Telecommunication Tower. If an access drive which is separate from an existing access drive on the property is required to be constructed for a Wireless Telecommunication Facility, the owner/operator of the facility shall also be required as a condition of issuance of a building permit to post a cash or surety bond acceptable to the Director of Law of not less than \$30.00 per linear foot of access drive. The bond(s) shall insure that an unused, abandoned, obsolete or destroyed Wireless Telecommunication Facility and/or access drive shall be removed within 180 days of cessation of use or abandonment. Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond, as principal, to insure that the bond will be in place during the period of time that the successor-in-interest or assignee occupies or operates the facility.

(Ord. 98-130. Passed 2-1-00; Ord. 2016-36. Passed 8-2-16.)

Section 1151.06 Fees

The Building Commissioner shall collect the fees and deposits for applications for use permits as required by this Chapter in accordance with a schedule established by City Council in *Section 1321.01*.

(Ord. 98-130. Passed 2-1-00.)

Section 1151.07 Exemption of Certain City Property

Regardless of the provisions of this Chapter, a Wireless Telecommunication Facility may be permitted on any property owned or controlled by the City and used for public service and shall be constructed, erected, maintained, extended and removed under such conditions, standards and regulations as required by the City Council.

(Ord. 98-130. Passed 2-1-00.)

Section 1151.08 Waiver

- A. The Planning and Design Commission may waive provisions of this Chapter as applied to any Wireless Telecommunication Facility application pending before the Planning and Design Commission for a conditional use, but only in areas permitted by this Chapter. The Planning and Design Commission shall make a determination on a proposed waiver of any provisions of this Chapter based on the following criteria:
1. The public peace, health, safety, welfare or convenience will not be jeopardized or actively affected;
 2. The use, value, development or enjoyment of neighboring property will not be adversely affected, or the health or safety of persons residing or working in the neighborhood will not be adversely affected;
 3. A public or private nuisance will not be created by reason of noise, smoke, odors, fire, vibrations, objectionable lights or congestion of traffic or persons;
 4. Traffic or safety hazards will not be created;
 5. The combination or accumulation of uses of the same nature in close proximity or in the same neighborhood will not adversely affect the public peace, health, safety, welfare or convenience, thereby adversely affecting neighboring property or creating a nuisance; or
 6. The proposed use will comply with other provisions or standards specified in the Codified Ordinances of the City.
- B. The Planning and Design Commission's consideration of a waiver under this Section shall not be based upon the environmental effects of radio frequency emissions from the facility so long as the applicant's proposed facility will meet the FCC's requirements for such emissions.

(Ord. 98-130. Passed 2-1-00.)

Wind Energy Conversion Systems

Chapter 1153

Sections

- 1153.01 Intent
- 1153.02 Definitions
- 1153.03 Development Standards for Small and Medium WECS
- 1153.04 Additional Regulations for Small WECS
- 1153.05 Additional Regulations for Medium WECS
- 1153.06 Building Integrated WECS
- 1153.07 Administrative Review
- 1153.08 Abandonment

Section 1153.01 Intent

The intent of this Chapter is to regulate the placement and construction of Wind Energy Conversion Systems (WECS) in order to promote the safe and efficient use of WECS, to increase opportunities for generation of renewable energy, and to minimize the visual, environmental, and operational impacts of WECS on the City and its residents. No person shall construct, erect, maintain, or use a WECS in the City without issuance of a building permit and full compliance with the provisions of this Chapter.

(Ord. 2009-63. Passed 2-2-10.)

Section 1153.02 Definitions

- A. "Fall zone" means the area on the ground within a prescribed radius from the base of a WECS. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) and, in the case of towers, shall not be less than a radius equal in distance to the total height of the WECS.
- B. "Hub height" means the vertical distance from the base of the tower to the center of rotation of the rotor.
- C. "Occupied building" means a residence, school, hospital, church, library, or other building used for public gathering that is occupied or in use when the permit application is submitted.
- D. "Shadow flicker" means the on-and-off flickering effect of a shadow caused when the sun passes behind the rotor of a wind turbine.
- E. "Total height" means the vertical distance from the base of the tower to the tip of a wind generator blade when the tip is at its highest point.
- F. "Tower, monopole" means a wind energy conversion system tower consisting of a single pole, constructed without guyed wires and anchors.
- G. "Wind Energy Conversion System (WECS)" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.
- H. "Wind Energy Conversion System, Building Integrated" means a wind energy facility designed to be permanently mounted on an occupied building or accessory structure, designed to be operated in direct contact with a building.
- I. "Wind Energy Conversion System, Medium" means a wind energy system that has a total height of 170 feet or less, and is primarily used to generate energy for use by its owner, reduce the need to purchase utility power from the grid, and has the ability to sell power back to the grid.
- J. "Wind Energy Conversion System, Small" means a wind energy system that has a total height of 75 feet or less, and is primarily used to generate energy for use by its owner, reduce the need to purchase utility power from the grid, and has the ability to sell power back to the grid.

(Ord. 2009-63. Passed 2-2-10.)

Section 1153.03 Development Standards for Small and Medium WECS

- A. **Design.** Any WECS shall be designed as a monopole tower. Lattice towers are prohibited. Additionally, alternative structural designs for WECS may be permitted by the Planning and Design Commission, subject to review and restrictions contained herein. All electrical wires associated with a WECS shall be located within the structure or tower and underground.
- B. **Blade Clearance.** The vertical distance from ground level to the tip of a wind energy generator blade when the blade is at its lowest point must be at least 30 feet. No blades may extend over parking areas, driveways or sidewalks.
- C. **Noise.** Any WECS shall not exceed 55 dB(A) at any adjacent property line. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus ten (10) dB(A). Audible sound from any WECS shall not exceed the limits as set forth in *Chapter 555* (Noise Control) of the North Olmsted Codified Ordinances.
- D. **Appearance, Color, and Finish.** The exterior surface of any visible component of a WECS must be a non-reflective, neutral color.
- E. **Controls and Brakes.** Any WECS shall be equipped with both manual (electronic or mechanical) and automatic over speed and braking controls to limit the blade rotation speed to within the design limits of the system, which must provide redundancy against over speed and brake failure. Stall regulations may also be installed but shall not be deemed sufficient system redundancy.
- F. **Shadow Flicker.** The WECS owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.
- G. **Access.** All ground-mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within 12 feet of the ground.
- H. **Lighting.** A WECS tower may not be artificially lighted unless lighting is required by the Federal Aviation Administration.
- I. **Signage.** No sign, other than a warning sign or installer, owner, or manufacturer identification sign, may be placed on any component of a WECS so as to be visible from any public right-of-way. Permitted signs shall be limited to four (4) square feet in area.

(Ord. 2009-63. Passed 2-2-10.)

Section 1153.04 Additional Regulations for Small WECS

- A. **Use Regulations.** Small WECS shall only be permitted as a conditional use in all zoning districts, subject to the requirements of *Chapter 1118*.
- B. **Development Area.** Minimum development area for a small WECS is one (1) acre. Only one (1) WECS is permitted per lot. All parcels within the development area must have common ownership.
- C. **Height.** The height of a small WECS shall be limited by the height regulations of the district in which the small WECS is proposed, but in no case may be greater than 75 feet in total height.

- D. **Setbacks.** The minimum setback distance between a small WECS and all surrounding development area boundaries, overhead utility or transmission lines, and public rights of way shall be equal to no less than 1.2 times the total height of the tower. Furthermore, the fall zone for any WECS must be kept free of all occupied buildings during the operational life of the tower.

(Ord. 2009-63. Passed 2-2-10.)

Section 1153.05 Additional Regulations for Medium WECS

- A. **Wind Energy Overlay District.** There is hereby established a Wind Energy Overlay District (WEOD) within the City of North Olmsted. Parcels included in the WEOD are identified on the City of North Olmsted Zone Map. Additional parcels may be supplementally zoned into the WEOD from time to time.
- B. **Use Regulations.** Medium WECS shall only be permitted as a conditional use within the Wind Energy Overlay District subject to the requirements of *Chapter 1118*.
- C. **Development Area.** Minimum development area for a medium WECS is five (5) acres. Only one (1) WECS is permitted per lot. All parcels within the development area must have common ownership.
- D. **Height.** Medium WECS may be no greater than 170 feet in total height.
- E. **Setbacks.** In any non-residential district, the minimum setback distance between a medium WECS and all surrounding development area boundaries, overhead utility or transmission lines, and public rights of way shall be equal to no less than 1.2 times the total height of the tower. In any residential district, the minimum setback distance shall be equal to no less than 1.5 times the total height of the tower. Furthermore, the fall zone for any WECS must be kept free of all occupied buildings during the operational life of the tower.

(Ord. 2009-63. Passed 2-2-10.)

Section 1153.06 Building Integrated WECS

- A. **Use Regulations.** Building integrated WECS shall be a permitted accessory use in all zoning districts, subject to the requirements of the district in which the system is proposed, and further subject to the development standards described in *Section 1153.03(C)* through *(F)*, but exempt from the administrative review requirements of *Chapter 1126*.
- B. **Height.** Hub height shall not exceed ten (10) feet as measured from the base of the tower, which is the location at which the tower and exterior layer of the building meet.
- C. **Blade Clearance.** The lowest vertical extension of any blade or other moving component of a building integrated WECS shall be at least 15 feet above the ground (at grade level) and in addition at least 15 feet above any outdoor surfaces intended for human occupancy, such as balconies, that are located directly below the system. The rotor diameter of the building integrated WECS may not exceed seven (7) feet.
- D. **Separation.** If more than one building integrated WECS is installed, a distance equal to the length of the total height of the tallest system must be maintained between the bases of each system.
- E. **Design.** Building integrated WECS may include horizontal, vertical or barrel shaped designs installed on top of or attached to the side of main buildings or accessory structures.

(Ord. 2009-63. Passed 2-2-10.)

Section 1153.07 Administrative Review

- A. **Procedure.** A building permit shall be required for the installation of any WECS. For small and medium WECS, the administrative review and approval process shall follow the procedure described in *Chapter 1126*. For any WECS proposed in a designated historic district, a Certificate of Appropriateness shall be required in accordance with *Chapter 165* of the Codified Ordinances prior to and as a prerequisite of the review process described herein.
- B. **Submittal Requirements.** In addition to the applicable submittal requirements in *Chapter 1126*, each application for a WECS shall include the following:
1. Applicant's name, contact information and evidence of site control;
 2. Address, permanent parcel number and zoning district of the subject property;
 3. Detailed site survey including:
 - a. Property lines and physical dimensions of the property,
 - b. Location, dimensions, and types of existing structures on the property,
 - c. Location of the proposed tower showing required fall zone and setback radii,
 - d. The right-of-way of any public road that is contiguous to the property,
 - e. Location of access roads,
 - f. Any overhead utility lines and any easement;
 4. Drawings and specifications including:
 - a. Description of all components of the WECS or met tower including the manufacturer, model, capacity, blade length, and total height,
 - b. Blueprints or drawings which have been approved by a registered professional engineer for any tower and tower foundation,
 - c. Simulated, scaled photographic perspectives showing the appearance of the structure and the placement of the WECS from neighboring properties and rights-of-way;
 5. Engineering certifications including:
 - a. An analysis from a licensed engineer showing how the WECS shall be designed, constructed and operated in compliance with all applicable federal, state, and local laws, codes, standards and ordinances. Such analysis must include performance reports or certification obtained by or issued to the equipment manufacturer by independent testing agencies, such as Germanischer Lloyd, Underwriter Laboratories, or similar or must report the absence thereof.
 - b. A written certification from a licensed structural engineer that the tower has the structural integrity to carry the weight and wind loads of the WECS and have minimal vibration impacts on the structure. In the case of a building integrated WECS, a written certification from a licensed structural engineer that the existing structure onto which the building integrated WECS will be attached is capable of withstanding the additional load, force, torque, and vibration imposed by the system and will comply with structure provisions set out in applicable building codes;
 - c. A written certification from a licensed engineer confirming that the WECS is designed to not cause electrical, radio frequency, television and other communication signal interference.
 - d. A written maintenance plan with specific schedule and identification of service contractor to perform inspection and work. The maintenance plan must contain reference to and there is hereby imposed an obligation to provide annual

maintenance status reports and Certificate of Insurance to the Building Commissioner as well as consent to its performance of inspections as needed.

6. Evidence of liability insurance for small and medium WECS in an amount not less than one (1) million per person and three (3) million per occurrence, and for a duration of not less than one (1) year, sufficient to cover loss or damage to persons and property occasioned by the failure or malfunctioning of the system, including provisions for indemnification of the City;
7. Any other information required by the City to determine if the standards in this Chapter and other applicable codes have been met.

C. **Expiration.** A permit issued pursuant to this chapter shall expire if:

1. The WECS is not installed and functioning within 18 months from the date the permit is issued; or
2. The WECS is out of service or otherwise unused for a continuous 12-month period.

(Ord. 2009-63. Passed 2-2-10.)

Section 1153.08 Abandonment

- A. A WECS that is out-of-service for a continuous 12 month period will be deemed to have been abandoned. The Building Commissioner may issue a Notice of Abandonment to the owner of a WECS that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Building Commissioner shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the WECS has not been abandoned.
- B. If the WECS is determined to be abandoned, the owner shall remove the WECS within 90 days of the Notice of Abandonment and the site must be reclaimed to a depth of four (4) feet. If the owner fails to remove a WECS and reclaim the site, the City may remove or cause the removal of the WECS and the reclamation of the site. The cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.
- C. The cost of removal upon abandonment of small and medium WECS shall be bonded or otherwise secured in an amount, as certified by a professional engineer, equal to the estimated cost of removal and restoration without regard for the salvage value of the decommissioned equipment. Evidence of such bond or other form of security, as approved by the Director of Law, shall be presented to the Building Commissioner with the annual maintenance status report, together with the Certificate of Insurance.

(Ord. 2009-63. Passed 2-2-10.)

Solar Energy Systems

Chapter 1155

Sections

1155.01	Intent
1155.02	Definitions
1155.03	Permitted Accessory Use
1155.04	Development Standards for Solar Energy Systems
1155.05	Administrative Review

Section 1155.01 Intent

The intent of this Chapter is to regulate the placement and construction of solar energy systems in order to promote their safe and efficient use, to increase opportunities for generation of renewable energy, and to minimize the visual, environmental, and operational impacts of solar energy systems on the City and its residents.

(Ord. 2010-10. Passed 4-20-10.)

Section 1155.02 Definitions

- A. "Ground mounted solar energy systems" means a solar energy system that is installed in the ground rather than on a structure.
- B. "Roof mounted solar energy systems" means a solar energy system that is installed on the roof of a main or accessory structure.
- C. "Solar energy system" means any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for use in the heating or cooling of a structure or building; the heating or pumping of water; industrial or commercial processes; or the generation of electricity.

(Ord. 2010-10. Passed 4-20-10.)

Section 1155.03 Permitted Accessory Use

Solar energy systems shall be a permitted accessory use in all zoning districts.

(Ord. 2010-10. Passed 4-20-10.)

Section 1155.04 Development Standards for Solar Energy Systems

- A. **Height.** The height of ground mounted solar energy systems shall not exceed 15 feet in height. The height of roof mounted systems on the principal building shall not extend more than three (3) feet above the finished roof to which it is mounted. In no instance shall any part of the system extend beyond the edge of the roof.
- B. **Location.** Ground mounted solar energy systems are prohibited in front yards, and shall not extend beyond the front wall of the principal building.
- C. **Lot Coverage.** No more than ten (10) percent of a lot may be covered with ground mounted solar energy systems, measured as the area of the face of the solar panels, and total lot coverage must not exceed the maximum permitted within that zoning district. Every effort should be made to control storm water runoff.
- D. **Setbacks.** Ground mounted systems shall be setback from any side or rear property line not less than one (1) foot for every one (1) foot in height.
- E. **Utility Lines.** All exterior utility lines for ground mounted solar energy systems shall meet all applicable building and electric codes.
- F. **Screening.** Ground mounted solar energy systems must be adequately screened from view of any adjacent residential property by appropriate vegetative screening or solid fencing.
- G. **Glare.** Solar panels shall be placed such that reflection angles from collector surfaces shall be oriented away from neighboring windows and roadways.

(Ord. 2010-10. Passed 4-20-10.)

Section 1155.05 Administrative Review

- A. **Procedure.** A building permit shall be required for the installation of any solar energy system.
- B. **Submittal Requirements.** Each application for a solar energy system shall include the following:
1. Applicant's name, contact information and evidence of site control;
 2. Address, permanent parcel number and zoning district of the subject property;
 3. Site survey including property lines and physical dimensions of the property; location, dimensions, and types of existing structures on the property; and location of the proposed system showing required setbacks.
 4. Drawings and specifications including description of all components of the solar energy system including the manufacturer, model, capacity, and dimensions, and drawings which have been approved by a registered professional engineer for any ground mounted solar energy system foundation.
 5. Any other information required by the City to determine if the standards in this Chapter and other applicable codes have been met.
- C. **Historic District.** For any solar energy system proposed in a designated historic district, a Certificate of Appropriateness shall be required in accordance with *Chapter 165* of the Codified Ordinances prior to and as a prerequisite of the administrative review process described herein.
- D. **Expiration.** A permit issued pursuant to this chapter shall expire if the system is not installed within 12 months from the date the permit is issued. A permit extension of up to six (6) months may be granted by the Building Commissioner.

(Ord. 2010-10. Passed 4-20-10.)

Off-Street Parking, Loading and Transportation

Chapter 1161

Sections

- 1161.01 Purpose
- 1161.02 General Requirements
- 1161.03 Required Off-Street Parking Spaces
- 1161.04 Parking Design
- 1161.05 Off-Street Loading
- 1161.06 Bicycle Parking
- 1161.07 Access Management
- 1161.08 Traffic Impact Analysis
- 1161.09 Sidewalks
- 1161.10 Illumination of Parking Areas
- 1161.11 Dumpsters and Commercial Trash Receptacles

Section 1161.01 Purpose

The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles in residential and non-residential zoning districts; to ensure by the provision of these regulations that adequate parking and access are provided in a safe and convenient manner; and to afford reasonable protection to adjacent land uses from light, noise, air/water pollution and other effects of parking lot proximity. (Ord. 2017-32. Passed 5-2-17.)

Section 1161.02 General Requirements

- A. Applicability of Parking Requirements.** For all buildings and uses established after the effective date of this ordinance, off-street parking shall be provided as required by this chapter. In addition, the following shall also apply:
1. Whenever the use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided for that use as required by this chapter.
 2. If the intensity of use of any building or lot is increased through the addition of floor area, increase in seating capacity or by other means, additional off-street parking shall be provided as required by this chapter.
 3. Off-street parking facilities in existence on the effective date of this ordinance shall not be reduced below the requirements of this chapter, nor shall nonconforming parking facilities that exist as of the effective date of this ordinance be further reduced or made more nonconforming.
 4. An area designated as required off-street parking including areas reserved for landbanked parking shall not be changed to another use unless equal facilities are provided elsewhere in accordance with the provisions of this chapter.
- B. Location.**
1. Off-street parking facilities required for one and two-family dwellings shall be located on the same lot as the building(s) they are intended to serve and shall consist of a driveway and garage.
 2. Off-street parking facilities required for all other uses shall be located on the lot where the parking is required. In the event that required parking is proposed on a lot in common ownership or leasehold with the lot where the parking is required, the applicant must present and record a permanent easement and parking agreement for access and parking.
 3. All driveways, drives, roadways and sidewalks used or intended for use as access to buildings or uses in a non-residential district, or for any other use or purpose, including access for emergency vehicles and apparatus, shall be located in their entirety within the area zoned for that non-residential district.
- C. Shared/Common Parking.**
1. Two (2) or more buildings or uses may share a common parking facility, provided the number of parking spaces available equals the required number of spaces for all the uses computed separately. Cumulative parking requirements for mixed-use developments or shared facilities may be reduced by the reviewing authority where it can be determined that one (1) or more of the factors listed in *Section 1161.02.D* applies. In any case, the continued availability of required parking, either shared or by other means provided in this chapter, shall be made a condition of any development plan approval and/or conditional use permit approval, as provided by this ordinance.
 2. Parking facilities for a place of worship or similar sporadically used facility may be used to meet up to 50% of the off-street parking for theaters, stadiums and other places of public assembly, stores and office buildings within 300 feet of the facility, as measured

from the nearest edge of the parking area to the nearest public entry point of the building or use provided that the facility makes the spaces available and there is no conflict between peak times when the uses are in need of the parking facilities.

3. A request for shared parking that will result in fewer than the total number of spaces required for all uses separately may be approved by the reviewing authority as part of the development plan review if supported by a shared parking analysis. A shared parking analysis must address, at a minimum, the size and type of the proposed development or combination of uses, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
4. A shared parking plan shall be enforced through written agreement among all owners of record and included in the development plan filed with the City. The owner of the shared parking area shall enter into a written agreement including access and parking easements, with authorization for enforcement by the City. The agreement shall state:
 - a. The land comprising the parking area shall remain subject to the easement and parking agreement in perpetuity, in conjunction with the sale of the building which the parking area serves; and
 - b. The owner agrees to bear the expense of recording the agreement which shall bind his or her heirs, successors, and assigns.
5. An attested copy of the shared parking easement and agreement between the owners of record shall be submitted to the Planning and Development Director and recorded in a form established by the Law Director. The easement and agreement must be recorded before issuance of a building permit or certificate of occupancy for any use to be served by the shared parking area. A shared parking easement and agreement may only be revoked if all required off-street parking spaces will be provided on-site following the review and approval of the City. Upon written request signed by all property owners of record, the City may approve the parties' rescission of the written agreement and the City may consent to satisfaction and release of the easement but only if other off-street facilities are provided in accord with this Zoning Code.

D. Modification of Parking Requirements. The reviewing authority may reduce the parking space requirements of this chapter for any use, based upon a finding that one (1) or more of the following conditions shall be met:

1. Other forms of travel (such as transit, bicycle or pedestrian) are available and likely to be used and, in particular, the site design will incorporate both bicycle parking facilities and pedestrian connections.
2. Shared parking is available to multiple uses where there will be a high proportion of multipurpose visits or where uses have peak parking demands during differing times of the day or days of the week and meeting the following requirements:
 - a. Pedestrian connections shall be maintained between the uses; and
 - b. Unless the multiple uses are located on parcels under the same ownership, shared parking agreements shall be filed as required in Subsection C5 above.
3. Expectation of walk-in trade is reasonable due to sidewalk connections to adjacent residential neighborhoods or employment centers. The site design incorporates pedestrian connections to and through the site, providing safe and convenient access to the building entrance.
4. The applicant has provided a parking study, conducted by a qualified transportation engineer, demonstrating that another standard would be more appropriate based on actual number of employees, expected level of customer traffic or actual counts at a similar establishment.

E. Landbanked Parking.

1. Where an applicant demonstrates that the parking requirements for a proposed use would be excessive, the reviewing authority may defer the construction of a portion of the required parking to a time in the future when it becomes apparent to the City that the parking spaces need to be constructed. The development plan shall designate areas of the site for future construction of the required parking spaces, meeting the design and dimensional requirements of this chapter. Any area so designated shall be maintained in a landscaped appearance and not occupy required street lawns or buffer zones or be used for any other purpose.
2. The landbanked parking shall meet the requirements of this chapter if constructed. Construction of the additional parking spaces within the landbanked parking area may be initiated by the owner or required by the City, based on parking needs or observation, and shall require approval of an amended development plan which may be approved by the Planning and Development Director.

F. Maximum Allowed Parking. In order to minimize excessive areas of pavement that detract from aesthetics, contribute to high rates of storm water runoff and generate reflective heat, the minimum parking space requirements of this section shall not be exceeded by more than 20%, unless approved by the reviewing authority as part of development plan review or if the parking spaces are located within a multi-level parking structure. In approving additional parking spaces, the reviewing authority shall determine that the parking is necessary, based on documented evidence, to accommodate the use on a typical day. Further, any parking spaces provided in excess of 20% more than the minimum requirement shall only be located on permeable surfaces approved by the City Engineer.

(Ord. 2017-32. Passed 5-2-17.)

Section 1161.03 Required Off-Street Parking Spaces

The minimum number of required off-street parking spaces shall be provided and maintained on the premises or as otherwise allowed by this chapter, in accordance with *Table 1161.03-1*.

- A. When units or measurements determining the number of required parking spaces result in a fraction over one-half (1/2), a full parking space shall be required.
- B. In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a specified use which is most similar, as determined by the Planning and Development Director, shall apply.
- C. Each 24 inches of bench, pew or similar seating facilities shall be counted as one (1) seat, except if specifications and plans filed with a building permit application specify a maximum seating capacity, that number may be used as the basis for required parking spaces.
- D. Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the building code and fire code.
- E. Unless otherwise indicated, floor area shall be usable floor area (UFA) as defined in *Chapter 1115*.

Table 1161.03-1, Parking Requirements by Use	
Use	Number of Parking Spaces
Residential Uses	
Bed and breakfast	2 for the owner/operator and 1 per leasable room
Group homes, juvenile and adult	1 per 4 occupants

Table 1161.03-1, Parking Requirements by Use		
Use	Number of Parking Spaces	
Multiple-family dwellings	1.5 per one bedroom unit, 1.75 per two bedroom unit, and 2.5 per three bedroom unit	
Senior Residence District, independent units, assisted living units	See <i>Section 1138.10</i>	
Single-family (attached and detached) and two-family dwellings	2 per dwelling unit, 1 must be enclosed	
Institutional Uses		
Auditoriums, assembly halls, meeting rooms, theaters, and similar places of assembly	1 space per 3 seats, based on maximum seating capacity in the main place of assembly, as established by the city fire and building codes	
Child day care centers, nursery schools, and day nurseries; adult day care centers	1 per 500 sq. ft. of UFA, plus 1 per employee on the largest shift	
Churches, places of worship and customary related uses	1 per 3 seats in the main unit of worship, plus spaces required for each accessory use such as a school	
Colleges and universities; business, trade, technical, vocational, or industrial schools	1 per classroom plus 1 per 3 students based on the maximum number of students attending classes at any one time	
Elementary and middle schools	1 per teacher and employee, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium	
Government offices	1 per 300 sq. ft. of UFA plus requirements for auditoriums, meeting halls or other assembly rooms	
High schools; performing and fine arts schools	1 per teacher and employee, and 1 for every 10 students, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium	
Hospitals and similar facilities	1 per 2 beds, plus 1 per employee on the largest shift plus 1 per doctor who has staff privileges	
Nursing and convalescent homes	1 per 3 beds or occupants and 1 per staff member or employee on the largest shift	
Post office	1 per 200 sq. ft. of UFA for customer parking, plus 1 per employee on the largest shift and additional space for delivery vehicles	
Public libraries and museums	1 per 800 sq. ft. of UFA, plus requirements for auditoriums, classrooms or other assembly rooms	
Retail Uses		
Retail stores except as otherwise specified	1 per 250 sq. ft. of UFA	
Animal grooming, training, day care, and boarding	1 per 300 sq. ft. of UFA	
Furniture and appliance, household equipment, show-room of a plumber, decorator, electrician, hardware, wholesale and repair shop, or other similar uses	1 per 800 sq. ft. of UFA plus 1 additional per employee on the largest shift	
Grocery store/supermarket	1 per 200 sq. ft. of UFA	
Home improvement centers	1 per 300 sq. ft. of UFA	
Multi-tenant shopping centers	50,000 sq. ft. or less of retail	1 per 250 sq. ft. of UFA
	over 50,000 sq. ft. of retail	1 per 220 sq. ft. of UFA

Table 1161.03-1, Parking Requirements by Use		
Use	Number of Parking Spaces	
	with restaurants	If more than 20% of the shopping center's floor area is occupied by restaurants or entertainment uses, parking requirements for these uses shall be calculated separately; where the amount of restaurant space is unknown, it shall be assumed to be 20%
Vehicle dealerships, including automobiles, RVs, motorcycles, snowmobiles, ATVs and boats	1 per 300 sq. ft. of show room floor space, plus 1 per automobile service stall, plus 1 per employee on the largest shift	
Service Uses		
Banks and other financial institutions	1 per 250 sq. ft. of UFA for the public; drive-up windows and ATMs shall be provided with 3 stacking spaces per window or ATM	
Beauty parlor or barber shop	2 per chair/station	
Dry cleaners	1 per 500 sq. ft. of UFA	
Mortuary establishment, funeral home	1 per 50 sq. ft. of assembly room or parlor floor space	
Motel, hotel or other commercial lodging establishment	1.1 per guest room; in addition, spaces for ancillary uses such as lounges, restaurants, meeting rooms or places of assembly shall be provided on the basis of specific requirements for each individual use	
Motor vehicle service stations	1 per employee, plus additional parking required for other uses within vehicle service station, such as the retail floor area, restaurants or vehicle repair stalls; each automobile fueling position shall count as one quarter (1/4) of a required space for the spaces required for other uses within an automobile service station	
Offices, business, professional and general	1 per 300 sq. ft. of UFA, but no less than 5 spaces	
Offices, medical, dental and veterinary	1 per 250 sq. ft. of UFA	
Vehicle repair establishment	2 per service stall plus 1 per employee on the largest shift	
Vehicle quick oil change	2 stacking spaces per service stall, rack or pit plus 1 per employee on the largest shift	
Vehicle wash	Self-service (coin operated)	4 plus 2 stacking spaces for every washing stall
	Full-service	4 plus 1 per employee on the largest shift, plus 15 stacking spaces for every washing stall or line
Restaurants, Bars and Clubs		
Sit-down restaurants with liquor license and microbreweries	1 per 75 sq. ft. of UFA	
Sit-down restaurants without liquor license	1 per 100 sq. ft. of UFA	
Carry-out restaurant (with no or limited seating for eating on premises)	6 plus 1 per employee on the largest shift and 1 per 4 seats	
Drive-through restaurant	1 per 30 sq. ft. UFA, plus 8 stacking spaces per food pickup window	
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)	1 per 50 sq. ft. of UFA	
Private clubs, lodge halls, or banquet halls	1 per 3 persons allowed within the maximum occupancy load as established by the city fire and building codes	

Table 1161.03-1, Parking Requirements by Use	
Use	Number of Parking Spaces
Recreation	
Athletic clubs, gyms, health studios, martial art schools and other similar uses	1 per 3 persons allowed within the maximum occupancy load as established by city fire and building codes plus 1 per employee on the largest shift
Billiard parlors	1 per 3 persons allowed within the maximum occupancy load as established by city building and fire codes or 1 per 300 square feet of UFA, whichever is greater
Bowling alleys	6 per lane
Indoor recreation establishments including gymnasiums, tennis courts and handball, roller or ice-skating rinks, exhibition halls, dance halls, and banquet halls	1 per 3 persons allowed within the maximum occupancy load as established by the city fire and building codes
Golf courses open to the public, except miniature or par-3	6 per hole, plus additional for any bar, restaurant, banquet facility or similar use
Miniature or par-3 courses	3 per hole plus 1 per employee on the largest shift
Neighborhood amenities (swimming pools, club houses and similar facilities for the common use of residents within a development)	1 per 10 persons allowed within the maximum capacity as established by the city fire and building codes
Stadium, sports arenas, sports fields (ball diamonds, soccer fields, etc.) or similar place of outdoor assembly	1 per 3 seats or 3 per 6 feet of bench, plus 1 per employee on the largest shift; for fields without spectator seating, there shall be a minimum of 30 spaces per field
Industrial Uses	
Industrial establishments, including manufacturing, research and testing laboratories, bottling works, printing, plumbing or electrical work-shops	1 per 1.5 employees computed on the basis of the greatest number of persons employed at any one time during the day or night; or 1 per 550 feet of GFA, whichever is greater
Warehouses and storage buildings	1 per employee computed on the basis of the greatest number of persons employed at any one time during the day or night; or 1 per 5,000 sq. ft. of GFA, whichever is greater
Mini-warehouse/self-storage	Unobstructed parking area equal to 1 per 10 door openings, plus parking for uses on the site such as truck rental

(Ord. 2017-32. Passed 5-2-17.)

Section 1161.04 Parking Design

- A. **Location and Setbacks.** Off-street parking lots shall meet the setback requirements applicable to parking as specified in the zoning district.
- B. **Parking Construction.** The construction of any parking lot shall require approval of a development plan, in accordance with *Chapter 1126*.
1. **Pavement.** All parking lots and vehicle and equipment storage areas shall be paved with asphalt or concrete, and shall be graded and drained to remove surface water which might accumulate. The reviewing authority may approve alternative paving materials, such as permeable/grass pavers, for all or a portion of the parking areas, based upon credible evidence of the durability and appearance of the proposed materials.
 2. **Drainage.** Surface water from parking areas shall be managed in accordance with City engineering standards. The City Engineer shall approve any proposed detention or

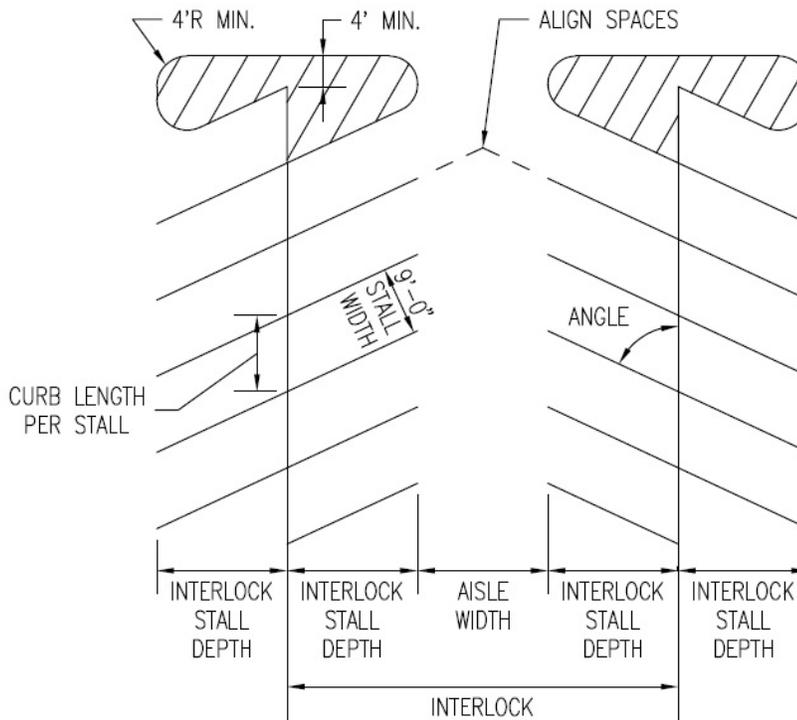
retention treatment.

3. **Dimensions.** Parking space and aisle dimensions shall meet the following requirements and as specified in *Table 1161.04-1*.
 - a. Angled parking between these ranges shall be to the nearest degree.
 - b. Space length may be reduced by up to two (2) feet if an unobstructed overhang, such as a landscaped area or sidewalk, is provided. A sidewalk shall have a minimum width of seven (7) feet where abutting a parking area. There shall be a minimum distance of seven (7) feet between the parking lot curb and building. Where curbing does not exist, bumper blocks shall be provided to protect pedestrian space adjacent to the building.
 - c. All parking lots shall be striped and maintained showing individual parking bays, in accordance with the following dimensions.

Table 1161.04-1, Minimum Dimensional Requirements							
Angle	45°	50°	55°	60°	65°	70°	90°
Interlock (ft.)	42	45	46	50	51	54	60
Aisle Width (ft.)	12	13	14	16	17	18	24
Interlock Stall Depth (ft.)	15	16	16	17	17	18	18
Curb Length Per Stall (ft.)	12.7	11.7	11.0	10.4	9.9	9.6	9.0

Note: Two-way aisles shall be a minimum of 24 feet wide.

Figure 1161.04-2, Offstreet Parking Dimensions and Layout



**TYPICAL PARKING LAYOUT
45°-90° / 9'-0" STALL**

4. **Stacking Spaces.** Stacking spaces for drive-through uses (such as banks, restaurants, car washes, pharmacies, dry cleaners and oil change establishments) shall be at least 24 feet long and ten (10) feet wide. Stacking spaces shall not block required off-street parking spaces. Where the drive-through waiting lane provides for a single lane for five (5) or more vehicles an escape/by-pass lane shall be provided to allow vehicles to exit the waiting lane.
 5. **Ingress and Egress.** Adequate vehicular ingress and egress to the parking area shall be provided by means of clearly limited and defined drives. All parking lots shall provide interior access and circulation aisles for all parking spaces. The use of public streets for maneuvering into or out of off-street parking spaces shall be prohibited. Ingress and egress to a parking lot in a non-residential zoning district shall not be through a residential district, except in instances where access is provided by means of an alley that forms the boundary between a residential and non-residential district.
 6. **Curbing.** A six (6) inch cast-in-place, continuous concrete curb or alternative, as determined by the City Engineer, shall be provided around all sides of any parking lot to protect landscaped areas, sidewalks, buildings or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot. Curb openings are allowed for storm water drainage, as recommended by the City Engineer. Plantings shall be set back two (2) feet from curbs to allow for bumper overhang.
 7. **Fire Lanes.** Fire lanes shall be designated on the site and posted with signage prior to occupancy. Vehicle circulation shall meet turning radius requirements set by the Division of Fire.
 8. **Crosswalks.** Pedestrian pathways and crosswalks in parking areas shall be distinguished from asphalt driving surfaces through the use of striping or durable, low-maintenance, surface materials such as pavers, bricks, or scored, stamped or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the parking area.
- C. **Barrier Free Parking in Parking Lots.** Within each parking lot, signed and marked barrier free spaces shall be provided at a convenient location in accordance with the applicable requirements of federal, state and local codes.
- D. **Limitations on Use of Parking Lots.**
1. Off-street parking areas are intended only for temporary vehicle parking. Except when land is used as storage space in connection with the business of a repair or service garage, use of parking areas or open land is not permitted for the storage or parking of wrecked or junked cars, or for creating a junk yard or nuisance.
 2. Loading spaces and parking spaces shall be considered separate and distinct requirements and shall be provided as individual components on the site as set forth in *Section 1161.05*. In no case shall one component be construed as meeting the requirements of the other.
 3. Parking lots and loading areas shall not be used for the long-term storage of trucks or trailers, except where such outdoor storage is specifically permitted in the zoning district. Overnight parking or storage of commercial vehicles shall be prohibited, except for uses and locations approved for vehicle storage. This shall not be construed to prohibit the parking overnight of commercial fleet vehicles or the short-term parking of trailers in loading bays or staging areas related to commercial or industrial uses.
 4. It shall be unlawful to use a parking lot or open area to store or park any vehicle for the purpose of displaying vehicles for sale, except in an approved vehicle sales dealership. It shall be unlawful to use a parking lot or open area to store or park any vehicle for the purpose of displaying advertisements, either mounted to or inscribed upon such vehicle,

except where the vehicle is used in conjunction with a lawful commercial use existing thereon.

(Ord. 2017-32. Passed 5-2-17.)

Section 1161.05 Off-Street Loading

- A. **Uses Requiring Loading Area.** On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, retail sales, consumer services or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys and parking spaces. This provision shall not apply to retail sales and consumer service uses of less than 10,000 square feet.
- B. **Loading Area Requirements.** Loading and unloading spaces shall be paved and, unless otherwise adequately provided for, shall be ten (10) feet by 50 feet, with 15 foot height clearance, according to the following schedule:

Building Net GFA	Minimum Truck Loading Spaces
1 - 25,000 sq. ft.	1 space
25,001 - 40,000 sq. ft.	2 spaces
40,001 - 100,000 sq. ft.	3 spaces
100,001 - 160,000 sq. ft.	4 spaces
Over 160,000 sq. ft.	5 spaces, plus 1 space for each 80,000 sq. ft. in excess of 240,000 square feet (or fraction greater than ½)

- C. **Orientation of Overhead Doors.** Access and loading bays facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building.
- D. **Location.** The location of off-street loading facilities shall require approval by the reviewing authority during the development plan review process.
- E. **Residential Setback.** Loading and unloading spaces shall not be located closer than 50 feet to any residential district boundary, unless the spaces are wholly within a completely enclosed building or completely screened from the residential district by a solid, sight-obscuring wall or fence at least six (6) feet in height and approved by the reviewing authority.
- F. **Deliveries to Commercial Establishments.** The operation of loading facilities at commercial establishments shall meet the requirements set forth in *Chapter 741* of the Codified Ordinances.

(Ord. 2017-32. Passed 5-2-17.)

Section 1161.06 Bicycle Parking

- A. One objective for the B-1, B-3 and B-4 Zoning Districts is to promote pedestrian-scaled development in these areas of the city by providing public accessibility, connecting residences and businesses to public green spaces and promoting pedestrian and bicycle movement between adjacent residential, employment and shopping areas.
- B. Parking for bicycles shall be provided in B-1, B-3 and B-4 Zoning Districts as follows:

1. **Amount.** Bicycle parking shall be provided at a minimum amount of five percent (5%) of the number of spaces provided for car parking or as determined by the Planning and Development Director based upon the use proposed.
2. **Location.** Bicycle parking shall be located within 75 feet of the main entrance of the building it serves.
3. **Design.** For each required bicycle parking space, a stationary object shall be provided to which a user can secure a bicycle with at least two (2) points of contact with a six (6) foot cable and lock. The stationary object shall be either a freestanding bicycle rack or a wall-mounted bracket. Features of an acceptable bicycle rack:
 - a. Installed on a permanent foundation (e.g., concrete pad) to ensure stability or securely anchored to the foundation with tamper-proof nuts if surface mounted.
 - b. Keeps both bike wheels on the ground.
 - c. Design that prevents the bicycle from tipping over.
 - d. Ability to support a variety of bicycle sizes and frame shapes.
 - e. Space to secure the frame and one or both wheels to the rack with a cable, chain or u-lock.

(Ord. 2017-32. Passed 5-2-17.)

Section 1161.07 Access Management

A. **Functional Classification.** The roadways listed in *Table 1161.7-1* have been designated by the Northeast Ohio Areawide Coordinating Agency (NOACA) as having a functional classification of principal arterial, minor arterial or major collector. NOACA's most current list of roadway functional classifications shall govern the regulations of this Zoning Code.

Table 1161.07-1, Functional Classification (NOACA, 2016)		
FC=3, Principal Arterial:	FC=4, Minor Arterial:	FC=5, Major Collector:
<ul style="list-style-type: none"> • Columbia Road north of Lorain Road • Columbia Road south of Butternut Ridge Road • Great Northern Boulevard • Lorain Road • Stearns Road north of I-480 	<ul style="list-style-type: none"> • Brookpark Road • Butternut Ridge Road • Cedar Point Road • Clague Road • Columbia Road south of Lorain Road • Fitch Road • Mastick Road • Stearns Road south of I-480 	<ul style="list-style-type: none"> • Barton Road • Bradley Road • Dover Center Road • Porter Road north of Lorain Road

B. **Driveway Spacing Standards.** The following minimum spacing requirements shall apply to all curb cuts and driveways within any non-residential zoning district for roads designated in *Table 1161.07-1* as Principal Arterial and Minor Arterial.

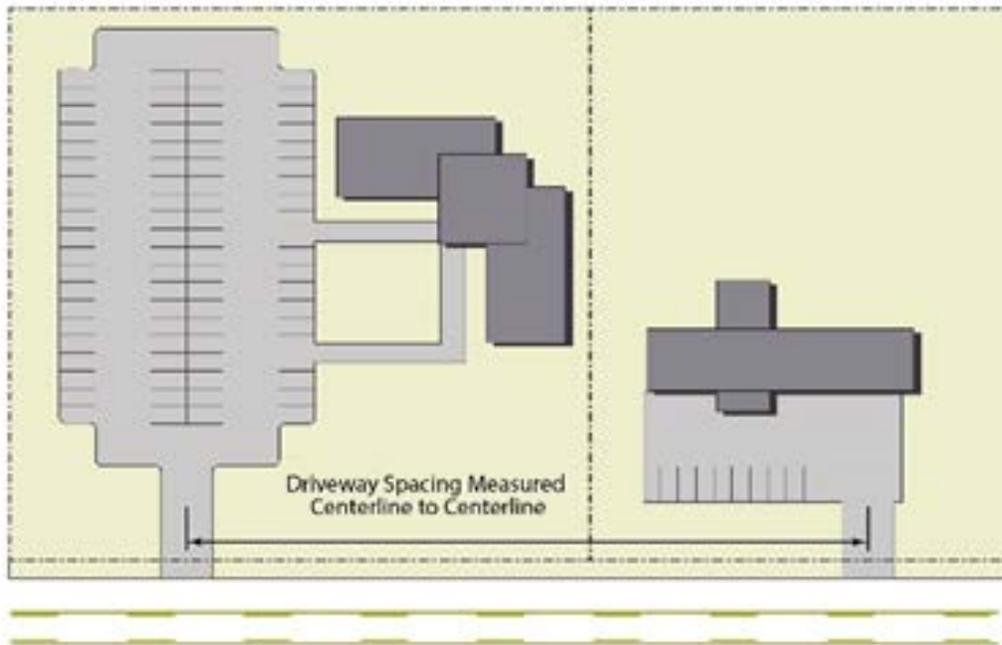
Table 1161.07-2, Driveway Spacing Standards	
Posted Speed	Minimum Distance
25 mph	155 ft.
30 mph	200 ft.
35 mph	250 ft.

These driveway spacing standards are guidelines and will be required if such distances can be achieved given the property limits and site layout. However, the City recognizes that in many cases these distances may not be feasible given the existing development and property lines within the City. In these instances, the City will make a determination as to

what spacing will be required, and whether or not a driveway will be required to be directionally restricted in lieu of not meeting the spacings listed in *Table 1161.07-2*.

1. Spacing between a proposed driveway and a street intersection, either adjacent or on the opposite side of the street, shall not be less than the distances in *Table 1161.07-2*. Measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street to the near lane curb or pavement edge of the intersecting street.
2. Minimum spacing between two (2) driveways on the same side of the street shall be determined based upon posted speed limits in *Table 1161.07-2* and shall be measured from centerline to centerline.

Figure 1161.07-1, Driveway Spacing



3. To reduce left-turn conflicts, new driveways shall be aligned with those across the street, where possible. If alignment is not possible, driveways shall be offset from those on the opposite side of the street a minimum of 250 feet along arterial roads and 150 feet along collector and local roads. These standards may be reduced where there is insufficient frontage and shared access with an adjacent site is not feasible. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.

C. Commercial Driveways Permitted.

1. The number of driveways serving a property in any non-residential zoning district shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public street.
2. Adjacent parcels in common ownership fronting on the same street shall be considered as one (1) parcel when determining permitted driveways.
3. Access shall be provided for each separately owned parcel. Access may be via an individual driveway, shared driveway or service drive. Additional driveways may be permitted for property only as follows:
 - a. One (1) additional driveway may be allowed for properties with a continuous frontage greater than 400 feet if the reviewing authority determines there are no other

- reasonable access alternatives;
- b. The reviewing authority determines additional access is justified without compromising traffic operations along the public street; and
- c. The minimum spacing requirements, specified in *Table 1161.07-2* can be met.

(Ord. 2017-32. Passed 5-2-17.)

Section 1161.08 Traffic Impact Analysis

- A. **TIA Required.** Unless exempted by *Section 1161.08.D*, a Traffic Impact Analysis (TIA) shall be required for any development anticipated to generate more than 100 peak hour in-bound or out-bound trips, based on the most recent edition of the *Trip Generation Manual* published by the Institute of Transportation Engineers.
- B. **Redevelopment.** In the case of redevelopment, trip generation will be defined as the number of net new trips generated by the proposed use beyond the trips generated by the previous use, unless the previous use has been discontinued for more than 12 months.
- C. **Other Circumstances.** The Planning and Development Director may waive the requirement to complete a TIA, or may require a TIA to be submitted for developments not exceeding 100 peak hour directional trips, based upon localized safety, operational, or street capacity issues, including levels of service (LOS) of existing roadways.
- D. **Exemptions.** The TIA requirement will be waived for previously approved developments for which a TIA was submitted in conjunction with a preliminary plat for subdivision, final development plan, or mixed use development provided the TIA is less than two (2) years old.
- E. **Procedure.** The TIA shall be submitted along with applications for a preliminary plat, development plan review, or mixed use concept plan. The TIA shall be prepared by a professional transportation engineer, licensed in the State of Ohio and shall, at a minimum:
 - 1. Estimate the traffic that will be generated as a result of the proposed development in addition to current (background) traffic volumes and proposed developments in the immediate vicinity. The Planning and Development Director and/or ODOT may also specify annual growth factors to be used in the TIA;
 - 2. Evaluate site access and internal circulation;
 - 3. Evaluate the ability of the surrounding road network to support the proposed development and the cumulative traffic of current and other projected uses; and
 - 4. Identify specific improvements to the surrounding road network that are necessary in order to support the traffic anticipated to be generated.
- F. **TIA Submission for Projects with Cumulative Impacts.** A TIA shall be required for development projects that do not otherwise meet the thresholds of a TIA if the application is for a project that:
 - 1. Shares features such as site access, common ownership, or other infrastructure with nearby undeveloped property for which future development can be reasonably anticipated; and
 - 2. The cumulative impact of the overall development can be expected to exceed the threshold for preparation of a TIA.

(Ord. 2017-32. Passed 5-2-17.)

Section 1161.09 Sidewalks

- A. Sidewalks shall be constructed within the right-of-way or within the required setback area of all public and private streets to ensure current and future connectivity as provided in *Section 903.03*. Where sidewalks are not located within the right-of-way, but proposed to be located on private property within the required setback area, a public access easement shall be provided to the City and recorded as a condition of development plan approval.
- B. The reviewing authority may waive the requirement for sidewalks, based on the following criteria:
1. Pedestrian connectivity is already provided via sidewalks or pathways or as part of a previously approved development plan in close proximity; or
 2. The applicant has agreed to a payment-in-lieu arrangement with the City for construction of sidewalks or pathways.
- (Ord. 2017-32. Passed 5-2-17.)

Section 1161.10 Illumination of Parking Areas

- A. **Applicability.** The reviewing authority shall review plans for illumination of parking areas for any development plan involving new lighting or changes to existing lighting, other than for single-family or two-family residential dwellings or residential accessory buildings, as provided in this Section.
- B. **Exterior Lighting Plan Required.** A lighting plan shall demonstrate compliance with the exterior lighting standards of this Section and shall include the following items:
1. A site plan to scale of no less than 1 inch = 30 feet showing location of all exterior light fixtures, controllers and transformers. Include property boundaries, building location(s), parking lot layout, pedestrian paths, adjacent rights-of-way, north arrow and scale.
 2. Specifications, cut sheets and/or drawings for all exterior light fixtures, poles, conduit and appurtenant construction. A description of any dimming systems or other proposed lighting controls.
 3. A photometric plan defining the limits of each lighting calculation area where illumination is proposed plotting the light levels in footcandles on the ground. The limits of each lighting calculation area shall be clearly indicated by a solid line border, shading or other clear method. Maximum illuminance levels should be expressed in footcandle measurements to the nearest 0.1 footcandle on a grid of the site showing footcandle readings at no greater than a 10-foot square. The grid shall include light contributions from all sources on the site (i.e. pole mounted, wall mounted, and sign). Show footcandle readings five feet beyond the property lines.
 4. A calculation summary indicating footcandle levels on the photometric plan, noting the minimum, maximum and average footcandles; light loss factor; and uniformity ratios for each lighting calculation area. Include in the summary lamp wattages of all proposed luminaires and mounting heights of fixtures.
 5. Any other information and data reasonably necessary to evaluate the required lighting plan.
- C. **Fixtures.** Exterior lighting fixtures shall be installed in a manner to prevent light pollution in the forms of light trespass and glare and to preserve, protect and enhance the character of the City.
1. Full Cut-off Required. All exterior pole lighting fixtures used to illuminate off-street parking areas shall be full cut-off and shall be arranged to deflect the light away from

adjoining properties and adjacent streets. Exterior building lighting fixtures used to illuminate sidewalks, entrances and service areas shall also be full-cut off fixtures.

2. **Canopy Lighting.** Light fixtures mounted under canopies shall be recessed with flat lenses so that the lens cover is flush with the bottom surface of the canopy. Alternately, indirect lighting may be used where light is reflected down from the bottom of the canopy. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
3. **Nonessential Lighting.** Nonessential lighting for other areas may be installed upon approval of the reviewing authority. This shall include landscape lighting, accent lighting of the structure, sign lighting, decorative lighting and lighting for similar purposes. Light fixtures used to illuminate flags, statues or any other objects mounted on a pole, pedestal or platform shall use a narrow cone beam or light that will not extend beyond the illuminated object. For upward-direct architectural, landscape and decorative lighting, direct light emission shall not be visible above the building line roof.
4. **Prohibited Lighting.** No flickering or flashing light shall be permitted, except for temporary holiday decorations. The installation of any light fixture not specifically approved as part of a development plan is strictly forbidden.

D. Luminaire Location and Height. Parking lot illumination is subject to the following requirements.

1. **Required Setbacks.**

Table 1161.10-1, Site Lighting Setbacks	
Maximum Mounting Height	Minimum Distance from Residential Property Line
10 feet	15 feet
16 feet	30 feet
20 feet	40 feet
30 feet	180 feet

2. The reviewing authority may require lower mounting heights if the adjoining grade is lower than developed grade
3. Concrete pedestals a minimum of 30 inches high shall be installed for all light poles in or within five (5) feet of the parking lot.

E. Illumination Levels. All owners of commercial, industrial, mixed use and multi-family property located in the City of North Olmsted shall meet the requirements of this Section.

1. **Measurement.** The average and maximum illumination levels shall not exceed that permitted for each lighting calculation area type. A lighting calculation area shall be defined as any area where the illumination level equals or exceeds 0.2 footcandle. A light loss factor (LLF) as recommended by the manufacturer subject to approval by the city may be applied to all calculations. A permanent dimming system or other permanent controls may be used to reduce the illumination level of any fixture in order to meet the required illumination levels; however, in no case shall the dimming system or other control be permitted to reduce the illumination level of any fixture more than 15% in order to meet the required illumination levels during normal business hours.
2. **Light Trespass.** Lighting intensity shall not exceed zero (0) foot candles at the property line when abutting residentially zoned land. All on-site lighting of buildings, lawns, parking areas and signs shall be designed so as not to shine onto any adjacent residential property or building, or to cause glare onto any public street or vehicle thereon.

3. **Required Illumination Levels.** Lighting shall be designed to provide even distribution of illumination and to avoid creating hot spots. Maximum average illumination levels are provided in *Table 1161.10-2*:

Lighting Calculation Area Type	Maximum Average Illumination	Maximum Illumination at Any Point
Open parking lots	2.0 fc	5.0 fc
Sidewalks, entrances, pedestrian areas	5.0 fc	12.5 fc
Car dealerships front row	5.0 fc	12.5 fc
Under service station canopy	15.0 fc	20.0 fc

4. **Exemptions.** Because of their unique requirements for providing greater night-time visibility, their need to ensure public safety, and their limited hours of operation; stadiums (which include ball diamonds, playing fields and tennis courts) are exempted from the exterior lighting standards as specified above. A lighting plan for stadiums shall be established at the time that the request for exterior lighting is made and shall be subject to reviewing authority approval.

- F. **Lighting Essential to Safety.** Lighting not essential to safety of the public and employees shall be terminated when the site is not occupied. For facilities that are occupied between 11:00 p.m. and 7:00 a.m. the following morning, the lighting designer shall submit a plan disclosing a 50% reduction in lighting levels with emphasis on terminating lighting in parking areas that will not be reasonably used during these hours.

(Ord. 2017-32. Passed 5-2-17.)

Section 1161.11 Dumpsters and Commercial Trash Receptacles

- A. Dumpsters, compactors and other forms of large commercial trash receptacles shall be located only within paved areas in the side or rear yard, but not within any required buffer area.
- B. The location of receptacles shall not be within any designated parking or loading space.
- C. Screening shall be provided in accordance with *Section 1139.07.B.1-4*.

(Ord. 2017-32. Passed 5-2-17.)

Signs

Chapter 1163

Sections

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Section 1163.01 Purpose and Intent

Sign regulations, including provisions to control the type, design, size, location, motion, illumination, enforcement and maintenance thereof, are established in order to achieve, among others, the following purposes:

- A. To maintain high quality districts of all land uses, and attractive public and private facilities of all types, by permitting only signs appropriate to their environs;
- B. To provide for reasonable and appropriate methods for identifying establishments in office, business and industrial districts by relating the size, type and design of signs to the size, type and design of the office, business and industrial establishments;
- C. To eliminate any conflict between traffic control signs and other signs which would be hazardous to the safety of the motoring public or pedestrians;
- D. To control the design and size of all signs so that their appearance will be aesthetically harmonious with an overall urban design for the area, in accordance with commonly accepted community planning and design practices, and the City's Master Plan.

The City does not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Article I, §11 of the Ohio Constitution. All ordinances in this Chapter are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of residents and visitors to speak freely.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.02 Definitions

As used in this chapter unless the context otherwise indicates:

- A. "Sign" shall mean any writing, pictorial representation, illustration, emblem, symbol, design, or other figure of similar character that is a structure or a part thereof, or is attached to or in any manner represented on a building, vehicle, or other structure, and is visible from any public right-of-way or any other lot or parcel, and is used for purposes of advertisement, announcement, declaration, demonstration, identification or expression.
- B. "Illuminated Sign" shall mean any sign which has characters, letters, figures, designs, or outlines illuminated externally or internally by any light source other than non-reflected natural daylight.
- C. "Ground Sign" shall mean any sign, excluding a billboard, supported by uprights, braces, or base or stem of any material, placed upon the ground and not attached to any building.
- D. "Wall Sign" shall mean any sign applied or attached to, or painted onto, any exterior wall surface of any building or structure.
- E. "Canopy Sign" shall mean any sign attached to the soffit or fascia of a canopy, marquee, awning, covered entrance, covered walkway, arbor, pergola or other similar structure.
- F. "Billboard" shall mean any sign advertising, identifying or directing attention to any product, service, entertainment or commercial activity not offered upon the lot on which the sign is located.
- G. "Pole Sign" shall mean any sign, other than a flag as herein defined, that is supported by a pole, poles, columns or other base or structure, and designed either:
 - 1. To allow pedestrian or vehicular clearance beneath any of the sign's message area, or

2. To allow the sign's message area to overhang the pole, poles, columns or other base or structure in total by more than 20% of the sign message area's breadth.
- H. "Flag" shall mean any sign of cloth or similar material, anchored along one side, displayed from a single pole, either freestanding or attached to a building.
- I. "Window Sign" shall mean any sign in view of the general public appearing on a window surface or within up to 24 inches of the window surface.
- J. "Vehicular Sign" shall mean any sign attached or applied to a vehicle of any type and used primarily to identify, advertise or promote, excluding any signs on vehicles normally and regularly used and operated in the course of business.
- K. "Temporary Sign" shall mean a sign designed and intended for use for only a limited period of time.
- L. "Nonconforming Sign" shall mean any sign existing on or after the effective date of North Olmsted Ordinance 2000-12 which does not conform to said Ordinance in its entirety.
- M. "Facing" or "Surface" or "Surface Area" or "Sign Face Area" shall mean the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign. The sign face area shall be the area of the smallest of these regular polygons—circle, ellipse, triangle, rectangle, trapezoid, pentagon or hexagon — that completely contains the sign message, background of the message and contiguous trims, or frames. Any sign supports or structure other than exposed steel framing, which is clad in finished wood, stone, masonry, stucco, or metals, and which does not bear any sign copy, art or message shall not be included in the sign face area.
- N. "Frontage" or "Lot Frontage" shall mean the lot or property dimension along the principal street.
- O. "Building Frontage" shall mean the linear dimension of the width of the widest portion of the building face including all appurtenant overhangs or other structures, either:
1. Closest to parallel to the principal street or
 2. Containing the primary building entrance, of any building on any lot.
- P. "Building Unit" or "Unit of a Building" shall mean, in any building subdivided into separate units or spaces, any interior space occupying any portion of the ground floor of any building, and having its own exterior entrance, and separated from other such spaces by a party wall or walls.
- Q. "Unit Frontage" or "Building Unit Frontage" shall mean the linear dimension of the width of the widest portion of the building unit face including all appurtenant overhangs or other structures, either:
1. Closest to parallel to the principal street or
 2. Containing the primary building unit entrance, of any building on any lot.
- Where a building unit is bounded by a party wall or walls, the measurement of width shall be to the centerline(s) of such wall or walls.
- R. "Alter" shall mean to change in any way, including but not limited to reconstruction, redesign, reillumination that changes the lighting design, sign face replacement that changes the sign face design, sign face change, and painting in a different color than the present color, excluding changes in changeable copy on signs.

- S. "Other Advertising Structure" shall mean any marquee, canopy, awning, campanile, gazebo, kiosk or street clock serving to image, identify or promote a commercial enterprise.
- T. "Permittee" shall mean a person receiving an erection permit pursuant to the provisions of this chapter.
- U. "Person" shall be mean any individual, corporation, business trust, estate, trust,
- V. "Erect" shall mean to build, construct, alter, relocate, modify, attach, hang, place, suspend, or affix, and shall also include the painting of signs.
- W. "Banner" shall mean any sign of cloth, plastic, canvas or similar nonrigid material that is customarily mounted on the walls of buildings or upon the hard surfaces of other structures on property.
- X. "Wall" shall mean one of the sides of a room or building connecting floor and ceiling or foundation and roof up to and including an exterior parapet that is parallel to and projects no more than four feet above the roof line.
- Y. "Non-commercial opinion sign" means any sign which does not advertise a product, good, business or service; or expresses one or multiple messages on one or more issues; or promotes any candidate, party, issue, levy, referendum or other matter eligible to be voted upon in any general, primary or special election.
- Z. "Windblown devices" means objects designed to inform or attract attention, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical or any other means.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.03 Permit Required

- A. Except as provided in *Section 1163.04*, it shall be unlawful for any person to erect any sign or other advertising structure without first obtaining an erection permit from the Building Commissioner and making payment of the fee required by *Section 1163.07*.
- B. No permit is required for repair, repainting, or other maintenance that does not alter a sign.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.04 Exemptions to Permit Requirement

The following signs are exempt from the permit requirement contained within *Section 1163.03*:

- A. Signs that are an integral part of the original construction of vending or similar machines, fuel pumps or similar devices;
- B. Cornerstones, dedications and other similar building plaques or architectural elements incorporated into a building, in materials and colors compatible with the building design, displaying only the building's name, owner's name, architect's name, date(s) of construction, brief dedication or other historical information, and not exceeding eight (8) square feet in total area;
- C. Signs which are attached to the inside of a window, do not exceed ten (10) square feet in sign face area, and do not cover more than 25% of the area of the window pane;
- D. Signs which are an integral part of the historic character of a structure that has been designated an official landmark or historic structure by any agency or body of the

governments of the United States, State of Ohio, Cuyahoga County or City of North Olmsted.

- E. Hand-held signs not set on or affixed to the ground;
 - F. Temporary signs except those regulated by *Section 1163.34(B)(3)*.
 - G. Monuments and markings within a cemetery;
 - H. Any address numbers required by the *Section 1351.01* of the Codified Ordinances, unless larger than six (6) inches in height.
- (Ord. 2008-6. Passed 4-1-08.)

Section 1163.05 Application for Erection Permit

Application for an erection permit shall be made to the Building Commissioner and shall contain and have attached the following information and/or documentation:

- A. Name, address and telephone number of the applicant.
 - B. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 - C. Drawing depicting the position of the sign or other advertising structure in relation to any buildings, structures, streets or drives within a distance of 150 feet, measured in a straight line without regard to intervening buildings, structures, streets or drives.
 - D. Two blueprints or ink drawings of the plans and specifications and method of construction and attachment of the sign or advertising structure to the building or into the ground.
 - E. Name of the person erecting the sign or advertising structure.
 - F. Written consent of the owner of the building, structure, or land to which or on which the sign or advertising structure is to be erected.
 - G. Any information, calculations, or documentation required by the State Building Code, the local Building Code, and other applicable ordinances of the City.
- (Ord. 2008-6. Passed 4-1-08.)

Section 1163.06 Permit Issuance

- A. Upon receipt of a complete and accurate application for an erection permit complying with *Section 1163.05*, the Building Commissioner shall examine the plans and specifications and the premises upon which the proposed sign or advertising structure shall be erected.
- B. Unless the applicant applies for a variance from a provision or provisions of the Zoning Code in order to erect his sign or advertising structure as proposed, or the applicant engages in other conduct which directly causes delay, the Building Commissioner shall make a determination on the erection permit application within ten (10) business days. In the event of a variance request, or other delay occasioned by conduct of the applicant, the Building Commissioner's time for making a determination under this section shall be extended for a period of time equal to the time period during which the variance application is pending, or to the period of time of other delay occasioned by conduct of the applicant, whichever is applicable. In case of an extenuating circumstance, the Building Commissioner may apply to the Director of Public Safety for an extension of the time in which to complete his review, not to exceed an additional ten (10) business days. In determining whether to grant this extension, the Director of Public Safety shall consider the reasons offered in

explanation of the delay and balance them against the hardship to the applicant arising from an extended time for determination.

- C. Failure of the Building Commissioner to issue a permit within the required ten (10) business days or, if an extension has been obtained, within the time permitted by the extension, shall be construed to be an issuance of the permit, upon the lapse of the last day upon which the Building Commissioner may, pursuant to paragraph (B) above, make his determination.
- D. If the proposed sign or advertising structure complies with this and all other applicable laws and ordinances of the City, the Building Commissioner shall forthwith issue the requested permit upon receipt of the appropriate fees. If the Building Commissioner determines that the application should be denied, he shall issue a written statement contemporaneous with his decision, explaining the reason or reasons for the denial.
- E. If an application for an erection permit is part of a lot development or redevelopment proposal made pursuant to *Chapter 1126* of this Zoning Code, then the permit issued by the Building Commissioner shall be a temporary permit only pending final approval by the City of the lot development or redevelopment proposal pursuant to the provisions of said *Chapter 1126*. Said temporary permit shall become permanent only upon the applicant erecting the applied for sign or signs, or modifying already erected sign or signs, in a manner which meets all structural and locational requirements made a condition of the City's final approval of the lot development or redevelopment proposal. Every applicant who obtains a temporary erection permit pursuant to the provisions of this paragraph of this section shall be required to post a bond with the Building Commissioner equal to the cost of the sign to be erected, before erecting said sign pursuant to the temporary permit. Said bond shall be forfeited to the City if the applicant, upon receiving final approval for a lot development or redevelopment approval, erects a sign or signs, or fails to modify a sign or signs, in violation of an express condition or conditions of that final approval.
- F. If the work authorized under any erection permit is not completed within six (6) months after the date of issuance, said permit shall become null and void.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.07 Permit Fee

Every applicant, upon applying for a permit pursuant to *Section 1163.06*, shall pay to the Building Commissioner the nonrefundable fee established by separate ordinance. Applications for temporary sign permits shall not require a fee.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.08 Appeal

If the applicant is dissatisfied with any determination of the Building Commissioner made during the course of the application process, including but not limited to the calculation of the fee due, the requirement of additional materials, the classification of a proposed sign, the denial of a permit, or the revocation of a permit, the applicant may, within ten business (10) days following that determination, file with the Building Commissioner an appeal from the Commissioner's decision to the Building and Zoning Board of Appeals. Upon receiving such a notice of appeal, the Building Commissioner shall transmit all papers and other documents connected to the application to the Building and Zoning Board of Appeals, which shall hear the applicant's appeal at a meeting which shall be scheduled and held no later than 30 days following the date of the filing of the notice of appeal. The Building and Zoning Board of Appeals may decide to affirm,

modify, reverse, or vacate the Building Commissioner's decision, and shall render its decision and any order necessary to effectuate its decision within five (5) days following its hearing of the applicant's appeal. The decision of the Building and Zoning Board of Appeals shall be final and may only be reviewed by a Court of Common Pleas, pursuant to the provisions of Chapter 2506 of the Ohio Revised Code.

(Ord. 2008-6. Passed 4-1-08; Ord. 2016-36. Passed 8-2-16.)

Section 1163.09 Revocation of Permit

The Building Commissioner may revoke an erection permit where there has been a violation of the provisions of this chapter or a misrepresentation of fact on the permit application. The Building Commissioner shall issue a written statement contemporaneous with his decision, explaining the reasons for revocation.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.10 Nonconforming Signs

Nonconforming signs may be maintained, except:

- A. No nonconforming sign or part thereof shall be altered, modified, relocated, or changed in any manner whatsoever in any process of reconstruction, repair, maintenance, or restoration, when the cost of said reconstruction, repair, maintenance, or restoration exceeds 50% of the sign's replacement cost, unless the entire sign shall be brought into compliance with all of the provisions of this chapter, and all other applicable City laws and ordinances.
- B. Any nonconforming sign the use of which is voluntarily discontinued for a period of at least six (6) months shall either be removed or brought into compliance with all of the provisions of this chapter and all other applicable City laws and ordinances.
- C. Any nonconforming sign for a property or premises that undergoes a change of use (permitted), as that term is defined in this Zoning Code, shall be brought into compliance with all of the provisions of this chapter and all other applicable City laws and ordinances.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.11 Removal of Signs

- A. The Building Commissioner is authorized to order the removal, repair or maintenance of any sign which constitutes a nuisance, or for which the required permit has not been obtained, or which is violative of any provision in *Sections 1163.13 through 1163.23* of this chapter. Every such order shall be served upon the owner or person in possession of the sign by personal or certified mail service, provided that, where service has been refused or unclaimed, no further service or notice shall be required, and the time for compliance shall commence from the date such service refusal or failure of claim is entered in the records of the Building Department.
- B. Whenever the removal, repair or maintenance of any permanent sign has been ordered by the Building Commissioner, the owner or person in possession of such sign shall comply with such order within 14 days after notice is served upon him. Whenever the removal, repair or maintenance of a temporary or portable sign has been ordered by the Building Commissioner, the owner or person in possession of such sign shall comply with the order within 48 hours after notice is served upon him. In the event of noncompliance, the Building

Commissioner may seek an order of removal from a court of competent jurisdiction, or may pursue criminal action against the owner and/or person in possession in accordance with the appropriate provisions of this Zoning Code relating to Code violations. If, following an inspection, the Building Commissioner determines that any sign constitutes an immediate danger to the public safety, the Building Commissioner may effect the immediate removal of said sign without regard to the time intervals for compliance cited above, at the sign owner's expense. Removal of a sign shall include the sign face, enclosing frame, all sign supporting members and base, unless otherwise specified in the order to remove.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.12 Number, Date and Voltage

Every permitted sign or other advertising structure shall display in a readily observable place, in a design, style, letter-size and contrast to be readily legible to an average person on the ground: the date of erection, the number of the permit issued, and the voltage of all electrical apparatus used, if any.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.13 Maintenance Required

Any sign shall be maintained so as not to show evidence of deterioration, including peeling, rust, dirt, fading, damage, discoloration or holes.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.14 Outdated Signs Prohibited

No sign or other advertising structure shall advertise a business which is no longer in existence or a product which is no longer sold at the business, as such signs are misleading to the public, create undue visual clutter, and pose a hazard to traffic control and safety.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.15 Abandoned Signs Prohibited

Signs which are abandoned, or which are accessory to an abandoned use of property, are prohibited and shall be removed. A use shall be determined abandoned if it has voluntarily ceased its operations for a period of at least six (6) months, unless the use is typically seasonal.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.16 Obstructions Prohibited

No sign or other advertising structure shall be erected, relocated or maintained so as to prevent free ingress or egress, or block any light or ventilation openings. No sign of any kind shall be located or attached so as to obstruct emergency facilities or equipment. No sign, otherwise permitted in this Chapter, supported by or suspended from a building shall hang less than eight (8) feet above a pedestrian path, or less than 15 feet above a vehicular path.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.17 Traffic Hazards

No sign or other advertising structure shall:

- A. Obstruct free and clear vision within sight triangles at any street or vehicular drive intersection defined by a line drawn connecting points lying on each curb line 35 feet from the point of intersection of the curb lines.
- B. Interfere with, obstruct the view of, or be similar in appearance to any authorized traffic sign, signal or device because of its position, shape, use of words, or color.
- C. If located within 25 feet of a public right-of-way, make use of the words "STOP", "LOOK", "DRIVE-IN", "DANGER" or any other such word, phrase, symbol, character, or any shape, in a manner that causes it to resemble any traffic control device placed in public rights-of-way.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.18 Unsafe Signs

No sign or other advertising structure shall constitute a hazard to safety or health by reason of inadequate or inappropriate design, construction, repair, or maintenance.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.19 Illuminated Signs

No sign or other advertising structure shall be illuminated so as to cause objectionable brightness or glare into or onto any residential premises or any public right-of-way.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.20 Obscene Signs

No sign or other advertising structure shall display any obscene matter.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.21 Vehicular Signs

Vehicular signs are prohibited.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.22 Moving Signs

No sign or other advertising structure shall have visible moving, revolving or rotating parts or visible mechanical movement of any kind.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.23 Flashing Signs

No sign or other advertising structure shall have any lights or illumination that flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulses.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.24 Windblown Devices

No sign shall contain or consist of windblown devices, such as banners, pennants, ribbons, streamers, balloons and hot or cold air inflatable devices, spinners or similar objects.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.25 Maximum Sign Face Area

- A. **Maximum Sign Face Area per Lot.** The total maximum sign face area permitted for any lot shall be 1.35 square feet per foot of frontage. For lots fronting on two or more streets, each street frontage shall be calculated separately, and such individual totals shall apply separately and only to signs directed at those individual streets.
- B. **Maximum Sign Face Area per Building.** Notwithstanding the area determined in paragraph (A) above, the total maximum sign face area permitted for any building shall be one (1) square foot per foot of building frontage. For buildings fronting on two or more streets, the building frontage shall include any fronting building face plus up to 40% of any other fronting building face.
- C. **Maximum Sign Face Area per Building Unit.** Notwithstanding the area determined in paragraphs (A) and (B) above, the total maximum sign face area permitted for any building unit shall be one (1) square foot per foot of building unit frontage.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.26 Types of Signs Permitted

No signs, other than the following types, are permitted on private property within the City. The following types of signs are permitted only in accordance with regulations of this Chapter:

- A. Ground Signs;
- B. Wall Signs;
- C. Canopy Signs;
- D. Window Signs;
- E. Flags;
- F. Temporary Signs;
- G. Signs expressly exempted by *Section 1163.04* of this Chapter.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.27 Ground Signs

- A. Ground signs shall not be permitted in One or Two Family Residence Districts, except that as accessory to a conditional or overlay use one ground sign shall be permitted per lot. In all other Districts, one ground sign shall be permitted per lot, except that for lots having either a total area in excess of ten (10) acres or a total frontage on any one street in excess of 600 feet, two (2) ground signs at least 200 feet apart shall be permitted
- B. Ground signs shall be set back at least five (5) feet from every right-of-way line, at least twenty (20) feet from any side or rear lot line, and at least 75 feet from any property line abutting residentially-zoned property, and shall be located so as to conform to *Section 1163.17*.

- C. No ground sign shall exceed 50 square feet in total sign face area, nor 12 feet in height as measured from either:
1. The ground level at the property line nearest the sign, or
 2. The ground level at the sign, whichever is higher, except that ground signs no more than eight (8) feet in height shall not exceed 65 square feet in total sign face area.
- (Ord. 2008-6. Passed 4-1-08.)

Section 1163.28 Wall Signs

- A. Wall signs shall not be permitted in One or Two Family Residence Districts, Single Family Cluster Districts, Multiple Residence Districts, or Senior Residence Districts, except that as accessory to a conditional or overlay use one wall sign shall be permitted per lot. In all other Districts, one wall sign shall be permitted per building, plus, if the building is subdivided, one wall sign shall be permitted per building unit, and for buildings having frontage on two or more streets, one additional wall sign shall be permitted on any secondary frontage street.
- B. No wall sign shall project more than 14 inches from the surface or wall to which it is attached. No wall sign shall extend any closer than 12 inches to either the top or side edges of the surface or wall to which it is attached. No wall sign shall cover or obscure any wall opening.
- C. The total area of all signs on a building, including wall signs, shall be limited to the Maximum Sign Face Area per Building as defined in *Section 1163.25*, and no single wall sign shall exceed 100 square feet in sign face area, nor four (4) feet in height.
- D. No wall sign shall be nearer than two (2) feet to any other sign, nor nearer than five (5) feet to any other building or structure.
- (Ord. 2008-6. Passed 4-1-08.)

Section 1163.29 Canopy Signs

- A. Canopy signs shall not be permitted in One or Two Family Residence Districts, or Single Family Cluster Districts. In all other Districts, one canopy sign shall be permitted per building entrance canopy.
- B. No canopy sign shall project more than two (2) inches from the canopy to which it is attached. No canopy sign shall extend any closer than four (4) inches to either the top or side edges of the canopy to which it is attached. No canopy sign shall cover or obscure any wall opening.
- C. The total area of all signs on a building, including canopy signs, shall be limited to the Maximum Sign Face Area per Building as defined in *Section 1163.25*, and no single canopy sign shall exceed 50 square feet in sign face area, nor four (4) feet in height. No canopy sign shall be more than five (5) feet wider than the entrance(s) over which it is located, except that where two entrances are less than 20 feet apart, a continuous canopy with continuous canopy sign may extend over both.
- D. No canopy sign shall be nearer than two (2) feet to any other sign, nor nearer than five (5) feet to any other building or structure.
- (Ord. 2008-6. Passed 4-1-08.)

Section 1163.30 Billboards

Billboards shall not be permitted in any zoning district.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.31 Pole Signs

Pole signs shall not be permitted in any zoning district.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.32 Window Signs

- A. No window sign shall exceed 25 square feet in sign face area.
- B. The total of all window signs shall not exceed 25% of the total of all window area.
- C. No window sign shall be nearer than two (2) feet to any other sign, building or structure.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.33 Flags

- A. No freestanding flagpole shall exceed 25 feet in height.
- B. No flagpole attached to a building shall be anchored less than 15 feet from the ground, nor be attached to the roof of a building.
- C. No more than one flagpole shall be permitted for each 150 feet of frontage, or portion thereof.
- D. No flagpole shall be constructed closer to any lot line than the length of the flagpole or the required building setback, whichever is greater.
- E. No flag shall exceed 20 square feet in area, or be more than five (5) feet along any one side.
- F. No flag shall hang, when fully unfurled, less than 15 feet from the ground.

(Ord. 2008-6. Passed 4-1-08.)

Section 1163.34 Temporary Signs

Temporary signs shall comply with all applicable provisions of *Chapter 1163* regarding safety, maintenance and other prohibitions, and shall also comply with the additional conditions and requirements contained in this section.

A. Temporary Signs on Residential Property.

- 1. The only types of temporary signs that are permitted are ground signs and window signs. All other types of signs are prohibited.
- 2. All parcels are permitted only one (1) ground sign or one (1) window sign for the purpose of advertising the premises on which it is maintained as being improved, approved for development and under construction, or for sale or lease, which may remain for a period of no longer than two (2) weeks from the date the improvement, sale or lease is completed. A ground sign shall not exceed eight (8) square feet in area per face, and four (4) feet above grade, and shall be set back a minimum of fifteen (15) feet from any public right-of-way. A window sign shall not exceed eight (8) square feet in area. Neither ground signs nor window signs may be illuminated.

3. All parcels are permitted only one (1) ground sign or one (1) window sign to express a “non-commercial opinion.” The message on any non-commercial opinion sign may be periodically changed, or the sign may be replaced with another non-commercial opinion sign provided such replacement sign conforms to the size, height and location criteria set forth herein. A ground sign shall not exceed eight (8) square feet in area per face, and four (4) feet in height above grade, and shall be set back a minimum of fifteen (15) feet from any public right-of-way. A window sign shall not exceed eight (8) square feet in area. No non-commercial opinion sign may be illuminated.
4. All parcels are permitted an additional five (5) non-commercial opinion signs no earlier than thirty (30) days before an election and shall be removed no later than one (1) week following the election. Such additional signs shall not exceed eight (8) square feet in area per face, not exceed four (4) feet in height above grade, and shall be set back a minimum of fifteen (15) feet from every right of way. Such additional non-commercial opinion signs may not be illuminated.

B. Temporary Signs on Non-Residential Property.

1. Regulations applicable to all temporary signs on non-residential property, except as regulated by 1163.34(B)(4):
 - a. Type: The only types of temporary signs that are permitted are ground signs, wall signs and banners. All other types of temporary signs are prohibited.
 - b. Location: Temporary ground signs shall not be permitted within five (5) feet of the right-of-way, nor shall they be permitted in any required parking area, drive or loading area. Temporary signs shall comply with all provisions of 1163.17. Temporary wall signs shall not extend more than six (6) inches from any wall or structure upon which they are erected. No signs shall be attached to light poles, fixtures, mechanical equipment, fences, dumpsters, or landscaping. No signs shall be attached to any permanent sign or sign base.
 - c. Maximum Area: Ground signs shall be a maximum of 12 square feet per side and 24 square feet total area. Wall signs shall be building mounted single-faced signs and shall not exceed 20 square feet in area. Banners shall be building mounted single-faced signs and shall not exceed 20 square feet in area.
 - d. Maximum Height: Ground signs shall be a maximum of six (6) feet above grade. Walls signs and banners shall not be attached to any roof or roof element and must be a minimum of two (2) feet below the top of the surface to which they are attached.
 - e. Design: Temporary signs must be professional in appearance and fabricated from durable and weatherproof materials.
 - f. Illumination of temporary signs is prohibited.
 - g. Changeable copy/text is prohibited on temporary signs.
2. Additional regulations applicable to temporary signs advertising approved development under construction, the improvement, sale or lease of property that are erected on non-residential property:
 - a. Maximum Number Permitted: One sign per street frontage is permitted, but not to exceed two.
 - b. Maximum Permitted Duration: Must be removed one (1) week after sale of real estate, the full occupancy of all leased space, or the completion of improvement.
3. Additional regulations applicable to temporary signs erected on non-residential property that do not advertise approved development under construction, the improvement, sale or lease of property:

- a. Permit: A permit sticker shall be obtained from the Building Department identifying dates the sign is permitted to be displayed. Permit stickers must be attached to the sign when the sign is installed. A separate permit is required for each sticker granted. No more than two stickers may be issued to any building unit in the same calendar year. A scaled diagram of the sign(s) including description of materials, fee, and application signed by the property owner shall be submitted to the Building Department as part of the permit application.
 - b. Maximum Permitted Number:
 - i. Single Occupancy Building: One sign per street frontage is permitted, but not to exceed two.
 - ii. Multiple Occupancy Building: One sign per building unit, but not to exceed three such signs on the property at one time.
 - c. Maximum Permitted Duration: Signs shall be permitted for a maximum of 30 days from the date of permit approval or the duration of the activity or service, whichever is less. All signs shall be removed no later than one (1) week after the completion of the activity or service being advertised.
4. Non-commercial opinion signs on non-residential property: All parcels are permitted up to three (3) non-commercial opinion signs no earlier than 30 days before an election and shall be removed no later than one (1) week following the election. Such signs shall not exceed eight (8) square feet in area per face, not exceed four (4) feet in height above grade, and shall be set back a minimum of five (5) feet from every right of way. Non-commercial opinion signs may not be illuminated.

(Ord. 2008-6. Passed 4-1-08.)

Nonconforming Buildings and Uses

Chapter 1165

Sections

- 1165.01 Nonconforming Building Defined
- 1165.02 Permitted Continued Use of Buildings
- 1165.03 Building Use Regulations; Signs; Parking
- 1165.04 Permitted Continued Use of Land
- 1165.05 Nonconforming Use Due to Reclassification
- 1165.06 Change from Nonconforming Use

Section 1165.01 Nonconforming Building Defined

A building or other structure existing lawfully at the time this Zoning Code became effective but which does not conform as to area or width of lot, yard dimensions, lot coverage, height of building, use intended or other regulations of the district in which it is located, is a lawful nonconforming building.

(Ord. 90-125. Passed 5-21-91.)

Section 1165.02 Permitted Continued Use of Buildings

A nonconforming building may be continued to be occupied so long as it remains otherwise lawful, subject to the following provisions:

- A. **Maintenance and Repair.** A nonconforming building may continue to be used, maintained and repaired, provided, however, no structural parts shall be replaced except when required by law to restore to a safe condition, or to make the building or use conform to the regulations of the district in which it is located.
- B. **Alteration or Enlargement.** A nonconforming building shall not be altered, added to or enlarged unless the additions and original buildings are made to conform to the setback, yard coverage and height of the district in which it is located, except:
 1. A nonconforming building may be altered, modernized or enlarged provided that the alterations and enlargements conform to all of the setback, yard coverage and height regulations and upon the issuance of a special permit of the Building and Zoning Board of Appeals.
 2. A nonconforming dwelling may be altered, modernized or enlarged provided the alterations and enlargements conform to all the yard regulations and setback requirements.
- C. **Moving.** A nonconforming building shall not be moved in whole or in part to any other location on the lot or other premises, unless every portion of such building so moved is made to conform to all regulations of the district in which it is to be located.
- D. **Restoration of Damaged Building.**
 1. If a nonconforming building is damaged or destroyed by any cause to the extent of 50% or less of its reproduction cost, those portions so destroyed or damaged may be restored but to not more than its former size, provided such restoration is completed within a period of one year from date of damage or destruction. If such a building is occupied by a nonconforming use prior to damage such use may be continued.
 2. If a nonconforming building is damaged or destroyed more than 50% of its reproduction cost, no repairing or reconstruction shall be made unless every portion of the building is made to conform to regulations of the district in which the building is located and unless occupied by a conforming use.
 3. In the event the City and the owner cannot agree on the reproduction cost, determination of the reproduction cost shall be made by three practicing building construction contractors, one to be appointed by the owner, one to be appointed by the Mayor, and the third to be selected by the mutual consent of the two parties. The decision of a majority of those so appointed shall be considered as a binding reproduction cost for the purpose of this section.

(Ord. 90-125. Passed 5-21-91; Ord. 2016-36. Passed 8-2-16.)

Section 1165.03 Building Use Regulations; Signs; Parking

A use of a building existing lawfully at the time this Zoning Code became effective, but which does not conform to the use regulations, including signage, parking or loading regulations of the district in which it is located, is a nonconforming use of a building and may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. **Change of Use.** The nonconforming use of a building may only be changed to a conforming use, or to a use permitted in a more restricted district if approved by the Building and Zoning Board of Appeals. Thereafter it shall not be changed back to the former nonconforming use. For this purpose, the districts shall be considered as listed in order of restrictiveness, from most to least restrictive, as set forth in *Section 1133.06*.
- B. **Expansion of Use.** A nonconforming use of part of a building may only be expanded or extended throughout those parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Code but no such use shall be extended so as to occupy any land outside such building.
- C. **Discontinuance of Use.** If a nonconforming use within a building or portion thereof is discontinued for a continuous period of one year, any future use of such building or portion thereof, so discontinued, shall be in conformity with the use regulations of the district in which the building is located.
- D. **Nonconforming Signs.** A sign, existing lawfully at the time this Zoning Code became effective, but which does not conform with the sign regulations of the district in which it is located, may be maintained and structural or electrical parts may be repaired or restored to a safe condition as required by law; otherwise, a nonconforming sign shall not be altered or moved unless it is made to conform with this Zoning Code, and if any sign, or part thereof, is damaged or destroyed to more than 50% of its reproduction cost, or taken down, it shall not be rebuilt or relocated unless it shall be made to comply with the regulations of the district in which it is located.
- E. **Nonconforming Parking Facilities.** A building or use, existing lawfully at the time this Zoning Code or an amendment thereto became effective, but which does not conform with the offstreet parking or offstreet loading regulations, may be occupied by the existing use without such parking and/or loading facilities being provided. Any parking spaces that may be provided shall be in accord with the regulations and standards set forth in *Chapter 1161*. However, if the existing building is altered so that there is an increase in the number of dwelling units, seating capacity or floor area, or if the use is changed to a use requiring more offstreet facilities, then offstreet parking and loading facilities shall be provided at least equal to the number of spaces required for the entire building or use in accord with the schedule as set forth in *Sections 1161.03 and 1161.05*.

(Ord. 90-125. Passed 5-21-91; Ord. 2016-36. Passed 8-2-16.)

Section 1165.04 Permitted Continued Use of Land

A vacant lot or parcel of land, nonconforming as to use or dimension and existing lawfully at the time this Zoning Code or an amendment thereto became effective but which does not conform with the use and/or dimension regulations of the district in which it is located is a nonconforming use of land, and such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. **Expansion of Use.** The nonconforming use of a lot, or part thereof, shall not be expanded or extended onto other parts of the lot.

- B. Discontinuance of Use.** If the nonconforming use of a lot, or part thereof, is discontinued for a continuous period of one year any future use of such lot, or part thereof so discontinued, shall be in conformity with the use regulations of the district in which it is located.
- C. Insufficient Size.** A lot, or lots, nonconforming as to lot area and/or lot width requirements of the district in which it is located, existing lawfully at the time this Zoning Code or an amendment thereto became effective, may be developed, provided that:
1. No adjoining vacant lot or parcel of land was owned by the same owner on the effective date of this Zoning Code; and
 2. All other regulations of this Zoning Code, except lot area and lot width regulations, shall be complied with.

(Ord. 90-125. Passed 5-21-91.)

Section 1165.05 Nonconforming Use Due to Reclassification

The foregoing provisions of this chapter shall also apply to the buildings, structures, land or other uses hereafter becoming nonconforming as a result of reclassification of districts or of other amendments made to this Zoning Code or of future reclassification of districts or of other amendments made thereto.

Buildings and uses that were conforming or lawfully existing nonconforming buildings and uses under any prior zoning ordinance and becoming nonconforming under this Zoning Code shall be deemed unlawful nonconforming buildings and uses.

(Ord. 90-125. Passed 5-21-91.)

Section 1165.06 Change from Nonconforming Use

A nonconforming building or use shall cease to be considered as such whenever it complies with the requirements of the district in which it is located and shall not be resumed thereafter.

(Ord. 90-125. Passed 5-21-91.)