



Planning and Zoning Code



Elyria, Ohio

The Planning and Zoning Code of the City of Elyria, Ohio

”

*...to promote the public health,
safety, morals, convenience, and
general welfare...*

”

Introduction to and Using this Ordinance

Chapter

1101

Chapter 1101: Introduction to and Using this Ordinance



Figure 1:

SECTION 1101.01 TITLE AND EFFECTIVE DATE; REPEALER

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

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

SECTION 1101.02 PURPOSE AND INTENT

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

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

SECTION 1101.03 APPLICABILITY

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

SECTION 1101.04 SAVINGS PROVISION/SEVERABILITY

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

SECTION 1101.05 RULES OF INTERPRETATION

- (a) Whenever a defined word appears in this Zoning Code, its meaning is as defined in this Zoning Code. Words not defined in this Zoning Code are interpreted in accord with their dictionary meaning and customary usage.
- (b) All references to other regulations or manuals shall refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, such reference or requirement for compliance is no longer in effect.
- (c) Illustrations, diagrams, and flowcharts are included in this Zoning Code to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text shall control.
- (d) The language of this Zoning Code shall be interpreted as follows:
 - (1) The word “person” includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual.
 - (2) The present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular in each case if the context so requires.
 - (3) The word “shall” is mandatory; the word “may” is permissive.
 - (4) The words “used” or “occupied” include the words “intended,” “designed,” “constructed,” “altered,” or “arranged” to be used or occupied.
 - (5) The word “lot” includes the words “plot,” “tract,” or “parcel.”
 - (6) The terms “standards,” “regulations,” and “requirements” are used to mandate a specific course of action or built outcome.
 - (7) Section headings are provided for ease of use and organization and shall not be interpreted as regulatory.
 - (8) Where a regulation involves two or more items, conditions, provisions, or events which are connected by a conjunction—”and,” “or,” or “either...or”—the conjunction shall be interpreted as follows:

- (9) “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - (10) “Or” indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - (11) “Either...or” indicates that all the connected items, conditions, provisions, or events shall apply singularly but not in combination.
- (e) In the case of any conflict or inconsistency between two or more provisions of this Zoning Code or any other City ordinance, law, rule, or regulation, the provision which imposes the greater, higher, or more restrictive requirement or standard of performance shall control.

SECTION 1101.06 RULES OF MEASUREMENT

(a) Determining Building Height and Height Exceptions

- (1) Height shall be interpreted as the vertical distance from the average established curb grade or established grade in front of the lot, or from the average finished grade at the front building line, if higher, to the top of the roof or the uppermost portion of the structure.

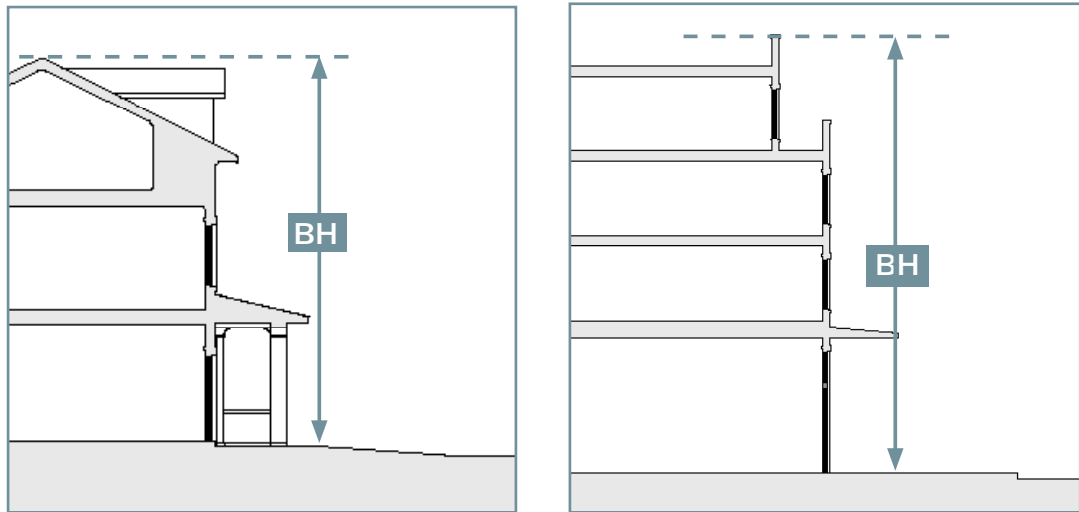


Figure 2: Graphic showing how to measure the building height (BH) of a pitched-roof building (left) and a flat-roofed building (right).

- (2) Exceptions to Height Maximums. Elevator shafts and similar structural elements which are not intended as places of occupancy or storage; water and fire towers, cooling towers, ornamental towers, or spires; cupulas; smokestacks or chimneys; conveyors; bell towers or steeples; heating, ventilation, and air conditioning equipment and similar building mechanicals; solar panels and wind turbines; and communication and radio transmission devices may extend above the structure height limit established by the district standards if they conform to the following requirements:
 - (i) For those structures that are mounted on a building’s roof, no more than one-third of the roof area may be used for such fixtures.
 - (ii) For those fixtures affixed to the principal structure’s roof and providing at least the minimum setbacks established by the district in which it is located, no height-exceptioned fixture shall exceed the height limit of the district in which it is located by more than 15 vertical feet, except by a variance approved by the Board of Zoning Appeals. For information on variances, please refer to Article XXXX “Administration and Procedures.”

(iii) Note that, for accessory structures that are within the minimum setback area (for example, a child’s playhouse, which is an accessory structure, within 5 feet of the side lot line, where that district requires a side setback of at least 10 feet), no accessory structure shall exceed the maximum height described by Section XXXX.XX “Height Maximums for Accessory Structures.”

(iv) [INCLUDE GRAPHIC HERE SHOWING EXCEPTIONS TO HEIGHT MAXIMUMS]

(b) Determining Lot Lines and Building Setbacks

(1) Lot Lines

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

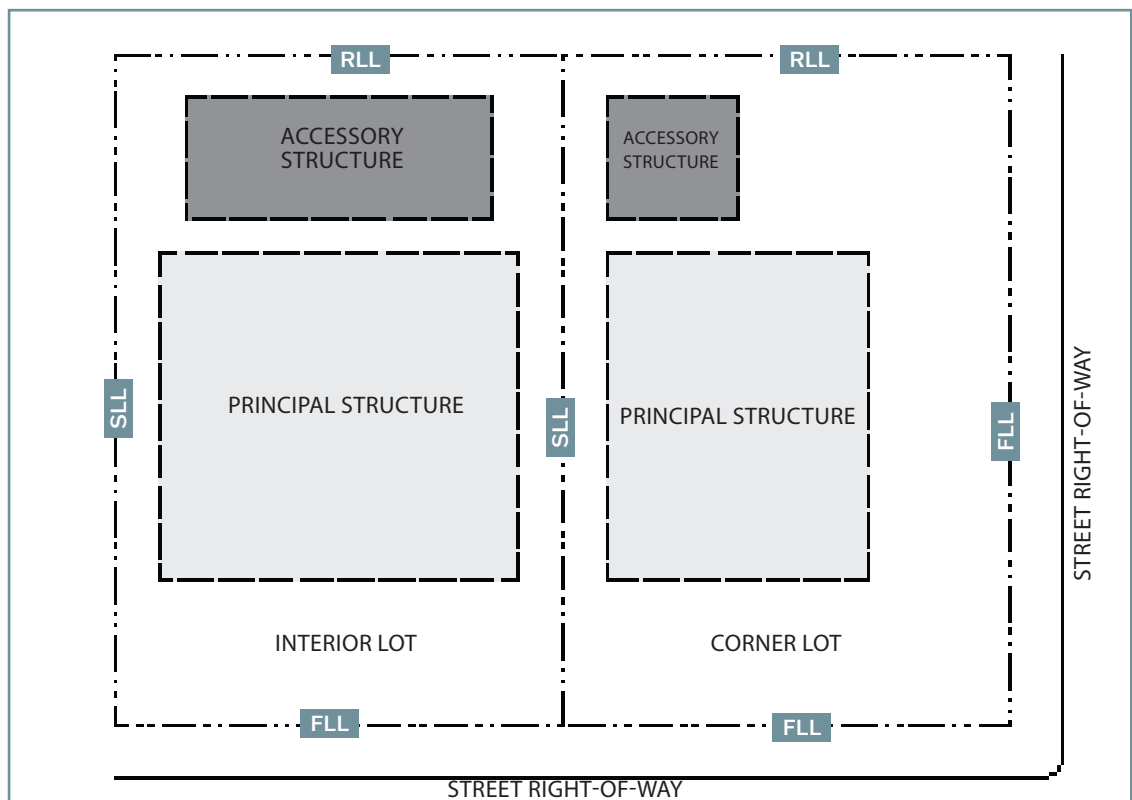


Figure 3: Graphic showing lot lines, including front lot lines (FLL), side lot lines (SLL), and rear lot lines (RLL) on an interior lot (left) and a corner lot (right).

(2) Setbacks

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

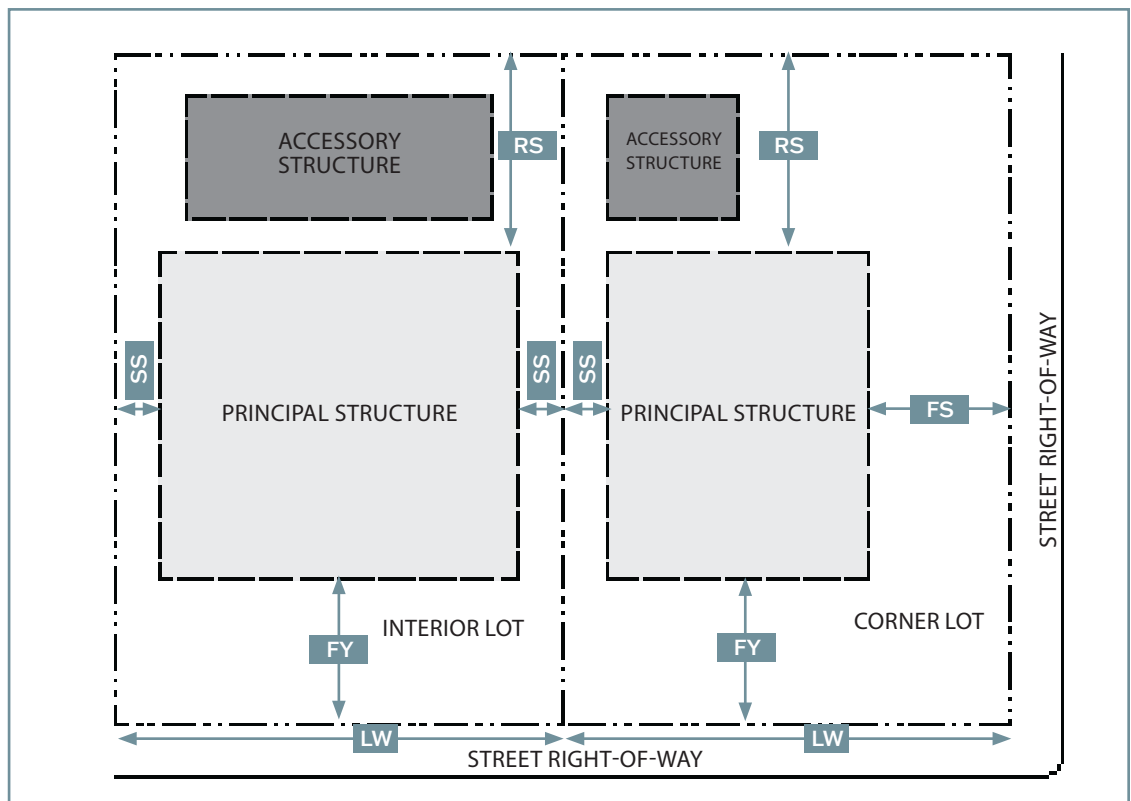


Figure 4: Graphic showing different setbacks, including front setbacks (FS), side setbacks (SS), and rear setbacks (RS). This graphic also shows lot widths (LW) for an interior lot (left) and corner lot (right).

- (c) Defining Lot Width. The lot width is the length of a lot’s shortest front lot line.
 - (i) [INCLUDE GRAPHIC SHOWING DIFFERENT LOT WIDTHS]
- (d) Defining Lot Area. The lot area is the area of a horizontal plane bounded by vertical planes extending from the lot lines of a single lot, and not including any area within the right-of-way.
 - (i) [INCLUDE GRAPHIC SHOWING LOT AREA]
- (e) Defining Building Footprint. Building footprint is the area of an individual building (as viewed from a plan view, where topography of the land is irrelevant). When measuring building footprint, the area

only considers the extent of the exterior of building walls but shall not take into consideration roof overhangs, eaves, awnings, or canopies. It shall, however, include those areas of the building with walls that represent a larger area than the area of the footprint of the foundation, such as cantilevered sections of the building. Building footprint shall also include areas of the building with half-walls, such as porches.

(i) [INCLUDE GRAPHIC SHOWING BUILDING FOOTPRINT]

SECTION 1101.07 CODE ROADMAP

- (a) Step One: Locate your property and applicable zoning district on the Zoning Map.
- (b) Step Two: Locate the applicable district regulations in Article XXXX “District Standards.”
- (c) Step Three: Determine what uses are allowed in the district and what standards apply to that use in particular by referring to the contents of Article XXXX “Land Use Standards.”
- (d) Step Four: Determine if any generally applicable regulations apply, such as standards for signs, fences, landscaping, and lighting, by referring to the contents of Article XXXX “Generally Applicable Standards.”
- (e) Step Five: Determine if any nonconformities exist and how to address them by referring to Article XXXX “Nonconformities.”
- (f) Step Six: Determine if any permits or approvals are necessary and how to apply for them by referring to the contents of Article XXXX “Administration and Procedures.”

Districts Standards

Chapter

1102

Chapter 1102: Districts Standards



Figure 5: [IMAGE TO BE ADDED LATER]

SECTION 1102.01 ESTABLISHMENT OF DISTRICTS

The districts described in this article are hereby established.

SECTION 1102.02 ESTABLISHMENT OF ZONING MAP

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

SECTION 1102.03 MAINTENANCE OF ZONING MAP

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

SECTION 1102.04 INTERPRETATION OF ZONING MAP BOUNDARIES

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot

lines.

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

SECTION 1102.05 ZONING UPON ANNEXATION

In the case that any land be annexed by the City, such land shall assume a district designation according to the following rules:

- (a) Where the annexed land appears on a Council-adopted comprehensive plan or other plan, the land shall assume a district designation that aligns with the plan, as determined by the City Planner. City Planner determinations and interpretations can be appealed to the Board of Zoning Appeals. The district designation of a parcel of land can be proposed to be changed via the Map Amendment procedure found in Article XXXX “Administration and Procedures.”
- (b) Where the annexed land does not appear on a Council-adopted comprehensive plan or other plan, the land shall assume a district designation of Agricultural District. [WOULD YOU LIKE TO PICK A DIFFERENT DISTRICT?] Following the annexation and initial district designation, the district designation of a parcel of land can be proposed to be changed via the Map Amendment procedure found in Article XXXX “Administration and Procedures.”

1102.06 Agricultural District

(A) PURPOSE OF THE AGRICULTURAL DISTRICT

The Agricultural District intends to preserve the character of rural environs and agricultural land uses.

(B) USES ALLOWED IN THE AGRICULTURAL DISTRICT

- (1) Number of Uses per Lot. No more than one principal use is permitted per lot in the Agricultural District.
- (2) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Section XXXX.
- (3) Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code's Glossary in Chapter XXXX.

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	Section XXXX.XX
Two-Unit Residential	Administrative Review	Section XXXX.XX
Mobile Home Park	Conditional Use Review	Section XXXX.XX
COMMERCIAL USES		
Small Telecommunications	Administrative Review	Section XXXX.XX
COMMUNITY USES		
Libraries, Museums, Playhouses, and Schools	Conditional Use Review	Section XXXX.XX
Religious Assembly	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Cemetery	Administrative Review	Section XXXX.XX
Community Gardening	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Conditional Use Review	Section XXXX.XX
MISCELLANEOUS USES		
Accessory Uses	Administrative Review, except as otherwise noted in use-specific regulations section	Section XXXX.XX
Temporary Uses	Administrative Review	Section XXXX.XX

(C) DEVELOPMENT STANDARDS IN THE AGRICULTURAL DISTRICT

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

DEVELOPMENT STANDARDS		
LOT DIMENSION STANDARDS		
Lot Area	1 acre min.	PLACEHOLDER FOR GRAPHIC
Lot Width	100 ft. min.	
Lot Depth	100 ft. min.	
BUILDING SETBACK STANDARDS		
Front Yard Setback	25 ft. min.	PLACEHOLDER FOR GRAPHIC
Side Yard Setback	20 ft. min.	
Rear Yard Setback	25 ft. min.	
BUILDING SCALE STANDARDS		
Building Height	40 ft. max.	PLACEHOLDER FOR GRAPHIC
NOTES		
No notes.		

(D) OTHER STANDARDS APPLICABLE TO THE AGRICULTURAL DISTRICT

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

1102.07 Residential 1 District

(A) PURPOSE OF THE RESIDENTIAL 1 DISTRICT

The Residential 1 District intends to preserve the character of existing, lower-density neighborhoods while allowing the construction of denser neighborhoods with smaller yards and setbacks.

(B) USES ALLOWED IN THE RESIDENTIAL 1 DISTRICT

- (1) Number of Uses per Lot. No more than one principal use is permitted per lot in the Residential 1 District.
- (2) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter XXXX.
- (3) Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code's Glossary in Chapter XXXX.

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	Section XXXX.XX
Two-Unit Residential	Administrative Review	Section XXXX.XX
3-8-Unit Residential	Conditional Use Review	Section XXXX.XX
Small Residential Care Housing	Administrative Review	Section XXXX.XX
Large Residential Care Housing	Conditional Use Review	Section XXXX.XX
Small Rehabilitation Care Housing	Conditional Use Review	Section XXXX.XX
Large Rehabilitation Care Housing	Conditional Use Review	Section XXXX.XX
Townhouse Residential	Administrative Review	Section XXXX.XX
Mobile Home Park	Conditional Use Review	Section XXXX.XX
COMMERCIAL USES		
Small Telecommunications	Administrative Review	Section XXXX.XX
COMMUNITY USES		
Libraries, Museums, Playhouses, and Schools	Conditional Use Review	Section XXXX.XX
Religious Assembly	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Cemetery	Administrative Review	Section XXXX.XX
Community Gardening	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Conditional Use Review	Section XXXX.XX
MISCELLANEOUS USES		
Accessory Uses	Administrative Review, except as otherwise noted in use-specific regulations section	Section XXXX.XX

(C) DEVELOPMENT STANDARDS IN THE RESIDENTIAL 1 DISTRICT

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

DEVELOPMENT STANDARDS		
LOT DIMENSION STANDARDS		
Lot Area	6,000 sq. ft. min.*	PLACEHOLDER FOR GRAPHIC
Lot Width	55 ft. min.*	
Lot Depth	100 ft. min.*	
BUILDING SETBACK STANDARDS		
Front Yard Setback	25 ft. min.*	PLACEHOLDER FOR GRAPHIC
Side Yard Setback	6 ft. min.*	
Rear Yard Setback	25 ft. min.*	
BUILDING SCALE STANDARDS		
Building Height	40 ft. max.	PLACEHOLDER FOR GRAPHIC
NOTES		
* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in Section XXXX-XX.		

(D) DESIGN STANDARDS APPLICABLE TO THE RESIDENTIAL 1 DISTRICT

- (1) PLACEHOLDER FOR DESIGN STANDARDS FOR THE RESIDENTIAL 1 DISTRICT

(E) OTHER STANDARDS APPLICABLE TO THE RESIDENTIAL 1 DISTRICT

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

1102.08 Residential 2 District

(A) PURPOSE OF THE RESIDENTIAL 2 DISTRICT

The Residential 2 District intends to promote a broad diversity of housing types and compact, walkable, and affordable residential neighborhoods. Small scale commercial, such as coffee shops and neighborhood grocery stores, are intended to be confined to corner lots. Development should feature architectural styles which complement the existing, historic character of the neighborhood. Sidewalk and bicycle connectivity is necessary for supporting nearby mixed-use areas.

(B) USES ALLOWED IN THE RESIDENTIAL 2 DISTRICT

- (1) Number of Uses per Lot. No more than one principal use is permitted per lot in the Residential 2 District.
- (2) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter XXXX.
- (3) Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code's Glossary in Chapter XXXX.

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	Section XXXX.XX
Two-Unit Residential	Administrative Review	Section XXXX.XX
3-8-Unit Residential	Conditional Use Review	Section XXXX.XX
Small Residential Care Housing	Administrative Review	Section XXXX.XX
Large Residential Care Housing	Conditional Use Review	Section XXXX.XX
Small Rehabilitation Care Housing	Conditional Use Review	Section XXXX.XX
Large Rehabilitation Care Housing	Conditional Use Review	Section XXXX.XX
Townhouse Residential	Administrative Review	Section XXXX.XX
Cottage Court Residential	Administrative Review	Section XXXX.XX
COMMERCIAL USES		
Day Care Facility (Non-Home)	Conditional Use Review	Section XXXX.XX
Indoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Indoor Sales and Services	Conditional Use Review	Section XXXX.XX
Small Telecommunications	Administrative Review	Section XXXX.XX
COMMUNITY USES		
Libraries, Museums, Playhouses, and Schools	Conditional Use Review	Section XXXX.XX
Religious Assembly	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Cemetery	Administrative Review	Section XXXX.XX
Community Gardening	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX

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

(C) DEVELOPMENT STANDARDS IN THE RESIDENTIAL 2 DISTRICT

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

DEVELOPMENT STANDARDS		
LOT DIMENSION STANDARDS		
Lot Area	4,750 sq. ft. min.*	PLACEHOLDER FOR GRAPHIC
Lot Width	39 ft. min.*	
Lot Depth	100 ft. min.*	
BUILDING SETBACK STANDARDS		
Front Yard Setback	20 ft. min.*	PLACEHOLDER FOR GRAPHIC
Side Yard Setback	5 ft. min.* and **	
Rear Yard Setback	25 ft. min.*	
BUILDING SCALE STANDARDS		
Building Height	35 ft. max.	PLACEHOLDER FOR GRAPHIC
Building Footprint	3,000 sq. ft. max. for commercial uses; no max. for all other uses	
NOTES		
<p>* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in Section XXXX-XX. ** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.</p>		

(D) DESIGN STANDARDS APPLICABLE TO THE RESIDENTIAL 2 DISTRICT

- (1) PLACEHOLDER FOR DESIGN STANDARDS FOR THE RESIDENTIAL 2 DISTRICT

(E) OTHER STANDARDS APPLICABLE TO THE RESIDENTIAL 2 DISTRICT

- (1) Parking and Driveway Regulations. Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX “Parking and Driveway Regulations”.
- (2) Fence Regulations. Fence regulations can be found in this Planning and Zoning Code Chapter XXXX “Fence Regulations”.
- (3) Outdoor Lighting Regulations. Outdoor lighting regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Lighting Regulations”.
- (4) Outdoor Storage Regulations. Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Storage Regulations”.

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

1102.09 Downtown District

(A) PURPOSE OF THE DOWNTOWN DISTRICT

The Downtown District intends to embody the heart of Elyria with mixed-use, pedestrian-oriented development. Public spaces, such as plazas, pocket parks, and outdoor dining areas, are encouraged.

(B) USES ALLOWED IN THE DOWNTOWN DISTRICT

- (1) Number of Uses per Lot. More than one principal use is permitted per lot in the Downtown District.
- (2) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter XXXX.
- (3) Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code's Glossary in Chapter XXXX.

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	Section XXXX.XX
Two-Unit Residential	Administrative Review	Section XXXX.XX
3-8-Unit Residential	Administrative Review	Section XXXX.XX
9-Plus-Unit Residential	Administrative Review	Section XXXX.XX
Townhouse Residential	Administrative Review	Section XXXX.XX
Permanent Shelter	Conditional Use Review	Section XXXX.XX
Seasonal Shelter	Administrative Review	Section XXXX.XX
COMMERCIAL USES		
Day Care Facility (Non-Home)	Administrative Review	Section XXXX.XX
Food Truck	Conditional Use Review	Section XXXX.XX
Indoor Sales and Services	Administrative Review	Section XXXX.XX
Large Indoor Dining, Drinking, and Entertainment	Administrative Review	Section XXXX.XX
Large Indoor Events Center	Administrative Review	Section XXXX.XX
Large Lodging	Administrative Review	Section XXXX.XX
Large Telecommunications	Conditional Use Review	Section XXXX.XX
Marijuana-Dispensing Uses	Conditional Use Review	Section XXXX.XX
Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Outdoor Special Events Venue	Conditional Use Review	Section XXXX.XX
Small Indoor Dining, Drinking, and Entertainment	Administrative Review	Section XXXX.XX
Small Lodging	Administrative Review	Section XXXX.XX
Small-Scale Utility Transmission and Substation Uses	Conditional Use Review	Section XXXX.XX
Small Telecommunications	Conditional Use Review	Section XXXX.XX

COMMUNITY USES		
Libraries, Museums, Playhouses, and Schools	Administrative Review	Section XXXX.XX
Physical Recreation Centers	Administrative Review	Section XXXX.XX
Religious Assembly	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Community Gardening	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	Section XXXX.XX
MISCELLANEOUS USES		
Accessory Uses	Administrative Review, except as otherwise noted in use-specific regulations section	Section XXXX.XX
Temporary Uses	Administrative Review	Section XXXX.XX

(C) DEVELOPMENT STANDARDS IN THE DOWNTOWN DISTRICT

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

DEVELOPMENT STANDARDS			
LOT DIMENSION STANDARDS			
	Lot Area	2,000 sq. ft. min.*	PLACEHOLDER FOR GRAPHIC
	Lot Width	15 ft. min.*	
	Lot Depth	80 ft. min.*	
BUILDING SETBACK STANDARDS			
	Front Yard Setback	0 ft. min.; 30 ft. max.	PLACEHOLDER FOR GRAPHIC
	Side Yard Setback	0 ft. min. per side** where abutting another lot in the Downtown District; 10 ft. min. per side where immediately abutting any other district	
	Rear Yard Setback	20 ft. min.	
BUILDING SCALE STANDARDS			
	Building Height	22 ft. min. and 75 ft. max.	PLACEHOLDER FOR GRAPHIC
	Building Footprint	40,000 sq. ft. max.	
	Building Frontage	The building or building elements must span at least 60% of the lot width, measured 30 feet back from the front lot line..	
NOTES			
<p>* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in Section XXXX-XX.</p> <p>** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.</p>			

(D) DESIGN STANDARDS APPLICABLE TO THE DOWNTOWN DISTRICT

- (1) PLACEHOLDER FOR DESIGN STANDARDS FOR THE DOWNTOWN DISTRICT

(E) OTHER STANDARDS APPLICABLE TO THE DOWNTOWN DISTRICT

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

1102.10 Corridor District

(A) PURPOSE OF THE CORRIDOR DISTRICT

The Corridor District intends to (1) encourage a mix of residential and business uses along main streets and near significant intersections, (2) encourage buildings placed near the sidewalk with adequate pedestrian and bicycle connections to and from neighborhoods and parks, and (3) encourage densities that support transit access and improve the mobility of Elyria’s citizens.

(B) USES ALLOWED IN THE CORRIDOR DISTRICT

- (1) Number of Uses per Lot. More than one principal use is permitted per lot in the Corridor District.
- (2) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter XXXX.
- (3) Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code’s Glossary in Chapter XXXX.

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	Section XXXX.XX
Two-Unit Residential	Administrative Review	Section XXXX.XX
3-8-Unit Residential	Administrative Review	Section XXXX.XX
9-Plus-Unit Residential	Administrative Review	Section XXXX.XX
Small Residential Care Housing	Administrative Review	Section XXXX.XX
Large Residential Care Housing	Conditional Use Review	Section XXXX.XX
Small Rehabilitation Care Housing	Conditional Use Review	Section XXXX.XX
Large Rehabilitation Care Housing	Conditional Use Review	Section XXXX.XX
Townhouse Residential	Administrative Review	Section XXXX.XX
COMMERCIAL USES		
Day Care Facility	Administrative Review	Section XXXX.XX
Food Truck	Conditional Use Review	Section XXXX.XX
Indoor Sales and Services	Administrative Review	Section XXXX.XX
Large Indoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Large Lodging	Conditional Use Review	Section XXXX.XX
Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Small Indoor Dining, Drinking, and Entertainment	Administrative Review	Section XXXX.XX
Small Lodging	Administrative Review	Section XXXX.XX
Small Telecommunications	Conditional Use Review	Section XXXX.XX
COMMUNITY USES		

Libraries, Museums, Playhouses, and Schools	Administrative Review	Section XXXX.XX
Physical Recreation Centers	Administrative Review	Section XXXX.XX
Religious Assembly	Administrative Review	Section XXXX.XX
Union Hall Uses	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Cemetery	Administrative Review	Section XXXX.XX
Community Gardening	Administrative Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	Section XXXX.XX
MISCELLANEOUS USES		
Accessory Uses	Administrative Review, except as otherwise noted in use-specific regulations section	Section XXXX.XX
Temporary Uses	Administrative Review	Section XXXX.XX

(C) DEVELOPMENT STANDARDS IN THE CORRIDOR DISTRICT

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

DEVELOPMENT STANDARDS		
LOT DIMENSION STANDARDS		
Lot Area	2,000 sq. ft. min.*	PLACEHOLDER FOR GRAPHIC
Lot Width	15 ft. min.*	
Lot Depth	80 ft. min.*	
BUILDING SETBACK STANDARDS		
Front Yard Setback	0 ft. min.; 30 ft. max.	PLACEHOLDER FOR GRAPHIC
Side Yard Setback	0 ft. min. per side** where abutting another lot in the Corridor District; 20 ft. min. per side where abutting any other district	
Rear Yard Setback	5 ft. min.* where abutting another lot in the Corridor District; 20 ft. min. where abutting any other district	
BUILDING SCALE STANDARDS		
Building Height	40 ft. max.	PLACEHOLDER FOR GRAPHIC
Building Footprint	30,000 sq. ft. max.	
Building Frontage	At least 60% of lot width at front yard setback line must be occupied by building or building elements	
NOTES		
<p>* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in Section XXXX-XX.</p> <p>** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.</p>		

(D) DESIGN STANDARDS APPLICABLE TO THE CORRIDOR DISTRICT

- (1) PLACEHOLDER FOR DESIGN STANDARDS FOR THE CORRIDOR DISTRICT

(E) OTHER STANDARDS APPLICABLE TO THE CORRIDOR DISTRICT

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

1102.11 Commercial District

(A) PURPOSE OF THE COMMERCIAL DISTRICT

The Commercial District intends to support businesses, services, and employers that provide jobs and services that may be oriented towards highways or major arterial roads and may not be compatible with residential uses. While some uses may be accessed primarily by vehicles, the Commercial District should respect pedestrian access and safety.

(B) USES ALLOWED IN THE COMMERCIAL DISTRICT

- (1) Number of Uses per Lot. More than one principal use is permitted per lot in the Commercial District.
- (2) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter XXXX.
- (3) Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code's Glossary in Chapter XXXX.

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
RESIDENTIAL USES		
9-Plus-Unit Residential	Conditional Use Review	Section XXXX.XX
Permanent Shelter	Conditional Use Review	Section XXXX.XX
Seasonal Shelter	Conditional Use Review	Section XXXX.XX
COMMERCIAL USES		
Animal Boarding or Shelter	Administrative Review	Section XXXX.XX
Day Care Facility (Non-Home)	Administrative Review	Section XXXX.XX
Cannabis-Dispensing	Conditional Use Review	Section XXXX.XX
Emergency and In-Patient Medical Services	Administrative Review	Section XXXX.XX
Food Truck	Conditional Use Review	Section XXXX.XX
Indoor Sales and Services	Administrative Review	Section XXXX.XX
Large Indoor Dining, Drinking, and Entertainment	Administrative Review	Section XXXX.XX
Large Indoor Events Center	Administrative Review	Section XXXX.XX
Large Lodging	Conditional Use Review	Section XXXX.XX
Large-Scale Utility Transmission and Substation Uses	Conditional Use Review	Section XXXX.XX
Large Telecommunications	Conditional Use Review	Section XXXX.XX
Light Industrial	Conditional Use Review	Section XXXX.XX
Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Outdoor Sales	Administrative Review	Section XXXX.XX
Outdoor Special Events Venue	Administrative Review	Section XXXX.XX
Outdoor Storage of Commercial Equipment or Vehicles	Administrative Review	Section XXXX.XX

Principal Solar Energy System	Administrative Review	Section XXXX.XX
Principal Wind Energy System	Conditional Use Review	Section XXXX.XX
Small Indoor Dining, Drinking, and Entertainment	Administrative Review	Section XXXX.XX
Small Lodging	Administrative Review	Section XXXX.XX
Small-Scale Utility Transmission and Substation Uses	Conditional Use Review	Section XXXX.XX
Small Telecommunications	Conditional Use Review	Section XXXX.XX
Weapons-Oriented Uses	Conditional Use Review	Section XXXX.XX
TRANSPORTATION USES		
Bus Station or Train Station	Administrative Review	Section XXXX.XX
Taxi, Rideshare, or Limousine Service Hub	Administrative Review	Section XXXX.XX
Tow Yard	Administrative Review	Section XXXX.XX
Vehicle Refueling	Administrative Review	Section XXXX.XX
Vehicle Sales, Rental, Repair, and Servicing	Administrative Review	Section XXXX.XX
AVIATION USES		
Airplane or Helicopter Sales, Repair, Rental, Chartering, Refueling, Educational Services, Landing Strips and Pads, and Storage	Conditional Use Review	Section XXXX.XX
Drone, Remote-Control Plane, and Remote-Control Helicopter Launch or Landing Area	Administrative Review	Section XXXX.XX
COMMUNITY USES		
Libraries, Museums, Playhouses, and Schools	Administrative Review	Section XXXX.XX
Physical Recreation Centers	Administrative Review	Section XXXX.XX
Religious Assembly	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Cemetery	Administrative Review	Section XXXX.XX
Community Gardening	Administrative Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	Section XXXX.XX
MISCELLANEOUS USES		
Accessory Uses	Administrative Review, except as otherwise noted in use-specific regulations section	Section XXXX.XX
Temporary Uses	Administrative Review	Section XXXX.XX

(C) DEVELOPMENT STANDARDS IN THE COMMERCIAL DISTRICT

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

DEVELOPMENT STANDARDS

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

(D) DESIGN STANDARDS APPLICABLE TO THE COMMERCIAL DISTRICT

- (1) PLACEHOLDER FOR DESIGN STANDARDS FOR THE COMMERCIAL DISTRICT

(E) OTHER STANDARDS APPLICABLE TO THE COMMERCIAL DISTRICT

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

1102.12 Industrial District

(A) PURPOSE OF THE INDUSTRIAL DISTRICT

The Industrial District intends to promote large job centers, including office, industrial, and medical uses, that are incompatible with residential uses due to noise or traffic generation or other negative externalities. These areas are intended to be located in existing industrial sites and near railroad corridors. Development should be well connected by walking and biking amenities to attract workers who may not have access to a personal vehicle.

(B) USES ALLOWED IN THE INDUSTRIAL DISTRICT

- (1) Number of Uses per Lot. More than one principal use is permitted per lot in the Industrial District.
- (2) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter XXXX.
- (3) Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code's Glossary in Chapter XXXX.

LAND USES ALLOWED	REQUIRED APPROVAL PROCESS	APPLICABLE USE-SPECIFIC REGULATIONS
COMMERCIAL USES		
Adult-Oriented Uses	Conditional Use Review	Section XXXX.XX
Animal Boarding or Shelter	Administrative Review	Section XXXX.XX
Cannabis-Dispensing	Conditional Use Review	Section XXXX.XX
Emergency and In-Patient Medical Services	Administrative Review	Section XXXX.XX
Heavy Industrial	Conditional Use Review	Section XXXX.XX
Indoor Sales and Services	Conditional Use Review	Section XXXX.XX
Large Indoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Large Indoor Events Center	Conditional Use Review	Section XXXX.XX
Large-Scale Utility Transmission and Substation Uses	Administrative Review	Section XXXX.XX
Large Telecommunications	Conditional Use Review	Section XXXX.XX
Light Industrial	Administrative Review	Section XXXX.XX
Mineral Resource Extraction	Conditional Use Review	Section XXXX.XX
Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Outdoor Sales	Administrative Review	Section XXXX.XX
Outdoor Special Events Venue	Administrative Review	Section XXXX.XX
Outdoor Storage of Commercial Equipment or Vehicles	Administrative Review	Section XXXX.XX
Principal Solar Energy System	Administrative Review	Section XXXX.XX
Principal Wind Energy System	Administrative Review	Section XXXX.XX

Small Indoor Dining, Drinking, and Entertainment	Administrative Review	Section XXXX.XX
Small-Scale Utility Transmission and Substation	Administrative Review	Section XXXX.XX
Small Telecommunications	Administrative Review	Section XXXX.XX
Weapons-Oriented Uses	Conditional Use Review	Section XXXX.XX
TRANSPORTATION USES		
Bus Station or Train Station	Administrative Review	Section XXXX.XX
Taxi, Rideshare, or Limousine Service Hub	Administrative Review	Section XXXX.XX
Tow Yard	Administrative Review	Section XXXX.XX
Truck Terminal	Administrative Review	Section XXXX.XX
Vehicle Refueling	Administrative Review	Section XXXX.XX
Vehicle Sales, Rental, Repair, and Servicing	Administrative Review	Section XXXX.XX
AVIATION USES		
Airplane or Helicopter Sales, Repair, Rental, Chartering, Refueling, Educational Services, Landing Strips and Pads, and Storage	Conditional Use Review	Section XXXX.XX
Drone, Remote-Control Plane, and Remote-Control Helicopter Launch or Landing Area	Administrative Review	Section XXXX.XX
COMMUNITY USES		
Libraries, Museums, Playhouses, and Schools	Administrative Review	Section XXXX.XX
Physical Recreation Centers	Administrative Review	Section XXXX.XX
Religious Assembly	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Cemetery	Administrative Review	Section XXXX.XX
Community Gardening	Administrative Review	Section XXXX.XX
Outdoor Arena	Conditional Use Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	Section XXXX.XX
MISCELLANEOUS USES		
Accessory Uses	Administrative Review, except as otherwise noted in use-specific regulations section	Section XXXX.XX
Temporary Uses	Administrative Review	Section XXXX.XX

(C) DEVELOPMENT STANDARDS IN THE INDUSTRIAL DISTRICT

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

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

	Front Yard Setback	20 ft. min.	PLACEHOLDER FOR GRAPHIC
	Side Yard Setback	Where all or part of a side lot line is immediately abutting a lot within the Residential 1 or Residential 2 District: 100 ft. min. on that side. Where none of a side lot line is abutting a lot within the Residential 1 or Residential 2 District: 30 ft. min. on that side, except 0 ft. min.** where building is part of a contiguous, unified commercial development	
	Rear Yard Setback	Where all or part of the rear lot line is immediately abutting a lot(s) within the Residential 1 or Residential 2 District: 100 ft. min. Where none of the rear lot line is abutting a lot within the Residential 1 or Residential 2 District: 30 ft. min.	
BUILDING SCALE STANDARDS			
	Building Height	75 ft. max.	PLACEHOLDER FOR GRAPHIC
NOTES			
** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.			

(D) OTHER STANDARDS APPLICABLE TO THE INDUSTRIAL DISTRICT

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

1102.13 Parks and Open Space District

(A) PURPOSE OF THE PARKS AND OPEN SPACE DISTRICT

The Parks and Open Space District intends to comprise existing recreational and natural areas within Elyria. Connecting these areas with other land uses, especially neighborhoods, local businesses, and schools, should be considered with any future improvement or development projects by including robust infrastructure such as sidewalks, transit, trails and other bike facilities. Amenities within parks should be tailored towards a wide range of ages and abilities with specialty parks, such as dog parks, splash pads, or gardens serving nearby residential neighborhoods. Parks are not limited only to this district and should be permitted as allowed uses in all other districts.

(B) USES ALLOWED IN THE PARKS AND OPEN SPACE DISTRICT

- (1) Number of Uses per Lot. More than one principal use is permitted per lot in the Parks and Open Space District.
- (2) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter XXXX.
- (3) Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter X shall apply. All use terms are defined in this Planning and Zoning Code’s Glossary in Chapter XXXX.

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

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

(C) DEVELOPMENT STANDARDS IN THE PARKS AND OPEN SPACE DISTRICT

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

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

(D) OTHER STANDARDS APPLICABLE TO THE PARKS AND OPEN SPACE DISTRICT

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

Land Use Standards

Chapter

1103

Chapter 1103: Land Use Standards

SECTION 1103.01 PURPOSE OF LAND USE STANDARDS CHAPTER

This chapter's regulations are intended to reduce the effects that certain land uses may have on the public's health, safety, and welfare by restricting the use of land district-by-district within the city.

SECTION 1103.02 LAND USES RESTRICTED BY DISTRICT AND BY USE TYPE

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

SECTION 1103.03 INTERPRETATION OF LAND USES

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

SECTION 1103.04 ALLOWED LAND USES

- (a) Unlisted Land Uses Prohibited. No lot, structure, or portion thereof may be used for any purpose, except as expressly allowed in that district by this section.
- (b) Other Land Uses Prohibited. No lot, structure, or portion thereof may be used for mineral resource extraction, defined as the extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases; and including quarrying; well operations; and milling of minerals, such as crushing, screening, washing, and flotation; and other preparation customarily performed at the extraction site or as a part of the extractive activity.
- (c) Land Use Terms Defined. Land use terms listed in this chapter are defined in Chapter XXXX "Land Use Standards."

- (d) Land Use Term Interpretation. It shall be the responsibility of the City Planner or their designee to interpret the definitions of the land use terms and determine whether a proposed use of a lot, structure, or portion thereof is appropriately categorized as one or more land use terms allowed in that district. An appeal to an interpretation can be made to the Board of Zoning Appeals in a process described in Section XXXX.XX of Chapter XXXX “Administration and Procedures.”
- (e) Proposed Land Uses Fitting More Than One Land Use Term. Wherever the proposed use of a lot is a single use and such single use fits the definition of more than one land use term and where at least one of those land use terms is an allowed land use in that district, such proposed use shall be allowed.
- (f) Table of Allowed Land Uses as Permitted and Conditional. Land uses are listed in Table XXXX.X as “Permitted” and “Conditional.” “Permitted” and “Conditional” uses are principal uses and refer to two different approval processes, as described in Chapter XXXX “Administration and Procedures.” Where a proposed land use is not listed as “Permitted,” “Conditional,” or “Accessory” in a particular district, such proposed land use shall be interpreted to be prohibited in that district, unless the proposed land use is interpreted by the City Planner or their designee as being defined by more than one land use term, and at least one of those land use terms is allowed in that district.

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

LAND USES	APPLICABLE USE-SPECIFIC REGULATIONS	AGRICULTURAL	RESIDENTIAL 1	RESIDENTIAL 2	DOWNTOWN	CORRIDOR	COMMERCIAL	INDUSTRIAL	PARKS AND OPEN SPACE
Large Indoor Dining, Drinking, and Entertainment	Section XXXX.XX								
Large Lodging	Section XXXX.XX								
Large-Scale Utility Transmission and Substation Uses	Section XXXX.XX								
Large Telecommunications	Section XXXX.XX								
Light Industrial	Section XXXX.XX								
Outdoor Dining, Drinking, and Entertainment	Section XXXX.XX								
Outdoor Sales	Section XXXX.XX								
Outdoor Special Events Venue	Section XXXX.XX								
Outdoor Storage of Commercial Equipment or Vehicles	Section XXXX.XX								
Principal Solar Energy System	Section XXXX.XX								
Principal Wind Energy System	Section XXXX.XX								
Small Indoor Dining, Drinking, and Entertainment	Section XXXX.XX								
Small Lodging	Section XXXX.XX								
Small-Scale Utility Transmission and Substation	Section XXXX.XX								
Small Telecommunications	Section XXXX.XX								
Weapons-Oriented Uses	Section XXXX.XX								
TRANSPORTATION USES									
Bus Station or Train Station	Section XXXX.XX								
Taxi, Rideshare, and Limousine Service Hub	Section XXXX.XX								
Tow Yard	Section XXXX.XX								
Truck Terminal	Section XXXX.XX								
Vehicle Refueling	Section XXXX.XX								
Vehicle Sales, Rental, Repair, and Servicing	Section XXXX.XX								
AVIATION USES									
Airplane or Helicopter Sales, Repair, Rental, Chartering, Refueling, Educational Services, Landing Strips and Pads, and Storage	Section XXXX.XX								
Drone, Remote-Control Plane, and Remote-Control Helicopter Launch or Landing Area	Section XXXX.XX								
COMMUNITY USES									
Libraries, Museums, Playhouses, and Schools	Section XXXX.XX								
Physical Recreation Centers	Section XXXX.XX								
Religious Assembly	Section XXXX.XX								

LAND USES	APPLICABLE USE-SPECIFIC REGULATIONS	AGRICULTURAL	RESIDENTIAL 1	RESIDENTIAL 2	DOWNTOWN	CORRIDOR	COMMERCIAL	INDUSTRIAL	PARKS AND OPEN SPACE
OPEN SPACE USES									
Agriculture	Section XXXX.XX								
Agritourism	Section XXXX.XX								
Camping, Nature Retreat Center, or Summer Camp	Section XXXX.XX								
Cemetery	Section XXXX.XX								
Community Gardening	Section XXXX.XX								
Outdoor Arena	Section XXXX.XX								
Playground or Park	Section XXXX.XX								
Preserves	Section XXXX.XX								
Sports Fields, Courts, Golf Courses, and Pools	Section XXXX.XX								
ACCESSORY USES									
Accessory Camping	Section XXXX.XX								
Accessory Dwelling Uses	Section XXXX.XX								
Accessory Parking	Section XXXX.XX								
Accessory Solar Energy System	Section XXXX.XX								
Accessory Storage of Home Heating or Cooking Fuels	Section XXXX.XX								
Accessory Wind Energy System	Section XXXX.XX								
Bus Stop Shelter Uses	Section XXXX.XX								
Day-Care Home Services	Section XXXX.XX								
Drive-Thru Services	Section XXXX.XX								
Electric Vehicle Charging	Section XXXX.XX								
Family Burial	Section XXXX.XX								
Home Animal Husbandry	Section XXXX.XX								
Home Gardening	Section XXXX.XX								
Home Occupation	Section XXXX.XX								
Outdoor Dining, Drinking, and Entertainment	Section XXXX.XX								
MISCELLANEOUS USES									
Temporary Uses	Section XXXX.XX								

SECTION 1103.05 USE-SPECIFIC STANDARDS FOR PRINCIPAL USES

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

(a) Residential Uses

(1) **One-Unit Residential**

(i) Definition. A residential use consisting of exactly one principal dwelling unit per lot. This

term shall not include any use considered a Townhouse Residential use. Because this term shall refer only to a residential use conducted within a dwelling with a permanent foundation, this term shall not include any use considered a Mobile Home Residential use.

- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.
- (iii) Accessory Use Standards. For details on accessory uses associated with this land use, such as home occupations, please refer to Section XXXX "Accessory Use Standards."

(2) Two-Unit Residential

- (i) Definition. A residential use consisting of exactly two principal dwelling units per lot, where both of the units are located within one contiguous structure. This term includes uses generally recognized as duplexes. This term shall not include any use considered a Mobile Home Residential use.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.
- (iii) Accessory Use Standards. For details on accessory uses associated with this land use, such as home occupations, please refer to Section XXXX "Accessory Use Standards."

(3) 3-8-Unit Residential

- (i) Definition. A residential use consisting of 3-8 dwelling units per lot, where all of such units are located within one contiguous structure. This term includes structures generally recognized as "Missing Middle" housing, such as triplexes and quadplexes. This term does not include cottage courts, where the dwelling units are split among independent, separated structures. This term shall not include any use considered a Mobile Home Residential use. This term does not include any use that fits the definition of a Townhouse Residential use.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.
- (iii) Accessory Use Standards. For details on accessory uses associated with this land use, such as home occupations, please refer to Section XXXX "Accessory Use Standards."
- (iv) Cottage Court Standards. For details on the development of cottage courts, which, for the purposes of this Code are considered Cottage Court Residential uses and not 3-8-Unit Residential uses, please refer to Section XXXX "Cottage Court Standards."
- (v) Townhouse Standards. For details on the development of townhouses, which, for the purposes of this Code are considered Townhouse Residential uses and not 3-8-Unit Residential uses, please refer to Section XXXX "Townhouse Standards."

(4) 9-Plus-Unit Residential

- (i) Definition. A residential use consisting of 9 or more dwelling units per lot, where all of such units are located within one contiguous structure. This term includes apartment buildings

with 9 or more units and school- or college-related dormitories. This term does not include any uses defined as Residential Care Housing uses. This term shall not include any use considered a Mobile Home Residential use.

- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.
- (iii) Accessory Use Standards. For details on accessory uses associated with this land use, such as home occupations, please refer to Section XXXX "Accessory Use Standards."
- (iv) Cottage Court Standards. For details on the development of cottage courts, which, for the purposes of this Code are considered Cottage Court Residential uses and not 9-Plus-Unit Residential uses, please refer to Section XXXX "Cottage Court Standards."

(5) **Townhouse Residential**

- (i) Definition. A residential use consisting of one dwelling unit, where such dwelling unit is a component of a row of 3-6 contiguous dwelling units, where each dwelling unit in the row is situated on a separate lot, and where each dwelling unit in the row shares a side wall with one or two other dwelling units. This term shall not include any use considered a Mobile Home Residential use.
- (ii) Use-Specific Standards. This Planning and Zoning Code contains use-specific standards for Townhouse Residential land uses; please refer to Section XXXX "Townhouse Standards." Please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.
- (iii) Accessory Use Standards. For details on accessory uses associated with this land use, such as home occupations, please refer to Section XXXX "Accessory Use Standards."
- (iv) Cottage Court Standards. For details on the development of cottage courts, please refer to Section XXXX "Cottage Courts Standards."

(6) **Cottage Court Residential**

- (i) Definition. A clustered group of 4-12 separated dwellings oriented around a common open space, where all of the dwellings and the common open space comprise one lot, or where each of the dwellings is located on a "landominium" lot and where all of such lots are completely contained within one common lot. Each dwelling of a Cottage Court shall be affixed to a permanent poured concrete foundation or a permanent concrete block foundation. This term shall not include any use considered a Mobile Home Residential use. This term differs from 3-8-Unit Residential uses and from 9-Plus-Unit Residential uses in that those terms include 3-8 residential units or 9 or more residential units within one contiguous building on a lot, whereas a Cottage Court Residential use comprises 4-12 residential units, with each residential unit in its own, separated structure.
- (ii) Use-Specific Standards. This Planning and Zoning Code contains use-specific standards for Cottage Court Residential land uses; please refer to Section XXXX "Cottage Court Standards." Please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.
- (iii) Accessory Use Standards. For details on accessory uses associated with this land use, such as

home occupations, please refer to Section XXXX “Accessory Use Standards.”

(7) Small Residential Care Housing

- (i) **Definition.** An institution, residence, or facility that provides, for a period of more than 24 hours, whether for a consideration or not, accommodations to two to five unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans’ home operated under Chapter 5907 of the Ohio Revised Code, but not including a hospital, a Small or Large Rehabilitation Care Housing use as defined by this Code, or a non-residential addiction treatment facility use (non-residential addiction treatment facilities shall be treated as medical offices and categorized as Indoor Sales and Services uses by this Code). A Small Residential Care Housing use, for the purposes of this Code, may include rehabilitation services for patients under medical supervision while recovering from surgeries, psychiatric care, eating disorder care, and the like, but not including recovery from drug addiction; rehabilitation housing for recovery from drug addiction shall be considered a Small or Large Rehabilitation Care Housing use. For the purposes of this Code, a Small Residential Care Housing use shall include small group homes for developmentally disabled individuals with 24-hour, in-home staff presence, where such group homes include two to five individuals, not including staff. This use shall not include the situation where an owner or a long-term tenant of a residence receives at-home care by a paid caregiver, physical therapist, chef, or other assistant but where the residential facility is not a state-licensed facility intended for the purpose of providing care for all occupants of the facility; such situation shall be considered a One-Unit Residential use (or other residential use depending on the number of dwelling units on the lot).
- (ii) **Use-Specific Standards.** This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code’s district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(8) Large Residential Care Housing

- (i) **Definition.** An institution, residence, or facility that provides, for a period of more than 24 hours, whether for a consideration or not, accommodations to six or more unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans’ home operated under Chapter 5907 of the Ohio Revised Code, but not including a hospital, a Small or Large Rehabilitation Care Housing use, a Small or Large Residential Care Housing use, or a non-residential addiction treatment facility use (non-residential addiction treatment facilities shall be treated as medical offices and categorized as Indoor Sales and Services uses by this Code). A Large Residential Care Housing use, for the purposes of this Code, may include rehabilitation services for patients under medical supervision while recovering from surgeries, psychiatric care, eating disorder care, and the like, but not including recovery from drug addiction; rehabilitation housing for recovery from drug addiction shall be considered a Small or Large Rehabilitation Care Housing use. For the purposes of this Code, a Large Residential Care Housing use shall include small group homes for developmentally disabled individuals with 24-hour, in-home staff presence, where such group homes include six or more individuals, not including staff.
- (ii) **Use-Specific Standards.** No new Large Residential Care Housing use shall be commenced within one-quarter mile of another Large Residential Care Housing use, measured from the edge of a building operating such use to the edge of another building operating such use “as the crow flies.” No new Large Residential Care Housing use shall be commenced

within one-quarter mile of an educational facility or day care use [DOES THIS INCLUDE AT-HOME DAY CARES?] [I ADVISE AGAINST THIS POLICY--ALL OVER OHIO, CATHILIC DIOCESE HAVE CONVERTED HUGE LAND HOLDINGS INTO HOSPITALS, SCHOOLS, AND HOMES FOR THE AGED--SEPARATING SCHOOLS AND THESE TYPES OF HOMES DOES NOT SEEM POSSIBLE OR JUSTIFIED.]

(9) Small Rehabilitation Care Housing

- (i) Definition. A facility providing accommodation and personal care services for one to five unrelated persons licensed as residential care facility by the State of Ohio per ORC 5119.34 and 5119.341, including care and residence for those recovering from alcohol addiction or drug addiction, halfway housing, post-incarceration care and residence for juvenile offenders, and the like. This term does not include a hospital, a Small or Large Residential Care Housing use as defined by this Code, or a non-residential addiction treatment facility use (non-residential addiction treatment facilities shall be treated as medical offices and categorized as Indoor Sales and Services uses by this Code).
- (ii) Use-Specific Standards
 - (a) No Small Rehabilitation Care Housing use shall be conducted except under a state license.
 - (b) No new Small Rehabilitation Care Housing use shall be commenced within one-quarter mile of another Small Rehabilitation Care Housing use or a Large Rehabilitation Care Housing use, measured from the edge of a building operating such use to the edge of another building operating such use “as the crow flies.”
 - (c) No new Small Rehabilitation Care Housing use shall be commenced within one-quarter mile of an educational facility or day care use [DOES THIS INCLUDE AT-HOME DAY CARES?]

(10) Large Rehabilitation Care Housing

- (i) Definition. A facility providing accommodation and personal care services for six to 16 unrelated persons licensed as residential care facility by the State of Ohio per ORC 5119.34 and 5119.341, including care and residence for those recovering from alcohol addiction or drug addiction, halfway housing, post-incarceration care and residence for juvenile offenders, and the like. This term does not include a hospital, a Small or Large Residential Care Housing use as defined by this Code, or a non-residential addiction treatment facility use (non-residential addiction treatment facilities shall be treated as medical offices and categorized as Indoor Sales and Services uses by this Code).
- (ii) Use-Specific Standards
 - (a) No Large Rehabilitation Care Housing use shall be conducted except under a state license.
 - (b) No new Large Rehabilitation Care Housing use shall be commenced within one-quarter mile of another Large Rehabilitation Care Housing use or a Small Rehabilitation Care Housing use, measured from the edge of a building operating such use to the edge of another building operating such use “as the crow flies.”
 - (c) No new Large Rehabilitation Care Housing use shall be commenced within one-quarter mile of an educational facility or day care use [DOES THIS INCLUDE AT-HOME DAY CARES?]

(11) **Mobile Home Park**

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

(12) **Mobile Home Residential Unit**

- (i) Definition. A residential use consisting of a single-unit dwelling that (1) is not secured to a permanent poured foundation or permanent concrete block foundation and that (2) is mounted on a mobile trailer chassis and that (3) is built to accommodate permanent, year-round residency. This use consists of one dwelling unit per lot, except in the case of a Mobile Home Park, which may have clusters of multiple dwelling units on one lot. A recreational vehicle, such as a camper van or a camping trailer, shall not be considered a mobile home residential unit.

- (ii) Use-Specific Standards. Mobile Home Residential uses shall be permitted within an approved Mobile Home Park use, even if the use table in the district section does not list Mobile Home Residential separately from Mobile Home Park.

(13) **Manufactured/Modular Home Residential**

- (i) Definition. A residential use consisting of a single-unit, prefabricated residence that is built in a factory according to construction and safety standards set by the U.S. Department of Housing and Urban Development (HUD) for manufactured homes.
- (ii) Use-Specific Standards.

(14) **Permanent Shelter**

- (i) Definition. A use consisting of the year-round provision of shelter for multiple individuals who do not pay rent or lodging fees as compensation for their stay.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(15) **Seasonal Shelter**

- (i) Definition. A use consisting of the seasonal (as opposed to year-round) provision of shelter for multiple individuals who do not pay rent or lodging fees as compensation for their stay. Typically, a seasonal shelter is operated during the cold months of the year and may also be referred to as an "emergency cold shelter."
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(b) Commercial Uses

(1) **Adult-Oriented Uses**

- (i) Definition. An establishment where a substantial portion of the use is distinguished or characterized by its emphasis on sexually oriented materials. Adult-Oriented Uses include sexually oriented cabarets/theatres, sexually oriented media stores, sexually oriented motels, nude model studios, sexual encounter centers, sexually oriented escort agencies, sexually oriented spas, and sexually oriented viewing booth or arcade booth facilities. Where a use may be defined by multiple terms, and one of such terms is Adult-Oriented Use, the use shall be interpreted to be an Adult-Oriented Use; for example, a shop selling sexually oriented media as a substantial portion of its sales could fit the definition of an Indoor Sales and Services use and an Adult-Oriented Use; in such case, it shall be considered an Adult-Oriented Use.
- (ii) Use-Specific Standards
 - (a) Locational Restrictions. No adult-oriented uses may be established or located within 500 feet of: (1) a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities; (2) a public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, and secondary schools; school includes the school grounds,

but does not include facilities used primarily for another purpose and only incidentally as a school; (3) a structure devoted to a residential use, land zoned for residential use, or residential uses permitted pursuant to a conditional use permit or as lawful prior nonconforming uses; (4) a public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/ bicycle paths not part of the public right-of-way, wilderness areas, miniature golf course, or other similar family recreation area, and other similarly used publicly-owned land within the City under the control, operation, or management of either the City park and recreation authorities or which is operated or managed by the Lorain County MetroParks; or (5) a licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State of Ohio. For the purpose of this subsection, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the lot upon which any building or structure is used as an adult-oriented business, to the nearest portion of the lot upon which is conducted a use listed in this subsection.

- (b) **Permitting Requirements.** No person shall operate an adult-oriented use without a valid sexually oriented business license issued by the City (see Chapter 746 of the Code of Ordinances). No person shall, in connection with operating an adult-oriented use, retain the services of a person as an employee, as defined in Section 746.02, who is not licensed as a sexually oriented business employee by the City pursuant to Chapter 746 of the Code of Ordinances.
- (c) **Sign Standards.** All signs for adult-oriented uses shall be “wall signs” as defined in this Code, with a maximum allowable sign area of 50 square feet, shall not be internally illuminated, and shall comply with sign standards and permitting procedures applicable to wall signs. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or street adjacent to the building. No signs shall be placed in any window. A one-square-foot sign may be placed on the door to state hours of operation and admittance to adults only. [NOTE TO CITY: I REMOVED THE LIMITATION ON WINDOW COVERINGS, AS MOST PEER CITIES REQUIRE WINDOW COVERINGS ON ADULT-ORIENTED USES RATHER THAN PROHIBITING WINDOW COVERINGS.]

(2) **Animal Boarding or Shelter**

- (i) **Definition.** A use consisting of the breeding, boarding, grooming, sale, or training of 5 or more adult domestic animals (excluding farm animals) for which a fee is charged to the animals’ owners, or which is operated by a governmental or non-profit organization. This use term shall not include an animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine; such use shall be considered an Indoor Sales and Services use.
- (ii) **Use-Specific Standards.** This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code’s district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(3) **Cannabis-Dispensing**

- (i) **Definition.** A use consisting of the sale or dispensation of recreational or medical cannabis or the sale of consumable products containing marijuana-derived psychoactive compounds

that are subject to State licensure.

This use may be found in conjunction with the sale of other products or packaged foods, in which case the use shall also be considered an Indoor Sales and Services use.

(ii) Use-Specific Standards

- (a) No Cannabis-Dispensing use shall operate except in conformity with State standards as administered by the Ohio Department of Commerce, Division of Cannabis Control.
- (b) When reviewing an application for a conditional use approval, the Board of Zoning Appeals shall consider the following criteria: (1) the impact of the proposed use on public safety in the surrounding community; (2) the impact of the proposed use on the economic welfare of the surrounding community; (3) the impact of the proposed use on the general welfare of the surrounding community in regard to any odor emanating from the proposed use, and the mandatory use of a state-of-the-art filtration system; (4) the impact of the proposed use on any disproportional concentration of marijuana cultivation facilities, processing facilities, testing laboratories, or dispensaries in the surrounding community; and (5) the location of the proposed use in relation to medical or pharmaceutical facilities of a complimentary nature (e.g., pharmacies, physician offices, etc.). [SIMILAR LANGUAGE WAS INCLUDED IN THE EXISTING CODE. DO YOU WANT TO KEEP THIS? I DON'T THINK IT'S NECESSARY.]
- (c) Any conditional use approval granted for a Cannabis-Dispensing use shall include an expiration clause with the following: If a Cannabis-Dispensing use approved by this conditional use approval has not obtained a State provisional license within one year of the effective date of this conditional use approval, this conditional use approval shall expire at that time. A renewal of an expired conditional use approval shall follow procedures as required for a new conditional use review. [SIMILAR LANGUAGE WAS INCLUDED IN THE EXISTING CODE. DO YOU WANT TO KEEP THIS? I DON'T THINK IT'S NECESSARY.]

(4) **Day Care Facility (Non-Home)**

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

(5) **Emergency and In-Patient Medical Services**

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

of 1 or 2; however, laboratories with a Biosafety Level of 3 or 4 shall be considered Heavy Industrial uses.

This use term differs from Residential Care Housing in that the residents of the Residential Care Housing use are considered permanent residents; the patients of an Emergency or In-Patient Medical Services use are being housed only for the limited duration of their treatment or rehabilitation of a disease or procedure.

- (ii) Use-Specific Standards. No Emergency and In-Patient Medical Services use shall be conducted except where all of the following conditions are satisfied:
 - (a) The Emergency and In-Patient Medical Services use provides clear directional signage for all visitors, including signs that show drivers where to go for Emergency Room, Visitor and Out-Patient Parking, and Staff Parking.
 - (b) The Emergency and In-Patient Medical Services uses, where a helipad is used, provides a minimum of 500 feet (as measured on a direct path) of separation between the edge of the helipad and any structure containing or arranged to contain a residential use.
 - (c) Protected pedestrian-ways shall be provided to connect the public sidewalk network to the main entrance of the building. Protected pedestrian-ways shall be provided within or alongside all parking areas and shall connect each parking space with the entrance of the building. All protected pedestrian-ways shall be traversable by wheelchairs and shall be adequately maintained by clearing all debris and snow to ensure continuous safe use by persons with disabilities.
 - (d) Biohazardous waste and biomedical waste shall be appropriately isolated from the general solid waste stream, appropriately stored, and hauled off site by a licensed biohazard handling company.

(6) Food Truck

- (i) Definition. A use comprising the preparation and/or vending of prepared “carry-out” foods from mobile kitchens direct to consumers. Typically, these food trucks are operated from “box trucks” that are specifically customized for food truck use. This term may comprise 1 food truck or may comprise multiple food trucks in a “food truck court.” This term refers to a food truck or multiple food trucks that operate in a location on a recurring basis; a one-time or special event operation of a food truck at a location may be considered a Temporary Use and be subject to the regulations governing Temporary Uses. Note that any food truck serving prepared food must conform to any applicable health code regulations. Note that this Planning and Zoning Code regulates food trucks operating on private lands; any food truck operating on a public right-of-way must secure a right-of-way permit.
- (ii) Use-Specific Standards. No Food Truck use shall be conducted except where all of the following conditions are satisfied:
 - (a) No food truck may only operate for longer than 8 hours in any one day at any one location, including set-up and break-down; and
 - (b) No food truck may operate between the hours of XX:XXpm and XX:XXam, including set-up and break-down; and
 - (c) No food truck may be operated within 3 feet of a side lot line or a rear lot line of any lot; and
 - (d) No food truck may be operated within 12 feet of a building; [fire department should be

- consulted for the exact number of feet required for fire communication prevention]; and
- (e) No food truck may be operated within 50 feet of the entrance of a brick-and-mortar restaurant; and
- (f) No food truck may be operated within 50 feet of a dwelling unit; and
- (g) No food truck may obstruct a public sidewalk, and no food truck may vend to customers on a sidewalk where such sidewalk is narrower than 6 feet; and
- (h) No food truck may be operated in any designated fire lane; and
- (i) No food truck may be operated except upon a level, paved or gravel surface with safe pedestrian access; and
- (j) The vicinity around a food truck shall be kept clean and free of debris; and
- (k) During the time of vending from a food truck, at least one trash receptacle per food truck shall be provided and shall be placed in a manner that is visible to customers and that controls trash from spillage during heavy wind gusts; the trash must be hauled by the food truck operator to a permitted trash receiving center; and
- (l) No food truck shall violate the City's noise ordinance; see Chapter XXXX.

(7) Heavy Industrial

- (i) **Definition.** Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. This use term shall also mean those uses engaged in the heavy industrial operation, such as the parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, truck terminals, public works yards, and container storage. This term also includes any of the following uses: acid manufacturing, asbestos manufacturing, chemical and biological incineration (except cremation), concrete products manufacturing, concrete mixing, disinfectant manufacturing, insecticide or poison manufacturing, explosives manufacturing or storage, flour or grain milling, gas manufacturing or storage, glue or gelatin manufacturing, grain drying, poultry feed manufacturing from refuse or mash or grain, hazardous manufacturing, hazardous materials storage, lime or lime products manufacturing, livestock feeding yard (i.e., concentrated animal feeding operation), paper and pulp manufacturing, petroleum or flammable liquids production or refining, rock or stone crushing or milling or quarrying, sawmill or manufacture of wood fiber products, stockyards or slaughterhouse, smelting of metals or ores, stone and monument works employing pneumatic hammers, tar distillation and manufacturing, fertilizer mixing plants, alcoholic production facilities, asphalt/concrete plants, scrap material yards, landfills, salvage yards, and junkyards, recycling plants, chemical processing and refining, and automotive wrecking. This use includes the outdoor storage and sale of materials used at industrial scales, such as the sale of lime, sand, gravel, coal, or other like material. This use includes water treatment and sewage treatment facilities, as well as waste transfer stations, landfills, and waste incineration facilities. This use includes any use considered industrial-scale production of food products where the majority of ingredients are sourced from off-site. This use term shall include any use considered a slaughterhouse and meat packing use, or a sawmill. This use term may include the large-scale production of beer and spirits, where such beer and spirits are canned or bottled for wholesale distribution; where the beer and spirits are served only on-site or into individually ordered growlers or other legal to-go containers but are not

canned or bottled for wholesale distribution, such use shall be considered a Large Indoor Dining, Drinking, and Entertainment use.

Any laboratory rated as a Biosafety Level 3 or 4 shall be considered a Heavy Industrial use.

- (ii) Use-Specific Standards. No Heavy Industrial use shall be conducted except as permitted by a conditional use approval granted by the Board of Zoning Appeals. Please see Section XXXX for more information on conditional use approval processes.

(8) Indoor Sales and Services

- (i) Definition. A use consisting of the sale of goods or provision of services to household consumers or commercial consumers in an indoor setting. This use may include common commercial uses, such as convenience stores, hair salons, doctor's or dentist's offices, insurance or tax accounting services, professional offices, art galleries, liquor stores, plant shops, hardware stores, physical therapy and chiropractor offices, print shops, sports shops, toy shops and hobby shops, and dry cleaners without emissions.

This use term does not include any services venting noxious fumes, such as dry cleaners using certain volatile solvents; however, a bakery of less than 1,000 square feet venting bread, cake, cookie, pie, or pastry baking fumes shall be considered a Indoor Sales and Services use. This use term does not include bio-medical laboratories with a bio-safety level (BSL) of 3 or 4; such uses shall be considered Heavy Industrial uses. Medical laboratories with a bio-safety level (BSL) of 1 or 2 shall be considered Light Industrial uses.

This use term does not include the sale, rental, refueling, repair, or storage of motor vehicles, including cars, trucks, boats, airplanes, farm equipment, or construction equipment.

This use term does not include the sale of materials used at industrial scales, such as the sale of sand or gravel, but may include the sale of materials on a consumer scale, such as 50-lb bags of sand. The indoor sale of materials used at industrial scales shall be considered a Light Industrial use.

This use term does not include in-patient medical services; however, the Indoor Sales and Services use term shall include urgent care clinics without emergency rooms.

This use term does not include child care services; such uses shall be considered Day Care Facility (Non-Home) uses or Day Care Home uses.

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

(9) Large Indoor Dining, Drinking, and Entertainment

- (i) Definition. A land use consisting of the supply of prepared food and/or beverages to consumers, for dine-in or carry-out consumption, or the hosting of entertainment uses, such as music, dancing, or poetry readings, in an indoor setting, where the indoor facility has a fire occupancy of greater than 20 persons but less than 300 persons. This use may commonly look like coffee shops, bars, restaurants, bakeries, and smoothie cafes.

This use does not include stores selling mainly packaged foods or unprepared foods, such as convenience stores and grocery stores, even where such convenience stores and grocery stores may offer a small sampling of prepared foods, such as deli sandwiches; such uses shall be considered Indoor Sales and Services.

This use term does not include ghost kitchens, incubator kitchens, community kitchens, or catering kitchens that do not also serve or vend prepared food directly to consumers; such uses shall be considered Light Industrial uses. However, some uses meeting the Large Indoor Dining, Drinking, and Entertainment use definition and which do serve or vend prepared food directly to consumers may prepare food for delivery dispatch or for catering as an

accessory service.

This use term may include wine bars, except where such use is considered a wine tasting room: an Agritourism use of a vineyard.

This use term may include the small-scale production of beer and spirits, where such beer and spirits are served on-site or into individually ordered growlers or other legal to-go containers but are not canned or bottled for wholesale distribution. Where such beer and spirits are canned or bottled for wholesale distribution, such use shall be considered a Heavy Industrial use.

If a use meets the definition of an Adult-Oriented Use, it shall be considered an Adult-Oriented Use, and not a Large Indoor Dining, Drinking, and Entertainment use.

If a use meets the definition of a Large Indoor Events Center use, it shall be considered a Large Indoor Events Center use, and not a Large Indoor Dining, Drinking, and Entertainment use.

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

(10) **Large Indoor Events Center**

- (i) Definition. A use consisting of a fully enclosed space hosting large events, such as weddings, receptions, galas, or parties, for 300 or more guests, where the entire space is reserved for invited guests or where guests are required to purchase tickets in advance. This use term includes convention centers and hotel-associated events spaces for 300 or more attendees. This use term includes fully enclosed arenas, such as centers hosting hockey games, basketball games, or indoor arena concerts or circuses. This use term does not include small events centers, such as gallery exhibitions, with capacity for fewer than 300 guests at one time; such uses shall be considered Indoor Dining, Drinking, and Entertainment uses.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(11) **Large Lodging**

- (i) Definition. A building or group of buildings containing guest rooms where, for compensation, lodging is provided for transient visitors, such as a hotel, motel, or inn, and is available for stays of less than 28 consecutive days. This term is differentiated from Small Lodging in that a Large Lodging contains more than 2 guest rooms or suites per lot, whereas a Small Lodging use contains only 1 or 2 guest rooms or suites per lot. This term shall not include nature retreat centers or campgrounds that provide a nature or camp-style bunking experience; however, some state or regional parks may include lodges that resemble hotels, and such lodges shall be considered Large Lodging uses. Where a Large Lodging use is within the same building as an event space, such as a wedding or conference venue or a meeting hall with a capacity for 300 or more attendees, such building shall be considered both a Large Lodging use and a Large Indoor Events Center. Where a Large Lodging use is within the same building as a restaurant or bar, such combination of uses shall be considered both a Large Lodging use and a (Large or Small) Indoor Dining, Drinking, and Entertainment use.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific

standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(12) Large-Scale Utility Transmission and Substation Uses

- (i) Definition. Any utility facility occupying 10,000 square feet or greater or exceeding a height of 60 feet; utility facilities may include electricity substations, sewer and/or water pump houses occupying 10,000 square feet or greater or exceeding a height of 60 feet, natural gas valve or pump stations, and the like. However, this use term does not include water treatment or sewage treatment plants; such uses shall be considered Heavy Industrial uses. This use term does not include the storage of flammable or explosive fluids; such uses shall be considered Heavy Industrial uses. This use term does not include large-scale electricity generation facilities, such as natural gas generators producing electricity for the grid; such uses shall be considered Heavy Industrial uses. This use term does not include solar and wind energy generation systems, such as solar panel arrays and wind turbines; such uses shall be considered Principal Solar Energy System uses or Principal Wind Energy System uses; however, substations associated with Principal Solar Energy Systems uses and Principal Wind Energy System uses shall be considered (Large-Scale or Small-Scale) Utility Transmission and Substation uses. This use term does not include data server centers; such uses shall be considered Light Industrial uses. This use term does not include electric vehicle charging stations and their associated converters/inverters; such uses are considered Electric Vehicle Charging (accessory use).
- (ii) Use-Specific Standards
 - (a) Large-scale utility transmission and substation uses shall be completely enclosed by a building with solid walls and a roof or shall be completely surrounded by an opaque fence of at least 8 feet in height; please note that, where this use is conducted in a district that does not generally permit an 8-foot-high fence, this provision shall be interpreted as overriding such district-specific limits on fence height.
 - (b) Any structure associated with a large-scale utility transmission and substation use, such as piping, pump houses, electrical substation converters or inverters, shall be distanced from any adjacent lot that permits residential uses by at least 50 feet; please note that other regulations, such as the building code, health code, state code, or federal code, may require greater separation from residential land uses than this provision.

(13) Large Telecommunications

- (i) Definition. Any structure greater than 50 feet in height that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes. This use term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, antenna tower alternative structures, and the like. This use term also includes antenna tower accessory storage sheds. This term does not include office towers or residential towers that support telecommunications antennae on their roofs or spires, except where such antennae, from base to tip, exceed the height of the building, itself.
- (ii) Use-Specific Standards
 - (a) No Large Telecommunications-associated structure shall be erected except in a location that maintains a setback from any lot line that meets or exceeds the height of the structure or tower. For instance, if a telecommunications tower is 200 feet in height, the exterior of its base must be positioned at least 200 feet from all lot lines of the lot in which it is located.

- (b) No Large Telecommunications-associated structure shall be erected except where such structure is completely surrounded by a security fence of at least 8 feet in height; please note that, where this use is conducted in a district that does not generally permit an 8-foot-high fence, this provision shall be interpreted as overriding such district-specific limits on fence height.

(14) **Light Industrial**

- (i) **Definition.** Uses consisting of the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semifinished products from previously prepared materials, which activities are conducted wholly within an enclosed building and do not produce fumes, odors, vibrations, dust, or other effects that pose a threat to the safety and health of adjacent land users. Finished or semi-finished products may be temporarily stored outdoors pending shipment.

This use shall include self-storage centers, warehouses, and data server centers.

This use term does not include any services venting noxious fumes, such as dry cleaners using certain volatile solvents or bio-medical laboratories with a bio-safety level (BSL) of 3 or 4; such uses shall be considered Heavy Industrial uses.

This use shall include the indoor sale of materials used at industrial scales, provided such materials are not volatile and do not pose a threat to the safety and health of adjacent land users or groundwater supplies.

This term shall include the processing and/or taxidermy of hunted game, such as deer.

- (ii) **Use-Specific Standards**

- (a) No Light Industrial use shall emit fumes, odors, vibrations, dust, or other effects that may pose a threat to the safety or health of land users on adjacent lots, or that may damage the integrity of structures on adjacent lots.

- (b) Biohazardous waste and biomedical waste shall be appropriately isolated from the general solid waste stream, appropriately stored, and hauled off site by a company licensed to handle biohazardous waste.

(15) **Outdoor Dining, Drinking, and Entertainment**

- (i) **Definition.** A land use consisting of the supply of prepared food and/or beverages to consumers, for dine-in or carry-out consumption, or the hosting of entertainment uses, such as music, dancing, or poetry readings, in an outdoor setting. This use may commonly look like outdoor areas of bars and outdoor seating at restaurants.

This use does not include drive-thru windows; such uses shall be considered Drive-Thru accessory uses.

This use does not include members of a household dining outdoors at their residence or as guests of another residence.

If a use has a capacity for more than 300 attendees and meets the definition of an Outdoor Special Events Venue, it shall be considered an Outdoor Special Events Venue, and not an Outdoor Dining, Drinking, and Entertainment use.

If a use meets the definition of an Outdoor Arena use, it shall be considered an Outdoor Arena use, and not an Outdoor Dining, Drinking, and Entertainment use.

- (ii) **Use-Specific Standards**

- (a) Outdoor Dining, Drinking, and Entertainment uses shall apply to outdoor dining, drinking, and entertainment activities conducted on private land. Related activities that occur on public rights-of-way, such as outdoor dining that occurs on public sidewalks, shall be considered a public way encroachment and shall require an Encroachment

Permit from the City. Please inquire with the City for details on obtaining an Encroachment Permit. [IS THIS HOW THE CITY WOULD LIKE TO TREAT THIS SITUATION?]

- (b) No Outdoor Dining, Drinking, and Entertainment use shall be conducted during hours prohibited by the conditional use approval granted by the Board of Zoning Appeals.

(16) Outdoor Sales

- (i) **Definition.** The sale of goods in an outdoor setting. This use may include lumber yards, the sale of mulch or plants outdoors, or a regularly occurring outdoor flea market/rummage sale. This use term does not include the sale of agricultural products included within the definition of an Agriculture use.
This use term does not include the sale of materials used at industrial scales, such as the sale of sand or gravel, but may include the sale of materials on a consumer scale, such as 50-lb bags of sand. The outdoor sale of materials used at industrial scales shall be considered a Heavy Industrial use.
This use term does not include the sale of motor vehicles such as cars and trucks; such uses shall be considered Vehicle Sales, Rental, Repair, and Servicing uses.
- (ii) **Use-Specific Standards.** The outdoor display of commercial equipment, materials, or products for sale or rent is prohibited, unless the outdoor display is set back from the front lot line(s) a distance equal to the minimum front yard setback required for that district. Any sign that is part of an outdoor display shall comply with Section XXXX.XX “Sign Standards.”

(17) Outdoor Special Events Venue

- (i) **Definition.** A use consisting of any outdoor space hosting special events, such as weddings, receptions, galas, or parties, for 300 or more guests, where the space is reserved for invited guests only or where guests are required to purchase tickets in advance.
This use may often be found in conjunction with a Large Indoor Events Center, such as a wedding venue that includes an indoor and outdoor event space.
This use does not include any use considered an Outdoor Arena use or a Sports Fields, Courts, Golf Courses, and Pools use.
- (ii) **Use-Specific Standards.** This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code’s district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(18) Outdoor Storage of Commercial Equipment or Vehicles

- (i) **Definition.** A use consisting of the parking of two or more commercial light trucks, heavy trucks, or other commercial equipment in an outdoor setting. This use shall also apply to non-commercial fleet trucks, such as work trucks for sewage districts, public utilities, fire departments, government offices, and the like.
This use term includes the storage of commercial vehicles or equipment at an equipment rental enterprise, such as a crane rental.
This use term does not include car rentals, car lots, boat rentals, and the like; such uses shall be considered Vehicle Sales, Rental, Repair, and Servicing uses.
This use term does not include the storage of farm equipment on a lot conducting an Agriculture use; such use shall be considered an Agriculture use.
Outdoor storage of aircraft shall be interpreted as an Airplane or Helicopter Sales, Repair, Rental, Chartering, Refueling, Educational Services, Landing Strips and Pads, and Storage

use, not as an Outdoor Storage of Commercial Equipment or Vehicles use.

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

(19) Principal Solar Energy System

- (i) Definition. Any solar electricity or solar hot water generation system that, according to projected generation, delivers more than 20,000 kWh per year to the grid or that occupies more than 5 acres. For the purposes of this definition, a solar energy system shall be measured as any one contiguous solar array or as the combination of multiple distinct arrays that are coupled together to perform as one generation system.
- (ii) Use-Specific Standards. No Principal Solar Energy System shall cause glare that impairs the safety or health of adjacent land users. No Principal Solar Energy System shall cause glare that impairs the safe operation of aircraft, as determined by the Federal Aviation Administration.

(20) Principal Wind Energy System

- (i) Definition. Any wind-powered electricity generation system that, according to projected generation, delivers more than 20,000 kWh per year to the grid or that consists of more than one wind turbine of greater than 100 feet in height. For the purposes of this definition, a wind-powered electricity generation system's projected generation shall be measured as the combination of all wind turbines that are coupled together to perform as one generation system.
- (ii) Use-Specific Standards
 - (a) No wind turbine shall be erected except where its base is set back from all lot lines by a distance equal to its height, where the height of a wind turbine shall be measured from the ground elevation to the highest reach of any of its blades.
 - (b) No wind turbine shall impair the safe operation of aircraft, as determined by the Federal Aviation Administration.

(21) Small Indoor Dining, Drinking, and Entertainment

- (i) Definition. A land use consisting of the supply of prepared food and/or beverages to consumers, for dine-in or carry-out consumption, or the hosting of entertainment uses, such as music, dancing, or poetry readings, in an indoor setting, but in no case where the indoor space has a fire occupancy of more than 20 persons. This use may commonly look like coffee shops, bars, restaurants, bakeries, and smoothie cafes. This use does not include stores selling mainly packaged foods or unprepared foods, such as convenience stores and grocery stores, even where such convenience stores and grocery stores may offer a small sampling of prepared foods, such as deli sandwiches; such uses shall be considered Indoor Sales and Services. This use term does not include ghost kitchens, incubator kitchens, community kitchens, or catering kitchens that do not serve or vend prepared food directly to consumers; such uses shall be considered Light Industrial uses. However, some uses meeting the Small Indoor Dining, Drinking, and Entertainment use definition and which do serve or vend prepared food directly to consumers may prepare food for delivery dispatch or for catering as an

accessory service.

This use term may include wine bars, except where such use is considered a wine tasting room: an Agritourism use of a vineyard.

If a use meets the definition of an Adult-Oriented Use, it shall be considered an Adult-Oriented Use, and not a Small Indoor Dining, Drinking, and Entertainment use.

If a use has a capacity for 300 or more guests and meets the definition of a Large Indoor Events Center, it shall be considered a Large Indoor Events Center, and not a Small Indoor Dining, Drinking, and Entertainment use.

(ii) Use-Specific Standards

- (a) No Small Indoor Dining, Drinking, and Entertainment use shall include outdoor dining or gathering areas; such areas, even where located on the same lot as the Small Indoor Dining, Drinking, and Entertainment use, shall be considered Outdoor Dining, Drinking, and Entertainment uses, which may be permitted in the same district through administrative review or conditional use review (please refer to the table of allowable uses in each district section).
- (b) No Small Indoor Dining, Drinking, and Entertainment use shall emit amplified music audible by a person inside a structure on an adjacent lot.
- (c) No Small Indoor Dining, Drinking, and Entertainment use shall emit fumes from fryers, ovens, or stoves that violate regulations of the State or County Department of Health.

(22) **Small Lodging**

- (i) Definition. A building or group of buildings containing guest rooms where, for compensation, lodging is provided for transient visitors, such as a bed and breakfast or short-term rental house, and is available for stays of less than 28 consecutive days. This term is differentiated from Large Lodging in that a Small Lodging contains only 1 or 2 guest rooms or suites per lot, whereas a Large Lodging use contains more than 2 guest rooms or suites per lot. This term shall not include nature retreat centers or campgrounds that provide a nature or camp-style bunking experience; however, some state or regional parks may include lodges that resemble hotels, and such lodges shall be considered Large Lodging uses.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(23) **Small-Scale Utility Transmission and Substation**

- (i) Definition. Any utility facility needed to provide a basic service such as water, sewer, telephone, broadband, fiber-optics, and cable television to individual users, including substations, where such utility facilities do not occupy 10,000 square feet or greater or exceed a height of 60 feet.
This use term includes sewer and/or water pump houses not occupying 10,000 square feet or greater or exceeding a height of 60 feet. However, this use term does not include water treatment or sewage treatment plants; such uses shall be considered Heavy Industrial uses. This use term does not include electric vehicle charging stations and their associated converters/inverters; such uses are considered Electric Vehicle Charging (accessory use).
- (ii) Use-Specific Standards
 - (a) Small-scale utility transmission and substation uses shall be completely enclosed by a

building with solid walls and a roof or shall be completely surrounded by an opaque fence of at least 8 feet in height; please note that, where this use is conducted in a district that does not generally permit an 8-foot-high fence, this provision shall be interpreted as overriding such district-specific limits on fence height.

- (b) Any structure associated with a small-scale utility transmission and substation use, such as piping, pump houses, electrical substation converters or inverters, shall be distanced from any adjacent lot that permits residential uses by at least 50 feet; please note that other regulations, such as the building code, health code, state code, or federal code, may require greater separation from residential land uses than this provision.

(24) **Small Telecommunications**

- (i) **Definition.** Any telecommunications antenna, such as an amateur (HAM) radio station licensed by the Federal Communications Commission, including equipment such as but not limited to a tower or alternative tower structure supporting a single, radiating antenna platform and other equipment, not exceeding 50 feet in height, and designed to be used by no more than 1 household.
- (ii) **Use-Specific Standards.** No Small Telecommunications-associated structure shall be erected except in a location that maintains a setback from any lot line that meets or exceeds the height of the structure or tower. For instance, if a telecommunications tower is 200 feet in height, the exterior of its base must be positioned at least 200 feet from all lot lines of the lot in which it is located.

(25) **Weapons-Oriented Uses**

- (i) **Definition.** A use consisting of the firing or sale of guns, rifles, or other explosive weapons. This use may include indoor rifle and pistol ranges, skeet shooting ranges, war games, and other recreational activities using explosive weapons. This use shall also include air-powered pistol uses, such as paint-ball gun ranges and game courses. This use does not include school-administered sports programs involving javelin or discus projectiles; such use shall be considered a Sports Fields, Golf Courses, and Pools use. This use shall not include archery target uses; such uses shall be considered Sports Fields, Courts, Golf Courses, and Pools uses.
- (ii) **Use-Specific Standards.** No Weapons-Oriented use shall be conducted except where distanced at least 500 feet from any residential use.

(c) **Transportation Uses**

(1) **Bus Station or Train Station**

- (i) **Definition.** A use consisting of the transient housing or parking, servicing, and/or refueling of motor-driven buses and/or passenger trains and may include the waiting, loading, and unloading of passengers.
- (ii) **Use-Specific Standards.** No bus or train, where within 250 feet of a residential use, shall idle a gasoline or diesel engine for longer than one hour.

(2) **Taxi, Rideshare, and Limousine Service Hub**

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

This use term does not include a bus depot for intercity or public transit agencies; such uses shall be considered Bus Station or Train Station uses.

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

(3) Tow Yard

- (i) Definition. A use consisting of the temporary storage of vehicles that have been towed, also referred to as an impound lot. This use shall also include the reclamation of the vehicles by their owners, but it should not include scrapping of vehicles, which is considered a Heavy Industrial use.
- (ii) Use-Specific Standards. No Tow Yard use shall store impounded vehicles in any area outside of an enclosure consisting of an 8-foot-high opaque fence; please note that, where this use is conducted in a district that does not generally permit an 8-foot-high fence, this provision shall be interpreted as overriding such district-specific limits on fence height.

(4) Truck Terminal

- (i) Definition. The loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of five or more trucks. This use term shall also include refueling and maintenance of heavy trucks, such as retreading tires, and the temporary parking facilities for heavy trucks. Such services are often found at truck stops that also include services for the drivers of heavy trucks, such as food services and sales of sundries; in such cases, the lot shall be considered a Truck Terminal use, an Indoor Sales and Services use, and an Indoor Dining, Drinking, and Entertainment use.
- (ii) Use-Specific Standards. Use-Specific Standards. No truck on a lot of a truck terminal use, where within 250 feet of a residential use, shall idle a gasoline or diesel engine for longer than one hour.

(5) Vehicle Refueling

- (i) Definition. Any use consisting of storing or dispensing flammable liquids, combustible liquids, liquified flammable gas, or flammable gas into the fuel tanks of passenger motor vehicles. This use does not include the refueling of passenger buses only in exclusion of other vehicles in the public realm; such use shall be considered a Bus Station or Train Station use. This use does not include the charging of electric vehicles; such uses shall be considered an Electric Vehicle Charging accessory use. This use is commonly accompanied by a convenience store; in such cases, the lot shall be considered both a Vehicle Refueling use and an Indoor Sales and Services use. If such a lot with a gas station and convenience store also hosts a restaurant use, the lot shall be considered a Vehicle Refueling use, an Indoor Sales and Services use, and an Indoor Dining, Drinking, and Entertainment use.
- (ii) Use-Specific Standards
 - (a) No Vehicle Refueling use shall supply amplified, pre-recorded sound, music, or voices from fuel pumps.
 - (b) Electric vehicle charging may be included as a component of a Vehicle Refueling use, but

electric vehicle charging shall be considered an accessory use of a parking space serving any principal use and shall not, on its own, constitute a Vehicle Refueling principal use.

(6) Vehicle Sales, Rental, Repair, and Servicing

- (i) Definition. A use consisting of the display, leasing, rental, sale, financing, marketing, repair, and servicing of passenger cars, recreational vehicles (including motorized and wind-powered watercraft but excluding aircraft), trucks, and other motorized vehicles.
This use term includes body work and vehicle painting services in fully enclosed buildings.
- (ii) The outdoor storage of recreational vehicles (RVs) shall be governed by Section XXXX.XX.
- (iii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(d) Aviation Uses

(1) Airplane or Helicopter Sales, Repair, Rental, Chartering, Refueling, Educational Services, Landing Strips and Pads, and Storage

- (i) Definition. The storage, care, repair, refueling, rental, maintenance, or display of airplanes or helicopters, including provision of flight or pilot training courses; and any land use for the landing and taking off of manned aircraft or of aircraft of similar size to manned airplanes or manned helicopters, including all necessary taxiways.
This use may include outdoor aircraft storage or tie-down areas or indoor storage in hangars. Outdoor storage of aircraft shall be interpreted as this use, not as an Outdoor Storage of Commercial Equipment or Vehicles use.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(2) Drone, Remote-Control Plane, and Remote-Control Helicopter Launch or Landing Area

- (i) Definition. Any land use for the landing and taking off of drones, remote-control planes, remote-control helicopters, or similarly sized unmanned aircraft.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(e) Community Uses

(1) Libraries, Museums, Playhouses, and Schools

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

performance. This term includes botanical gardens and greenhouse conservatories.

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

(2) **Physical Recreation Centers**

- (i) Definition. The indoor provision of active physical recreational facilities, such as indoor weight-lifting gyms, indoor exercise course studios, indoor tennis and basketball courts, and indoor pools. This use may also be conducted in a facility with other uses defined under separate use terms, such as sales of gym supplies, concessions or meal services, personal physical trainer services, cosmetology consulting and services, and medical-oriented physical therapy services.

An accessory gym in association with a hotel, office building, or apartment building and which is accessible only to staff, residents, or guests of the hotel, office building, or apartment building shall not be considered a principal Physical Recreation Center use.

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

(3) **Religious Assembly**

- (i) Definition. A use providing space for religious assembly. This use may conventionally look like a church, temple, mosque, or other place of religious worship. This use may be found on lots in conjunction with a rectory or convent, a private school, a meeting hall, offices for administration of the institution, a licensed child or adult daycare, a playground, and/or a cemetery; such associated uses shall be treated as separate uses of the lot.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(f) Open Space Uses

(1) **Agriculture**

- (i) Definition. Agriculture means the following activities: cultivation of crops outdoors; the cultivation and tillage of the soil; composting, production, harvesting and processing of agricultural crops; raising of poultry; production of eggs; production of milk and dairy products; production of livestock, including pasturage; production of bees and their products; inland production of fish; production of fruit, vegetables, and other horticultural crops; cultivation of marijuana; cultivation of nursery plants; cultivation of greenhouse products in fully transparent or semi-opaque structures; sod farming; raising of livestock; raising of wild game conventionally found in the Mid-Atlantic region, such as deer, turkey, pheasants, or quail; stabling, care, and exercise of horses and other equine; silviculture; viticulture; storage of agricultural equipment, agriculture equipment fuels, agricultural products, agricultural wastes, or agricultural supplies, including fertilizer bags; the assembly and repair of all farm implements and equipment conventionally used in agricultural operations on the site; the clearing of land for agricultural purposes; the grading of land for agricultural purposes; or the development of paths, roads, or bridges for farm equipment and distribution of agricultural products

across one lot or across multiple lots of common management; the housing of laborers that perform farm labor on site or on an agricultural operation within 1 mile of the housing structure; commercial agricultural procedures performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market; storage of grains at grain terminals; the usage of land in furtherance of agricultural education goals, including, but not limited to, 4-H clubs, Future Farmers of America, and farm incubators; alternative agricultural enterprises, and the like. Agriculture uses may include the slaughter, skinning, dehairing, or eviscerating of livestock produced on the premises, provided that the slaughter does not exceed XX head of cattle per year, XX chickens per year, or the equivalent.

Agriculture shall not mean any of the following: (1) land for hunting grounds; such use shall be considered a Hunting Grounds use; (2) agritourism uses, such as pick-your-own berries, goat yoga, or on-farm event venues; such uses shall be considered Agritourism uses; (3) camping uses; such uses shall be considered Camping, Nature Retreat Center, or Summer Camp uses or Accessory Camping uses; (4) retreat uses; such uses shall be considered Camping, Nature Retreat Center, or Summer Camp uses; (5) any use considered industrial-scale production of food products where the majority of ingredients are sourced from off-site; such uses shall be considered Heavy Industrial uses; (6) slaughterhouse uses; such uses shall be considered Heavy Industrial uses; (7) the processing of hunted game, such as deer; such uses shall be considered Light Industrial uses.

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

(2) **Agritourism**

- (i) Definition. Agritourism means any activity conducted in conjunction with an Agriculture use (located on the same parcel or parcel that is contiguous to a parcel upon which an Agriculture use is conducted) that is intended to attract members of the general public for recreational, entertainment, historical, or educational purposes to view and/or participate in one or more functions of the agricultural operation, including, but not limited to, pick-your-own operations, hay rides, picnics, lectures and presentations, camping, farm or cabin stays, or other activities and attractions. An activity may be considered agritourism regardless of whether the participant paid to participate.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(3) **Camping, Nature Retreat Center, or Summer Camp**

- (i) Definition. The temporary lodging of guests in a natural, park or park-like setting, in fabric tents, camper trailers, recreational vehicles, cabins, or dormitories for durations that may range from single-day-use to overnight stays for full seasons. This term may include the use of property for outdoor activities, such as canoeing, swimming, hiking, or fishing, or indoor activities, such as laundry, showering, meetings, purchasing camping-related sundries, or dining, as conventionally associated with camps or nature retreat centers. This term may also include year-round lodging for caretakers of the property.
This term shall not include the use of land for hunting by guests; such use of land shall be considered a Hunting Grounds use.
This term shall not include uses defined by Sports Fields, Courts, Golf Courses, and Pools

uses; however, such uses may occur on the same lot or adjacent lots to the Camping, Nature Retreat Center, or Summer Camp use.

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

(4) Cemetery

- (i) Definition. A place for the interment of the remains of the deceased, including mausoleums and the storage of cremated remains. This use may also include burial services, tours of the property, and passive recreation by guests.
This term does not include the act of cremation; cremation shall be considered a Heavy Industrial use. This term does not include funeral services; funeral services may occur as part of a Religious Assembly use or an Indoor Special Events Venue use.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(5) Community Gardening

- (i) Definition. The preparation of the soil, cultivation of vegetables, fruits, and/or flowers, weeding, and harvesting of garden produce by members of multiple households using mainly hand implements for non-commercial purposes. This term may include the use of potable water for the irrigation of the gardens. This term may include the storage of garden implements and supplies within or outside of a garden shed, and the erection of seasonal hoop houses.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(6) Outdoor Arena

- (i) Definition. The use of land for outdoor events that attract large numbers of visitors, may generate much night-time light emissions, and may cause large volumes of traffic and noise, including uses such as stadiums, coliseums, open-air arenas, horse tracks, dog-racing tracks, motorcycle and car racing tracks, recreational vehicle driving parks, drive-in theaters, amphitheaters with amplification, outdoor concert venues, amusement and theme parks, zoos, fairgrounds, and festival grounds. While termed "Outdoor", this use may include some indoor facilities, such as barns, concession stands, circus tents, toilets, causeways and mezzanines, and storage sheds. Where a fairground or festival ground is activated with a fair or festival for a duration of less than 2 weeks per year, such use shall be considered a Temporary Use and not an Outdoor Arena use.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(7) Playground or Park

- (i) Definition. An open-space use designed for passive recreational activities, such as walking, sitting, jogging, or nature-watching, and may include play areas and play structures for children, gardens, naturalized areas, fields for open play, splashpads, fountains, walkways, bike paths, benches, and bathrooms.
This use shall not include arboreta, which shall be considered a Libraries, Museums, Playhouses, and Schools use. This use shall not include active recreational activity areas, such as swimming pools, sports fields, golf courses, or dog parks; such uses shall be considered Sports Fields, Courts, Golf Courses, and Pools. This use shall not include areas defined as Preserves uses; however, this use may be conventionally conducted in conjunction with or on the same property as a Preserves use.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code’s district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(8) Preserves

- (i) Definition. Areas intended to remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations. This use is largely limited to natural, undeveloped land uses but may include accessory structures commonly associated with natural areas, such as boardwalks, interpretational and wayfinding signage, bathrooms, and parking areas. This use includes “vacant” land left in a naturalized state.
This use differs from the Playground or Park use in that its primary purpose is natural preservation with secondary, subordinate use as a passive recreation asset, whereas Playground or Park use is primarily a recreational asset.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code’s district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(9) Sports Fields, Courts, Golf Courses, and Pools

- (i) Definition. A land use intended and developed for outdoor active play and recreation, such as swimming pools, dog parks, skate parks, pickleball and tennis courts, basketball courts, baseball fields, soccer fields, football fields, foot-racing tracks, driving ranges, and golf courses.
This use differs from Outdoor Arena in that it is less intense in noise generation and traffic generation; this use does not include stadiums or open-air arenas, although it may include low-rise bleachers of less than XX rows each in association with sports fields.
This use does not include hunting grounds or target or skeet shooting ranges; such uses shall be considered Weapons-Oriented uses.
This use does not include indoor active recreation, such as indoor pools, gyms, or tennis courts; such uses shall be considered Physical Recreation Center uses.
This use may commonly be located on the same property as a Camping, Nature Retreat Center, or Summer Camp use.
- (ii) Use-Specific Standards. No Sports Fields, Courts, Golf Courses, and Pools use shall illuminate outdoor lighting from poles or stantions higher than 50 feet between 10:00pm and 7:00am, except by conditional use approval.

SECTION 1103.06 STANDARDS APPLICABLE TO ACCESSORY USES AND ACCESSORY STRUCTURES

- (a) **Definition.** An accessory use is a land use that is incidental and customarily found in connection with the principal use of a property. Accessory uses are often described by their associated structures. For example, parking of private passenger vehicles is an accessory use of a principal residential use; the associated structure for such parking--a detached garage for a one-unit detached residence or a parking garage for an apartment building--would be considered an accessory structure. Accessory uses and their structures may include, but are not limited to the following: accessory dwelling units, carports, decks, garages, gazebos, patios, open porches, balconies, stoops, pergolas or trellises, rain gardens, sheds, accessory solar panels or wind turbines, swimming pools, hot tubs, recreational ponds, and stormwater retention ponds, swing sets, play houses, household tennis or sports areas, tree houses, electric vehicle chargers, family day care homes, home occupations, and cottage industries. Accessory uses shall not include a use otherwise described in this code as a principal use; for example, for a church that contains a parochial school, the school is not an accessory use of the Religious Assembly principal use, as it is included in the definition of the Libraries, Museums, Playhouses, and Schools principal use; the parochial shall be considered a principal use of the lot, equivalent to the church use.
- (b) **Permissibility of Accessory Uses and Structures.** Accessory uses and accessory structures are permitted in any district unless otherwise specified by this Section, this Code, or other City provision.
- (c) **Permit Required for Accessory Structures.** A zoning permit is required for any accessory structure that occupies more than 150 square feet. Fences, regulated in Section XXXX.XX, shall require a zoning permit. [DOES THE CITY WISH TO REQUIRE ZONING PERMITS FOR FENCES?]
- (d) **Signs.** Outdoor advertising or signs may be considered accessory uses and structures, but such uses and structures are not regulated by this Section; signs are regulated in Section XXXX.XX "Sign Standards."
- (e) **Location of Accessory Structures.** An accessory use and any accessory structure in or on which it is conducted must be located on the same lot as or an abutting lot to the principal use with which it is associated; this provision may be waived through a variance granted by the Board of Zoning of Appeals.
- (f) **Required Setbacks for Accessory Structures**
 - (1) With the exception of certain accessory structures detailed in this subsection, all portions of an accessory structure shall be set back from any lot line by at least four horizontal feet.
 - (2) **Exceptions to Accessory Structure Setback Requirements**
 - (i) Ground-level uses and structures, such as asphalt or concrete paving, pavers, mulching, sod, artificial turf, gardens and landscaping, and wood or faux-wood decking entirely within 8 inches of ground level, shall not be subject to the setback requirements that are generally applicable to accessory structures found in this subsection; instead, they shall be required to be set back at least two feet from any lot line; however, as an exception to the two-foot setback, shared driveways shall be permitted to extend up to the side lot line. Raised garden beds shall constitute ground-level structures if the tops of their sidewalls are within 12 inches of ground level.
 - (ii) Within districts with minimum front setbacks for principal structures of 10 feet or less: front porches, balconies, elevated terraces, and stoops, where such accessory structures are not enclosed by windows and are open to the outdoors--except for railings, waist-level walls, or insect screens--shall not be subject to the front setback requirement that are generally applicable to accessory structures found in this subsection; instead, such accessory structures may extend up to six feet from the front of the principal structure. Such accessory structures shall not be permitted to extend beyond the front lot line into the public right-of-way unless

granted an encroachment permit by the City.

- (iii) Fences shall be considered accessory structures but shall not be subject to the setback requirements that are generally applicable to accessory structures found in this subsection; fences are regulated by Section XXXX.XX “Fence Standards.”
 - (iv) Signs shall not be subject to the setback requirements that are generally applicable to accessory structures found in this subsection; signs are regulated by Section XXXX.XX “Sign Standards.”
 - (v) With the exception of wind turbines mounted to the roof of the principal structure, no wind turbine shall be erected except where its base is set back from all lot lines by a distance equal to its height, where the height of a wind turbine shall be measured from the ground elevation to the highest reach of any of its blades.
 - (vi) Add-on accessibility ramps and add-on accessibility elevators designed to allow access to the premises for persons with disabilities or with ambulatory challenges shall not be required to conform to the setback requirements that are generally applicable to accessory structures found in this subsection; instead, such accessibility ramps and accessibility elevators shall be permitted to be installed up to the edge of any lot line. This provision shall not apply to permanent accessibility ramps, such as those constructed with concrete as part of a new commercial structure, and shall not apply to permanent, integrated elevators, such as those installed in permanent elevator shafts in a new commercial or multi-unit residential building.
- (3) [INSERT GRAPHIC HERE TO SHOW SETBACKS OF MULTIPLE ACCESSORY STRUCTURES]
- (g) Height Maximums for Accessory Structures. No accessory structure shall be erected except where such accessory structure satisfies all of the following conditions:
- (1) On any portion of the lot where a principal structure would be permitted to be built, such as any area of the lot far enough from a lot line to meet the required minimum setback requirements for principal structures, no portion of an accessory structure may exceed the maximum height allowed for a principal structure in the district in which it is located; such height allowances can be found within the applicable district section of Article XXXX “District Standards.” Please note, however, that this Code allows for exceptions to height allowances for specified features, such as steeples, chimneys, solar panels, wind turbines, and the like; for such exceptions, please refer to Section XXXX.XX “Exceptions to Height Maximums.”
 - (2) On any portion of the lot where a principal structure would not be permitted to be built, such as any area of the lot closer to a lot line than required by the minimum setback requirements for principal structures, no portion of an accessory structure may exceed 18 feet in height; this provision shall not apply to signs, which are regulated by Section XXXX.XX “Sign Standards.” Please note, however, that this Code allows for exceptions to height allowances for specified features, such as steeples, chimneys, solar panels, wind turbines, and the like; for such exceptions, please refer to Section XXXX.XX “Exceptions to Height Maximums.”
 - (3) No accessory structure, including an accessory wind energy system, shall impair the safe operation of aircraft, as determined by the Federal Aviation Administration.
 - (4) [INSERT GRAPHIC HERE TO SHOW ALLOWABLE HEIGHTS]
- (h) Swimming Pool and Hot Tub Fences. Swimming pools and hot tubs shall be required to install a fence to prevent the accidental entrance and drowning of children; such regulations can be found in Section XXXX.XX “Fence Standards.”

- (i) Specific Accessory Use and Accessory Structure Standards. Specific accessory use and accessory structure standards are included for accessory dwelling units, home occupations, cottage industries, and family day-care homes. These standards can be found in the following subsections.
- (j) Standards Applicable to Accessory Dwelling Units
 - (1) Definition. An accessory dwelling unit is a dwelling unit that facilitates a dwelling use secondary to a principal one-unit dwelling. Accessory dwelling units are sometimes referred to as granny flats, in-law suites, and carriage houses. If a lot contains a principal dwelling and an accessory dwelling, and if such accessory dwelling is detached from the principal dwelling, the accessory dwelling shall be the dwelling with the greater setback from the front lot line.
 - (2) Eligibility. No accessory dwelling unit may be erected except where all of the following conditions are satisfied:
 - (i) The accessory dwelling unit is located within a district that permits one-unit dwellings via administrative review; [WOULD YOU LIKE THIS CHANGED TO BE ONLY THE R1 AND R2 DISTRICTS, AS YOU MENTIONED IN THE MARK-UP PDF DOCUMENT?]
 - (ii) The accessory dwelling unit is located on a lot that contains a one-unit dwelling;
 - (iii) The accessory dwelling unit is located on a lot that conforms to the minimum lot area, minimum lot width, and minimum lot depth standards of the district in which it is located.
 - (3) Creation. An accessory dwelling unit may be created through new construction, the conversion of an existing structure, as an addition to an existing structure, or as a conversion of a qualifying existing one-unit dwelling during the construction of a new principal dwelling unit on the site.
 - (4) Arrangement. An accessory dwelling unit may be arranged as a detached structure, such as a garage conversion, or as attached to the principal one-unit dwelling, such as a basement unit or an attic unit.
 - (i) [INSERT GRAPHIC HERE TO SHOW POSSIBLE ARRANGEMENTS OF ACCESSORY DWELLING UNITS.]
 - (5) Amenities Required. An accessory dwelling unit shall, at a minimum, contain all of the following amenities:
 - (i) A sleeping area or a bedroom area as defined by the applicable building code and provides light, air, ingress, and egress as required by the applicable building code;
 - (ii) A toilet and bathing facility;
 - (iii) A “junior kitchen” area that includes a kitchen sink and allows for the installation of plug-in kitchen appliances, such as a microwave, a single-burner, a toaster oven, and similar devices, meeting plumbing, electrical, and fire prevention requirements of the applicable building code; and
 - (iv) Utility separation from the principal one-unit dwelling where required by the applicable building code.
 - (6) Quantity. No lot may contain more than one accessory dwelling unit.
 - (7) Occupancy and Use
 - (i) An accessory dwelling unit must conform to all building code and health code standards

applicable to all dwellings.

- (ii) Occupancy of an accessory dwelling unit shall be limited to two adults per bedroom, as bedroom is defined by the building code; children shall not be counted for the purposes of this provision.
- (8) Size and Height
- (i) No accessory dwelling unit may exceed 1,200 square feet of gross floor area.
 - (ii) Accessory dwelling units shall conform to the height maximums generally applicable to accessory structures.
- (9) Location. If an accessory dwelling unit is detached from the principal structure, no portion of such accessory dwelling unit shall be closer to the front lot line than the forward-most portion of the principal structure.
- (10) Screening. If an accessory dwelling unit is detached from the principal structure and is within six feet of a rear lot line or side lot line, such lot lines shall be screened with six-foot-high opaque fencing or a six-foot-high evergreen hedgerow; such fencing or hedgerow shall be required only along the portion of the lot lines within six feet of the accessory dwelling unit.
- (i) [INSERT GRAPHIC HERE TO SHOW REQUIRED SCREENING OF ACCESSORY DWELLING UNITS NEAR REAR OR SIDE LOT LINES.]
- (11) Parking. An accessory dwelling unit shall not require off-street parking.
- (k) Standards Applicable to Home Occupations
- (1) Definition. A home occupation is an accessory use to a principal dwelling use (the principal dwelling use may be a one-unit dwelling, a two-unit dwelling, a 3-8-unit dwelling, or a 9-plus-unit dwelling) where a resident of such principal dwelling use conducts business activities. A home occupation conventionally includes the following: telework or remote office work performed by a resident of the dwelling, child day-care services provided by the resident of the dwelling, hair cutting services performed by a resident of the dwelling, or massage therapy services performed by a resident of the dwelling.
 - (2) Home Occupations in Accessory Structures. If a home occupation occupies a structure other than the principal structure on the lot, it must occupy a structure otherwise customarily associated with a principal one-unit dwelling, such as a detached garage, shed, or accessory dwelling unit.
 - (3) Home Occupations in Accessory Dwelling Units. A home occupation shall be permitted as an accessory use of an accessory dwelling unit; all standards for home occupations applicable to principal dwellings shall also be applicable to accessory dwelling units.
 - (4) Exterior Appearance. No home occupation shall cause an alteration to the principal dwelling use's architecture, form, color, or presentation that would demonstrate to the public that the structure supports the conduct of any principal land use other than a dwelling use; however, one commercial sign not exceeding nine square feet in sign area may be affixed to the exterior of the structure identifying the home occupation use--such sign shall conform to the provisions of Section XXXX.XX "Sign Standards."
 - (5) Outdoor Storage of Home Occupation-Related Materials. No home occupation shall result in the storage of materials outdoors and visible from the right-of-way, including lawn care equipment associated with a home occupation, vehicles or tires associated with a home occupation, and fuels or fluids associated with a home occupation.

- (6) **Parking.** No home occupation shall allow any in-person customer to occupy a street-parking spot. No home occupation may provide more than two off-street parking spaces for in-person customers of the home occupation.
- (7) **Hours of Visitation.** A home occupation may not serve in-person customers between the hours of 8:00 PM and 7:00 AM.
- (8) **Deliveries.** No home occupation shall cause the shipment of materials or goods that necessitates a semi-truck for pick-up from or delivery to a residential property; deliveries or shipments of materials via conventional two-axled delivery box trucks shall be permitted.
- (9) **Dog-Related Home Occupations.** No home occupation shall comprise the raising and sale of more than one litter of puppies at any time per lot; for the purposes of this provision, a litter of puppies shall be defined as any grouping of dogs born of the same pregnancy and under the age of 6 months. On any lot of less than 3 acres or on any lot containing a more than one dwelling unit, no home occupation shall comprise the boarding of more than 4 dogs; on any other lot, no home occupation shall comprise the boarding of more than 6 dogs; the number of dogs permitted shall be reduced by one for each dog that resides on the premises; the boarding of more dogs shall constitute a principal Animal Boarding or Shelter use.

(l) **Standards Applicable to Day-Care Homes**

- (1) **Definition.** Any Family Day Care Home Type A or Family Day Care Home Type B, as defined by the Ohio Revised Code. At the time of the drafting of this chapter, the Ohio Revised Code defined a Family Day Care Home Type A as 7 to 12 children (or 4 to 12 children if 4 children are under 2 years of age) cared for in the provider’s home, where the provider’s own children under 6 years of age must be included in the total count; and the Ohio Revised Code defined Family Day Care Home Type B as 1 to 6 children cared for in the provider’s personal home, where no more than 3 children may be under the age of 2, and where the provider’s own children under 6 years of age must be included in the total count.
- (2) **Use-Specific Standards.** No day-care home services use shall be conducted except where all of the following conditions are satisfied:
 - (i) The minimum lot area satisfies the minimum lot area requirement for one-unit detached dwellings in the same district;
 - (ii) The minimum lot width satisfies the minimum lot width requirement for one-unit detached dwellings in the same district;
 - (iii) The minimum building setbacks satisfy the minimum building setback requirements for one-unit detached dwellings in the same district;
 - (iv) The play area is fenced in, so as to provide a safe and secure environment for the children;
 - (v) The drop-off/pick-up is located so as not to impede traffic safety; and
 - (vi) Parking should be located to avoid the necessity for the parent and/or children to cross streets or access driveways.

(m) **Standards Applicable to Cottage Industries**

- (1) **Definition.** Any use that fits the definition of “Cottage Food Production Operation” as defined in Chapter 3715 of the Ohio Revised Code; at the time of this Code’s writing, the Ohio Revised Code defined a Cottage Food Production Operation as a person who, in the person’s home, produces food items that are not potentially hazardous foods, including bakery products, jams,

jellies, candy, fruit butter, and similar products. For the purposes of this Code, a Cottage Industries use may include the sale or distribution of food products produced in the home.

(2) Use-Specific Standards

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

(n) Standards Applicable to Drive-Thru Services

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

(2) Use-Specific Standards

- (i) No Drive-Thru Services use shall cause the blocking of a fire lane.
- (ii) No Drive-Thru Services use shall amplify sound to a volume audible by the users of adjacent lots.

(o) Standards Applicable to Electric Vehicle Charging

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

(2) Use-Specific Standards

- (i) Electric Vehicle Charging shall be considered an accessory use of any vehicle parking space.
- (ii) No electric vehicle charger may be located within three feet of a lot line.
- (iii) No electric transformer box associated with nine or more electric vehicle charging stations may be situated on a lot except when screened with a fully opaque fence or wall.

(p) Standards Applicable to Home Animal Husbandry

- (1) Definition. A use consisting of the non-commercial raising and care of chickens, ducks, peafowl, guinea fowl, pheasants, quail, turkey, geese, rabbits, guinea pigs, goats, sheep, deer, reindeer, elk, mule, donkeys, horses, pigs, cattle, alpaca, llamas, ostriches, emus, and/or bison as an accessory to a principal one-unit residential dwelling use. This term does not include Agritourism or "farm tours." This term does not include the raising of pets, such as dogs, cats, indoor tropical fish, indoor pet parrots and other non-farm-type pet birds, indoor pet reptiles, and indoor pet amphibians. The City Planner [IS THIS THE CORRECT POSITION?] shall determine whether an animal not listed in the above definition is similar to a listed animal and whether how it shall be permitted.

(2) Use-Specific Standards

- (i) No Home Animal Husbandry use shall be permitted in any multi-unit residential use (i.e.,

two-unit dwelling, 3-8-unit dwelling, 9-plus-unit dwelling, townhouse dwelling, cottage court dwelling, or mobile home park).

- (ii) No Home Animal Husbandry use may store or dispose of animal wastes within 15 feet of a property line.
- (iii) No Home Animal Husbandry accessory use shall consist of the slaughtering of animals.
- (iv) Living areas or grazing areas shall be appropriately defined and protected; for example, an enclosure for cattle, horses, or bison shall utilize adequately fortified fencing to prevent break-outs.
- (v) Any electric fencing shall be clearly marked with signs as posing a shock danger using both words and visuals. No electrified fence shall be installed within three feet of a lot line except with a written and notarized agreement with the owner of the abutting lot.
- (vi) No greater number of animals may be raised or cared for as a Home Animal Husbandry use except as permitted by the table below:

LOT AREA	MAXIMUM NO. OF ANIMALS ALLOWED
0.00-0.04 acres	None
0.05-0.25 acres	4 fowl (no rooster is permitted) and 4 small mammals (guinea pigs or rabbits)
0.26-0.50 acres	6 fowl (no rooster is permitted), 6 small mammals (guinea pigs or rabbits), and 1 medium mammal (goat, sheep, deer, pig, alpaca, or llama), and 1 large bird (emu or ostrich)
0.51-1.00 acres	12 fowl (no rooster is permitted), 12 small mammals (guinea pigs or rabbits), and 2 medium mammals (goat, sheep, deer, pig, alpaca, or llama), and 2 large birds (emu or ostrich)
1.01-3.00 acres	12 fowl (no more than one rooster is permitted), 12 small mammals (guinea pigs or rabbits), and 3 medium mammals (goat, sheep, deer, pig, alpaca, or llama), 3 large birds (emu or ostrich), and 2 large mammals (elk, mule, donkey, horse, cattle, or bison)
3.01-4.99 acres	12 fowl, 12 small mammals (guinea pigs or rabbits), and 6 medium mammals (goat, sheep, deer, pig, alpaca, or llama), 6 large birds (emu or ostrich), and 2 large mammals (elk, mule, donkey, horse, cattle, or bison)
5.00 acres or greater	On a lot of 5 acres or greater, animal husbandry shall be considered a component of a principal agricultural use.

SECTION 1103.07 TEMPORARY USES

- (1) **Definition.** A use established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, that does not involve the construction or alteration of any permanent structure. This term may include food trucks operating as a one-time use or in association with a non-recurring special event, auctions, festivals, art shows, charity events, pop-up farmers markets, craft shows, and seasonal stores, such as Halloween costume pop-up stores.
- (2) **Permitting.** No temporary use shall be permitted except with a valid Temporary Use permit, issued by the City Planner. For certain proposals, the City Planner may require review by the Safety Service Department to ensure that adequate fire egress is provided. Each temporary use permit shall indicate the date at which the use is proposed to begin and the date of expiration of the permit; a Temporary Use permit may be extended by the City Planner; where the temporary use is conducted after the date of expiration of the Temporary Use permit, the use shall be considered to be conducted in violation of this Code.

SECTION 1103.08 COTTAGE COURT STANDARDS

- (1) **Applicability.** These cottage court standards shall apply to any development that fits the definition of Cottage Court Residential, as defined by this Code.
- (2) **Ownership Model of Cottage Courts.** Cottage courts may be organized in one of the following ownership models:
 - (i) **All Units on One Lot.** In this ownership model, all of the housing units, all common area, and all parking is located on one lot and has one owner. Typically, this ownership model is employed where the units of the cottage court are renter-occupied. In this case, any code violations can be directed to the landlord.
 - (ii) **Condominium.** In this ownership model, the housing units themselves are condominiums and are individually owned. However, all of the land, including the land under the condominiums, is communally owned by a condominium association. The owners of the individual condominiums are members of the condominium association and make decisions according to their bylaws. In this case, any code violations for building maintenance of individual units can be directed to the unit's owner, and any code violations for landscaping or other land-related regulations can be directed to the condominium association.
 - (iii) **Landominium.** In this ownership model, the housing units themselves and the land under the housing units—and sometimes additional buffer of land around each of the units—are individually owned. Other land, including a common green space, buffer area, utility or garbage storage areas, etc., are owned by a condominium association. The owners of the individual housing units are members of the condominium association and make decisions according to their bylaws. In this case, any code violations for building maintenance of individual units or the land owned by the owners of such individual units can be directed to the unit's owner, and any code violations for landscaping or other land-related regulations on communal land can be directed to the condominium association.
 - (iv) **Private Land with Access Easements.** In this ownership model, there is no communally owned land. Each housing unit is individually owned, and each housing unit owner also owns the land under the unit and surrounding the unit. One landowner's property extends all the way to the neighbor's property. The lot lines extend all the way to the center of the communal foot path, and an access easement is granted along the portion of each lot that contains the communal footpath. Any code violation can be directed to the owner of land on which the violation has occurred.
 - (v) [INSERT GRAPHIC HERE TO SHOW THE UNIT OWNERSHIP MODELS FOR COTTAGE COURTS]
- (3) **Cottage Standards.** No dwelling unit within the cottage court shall be developed except where such dwelling unit satisfies all of the following conditions:
 - (i) The dwelling unit is contained within a detached structure and is not considered a duplex or other multi-family structure;
 - (ii) The dwelling unit contains a front porch of at least 80 square feet; the front porch shall be oriented towards the common open space;
 - (iii) The dwelling unit does not exceed 850 square feet; the open front porch shall not contribute to the total square footage of the dwelling unit; and
 - (iv) The dwelling unit's exterior walls shall maintain a separation from the external walls of all

other dwelling units within the cottage court of at least twice the required side setback in the district in which it is located. For example, if, in the Residential 1 District, the side yard setback is 6 feet minimum, no cottage court in the Residential 1 District shall have dwelling units that have a separation of less than 12 feet.

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

SECTION 1103.09 TOWNHOUSE STANDARDS

- (1) Applicability. These townhouse standards shall apply to any development that fits the definition of Townhouse Residential land use, as defined by this Code.
- (2) Side Setbacks for Townhouses. Townhouses are exempt from the side setbacks of the district in which they are located where they abut another townhouse in the contiguous townhouse structure. However, where two townhouse structures are next to one another, they shall maintain a separation of at least twice the required side setback for that district. In the case that a townhouse structure in one district is placed next to a townhouse structure of another district, the townhouse structures shall be separated by at least the required side setback of the first district plus the required side setback of the other district.
- (3) Lot Widths for Townhouses. Townhouses with a landownership model are exempt from the lot width requirements of the district in which they are located. Townhouse lots with a landownership model must be at least 15 feet wide.
- (4) [INCLUDE GRAPHIC SHOWING TOWNHOUSES]
- (5) Ownership Model of Townhouse Residential Developments. Townhouses have four main ownership models, as described and illustrated below:
 - (i) Rentals. In this ownership model, all of the housing units, all common area, and all parking is located on one lot and has one owner. Typically, this ownership model is employed where the units of the townhouse complex are renter-occupied. In this case, any code violations can be directed to the landlord.
 - (ii) Condominium. In this ownership model, the housing units themselves are condominiums and are individually owned. However, all of the land, including the land under the condominiums, is communally owned by a condominium association. The owners of the individual

condominiums are members of the condominium association and make decisions according to their bylaws. In this case, any code violations for building maintenance of individual units can be directed to the unit's owner, and any code violations for landscaping or other land-related regulations can be directed to the condominium association.

- (iii) Landominium. In this ownership model, the housing units themselves and the land under the housing units—and sometimes additional land adjacent to the units—are individually owned. Other land, including a common green space, buffer area, utility areas, etc., are owned by a condominium association. The owners of the individual housing units are members of the condominium association and make decisions according to their bylaws. In this case, any code violations for building maintenance of individual units or the land owned by the owners of such individual units can be directed to the unit's owner, and any code violations for landscaping or other land-related regulations on communal land can be directed to the condominium association.
 - (iv) Fee-Simple. In this ownership model, there is no communally owned land. Each housing unit is individually owned, and each housing unit owner also owns the land under the unit and surrounding the unit. One landowner's property extends all the way to the neighbor's property. Generally, these types of townhouse lots extend from the public street in the front to the public alley in the rear. Any code violation can be directed to the owner of land on which the violation has occurred.
 - (v) [INCLUDE GRAPHIC SHOWING THE OWNERSHIP MODELS FOR TOWNHOUSES]
- (6) Permitting. Townhome developments may be administratively approved where allowed by administrative review; see the use permissions in the district regulations of Article XXXX.
 - (7) Plan Required. No townhouse shall be permitted except where an application for such use contains a to-scale plan illustrating (1) the location of each townhouse, (2) interior circulation, if applicable, (3) access to public rights-of-way, (4) screening, (5) solid waste storage and removal areas, and (6) emergency fire-response fire lanes and fire hydrant locations.
 - (8) Emergency Response for Cottage Courts. No townhouse shall be permitted except where each townhouse unit within the complex is adequately accessible to public emergency response, including fire response, medical response, and law enforcement response; any application for a zoning permit for a townhouse complex shall be subject to review and approval by the City's Safety Service Department.

Generally Applicable Standards

Chapter

1104

Chapter 1104: Generally Applicable Standards

SECTION 1104.01 PARKING STANDARDS

- (a) Purpose of Parking and Loading Standards. These parking and loading standards are intended to mitigate the negative impacts of motor vehicle parking on government interests, including impacts on neighborhood aesthetics, pedestrian safety, and stormwater management.
- (b) Parking Limited to Parking Areas. No parking of any motor vehicle or of any accessory to a motor vehicle, such as a trailer or camper, shall occur except on a parking area or on a driveway as defined by this Section.
- (c) Location of Parking Areas
 - (1) Parking Areas Limited in Actual Front Yards
 - (i) In the Downtown District, no motor vehicle parking area shall be located in the actual front yard, which is defined as the space between the front lot line and the front building line extended to the side lot lines.
 - (ii) In the Corridor District, no more than 1 motor vehicle parking space per 20 feet of lot frontage may be permitted in the actual front yard.
 - (iii) In the Residential-1 District and the Residential-2 District, no parking area shall be located in an actual front yard except on a driveway as regulated in this section.
 - (iv) In other districts, this Section does not limit parking areas in the actual front yard.
 - (d) Parking Areas to Maintain Setbacks. The setbacks associated with ground-level structures, such as paving of parking lots, parking lot access drives, and driveways, are regulated in Section XXXX.XX “Exceptions to Accessory Structure Setback Requirements.”
 - (e) Driveway and Parking Area Accessway Standards.
 - (1) Driveway Regulations. A driveway is an improved vehicle pathway that leads from a right-of-way to a one-unit dwelling, a two-unit dwelling, a three-unit dwelling, or a four-unit dwelling. A driveway may lead to a side yard or a rear yard, or may lead to the entrance of a garage of a one-unit dwelling, a two-unit dwelling, a three-unit dwelling, or a four-unit dwelling. No driveway may exceed 20 feet in width. No driveway may be located within two feet of a side lot line, except when a driveway is shared between the residents of two adjacent lots; the area between the driveway and any side lot line within five feet must be of a natural, permeable surface.
 - (2) Parking on a Driveway. Parking on a driveway is permitted, even if the driveway is located in the actual front yard.
 - (3) Parking Area Accessways Regulations. Parking area accessways are improved vehicle pathways connecting a right-of-way and a parking area, where such parking area is not intended for a one-unit dwelling, a two-unit dwelling, a three-unit dwelling, or a four-unit dwelling. No parking

area accessway may exceed 30 feet in width along its main pathway or 40 feet at its delta with the right-of-way. No parking area accessway may be located within two feet of a side lot line, except where a parking area accessway is shared between two adjacent lots or where a parking area accessway connects a parking area of one lot to a parking area of an adjacent lot.

- (f) Landscaping of Parking Areas. Any new parking lot, an expansion of an existing parking lot over 20 percent of the current square footage, an expansion of an existing building by more than 20 percent of the GFA, or any new construction more than 3,000 square feet in total interior space shall be landscaped in accordance with the Parking Lot Landscaping Table.

TYPE OF PARKING LOT LANDSCAPING	FREQUENCY	WIDTH AND AREA	STANDARDS
Interior Landscape Island ^{A,B}	At least 1 interior landscape island must be installed for every 14 parking spaces or fraction thereof.	Interior landscape island must be at least 9 ft. in width and at least 320 sq. ft. in area.	Interior landscape island must include one tree of at least 2-inch diameter per interior landscape island. Interior landscape islands, if multiple, must be distributed evenly throughout the parking area.
Perimeter Landscaping ^A	At least 1 tree and 4 shrubs must be planted for every 50 lineal ft. of parking lot perimeter.	Perimeter landscaping must be at least 5 ft. in width; perimeter landscaping may be reduced to 3 ft. in depth when a 3-foot-high masonry wall, wrought iron, or wood picket fence is erected on the outside edge of the perimeter.	Shrubs must be at least 18 inches in height and capable of reaching a min. height of 3 ft. within 3 years of planting.
Notes: ^A Applies only to parking lots of more than 3,000 square feet, not including access drives. ^B Does not apply to parking lots solely used for heavy trucks.			

Table 1: Parking Lot Landscaping Table

- (g) Parking Areas with Electric Vehicle Charging Stations. Any parking space of any motor vehicle parking area or driveway may contain an electric vehicle charging station, provided that any electric vehicle charging station is set back from any lot line by at least three feet.
- (h) Parking Area Paving Material. Any off-street parking or loading space or driveway or storage area, for its entire length and area shall be of a hard, dustless surface (asphalt, concrete, brick paving blocks, porous pavement, or porous pavers) and drained according to sound engineering practices, and approved by the City Engineer. Parking of motor vehicles and their associated trailers shall not be permitted on unimproved ground, except in association with approved temporary use activities, such as festivals. Off-street parking or loading space or driveway or storage area may be paved with pavers that include voids,

such as in the image below.



- (i) **Micro-Vehicle Parking.** Micro-vehicles are any small vehicles that (1) do not use internal combustion engines, that (2) weigh less than 300 pounds, that (3) do not have the capacity to generate 20 horsepower or greater, and shall include bicycles, unicycles, push scooters, electric scooters, electric bicycles, motorized wheelchairs, mobility scooters, skateboards, electric skateboards, roller blades, and the like. Micro-vehicle parking is permitted as an accessory to any use and may be located in any location on any lot in any district, provided it does not cause an obstruction to ingress, egress, or the safe passage of pedestrians.
- (j) **Parking of Commercial Vehicles.** The parking of a commercial vehicle or fleet vehicle is treated similarly to the parking of any personal vehicle, except that no lot containing a residential use shall permit the parking of more than one commercial vehicle per dwelling unit.
- (k) **Temporary Storage of Inoperable Vehicles.** The temporary storage of inoperable vehicles shall be limited to one inoperable vehicle per lot and shall be stored on a paved surface; however, a vehicle-oriented use (such as a car sales use or car rental operation) shall be permitted to store more than one inoperable vehicle per lot where such storage is temporary. For the purposes of this regulation, “temporary” shall be interpreted to mean six months or less in duration; and “permanent” shall be interpreted to mean more than six months in duration.
- (l) **Required Parking Space Count.** This Code does not implement minimum parking space requirements.
- (m) **Stormwater Discharge from Parking Areas.** Off-street parking areas shall not discharge stormwater to adjacent properties, adjacent roadways, or storm sewer systems; all stormwater discharge from off-street parking facilities must be directed to detention basins, rain gardens, or dry wells.
- (n) **Parking Space Marking.** Designated parking spaces shall be marked on the surface of the parking area with paint or permanent marking materials and maintained in a clearly visible condition.
- (o) **Wheel Stops.** Any parking space that (1) is associated with any use other than a one-unit or two-unit dwelling and that (2) has a front or a rear end that abuts the perimeter of the parking area (or perimeter landscaping strip) must be equipped with a wheel stop. Each wheel stop shall be a singular block of durable material with a maximum height of six (6) inches and a maximum length of eight (8) feet. Wheel stops are to be securely fastened to the ground and located no less than two (2) feet from the perimeter of the parking area and no less than four (4) feet from any structures, buildings, walls, or plant material, excluding ground cover.
- (p) **ADA-Compliant Parking.** For every use, except one-unit dwellings and two-unit dwellings, accessible

parking spaces shall be provided as required in the Americans with Disabilities Act Section 208 and Section 502. The Americans with Disabilities Act can be reviewed at the United States Access Board website.

- (q) **Parking Area Maintenance.** All required landscaping shall be maintained in a healthy condition, replacing it when necessary and keeping it free of refuse and debris.

SECTION 1104.02 TREES

[DOES THE CITY HAVE A TREE ORDINANCE THAT SHOULD BE REFERENCED HERE? DOES IT DESIRE TO REQUIRE STREET TREES TO BE INSTALLED DURING NEW DEVELOPMENT OR MAJOR REDEVELOPMENT OF A LOT?]

SECTION 1104.03 VISION CLEARANCE TRIANGLE

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

- (e) No vision clearance triangle is required for unimproved or unpaved alleys.



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

SECTION 1104.04 FENCE STANDARDS

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

- (a) Except when fences are required by this Code for screening, a fence shall not exceed heights indicated in the Fence Height Table. When required by other provisions of this Code for screening, a fence shall be a minimum of six feet in height.

FENCE LOCATION	FENCE HEIGHT
Within Front Setback	4 ft. max.
Outside of Front Setback	In any district other than the Agricultural District or the Industrial District: 6 ft. max.; In the Agricultural District or the Industrial District: 8 ft. max.
Notes: Fences for animal enclosures may be permitted via a variance; see Chapter XXXX "Administration and Procedures."	

Table 2: Fence Height Table

- (b) Fence height at a given location along a fence line shall be the difference in elevation between the grade at the base of the fence and the top of the fence at that location. The grade at the base of the fence shall be the elevation of the ground surface before mounding or building-up of the ground surface, if any, occurred. If a fence occurs along a terraced portion of earth, such as a retaining wall, its height is measured from the higher ground elevation.
- (c) No fences shall be installed such that they violate the provisions of the Vision Clearance Triangle standards. See the Vision Clearance Triangle standards in Section XXXX.XX.
- (d) Fence Maintenance. All fences shall be maintained and in a safe and upright condition.
- (e) Permit Required. The installation of a fence shall require a permit from the City Planner; however, any replacement of less than 50% of the length of an existing fence shall not require a fence permit. [DOES THE CITY WISH TO REQUIRE SUCH A PERMIT?]

- (f) All fences shall be installed so that, when a fence has a “finished,” “clean,” or “good” side, that side faces outward, toward adjacent lots; and the “unfinished” or “bad” side faces the interior of the lot. When a fence is installed on the property boundary between two lots, the “unfinished” or “bad” side shall face the lot of the landowner who is installing the fence.
- (g) Swimming Pool and Hot Tub Fences. In-ground swimming pools and hot tubs shall be enclosed with a solid fence at least four feet high with a self-closing gate.

SECTION 1104.05 OUTDOOR LIGHTING STANDARDS

- (a) Intent of Outdoor Lighting Standards. Outdoor lighting intensity must be limited to reduce nuisances to neighboring uses and protect the night sky from light pollution.
- (b) Applicability. The following exterior lighting is exempt from the requirements of this Section:
 - (1) FAA-mandated lighting associated with a utility tower or airport;
 - (2) Lighting for the United States flag, Ohio flag, a County or City flag, a corporate flag, or any other flag;
 - (3) Festive lighting during the months of November, December, and January, provided the lighting does not create unsafe glare on street rights-of-way;
 - (4) Battery-powered emergency lighting;
 - (5) Architectural lighting using lamps of 800 lumens or less; and
 - (6) Public safety lighting.
- (c) Outdoor Lighting Standards. All outdoor lighting, except sign illumination and those lighting types exempted in the subsection above, shall comply with all of the following standards:
 - (1) Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.
 - (2) Lighting may not be oriented to direct glare or excessive illumination onto adjacent properties, streets, or sidewalks. All outdoor lighting must include full-cutoff shields to direct light downward as illustrated in the graphic below.

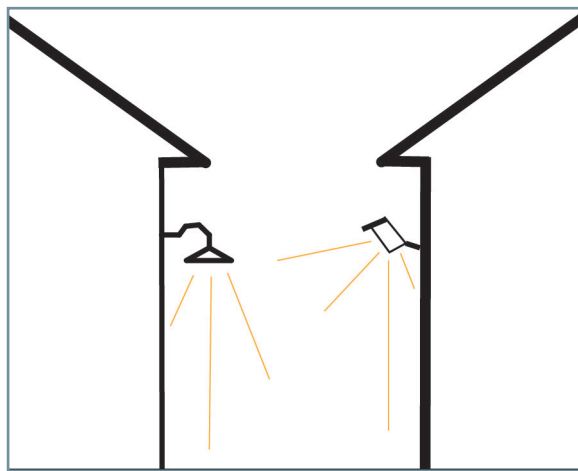


Figure 7: Outdoor Lighting. The lamp on the left of the above graphic is an example of outdoor lighting that is aimed plumbly downward and completely shielded. The lamp on the right, while shielded, is not

aimed plumbly downward, and it therefore may only be approved through obtaining a variance [DOES THE CITY WANT SUCH PROVISION?].

- (3) Between dusk and dawn, outdoor lighting other than sign illumination may not exceed a correlated color temperature of 3000 Kelvins, in order to protect public health and wildlife.
- (4) All lighting fixtures and poles within a common development shall be consistent in style, color, size, height, and design and are compatible with the architecture character of the development. Service connections for all freestanding lighting fixtures must be installed underground.
- (5) Height of Outdoor Lighting. No outdoor lighting shall be mounted at a height greater than the maximum height allowed for principal structures in the district in which they are located. In the case that the district does not list a maximum height for principal structures, no outdoor lighting shall be mounted at a height greater than 35 feet, except by a variance granted by the Board of Zoning Appeals.
- (6) A photometric plan showing compliance with these standards shall be submitted along with all site plans for non-residential developments. The photometric plan may be incorporated into the site plan if all photometric plan components are included. The lighting plan shall include all of the following:
 - (i) All structure(s), parking spaces, building entrances, traffic areas (both vehicular and pedestrian);
 - (ii) Vegetation that might interfere with lighting;
 - (iii) Adjacent uses that might be adversely impacted by the lighting;
 - (iv) All exterior lighting, including but not limited to, architectural, building-entrance, landscaping, flag, accent, etc.; and
 - (v) A layout of all proposed fixtures by location, orientation, aiming direction, mounting height, and type.

SECTION 1104.06 DUMPSTERS AND SOLID WASTE STORAGE STANDARDS

- (a) Dumpsters, except for temporary rental dumpsters, shall be completely screened with an opaque, 6-foot-high fence or wall and shall be located no closer to the front lot line than the front facade of the principal structure.
- (b) Dumpsters and other solid waste storage containers may not be located closer to the street right-of-way than the principal structure on the lot, except that containers may be stored closer to the street right-of-way than the principal structure on the lot during a period within 24 hours of a solid waste pick-up.

SECTION 1104.07 SIGN STANDARDS

- (a) Purpose of Sign Standards. These sign standards are intended to regulate the time, place, and manner of signs displayed in Barberton in order to advance the governmental interests of neighborhood aesthetics and safety of pedestrians and drivers.
- (b) Sign Definition. For the purposes of these regulations, a sign shall be interpreted as any visual or graphic device that is designed and/or used to communicate--primarily through use of words, numbers, characters, and/or proprietary symbols, as defined herein--a verbal and/or visual message. Such a device shall be considered a sign whether or not a message is currently displayed thereupon. Sign shells, embellishments, and support structures shall be considered part of the sign. Flags shall be considered signs per this

definition. Murals and wall paintings shall be considered signs per this definition.

- (c) **Applicability of Sign Standards.** These sign standards shall apply to all signs in the city that have content that is visibly discernable from the public right-of-way. However, these sign standards shall not apply to the following signs, provided that such signs do not cause glare, safety, or health concerns for the users of nearby private properties:
 - (1) Signs that have content that is visibly discernable only from private premises;
 - (2) Signs of less than two square foot each in sign area, where such signs are not used together to effectively constitute a larger sign (also known as “incidental signs” by this Code);
 - (3) Signs etched into cornerstones or masonry of buildings;
 - (4) Signs etched into cemetery headstones in a cemetery or in a cemetery headstone sales lot;
 - (5) Signs upon vending machines totaling less than 20 square feet per lot;
 - (6) Signs upon umbrellas in outdoor dining areas; and
 - (7) Signs comprising the exterior paint of a vehicle, where such a vehicle is currently registered and in operable condition and where such signs are not illuminated.
- (d) **Sign Permitting Process**
 - (1) **Sign Types Requiring a Zoning Permit.** No sign shall be erected, relocated, expanded, made higher, or replaced or changed in illumination type, without a valid zoning permit issued by the City. This requirement shall not apply to the maintenance of an existing sign where such maintenance does not require its relocation, expansion, or replacement. This requirement shall not apply to temporary signs, as described as not requiring a zoning permit in the subsection below; and this requirement shall not apply to those signs under which these sign standards do not apply, as described in Section XXXX.X.C “Applicability of Sign Standards.”
 - (2) **Sign Types Not Requiring a Zoning Permit**
 - (i) Temporary signs, as defined in this code, shall not require a zoning permit in order to be erected, provided that they conform to the sign standards of this section, including maximum sign size, maximum sign height, and specific sign material and location regulations, and provided that they do not occupy the public right-of-way.
 - (ii) Incidental signs shall not require zoning permits; for the purposes of this code, an incidental sign shall be defined as a sign of less than two square feet, with or without illumination, that is not part of a larger array of signs that, when combined, form one cohesive sign; an address number, a “handicapped parking” sign, a “no trespassing” sign, and an “open” sign are examples of an incidental sign. An incidental sign may not include illumination that blinks or twinkles; an incidental sign may not include scrolling text or a screen or similar device that has movement effects.
 - (3) **Application Requirements for Zoning Permits.** Applicants wishing to erect, relocate, expand, or replace a sign, except for a sign type not requiring a zoning permit per this section, or wishing to change a sign’s illumination type shall submit a zoning permit application to the City. Such zoning permit application shall include the zoning permit application fee, as indicated on a fee schedule as approved by the City. Such zoning permit application shall indicate the following:
 - (i) The exact location and orientation of the sign, including a to-scale map of the lot with detailed description of the proposed sign’s setbacks from the public right-of-way, the side lot lines, and any existing structures on the lot, and including clarification as to whether the sign

- will project into or occupy parts of the public right-of-way;
- (ii) The sign area, as measured according to the sign area measurement instructions in this code, Section XXXX.X;
 - (iii) The sign height, as measured according to the sign height measurement instructions in this code, Section XXXX.X;
 - (iv) The sign material;
 - (v) The sign illumination type and intensity of illumination, if any;
 - (vi) The sign's mounting structure.
- (4) Sign Zoning Permit Application Decisions. Within 30 calendar days of the submission of a zoning permit application, the City shall grant a zoning permit to the applicant for the proposed sign or shall deny a zoning permit with indication, in writing, the reason(s) why the permit application was denied. If a zoning permit is granted, the applicant may proceed with the permitted erection, relocation, expansion, heightening, or replacement of a sign or the permitted change in the sign's illumination type.
- (e) Prohibited Signs. The following sign types shall be prohibited as both permanent signs and temporary signs for all land uses in all districts:
- (1) Air-activated signs or cold-air inflatable balloon signs;
 - (2) Festoons, as defined herein, except during recognized holiday periods or seasonal festivals or special community events during which the outdoor display of decorations is encouraged or is customary
 - (3) Flashing signs, as defined herein, or signs containing strobe lights;
 - (4) Search-light or spot-light signs;
 - (5) Moving signs, as defined herein, other than flags;
 - (6) Signs in the public right-of-way, except that temporary sandwich board signs, wall signs, and projecting signs may be expressly permitted in the public right-of-way; and
 - (7) Signs that violate any City regulation on emission of noise, odor, or particulate or gaseous matter.
- (f) Measuring Sign Area. The sign area shall mean the total exposed surface on the largest single sign face of a sign, including sign background, but excluding purely decorative embellishments and any supporting structure that does not form part of the sign proper. The area of a "light box"-illuminated sign shall be the area enclosed within the cabinet. The area of a sign consisting solely of individual letters or symbols presented with no added background or decoration against a building wall or other surface that does not serve solely or principally as a sign, such as an awning or canopy, shall be the sum of the areas within rectangular envelopes completely enclosing each separate letter or symbol, excluding punctuation, or each attached group thereof. The sign area of a sign that displays messages on more than two faces or on a single continuous surface that wraps around the sign (such as a spherical sign or balloon) shall include only such sign area as may be visible at any one time from a point on the ground within 200 feet of the sign. [PLACEHOLDER FOR GRAPHIC FOR MEASURING SIGN AREA.]
- (g) Measuring Sign Height. Sign height shall be measured as the vertical distance from the highest part of a sign, including support structures and embellishments, to:

- (1) The mean average grade of the land--or level of the roof in the case of a roof sign--abutting the base of or directly beneath the sign, for facade signs; awning and canopy signs; roof signs; projecting signs; and ground signs more than 50 feet from the edge of a public street pavement; or
 - (2) The curb level, as defined herein, of the street from which the sign is intended to be viewed, for all other ground signs; or, in the case of a lot abutting more than one street, the mean average of the curb levels of such streets. [PLACEHOLDER FOR GRAPHIC FOR MEASURING SIGN HEIGHT IN DIFFERENT SCENARIOS.]
- (h) Signs in the Vision Clearance Triangle. Both permanent and temporary freestanding and projecting signs shall be set back from the street pavement as necessary to comply with the restrictions on obstructions within vision clearance triangles, as described in Section XXXX.X “Vision Clearance Triangle Standards.”
- (i) Sign Illumination Standards.
- (1) Sign Illumination Defined. Sign illumination shall be any lighting source, other than the sun, that illuminates the surface or interior of a sign. Lighting around the border of a sign, such as in the case of perimeter lighting around a window displaying a window sign or in the case of a border of lights around a marquee sign, shall be considered part of the sign illumination. Sign illumination shall not be construed as referring to any illumination of signs provided by light sources intended to generally illuminate an area in which a sign is located--such as street lights, facade lighting, or parking lot lighting--rather than specifically to illuminate the sign.
 - (2) Prohibited Sign Illumination Types. The following sign illumination types shall be prohibited in all districts:
 - (i) Sign illumination that causes glare to neighboring properties, vehicles, or pedestrians, such as bare-bulb illumination that is not properly shielded or diffused;
 - (ii) Sign illumination where the sign or portion of the sign is an LED screen, a backlit LCD screen, or other type of light-emitting monitor-sign, other than red-only script monitors, as described in this section; and
 - (iii) Sign illumination that blinks, shudders, or twinkles, or in any way is not constant and even in intensity and direction.
 - (3) Permitted Sign Illumination Types. The following sign illumination types shall be allowed in specific districts (see district-specific sign regulations in Sections XXXX.X.N. through XXXX.X.X), provided that a zoning permit is attained for the given sign illumination type:
 - (i) Internal illumination, which includes the following types:
 - (a) Channel-letters: a type of internal illumination where each letter or symbol has a light source integrated within it, where such light shines out through a semi-translucent diffusing material on the surface of the letter or symbol; neon lighting and imitation neon lighting are included as examples of channel-letters; [PLACEHOLDER FOR A GRAPHIC SHOWING CHANNEL LETTERS]
 - (b) Light-box: a type of internal illumination where a light source is integrated within a sign, rather than following the course of each letter or symbol, where such light shines out through a semi-translucent diffusing material on the surface of the sign; [PLACEHOLDER FOR A GRAPHIC SHOWING LIGHT-BOX ILLUMINATION]
 - (c) Halo-letters: a type of internal illumination where a light source is routed within each letter or symbol and shines towards the backdrop of the sign, creating the effect of a lit halo around each silhouetted letter or symbol; and [PLACEHOLDER FOR A

GRAPHIC SHOWING HALO-LETTERS]

- (ii) External illumination, which includes the following types:
 - (a) Gooseneck lighting: a type of lighting involving a rigid arm extending horizontally away from the sign with a shielded lamp aiming light back towards the sign surface; and [PLACEHOLDER FOR A GRAPHIC SHOWING A GOOSENECK LIGHTING, BOTH STRAIGHT NECKED AND SINUOUS NECK]
 - (b) Ground lighting: a type of lighting involving a ground-mounted lamp projecting light at the sign surface. [PLACEHOLDER FOR A GRAPHIC SHOWING A GROUND-MOUNTED LIGHT]
- (j) Changeable Copy Sign Standards. Changeable copy signs shall be permitted on any sign type, provided that the copy of a sign is not changed more than once every 10 seconds and provided that the changing of the copy does not create a swiping, flying, blinking, swirling, or other visual effect.
- (k) Electronic Display Sign Standards. As listed in prohibited sign illumination types, no sign shall comprise a illuminated LED display, a backlit LCD display, or other light-emitting monitor, except where such a display comprises only red pixels on an unlit black background. [PLACEHOLDER FOR 2 GRAPHICS, ONE SHOWING PROHIBITED LED SIGNS, THE OTHER SHOWING PERMITTED RED-ON-BLACK BACKGROUND SIGN, SUCH AS PRICE OF GAS AT A SPEEDWAY GAS STATION.]
- (l) Signs in the Public Right-of-Way. Some signs may be desirable within or over the public right-of-way, such as in the case of a marquee sign projecting over a sidewalk, a sandwich board sign occupying the sidewalk outside of a café, or a wall sign that projects 8 inches from the face of a building with no setback from the public right-of-way. No sign may occupy the public right-of-way, including above the public right-of-way, without express permission from the City, typically indicated on the zoning permit.
- (m) Sign Maintenance. Nothing in this section shall prohibit the maintenance of an existing sign, including the rewiring, repainting, change of copy, or reinforcement of structural elements, where such maintenance does not constitute a relocation, change in height, or enlargement of the sign and where such maintenance does not constitute a change of sign illumination type. Signs shall be maintained in a safe, working, and clean condition by the landowner. Signs which are deemed by the City to be dangerous to public health and safety shall be ordered by the City to be removed immediately at the landowner's expense.
- (n) Sign Replacement. The replacement of an existing permitted or legal nonconforming sign shall be permitted where the replacement constitutes no change in sign type, sign area, sign location and height, or sign illumination type.
- (o) Nonconforming Signs
 - (1) Existing signs which were erected legally prior to the enactment of this code but which do not conform to the sign standards of this code shall be deemed legal nonconforming signs. Likewise, signs deemed nonconforming by the previously enforced development code shall be considered legal nonconforming signs by this code. However, a sign which is nonconforming for its use of nonconforming changeable copy animations, for its use of illumination that causes unhealthful glare on adjacent properties or passersby, or for its lack of maintenance in a safe, working, and clean condition shall not be considered a legal nonconforming sign and shall be made to conform to those standards or be deemed a violation.
 - (2) A legal nonconforming sign shall be allowed to continue to exist—including the changing of copy; the maintenance of the sign face, wiring, and structure; and the replacement of the sign—provided that no change is made to the sign type, sign area, sign height, sign location, and sign illu-

mination type. However, where the City determines that the sign poses a danger to public health or safety, it may order that the sign be removed or reinforced in order to mitigate such danger.

- (3) Where a legal nonconforming sign is removed by order of the City due to it being a danger to public health or safety or where a legal nonconforming sign is destroyed by calamity, a sign of exact area, location, height, type, and illumination type may be erected within 12 months of the date of removal or destruction, regardless of whether it meets this code's sign standards, provided that the new sign does not present a danger to public health or safety, as determined by the City. The replacement sign shall be deemed a legal nonconforming sign by this code. Where the sign is not replaced within 12 months of the date of removal or destruction, the sign shall be considered to be abandoned by intent, and the legal nonconforming status shall be stripped from the sign.
- (p) Sign Types and Tables of Permissions. In the following subsections, sign types are defined and permitted by district.

(q) TEMPORARY SIGN STANDARDS

- (1) Definition. A sign that is not permanently affixed to a structure, is not permanently embedded in the ground, or is made of material that is not designed to be permanently outdoors (such as canvas, fabric, cardboard or corrugated plastic) and is designed to be displayed for a short period of time, typically fewer than 180 days in a calendar year. Examples of temporary signs include fabric signs indicating that a store is “coming soon,” a corrugated plastic political campaign yard sign in a residential yard, or a real estate sign indicating a for-rent apartment unit.

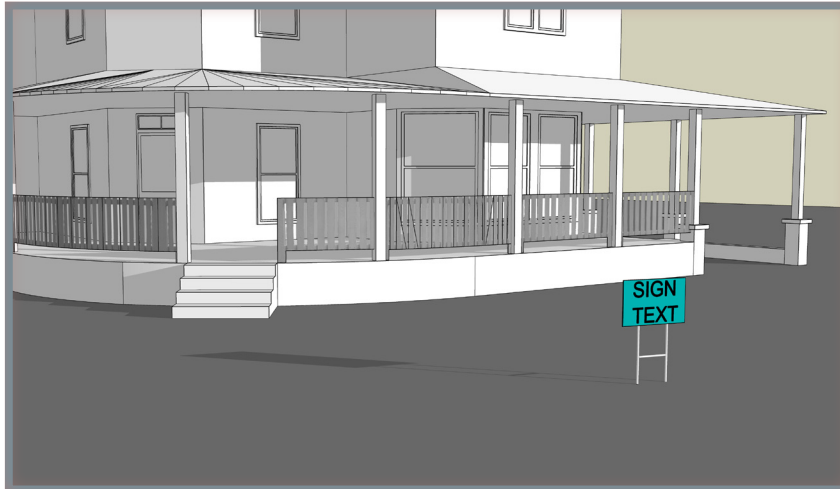


Figure 8: An illustration of a temporary sign--in this case, a yard sign in front of a residence.

- (2) Permitting. A zoning permit is not required to erect a temporary sign. Please note that temporary signs in the public right-of-way, such as sandwich board signs (i.e., A-frame signs) displayed on a public sidewalk, shall be permitted only with written City approval.
- (3) Standards. No temporary sign shall be displayed except in accordance with the table below.

TEMPORARY SIGN STANDARDS	DISTRICT							
	AGRICULTURAL	RESIDENTIAL-1	RESIDENTIAL-2	DOWNTOWN	CORRIDOR	COMMERCIAL	INDUSTRIAL	PARKS AND OPEN SPACE
No. of Signs per Lot	4	4	4	4	4	4	4	4
In Association with Which Land Uses?	All	All	All	All	All	All	All	All
Sign Illumination Types	None	None	None	None	None	None	None	None
Sign Area per Sign	15 sq. ft. max.	15 sq. ft. max.	15 sq. ft. max.	15 sq. ft. max.	15 sq. ft. max.	15 sq. ft. max.	15 sq. ft. max.	15 sq. ft. max.
Front Setback of Sign	2 ft. min.	2 ft. min.	2 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	2 ft. min.
Side and Rear Setback of Sign	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.

Sign Height	15 ft. max.	15 ft. max.	15 ft. max.	15 ft. max.	15 ft. max.	15 ft. max.	15 ft. max.	15 ft. max.
-------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------

(r) **PROJECTING SIGN STANDARDS**

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



Figure 9: Projecting signs--an illustration (left) and a real-world example from Athens, GA (right).

- (2) **Permitting.** A zoning permit is required to install or enlarge a projecting sign or to change the illumination associated with a projecting sign. Changing the content on a projecting sign shall not require a zoning permit. The act of applying for a projecting zoning permit for a projecting sign that hangs over the public right-of-way shall be interpreted by the City as applying for a public right-of-way encroachment permit; when issuing a permit, the City shall indicate whether the projecting sign shall be permitted to overhang the public right-of-way and shall detail any necessary requirements on such encroachment. Where an encroachment of the public right-of-way is permitted by the City for a particular sign on a particular lot, the encroachment permit shall be interpreted as nullifying the minimum front setback in the table below.
- (3) **Standards.** No projecting sign shall be displayed except in accordance with the table below.

PROJECTING SIGN STANDARDS	DISTRICT				
	DOWNTOWN	CORRIDOR	COMMERCIAL	INDUSTRIAL	AGRICULTURAL, RESIDENTIAL-1, RESIDENTIAL-2, AND PARKS AND OPEN SPACE
No. of Signs per Lot	1*	1*	1*	1*	Not Permitted
In Association with Which Land Uses?	All	All	All	All	N/A
Sign Illumination Types	Internal or External	Internal or External	Internal or External	Internal or External	N/A

Sign Area per Sign	20 sq. ft. max.	20 sq. ft. max.	20 sq. ft. max.	20 sq. ft. max.	N/A
Front Setback of Sign	0 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	N/A
Side and Rear Setback of Sign	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.	N/A
Sign Height	15 ft. max.	15 ft. max.	15 ft. max.	15 ft. max.	N/A
<p>Notes. Asterisk (*) indicates that, for a lot on a corner or multiple corners, such number of signs per lot per sign type shall be interpreted as per street frontage; therefore, a lot on the corner of two streets shall be permitted twice the normal number of that sign type, provided that half of the permitted signs are installed on one frontage and the other half of the permitted signs are installed on the other frontage.</p>					

(s) **FREESTANDING SIGN STANDARDS**

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



Figure 10: Freestanding signs--an illustration (left) and a real-world example from Colorado (right).

- (2) Permitting. A zoning permit is required to install or enlarge a freestanding sign or to change the illumination associated with a freestanding sign. Changing the content on a freestanding sign shall not require a zoning permit.
- (3) Standards. No freestanding sign shall be displayed except in accordance with the table below.

FREESTANDING SIGN STANDARDS	DISTRICT				
	DOWNTOWN	CORRIDOR	COMMERCIAL	INDUSTRIAL	AGRICULTURAL, RESIDENTIAL-1, RESIDENTIAL-2, AND PARKS AND OPEN SPACE
No. of Signs per Lot	1*	1*	1*	1*	Not Permitted
In Association with Which Land Uses?	Non-Residential				N/A
Sign Illumination Types	Internal or External				N/A
Sign Area per Sign	24 sq. ft. max.	24 sq. ft. max.	50 sq. ft. max.	50 sq. ft. max.	N/A
Front Setback of Sign	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.	N/A
Side and Rear Setback of Sign	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.	N/A
Sign Height	8 ft. max.	8 ft. max.	25 ft. max.	25 ft. max.	N/A

Notes. Asterisk (*) indicates that, for a lot on a corner or multiple corners, such number of signs per lot per sign type shall be interpreted as per street frontage; therefore, a lot on the corner of two streets shall be permitted twice the normal number of that sign type, provided that half of the permitted signs are installed on one frontage and the other half of the permitted signs are installed on the other frontage.

(t) **WALL SIGN STANDARDS**

- (1) Definition. A sign attached flat or mounted parallel to the facade of a building that identifies a commercial establishment. Wall signs are intended to be viewed by pedestrians on the opposite side of street.



Figure 11: Wall signs--an illustration (left) and a real-world example from Columbus, Ohio (right).

- (2) Permitting. A zoning permit is required to install or enlarge a wall sign or to change the illumination associated with a wall sign. Changing the content on a wall sign shall not require a zoning permit.
- (3) Standards. No wall sign shall be displayed except in accordance with the table below.

WALL SIGN STANDARDS	DISTRICT				
	DOWNTOWN	CORRIDOR	COMMERCIAL	INDUSTRIAL	AGRICULTURAL, RESIDENTIAL-1, RESIDENTIAL-2, AND PARKS AND OPEN SPACE
No. of Signs per Lot	1*	1*	1*	1*	1*
In Association with Which Land Uses?	Non-Residential				Non-Residential and 9-Plus-Unit Dwelling
Sign Illumination Types	Internal or External				
Sign Area per Sign	50 sq. ft. max.	50 sq. ft. max.	250 sq. ft. max.	250 sq. ft. max.	40 sq. ft. max.
Front Setback of Sign	0 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	15 ft. min.
Side and Rear Setback of Sign	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.	4 ft. min.
Sign Height	25 ft. max.	25 ft. max.	30 ft. max.	30 ft. max.	16 ft. max.

Notes. Asterisk (*) indicates that, for a lot on a corner or multiple corners, such number of signs per lot per sign type shall be interpreted as per street frontage; therefore, a lot on the corner of two streets shall be permitted twice the normal number of that sign type, provided that half of the permitted signs are installed on one frontage and the other half of the permitted signs are installed on the other frontage.

(u) **CANOPY OR AWNING SIGN STANDARDS**

- (1) Definition. A sign located on an awning or canopy.



Figure 12: Canopy or awning signs--an illustration (left) and a real-world example from Colorado (right).

- (2) Permitting. A zoning permit is required to install or enlarge a canopy or awning sign or to change the illumination associated with a canopy or awning sign. Changing the content on a canopy or awning sign shall not require a zoning permit. The act of applying for a canopy or awning zoning permit for a canopy or awning sign that hangs over the public right-of-way shall be interpreted by the City as applying for a public right-of-way encroachment permit; when issuing a permit, the City shall indicate whether the canopy or awning sign shall be permitted to overhang the public right-of-way and shall detail any necessary requirements on such encroachment. Where an encroachment of the public right-of-way is permitted by the City for a particular sign on a particular lot, the encroachment permit shall be interpreted as nullifying the minimum front setback in the table below.
- (3) Standards. No canopy or awning sign shall be displayed except in accordance with the table below.

CANOPY OR AWNING SIGN STANDARDS	DISTRICT				
	DOWNTOWN	CORRIDOR	COMMERCIAL	INDUSTRIAL	AGRICULTURAL, RESIDENTIAL-1, RESIDENTIAL-2, AND PARKS AND OPEN SPACE
No. of Signs per Lot	1*	1*	1*	1*	Not Permitted
In Association with Which Land Uses?	Non-Residential				N/A
Sign Illumination Types	External--Gooseneck only				N/A
Sign Area per Sign	24 sq. ft. max.	24 sq. ft. max.	24 sq. ft. max.	24 sq. ft. max.	N/A
Front Setback of Sign	0 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	N/A

Side and Rear Setback of Sign	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.	N/A
Sign Height	15 ft. max.	15 ft. max.	15 ft. max.	15 ft. max.	N/A
<p>Notes. Asterisk (*) indicates that, for a lot on a corner or multiple corners, such number of signs per lot per sign type shall be interpreted as per street frontage; therefore, a lot on the corner of two streets shall be permitted twice the normal number of that sign type, provided that half of the permitted signs are installed on one frontage and the other half of the permitted signs are installed on the other frontage.</p>					

(v) WINDOW SIGN STANDARDS

- (1) Definition. Individual letters, numerals, or a logo applied directly to the inside or outside of a window or door to identify a commercial establishment. In some cases, one window pane may include multiple individual signs, such as the case of a glass shop door containing multiple signs--one indicating store hours, one indicating what credit cards are accepted, and one advertising an on-site deli; in such case that the signs are within one foot of one another, they shall be considered the same window sign. Likewise, where multiple panels of a window are broken up by decorative grilles or muntions, all signs contained by the whole window within the window frame shall be treated as one window sign, rather than one window sign per section of the multi-paneled window.



Figure 13: Window signs. The image on the left is an illustration (left) of a window sign on a commercial shopfront. The image on the right shows window signs located on the windows and the glass doors, plus a wall sign located above the door. While the front door has dozens of small signs, each door shall be considered one window sign, each of approximately 2.5 feet by 5 feet. The illuminated "open" sign shall be considered an incidental sign.

- (2) Permitting. A zoning permit is required to install or enlarge a window sign. Changing the content of a window sign shall not require a zoning permit.
- (3) Standards. No window sign shall be displayed except in accordance with the table below.

WINDOW SIGN STANDARDS	DISTRICT				
	DOWNTOWN	CORRIDOR	COMMERCIAL	INDUSTRIAL	AGRICULTURAL, RESIDENTIAL-1, RESIDENTIAL-2, AND PARKS AND OPEN SPACE
No. of Signs per Lot	4*	4*	4*	4*	Not Permitted
In Association with Which Land Uses?	Non-Residential				N/A
Sign Illumination Types	None Allowed				N/A

Sign Area per Sign	32 sq. ft. max.	32 sq. ft. max.	32 sq. ft. max.	32 sq. ft. max.	N/A
Front Setback of Sign	0 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	N/A
Side and Rear Setback of Sign	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.	N/A
Sign Height	20 ft. max.	20 ft. max.	20 ft. max.	20 ft. max.	N/A
<p>Notes. Asterisk (*) indicates that, for a lot on a corner or multiple corners, such number of signs per lot per sign type shall be interpreted as per street frontage; therefore, a lot on the corner of two streets shall be permitted twice the normal number of that sign type, provided that half of the permitted signs are installed on one frontage and the other half of the permitted signs are installed on the other frontage.</p>					

(w) Murals. Murals are similar to signs but are regulated differently than signs by this Code.

- (1) Purpose of Mural Regulations. This Code treats murals differently than signs--murals celebrate or comment on the community's cultural heritage, enhance the quality of life, and important in place-making, which is a community imperative.
- (2) Definition. A mural is a hand-produced work of art of at least 400 square feet depicting objects, people, landscapes, shapes or patterns, words, symbols, or phrases using only paint applied by hand directly onto an exterior wall of a building or structure or to panels mounted flush to the exterior wall of a building or structure.
 - (i) The following shall not considered murals:
 - (a) The conventional painting of structures with patterns that generally adhere to material lines, brick lines, trim, lintels, cornices, sills, or other elements of the building's architecture; such painting shall be considered part of building decor and maintenance;
 - (b) Mechanically produced or computer-generated prints or images, including digitally printed vinyl sheets and wraps;
 - (c) Works containing electrical or mechanical components (although some murals paint over electrical or mechanical components); or
 - (d) Works that involve changing or moving images or components.
 - (ii) Stained-glass windows crafted to be viewed from the exterior of the building, where exceeding 400 square feet on any one of the structure's elevations, shall be regulated as murals.
 - (iii) Murals on the interiors of buildings but clearly visible to the general public through large transparent glass, such as those on the inside of atria, shall be regulated as murals.



Figure 14: An example of a mural on the surface of a school building.

- (3) Standards
 - (i) Murals shall use durable, exterior-grade paints and materials and shall use weatherproof and ultraviolet-protective coatings;

- (ii) Murals shall not obscure character-defining architectural features of a building, such as cornices, archways, or columns, although some murals may imitate or enhance architectural features, such as illustrating columns where no columns exist;
- (iii) Murals may create the illusion of 3 dimensionality, but they shall not be built out from the building face except where disguising mechanical features, such as electric conduit or other utilities;
- (iv) Murals shall not be permitted on brick surfaces that were, at the time of brick manufacture and building erection, designed to remain unpainted, such as low-fire bricks that require moisture permeability, and such as scratched bricks;
- (v) Murals shall not include obscene language or graphics. The City Planner shall determine whether the content of a proposed mural is obscene, and appeals to the City Planner's decision shall be heard by the Zoning Board of Appeals.
- (vi) No mural shall include the logo or name of a commercial enterprise nor the logo or name of a brand sold or serviced by a commercial enterprise where such mural is located on the wall of a structure owned by such commercial enterprise or where such mural is located on a wall of a structure within 50 feet of such commercial enterprise. For instance, a mural that includes the logos of Nike and Adidas on the wall of an athletic clothing store shall be considered in violation of this provision. However, a mural showing fruit and vegetables on the wall of a grocery store, where no name of the grocer nor the name of the fruit producer is indicated, shall be in conformity with this provision. [PLEASE HAVE YOUR LEGAL COUNSEL REVIEW THIS PROVISION FOR COMPLIANCE WITH CURRENT SIGN CASE LAW.]

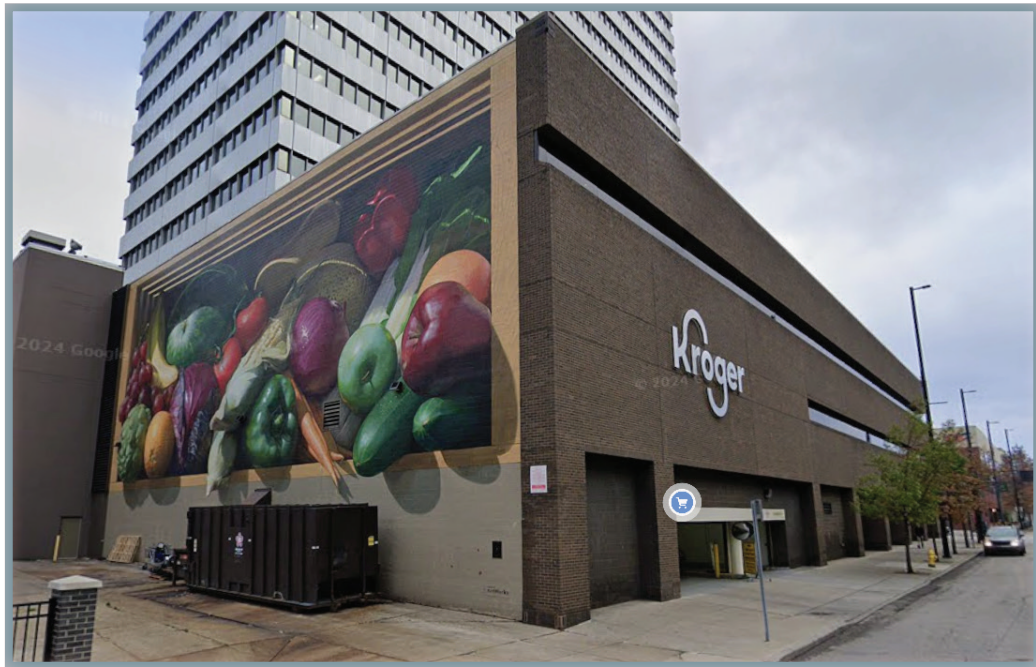


Figure 15: An image of the Kroger Headquarters in Cincinnati, Ohio. A painting on the side of the structure is considered a mural--while Kroger vends fruits and vegetables, the mural does not include logos or names associated with Kroger or of any brands sold or serviced by Kroger.

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

(4) Approval Process

- (i) Murals may be approved by submitting a zoning permit application to the City Planner, indicating that the application is for a mural.
 - (ii) Once a mural is approved for a particular building face, a new approval is not needed for touch-ups of the paint or for a change in mural content, provided that the location and the size of the mural is not changed.
- (x) [DOES THE CITY DESIRE A HISTORICAL SIGN PROVISION--ALLOWING HISTORICAL SIGNS (MARQUEE SIGNS AND PROJECTING SIGNS OR OLD PAINTED SIGNS) TO BE DISPLAYED WHERE NOT NORMALLY PERMITTED BY THE SIGN STANDARDS?]

Subdivision Regulations

Chapter

1105

Chapter 1105: Subdivision Regulations

[TO BE FILLED IN ONCE RECEIVING COMMENTS FROM CITY.]

Administration and Procedures

Chapter

1106

Chapter 1106: Administration and Procedures

[THIS CHAPTER TO BE FILLED IN ONCE RECEIVED COMMENTS FROM CITY.]

Nonconformities

Chapter

1107

Chapter 1107: Nonconformities

SECTION 1107.01 PURPOSE OF NONCONFORMITIES CHAPTER

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

SECTION 1107.02 SAVINGS PROVISION

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

SECTION 1107.03 DEFINITIONS

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

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

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

SECTION 1107.04 NONCONFORMING LOTS

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

SECTION 1107.05 NONCONFORMING USES

- (a) Nonconforming Uses Continuance. A nonconforming use may be continued, subject to the terms of this section. Such continuance shall not require a new zoning permit from the City under this Code; however, if a landowner desires a zoning permit acknowledging a nonconforming use’s right to continue, the owner of the land under which the nonconforming use is being conducted may apply to the City for such a zoning permit under the terms of Article XXXX “Administration and Procedures.”
- (b) Change of Nonconforming Uses to an Allowed Use--Either Administrative Review or Conditional Use Review. A nonconforming use may be changed to an allowed use--whether a use subject to administrative review or a use subject to conditional use review--subject to the procedural and permitting requirements as described in Chapter XXXX “Administration and Procedures.”
- (c) Change of a Nonconforming Use within a Use-Category Term. The specific nature of a nonconforming

use may be changed [WHICH WOULD THE CITY LIKE: with written permission from the Planning Department OR with zoning permit] where all of the following conditions are satisfied:

- (1) Such change of specific nature of the use does not constitute a change in the use term, as defined by this code's Chapter XXXX "Land Use Standards"; and
- (2) Such change in specific nature of the land use is unlikely to result in a greater risk to the public health, safety, or welfare as compared to the existing specific nature of the nonconforming use, according to the professional opinion of the City Planner; and
- (3) Such change in specific nature of the land use does not constitute an expansion of the nonconforming use, except as allowed by this Chapter.
- (4) To assist the reader in interpreting this regulation, the following examples are provided:
 - (i) For example, a nonconforming industrial fluids storage use, which previously stored diesel fuels but wishes to change to the storage of a more carcinogenic fluid, may be determined by the City Planner to be likely to increase its risk to public health, safety, and welfare, and, in this case, the change of the specific nature of the nonconforming use may not be permitted.
 - (ii) For example, a nonconforming restaurant use, which serves burritos and wishes to change its specific nature, i.e., change the menu to smoothies, including a name change from Burrito Shack to Blender Cafe, may be determined by the City Planner to be unlikely to increase its risk to public health, safety, and welfare, and, in such case, may be permitted to make the change from one restaurant use to another restaurant use.
 - (iii) For example, a nonconforming commercial use specializing in home insurance sales may apply for a change in its specific nature, i.e., to a hearing aid and medical device sales use, and the City Planner may determine that the change of one commercial use (Indoor Sales or Services) to another commercial use (Indoor Sales or Services) is not likely to increase the risk to public health, safety, and welfare, and, therefore, the change of the specific nature of the nonconforming use may be permitted.
- (d) Expansion of Nonconforming Uses. A nonconforming use may not be expanded in its intensity, including in its hours of operation, average number of labor hours per week, or capacity for customers, and a nonconforming use may not be expanded in floor area or in the lot area dedicated to the use; notwithstanding the foregoing, a nonconforming use may be expanded into a portion of the lot or structure that was manifestly arranged for such use at a time when the use was lawful, and an expansion in intensity of the use is permitted where proportionate to such expansion in area. To assist the reader in interpreting this regulation, the following examples are provided:
 - (1) For example, there is a nonconforming restaurant use that includes a special event space on the same lot that, while unused in the past, was manifestly arranged to hold special events, including a catering assembly area, storage for seating and tables, and a bar, and such special event space was a lawful use of this lot at the time of its establishment. The nonconforming restaurant use may expand its intensity of use by expanding into that space.
 - (2) For example, a legal nonconforming brewery use wishes to expand its footprint by using several of its parking spaces for barley grain storage; as the parking spaces were not manifestly arranged as a manufacturing material storage yard at the time of establishment, the expansion of the nonconforming use into that area may not be permitted.
- (e) Abandonment of Nonconforming Uses. Whenever a nonconforming use has been abandoned [DOES THE CITY'S COUNSEL AGREE WITH THIS LANGUAGE?] and such abandonment has been conclusive for a period of at least 6 months, the nonconforming use shall not be re-established, and any

future use of the lot, portion of the lot, or structure where such use had occurred may only occur in conformity with the provisions of this Code.

SECTION 1107.06 NONCONFORMING STRUCTURES

(a) Nonconforming Structures Continuance

(1) A nonconforming structure may continue to exist, provided that all of the following conditions are met:

- (i) The nonconforming structure does not pose an immediate risk to the public safety, as determined by the City; and
- (ii) The nonconforming structure is not reconstructed, repaired, or expanded, except in accordance with this section.

(2) Any portion of a nonconforming structure may be put to use, provided that such land use is in full compliance with the provisions of this Code.

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

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

- (1) The replacement or reconstruction does not result in an increase in the area or volume of the structure out of conformity with a structure-related provision of this Code; and
- (2) If a nonconforming portion of a structure is replaced or reconstructed, the replacement or reconstruction of that portion of the structure does not occur in a location outside of which formerly contained a nonconforming portion of the structure.
- (3) To assist the reader in interpreting this regulation, the following example is provided: if an above-ground pool was nonconforming due to violating the side-yard setback provision, it may be replaced, provided such replacement does not result in an increase of the area or volume of the pool or deck that violates the side-yard setback provision, and provided that, if any area or volume of the new pool does violate the side-yard setback provision, the location of such violation does not occur outside of the location of the pre-replacement nonconformity.
- (4) Note to the reader: a building permit may be required by the building code in order to lawfully conduct certain construction activities; to determine the need for a building permit, contact the Elyria Building and Land Department. [QUESTION TO CITY: Is a zoning permit needed for this replacement or reconstruction? If so, refer the reader to the permitting section of this code.]

(d) **Expansion of a Nonconforming Structure.** A nonconforming structure may be expanded or reduced, provided that the expansion or reduction does not increase the nonconforming nature of the structure and does not result in any additional nonconforming feature(s).

- (1) To assist the reader in interpreting this regulation, the following example is provided: a structure that is nonconforming due to its inadequate front setback may be expanded, provided that the expansion does not increase the area or volume of the structure within the required front yard setback and does not violate any other structure-related provision, including height limits, building footprint limits, impervious coverage limits, minimum setbacks from lot lines, or design standards.

- (2) Note to the reader: a building permit may be required by the building code in order to lawfully conduct certain construction activities; to determine the need for a building permit, contact the Elyria Building and Land Department. [QUESTION TO CITY: Is a zoning permit needed for this expansion or reduction? If so, refer the reader to the permitting section of this code.]
- (e) Evidence of Previous Conditions of Nonconforming Structures. Where this Chapter limits the maintenance, repair, replacement, reconstruction, or expansion of a nonconforming structure based on the previous location of the nonconformity, the City may determine the location or extent of such nonconformity using as-built drawings, building permits, zoning permits, or historical aerial photography, such as that available by Google Earth.
- (f) Nuisances. Nothing herein shall limit the City’s ability to remedy nuisances by ordering demolitions of structures that are deemed immediate risks to public safety.

SECTION 1107.07 BURDENS OF PROOF

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

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

SECTION 1107.08 SPECIFIC APPLICATIONS OF NONCONFORMITIES

- (a) Nonconforming Signs as Nonconforming Structures. Nonconforming signs are regulated as nonconforming structures.
- (b) Nonconforming Outdoor Lighting. Outdoor lighting that was lawfully established prior to the effective date of this Code or, in the case of amendment to this Code, as of the date of adoption of such amendment, and does not now conform to the provisions of Section XXXX.X “Outdoor Lighting Standards” of this Code with respect to lighting color temperature, intensity, positioning, directionality, or duration, is regulated as a nonconforming structure and is subject to the terms of this Chapter “Nonconformities.”
- (c) Nonconforming Parking Structures. For any parking area, accessway, garage, driveway, or similar paved area or structure for motor vehicles that was lawfully erected, including having received any certificates or permits as required by the City at the time of erection, but does not conform to the provisions of this Code, including area of the parking structure or number of motor vehicle parking spaces, location of the parking area, number of electric vehicle charging stations, and number of bicycle parking spaces, such parking area or similar paved area or structure for motor vehicles shall be treated as a nonconforming structure.

- (d) Earlier Adopted Use and Design Standards. If a use or structure would have been deemed compliant with particular use or design standards in effect at the time that the use or structure was established or constructed, those earlier-enacted standards shall control and the use or structure is not required to comply with later-enacted standards regarding the same subject matter. By way of example: if a shopping center's landscaping complies with the landscaping and parking standards in effect at the time the shopping center was constructed, compliance with later-enacted landscaping or landscaping standards is not required. However, if a new use is commenced or a new structure is built, it must be in full compliance with the terms of this Code.

SECTION 1107.09 ILLEGAL USES, STRUCTURES, AND LOTS, GENERALLY

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

SECTION 1107.10 NONCONFORMING STATUS ATTACHED TO THE LAND

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

Glossary of Terms

Chapter

1107

Chapter 1108: Glossary of Terms



Figure 16:

SECTION 1108.01 DEFINITION OF LAND USE TERMS

Land use terms, such as One-Unit Residential or Heavy Industrial, are defined as subsections to the use-specific standards contained in Section XXXX “Use-Specific Standards for Principal Uses.”

SECTION 1108.02 DEFINITION OF GENERAL TERMS

- (1) City. The administrative body of the City of Elyria, Ohio.
- (2) Code. This Planning and Zoning Code of the City of Elyria, Ohio.
- (3) Lot Line. A lot line is a line dividing one lot from another lot or from a street or any public place.
- (4) Front Lot Line. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (5) Side Lot Line. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (6) Rear Lot Line. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”

- (7) Lot Width. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (8) Lot Area. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (9) Building Footprint. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (10) Front Setback. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (11) Side Setback. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (12) Rear Setback. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (13) Building Height or Structure Height. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (14) Abandonment. Refer to the definition in Article XXXX “Nonconformities.”
- (15) Nonconforming Lot. Refer to the definition in Article XXXX “Nonconformities.”
- (16) Nonconforming Structure. Refer to the definition in Article XXXX “Nonconformities.”
- (17) Nonconforming Use. Refer to the definition in Article XXXX “Nonconformities.”
- (18) Specific Nature. Refer to the definition in Article XXXX “Nonconformities.”
- (19)
- (20)

