

Zoning Code

City of Lorain, Ohio



TABLE OF CONTENTS

Chapter 1	Enactment	I-1
1.01	Title	
1.02	Purpose	
1.03	Statutory Authority	
1.04	Relation to Other Regulations	
1.05	Repeal and Severability	
Chapter 2	Code Interpretation	II-1
2.01	Interpretation	
2.02	Conflicting Regulations	
2.03	General Rules of Construction	
2.04	Measurements	
Chapter 3	Zoning Districts and Map	III-1
3.01	Zoning Districts Established	
3.02	Official Zoning Map	
3.03	Interpretation of Boundaries	
3.04	Lots Divided by Zoning Line	
3.05	Zoning Upon Annexation	
Chapter 4	Residential Zoning Districts	IV-1
4.01	District Purpose	
4.02	Schedule of Allowed Uses	
4.03	Dimensional Requirements	
4.04	Site Development Requirements	
Chapter 5	Business Zoning Districts	V-1
5.01	District Purpose	
5.02	Schedule of Allowed Uses	
5.03	Dimensional Requirements	
5.04	Site Development Requirements	
Chapter 6	Industrial Zoning Districts	VI-1
6.01	District Purpose	
6.02	Schedule of Allowed Uses	
6.03	Dimensional Requirements	
6.04	Site Development Requirements	
Chapter 7	Mixed-Use Zoning Districts	VII-1
7.01	District Purpose	
7.02	Schedule of Allowed Uses	
7.03	Dimensional Requirements	
7.04	Additional Requirements	
7.05	Review Procedures	
7.06	Development Review Criteria	
7.07	Site Development Requirements	
Chapter 8	Planned Unit Development District	VIII-1
8.01	District Purpose	
8.02	Qualifying Conditions	
8.03	Allowed Uses	

City of Lorain Zoning Code

8.04	Development Provisions	
8.05	Application Procedure	
8.06	Review Standards	
8.07	Changes to an Approved PUD	
8.08	Existing PUDs	
8.09	Site Development Requirements	
Chapter 9	Special Purpose Zoning Districts	IX-1
9.01	District Purpose	
9.02	Schedule of Allowed Uses	
9.03	Dimensional Requirements	
9.04	Design Review Procedures	
9.05	Site Development Requirements	
Chapter 10	General Provisions	X-1
10.01	Minimum Requirements	
10.02	Conformance Required	
10.03	Unlawful Buildings and Uses	
10.04	Yards and Lots Are Minimum	
10.05	Application of Area and Yard Regulations	
10.06	Access to Buildings	
10.07	Projections into Yards	
10.08	Fences and Walls	
10.09	Clear Vision Corner	
10.10	Lots on Major Thoroughfares; Exception	
10.11	Setback Requirements and Measurement	
10.12	Front Setback	
10.13	Corner Lots	
10.14	Cul de Sac Lots	
10.15	Through Lots	
10.16	Uniform Average Setback	
10.17	Manufactured Homes or Trailers	
10.18	Restoring Unsafe Buildings	
10.19	Encroachment into Right-of-Way	
10.20	Illegal Dwellings	
10.21	Height Exceptions	
10.22	Mechanical Appurtenances	
10.23	Outdoor Storage	
10.24	Parking, Storage and Repair of Vehicles	
10.25	Parking and Storage of Recreational Vehicles	
10.26	Similar Uses	
10.27	Principal Use	
10.28	Accessory Buildings and Uses	
10.29	Swimming Pools	
10.30	Water and Sanitary Sewer Service	
10.31	Voting Place	
10.32	Requirements for Single-Family Dwellings Outside of a Manufactured Home Community.	

City of Lorain Zoning Code

Chapter 11	Conditional Uses	XI-1
11.01	Scope	
11.02	Application and Review	
11.03	General Review Standards	
11.04	Specific Use Conditions – Food, Drink, Entertainment & Hospitality	
11.05	Specific Use Conditions – Public/Quasi-Public Uses	
11.06	Specific Use Conditions – Residential	
11.07	Specific Use Conditions – Retail and Service-Oriented Uses	
11.08	Specific Use Conditions – Industrial	
Chapter 12	Site Development Plans	XII-1
12.01	Purpose	
12.02	Applicability	
12.03	Exemptions	
12.04	Application and Review	
12.05	Development Plan Requirements	
12.06	Review Standards	
12.07	Conditions	
12.08	Changes to Approved Plans	
12.09	Expiration	
12.10	Appeal	
Chapter 13	Landscaping and Buffering	XIII-1
13.01	Intent	
13.02	General Provisions	
13.03	General Landscaping Standards	
13.04	Specific Landscaping Requirements	
13.05	Certificate of Occupancy and Bond Requirements	
Chapter 14	Parking and Loading	XIV-1
14.01	Purpose	
14.02	General Requirements	
14.03	Required Off-Street Parking	
14.04	Off-Street Parking and Facility Design	
14.05	Off-Street Loading Requirement	
14.06	Access Management	
Chapter 15	Signs	XV-1
15.01	Purpose	
15.02	General Provisions	
15.03	Signs Exempt from Permits	
15.04	Prohibited Signs	
15.05	Temporary Signs	
15.06	Permitted Signs by District	
15.07	Sign Permits	
15.08	Application Procedure	
15.09	Inspection and Maintenance	
15.10	Enforcement	
15.11	Appeals	

City of Lorain Zoning Code

15.12	Nonconforming Signs	
Chapter 16	Nonconformities	XVI-1
16.01	Purpose	
16.02	Nonconforming Lots of Record	
16.03	Nonconforming Uses	
16.04	Nonconforming Buildings and Structures	
16.05	Exceptions	
Chapter 17	Review and Decision	XVII-1
17.01	City Council	
17.02	Planning Commission	
17.03	Zoning Board of Appeals	
17.04	Design Review Board	
17.05	Zoning Administrator	
Chapter 18	Administration and Enforcement	XVIII-1
18.01	Administrative Procedures	
18.02	Minimum Requirements	
18.03	General Responsibility	
18.04	Enforcement	
18.05	Public Nuisance, Per Se	
18.06	Performance Guarantees	
18.07	Public Notification	
Chapter 19	Appeals and Variances	XIX-1
19.01	Decisions	
19.02	Stay of Proceedings	
19.03	Application and Standards for Variances	
19.04	Time Limit on Variances	
19.05	Conditions	
19.06	Appeal of Board Decision	
Chapter 20	Amendments	XX-1
20.01	Authority to Amend	
20.02	Text and Zoning Map Amendments	
20.03	Amendment Procedures	
20.04	Standards	
20.05	Conditional Rezoning	
Chapter 21	Definitions	XXI-1
21.01	Definitions A-B	
21.02	Definitions C-D	
21.03	Definitions E-F	
21.04	Definitions G-J	
21.05	Definitions K-N	
21.06	Definitions O-R	
21.07	Definitions S-T	
21.08	Definitions U-Z	
Appendix A	Combined Table of Uses	A-1
Appendix B	Combined Table of Dimensions	B-1

CHAPTER 1 ENACTMENT

Section 1.01 Title

This ordinance shall be known as the "zoning ordinance of the City of Lorain, Ohio." The map referred to, which is identified by the title, shall be known as the "The Official Zoning Map of the City of Lorain, Ohio."

Section 1.02 Purpose

The regulations and zoning districts established in this ordinance have been made for the purpose of promoting the public health, safety, morals, general welfare, convenience and prosperity of the citizens of the city. The regulations and arrangements of districts have been designed to lessen congestion in the streets; to secure safety from fire; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of water, sewer, schools, parks, roads, transportation facilities and other public requirements; to protect and enhance property values; to support the city's adopted comprehensive plan; and to encourage the most appropriate use of land throughout the city.

Section 1.03 Statutory Authority

- A. The Lorain City Council is authorized to adopt this ordinance pursuant to the enabling authority contained in the Ohio Revised Code and all other relevant laws of the state of Ohio.
- B. Whenever any provision of this Ordinance refers to or cites a section of the Ohio Laws and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 1.04 Relation to Other Regulations

Where the provisions of this ordinance are in conflict with other ordinances, the most restrictive provisions shall be enforced.

Section 1.05 Repeal and Severability

- A. Chapters *** through *** and Chapter *** of the Codified Ordinances of the City are hereby repealed and all other ordinances or parts of ordinances of the city which are in conflict with this zoning ordinance or are inconsistent with the provisions of this zoning ordinance are also hereby repealed to the extent necessary to give this zoning ordinance full force and effect. This zoning ordinance shall become effective from the date of its approval and adoption, as provided by law.
- B. Should any Section or provision of this zoning ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this zoning ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

CHAPTER 2 CODE INTERPRETATION

Section 2.01 Interpretation

In the interpretation and application of this Zoning Ordinance, all provisions shall be considered as minimum requirements, liberally construed in favor of the City Council, and deemed neither to limit nor repeal any other powers granted under state law. This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 2.02 Conflicting Regulations

Whenever the regulations of this ordinance require a greater width or size of yards, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied or impose other restrictive standards than are required in or under any other statutes or private deed restrictions, the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

Section 2.03 General Rules of Construction

The following rules shall apply for construing or interpreting the terms and provisions of this code:

- A. **Specifics.** The particular shall control the general.
- B. **Meanings and Intent.** The words, terms and phrases used in this ordinance shall have the meaning assigned to them in *Chapter 21 - Definitions*, except where the context clearly indicates a different meaning. When a specific section of this code gives a different meaning than the general definition provided in *Chapter 21*, the specific section's meaning and application of the term shall control.
- C. **Delegation of Authority.** Any action authorized by this code to be carried out by the chief building inspector, city engineer, planning director, zoning administrator or other city employee may be carried out by a designee of that employee.
- D. **Headings, Illustrations, and Text.** In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.
- E. **Lists and Examples.** Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.
- F. **Conjunctions.** Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
 1. "And" indicates that all connected items, conditions, provisions or events apply; and
 2. "Or" indicates that one (1) or more of the connected items, conditions, provisions or events apply.
- G. **Tenses, Plurals, and Gender.** Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.
- H. **Undefined Terms.** Words not specifically defined shall be given the meaning customarily assigned to them.

City of Lorain Zoning Code

- I. **Mandatory and Discretionary Terms.** The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.
- J. **Technical and Non-Technical Terms.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- K. **Other Terms.**
 - 1. the term "used" includes the words "arranged, designed or intended to be used"
 - 2. the term "occupied" includes the words "arranged, designed or intended to be occupied"
 - 3. the word "structure" includes the word "building," "dwelling" or "unit"
 - 4. the word "lot" includes the word "plot," "parcel" or "tract"
- L. **References to Other Regulations/Publications.** Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such resolution, ordinance, statute, regulation or document, unless otherwise specifically stated.
- M. **Public Officials and Agencies.** All public officials, bodies, and agencies to which references are made are those of the City of Lorain, unless otherwise indicated.

Section 2.04 Measurements

- A. **Measuring Distance.** Unless specified otherwise, in those provisions that require separation between uses or properties, measurement of distance shall be from nearest property line to nearest property line.
- B. **Computation of Time.** The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the city, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the city. References to days are calendar days unless otherwise stated.

CHAPTER 3 ZONE DISTRICTS AND MAP

Section 3.01 Zone Districts Established

The following zone districts are established:

Table 3-1, Zone Districts Established

Category	Designation	District Name
Residential Districts	R-1A	Low Density Single Family
	R-1B	Moderate Density Single Family
	R-1C	Medium Density Single Family
	R-2	Transitional Residential
	R-3	High Density Residential
	R-4	Manufactured Home Residential
Commercial Districts	B-1	Neighborhood Commercial
	B-2	General Commercial
	B-3	Downtown Commercial
Industrial Districts	I-1	Light Industrial
	I-2	Heavy Industrial
Special Purpose Districts	HMD	Hospital/Med Center
	MU	Mixed Use
	PUD	Planned Unit Development
	OS	Open Space
	DR-O	Design Review Overlay

Section 3.02 Official Zoning Map

- A. The official zoning map shall be identified by the signature of the mayor and attested by the clerk of council, shall show the date of adoption of this zoning ordinance, and shall be further defined as being the zoning districts as shown on the set of Lorain County Tax Maps maintained by the city building department.
- B. If, in accordance with the provisions of this zoning ordinance and Ohio R.C. Chapter 713, changes are made in district boundaries or other matters portrayed on this zoning map, such changes shall be duly-noted on the zoning map no later than seven (7) days after the effective date of the amendment. No changes shall be made in the zoning map except in conformity with the amendment procedures set forth in this ordinance.
- C. Regardless of the existence of copies of the zoning map, the official zoning map bearing the original signature of the mayor shall be recognized as the official map as to current zoning status.
- D. In the event that the official zoning map becomes damaged, destroyed, or difficult to interpret because of changes, council may, by resolution, adopt a new zoning map which shall supersede the prior map. The new map may correct drafting or other errors or omissions, but no such correction shall have the effect of amending the zoning ordinance.

City of Lorain Zoning Code

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Section 3.03 Interpretation of Boundaries

Where uncertainty exists regarding the boundaries of any zoning district shown on the official zoning map, the zoning administrator shall be charged with interpretative authority and shall apply the following rules:

- A. All zoning district boundaries shall be construed as extending to the centerlines of adjoining streets, highways, or alleys.
- B. Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines.
- C. Boundaries indicated to be approximately parallel to the centerlines or right-of-way lines of streets or alleys shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.
- D. Boundaries indicated to approximately follow city limits shall be construed as following city limits.
- E. A boundary indicated to follow a railroad line shall be construed to be located in the middle of the main tracks of the railroad line.
- F. Boundaries indicated to approximately follow the centerline of streams, rivers, lakes, or other bodies of water shall be construed to follow such centerlines.
- G. Boundaries indicated as following the Lake Erie shoreline shall be construed to follow the shoreline, and in the event of change, shall be construed as moving with the actual shoreline.

Section 3.04 Lots Divided by Zoning Line

Where a zoning line divides a lot or where two (2) lots in different districts are combined, the entire lot shall be considered to be wholly within the more restrictive zoning district.

Section 3.05 Zoning Upon Annexation

All land annexed to the city subsequent to the adoption of this zoning ordinance shall remain subject to the previous township zoning district regulations, until such time as the official zoning map is amended in accordance with the amendment provisions of this ordinance.

CHAPTER 4 RESIDENTIAL ZONING DISTRICTS

Section 4.01 District Purpose.

- A. **R-1A, Low Density Single-Family.** This district is intended to create a single-family neighborhood environment on relatively large lots, while retaining the urban character of the community. It is most appropriate near the outer perimeter of the city, especially the west end. Net densities of just over two (2) units per acre can be achieved.
- B. **R-1B, Moderate Density Single-Family.** This is an urban residential district intended to create cohesive, single family, walkable neighborhoods at a net density of approximately four (4) units per acre. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities needed to provide the basic elements of a balanced, safe, and attractive living environment.
- C. **R-1C, Medium Density Single-Family.** This residential district is intended to reinforce the traditional single-family neighborhood pattern prevalent throughout much of the city. It supports cohesive, walkable neighborhoods along a grid street network at a net density of approximately six (6) units per acre. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities contributing to a rich neighborhood fabric.
- D. **R-2, Transitional Residential.** A variety of housing options are permitted within this district consistent with the walkable, neighborhood character intended for single-family neighborhoods. Attached and detached dwellings are permitted at densities compatible with traditional city neighborhoods and well suited as a buffer to transition from single-family neighborhoods to non-residential uses.
- E. **R-3, High Density Residential.** This district provides for development of a range of housing types, including multiple-family units at densities up to 18 units per acre, in order to accommodate open space and recreational amenities within each development. Consistent with the city's comprehensive plan, the district provides for housing choice in the community where increased density would be compatible with existing development and promote economically viable development on infill and redevelopment sites. The district may also be established as a transition zone between lower density residential districts and nonresidential or mixed use districts.
- F. **RM, Manufactured Home Community.** This district provides for a single family residential environment within planned communities to accommodate manufactured homes. The principal use of land is for manufactured single-family dwellings and related recreational, religious, and educational facilities needed to provide the basic elements of a balanced, safe, and attractive residential area.

Section 4.02 Schedule of Allowed Uses.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 4-2 may be used for the purposes denoted by the following abbreviations:

- A. **Permitted Use (P).** Land and/or buildings with this designation may be used for these purposes by right.

City of Lorain Zoning Code

- B. **Conditional Use (C).** Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission upon a finding that all applicable requirements in Chapter 11 are satisfied.
- C. **Specific Conditions.** Indicates that conditions related to the specific use must be satisfied in addition to the review procedures and general criteria of Sections 11.02 and 11.03.

Table 4-2, Schedule of Use, Residential Districts							
Uses	Residential Districts						Specific Conditions
	R-1A	R-1B	R-1C	R-2	R-3	RM	
Residential							
Assisted living facility				C	P		
Bed and breakfast	C	C	C				See Section 11.04B
Boarding house				C	C		See Section 11.06C
Dwelling, manufactured home						P	
Dwelling, multiple family					P		
Dwelling, single-family attached				P	P		
Dwelling, single-family detached	P	P	P	P			
Dwelling, two-family				P	P		
Family home	P	P	P				
Group home				P	P		
Manufactured home community/subdivision						P	
Nursing home and extended care				C	P		
Residential social services facility					C		See Section 11.06F
Retirement community				C	P		
Sober living facility					C		See Section 11.06G
Recreation and Leisure							
Adult day care	C	C	C	C			
Child care facilities	C	C	C	C			
Private noncommercial recreation	P	P	P	P	P	P	
Public parks/playgrounds	P	P	P	P	P	P	
Public/Quasi-Public							
Cemeteries	C	C	C	C	C		
Government buildings and facilities	C	C	C	C	C	C	
Places of worship	C	C	C	C	C	C	See Section 11.05A
Pre-school nursery	C	C	C	C	C	C	
Schools (K-12)	C	C	C	C	C	C	See Section 11.05B
Accessory Uses							
Accessory dwelling units	C	C	C	C			See Section 11.06A
Accessory uses and structures	P	P	P	P	P	P	
Cafeteria facilities located within a principal use (not including dwelling units)	P	P	P	P	P	P	
Child care facilities located within a principal use	P	P	P	P	P	P	
Home occupations	P	P	P	P	P	P	
Single-user solar energy system as accessory to a principal use	C	C	C	C	C	C	

City of Lorain Zoning Code

City of Lorain Zoning Code

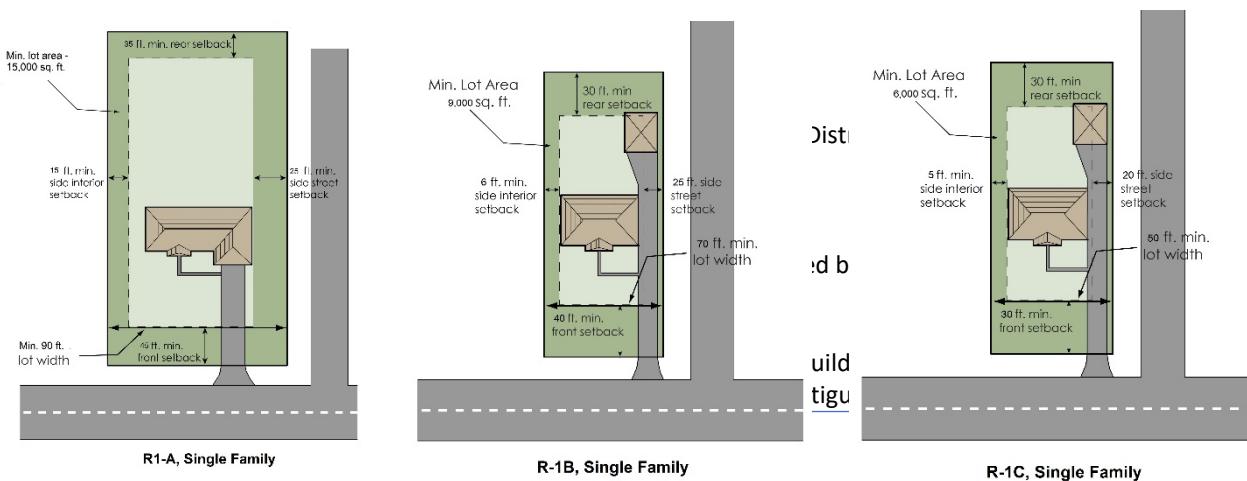
Other Uses		P/C	See Section 10.26
Uses of the same nature or class as uses listed in this district but not listed elsewhere in this ordinance			

Section 4.03 Dimensional Requirements.

All lots and buildings shall meet the minimum area and width requirements listed below in *Table 4-3* for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed for the respective districts.

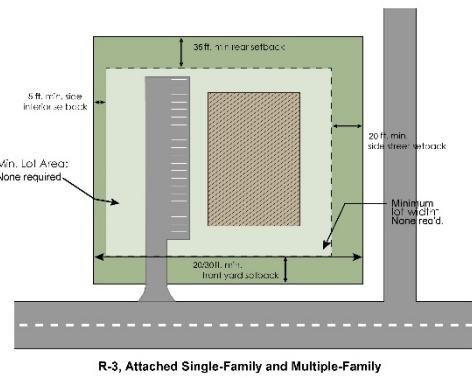
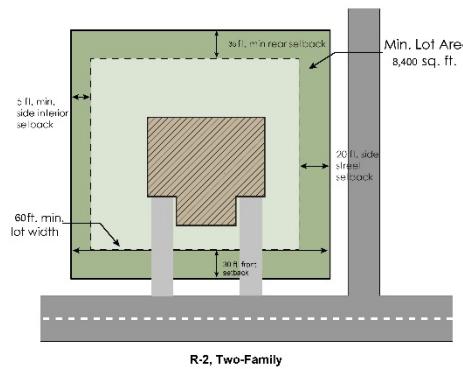
Table 4-3, Schedule of Area, Height and Placement Requirements

Requirements	Residential Districts¹							
	R-1A	R-1B	R-1C	R-2	Single family	Two family	Attached single family	R-3
Lot Area, Width and Density								
Lot area (min. sq. ft.)	15,000	9,000	6,000	6,000	4,200 ²	-	3,600 ²	-
Lot width (min. ft.) ³	90	70	50	50	60	-	60	-
Density (maximum units/net acre) ⁴	-	-	-	-	-	12 ⁵	-	14/18 ⁶
Setbacks (minimum ft.)								
Front	45	40	30	25	30	20	30	20/30
Rear	35	30	30	25	35	35	30	35/35
Side (interior)	10	6	5	5	5	10 ⁷	5	10 ⁷
Side (street)	25	25	20	20	20	20	20	20
Height and Coverage (maximum)								
Building coverage (%)	35	40	45	45	45	50	45	50
Height (ft.)	35/2½							
Floor Area (minimum sq. ft.) for Two-Family, Attached Single-Family and Multiple Family Dwellings								
One-bedroom	-	-	-	-	750			
Two-bedroom	-	-	-	-	900			
Three-bedroom	-	-	-	-	1050			
Addl. bedrooms > 3	-	-	-	-	150/addl. Bedroom			



Section 4.04 Site Development Requirements.

In



addition to the requirements of this article, all development in the residential districts shall meet the applicable requirements as listed elsewhere in this ordinance.

- A. Design Review Overlay Zone Requirements, see *Chapter 9*
- B. General Provisions, see *Chapter 10*
- C. Conditional Use Requirements, see *Chapter 11*
- D. Development Plan Review, see *Chapter 12*
- E. Landscaping and Buffering, see *Chapter 13*
- F. Parking and Loading, see *Chapter 14*
- G. Signs, see *Chapter 15*

CHAPTER 5 BUSINESS ZONING DISTRICTS

Section 5.01 District Purpose.

- A. **B-1, Neighborhood Business.** The neighborhood business district is intended as a location for convenience goods and services for residents of nearby neighborhoods. Allowed uses should be of a low intensity nature, appropriate in scale and appearance to and compatible with the surrounding residential character. Pedestrian accessibility will be promoted. The district may be found as a node within residential neighborhoods or used as a transitional zone between residential and nonresidential districts.
- B. **B-2, General Business.** This zoning district is intended primarily to accommodate a range of retail and service uses serving the broader needs of the community and the motoring public. Large-scale retailers, auto-related businesses and similar uses not generally appropriate for other commercial districts will be permitted. While the district will be established primarily along arterial roadways, care should be taken to ensure compatibility with adjacent uses and minimize conflicts with traffic along abutting streets.
- C. **B-3, Downtown Business.** The downtown business district is intended to protect the traditional, small town character of downtown Lorain and enhance the pedestrian-oriented environment. The district accommodates a mix of retail stores, offices, entertainment, public spaces, residential uses and related activities that are mutually supporting and serve the needs of the community. This district encourages a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented and unified setting. Auto-oriented uses should not be permitted.

Section 5.02 Schedule of Allowed Uses.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 5-2 may be used for the purposes denoted by the following abbreviations:

- A. **Permitted Use (P).** Land and/or buildings with this designation may be used for these purposes by right.
- B. **Conditional Use (C).** Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission upon a finding that all applicable requirements in Chapter 11 are satisfied.
- C. **Specific Conditions.** Indicates that conditions related to the specific use must be satisfied in addition to the review procedures and general criteria of Sections 11.02 and 11.03.

Table 5-2 Schedule of Uses: Commercial Districts

Use	Districts			Specific Conditions
	B-1	B-2	B-3	

City of Lorain Zoning Code

Accessory Uses				
Accessory uses and structures	P	P	P	
Cafeteria facilities located within a principal use (not including dwelling units)	P	P	P	
Child care facilities located within a principal use	P	P	P	
Drive-in and drive-through facilities for automated teller machines, banks, pharmacies and similar uses (not including drive-through restaurants)	C	C	C	<i>See Section 11.07D</i>
Outdoor display areas for retail establishments	C	C		<i>See Section 11.07H</i>
Outdoor seating areas for restaurants, taverns and similar establishments	C	P	C	<i>See Section 11.04C</i>
Outdoor storage related to a principal use		C		<i>See Section 11.08A</i>
Single-user solar energy system as accessory to a principal use	C	C	C	
Food, Drink, Entertainment and Hospitality				
Bars, taverns and nightclubs		C	P	<i>See Section 11.04A</i>
Club or lodge, private		P	P	
Commercial recreation, indoor (movie theaters, bowling alleys, ice arenas, billiard parlors and similar uses)		P	P	
Commercial recreation, outdoor (mini-golf, go-cart, amusement parks and similar activities)		C		
Food catering service		P	P	
Health spa and fitness clubs	P	P	P	
Hotel/motel		P	P	
Micro-brewery		P	P	
Performance theaters, concert halls			P	
Performing arts, dance or martial arts school or studio	P	P	P	
Radio, television and recording studio		P	P	
Restaurant (standard)	P	P	P	
Restaurant (drive-in or drive-through)		C		<i>See Section 11.04E</i>
Restaurant (alcohol and/or entertainment)	C	P	P	<i>See Section 11.04A</i>
Office, Financial and Business Services				
Financial institutions (banks, savings & loans, credit unions)	P	P	P	
Laboratory serving professional requirements, e.g. medical, dental, etc.		P	P	
Medical, dental, optical, psychiatric, physical therapy office, including clinics	C	P	P	
Office equipment sales and service		P	P	
Offices, general and professional	P	P	P	
Out-patient medical treatment facilities	C	P	P	
Outpatient psychiatric, psychological and counseling facilities	C	P	P	
Printing and photocopying establishment		P	P	
Research, development and testing laboratories			P	
Short-term lending or pay-day check cashing		C		<i>See Section 11.07A</i>
Technical and trade school		P	P	
Training centers, engineering or sales		P	P	
Veterinary hospital		C		
Personal Services				
Art gallery or studio	P	P	P	
Barber shop, hair salon or spa	P	P	P	
Child care centers, commercial preschools and nurseries	C	P	P	
Crematorium		C		<i>See Section 11.07C</i>

City of Lorain Zoning Code

Dress maker, tailor	P	P	P
Dry cleaner, not including a dry-cleaning plant	P	P	P
Electronics repair	P	P	P
Kennels		C	
Laundromat	P	P	P
Locksmith shops		P	
Mortuary or funeral home, not including crematorium		C	
Optician and eyeglass sales		P	
Pet grooming	P	P	P
Photography studio	P	P	P
Repair shops, including small engine repair		P	
Tattoo parlor		P	
Public/Quasi-Public			
Government buildings and facilities	P	P	P
Library	P	P	P
Museum, cultural facility		P	P
Places of religious worship	C	C	C
Residential			
Dwelling, multiple family			P
Dwelling, single family attached			P
Residential social services			C
Upper floor dwelling above a street-level business (live/work units)	C		P
Retail Uses			
Appliance repair	P	P	P
Auction houses		P	
Building materials and lumber supply		P	
Consumer fireworks retail sales facility (temporary)		C	
Glass sales & service		P	
HVAC sales & service		P	
Medical supplies and equipment		P	
Nurseries and greenhouses (including retail sales)		P	
Optical supplies		P	
Package liquor store	C	P	P
Pawn shops		C	C
Pharmacy	P	P	P
Planned shopping centers		P	
Planned shopping centers, not exceeding 50,000 sq. ft.	P		
Retail establishments whose principal activity is the sale of merchandise within an enclosed building, not exceeding 5,000 square feet of floor area	P		
Retail establishments whose principal activity is the sale of merchandise within an enclosed building of any size.		P	P
Vehicle Sales, Service and Related Uses			
Auto parts and tire store		P	
Automobile, trailer, truck, farm equipment, heavy equipment, manufactured home, boat, recreational vehicle or motorcycle sales and rental		P	
Parking garage, structure or lot, commercial (as principal use)		C	C
Tire retreading service		C	
Truck stops		C	
Vehicle repair, major		C	
			<i>See Section 11.07L</i>

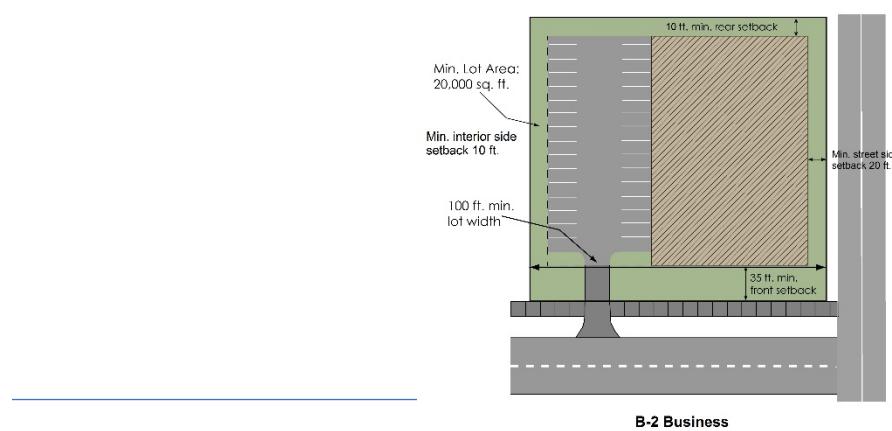
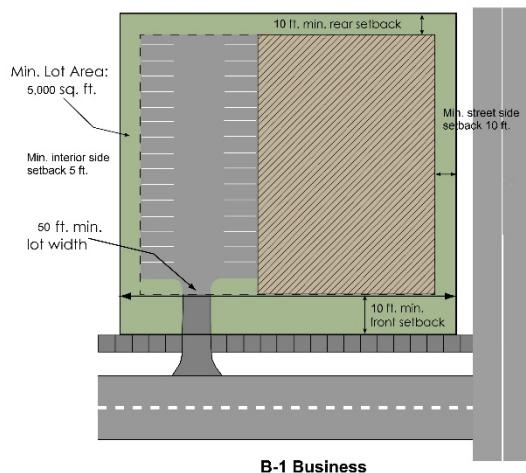
City of Lorain Zoning Code

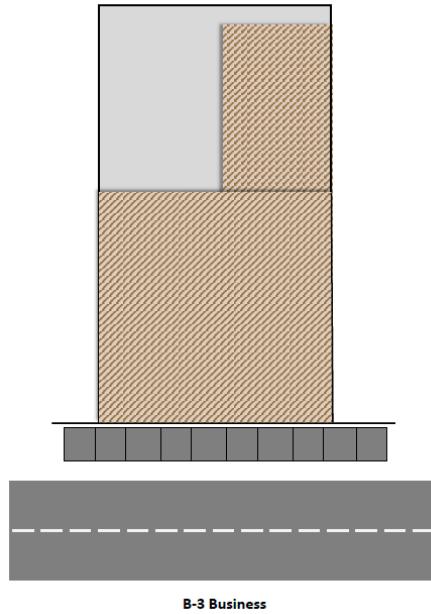
Vehicle repair, minor		C		See Section 11.07M
Vehicle service stations	C	C		See Section 11.07O
Vehicle wash facilities		C		See Section 11.07P
Other Uses				
Communication facilities including telephone exchange stations and relay towers, broadcast towers and antenna, and wireless communication towers and antenna	C	C	C	See Section 11.05D
Public utility structures and lands	C	P	P	
Uses of the same nature or class as uses listed in this district, but not listed elsewhere in this ordinance.	P/C	P/C	P/C	See Section 10.26

Section 5.03 Dimensional Requirements.

All lots and buildings shall meet the minimum area and width requirements listed below in *Table 5-3* for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed for the respective districts.

Requirements	Business Districts		
	B-1	B-2	B-3
Lot Area and Width			
Min. Lot Area (sq. ft.)	5,000	20,000	-
Min. Width (ft.)	50	100	-
Setbacks (min. ft.)			
Front	10	35	-
Rear	10	10	-
Side (interior)	5	10	-
Side (street)	10	20	-
Maximum Height and Lot Coverage			
Height (ft./stories)	35 1/2	45/4	-
Coverage (%)	-	-	-





B-3 Business

Section 5.04 Site Development Requirements.

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

- A. Design Review Overlay Zone Requirements, see *Chapter 9*
- B. General Provisions, see *Chapter 10*
- C. Conditional Use Requirements, see *Chapter 11*
- D. Development Plan Review, see *Chapter 12*
- E. Landscaping and Buffering, see *Chapter 13*
- F. Parking and Loading, see *Chapter 14*
- G. Signs, see *Chapter 15*

CHAPTER 6 INDUSTRIAL ZONING DISTRICTS

Section 6.01 District Purpose.

- A. **I-1.** The intent of this district is primarily to provide employment opportunities in light manufacturing, distribution and research, along with appropriate support services, in areas of the city near suitable transportation infrastructure where the uses will be compatible and integrated with residential and other non-residential uses.
- B. **I-2.** In support of major industrial employers within the city, this district accommodates large-scale manufacturing and distribution facilities, in addition to support services. The district is intended to encompass large tracts of land that can be planned and developed with an integral network of streets and ready access to transportation infrastructure. Characteristics of the uses in this district are likely to include extensive outdoor storage areas, heavy truck traffic, production of goods from raw materials, multiple worker shifts and large parcels.

Section 6.02 Schedule of Allowed Uses.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of *Table 6.02-1* may be used for the purposes denoted by the following abbreviations:

- A. **Permitted Use (P).** Land and/or buildings with this designation may be used for these purposes by right.
- B. **Conditional Use (C).** Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission upon a finding that all applicable requirements in *Chapter 11* are satisfied.
- C. **Specific Conditions.** Indicates that conditions related to the specific use must be satisfied in addition to the general criteria of *Sections 11.02 and 11.03*.

Table 6.02-1, Schedule of Uses – Industrial District

Use	I-1	I-2	Specific Conditions
Accessory Uses			
Accessory uses and structures	P	P	
Cafeteria facilities located within a principal use	P	P	
Child care facilities located within a principal use	P	P	
Corporate offices incidental to the principal use	P	P	
Drive-in and drive-through facilities for automated teller machines, banks and pharmacies, not including drive-in restaurants	C	C	<i>See Section 11.07D</i>
Dwelling units for watchmen and operating personnel and their families	C	C	
Outdoor storage related to a principal use	C	C	<i>See Section 11.08A</i>
Single-user solar energy system as accessory to a principal use	C	C	
Agriculture, Food and Animal-related Uses			
Breweries, distilleries and bottling plants	P		
Food processing plants		P	
Greenhouse/nursery (not including retail sales)	P		
Kennels	P		
Produce and other food products terminals	P		
Commercial Establishments			

City of Lorain Zoning Code

Appliance repair	P		
Auction houses	P		
Consumer fireworks retail sales facility (permanent)	C		
Consumer fireworks retail sales facility (temporary)	C		See Section 11.07B
Machinery and equipment sales & service	P		
Office equipment sales & service	P		
Pawn Shops	C		See Section 11.07A
Petroleum products sales	P		
Sexually oriented businesses	C		See Section 11.04F
Construction			
Contractors' offices and shops (not including outdoor storage)	P		
Glass sales & service	P		
HVAC sales & service	P		
Landscaping services	P		
Educational Services			
Schools, driving	C	C	
Technical and trade schools	P		
Training centers, engineering or sales	P		
Food Services			
Bars, taverns and nightclubs	C	C	See Section 11.04A
Food catering service	P		
Restaurant, standard (not including drive-in or drive-thru)	P	P	
Restaurants (including alcohol and/or entertainment)	P	P	
Manufacturing			
Building material manufacturing including milling, planning and joining	C	P	
Chemical manufacturing and storage		C	
Concrete or asphalt manufacturing		C	
Electronics manufacturing and assembly	P	P	
Machine, sheet metal and welding shops	P	P	
Manufacturing and assembly of automobiles, trucks, planes, ships and railways		P	
Manufacturing, compounding, processing, packaging, treating or assembly from previously prepared materials	P	P	
Metal stamping, pressing and buffing	C	P	
Oil refineries		C	
Paint, rust proofing and rust coating	C		
Primary metal industries		P	
Sawmills		P	
Structural and steel fabrication	C	P	
Tool and die shops	P	P	
Mining			
Mineral extraction operations		C	
Offices, Research and Technical Facilities			
Blueprinting and photocopying establishments	P	P	
Financial institutions (banks, savings & loans, credit unions)	P	P	
Laboratory serving professional requirements, e.g. medical, dental, etc.	P		
Medical and dental office, including clinics	P		
Offices, general and professional	P		
Printing and publishing facilities	P		
Radio, television and recording studios	P		

City of Lorain Zoning Code

Research and development laboratories	P	P	
Short-term lending or pay-day check cashing	C		<i>See Section 11.07A</i>
Public Facilities			
Correctional facilities	C	C	
Government buildings	P	P	
Services			
Child care centers, commercial preschools and nurseries	P	P	
Cleaning services	P		
Crematorium	C		<i>See Section 11.07C</i>
Dry cleaning plants and commercial laundries	C		
Locksmith shops	P		
Pest control services	P		
Repair shops, including small engine repair	P		
Tool and equipment rental	P		
Transportation and Warehousing			
Airports	C		
Bottled gas storage and distribution	C		
Cartage, express and parcel delivery facilities	C	P	
Freight and intermodal terminals		P	
Heliports and helipads	C	C	
Mail order businesses and fulfillment centers	P		
Moving companies	P		
Parking garage, structure or lot (as principal use)	P	P	
Petroleum bulk stations		C	
Self-storage facilities (indoor)	C		
Self-storage facilities (outdoor)	C		
Warehouses and distribution centers	P	P	
Wholesale businesses	P		
Utilities			
Power generating plants	P	P	
Public utility structures and land	P	P	
Sewage treatment plants	C	C	
Solar Farms	P	P	
Wind energy conversion systems (single accessory)	C	C	<i>See Section 11.05C</i>
Wind energy conversion systems (commercial)		C	<i>See Section 11.05C</i>
Wireless communication facilities and towers	C	C	<i>See Section 11.05D</i>
Vehicle Services			
Ambulance service	P		
Auto parts and tire stores	P		
Automobile rental	P		
Heavy equipment/semi-tractor and trailer sales, rental and service	P		
Tire retreading plant	C		
Truck and trailer rental	P	P	
Truck stops	C	P	<i>See Section 11.07K</i>
Vehicle auction facilities	P		
Vehicle repair, major	C	P	<i>See Section 11.07L</i>
Vehicle repair, minor	P		
Vehicle service stations	P	P	
Vehicle wash facilities	P	P	
Vehicle wash facilities for trucks and trailers	P	P	
Waste Processing and Disposal			
Construction debris, junk, solid waste disposal and salvage yards		C	<i>See Section 11.08B</i>

City of Lorain Zoning Code

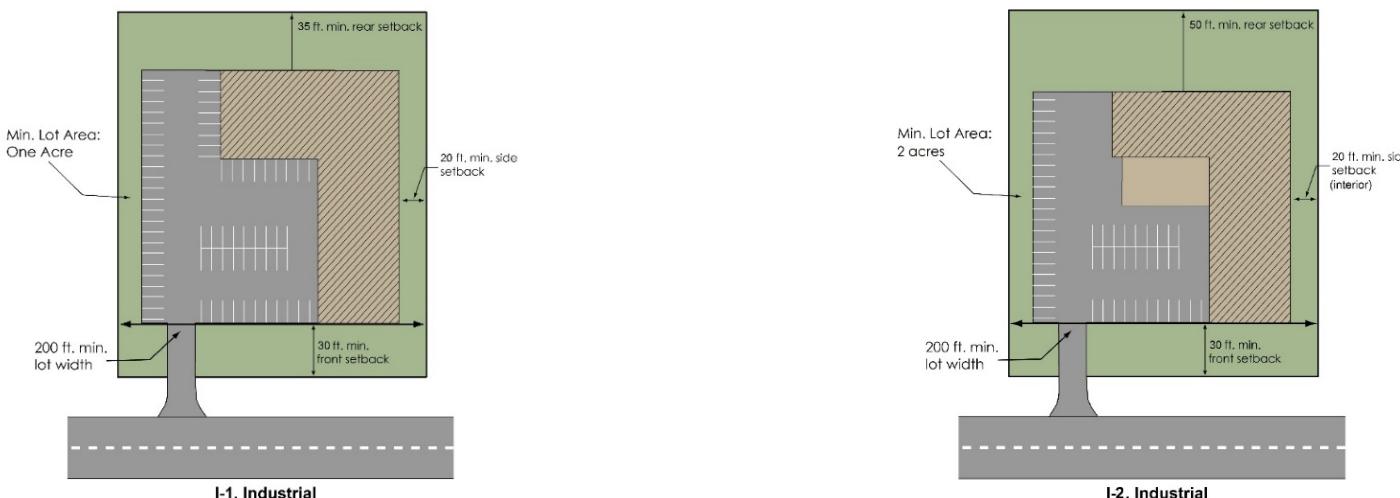
Processing, storage, transfer, disposal or incineration of hazardous waste or medical waste		C	
Recycling collection and/or processing facility (non-hazardous)	P	P	
Sanitary landfills		C	
Vehicle salvage business		C	See Section 11.07N
Other			
Uses of the same nature or class as uses listed in this district, but not listed elsewhere in this ordinance.	P/C	P/C	See Section 10.26

Section 6.03 Dimensional Requirements.

All lots and buildings shall meet the minimum area and width requirements listed below in Table 6.03-1 for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed for the respective districts.

Table 6.03-1. Area, Height and Placement Requirements, Industrial District

Zoning District	I-1, Light Industrial	I-2, Heavy Industrial
Lot Area and Width		
Minimum Lot Area (sq. ft.)	1 acre	2 acres
Minimum Lot Width (ft.)	200	200
Minimum Setbacks (ft.)		
Front	30	30
Rear ⁸	35	50
Side ¹ (interior)	20	20
Side (street)	20	30
Maximum Height and Lot Coverage		
Height (ft.)	45	60
Coverage (%)	-	-



⁸ Minimum side and rear setback abutting a residential zoning district shall be 50 ft. in the I-1 and 75 ft. in the I-2 District.

Section 6.04 Site Development Requirements.

In addition to the requirements of this article, all development in the industrial districts shall meet the applicable requirements as listed elsewhere in this ordinance.

- A. Design Review Overlay Zone Requirements, see *Chapter 9*
- B. General Provisions, see *Chapter 10*
- C. Conditional Use Requirements, see *Chapter 11*
- D. Development Plan Review, see *Chapter 12*
- E. Landscaping and Buffering, see *Chapter 13*
- F. Parking and Loading, see *Chapter 14*
- G. Signs, see *Chapter 15*

CHAPTER 7 MIXED-USE ZONING DISTRICT

Section 7.01 District Purpose.

MU, Mixed-Use District. The purpose of Mixed-use Districts in general is to permit and encourage a combination of multiple uses within a single compact development that enables walkability, reduces reliance on vehicular travel and promotes a more vibrant and interactive urban environment than traditional single-purpose developments. Each of the mixed-use districts established within this article is intended to support the specific recommendations of the City of Lorain Comprehensive Plan with respect to development of distinct and identifiable nodes throughout the community.

Section 7.02 Schedule of Allowed Uses.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 7-2 may be used for the purposes denoted by the following abbreviations:

- A. **Permitted Use (P).** Land and/or buildings with this designation may be used for these purposes by right.
- B. **Conditional Use (C).** Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission upon a finding that all applicable requirements in Chapter 11 are satisfied.
- C. **Specific Conditions.** Indicates that conditions related to the specific use must be satisfied in addition to the review procedures and general criteria of Sections 11.02 and 11.03.

Table 7-2, Schedule of Uses, Mixed-use Districts

Use	MU District	Specific Conditions
Accessory Uses		
Accessory uses and structures	P	
Cafeteria facilities located within a principal use (not including dwelling units)	P	
Child care facilities located within a principal use	P	
Drive-in and drive-through facilities for automated teller machines, banks and pharmacies, not including drive-in restaurants	C	See Section 11.07D
Home occupations	C	See Section 11.06E
Outdoor display areas for retail establishments	C	See Section 11.07H
Outdoor seating areas for restaurants, taverns and similar establishments	C	See Section 11.04C
Single-user solar energy system as accessory to a principal use	C	
Food, Drink, Entertainment and Hospitality		
Bars, taverns and nightclubs	P	
Hotel/motel	P	
Micro-brewery	P	
Performance theaters, concert halls	P	
Radio, television and recording studio	P	
Restaurant (standard), not including drive-thru	P	

City of Lorain Zoning Code

Restaurant (alcohol and/or entertainment)	P	
Health Care and Social Assistance		
Medical, dental, optical, psychiatric, physical therapy office, including clinics	P	
Office, Financial and Business Services		
Financial institutions (banks, savings & loans, credit unions)	P	
Office equipment sales and service	P	
Offices, general and professional	P	
Printing and photocopying establishments	P	
Personal Services		
Barber shop, hair salon or spa	P	
Child care centers, commercial preschools and nurseries	P	
Dress maker, tailor	P	
Dry cleaner, not including a dry-cleaning plant	P	
Electronics repair	P	
Laundromat	P	
Optician and eyeglass sales	P	
Pet grooming	P	
Photography studio	P	
Pre-school nursery	C	
Public/Quasi-Public		
Government buildings and facilities	C	
Places of religious worship	C	<i>See Section 11.05A</i>
Schools (K-12)	C	<i>See Section 11.05B</i>
Recreation and Leisure		
Art gallery or studio	P	
Commercial recreation, indoor (movie theaters, bowling alleys, ice arenas, billiard parlors and similar uses)	C	
Commercial recreation, outdoor (mini-golf, go-cart, amusement parks and similar activities)	C	
Golf courses/country clubs	P	
Health/fitness clubs	P	
Performing arts, dance or martial arts school or studio	P	
Private noncommercial recreation	P	
Public boat ramp	P	
Public parks/playgrounds	P	
Residential		
Assisted living facilities	C	
Dwelling, multiple family	P	
Dwelling, single-family attached	P	
Dwelling, single-family detached	P	
Dwelling, two-family	P	
Nursing home	C	
Retirement community	C	
Upper floor dwelling above a street-level business (live/work units)	P	
Retail		
Package liquor stores	C	
Pharmacy	P	
Planned shopping centers	P	
Retail establishments whose principal activity is the sale of merchandise within an enclosed building of any size	P	

City of Lorain Zoning Code

Vehicle Sales, Service and Related Uses		
Parking garage, structure or lot (as principal use)	C	
Vehicle service station	C	See Section 11.07O
Vehicle wash facility	C	See Section 11.07P
Other Uses		
Uses of the same nature or class as uses listed in these districts	P/C	See Section 10.26
Wireless communication facilities and towers	C	See Section 11.05D

Section 7.03 Dimensional Requirements.

All lots and buildings shall meet the minimum area and width requirements listed below in Table 7-3 for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed.

Table 7-3, Area, Height and Placement Requirements		
Requirement		MU
Site Size⁹		
Minimum project area (acres)		5
Minimum frontage		150
Minimum non-residential area ¹⁰ (%)		10 %
Maximum non-residential area ² (%)		30 %
Setbacks (minimum feet)¹¹		
Front		-
Rear		-
Side (interior)		-
Side (street)		-
Height and Coverage		
Building height (ft./stories)	Maximum	45/4
Maximum density (units/acre)	All residential	18
Minimum open space (%) ¹²		10

Section 7.04 Additional Requirements.

A. **Open Space.** Dedicated open space shall be provided in accordance with the following standards:

⁹ Refers to total project area to be developed.

¹⁰ Refers to area occupied by commercial, office or institutional uses and associated parking, not including required open space. Accessory business uses entirely within a principal use such as golf course pro shops, employee day care or hair salons for residents of a retirement community shall not be counted toward the non-residential area requirements.

¹¹ Minimum setbacks shall not be applied to individual lots within the development; provided, all greenway and buffer requirements specified in *Chapter 13* shall apply to property abutting the perimeter of the mixed-use development and any public street.

¹² Required open space may include the following if generally accessible to all users of the mixed-use development: parks, landscaped buffer areas, lakes, rooftop gardens, plazas, city squares, playgrounds and recreation areas, outdoor sports facilities and pedestrian walkways or paths; provided, the requirements of *Section 7.4* shall be met.

City of Lorain Zoning Code

1. A minimum percentage of the gross land area, as specified in Table 7-3, shall be dedicated open space. A residential density bonus over and above the density otherwise allowed in the mixed-use district may be approved by the city council; provided, the applicant increases the percentage of the total project area to be dedicated for open space. This bonus may be granted only if specifically requested by the applicant. Any such bonus shall consist of a one (1) percent increase in the allowable density for every one (1) percent of land area devoted to dedicated open space.
2. Dedicated open space land shall be shown on the preliminary plat or site plan and shall be labeled to specify that the land has been dedicated for open space purposes and is permanently reserved for open space. The applicant shall convey the dedicated open space as a condition of plat approval through any of the following means, as approved by the city council:
 - a. Deeded in perpetuity to the City of Lorain, only if accepted by the city council;
 - b. Reserved for common use or ownership of all property owners within the development by covenants in the deeds approved by the city law director. A copy of the proposed deed covenants and restrictions shall be submitted with the application. The deed covenants shall provide that the HOA shall be responsible for the care and maintenance of all common areas.
 - c. Deeded in perpetuity to a private, non-profit, tax-exempt organization legally constituted for conservation purposes under terms and conditions that ensure the perpetual protection and management of the property for conservation purposes. A copy of the proposed deeds and relevant corporate documents of the land trust shall be submitted with the application;
 - d. Deeded to a property owner's association within the development upon terms and conditions approved by the city law director that will ensure the continued use and management of the land for the intended purposes. If this option is selected, the formation and incorporation by the applicant of one (1) or more appropriate property owners' associations shall be required prior to plat approval. A copy of the proposed property owner's deed and the by-laws and other relevant documents of the property owner's association shall be submitted with the application. The following shall be required if open space is to be dedicated to a property owners' association:
 - i. Covenants providing for mandatory membership in the association and setting forth the owner's rights, interests, and privileges in the association and the common land, must be included in the deed for each lot or unit;
 - ii. The property owners' association shall have the responsibility of maintaining the open space and operating and maintaining recreational facilities;
 - iii. The association shall have the authority to levy charges against all property owners to defray the expenses connected with the maintenance of open space and recreational facilities;
 - iv. The applicant shall maintain control of dedicated open land and be responsible for its maintenance until development sufficient to support the association has taken place.
3. As an alternative to providing all required open space on site, if approved by the city council, the applicant may provide up to 50 percent of the required open space utilizing one of the following options:

City of Lorain Zoning Code

- a. Dedication of an off-site parcel within the city limits; provided, the land is identified for open space or recreational purposes in an adopted city plan, the land is determined to be suitable for such purpose, and the area of such land is at least equal to the area for which the transfer is requested; or
- b. Fees-in-lieu may be paid to the city, if accepted by the city council, for open space acquisition purposes. The amount of the fee shall be determined by the city council, based on the current market value of comparable properties within the city.

4. Open space to be dedicated to the city shall have shape, dimension, character, location and topography to ensure appropriate public access and usability, and to accomplish at least two (2) of the following open space purposes:
 - a. Natural resource conservation;
 - b. Wetland and water course conservation;
 - c. Access to Lake Erie or the Black River;
 - d. Wildlife habitat;
 - e. Recreation;
 - f. Contiguity with existing city parks;
 - g. Civic purposes; or
 - h. Scenic preservation.
5. Dedicated open space features that are not dedicated to the city may be open to the general public or restricted to the residents and users of the development.
6. Streets, sidewalks, parking lots and other impervious surfaces shall be excluded from the calculation of required open space. However, lands occupied by tennis courts, basketball courts, swimming pools, pathways or similar common recreational amenities may be contained within dedicated open space; provided, such facilities shall not constitute more than 20 percent of the total required open space;
7. Up to 50 percent of the dedicated open space requirement may be satisfied with land covered by water or by stormwater detention or retention basins if the city determines that such a water body or basin constitutes an amenity that contributes to the character of the mixed-use development and offers an active or passive leisure experience.
8. At least 50 percent of the dedicated open space within a mixed-use development shall be usable for active and passive recreation including by way of example, but not limited to, walking, biking, playfields, picnicking, playgrounds, relaxation, and boating.
9. The dedicated open space shall not be included in subdivision lots designated for development or in lot size calculations but may be subdivided; provided, it remains undeveloped open space.

B. **Relationship to Other Regulations.** Each proposal for development within a mixed-use district is anticipated to be unique. Except as provided by this subsection, all mixed-use development shall be subject to the applicable standards, procedures, and regulations of this ordinance. The development conditions submitted as part of the mixed-use application, per *Section 7.05 C.4.*, and approved by the city council, shall supersede these regulations, unless otherwise prohibited by law, and shall be vested per the ordinance in effect at the time of approval.

C. **Parking.** In order to support the concept of mixed-use, as described in *Section 7.01*, the planning commission may recommend and council may approve modification of the minimum parking requirements of *Section 14.03* to facilitate shared parking, walkability and/or use of alternate transportation modes.

City of Lorain Zoning Code

- D. **Connectivity.** Pathways for bicycles and pedestrians shall be incorporated throughout the mixed-use development and along all perimeter streets to ensure connectivity between uses and with adjacent properties. Pathways and sidewalks shall be constructed in accordance with the city design standards.
- E. **Platting.** Platting requirements shall be in accordance with the subdivision regulations of the City of Lorain in effect at the time the mixed-use development is approved. Plat approval shall be subject to and conditioned upon approved covenants and restrictions being filed with the approved plat.
- F. **Performance Guarantees.** Financial guarantees to ensure performance shall be provided in accordance with *Section 18.06* of this ordinance.
- G. **Private Covenants and Restrictions.**
 - 1. Covenants and restrictions for the property within any mixed-use district are required and must be recorded with the office of the county clerk prior to the approval of a plat or issuance of a building permit. These restrictions shall run with the land to ensure that, if subdivided or developed in phases, the covenants and restrictions shall still be enforced.
 - 2. Covenants and restrictions shall:
 - a. Be based on the conditions attached to the approved mixed-use district application;
 - b. Subject each owner or person taking title to land located within the development to the terms and conditions of the covenants and restrictions as well as any other applicable regulations;
 - c. Establish a property owners association (POA) with mandatory membership for each owner or person taking title to land located within the development, and require the collection of assessments from owners in an amount sufficient to pay for its functions; and
 - d. Provide for the ownership, development, management, and maintenance of any private open space, private community parking facilities, private community meeting spaces, or other common areas, as required by *Section 7.04 A.2*.

Section 7.05 Review Procedures.

All requests for approval of a mixed-use zoning district shall be subject to the review and approval procedures of this section. Mixed-use zoning may be established on any property at the initiation of the City of Lorain or by rezoning application submitted by the property owner. If initiated by the city, development of the property shall be subject to review and approval of concept and final development plans, in accordance with the applicable provisions of this section.

- A. **Pre-application Review.**
 - 1. All applicants seeking mixed-use zoning approval shall schedule a pre-application conference with the zoning administrator (and other department personal as the zoning administrator deems appropriate) to discuss the proposed development. At the pre-application conference, the zoning administrator shall review a proposed sketch plan.
 - 2. At minimum, the sketch plan shall contain the following information:
 - a. Location map of the proposed site;
 - b. General description of proposed land uses, including approximate location and acreage; and
 - c. Proposed gross density of the development, and net density of individual areas or parcels within the development.

City of Lorain Zoning Code

3. A narrative description shall also accompany the sketch plan. The narrative shall describe how the proposed mixed-use zoning and uses relate to the recommendations of the Lorain Comprehensive Plan and any anticipated inconsistencies between the proposed development and the provisions of this chapter.
4. The zoning administrator shall review the sketch plan and narrative and advise the applicant regarding conformance or inconsistencies with the requirements of this chapter and any modifications that may be required to comply with the ordinance requirements. Once the pre-application conference is complete, if the applicant wishes to proceed with the zoning application a preliminary plan of the entire mixed-use development shall be prepared and submitted with a formal application.

B. Approval Authority.

1. The planning commission and, where applicable, the design review board shall have review and advisory authority for the preliminary plan.
2. The city council shall have final approval authority for the zoning change and the preliminary plan.

C. Preliminary Plan.

1. Application requirements.
 - a. A complete application shall be filed on a form provided by the zoning administrator, along with the application fee, a preliminary plan meeting all requirements of *Section 7.05 C.2* and any development conditions proposed by the applicant. Incomplete applications or preliminary plans shall be returned to the applicant without further processing.
 - b. Unless specifically modified by development conditions accepted by the city council, a mixed-use development shall comply with all regulations in effect at the time of rezoning approval.
 - c. The mix of uses shall be limited to those specified in *Table 7-2* for the mixed-use district.
2. Preliminary plan requirements. At minimum, the preliminary plan shall contain the following information in schematic form, unless specifically waived by the zoning administrator:
 - a. A title, giving the names of the developers and property owners, the date, scale, and the person or firm preparing the plan.
 - b. A vicinity map and north arrow.
 - c. The location and size of the property involved.
 - d. The current zoning of the subject property and surrounding properties.
 - e. The general land use of adjoining properties.
 - f. Location of proposed uses assigned to sub-areas within the subject property.
 - g. A tabulation of total dwelling units and overall densities and the approximate gross floor area to be devoted to non-residential uses and activities.
 - h. General location of existing steep slopes, flood zones, wetlands and other riparian areas, stands of trees, and other significant environmental features.
 - i. General layout of intended transportation routes including streets and major pedestrian ways.
 - j. The location of existing infrastructure (examples may include: roadways, sidewalks, and proximity of nearest water and/or sewer mains).

City of Lorain Zoning Code

- k. Conceptual location for any proposed public uses including schools, parks, fire and medical emergency services, etc.
 - l. General areas to be designated for common open space.
 - m. A phasing plan, if applicable.
 - n. A narrative statement of proposed benefits to the city.
- 3. Review and approval.
 - a. Staff review.
 - i. Upon receipt of a complete mixed-use development application, the zoning administrator shall distribute the application materials to the appropriate city departments for review, including, but not limited to, engineering, utilities, fire, safety service, the Mayor, and the law department.
 - ii. If the proposed project is located within the design review overlay district or on property containing a designated historic structure or landmark the zoning administrator shall also distribute the application materials to the design review board for review and comment.
 - iii. The zoning administrator shall prepare a staff report based on the comments provided by planning department and other staff and, if applicable, the design review board. The report and recommendations shall be forwarded to the planning commission for review and recommendation.
 - iv. The zoning administrator shall provide notice as required and schedule the mixed-use application on the next available planning commission agenda in accordance with the rules of procedure established by the planning commission. The zoning administrator will then inform the applicant/agent when the request will appear on the planning commission agenda for action on the application. The applicant or authorized representative must be present at the meeting or the matter may be tabled, denied without consideration, or acted upon based upon the information and documents then properly before the Commission.
 - b. Planning commission hearing and recommendation.
 - i. The zoning administrator shall present the staff report to the planning commission.
 - ii. After allowing time for presentation from the applicant and public comments, the planning commission shall consider the application, staff report and public comment for conformance with the requirements of this ordinance and the review criteria in *Section 7.06*.
 - iii. The planning commission shall then make a recommendation to the city council to approve or deny the application. Conditions may also be recommended for council consideration.
 - iv. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
 - c. City council final decision.
 - i. The staff report and planning commission recommendations shall be forwarded to the city council for review and final decision.

City of Lorain Zoning Code

- ii. The zoning administrator shall submit Planning Commission's recommended action on the mixed use application to the clerk of council for placement on the agenda of the next available City Council meeting, after any required notice has been published in accordance with all requirements established by applicable Ohio and City of Lorain statutes, ordinances, and regulations, or by Council rules.
- iii. After allowing time for presentation from the applicant and other comments, the city council shall consider the application for conformance with the requirements of this ordinance and the review criteria in *Section 7.06*.
- iv. The City Council shall make a decision to approve the application, approve the conditions, or deny the application.
- v. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.

4. **Development conditions**. The applicant may offer, or council may impose, conditions to be attached to the rezoning.
 - a. Conditions may be more restrictive than the requirements of this article or may propose modifications of the requirements in *Table 7-3* but shall not alter the intent of the applicable mixed-use district nor permit uses not authorized by *Table 7-2*. In addition, the conditions offered or imposed shall be consistent with the land use, density and other relevant recommendations of the city's comprehensive plan for the subject property.
 - b. Within a mixed-use development, the minimum buffer requirements specified in *Section 13.04 B.* between uses shall not apply within the mixed-use development; provided, the planning commission or city council may require separation or buffering of uses as a condition of preliminary plan approval.
 - c. The conditions shall be described in writing.
 - d. The development conditions shall be binding upon the property, unless amended by in conformance with the requirements of *Section 7.05 E*.

D. Final Plan or Site-Specific Plan.

1. **Phasing**. The mixed-use development may be completed in multiple phases. If the development is to be completed in a single phase, the applicant shall prepare and submit a final development plan. If the development is to be completed in more than one (1) phase, the applicant may prepare and submit a site-specific plan for one (1) or more phases prior to construction of the phase or phases. In either case, the final plan/site-specific plan (for the initial phase(s)) shall be submitted within two (2) years of the date of approval of the preliminary plan and shall contain the elements required in *Section 12.05A*. for final development plans. Such plan shall conform to the previously approved preliminary plan. Final plans for subsequent phases of the approved development shall be submitted within five (5) years of final plan approval of the initial phase(s); provided, the planning commission may grant one (1) extension of this time period up to one (1) year, if requested in writing by the applicant prior to expiration of the five (5) year limit.
2. **Planning commission review and approval**.
 - a. The zoning administrator shall distribute the final plan or site-specific plan and application to the appropriate departments and, if located within the design review overlay district, to the design review board for review to ensure that all required elements are met.

City of Lorain Zoning Code

- b. Once the plan has been received and reviewed by the departments and, if applicable, the design review board and the applicant has met all of the required elements of this ordinance, any other applicable regulations, and the adopted preliminary plan and development conditions, the zoning administrator shall transmit the plan to the planning commission for final approval, in accordance with *Section 12.04 C*.
 - c. If the plan is inconsistent in any significant aspect, as described below, with the approved preliminary plan, the procedure specified in *Section 7.05 E* shall be followed.
 - d. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
3. **Expiration.** Approval of the final plan or site-specific plan shall be subject to the time limits specified in *Section 12.09*.

E. **Amendments.** Any and all amendments to the preliminary plan and/or final/site-specific plans for the mixed-use development shall be subject to the following review procedures:

1. The zoning administrator shall have the authority to approve:
 - a. Changes which result in a decrease in approved density or building size, either residential or non-residential.
 - b. Change in land use designation from multi-family to single-family or a change from any other use to open space/passive recreation.
 - c. Change of land use in conformance with a use conversion schedule approved with the development agreement.
 - d. Minor changes in infrastructure features (i.e., roads/access, sewer, water, storm drainage) or of off-site properties which are clearly beneficial to the occupants of the mixed-use area and will have no impact on adjoining or off-site properties; provided, approval has been given by the city engineer.
 - e. Movement of buildings within the same general vicinity as shown on the approved plan provided all set back requirements are met.
 - f. Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
2. All other changes shall be considered as a new application and processed in accordance with the provisions of *Section 7.05 C and D*.

Section 7.06 Development Review Criteria.

Applications for mixed-use development shall only be approved upon a finding of compliance with the following criteria:

- A. **Rezoning Criteria.** The criteria of *Chapter 20* for ordinance amendments shall be satisfied.
- B. **Development Plan Standards.** The standards of *Section 12.06* for development plans shall be satisfied.
- C. **Consistency with Comprehensive Plan.** All mixed-use development shall be designed, constructed and maintained in conformance with the applicable guidelines and standards established by the City of Lorain Comprehensive Plan.

City of Lorain Zoning Code

D. Integration with Transportation System. Mixed-use developments shall be designed to integrate into the adjacent transportation system relative to the following criteria. A traffic impact assessment, as provided in *Section 14.06 E.*, may be required to determine conformance with these criteria.

1. Pedestrian connections to ensure accessibility to current or future transit service, if applicable;
2. Connectivity to existing and future roadways, sidewalks and pathways;
3. Complete streets roadway design that accommodates multiple transportation modes;
4. Strategic locations of parking lots and structures;
5. Compatibility with the regional transportation system of arterials and collectors; and
6. Access management to provide internal connections between uses and prohibit individual driveway access to perimeter roads.

E. Impact on Infrastructure. The development is staged in a manner that allows for and facilitates the timely provision of public utilities, facilities and services.

F. Compatibility of Uses and Structures. The mixed-use development is planned so land uses and densities create an appropriate transition to existing or planned uses and densities on adjoining properties.

G. General Site Design: The following characteristics shall be incorporated into the mixed-use development:

1. Pedestrian accessibility/concentration of development (critical mass) in a compact, walkable area.
 - a. Uses are concentrated to promote convenient pedestrian access. Large projects concentrate uses in multiple nodes, each preferably within a quarter-mile diameter.
 - b. Pedestrian circulation is clearly defined and connects all uses.
 - c. Bicycle and pedestrian access are provided internally and to adjacent developments.
 - d. Sidewalks are provided on each side of rights-of-way or private streets throughout the development and on the arterial streets abutting the development.
 - e. Strip commercial development characterized by single story uncoordinated, unconnected buildings with large street frontage parking lots is specifically prohibited. Strip malls with uncoordinated, unconnected out parcels are prohibited. All structures shall be fully integrated into the mixed-use project through common design themes (including, but not limited to, lighting, benches, landscaping, other decorative features but not necessarily building design), integration with a variety of uses, nonlinear arrangement, common spaces, pedestrian walkways, vehicular access connections and other features.
2. Plazas, courtyards and other common areas are provided for public gathering and interaction. Amenities, such as benches, planters, lighting, fountains, art and landscaping that further the design theme of the project and encourage interaction shall be provided.
3. Mixed-use projects require special attention to building design because of the relationship of land uses in close proximity. Functional integration of residential and commercial uses shall be considered during design of mixed-use projects. The following standards are intended to guide development of mixed-use projects:

City of Lorain Zoning Code

- a. The mixed-use development shall be designed and developed to provide an appropriate interrelationship between the various uses and structures within the development through the use of complementary materials, unified streetscape treatment, buffering, connectivity for vehicular and pedestrian movement, building orientation, parking location and height transition.
- b. Residential and commercial uses may be located within the same or adjoining structures, provided applicable building, health and safety regulations are followed.
- c. Structures shall provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Structures shall have consistent scale and massing to create a unified project. Compatibility with the immediate context is required. However, gradual transitions in scale and massing are permitted.
 - i. Blank walls shall be avoided by including ground floor windows, recesses, extensions and breaks in roof elevation.
 - ii. Design shall provide differentiation between ground level spaces and upper stories. For example, bays or balconies for upper levels, and awnings, canopies or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint, ornamentation, windows, or other features such as public art, may also be used.
 - iii. Design shall ensure privacy in residential sectors through effective window placement, soundproofing, landscape screening or orientation of outdoor living areas (e.g., balconies, porches and patios). Opposite facing windows at close distances should be offset vertically or horizontally, or employ appropriate materials (e.g., glazed or tinted) to protect privacy.
4. Housing diversity shall be required. At least two (2) different residential types, as listed in the Schedule of Uses, with a range of sizes shall be incorporated into the development.
5. Permitted flexibility in lot sizes, setbacks, street widths and landscaping shall result in a more livable development, preservation of natural features and creation of open space consistent with the policies of the comprehensive plan and this ordinance.

Section 7.07 Site Development Requirements.

In addition to the requirements of this article, all development in the mixed-use district shall meet the applicable requirements as listed elsewhere in this ordinance; provided, in the event of a conflict, the requirements of the Mixed-Use District shall supersede.

- A. Design Review Overlay Zone Requirements, see *Chapter 9*
- B. General Provisions, see *Chapter 10*
- C. Conditional Use Requirements, see *Chapter 11*
- D. Development Plan Review, see *Chapter 12*
- E. Landscaping and Buffering, see *Chapter 13*
- F. Parking and Loading, see *Chapter 14*
- G. Signs, see *Chapter 15*

CHAPTER 8 PLANNED UNIT DEVELOPMENT DISTRICT

Section 8.01 District Purpose.

The PUD District is established to promote creative land development and construction by encouraging flexibility and innovative practices that result in:

- A. A broader choice of living environments by allowing a variety of housing options, permitting greater density and reducing minimum dimensional requirements.
- B. A more useful pattern of open space and recreational amenities.
- C. A compatible mix of residential and non-residential uses resulting in cohesive, vibrant, walkable communities.
- D. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
- E. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
- F. A development pattern in harmony with the land use, transportation, and other objectives of the comprehensive plan.

Section 8.02 Qualifying Conditions.

At a minimum, all proposed planned unit developments shall meet the following qualifying conditions, as applicable, to be considered for approval:

- A. **Location.** Planned unit developments may be located in any part of the city, subject to meeting all other applicable requirements.
- B. **PUD Purpose.** The applicant shall demonstrate that the planned unit development will achieve two (2) or more of the purposes listed in *Section 8.01*.
- C. **Size.** The minimum site size for a planned unit development shall be based on the type of development, as shown in the following table. Churches, public or private schools, public buildings, and recreational amenities such as golf courses and health clubs, and their ancillary commercial uses such as club houses and pro shops, shall not be considered non-residential uses for purposes of this condition. Sites containing less than the minimum required acreage may be approved by city council, if the council determines that the site will advance the purposes of the planned unit development district and:
 - 1. Rezoning the property to PUD will not result in a significant adverse effect upon nearby properties;
 - 2. The proposed uses will complement the character of the surrounding area;
 - 3. The purpose and qualifying conditions of the PUD district can be achieved within a smaller area; and
 - 4. PUD zoning is not being used as a means to circumvent conventional zoning requirements.

Table 8.02-1, Minimum Site Size

PUD Type	Minimum Required Site Size
All residential	20 acres
Mixed residential/non-residential	30 acres
All non-residential	10 acres

City of Lorain Zoning Code

- D. **Housing Variety.** A residential planned unit development shall contain a variety of housing types and/or lot sizes to provide for varying lifestyles, diversity and affordability.
- E. **Utilities.** The planned unit development shall be served by public water and sanitary sewer facilities.
- F. **Ownership and Control.** The tract(s) of land for which a PUD application is submitted must be either in single ownership or the subject of an application filed collectively by all owners of the property. Each property owner, or their agent, must sign the PUD application.
- G. **Recognizable Public Benefit.** The planned unit development shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification(s). At least two (2) of the following benefits shall be accrued to the community as a result of the proposed PUD:
 - 1. Preservation of significant natural features,
 - 2. A complementary mix of land uses or housing types,
 - 3. Preservation of common open space beyond the minimum required,
 - 4. Connectivity of preserved open space with open space, greenways or public trails on abutting properties,
 - 5. Coordinated redevelopment of multiple lots or parcels,
 - 6. Removal or renovation of deteriorating buildings, sites or contamination clean-up.

Section 8.03 Allowed Uses.

Any land use or combination of uses may be considered for inclusion within a planned unit development.

Section 8.04 Development Provisions.

- A. **Minimum Lot Size and Zoning Requirements.** Lot area, width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting and other requirements for the district specified in the following table for the proposed use shall apply to all such uses within a planned unit development, unless modified in accordance with the provisions of *Section 8.04 B.* Within a PUD, the minimum buffer requirements specified in Section 13.04 B. between uses shall not apply; provided, the planning commission or city council may require separation or buffering of uses as a condition of preliminary plan approval.

Table 8.04-1, Zoning Requirements by Use Type

Land Use Type	Applicable Zoning district
Detached single family residential	R-2
Two family residential	
Attached single family residential	
Multiple family	R-3
Commercial	B-2
Industry	I-1
Public/Quasi-public	R-1A

- B. **Modification of Minimum Requirements.** Regulations applicable to a land use in the planned unit development district may be altered from the requirements specified in *Table 8.04-1*, including the following: modification from the lot area and width, building setbacks, height, lot coverage, signs and parking. However, a reduction in lot size shall not result in an increase in the number of dwellings otherwise permitted by the applicable zoning district. Land gained by the reduction in lot

City of Lorain Zoning Code

sizes shall be added to the open space required within the PUD. The applicant for a planned unit development shall identify, in writing, all proposed deviations from the zoning district requirements. Modifications may be approved by the city council during the preliminary development plan review stage, after planning commission recommendation. Adjustments to the minimum requirements may be permitted only if they will result in a higher quality and more sustainable development, consistent with the purpose of the planned unit development district, as expressed in *Section 8.01*.

C. **Density Bonus.** In addition to the modification of minimum requirements permitted in *Section 8.04 B*, the city council, after planning commission recommendation, may permit an increase in the total number of residential units otherwise allowed within a planned unit development, according to the requirements in *Table 8-4*, where it is demonstrated that:

1. The appearance and construction will result in a development of high quality, as evidenced by the innovative design and use of building materials such as stone, masonry, wood and hardie-plank, but not including vinyl; and
2. At least two (2) of the following will be included within the development:
 - a. Amenities, beyond the minimum required open space, will be provided to create a more sustainable community and desirable living environment;
 - b. Dedicated common open space is provided in excess of the minimum required, per *Section 8.04 D. 1*.
 - c. One (1) or more LEED-certified buildings will be constructed.
 - d. Significant natural features, including stands of mature trees, will be preserved and/or substantial landscaping beyond the minimum requirements will be incorporated into the development.
 - e. Decorative pavers or similar aesthetic enhancements will be incorporated into the vehicular and pedestrian circulation system.
 - f. A commercial and/or office component is proposed within the PUD.
 - g. Increased roof pitches will be incorporated into the residential design.
 - h. Three (3) or more public benefits, as identified in *Section 8.02 G.*, will be achieved.

D. **Common Open Space.** For purposes of the planned unit development requirements, "common open space" is defined as an area of land or water, or a combination of land and water, designed and intended for the perpetual use and enjoyment of the users of the development and/or the general public. Common open space may contain accessory structures and improvements necessary or desirable for educational, noncommercial, recreational or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to neighborhoods or dwelling unit clusters; formal parks, picnic- areas and playgrounds; pathways and trails; scenic open areas and communal, noncommercial recreation facilities; and natural conservation areas. At a minimum, the following regulations shall apply to all common open space within a planned unit development:

1. The area of common open space shall not be less than 20 percent of the total land area of a planned unit development containing any residential units and not less than 10 percent of the total land area in non-residential developments. Land dedicated for recreation, in accordance with *Section 8.04 D.3*, shall count toward the common open space requirement.
2. All common open space shown on the final development plan must be reserved or dedicated by conveyance of title to a corporation, association or other legal entity, by means of a restrictive covenant, easement or through other legal instrument. The terms of such legal instrument must include provisions guaranteeing the continued use in perpetuity of such open space for the purposes intended and for continuity of proper maintenance of those portions of the open space requiring maintenance.
3. The open space shall meet the following minimum dimensions, contiguity and connectivity requirements:

City of Lorain Zoning Code

- a. The required open space shall be centrally located, established along the street frontage of the development to protect or enhance views, located to preserve significant natural features, adjacent to dwellings, and/or located to interconnect other open spaces throughout the development or on contiguous properties.
- a. Required open space areas shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of these regulations and enhance the quality of the development. The open space shall neither be perceived nor function simply as an extension of the rear yard of those lots abutting it.
- b. If the site contains a lake, stream or other body of water, the city may require that a portion of the required open space shall abut the body of water.
- c. All required open space areas shall be configured so the open space is reasonably accessible to and usable by residents, visitors and other users of the development. The minimum size of any individual open space area shall be sufficient to achieve the visual and functional intent of the open space provisions and not simply be a remnant piece of land; and, further provided, that the city council, upon recommendation of the planning commission, may approve other open space areas designed and established as pedestrian or bicycle paths or are otherwise determined to be open space reasonably usable by residents, visitors and other users of the development.
- d. Open space areas are encouraged to be linked with adjacent open spaces, public parks, bicycle paths or pedestrian paths.
- e. Grading in the open space shall be minimal, with the intent to preserve existing topography, trees and other natural features, where practical.
- f. A sign, structure, or building may be erected within the required open space if it is determined to be accessory to a recreation or conservation use or an entryway. These accessory structure(s) or building(s), shall not exceed, in the aggregate, five (5) percent of the open space area. Accessory structures or uses of a significantly different scale or character than present in abutting residential districts shall not be located near the boundary of the development if they may negatively impact the residential use of adjacent lands. Pathways or sidewalks shall be exempt from this limitation.
- g. The following areas shall not qualify as required common open space for the purposes of this section.
 - i. The area within any public street right-of-way.
 - ii. The area within private road easements.
 - iii. The area within a subdivision lot.
 - iv. Land within any required yard or setback area.
 - v. Parking and loading areas.
 - vi. Fifty percent of any easement for overhead utility lines.
 - vii. Fifty percent of any steep slopes (12 percent or over).
 - viii. Seventy-five percent of any lake, stream, detention pond, wetlands or floodplain that is not generally accessible within the development. Accessible shall mean that the feature is bordered by a substantial open space area, park, playground, pathway or reasonable means of access for enjoyment of all owners, visitors or others, in which case 50 percent of the area may qualify as required common open space.
 - ix. Fifty percent of the area of any golf course.

E. Connectivity. Pathways for bicycles and pedestrians shall be incorporated throughout the planned unit development and along all perimeter streets to ensure connectivity between uses and with adjacent properties. Pathways and sidewalks shall be constructed in accordance with the city design standards.

Section 8.05 Application Procedure.

A. **Pre-application Conference.** Prior to submitting a formal application, the applicant shall schedule a meeting with the zoning administrator to discuss the zoning classification of the site, the applicable requirements and materials, the qualifying conditions, the review procedures and the proposed development concept. The zoning administrator shall notify other appropriate staff. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the city.

B. **Preliminary Planned Unit Development Review and Rezoning.** The following procedures shall be followed for the review of any planned unit development request.

1. **Application.** An application for rezoning to planned unit development district shall be submitted to the zoning administrator by the owner, owner's authorized representative or option holder of the property that is the subject of the application. The application shall be filed on a form provided for that purpose, along with a fee established by the city council, and a preliminary plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the planning commission. The applicant may, at his/her sole discretion, submit a final development plan, as specified in *Section 8.05 C.3*, in lieu of the preliminary plan; provided, all other review procedures of *Section 9.05 B* shall be applicable.
 - a. **Preliminary Plan.** A preliminary plan shall be submitted and include the following:
 - i. Name, address, phone number and email address of the applicant
 - ii. Name, address, phone number and email address of the professional or firm that prepared the plan
 - iii. Legal description of the property
 - iv. North arrow, scale and title block
 - v. General location map
 - vi. Existing zoning on the subject property and all abutting properties
 - vii. Property boundary survey
 - viii. Adjacent buildings and structures within 100 feet of the property boundaries
 - ix. All perimeter streets abutting the property, including right-of-way width
 - x. Existing topographic conditions (two (2) foot intervals)
 - xi. Existing natural features (woods, ponds, streams, wetlands, slopes greater than 12 percent)
 - xii. Approximate location of existing and proposed utilities, including a preliminary utility and drainage preliminary plan
 - xiii. Proposed uses within the planned unit development
 - xiv. Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common open spaces, areas to be developed by type of use, parking areas and easements
 - xv. Perspective sketches or photographs of representative building types, illustrating the proposed architectural style and building materials
 - b. **Project Narrative.** A written statement shall also be submitted with the application, providing the following information:
 - i. Statement of how the planned unit development meets each of the Qualifying Conditions specified in *Section 8.02*.
 - ii. Identification of the present owners of all land within the proposed project.
 - iii. Explanation of the proposed character of the planned unit development, including a summary of acreage by use, number and type of dwelling units, gross residential

density, area and percent of the project to be preserved as common open space, minimum lot sizes by type of use.

- iv. A complete description of any requested deviations, in accordance with *Section 8.04 B.*, from the minimum spatial or other requirements applying to the property.
- v. An explanation of why the proposed development should be given a density bonus, if applicable, in accordance with *Section 8.04 C.*
- vi. A general description of the proposed development schedule and anticipated phases.
- vii. Intended agreements, provisions and covenants to govern the use of the development, approval of building materials/architectural styles and open space areas to be preserved.

2. **Planning Commission Review.** Following receipt of a complete application package, the zoning administrator will cause the application materials to be forwarded to the planning commission for review. If the proposed project is located within the historic overlay district, the zoning administrator shall also distribute the application materials to the design review board for review and comment. Following receipt of a complete application and all required plans and information, the planning commission shall review the request and make a recommendation to the city council, as follows:

- a. *Recommendation.* Within 60 days following the zoning administrator's determination that the application is complete, the commission shall recommend to council that the preliminary plan and planned unit development zoning be approved as presented, approved with supplementary conditions, or disapproved. The recommendation shall be based on the standards of *Section 8.06*. However, the commission may, with the consent of the applicant, extend the 60 day time limit.
- b. *Project representation.* The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.

3. **City Council Action.** Within 45 days of receiving the recommendation from the planning commission, council shall schedule a public hearing and take final action on the request.

- a. *Notice of hearing.* Within 45 days of receiving the recommendation from the Planning Commission, the matter shall be scheduled for a public hearing. Public notice of the time, date, location and purpose of the hearing shall be provided, in accordance with the requirements of Ohio zoning law.
- b. *Public hearing.* The city council shall conduct a public hearing in accordance with its rules of procedure.
- c. *Action.* Within 45 days of the public hearing, council shall approve, approve with supplementary conditions or disapprove the preliminary plan, or final plan if the applicant chooses that option, and zoning change, based on the standards of *Section 8.06*.
- d. Failure of council to take final action within 45 days of the public hearing shall constitute an approval of the Planning Commission's recommendation, unless said 45 day period is extended with the consent, or at the request of the applicant. An affirmative vote of the Council majority is needed to approve or modify the Planning Commission's recommendation. To reverse the Planning Commission's recommendation requires the affirmative vote of three-fourths (3/4) of the Council members.
- e. *Conditions.* Failure of the applicant to comply with any conditions of approval shall be considered a violation of this ordinance and subject to all applicable enforcement, remedies and penalties provided for in this code.
- f. *Project representation.* The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.

City of Lorain Zoning Code

C. Final Planned Unit Development Review: The following procedures shall be followed for the review of the final development plan.

1. **Timing.** An application for final development plan approval shall be filed not later than 24 months after the date of approval of the preliminary plan and zoning change, otherwise the preliminary plan approval shall be considered expired. One (1) extension of up to 12 months may be authorized by the zoning administrator for reason/cause. The applicant shall submit the request for extension in writing, prior to the expiration of the original approval period, to the zoning administrator who shall make a written determination regarding his decision to extend or deny the extension. Both the request and the determination shall be made part of the record.
2. **Pre-application Conference.** Prior to submitting a formal application, the applicant shall schedule a meeting with the zoning administrator to discuss the applicable requirements and materials, compliance with conditions that may have been imposed as part of the preliminary plan approval, review procedures and conformance of the final development plan with the approved preliminary plan. The zoning administrator shall notify other appropriate staff. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the city.
3. **Application.** An application for approval of the final development plan shall be submitted to the zoning administrator by the property owner or owner's authorized representative. The application shall be filed on a form provided for that purpose, along with a fee established by the city council, including a final development plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the planning commission.
 - a. **Final Plan.** A final development plan, substantially consistent with the approved preliminary plan and containing all information required in *Section 12.05 (final site plan)*, shall be submitted with the required application form. If required, a plat may be submitted concurrently in accordance with the subdivision requirements of this ordinance.
 - b. **Project Narrative.** A project narrative shall also accompany the application and final development plan and provide the following:
 - i. Proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership and control of development and common areas;
 - ii. Identification of the entity responsible for maintenance of common areas;
 - iii. Description of all deviations from the otherwise applicable zoning requirements;
 - iv. Net and gross density of any residential component of the project;
 - v. Open space calculations, identifying the gross acreage and percent of lands to be preserved as common open space, including calculations by phase of the development, if applicable.
 - vi. Restrictions or requirements regarding architectural style and/or building materials;
 - vii. Improvements that would be the responsibility of the developer such as construction of roads, parks, utilities, pathways, sidewalks and similar elements; and
 - viii. An anticipated development schedule by phase, if applicable.
4. **Phased Projects.** If a proposed planned unit development is to be constructed in two (2) or more phases, final development plan approval may be granted for individual phases; provided, a complete plan for the entire development was first given preliminary plan approval and that each subsequent phase shall be submitted for final development plan approval and is consistent with the approved preliminary plan. The planning commission may require additional information beyond what is otherwise required if, in its judgment, more detailed information is necessary due to the size of the development; number of phases proposed; or the interrelationship of roads, utilities or drainage systems within the total site.

City of Lorain Zoning Code

5. **Planning Commission Action.** Following receipt of a complete application package, the zoning administrator shall cause the application materials to be forwarded to the planning commission for review. If the proposed project is located within the historic overlay district, the zoning administrator shall also distribute the application materials to the design review board for review and comment. Within 45 days after submission of a complete application and all required plans and information, the planning commission shall consider the application and take action to approve, approve with supplementary conditions, disapprove or table the final development plan, based on the review standards of *Section 8.06* and the standards of *Section 12.06*. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
6. **Performance Guarantee.** In conjunction with the approval of a final development plan, the petitioner may be required, at the planning commission's discretion, to provide a performance guarantee for all public and common improvements, in accordance with *Section 18.06*.
7. **Private Covenants and Restrictions.**
 - a. Covenants and restrictions for the property within any PUD district are required and must be recorded with the office of the county clerk prior to the approval of a plat or issuance of a building permit. These restrictions shall run with the land to ensure that, if subdivided or developed in phases, the covenants and restrictions shall still be enforced.
 - a. Covenants and restrictions shall:
 - i. Be based on the conditions attached to the approved PUD application;
 - ii. Subject each owner or person taking title to land located within the development to the terms and conditions of the covenants and restrictions as well as any other applicable regulations;
 - iii. Establish a property owners association (POA) with mandatory membership for each owner or person taking title to land located within the development, and require the collection of assessments from owners in an amount sufficient to pay for its functions; and
 - iv. Provide for the ownership, development, management, and maintenance of any private open space, private community parking facilities, private community meeting spaces, or other common areas, as required by *Section 8.04 D*.
8. **Expiration.** Final site plan approval shall expire 12 months after the date of final approval, unless substantial construction has been commenced and is continuing. An extension of up to 12 additional months may be granted, in accordance with the requirements of *Section 12.09*.

Section 8.06 Review Standards.

In considering a planned unit development request, the planning commission and/or city council, as applicable, shall find that the proposed development meets all applicable requirements and qualifying conditions, as well as the following general standards:

- A. **Purpose of PUD.** The proposed development shall be consistent with the stated Purpose of this district, as found in *Section 8.01*.
- B. **Qualifying Conditions.** The proposed development shall satisfy each of the Qualifying Conditions, as stated in *Section 8.02*.
- C. **Comprehensive Plan.** The planned unit development shall be consistent with the recommended future land use patterns, goals and relevant recommendations contained in the City of Lorain Comprehensive Plan.

City of Lorain Zoning Code

- D. **Surrounding Uses.** The development shall be compatible with the existing and intended uses surrounding the subject property.
- E. **Natural Environment,** The design and layout of the planned unit development shall be harmonious with the natural character of the site and surrounding area and shall employ best management practices to ensure their conservation.
- F. **Public Facilities and Services.** The proposed development shall not place undue burden on the capacity of public facilities and services such as, but not limited to, roads, fire and police protection, water, sanitary sewer service and drainage.
- G. **Health, Safety and Welfare.** The planned unit development shall not contain uses or conditions of use that may be injurious to the public health, safety or welfare.
- H. **Consistent with All Applicable Standards and Requirements.** The proposed development shall conform to all applicable requirements of this code, unless specifically modified and approved, as authorized by *Section 8.04 B.*
- I. **Final Development Plan.** The final development plan is substantially consistent with the representations made and plans shown during the prior preliminary plan stage of approval.
- J. **Recognizable and Substantial Benefits.** Approval of the planned unit development will result in a recognizable and substantial benefit to the users of the project and to the community which would not otherwise be feasible or achievable under conventional zoning districts. The development shall provide two (2) or more of the benefits specified in *Section 8.02 G.*

Section 8.07 Changes to an Approved PUD.

Changes to an approved final development plan shall be permitted only under the following circumstances:

- A. The holder of an approved final development plan shall notify the zoning administrator of any proposed change to the approved plan.
- B. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions or commitments imposed as part of the original approval. Minor changes shall include the following:
 1. Reduction in building size or increase in building size up to five (5) percent of the total approved floor area;
 2. Movement of a building or other structure by no more than 10 feet;
 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
 4. Changes in building materials to a comparable or higher quality;
 5. Internal changes in floor plans which do not alter the character or intensity of the use;
 6. Changes in parking layout that do not alter the number of spaces by more than five (5) percent of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area.
 7. Changes required or requested by a county, state or federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change to an approved final development plan that is determined by the zoning administrator to not be a minor change shall be considered a major change and amendment to the approved final development plan and shall be submitted and reviewed in accordance with the procedures established for the final development plan.

City of Lorain Zoning Code

D. When, in the sole judgment of the planning commission, the proposed change is a substantial deviation from the approved preliminary plan, the change shall be reviewed as a new application, in accordance with the provisions of *Sections 8.05 B* and *8.05 C*; provided, public hearings shall not be required, but may be conducted at the discretion of the planning commission and/or the city council.

Section 8.08 Existing PUDs.

Within the city, there are existing planned unit developments identified on the zoning map. These developments shall be exempt from the requirements of this chapter and shall conform to the prior approved development plans for each respective project. However, any expansion, alteration or modification of the existing approved developments that constitutes a major change, as defined in *Section 8.07*, shall be subject to the procedural requirements of *Section 8.07 C*.

Section 8.09 Site Development Requirements.

In addition to the requirements of this chapter, all development in the Planned Unit Development District shall meet the applicable requirements as listed elsewhere in this ordinance; provided, in the event of a conflict, the requirements of the PUD District shall supersede.

- A. Design Review Overlay Zone Requirements, see *Chapter 9*
- B. General Provisions, see *Chapter 10*
- C. Conditional Use Requirements, see *Chapter 11*
- D. Development Plan Review, see *Chapter 12*
- E. Landscaping and Buffering, see *Chapter 13*
- F. Parking and Loading, see *Chapter 14*
- G. Signs, see *Chapter 15*

CHAPTER 9 SPECIAL PURPOSE ZONING DISTRICTS

Section 9.01 District Purpose

- A. **OS, Open Space District.** Recognizing the importance of protecting and retaining large expanses of open lands that are devoted to environmental, leisure or related functions, this district is established to protect those areas and ensure that any change in their future use will necessitate a thorough review and amendment to the zoning regulations. In most cases, uses such as golf courses abut or are surrounded by residential neighborhoods that benefit from the serenity, openness and increased value that the areas afford. The loss of those assets could have a profound negative impact on the abutting lands and, therefore, their conversion to other purposes must be scrutinized in advance of any change.
- B. **HMD, Hospital Medical District.** The HMD Hospital Medical District is established to provide for hospital and medical facilities development with related hospital and medical oriented uses that complement each other in terms of functions being performed. This district shall be regulated and mapped to recognize the need for future expansion of present hospital and medical facilities and to provide for hospital related medical facilities.
- C. **DR-O, Design Review Overlay District.** This district is established in recognition that several areas within the city's core contain a wealth of historic and architectural resources that contribute to the richness of the community's character and enhance the overall heritage of the city, county and state. Some of these assets are concentrated together in blocks or other relatively contiguous groupings, while others are located on scattered sites in or near the central business district. This overlay district is established to allow the underlying districts to regulate use while ensuring an added level of review and control will be exercised to safeguard the historic and aesthetic importance of significant structures and places.

Section 9.02 Schedule of Allowed Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 9-2 may be used for the purposes denoted by the following abbreviations:

- A. **Permitted Use (P).** Land and/or buildings with this designation may be used for these purposes by right.
- B. **Conditional Use (C).** Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission upon a finding that all applicable requirements in Chapter 11 are satisfied.
- C. **Specific Conditions.** Indicates that conditions related to the specific use must be satisfied in addition to the review procedures and general criteria of Sections 11.02 and 11.03.

Table 9-2 Schedule of Uses: Special Purpose Districts

Use	Districts	Specific Conditions
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City of Lorain Zoning Code

	OS	HMD	DR-O ¹³	
Accessory Uses				
Accessory uses and structures	P	P		
Cafeteria facilities located within a principal use (not including dwelling units)	P	P		
Child care facilities located within a principal use	P	P		
Drive-in and drive-through facilities for automated teller machines, banks and pharmacies, not including drive-in restaurants		C		See Section 11.07D
Dwelling unit for watchmen and operating personnel and their families	C			
Single-user solar energy system as accessory to a principal use	C	C		
Health-Related Facilities and Services				
Ambulance service		P		
Assisted living facility		P		
Emergency care facilities		P		
Hospice centers		P		
Hospitals		P		
Inpatient and outpatient rehabilitation and detoxification facilities, providing rehabilitation and detoxification services for substance, alcohol and chemical abuse patients		P		
Inpatient psychiatric, psychological and counseling facilities		P		
Laboratory serving professional requirements, e.g. medical, dental, etc., not including manufacture of narcotics or pharmaceuticals		P		
Medical, dental, optical, psychiatric, physical therapy office, including clinics		P		
Medically-related educational facilities		P		
Mortuary or funeral home, not including crematoria		C		See Sec. 11.07G
Nursing home or extended care facilities.		P		
Optician and eyeglass sales		P		
Outpatient medical treatment facilities		P		
Outpatient psychiatric, psychological and counseling facilities		C		
Rehabilitation centers		P		
Retirement community		P		
Public/Quasi-Public				
Cemeteries	P			
Government buildings and facilities	P	P		
Pre-school nursery		P		
Recreation, Leisure, Food, Drink, Entertainment and Hospitality				
Amphitheater	C			
Campground	C			
Golf courses/country clubs	P			
Health/fitness clubs		P		

¹³ Uses allowed within the underlying zoning district shall be allowed within the Design Review Overlay District, subject to the same requirements

City of Lorain Zoning Code

Hotel/motel	P	C	P	
Private noncommercial outdoor recreation	P	C	P	
Public boat ramp	P	C	P	
Public parks/playgrounds	P	P	P	
Restaurant (standard)	P	P	P	
Restaurant (alcohol and/or entertainment)	P	P	P	
Retail				
Medical supplies and equipment	P	P	P	
Optical supplies	P	P	P	
Pharmacy	P	P	P	
Other Uses				
Financial institutions (banks, savings & loan, credit unions)	P	P	P	
Heliports and helipads	P	C	C	
Parking structures	P	C	C	
Wind energy conversion systems (single accessory)	P	C	C	<i>See Section 11.05C</i>
Wireless communication facilities and towers	C	C	C	<i>See Section 11.05D</i>
Uses of the same nature or class as uses listed in this district, but not listed elsewhere in this ordinance.	P/C	P/C	P/C	<i>See Section 10.26</i>

Section 9.03 Dimensional Requirements

All lots and buildings shall meet the minimum area and width requirements listed below in *Table 9-3* for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed for the respective districts.

Table 9-3, Schedule of Area, Height and Placement Requirements			
Requirements	Special Purpose Districts		
	OS	HMD	DR-O ¹⁴
Lot Area and Width			
Min. Lot Area (sq. ft.)	-	20,000	-
Min. Width (ft.)	100	100	-
Setbacks (min. ft.)			
Front	50	35	-
Rear	25	10	-
Side (interior)	25	10	-
Side (street)	50	35	-
Maximum Height and Lot Coverage			
Height (ft./stories)	35/2	45/4 ¹⁵	-
Coverage (%)	-	50	-

¹⁴ Minimum dimensional requirements within the underlying zoning district shall apply within the Design Review Overlay District

¹⁵ Hospitals may be a maximum of 100 feet or eight (8) stories

Section 9.04 Design Review Procedures

- A. **Applicability.** No permit shall be issued for the alteration, demolition, removal, or construction of any property or site within the design review overlay district or for any designated historic site or landmark structure unless the application has been reviewed by the design review board and a recommendation submitted to the zoning administrator, except as otherwise specifically exempted. However, if a recommendation is not received by the zoning administrator within 60 days, it shall be assumed to be a recommendation of approval.
- B. **Exceptions.**
 1. Maintenance and Repair. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any property, within a design review district under the provisions of this chapter, provided such work involves no change in material, design, texture, color or outer appearance; nor shall anything in this chapter be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any building or feature which the chief building official has designated as an unsafe building or feature.
 2. Fences, Landscaping and Signs. The erection, construction, removal or alteration of fences, landscaping and signs within the design review overlay district shall conform to the requirements of this ordinance and shall be reviewed and approved administratively by the zoning administrator who, in his sole discretion, may submit the application to the design review board for a recommendation; provided, this exemption shall not apply to fences, landscaping and signs appurtenant to designated landmark structures which shall be reviewed by the design review board.
- C. **Review and Permitting.**
 1. Pre-application Review. Applicants are strongly encouraged to meet with the design review board prior to submitting plans, architectural renderings or elevations to preliminarily discuss design concepts. Such discussions shall not be binding on the applicant or the board and no official action will be taken. Placement on the agenda shall be scheduled through the zoning administrator.
 2. Incomplete Application. Upon receiving an application, the zoning administrator shall determine if the application, including final plan, is complete in all respects as required by this section. Incomplete applications will be returned to the applicant as though no application had been received, with notice of deficiencies and non-filing.
 3. Complete Application. Upon the determination that an application, including final plan, is complete, the zoning administrator shall forward copies of the application and plan to the design review board.
 4. Technical Review. The zoning administrator shall review all plans and specifications with regard to compliance with the technical requirements of this chapter and all other ordinances and laws of the city. Following review, the zoning administrator shall forward written comments and a recommendation to the design review board for its consideration.
 5. Design Review. The design review board shall review the plan to determine compliance with the provisions of this chapter with respect to the design, color, placement and materials of proposed buildings and structures. Following its review, the design review board shall approve, approve with conditions, or deny the application and forward its decision to the zoning administrator and applicant.
 6. Project Representation. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.

City of Lorain Zoning Code

7. Permit. Upon approval or approval with conditions by the design review board, the zoning administrator shall issue a permit accordingly.
8. Reapplication. Applications that have been denied shall not be resubmitted within 12 months from the date of denial; provided, in his/her sole discretion, the zoning administrator may permit consideration of a substantially revised application.

D. **Required Submissions.** In addition to the requirements of *Section 12.05*, final plans for development within the design review overlay district shall include facade elevation drawings, color renderings, and specifications as may be necessary to clearly illustrate the architectural design elements of the building or structure, including the construction materials, size, and color of all elements. A material sample board shall also be provided showing examples of proposed materials and colors to be used for all exterior elements.

E. **Design Standards.**

1. In considering the appropriateness of any change, the design review board shall take into account, in addition to any other pertinent factors; the historical and architectural style and significance of the property; general design, arrangement, texture, material and color of the proposed change as related to the property in its present condition, and the relation thereof to the same or related factors in other properties, sites and areas in the immediate vicinity; and the potential economic enhancement of the community through the protection of property values.
2. Attention shall be taken to avoid the environmentally harmful effect often created by the clash of contemporary materials with those of older origin, such as aluminum or other metals, plastic, fiberglass and glass improperly used with brick, stone, masonry, and wood.
3. New developments within the design review district shall be compatible with the existing or planned character of the immediate surrounding area.
4. The design review board shall adhere to the criteria and guidelines for design review established pursuant to the terms of this chapter. Guidelines shall promote the conservation, development, and use of properties, sites and districts within the City and shall seek to preserve the special historic architectural, community or aesthetic integrity of the district.
5. The design review board may, at its discretion, seek and consider the advice of design consultants.

F. **Variances.**

1. Variances from the provisions of this chapter may be granted by the board of zoning appeals only if all of the following findings are made:
 - a. Strict conformity with the provisions of this chapter cannot be met without undue hardship due to physical circumstances or conditions of the property;
 - b. that granting the variance will not cause substantial detriment to the public good.
2. The procedures for consideration of variances to this ordinance shall be in accordance with the requirements of *Chapter 19*, except that the following criteria shall be used to determine the merits of a requested variance.
 - a. The proposed color, material or design will not substantially conflict with existing structures in the vicinity.
 - b. The proposed color, material or design is unlikely to set a precedent leading to similar requests which would generate or accelerate adverse changes in the vicinity.
 - c. The proposed color, material or design will not have any negative impact on present or planned historic sites or development in the vicinity.

City of Lorain Zoning Code

- d. If granted, the variance will not significantly affect fully compliant structures in the vicinity.
- e. The variance will not grant special privileges to the applicant not available to other similarly situated properties within the overlay district.
- f. No grant of a variance shall be binding upon or act as a precedent on future applications.

Section 9.05 Site Development Requirements

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

- A. Design Review Overlay Zone Requirements, see *Chapter 9*
- B. General Provisions, see *Chapter 10*
- C. Conditional Use Requirements, see *Chapter 11*
- D. Development Plan Review, see *Chapter 12*
- E. Landscaping and Buffering, see *Chapter 13*
- F. Parking and Loading, see *Chapter 14*
- G. Signs, see *Chapter 15*

CHAPTER 10 GENERAL PROVISIONS

Section 10.01 Minimum Requirements.

In their interpretation and application, the provisions of this zoning ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern.

Section 10.02 Conformance Required.

No building, structure or land shall hereafter be used or occupied, and no structure or part of a structure shall be erected, constructed, reconstructed, moved, or structurally altered, unless in conformity with all regulations specified for the zoning district in which it is located.

Section 10.03 Unlawful Buildings and Uses.

Any building, use, or lot which has been unlawfully constructed, occupied or created prior to the date of adoption of this ordinance shall continue to be unlawful, unless expressly permitted by this ordinance. Such unlawful buildings, uses or lots shall not be considered nonconforming buildings or uses or lots of record and shall not be afforded any protections or allowances otherwise granted to legally nonconforming buildings, uses or lots.

Section 10.04 Yards and Lots Are Minimum.

No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered, or reduced as to make the area or space smaller than the minimum required under this ordinance. If already less than the minimum size required, the area or space shall not be further divided or reduced.

Section 10.05 Application of Area and Yard Regulations.

All yards or other open spaces required by the provisions of this zoning ordinance shall remain open and unoccupied by any building or structure, except that accessory buildings may be built within required rear yards in Residential Districts, as provided in *Section 10.029*.

Section 10.06 Access to Buildings.

All buildings shall be located on a lot adjacent to a public street, or to an approved private street, and all buildings shall be located on lots so to provide safe and convenient access for servicing, fire protection, and required off-street parking.

Section 10.07 Projections into Yards.

A. Open structures such as porches, canopies, balconies, carports, covered patios and similar architectural projections with roofs shall be considered part of the building to which attached and shall not project into a required front, side or rear yard.

City of Lorain Zoning Code

B. When an existing porch encroaches upon a required yard, the enclosing of the porch shall be limited to panels of screen and/or glass. The area of panels from a point 30 inches above the porch floor shall be 80 percent glass and/or screening. Glass panels may be adjustable or removable to permit ventilation. No additional or enlarged opening may be provided between the porch and the main structure to enlarge the habitable area. The porch shall not be heated or air conditioned.

Section 10.08 Fences and Walls.

- A. The erection of a fence shall require a fence permit. The application for a fence permit shall be accompanied by a plot plan and payment of a fee in accordance with the schedule of fees established by the city council.
- B. Fences shall include all the following: walls, hedges, prefabricated fences, wood fences, picket fences, wire fences, grape stake fences, and any ornamental decoration used to enclose an area of property to prevent trespass or for aesthetics.
- C. Fences shall be permitted to be erected along any property line, with the decorative side displayed to the adjoining property, provided that the adjoining property owner consents to the erection of the fence along the joint property line. Should there be an existing fence along such property line, another fence along the same property line shall be prohibited; provided, a fence may be erected if the distance between the two fences is sufficient to allow the maintenance of both fences and the area between them. The owner of a fence shall be responsible for the maintenance of the fence; keeping it free from weeds and rubbish; in a good state of repair; painted, upright and sturdy; free from broken boards and rust. Should the neighboring property owner object to the installation of the fence upon the property line, a minimum distance of one (1) foot shall be maintained between the lots, whether on the side yard or rear yard. No fence shall be erected within two (2) feet of any street or alley right-of-way line and any fence in the front yard shall conform to the requirements of *Section 10.09* for clear vision corners.
- D. A fence not less than six (6) feet above grade shall be constructed around the rear yard of any property upon which an in ground or above ground pool is located. The fence may be constructed or installed to enclose all or such lesser portion of the rear yard as the property owner desires, however such fence, at a minimum, must enclose the entire pool and may not be in violation of any restrictions related to the permissible location of fences along lot lines. Pools shall only be located in rear yards. Above ground pools may use attachable pool fencing to a minimum height of six (6) feet above grade with a tilt up lockable ladder.
- E. The height of all fences shall be measured from the natural grade to the highest point of the fence. Fences shall follow the contour of the ground as far as possible. At his/her sole discretion, the zoning administrator may allow minor deviation from the height regulations to account for variations in the topography of the lot and/or the use of pre-fabricated fence components.
- F. Fences erected in Residential Districts shall not exceed a height of six (6) feet. No fence that encloses a rear yard or side yard shall be erected closer to the front lot line than the front building line of the principal building. Fences erected in Commercial or Business Districts shall not exceed a height of seven (7) feet. Such fence shall enclose only the rear and side yard areas and shall not be permitted to pass the front building line. Fences erected in an Industrial District shall not exceed eight (8) feet in height, except that if the lot being fenced abuts a Commercial or Business District, the maximum permitted height shall be seven (7) feet, and if the lot being fenced abuts a Residential District the maximum permitted height shall be six (6) feet. No fence taller than three (3) feet high shall be erected in the front yard within any zoning district.
- G. On corner lots, no fence shall be erected within 20 feet of the public right-of-way to either corner; provided, fences adjacent to parking lots may be erected within 10 feet of a public right-of-way.

City of Lorain Zoning Code

H. No fence, hedge, bushes or ornamental decoration shall be permitted to impair the vision of traffic or pedestrians in the use of the public right-of-way.

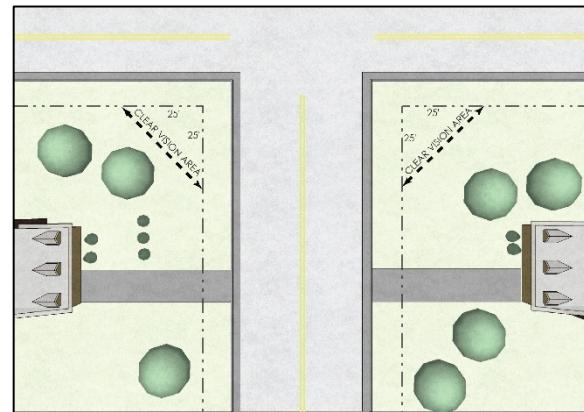
I. No fence shall be constructed of barbed wire or razor wire, or be in any way electrified, or be topped with broken glass, spikes, or other sharp-edged materials. In Industrial Districts only, a fence may be topped with barbed wire provided that it is installed at an angle of forty-five degrees to the inside of the fenced area, and away from any adjoining property, sidewalk, or right-of-way. The height of the topmost strand of wire shall not exceed eight (8) feet and the minimum height of the lower most strand of wire shall not be lower than seven (7) feet.

J. All solid fences shall provide for the proper drainage of water and outlets shall be placed at the bottom of the fence to eliminate possible accumulation of water or other adverse effects.

K. All fenced enclosures shall be provided with gates to permit the entry of safety personnel. Gates shall not be less than three (3) feet in width. No gate shall swing over a public right-of-way.

Section 10.09

Clear Vision Corner.



In all zoning districts, except the B-3, Downtown District, signs, fences, walls, structures, benches, shrubbery or other potential obstructions to vision, shall not be permitted to exceed a height of three (3) feet within a triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points located on those intersecting right-of-way lines 25 feet from the point where the right-of-way lines intersect; provided, utility poles, street lights and street signs shall be exempt from this requirement.

Section 10.10

Lots on Major Thoroughfares; Exception.

Where a lot fronts on a street identified on the City's Major Thoroughfare Plan, the setback for the required front yard shall be measured from the proposed right-of-way line, if different than the existing right-of-way. Similarly, for corner lots, the width of the required side yard shall be measured from the proposed right-of-way line.

City of Lorain Zoning Code

Section 10.11 Setback Requirements and Measurement.

A building shall not be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the setback requirements of the district in which it is located. All setbacks shall be measured from the property lines. If located on a private road, the setback shall be measured from the easement line.

Section 10.12 Front Setback.

All yards abutting upon a public street right-of-way or private street easement shall be considered as front yards for setback purposes, except as otherwise provided in this ordinance.

Section 10.13 Corner Lots.

On corner lots, the minimum setback requirements shall be met in accordance with the provisions of applicable dimensional requirements for the respective zoning district. Each corner lot shall be comprised of a front yard, a street side yard, an interior side yard, and a rear yard opposite the front yard. The yard having the shortest length abutting the public right-of-way or private street easement shall be considered the "front" yard.

Section 10.14 Cul de Sac Lots.

In the case of lots abutting cul-de-sac streets, the minimum required lot width shall be measured at the required front setback line. Cul-de-sac lots shall have a minimum width of 40 feet at the front lot line; provided, if the minimum required lot width is less than 40 feet, the minimum width at the front lot line shall be at least 60 percent of the minimum required width.

Section 10.15 Through Lots.

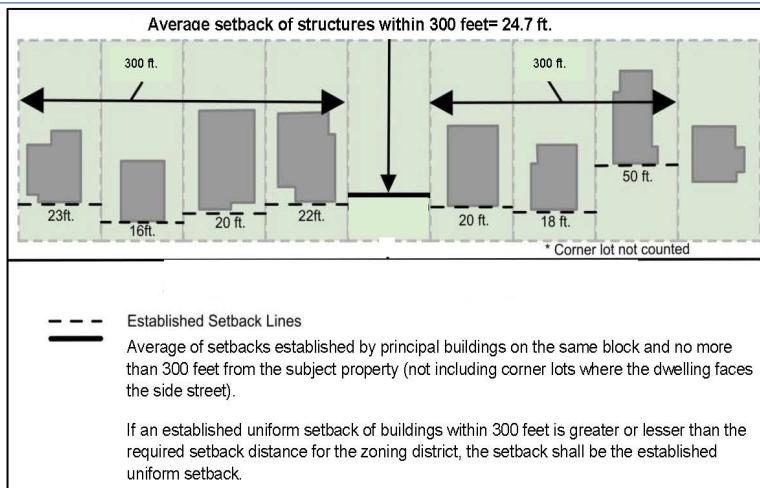
On through lots, the minimum front yard requirement shall be met on each street in accordance with the provisions of this ordinance.

Section 10.16 Uniform or Average Setback.

In Residential, Business or Industrial Districts, the required front yard setback shall be modified in the following situations:

City of Lorain Zoning Code

A. **Uniform Setback Line.** Where a uniform setback line of more, or of less, than the normal setback distance has been established on one side of a street between two intersecting streets or for a distance of 300 feet on each side of the lot in question, no building hereafter erected or structurally altered shall project beyond such uniform setback line.



B. **Average Setback Line.** Where no uniform setback line is observed, but the average setback of lots abutting upon one side of a street between two intersecting streets or for a distance of 300 feet on each side of the lot in question is built up with principal buildings having an average setback line of more, or of less, than the required setback distance, no building hereafter erected or structurally altered shall project beyond such average setback line.

Section 10.17 Manufactured Homes or Trailers

- A. A manufactured home or trailer shall not be permitted as a principal building or an accessory building.
- B. No person shall occupy a manufactured home or trailer for living purposes except in an established manufactured home community.
- C. A manufactured home or trailer may be used as a temporary office or building incidental to construction or development of the premises on which the unit is located, but only during the time construction or development is actively underway.
- D. A manufactured home or trailer may be used as a sales office shall cease and it shall be removed from the property no later than one (1) year after the first home in the development has been completed.

Section 10.18 Restoring Unsafe Buildings.

Nothing in this ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the building official, or required to comply with his lawful order; provided, such restoration shall be subject to and completed in accordance with the City of Lorain building code and all other applicable ordinances. Nonconforming buildings and uses shall also be subject to the limitations of *Chapter 16* of this ordinance and *Section 15.23* of the City of Lorain Codified Ordinances concerning the abatement of any nuisance resulting from the existence of an unsafe building, structure or property.

Section 10.19 Encroachment into Right-of-Way.

No buildings, structures, service areas or off-street parking and loading facilities, except driveways, shall be permitted to encroach on public rights-of-way.

Section 10.20 Illegal Dwellings.

City of Lorain Zoning Code

The use of any basement or floor area below base flood elevation for dwelling purposes is prohibited in all zoning districts, unless the basement or floor area meets the applicable building code requirements. Buildings erected as garages or accessory buildings, except approved accessory dwelling units, shall not be occupied for dwelling purposes.

Section 10.21 Height Exceptions.

- A. In any district, the height of public or semi-public buildings, hospitals, churches and other places of worship, schools and educational institutions may be increased to 60 feet; provided, required side and rear yards are each increased by one (1) foot for each foot of additional building height above the maximum height permitted within the district in which the building is located.
- B. In any district, the height limitation for the district may be exceeded by a monument, spire, or shaft intended for ornamental purposes only.
- C. In any Business or Industrial district, the height limitation may be exceeded by structures requiring special design on account of their particular use in industry or commerce, such as chimneys, stacks, detached water towers, electrical transmission towers, and similar uses, provided they otherwise comply with zoning regulations and are approved by the zoning board of appeals.

Section 10.22 Mechanical Appurtenances.

- A. Mechanical units located on the ground shall be located in the rear or side yard, not closer than three (3) feet to adjoining property. The mechanical equipment shall be architecturally integrated or appropriately screened by shrubbery or fencing to limit visibility from the street and neighboring property when reasonably possible. Screening shall comply with the requirements of *Section 13.04C*.
- B. If located on the roof of a building or in a location that cannot otherwise be screened, the equipment shall be enclosed or designed in a manner that is architecturally integrated with the building where it is located.
- C. Mechanical units shall not be placed within any easement.

Section 10.23 Outdoor Storage.

Outdoor storage of merchandise, equipment, supplies, products or other materials shall only be permitted as a conditional use within those districts and under such conditions as specifically authorized by this ordinance.

Section 10.24 Parking, Storage and Repair of Vehicles.

- A. It shall be unlawful for the owner, tenant or lessee of any building or land within the city to permit the open storage or parking of any inoperable motor vehicle, machinery or equipment, or parts thereof, outside of an enclosed garage or enclosed building, for a period of more than 48 hours. An inoperable motor vehicle for purposes of this subsection shall include motor vehicles which, by reason of dismantling, disrepair or other cause, are incapable of being propelled under their own power, or are unsafe for operation on the streets and highways of this state because of the inability to comply with the Ohio Motor Vehicles and Traffic Code, or do not have a current license and registration as required for operation by the Ohio Motor Vehicles and Traffic Code.

City of Lorain Zoning Code

- B. The repair, restoration and maintenance of vehicles in any residential district or on property containing a dwelling unit, shall be conducted entirely within an enclosed building, except for those activities that can be and are completed in less than 24 hours. All such repair shall take place on private property and may not be conducted within the public right-of-way.
- C. It shall be unlawful for the owner, tenant or lessee of any lot or building in a residential district or on property containing a dwelling unit to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, any truck having a rated load capacity in excess of one (1) ton, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked for purposes of construction being conducted on that lot.

Section 10.25 Parking and Storage of Recreational Vehicles.

Recreational vehicles may be parked or stored outside an enclosed building on any lot within a residential district; provided, the following requirements are met:

- A. Recreational vehicles shall not be parked or stored within a front yard; provided, such vehicle may be parked on a driveway for a period not exceeding 48 hours within seven (7) consecutive days for the purpose of cleaning, maintenance, or preparation.
- B. Recreational vehicles may be stored year-round within a non-required side or rear yard; provided, the vehicle is on a hard-surfaced area of a length and width at least equal to the full length and width of the recreational vehicle and is screened from view of adjoining properties in accordance with the requirements of *Section 13.04C*. The required hard surface shall consist of either 4" of Portland cement, 4" of asphalt, or 4" of compacted 304 or 57 size limestone materials.

Section 10.26 Similar Uses.

Every type of potential use cannot be addressed in this ordinance, each district provides for "similar uses" referencing this section. All requests for a use not specifically addressed in any zoning district shall be submitted to the zoning administrator for review, based on the following standards.

- A. A finding has been made by the zoning administrator that the proposed use is not listed as a permitted or conditional use in any zoning district.
- B. If the use is not addressed in this ordinance, the zoning administrator shall select the use listed which most closely approximates the proposed use, using criteria such as the nature of the use, conformance with the purpose of the zoning district in which it is proposed, aesthetics, traffic characteristics, and potential nuisance effects (noise, vibration, dust, smoke, odor, glare, hours of operation).
- C. Once a similar use is determined, the proposed use shall comply with any conditions and review procedures that may apply to that use, including the conditional use requirements of *Chapter 11*, as applicable.
- D. If the zoning administrator determines a proposed use is not similar to any use addressed in the ordinance, the applicant may petition for an amendment to the ordinance, as described in *Chapter 20*.
- E. The determination as to whether a proposed use is similar in nature and class to another permitted or conditional use within a district shall be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the zoning administrator to be similar shall thereafter be included in the enumeration of the uses.

Section 10.27 Principal Use.

City of Lorain Zoning Code

A lot or parcel shall not be devoted to more than one (1) principal use, or contain more than one (1) principal building; except for groups of multiple family buildings, commercial establishments or industrial buildings which are determined by the zoning administrator to be a principal use collectively, based on the following considerations:

- A. individual buildings share common parking areas;
- B. access to the buildings/uses is provided via shared access drives or streets;
- C. buildings are under single ownership; or
- D. individual activities support one another (such as auto dealership/vehicle repair or a convenience store/restaurant/gas station).

Section 10.28 Accessory Buildings and Uses.

- A. **Permitted Accessory Buildings and Uses.** Accessory buildings and uses shall be permitted in all residential district, in accordance with the requirements of this section.
- B. **Attached Garages.** A private garage, carport, or similar structure, which is attached to the principal building, shall be considered structurally a part thereof and shall comply in all respects with the requirements applicable to the principal building.
- C. **Yard Requirements.**
 - 1. Accessory buildings and structures shall not be located in any front yard and shall not be placed closer than five (5) feet to any other building on the lot.
 - 2. Play equipment including swing sets and trampolines shall not be permitted within any front yard or street side yard.
 - 3. The overhang of an accessory building shall not exceed two (2) feet in any residential district.
 - 4. The following setback requirements shall apply to all accessory buildings as noted.

Setback Requirements for Accessory Buildings		
Districts	Minimum Foundation Setback (in feet) From:	
	Side and Rear Property Line	Rear lot line abutting neighboring side lot line
R-1A	10	10
R-1B and R-1C	5	5
R-2 and R-3	3	5

- D. **Lot Coverage.**
 - 1. The total area of accessory buildings in the rear yard of a lot may not cover more than 35 percent of that rear yard.
 - 2. A principal building and accessory building in combination shall not exceed the maximum lot coverage limits specified in *Table 4-3* of this ordinance.
- E. **Maximum Size.**
 - 1. An accessory building may not exceed 14 feet in height, measured at the midpoint between the roof eave and ridge line.
 - 2. The aggregate area of all accessory buildings on a lot shall not exceed the following:

Total Maximum Permitted Accessory Building Area by District	
District	Maximum Area (sq. ft.)
R-1A	864
R-1B	780

City of Lorain Zoning Code

R-1C	672 ¹⁶
R-2 and R-3 (single-family detached and two-family)	576 ¹⁶
R-2 and R-3 (single-family attached or multiple-family)	550/dwelling unit

Section 10.29 Swimming Pools.

Private swimming pools are permitted as accessory uses in residential districts provided that:

- A. The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which the pool is located and their guests.
- B. The pool shall not be located in any front or side yard or closer than 10 feet to any property line or principal building. Decks, patios and walkways around the pool shall be no closer than five (5) feet to any side or rear property line.
- C. The swimming pool area or the rear yard in which the swimming pool is located, shall be walled or fenced so as to prevent the uncontrolled access to the swimming pool from the street or adjacent properties.
- D. For all in ground pools, the fence or wall shall not be less than four (4) feet or greater than six (6) feet in height above grade level, and shall be equipped with a latched, lockable gate for emergency ingress and egress. All aboveground pools shall be fenced as above, or have a side wall, fence or rail not less than six (6) feet in height above grade level, and shall be equipped with a tilt up lockable or removable ladder.

Section 10.30 Water and Sanitary Sewer Service.

No structure for human occupancy shall, after the effective date of this ordinance, be erected, altered or moved upon any lot or premises and used, in whole or in part, for dwelling, business, industrial, institutional or recreational purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial waste. Such installations and facilities shall conform to the minimum requirements for such facilities as established by the city, county, state and other relevant government codes, ordinances and standards.

Section 10.31 Voting Place.

The provisions of this ordinance shall not interfere with the temporary use of any property as a voting place in connection with a federal, state, county, municipal or other public election.

Section 10.32 Requirements for Single-Family Dwellings Outside of a Manufactured Home Community.

All dwelling units located outside of manufactured home communities shall comply with the following requirements:

¹⁶ If the lot exceeds an area of 9,000 sq. ft., the accessory building may be up to 780 sq. ft.

City of Lorain Zoning Code

- A. All dwelling units shall provide a minimum height between the interior floor and ceiling of seven and one-half (7½) feet or if a manufactured home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.
- B. The minimum width of any single-family dwelling unit shall be 24 feet for at least 67 percent of its length, measured between the exterior part of the walls having the greatest length.
- C. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling four (4) feet in depth, with a vapor barrier consisting of two (2) inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The building official may allow an alternative building plan to be utilized if consistent with the approved construction code of the city.
- D. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code adopted by the city or, if a manufactured home, shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards."
- E. The wheels, pulling mechanism, and tongue of any manufactured home shall be removed prior to placement on a foundation.
- F. All dwellings shall be connected to a sanitary sewer system and water supply system approved by the city and/or County Health Department.
- G. All dwellings shall provide steps or porch areas, permanently attached to the foundation where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two (2) points of ingress and egress.
- H. All additions to dwellings shall meet all the requirements of this ordinance.

City of Lorain Zoning Code

- I. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides or alternatively with window sills or roof drainage systems, concentrating roof drainage at collection points along sides of the dwellings. The compatibility of design and appearance shall be determined in the first instance by the building official upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the zoning board of appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of residential dwellings located within 500 feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- J. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this ordinance, shall be submitted to the building official. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in this section.
- K. All manufactured homes shall meet the standards for manufactured home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the city.
- L. A minimum of 100 square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure approved by the zoning administrator.

CHAPTER 11 CONDITIONAL USES

Section 11.01 Scope.

It is recognized that certain land uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, and circulation that each specific use must be considered individually. These specific uses as they are conditionally permissible under the provisions of the district regulations shall follow the procedures and requirements of this chapter, as applicable.

Section 11.02 Application and Review

- A. Unless otherwise specified, the planning commission shall be responsible for reviewing and deciding upon all requests for conditional uses.
- B. Requests for approval of a conditional use shall be submitted to the zoning administrator on a form for that purpose, along with an application fee and a final site plan as specified in *Chapter 12*. The zoning administrator shall review the application and final site plan for completeness, as well as conformance with the requirements of the zoning district in which the property is located and the applicable standards for the use as specified in this chapter. If the application and plan are complete, the material will be forwarded to the planning commission for action; provided, if the subject property is located within the design review overlay district or on property containing a designated historic or landmark structure, the materials shall also be forwarded to the design review board for review and comment.
- C. The planning commission or design review board, as applicable, shall review the application, site plan and any supplementary materials, and shall conduct a public hearing which shall be held at the next available meeting following receipt of the application and acknowledgement by the zoning administrator that the application is complete.
 1. Before holding the public hearing, notice shall be given in one or more newspapers of general circulation in the city at least seven (7) days before the date of the hearing. The notice shall set the time and place of the hearing and the nature of the proposed conditional use.
 2. Before holding the public hearing, written notice shall also be mailed by first class mail at least 10 days before the hearing to all owners of property abutting and directly across the street from any part of the premises for which a conditional use is being requested.
- D. Following the public hearing, the planning commission or design review board, as applicable, shall consider recommendations from city staff and comments from the public. Based on this input and the conformance of the request with the general standards of *Section 11.03* and any specific standards of this chapter related to the proposed conditional use, the application shall be approved, approved with conditions, tabled or denied.
- E. If an application for conditional use is found to meet all applicable standards of this ordinance, it shall be approved.
- F. If denied, the applicant may appeal the decision to the appropriate court in accordance with Chapter 2505 and 2506 of the Ohio Revised Code.

Section 11.03 General Review Standards

In addition to the specific requirements for conditionally permissible uses as specified in this chapter, the planning commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall determine that each use at the proposed location:

- A. Is, in fact, a conditionally permissible use within the zoning district in which the property is located.
- B. Will be consistent with the city's comprehensive plan and zoning ordinance.
- C. Will be designed, constructed, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the vicinity.
- D. Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
- E. Will not involve uses, activities, processes, material, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- F. Will have vehicular approaches to the property that are the minimum necessary to provide adequate and safe access to the property.
- G. Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of significant importance.

Section 11.04 Specific Use Conditions – Food, Drink, Entertainment & Hospitality

A. Bars, Taverns and Night Clubs.

- 1. The establishment shall meet all requirements of Ohio state law.
- 2. Live entertainment or other forms of amplified music may be provided outdoors, only if the establishment is at least 1,000 feet from any residence.

The requirements of related to outdoor seating, as specified in this section, shall also apply.

B. Bed and Breakfast.

- 1. A bed and breakfast shall be operated at all times in accordance with State of Ohio requirements.
- 2. A bed and breakfast shall not provide more than five (5) guest rooms, plus a common area for use by all guests.
- 3. A bed and breakfast establishment shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 1,500 square feet of living area. For each guest room in excess of two (2), an additional 100 square feet of floor area shall be required.
- 4. The bed and breakfast shall be the principal residence of the owner, who shall reside there when the bed and breakfast is in operation. If the owner is not in residence in the dwelling unit for 14 consecutive days or more, the bed and breakfast shall be closed until the owner returns.
- 5. Meals for guests shall be limited to breakfast and evening snack.
- 6. There shall be at least one (1) parking space provided for each guest room, in addition to the parking spaces required to serve the principal residence.
- 7. One sign, not exceeding six (6) square feet, shall be allowed for identification purposes. Sign lighting shall be down-lit and shielded from view off site. Internally lighted signs are not permitted.
- 8. Cooking facilities in bed and breakfast guest rooms are prohibited.
- 9. Exterior refuse storage facilities shall be screened from view on all sides by a six (6) foot solid decorative fence or wall, or by other screening approved by the zoning administrator.

City of Lorain Zoning Code

10. In addition to the site plan required by this ordinance, a floor plan of the dwelling unit and the use of each room shall also be submitted with the conditional use application.

11. No use other than as the owner's principal residence and as a bed and breakfast shall be permitted.

C. Outdoor Seating for Restaurants, Bars and Similar Establishments.

1. The outdoor seating area shall not obstruct pedestrian movement along adjacent sidewalks. A minimum sidewalk width of five (5) feet shall remain unobstructed between the limits of the outdoor seating area and the outer edge of the walkway.

2. The outdoor seating area shall be surrounded by a decorative fence or similar enclosure with access only from within the building.

3. Outdoor seating capacity shall be included in the computation of required parking.

4. Limitations may be imposed upon hours of operation, live music, outdoor sound amplification, and/or lighting where the proposed use may create nuisance effects upon adjacent or nearby residential uses.

D. Public Boat Ramp.

1. A minimum site size of one (1) acre shall be provided.

2. Evidence of state and/or federal approvals, as applicable, shall be provided.

3. Paved parking shall be provided to accommodate vehicles and trailers.

4. Restroom facilities shall be installed.

E. Restaurants, Drive-in or Drive-Through.

1. Sufficient vehicular stacking capacity for the drive-in or drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of eight (8) stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation, fire lanes, parking spaces and egress from the property by vehicles not using the drive-in or drive-through portion of the facility.

2. Public access to the site shall comply with the driveway spacing standards of *Section 14.06* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest edge of pavement to the nearest edge of pavement.

3. Internal circulation and access to/egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.

4. Menu boards with speakers for the transmission or broadcasting of voices or music shall be oriented and/or muffled to prevent sound from being audible beyond the boundaries of the site.

F. Sexually Oriented Businesses.

City of Lorain Zoning Code

1. Purpose. The proximity of sexually oriented businesses to certain uses considered particularly susceptible to the negative impacts of the concentration of sexually oriented uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime, and contribute to a blighting effect on the surrounding area. There is convincing documented evidence, all of which is relevant to the problems and conditions that could prevail in this city, of the deleterious effect that sexually oriented businesses have on both existing businesses around them and the surrounding residential areas to which they may be adjacent. Therefore, the following purposes are served by these regulations:
 - a. This section describes the uses regulated and the specific standards necessary to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses, and to require sufficient spacing from uses considered most susceptible to negative impacts.
 - b. These provisions are not intended, nor shall they have the effect of, imposing a limitation or restriction on the content of any communicative materials including, but not limited to, sexually oriented materials that are protected by the First Amendment to the United States Constitution.
 - c. Additionally, it is not the intent of the provisions of this section, nor shall it have the effect of, restricting or denying access by adults to sexually oriented materials that are protected by said federal and state constitutions.
 - d. Further, it is not the intent of these provisions, nor shall they have the effect of, denying access by the distributors and exhibitors of sexually oriented entertainment to their target market.
 - e. These regulations shall not be interpreted as intending to legitimize any activities that are prohibited by federal or state law, or by any other ordinance of the City of Lorain.
 - f. The provisions of this section shall apply to all uses defined in this ordinance as sexually oriented businesses.
2. Conditional Use Approval.
 - a. The application for and review of the conditional use request for a sexually oriented business shall be processed, as specified in Section 11.02; provided, that the planning commission shall only make a recommendation to approve, approve with conditions or deny the application. The recommendation shall be made to the city council.
 - b. Upon receipt of the recommendation, the city council shall make a decision to approve, approve with conditions or deny the application for conditional use approval. At the discretion of either body, a public hearing, duly noticed in accordance with the provisions of *Section 20.03*, may be conducted.
3. Location of Sexually Oriented Businesses.
 - a. A sexually oriented business shall not be located within 1,000 feet, measured in a straight line from the nearest property line of the sexually oriented business to the nearest property line of:
 - i. Any place of religious worship;
 - ii. Any school;
 - iii. The boundary of any residential zoning district;
 - iv. A public park or recreation area;
 - v. Any public library;

City of Lorain Zoning Code

- vi. A day care facility;
- vii. An establishment selling alcoholic beverages;
- viii. A youth activity center; or
- ix. The property line of a lot devoted to residential use.

- b. A sexually oriented business shall not be operated, established, substantially enlarged, or have ownership or control of such a business transferred within 500 feet of another sexually oriented business.
- c. For the purpose of this article, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use or location specified in Subsection 3.a.
- d. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant of conditional approval, of any use specified in Subsection 3.a. This provision does not apply if conditional use approval has expired or has been revoked.

4. Management and Employees. Employees of such establishments must be at least 18 years of age. A manager must be on duty and responsible for activities at the establishment at all times.
5. Nudity at Any Sexually Oriented Business.
 - a. The United States Supreme Court decision in Barnes v. Glen Theater, Inc., 501 U.S. 560, 111 (1991) which upheld the rights of communities to prohibit live public exposure of a person's private parts, specifically applies to sexually oriented businesses (regardless of whether or not conditional approval has been granted to the business under this section) where no alcoholic beverages are sold, served, or consumed at the premises.
 - b. Public nudity is prohibited within the city, including any sexually oriented business. Any sexually oriented business which is found in violation of this section shall have its conditional approval rescinded pursuant to the provisions of this section.
 - c. This section shall prohibit the employment or use of any person, in any capacity, in the sale or service of beverages and/or food while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva and genitals.
 - d. Live entertainment where any person appears in the manner described in Subsection 5.a. may not perform and/or simulate acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act prohibited by law. Also prohibited shall be the caressing or fondling of the breast, buttocks, anus and/or genitals. Also prohibited will be the displaying of the male or female pubic hair, anus, vulva or genitals.
 - e. Nude dancers/entertainers may not dance among the audience. The entertainer must perform on a stage separate from the audience and built at least two (2) feet above the audience level. No adult entertainer shall be allowed to walk or mingle among the audience unless the performer is fully clothed.
 - f. No advertisements, handbills, marquees or any other form of advertisement may use sexual language or display nudity where the advertisement may be viewed by the public.
 - g. Proper care shall be exercised to assure that no nudity is in view of the public.
 - h. Adult entertainers/dancers may not solicit tips from the customers.
6. Additional Regulations for Adult Motels.

City of Lorain Zoning Code

- a. Evidence that a sleeping room in a hotel, motel, boarding house or a similar commercial establishment has been rented and vacated two (2) or more times within less than 10 hours creates a reasonable presumption that the establishment is an adult motel as that term is defined in this ordinance.
- b. A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, boarding house or similar commercial establishment that has not received conditional approval as a sexually oriented business, he rents or subrents a sleeping room to a person and, within 10 hours from the time the room is rented, rents or subrents the same sleeping room again.
- c. For purposes of this subsection, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

7. Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos. If a sexually oriented business, other than an adult motel, contains a viewing room of less than 150 square feet for showing a film, video cassette, DVD, digital display or other video reproduction depicting specified sexual activities or specified anatomical areas, the following requirements shall apply:

- a. Upon application for conditional use approval, the application shall be accompanied by a diagram of the premises showing a plan specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and identifying any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram must be oriented to the north or to some designated street or object and be drawn to a designated scale or with marked dimensions sufficient to show the interior dimensions of all areas of the premises to an accuracy of plus or minus six (6) inches.
- b. The application shall be sworn to be true and correct by the applicant.
- c. No alteration in the configuration or location of a manager's station may be made without approval.
- d. It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from at least one (1) manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video display equipment. The required view must be by direct line of sight from the manager's station.
- f. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the required view area remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and that no patron is permitted access to any area which has been designated in the application as an area in which patrons will not be permitted.
- g. No viewing room may be occupied by more than one (1) person at any time. No holes, commonly known as "glory holes" shall be allowed in the walls or partitions which separate each viewing room from an adjoining room or restroom.

City of Lorain Zoning Code

- h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) footcandle as measured at the floor level. It shall be the duty of the owners and operator and of any agents and employees in the premises to ensure that the illumination is maintained at all times that any patron is in the premises.
8. **Prohibitions Regarding Minors.** A person shall be guilty of a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for the business, and knowingly or with reasonable cause to know, permit, suffer, or allow:
 - a. Admittance of a person under 18 years of age to the premises, unless accompanied by a parent or guardian;
 - b. A person under 18 years of age to remain at the premises, unless accompanied by a parent or guardian.
 - c. A person under 18 years of age to purchase goods or services at the premises without the specific consent of a parent or guardian; or
 - d. A person who is under 18 years of age to work at the premises as an employee.
9. **Advertising and Lighting Regulations.**
 - a. It shall be unlawful and a person shall be guilty of a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not conditional use approval has been issued, and advertises the presentation of specified sexual activities contrary to any applicable state statute or local ordinance.
 - b. It shall be unlawful and a person shall be guilty of a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not conditional use approval has been issued, and displays or otherwise exhibits the materials and/or performances available at such sexually oriented business in any advertising which is visible outside the premises. This prohibition shall not extend to advertising the existence or location of the sexually oriented business.
 - c. The operator shall not allow any portion of the interior premises to be visible from outside the premises.
 - d. All off-street parking and premise entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1) footcandle of light on the parking surface and walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required site plan of the premises.
 - e. Nothing contained in this section shall relieve the operator(s) of a sexually oriented business from complying with all other applicable requirements of this ordinance, as it may be amended from time to time, or any subsequently enacted city ordinances or regulations.
10. **Hours of Operation.** It shall be unlawful and a person shall be guilty of a misdemeanor if:
 - a. he/she operates or causes to be operated a sexually oriented business, regardless of whether or not conditional approval has been granted, and allows the business to remain open, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 1:00 a.m. and 9:00a.m. on any particular day and between 12:01 a.m. Sunday and 9:00 a.m. Monday.

City of Lorain Zoning Code

- b. an employee of a sexually oriented business, regardless of whether or not conditional approval has been granted for the business, engages in a performance, solicits a performance, makes a sale, solicits a sale, provides a service or solicits a service between the hours of 1:00 a.m. and 9:00a.m. on any particular day and between 12:01 a.m. Sunday and 9:00 a.m. Monday.

Section 11.05 Specific Use Conditions – Public/Quasi-Public Uses

- A. **Places of Religious Worship.** The purpose of these requirements is to integrate places of religious worship into the fabric of Lorain's neighborhoods, but not at the expense of the residential character of those areas. Therefore, the scale of the facility, parking lots and related uses shall be compatible with abutting homes and in character with the surrounding neighborhood.
 1. When located in a residential district, in addition to the above stated general conditions, places of religious worship shall be subject to the following requirements:
 - a. Minimum lot area shall be two (2) acres.
 - b. Minimum lot width shall be 200 feet.
 - c. At least one (1) property line, meeting the minimum width requirement of the zoning district, shall abut and have direct access to an arterial or collector street.
 - d. To the extent practical, shared parking arrangements should be employed with other uses in the vicinity, in accordance with the provisions of *Section 14.2.C.*
 2. Places of religious worship shall not be permitted within the area along Broadway Avenue from Erie Avenue on the north to 9th Street on the south, extending west to Reid Avenue and east to the Black River.
- B. **Schools, K-12.** The purpose of these requirements is to integrate schools into the fabric of Lorain's neighborhoods, but not at the expense of the residential character of those areas. Therefore, the scale of the school, parking lots and related uses shall be compatible with abutting homes and in character with the surrounding neighborhood. When located in a residential district, in addition to the above stated general conditions, schools K-12 shall be subject to the following restrictions:
 1. Minimum lot area shall be two (2) acres.
 2. Minimum lot width shall be 200 feet.
 3. Maximum building height may be up to 55 feet.
 4. At least one (1) property line, meeting the minimum width requirement of the zoning district, shall abut and have direct access to an arterial or collector street.
 5. To the extent practical, shared parking arrangements should be employed with other uses in the vicinity, in accordance with the provisions of *Section 14.2.C.*
 6. All buildings, parking areas and outdoor activity areas (ball fields, tennis courts, playgrounds, bleachers, etc.) shall be set back a minimum of 50 feet from any side or rear property line.
 7. Lighting for night-time activity areas shall be directed and shielded so the light source is not visible from any surrounding residential use. All lighting, including building and security lighting shall be located to prevent glare on adjacent properties and streets.
- C. **Wind Energy Conversion Systems.**
 1. General requirements.
 - a. The minimum lot area for installation of a commercial wind energy conversion system (WECS) shall be 12,000 square feet.
 - b. The power rating of a single accessory WECS turbine shall not be greater than 25 kW.

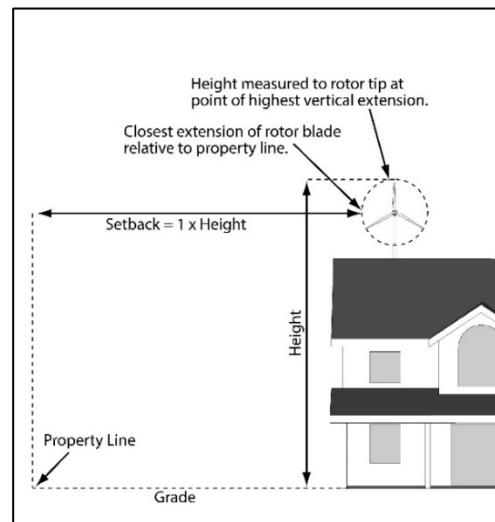
City of Lorain Zoning Code

- c. A single accessory WECS shall provide energy only to the structures and uses on the same property upon which the tower is located and must be owned or leased by the owner of the same property. However, this does not prevent power generated beyond the needs of the structures or uses on the property to be distributed to a utility company through net metering. Except for the utility company, power generated by the WECS may not be provided to any other property or entity.
- d. Sound attributed to a single accessory WECS in excess of 55 dB(A) shall not be discernible at the property line.
- e. A sign, not exceeding three (3) square feet in area naming the manufacturer may be affixed to the base of the tower or to the nacelle; no other signs are permitted on the WECS.
- f. Lights on or directed toward a WECS are not permitted.
- g. A single accessory WECS shall be painted in a neutral matte color, such as gray or light blue, to blend with the sky. A building mounted WECS may be painted in colors complementary to those of the building.
- h. A single accessory WECS shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding. Emergency shut-off information shall be posted on the tower in a location that can be easily seen.
- i. A single accessory WECS shall employ an anti-climbing device or be designed to prevent climbing and other unauthorized access.
- j. The installation of a single accessory WECS shall not interfere with signal transmission or reception of an existing fixed broadcast, re-transmission or reception antenna for radio, television or wireless phone or personal communication systems.
- k. The applicant shall provide written evidence that the WECS complies with all applicable federal, state and county requirements, in addition to city ordinances.
- l. All single accessory WECS installations shall comply with applicable ANSI (American National Standards Institute), National Electric Code and National Building Code standards, as adopted by the State of Ohio, Lorain County and the City of Lorain.
- m. A WECS shall be removed when the device or equipment is no longer operating or when it has been abandoned. A WECS shall be deemed abandoned when it has not produced electrical energy for 12 consecutive months.
- n. An existing and approved single accessory WECS may be repaired and maintained; however, a WECS may only be replaced with a new WECS upon approval of the planning commission; provided, the new WECS is of the same height, rotor diameter, setback, etc. as the WECS it replaces. A new or replacement WECS shall mean all of the WECS, excluding the tower or support structure.

City of Lorain Zoning Code

2. Ground-mounted single accessory WECS.

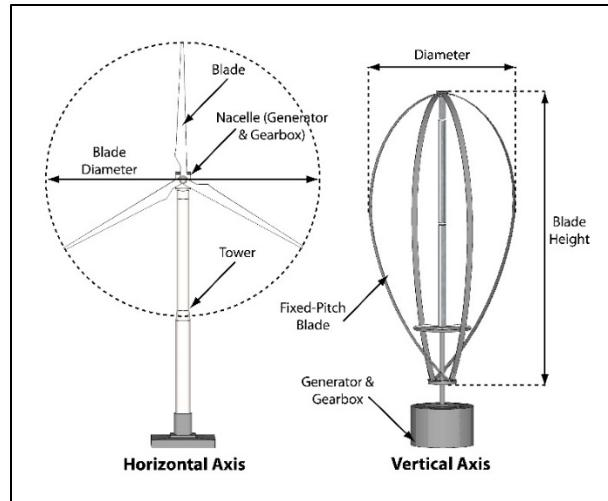
- a. A ground mounted single accessory WECS shall not be located within any front yard and shall be located at a distance at least equal to its height from all property lines. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line. No part of a single accessory WECS (including guy wire anchors) shall be located within or above a required setback.



- b. WECS height shall be limited based on the setback requirements in Subsection 2.a; provided, on a property less than one (1) acre in area, the height shall not exceed 50 feet; and on property one (1) acre or greater the height shall not exceed 75 feet.
- c. The minimum rotor blade tip clearance from grade and from any structure shall be 20 feet.
- d. The diameter of the rotor depends on maximum single accessory WECS height and rotor blade tip clearance, but in no case shall it exceed 50 feet.
- e. The tower used to support a WECS shall be adequately anchored and meet applicable standards, as certified by a structural engineer registered in the State of Ohio.

3. Building Mounted Single Accessory WECS.

- a. The diameter of the rotor shall not exceed 20 feet.
- b. WECS height shall not exceed the maximum permitted height for principal buildings in the district, plus 15 feet.



- c. A single accessory WECS shall be separated from adjoining property lines a distance equal to the height of the building (ground to peak) measured at the point where the WECS is mounted plus the height of the WECS. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line.
- d. A building mounted single accessory WECS shall not be mounted to the vertical face of a gable end or dormer that is visible from the street. To the greatest degree possible, the WECS shall be mounted to the building in the least visible location.

City of Lorain Zoning Code

- e. The mount and the structure used to support a building mounted WECS shall meet applicable standards, as certified by a structural engineer registered in the State of Ohio.
4. **Discretionary Conditions.** The planning commission may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of a WECS, including, but not limited to, the following:
 - a. The preservation of existing trees and other vegetation not required to be removed for installation of a WECS.
 - b. The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a WECS.
 - c. Altering the location of the WECS to prevent impacts on neighboring properties; provided, all other requirements of this section are met.
5. **Performance Guarantee.** A performance guarantee may be required, in accordance with the provisions of *Section 18.06* and conditioned upon the timely and faithful performance of all required conditions, including but not limited to the timely and complete removal of a WECS, regulated under the terms of the section. The performance guarantee shall remain in effect during and after the operation of a WECS until its operations have ceased and it has been removed.

D. Wireless Communication Facilities and Towers.

1. **Required Approvals.** The placement of wireless communications facilities and towers shall meet the following approval requirements:
 - a. *Installation of New Towers.* The construction and installation of any new tower shall only be in accordance with the review and approval procedures of this chapter.
 - b. *Installation of New Antenna.* The installation of new antenna(s) on existing towers, including legal non-conforming towers, and existing alternative structures (such as water towers, buildings, or church steeples) may be approved by the zoning administrator, subject to all requirements of this section. Any new antenna that will add either 10 percent or 20 feet, whichever is less, above the highest point of any existing tower or alternative structure shall be subject to the provisions of this section for the installation of new towers, as described below.
 - c. *Installation of New Accessory Structures.* The installation of new accessory structure(s), such as equipment buildings, to support the installation of additional antennas on existing towers or alternative structures may be approved by the zoning administrator.
2. **Removal.** Any tower unused or left abandoned for 12 consecutive months shall be removed by the property owner at his/her expense. Regardless of the tower ownership, the property owner shall be responsible for removal. Upon the request of the planning commission, the operator of any facility to which this provision applies shall provide documentation of the use of that facility for the purpose of verifying any abandonment.
3. **Interference with Public Safety Facilities.** No new wireless communications facilities or tower shall result in any interference with public safety telecommunications.
4. **Required Documentation for all Facilities.** In addition to the requirements provided in this section for conditional approval, applications for new towers, new antenna, and new related facilities, including equipment mounted on an existing building, shall include the following:
 - a. *Engineer's Report.* A report from a professional engineer licensed in the State of Ohio that:
 - i. Describes the height and design of any new tower and/or antenna including a cross-section, latitude, longitude, and elevation;

City of Lorain Zoning Code

- ii. Describes or updates (in the case of new antenna) the tower's capacity, including the type and number of antennae it can accommodate;
- iii. Certifies compliance of the construction specifications with all applicable building codes (including but not limited to the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces: ice, wind, earth movements, etc.);
- iv. Certifies that the facility will not interfere with established public safety telecommunication facilities; and
- v. Includes the engineer's seal and registration number.

- b. *Letter of Intent*. A letter of intent committing the tower owner, property owner, antenna owners, and their successors to allow the shared use of the tower.
- c. *Proof of Compliance*. Copies of any required approvals from the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and all other appropriate state and federal agencies.
- d. *Removal Affidavit*. A letter committing all parties, including the property owner and his/her successors, to remove the tower and all related accessory structures, fences, landscaping, and equipment if the tower is abandoned (unused for a period of 12 consecutive months). The removal affidavit shall be recorded in Lorain County, with a copy of the recorded affidavit provided to the City of Lorain zoning administrator.

5. **Determination of New Tower Need**. Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification from a professional engineer licensed in the State of Ohio that the antenna(s) planned for the proposed tower cannot be accommodated on any existing or approved towers or other structures within a two (2) mile radius of the proposed tower location due to one or more of the following reasons:

- a. *Existing Public Site*. There are no existing publicly owned towers or sites suitable to accommodate the proposed tower or antennas.
- b. *Inadequate Structural Capacity*. The antenna(s) would exceed the structural capacity of an existing or approved tower or other structure.
- c. *Interference*. The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site.
- d. *Inadequate Height*. The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at the height necessary.
- e. *Land Availability*. Additional land area is not available (when necessary).

6. **Design Requirements for new Towers and Related Facilities**. All telecommunications facilities shall meet the following design requirements:

- a. *Lighting*. Tower lighting shall only be as required for safety or security reasons or as required by the FAA or other federal or state authority. All ground level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90 degree cut-off luminaries (shielded down lighting).
- b. *Co-Location*. All telecommunication towers shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicant's equipment and at least one (1) additional user for every 50 feet in total tower height in excess of 75 feet.
 - i. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.

City of Lorain Zoning Code

- ii. Towers must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.
- c. *Height.* All towers and antenna shall conform to FAA tall structure requirements. The maximum height of accessory structures shall be 15 feet.
- d. *Signs.* Signs for all telecommunications facilities shall be permitted up to a total of four (4) square feet per user and mounted on the fence.

7. Site Requirements for new Towers and Related Facilities. All telecommunications facilities shall meet the following site requirements:

- a. *Vehicular Access.* Vehicle access drives may be gravel or paved and shall be located within an access easement that is a minimum of 20 feet in width. Any portion of the entrance located in a public right-of-way shall meet the applicable public street design, construction, and pavement requirements for the City of Lorain.
- b. *Site Area.* The lot (or lease area) where the tower is located shall be large enough to accommodate all future anticipated accessory structures needed by future antenna users. The size of the site shall also be of sufficient area to allow the location of one additional tower and associated support facilities.
 - i. The arrangement of the initial tower and the topography of the site shall be considered in determining the sufficiency of the site area.
 - ii. At a minimum, the width and depth of the tower site shall be a distance equal to the tower height. The tower shall be placed within the property, so it is no closer to any lot line than one-half ($\frac{1}{2}$) the tower height.
 - iii. All tower supporting and stabilizing wires shall be located within the site area.
- c. *Setback.* The required setbacks for the tower and related facilities shall be as follows:
 - i. Side and rear setback. The minimum side and rear setback for all facilities, including the security fence, shall be 25 feet.
 - ii. Front setback. The minimum front setback for all facilities shall be as specified by this ordinance for the zoning district in which it is located. No part of a wireless telecommunications facility, including the security fence, and any required guide wires or bracing shall be permitted in the required front setback.
 - iii. Additional setback from residential districts. No facility shall be placed closer than one and one-half ($1\frac{1}{2}$) times the total height of the tower or 200 feet, whichever is greater, to any property located within a residential district.
 - iv. Additional landscaping. Landscape screening, in addition to the requirements of this section, may be provided in the setback area.
- d. *Encroachment.* No part of any telecommunications facility nor associated lines, cables, equipment, wires or braces shall at any time extend across or over any part of a public right-of-way, sidewalk, or property line.
- e. *Fencing.* An eight (8) foot high security fence shall completely surround the tower and accessory equipment building site. Any deterrents, such as barbed wire, shall be at least seven (7) feet above grade.
 - i. Required landscape screening, as described in Subsection D 8, shall be located outside of the required fence.
 - ii. If located within a residential district, the required security fence enclosing the facility shall be 100 percent opaque. Chain link fence may be used; provided, it is covered by a green or black wind screen. Opaque, eight (8) foot tall gates shall be provided for access.

City of Lorain Zoning Code

- f. *Design review districts.* No new telecommunications tower shall be located within any design review district; provided, one (1) or more telecommunications antennae may be located on existing towers or public facilities.
8. Landscape Screening. Evergreen buffer plantings shall be located and maintained around the outermost perimeter of the security fence of all wireless communications facilities. The landscape plan for the site shall specify plants in a number and design to provide a screen of the fence, all equipment and the base of the tower, as determined by the planning commission.
 - a. If evergreen shrubs are used, they shall be planted a maximum of five (5) feet apart on center.
 - b. If evergreen trees are used, they shall be planted a maximum of 10 feet apart on center.

Section 11.06 Specific Use Conditions – Residential

A. Accessory Dwelling Units.

1. An accessory dwelling unit may only be located within or attached to a single-family detached dwelling.
2. Occupancy of the accessory dwelling unit shall be limited to grandparents, parents, children, step-children, or grandchildren of the family occupying the principal dwelling.
3. The accessory dwelling unit shall share the same sewage disposal and water supply systems as the principal dwelling unit.
4. A minimum of one (1) off-street parking spaces shall be provided for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.
5. The accessory dwelling unit shall be limited in size to a maximum of 25 percent of the total living area of the principal dwelling.
6. The accessory dwelling may contain no more than a living area, one (1) bedroom, one (1) bath and a kitchenette (including a small refrigerator, microwave oven, stove and sink).
7. The property owner shall live in the principal or accessory dwelling as the principal place of residence.
8. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.

B. Adult Day Service Facility.

1. Proof of licensing from the State of Ohio for the facility shall be provided.

C. Boarding House.

1. The boarding house uses shall be so designed, maintained and operated as to comply with inspection and rules of applicable city or county health agencies and the regulations of all other applicable City codes, and to minimize possible disruptive effects on the character of adjacent and nearby properties.
2. The boarding house shall be the principal residence of the owner, who shall reside there when the boarding house is in operation. If the owner is not in residence in the dwelling unit for 14 consecutive days or more, a resident manager shall reside on the premises. In no case, however, shall the owner be absent for a period exceeding 60 days.
3. The boarding house shall contain a minimum of 2,000 square feet of livable area.
4. A maximum of five boarders shall be permitted, regardless of the size of the dwelling.
5. Parking shall be provided in accordance with *Chapter 14* at a ratio of one (1) space per boarder, plus two (2) for the principal dwelling. The design and construction of parking areas, service areas and access drives shall be as approved by the planning commission.

City of Lorain Zoning Code

6. The property must have approved public sanitary sewer and water facilities and meet applicable fire and safety standards.
7. Meals may be served in a common dining area to boarders but shall not be made available on a commercial basis to the general public.
8. Cooking facilities in guest rooms are prohibited.
9. Exterior refuse storage facilities shall be screened from view on all sides by a six (6) foot solid decorative fence or wall, or by other screening approved by the planning commission.
10. In addition to the site plan required by this ordinance, a floor plan of the dwelling unit and the use of each room shall also be submitted with the conditional use application.

D. Home-Based Child Care (six or more).

1. Proof of licensing from the State of Ohio for the facility shall be provided.
2. The use shall only be located within an occupied dwelling.
3. Hours of operation shall be between 6 AM and 9 PM, unless otherwise approved by the Planning Commission based upon a finding under particular circumstances of no negative impact on neighboring properties or the surrounding area.
4. Outdoor play areas shall be completely enclosed by a chain link or solid fence or wall at least four (4) feet high.

E. Home Occupation.

1. The home occupation shall be carried on entirely within the principal dwelling unit and not occupy more 25 percent of the total floor area of the dwelling. No business shall be conducted in an accessory building
2. There shall be no change to the exterior of the dwelling or premises with the exception of one (1) non-illuminated exterior sign, not more than two (2) square feet in area, attached to the wall of the dwelling.
3. No persons other than members of the family residing in the dwelling unit shall be engaged in the home occupation.
4. Equipment used in the conduct of the home occupation shall be limited to that customarily found in a home. No mechanical equipment or activity shall create dust, noise, odor, or electrical disturbance beyond the confines of the lot on which the occupation is conducted.
5. There shall be no sale of goods on the premises and no outdoor display of articles, merchandise or products shall be permitted.
6. Traffic shall not be generated in greater volume than would normally be expected in a residential neighborhood.

F. Residential Social Services.

1. A license or evidence of obtainability of a license, other than city licensing, from all applicable governmental units or agencies shall be submitted with the conditional use application. When a license is not required of the applicant by a governmental unit or agency, a written affidavit shall be presented by the agency to which the applicant is accountable stating that no license is required. The affidavit shall further describe the procedures that have been established in lieu of licensing to assure proper exercise of agency-established guidelines.
2. The sponsoring agency's operational and occupancy standards shall be provided with the conditional use application.

City of Lorain Zoning Code

3. Documentation shall be provided which indicates the responsibilities of both the sponsoring agency and the facility operator in terms of services, programs and care.
4. All residential social service facilities shall meet the following requirements:
 - a. Proof of state licensing shall be provided.
 - b. A resident manager shall occupy the facility full-time.
 - c. The facility shall contain at least one (1) bedroom for each two (2) tenants, in addition to the bedroom for a resident manager; provided, no more than 12 persons, plus the resident manager, shall occupy the home.
 - d. Individual cooking facilities shall not be permitted within resident rooms.
 - e. Paved off-street parking shall be provided, in accordance with the requirements of Chapter 14, at a ratio of at least .25 parking spaces for each allowed tenant, plus one (1) space for the resident manager. Parking in excess of two (2) spaces shall be located within the rear yard.
 - f. The residential social services home shall be located no closer than 1,200 feet to any other sober living facility or any residential social services facility, boarding house, K-12 school, public park, or day care facility.

G. Sober Living Facility.

1. A resident manager shall occupy the facility full-time.
2. The facility shall contain at least one (1) bedroom for each two (2) tenants, in addition to the bedroom for a resident manager; provided, no more than six (6) tenants shall be permitted to reside at the facility.
3. Individual cooking facilities shall not be permitted in tenant rooms.
4. Paved off-street parking shall be provided, in accordance with the requirements of Chapter 14, at a ratio of at least .25 parking spaces for each allowed tenant, plus one (1) space for the resident manager. Parking in excess of two (2) spaces shall be located within the rear yard.
5. All new structures shall be compatible in design with the surrounding neighborhood.
6. The sober living facility shall be located no closer than 1,200 feet to any other sober living facility or any residential social services facility, boarding house, K-12 school, public park, or day care facility.

Section 11.07 Specific Use Conditions – Retail and Service-Oriented Uses

A. Check Cashing Establishments, Pay-Day Lenders, Pawnshops and Similar.

1. The use shall be:
 - a. located at least 1,000 feet, measured lot line to lot line, from the nearest check cashing establishment, pay-day lender, deferred presentment lender, pawnshop or title loan company, and
 - b. located within a commercial shopping center with a combined floor area of all businesses being 30,000 square feet or more; or
2. The use shall be wholly contained within a single grocery store or general merchandise retail building having at least 30,000 square feet of floor area, with no separate public access to its portion of the premises, and is at least 1,000 feet, measured lot line to lot line, from the nearest check cashing establishment, pay-day lender, deferred presentment lender, pawnshop or title loan company.

B. Consumer Fireworks Sales, Temporary.

City of Lorain Zoning Code

1. Temporary structures for the sale of fireworks must be located within 1,000 feet of a fire hydrant or a fire department connection of a building, unless the chief administrative officer of a fire department gives permission in writing stating otherwise.

2. The duration of a temporary consumer fireworks retail sales facility shall initiate upon conditional use approval and terminate within 90 days after initiation.

C. Crematorium.

1. No crematorium shall be located closer than 200 feet to any lot line and no closer than 500 feet to any residential district boundary.

D. Drive-through Facilities for Automated Teller Machines, Banks and Pharmacies.

1. Where a drive-through facility is added to an existing building and the addition is within the limits specified in Table 12-2 for administrative site plan review, the zoning administrator shall be responsible for review and approval of the conditional use.

2. Stacking space for at least four (4) vehicles shall be provided at each window or machine.

3. Stacking spaces shall be located so as not to interfere with vehicular circulation, parking spaces and egress from the property by vehicles not using the drive-through portion of the facility.

4. Public access to the site shall comply with the driveway spacing standards of *Section 14.06* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway.

5. Internal circulation and access to/egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.

E. Greenhouse/Nursery with Retail Sales.

1. A minimum lot size of one (1) acre shall be required.

2. All outdoor display and storage areas shall meet the conditional requirements of Section 11.07H; provided, materials shall only be stored or stockpiled in the side or rear yard.

F. Kennels and Pet Day Care.

1. Kennels and pet day care facilities that include outdoor runs/exercise areas shall not be located adjacent to a residential or mixed-use district boundary.

2. Minimum lot size shall be two (2) acres.

3. No outdoor dog runs or animal exercise areas shall be located in a front yard.

4. Outdoor runs/exercise areas shall be set back a minimum of 75 feet from all property lines or the required setback for the zoning district, whichever is greater; provided, no less than a 100 foot setback shall be maintained from any residential dwelling.

G. Mortuary or Funeral Home.

1. A minimum lot size of two (2) acres shall be required.

2. An off-street vehicle assembly/staging area shall be provided for funeral processions and activities in addition to the required off-street parking and maneuvering area.

3. No waiting lines of vehicles shall extend off site or onto adjacent public streets.

4. Spacing of access driveways shall meet the access management requirements of *Section 14.06*, but in no case shall be closer than 125 feet to any street intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway.

H. Outdoor Display and Storage for Retail and Service Establishments.

City of Lorain Zoning Code

1. The outdoor storage and display area shall be arranged to provide safe pedestrian and vehicular circulation and safe emergency access. Maneuvering aisles shall be kept free of all obstruction.
2. A drive shall be provided, graded, paved, and maintained from the street to the rear of the property, to permit free access of emergency service vehicles and firefighting equipment at any time.
3. The sale or outdoor display of merchandise shall not be permitted within the required setback areas.
4. Outdoor storage and display areas located on parking lots shall not reduce the available parking spaces to fewer than those required by *Section 14.03* for the principal use.
5. No outdoor display area or parking serving an outdoor display area shall be located within 50 feet of any residential district boundary line.
6. The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials, unless packaged in approved containers, is prohibited.
7. All outdoor display and sales areas shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose of all surface water.
8. All loading and truck maneuvering shall be accommodated on-site. Maneuvering in the public right-of-way is prohibited.
9. Lighting for security purposes may be required, as determined by the planning commission. All lighting shall be shielded from adjacent residential districts and uses.
10. Permanent outdoor storage areas shall be attached to and be considered part of the principal building relative to all setback requirements. The storage area shall be fenced with a fence or wall at least six (6), but no more than eight (8), feet in height.
11. The planning commission may require a sight-obscuring screen that meets maximum fence height requirements for the zoning district around any storage or display area. Stored materials and stockpiles shall not be piled or stacked higher than the height of the obscuring screen.

I. **Self-Service Mini-Storage Facilities.**

1. The minimum size of the site shall be not less than two (2) acres.
2. All ingress and egress from the site shall be directly onto an arterial or collector street.
3. Storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the fire prevention code, or toxic materials, shall not be permitted within the self-storage buildings or upon the premises. However, storage of recreational vehicles containing fuel and other automotive fluids is permitted.
4. The use of the premises shall be limited to storage of personal and business items, except as otherwise provided, and shall not be used for operating any other business, maintaining or repairing vehicles, or for any recreational activity or hobby.
5. Limited retail sales of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, locks, and chains shall be permitted within a central office.
6. The entire site shall be fenced, in accordance with the requirements of *Section 10.08*. Fences within front yards and any side yards adjacent to residential zoning districts shall be wrought iron or a similar decorative type. Chain-link, or similar style fences, are prohibited in these areas.
7. Exterior lighting shall be shielded to restrict the light from impacting neighboring property owners.

City of Lorain Zoning Code

8. A security manager may be permitted to reside on the premises. A minimum of two (2) parking spaces shall be provided for the dwelling unit and the requirements of *Chapter 14* shall be met.
9. A business office for the storage facility may be located on the property.
10. Minimum separation between self-storage buildings shall be 26 feet.
11. Each individual storage unit shall have privately controlled access points.
12. Internal drive aisles shall be at least 26 feet wide and must be clearly marked to distinguish traffic flow.
13. No individual storage unit shall have a floor area greater than 500 sq. ft.
14. Building design and materials shall be compatible with the existing and intended character of the area. If located adjacent to residential zoning districts, the front office building, or office portion of the building, shall reflect a residential character in architectural design.
15. To the maximum extent practical, storage unit doors shall not face public rights-of-way.
16. No outside storage shall be permitted on the property.

J. Truck Livery.

1. Minimum site size shall be one (1) acre.
2. All portions of the site to be used for the storage or parking of semi-tractors or trailers shall be paved.
3. Security lighting shall be provided in accordance with the requirements of this ordinance.
4. A six (6) foot high security fence shall be installed around the perimeter of the area in which vehicles are parked or stored.
5. No truck or trailer shall be parked or stored within 200 feet of a residential zoning district.

K. Truck Stops.

1. At a minimum, all requirements for vehicle service stations (*Section 11.07 L*) shall be met, unless a stricter standard is specified here.
2. There shall be a minimum lot area of two (2) acres and a minimum width of 200 feet on an arterial street. All access shall be from that arterial street.
3. No driveway shall be closer than 75 feet to a side or rear property line and no closer than 250 feet to any other driveway on adjoining property, measured nearest pavement edge to nearest pavement edge. In all other cases the minimum access management requirements of *Section 14.06* shall be met.
4. Buildings shall be set back a minimum of 100 feet from the front property line and canopies shall be at least 50 feet from any front or side property line; provided, if any side or rear property line abuts a residential or mixed-use district, all buildings and structures, including pump islands, shall be set back at least 100 feet from that property line.

L. Vehicle Repair, Major.

1. All main and accessory structures shall be set back a minimum of 75 feet from any residential or mixed-use district.
2. There shall be a minimum lot frontage of 100 feet on an arterial or collector street; and all access to the property shall be from that street.
3. Access to the site shall comply with the driveway spacing standards of *Section 14.06*.
4. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.

City of Lorain Zoning Code

5. Overhead doors shall not face a public street or residential or mixed-use district. The planning commission may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of building materials, architectural features and landscaping.
6. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.
7. All maintenance and repair work shall be conducted completely within an enclosed building.
8. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.
9. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle, except a tow truck, shall be permitted in a designated area for up to 30 days. Such area shall be appropriately screened from public view in accordance with the screening requirements of *Section 13.04 C.*
10. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials. Such measures may include special check valves, drain back catch basins, automatic shut off valves or others, as approved by the fire department and city engineer.
11. If the use includes vehicle painting, all applicable state and federal requirements shall be met.

M. Vehicle Repair, Minor.

1. A building or structure shall be located at least 75 feet from any side or rear lot line abutting a residential or mixed-use district.
2. Access to the site shall comply with the driveway spacing standards of *Section 14.06.*
3. Equipment, including hydraulic hoists, pits, and lubrication, greasing, and other automobile repairing equipment shall be located entirely within an enclosed building. Outdoor storage or display of merchandise, such as tires, lubricants and other accessory equipment is not permitted.
4. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle, except a tow truck, shall be permitted only in a designated area. Such area shall be appropriately screened from public view in accordance with the requirements of *Section 13.04 C.*
5. All activities shall occur inside a building. No vehicle may be stored on the property for more than 30 days.
6. Storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gas above ground shall not be permitted, except in those small amounts needed to operate the business or as otherwise authorized by the city fire marshal.
7. There shall be a minimum lot frontage of 75 feet on an arterial or collector street; and all access to the property shall be from that street.
8. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials. Such measures may include special check valves, drain back catch basins, automatic shut off valves or others, as approved by the fire department and city engineer.
9. If the use includes fuel sales, the requirements for a vehicle service station shall also be met.

N. Vehicle Salvage Business.

City of Lorain Zoning Code

1. Outdoor storage of wrecked, partially dismantled, or derelict vehicles, or their parts, shall be permitted in a designated area. Such storage area shall be fully screened on all sides by a solid, sight-obscuring, fence or wall, in accordance with the screening requirements of Section 13.04 C; provided, the height of the screen may be up to eight (8) feet.
2. Vehicles shall not be stacked higher than the fence or wall enclosure surrounding the site.
3. The outdoor storage area shall not be located in any front yard and the screening fence, wall or other approved enclosure surrounding the storage area shall be setback a minimum of 20 feet from the side or rear lot lines.
4. Vehicles shall not be stored or parked within any building, except while being worked on.
5. All cutting, welding, disassembly, draining of fluids and other work on vehicles shall be conducted completely within an enclosed building; provided, no more than one (1) vehicle per 550 sq. ft. of interior vehicle work space shall be permitted within the building.
6. The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials. Such measures may include special check valves, drain back catch basins, automatic shut off valves or others, as approved by the fire department and city engineer.

O. Vehicle Service Station.

1. There shall be a minimum lot area of one (1) acre and minimum lot width of 150 feet on an arterial street.
2. Access to the site shall comply with the driveway spacing standards of *Section 14.06* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway. Driveways or curb openings shall be located at least 100 feet from any adjacent residential or mixed-use district boundary line.
3. On a corner lot, only one (1) driveway shall be permitted from any street, unless the planning commission determines additional driveways will be necessary to ensure safe and efficient access to the site.
4. A 10 foot "landscaping" strip shall be maintained between the street line and the edge of the service station pavement along all adjoining streets.
5. No portion of a service station or its equipment may be located within 50 feet of a residential district.
6. Pump islands shall be a minimum of 25 feet from any public right-of-way or lot line. No vehicles shall be parked in front of the pump island setback line, except vehicles actually being serviced at the pump island. Tanks, propane, and petroleum products shall be set back at least 35 feet from any lot line.
7. Enclosed, permanently installed cabinets or racks for the display and storage of motor oil, wiper blades, or wiper fluids may be placed back of the pump island. Tires may be stored outside the building, but only in one (1) or more enclosed, permanently installed cabinets or racks, each with dimensions not exceeding 12 feet in length and five (5) feet in width, located back of the building setback line.
8. The edge of overhead canopies shall be set back at least 15 feet from the right-of-way and shall be constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. The canopy shall not exceed 18 feet in height. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.

City of Lorain Zoning Code

9. If rental trailers or trucks are stored on the premises, a minimum lot area of one (1) acre shall be devoted exclusively to service station use, and an additional area for the storage of the rental trailers or trucks shall be provided behind the front line of the main building.
10. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials. Such measures may include special check valves, drain back catch basins, automatic shut off valves or others, as approved by the fire department and city engineer.
11. In the event that a gasoline station use has been abandoned or terminated for a period of more than 12 months, all underground gasoline storage tanks shall be removed from the premises, in accordance with state requirements.
12. A vehicle service station may be combined with other uses, such as convenience store, vehicle wash, and/or restaurant; provided all relevant requirements are met and the most restrictive requirements applicable to any single use shall apply. Parking requirements may be modified, as provided in *Section 14.02 D*. Signs shall comply with the standards for business centers in *Section 15.06*.

P. Vehicle Wash.

1. All washing activities must occur inside a building.
2. Required stacking spaces for waiting vehicles shall not be located within a public or private right-of-way and shall not conflict with maneuvering areas, parking spaces and other activities. Stacking lanes shall be designed to prevent vehicle queues from extending beyond the property.
3. Wastewater must be recycled, filtered or otherwise cleansed to minimize discharge of soap, wax and solid matter into public sewers.
4. On corner lots, only one (1) driveway shall be permitted from any street, unless the planning commission determines additional driveways will be necessary to ensure safe and efficient access to and egress from the site. Access to the site shall comply with the driveway spacing standards of *Section 14.06*. Driveways or curb openings shall be located at least 100 feet from any adjacent residential or mixed-use district boundary line.
5. For automated drive-through wash facilities, a by-pass lane is required that allows by-passing waiting vehicles.
6. A vehicle wash facility building and any accessory buildings and uses, including vacuums, shall be located at least 100 feet from a street right-of-way line and any residential or mixed-use district boundary; provided, the required separation from a residential or mixed-use district may be modified by the planning commission where it is determined that proposed buffering, topographic conditions, orientation of the wash building, or other similar factors will lessen the negative noise, water runoff, traffic, and aesthetic impacts of the wash facility upon the neighboring uses.
7. The property owner or operator must comply with all local noise regulations. Air handling equipment shall be located on a roof, be equipped with intervening noise reduction baffles and be in proper working condition.

Section 11.08 Specific Use Conditions – Industrial

A. Outdoor Storage Related to Principal Industrial Uses.

1. Outdoor storage shall not be permitted within any required front yard.

City of Lorain Zoning Code

2. Outdoor storage shall only be permitted as an accessory use to principal uses in the industrial districts.
3. The outdoor storage area shall be fenced on all sides in accordance with the requirements of *Section 10.08*.
4. Any side that is visible to adjoining properties in a residential district, mixed-use district, neighboring parking lots or abutting streets shall be screened in accordance with the requirements of *Section 13.04 C*.
5. The planning commission may permit the required screening to be comprised of plant material, upon a determination that the alternate materials will provide the same degree or better of opacity, screening and compatibility with adjoining properties as a fence or wall.

B. Construction Debris, Junk, Solid Waste Disposal and Salvage Yards.

1. A minimum site size of 10 acres shall be required.
2. All access to and from the site shall be from an arterial street or an interior street serving an industrial park or planned industrial development that intersects with an arterial street.
3. All material, debris, junk and waste shall be stored within enclosed buildings or within an area fully screened on all sides by a solid, sight-obscuring, fence or wall, in accordance with the screening requirements of *Section 13.04 C*; provided such fence or wall shall be at least eight (8), but no more than 12, feet in height.
4. The screening fence shall be of such design as to completely obstruct vision. No chain link fence, with or without covering, shall be permitted.
5. The screening fence or wall shall be set back from all property lines in accordance with the minimum yard requirements of the zoning district.
6. No materials shall be stacked higher than the screen fence or wall.
7. All materials shall be stockpiled in neat and orderly rows with adequate aisle space provided between rows to accommodate emergency vehicles and equipment.
8. No storage area shall be located within 500 feet of a residential or mixed-use district.

C. Hazardous Waste or Medical Waste Processing, Storage, Transfer, Disposal or Incineration.

1. Conditional use requests for hazardous waste facilities shall be first considered by the planning commission which shall make a recommendation to the city council for final action. At the discretion of either body, a public hearing, duly noticed in accordance with the provisions of *Section 20.03*, may be conducted.
2. The use shall be located on a site of not less than 20 acres.
3. All access to and from the site shall be from an arterial street or an interior street serving an industrial park or planned industrial development that intersects with an arterial street.
4. To ensure that the reasonable use of neighboring properties is not adversely affected and to reduce the potential for adverse health, odor or other environmental impacts, the proposed site shall abut industrial zoning districts on all sides and shall comply with the following separation distances:
 - a. Two thousand six hundred forty (2,640) feet (one-half mile) from any property occupied by a hospital, nursing home, senior housing project, or any facility designed for use by the physically infirm, or where large numbers of people congregate, such as recreation centers, parks or playgrounds, public meeting halls, places of religious worship, schools or libraries.
 - b. Two thousand six hundred forty (2,640) feet (one-half mile) from any existing residential structure or any residential or mixed-use district boundary.

City of Lorain Zoning Code

- c. Additionally, the city council shall determine that the proposed use shall not adversely affect nonconforming residential uses and that adequate separation is provided from existing industrial uses that may be particularly sensitive, such as food, beverage, or drug processing facilities.
- d. The separation distances specified above may be reduced by not more than 50 percent upon a finding by the city council that the distance is sufficient to prevent any occurrence of health or obnoxious odor problems or pollution of land, water courses or drainage systems.
- 5. The minimum width and plant material requirements for greenbelts and landscape buffer zones shall be increased by 50 percent above the minimum buffer requirements of *Section 13.04 B.*
- 6. Environmental Controls.
 - a. All processing, treatment, recycling, transfer, unloading and storage shall be within a completely enclosed building or in approved storage tanks. The facility shall be constructed to enclose all equipment which generates significant levels of noise.
 - b. All aggregate and bulk materials shall be stored in the building or in concrete bunkers or silos. The bunkers or silos shall be equipped to control fugitive dust and particles.
 - c. The required site plan shall indicate that all motor vehicles, which have contained or been in contact with hazardous waste, recycled materials or sludge, shall be washed clean prior to leaving the site. The method and area for washing shall be specified on the site plan.
 - d. The facility shall be equipped with an approved wastewater recycling system to avoid contaminated water or liquids from being discharged to ground water, surface water or storm sewers. This shall include a wash-out, wash-down, and secondary containment system to recover and recycle impurities and other by-products processed from trucks, machinery products, supplies or waste.
 - e. All surface areas involved in the loading, unloading, transfer or storage shall be constructed to prevent the runoff of any hazardous material to unpaved areas or non-designated drainage facilities. Potential waste shall be collected with a secondary containment system and processed or disposed of according to state or federal regulations. Any drainage of fluids shall be on a non-pervious platform so that all liquids will be contained and not discharge to the ground.
- 7. All driveways, surface roads and storage areas on the premises shall be paved with concrete or deep strength asphalt. Deceleration lanes shall be provided in accordance with the City of Lorain design standards. Acceleration or passing lanes may be required by the city engineer. The planning commission shall take into consideration vehicular turning movements in relation to traffic flow, proximity of curb cuts and intersections.
- 8. All areas of the site which are not paved for parking, driveways, loading or operation shall be landscaped and maintained in accordance with *Chapter 13.*
- 9. The facility and all of its operations shall strictly comply with all applicable city, county, state and federal statutes, regulations, rules, orders and ordinances. Systems shall be employed to contain and process all discharged materials from the facility in an environmentally sound manner.
- 10. Plans and/or reports shall be filed with the Lorain fire department, indicating the types of materials stored and where they are located on the site.
- 11. All approvals by the city shall be conditioned and subject to the applicant securing all required approvals and permits, as defined by local, county, state and federal statutes and regulations.

City of Lorain Zoning Code

12. The city council shall establish fees to pay its costs of administration and inspections of the site and facility to ensure that the development is being operated in compliance with the conditions of approval.

CHAPTER 12 SITE DEVELOPMENT PLANS

Section 12.01 Purpose.

The purpose of this chapter is to establish a uniform set of requirements for the planning and design of developments within the city in order to achieve the following objectives: to determine compliance with the provisions of this ordinance; to promote the orderly development of the city; to prevent depreciation of land values; to ensure a consistent level of quality throughout the community; to ensure a harmonious relationship between new development and the existing natural and manmade surroundings; to achieve the purposes of the City of Lorain Comprehensive Plan; to promote consultation and cooperation between applicants and the city in order that applicants may accomplish their objectives in the utilization of land, consistent with the public purposes of this ordinance and the comprehensive plan.

Section 12.02 Applicability.

A. **Plan Levels.** Varying levels of site plan review are established, depending on the scale of the proposed development and potential impacts it may have on the community and immediate surroundings. This section defines the parameters under which varied levels of plans will be required for all non-residential, attached single-family and multiple family development and defines the review authority, as follows:

1. **Administrative Review.** The zoning administrator shall review site plans in connection with the creation of a use or the erection of a building or structure as indicated in Table 12-2; provided, if a use is subject to the requirements of the design review overlay district, the design review board shall first review the plan and submit a recommendation to the zoning administrator.
2. **Preliminary Plan Review.** The city council, after review and recommendation by the planning commission and, if applicable, the design review board, shall act upon all preliminary site plans in connection with the creation of a Mixed-Use or PUD district, or as otherwise required.
3. **Final Plan Review.** The planning commission shall act upon all final site plans in connection with the creation of a use or erection of a building or structure as indicated in Table 12-2; provided, if a use is subject to the requirements of the design review overlay district, the design review board shall be responsible for review and action with regard to building design, signs and landscaping.

B. **Applicable Projects.** Table 12-2 specifies the project categories applicable to each level of site plan.

Table 12-2, Site Plan Review Authority

Applicable Projects	Admin.	Preliminary	Final
New construction of a principal building in any zoning district			X
Construction of a new accessory building, not exceeding 2,000 sq. ft.	X		
Construction of a new accessory building, greater than 2,000 sq. ft.			X
Expansion of less than 20 percent of the current gross floor area of an existing principal building in any zoning district, but not exceeding 10,000 sq. ft.	X		
Expansion of an existing building in any zoning district which increases the total floor area by more than 20 percent of the current gross floor area or more than 10,000 sq. ft.			X
Construction or expansion of a parking lot, not involving new buildings or	X		

City of Lorain Zoning Code

additions			
When, in the opinion of the zoning administrator, a project which otherwise qualifies for administrative review may have a significant impact on surrounding properties, he may, in his sole discretion, submit the site plan to the planning commission for review. In such cases, the planning commission shall follow the review procedure for final site plans and may require any additional information needed to make an informed decision	X		
Any development within a mixed-use district		X	
Any planned unit development district		X	
As otherwise required by this ordinance		X	
Mixed-use development for which a preliminary plan and zoning have been approved by city council			X
Planned unit development for which a preliminary plan and zoning have been approved by city council			X
Conditional uses			X
As otherwise required by this ordinance			X

Section 12.03 Exemptions.

Site plan review shall not be required for a single or two-family dwelling when permitted by right on a lot on which there exists no other building or use or for any home occupation or accessory building for a residential use in a residential district or mixed-use district.

Section 12.04 Application and Review.

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

A. **Administrative Plan Reviews.** Administrative reviews shall be performed by the zoning administrator, as follows:

1. Copies of a complete site plan and an electronic version, in a quantity and format specified by the city, shall be submitted to the zoning administrator along with an application for that purpose and a fee, as established by the city council.
2. The zoning administrator shall review the site plan for completeness, and shall obtain comments, as he or she considers necessary, from city departments or consultants.
3. The zoning administrator shall consider the site plan, any comments received, and the applicable standards of this ordinance and shall either approve the site plan, as submitted, if all applicable requirements and standards have been met; approve the site plan with conditions; or deny approval of the site plan, if applicable requirements and standards have not been met. At the zoning administrator's sole discretion, the application may be submitted to the planning commission or design review board, as applicable, for comment or a decision.
4. The reasons for the zoning administrator's action, along with any conditions that may be attached, shall be stated in writing and provided to the applicant.
5. If approved, two (2) copies of the final site plan shall be signed and dated by the zoning administrator and the applicant. One (1) copy shall be kept on file with the city and one (1) copy shall be returned to the applicant or his designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and zoning administrator prior to issuance of any permits.

City of Lorain Zoning Code

B. Preliminary Plan Reviews. Preliminary plan reviews shall be performed by the planning commission and city council, as follows:

1. Copies of a complete site plan and an electronic version, in a quantity and format specified by the city, shall be submitted to the zoning administrator along with an application for that purpose and a fee, as established by the city council.
2. The zoning administrator shall review the site plan for completeness, and shall obtain comments, as he or she considers necessary, from city departments or consultants. If the proposed project is located within the design review overlay district, the zoning administrator shall also distribute the application materials to the design review board for review and comment.
3. Once the zoning administrator determines that the site plan is complete, he or she shall transmit the site plan, along with comments from city departments and consultants to the planning commission for consideration at its next meeting. The zoning administrator shall not be required to submit any site plan for review which was submitted less than 15 business days (excluding weekends and holidays) prior to the next regularly scheduled planning commission meeting.
4. The planning commission and, if applicable, the design review board shall consider the site plan and shall recommend that the city council either approve the site plan, as submitted, if all applicable requirements and standards have been met; approve the site plan with conditions; or deny approval of the site plan, if applicable requirements and standards have not been met. The planning commission review shall be based on the requirements of this chapter and, specifically, the review standards of *Section 12.06*.
5. The planning commission's recommendation and, if applicable, any proposed conditions shall be forwarded to the city council for action on the request. If the proposed project lies within the design review overlay district, comments and recommendations from the design review board shall also be submitted to the city council. The city council shall make its decision based on the standards of *Section 12.06*.
6. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled. In the event the matter is tabled at the request of applicant, or as a result of the applicant or the applicant's representative not being present, an additional administrative fee of \$100.00 shall be charged and paid prior to the matter being placed on the agenda of a future meeting.
7. If approved, two (2) copies of the final site plan shall be signed and dated by the mayor and the applicant. One (1) copy shall be kept on file with the city and one (1) copy shall be returned to the applicant or their designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and the mayor, prior to issuance of any permits.

C. Final Plan Reviews. Final site plan review shall be performed by the planning commission, as follows:

1. Copies of a complete site plan and an electronic version, in a quantity and format specified by the city, shall be submitted to the zoning administrator along with an application for that purpose and a fee, as established by the city council.
2. The zoning administrator shall review the site plan for completeness, and shall obtain comments, as he/she considers necessary, from city departments or consultants.

City of Lorain Zoning Code

3. Once the zoning administrator determines that the site plan is complete, he/she shall transmit the site plan, along with comments from city departments and consultants to the planning commission for consideration at their respective next meeting; provided, if the proposed project falls within the design review overlay district, he or she shall also forward copies of the final plan to the design review board. The zoning administrator shall not be required to submit any site plan for review which was submitted less than 15 business days (excluding weekends and holidays) prior to the next regularly scheduled meeting of the planning commission.
4. The design review board, if applicable, shall review the plan and submit its comments relevant conditions, if any, and decision regarding building design, signs and landscaping to the planning commission.
5. The planning commission shall consider the site plan, along with the comments and actions of the design review board, and shall either approve the site plan, as submitted, if all applicable requirements and standards have been met; approve the site plan with conditions; or deny approval of the site plan, if applicable requirements and standards have not been met. The planning commission review shall be based on the requirements of this chapter and, specifically, the review standards of *Section 12.06*.
6. If approved, two (2) copies of the final site plan shall be signed and dated by the planning commission chairman and the applicant. One (1) copy shall be kept on file with the city and one (1) copy shall be returned to the applicant or his designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and the planning commission chairman, prior to issuance of any permits.

Section 12.05 Development Plan Requirements.

A. **Required Content.** Each site plan submitted shall contain the following information, as applicable:

Required Information	Site Plan Level		
	Administrative	Preliminary	Final
General Information			
Date, north arrow and scale	X	X	X
Name and address of property owner and petitioner	X	X	X
Location sketch	X	X	X
Legal description of the subject property	X	X	X
Boundary survey	X	X	X
Size of subject property (in acres)	X	X	X
Name and firm address of plan preparer	X	X	X
Preparer's professional seal			X
Existing Conditions			
Existing zoning classification of subject property	X	X	X
Property lines and required setbacks	X	X	X
Location, width and purpose of all easements	X	X	X
Location and dimensions of all existing structures on the property	X	X	X
Location of all existing driveways, parking areas and total number of existing parking spaces on the property	X	X	X
Location of all existing structures, driveways and parking areas within 150 feet of the subject property, including those across		X	X

City of Lorain Zoning Code

any street or alley.			
Location of all existing structures, driveways and parking areas within 50 feet of the subject property	X		
Abutting street right-of-way width		X	X
Existing water bodies (lakes, streams, wetlands, etc.)	X	X	X
Outline of existing landscaping and vegetation on the property	X	X	X
Size and location of existing utilities (water, sanitary and storm)	X	X	X
Proposed Development			
Layout and typical dimensions of proposed parcels and lots		X	X
Location and dimensions of all proposed buildings	X		X
Finished floor elevations of all buildings	X		X
Number of proposed dwelling units (by type – detached, attached, multiple-family, etc.), including typical floor plans for each type of unit		X	X
Location of all proposed streets, drives, and sidewalks	X	X	X
Dimensions and radii of proposed drives, acceleration/deceleration lanes and sidewalks	X		X
Curbing, parking areas (including dimensions of typical space and total number of spaces to be provided), and unloading areas	X		X
Location of walls and fences	X	X	
Height and materials of walls and fences			X
Recreation areas, common use areas, dedicated open space and areas to be conveyed for common or public use	X	X	
All deed restrictions or covenants			X
Landscape plan, per <i>Chapter 13</i>	X		X
Exterior lighting location, fixture type	X		X
Signs (location, dimensions, setbacks), per <i>Chapter 15</i>	X		X
Utility plan showing sanitary sewage, potable water supply, electric, gas, phone, and cable	X	X	X
Grading plan and location and type of all proposed surface water drainage facilities	X	X	X
Narrative description of the project including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces	X	X	
Building Details			
Typical elevation views of all sides of each building type			X
Elevation views of building additions			X
Color and material specifications	X		X
Building height	X	X	X
Gross and net floor area of non-residential buildings	X		X
Livable floor area of dwellings by type			X
Additional Information			
Any other information required by the zoning administrator, planning commission, design review board, or city council to demonstrate compliance with other applicable provisions of this ordinance	X	X	X

B. **Information Waiver.** Specific requirements of any required site plan may be waived by the respective reviewer, as applicable, where it is determined that such information is not relevant to the subject request.

Section 12.06 Review Standards.

City of Lorain Zoning Code

A site plan shall be approved only upon a finding of compliance with the following standards:

- A. The site plan must comply with all standards of this chapter and all applicable requirements of this ordinance and all other applicable laws and regulations.
- B. The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.
- C. The site must be designed to minimize hazards to adjacent property and reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible.
- D. Unless a more specific design standard is required by the city through a different ordinance, all uses and structures subject to site plan review shall comply with the following design standards:
 1. Traffic Circulation. The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties. Right-of-way recommendations for major streets, as contained in any adopted standards or thoroughfare plan, shall be met and setbacks from such streets shall be measured accordingly.
 2. Stormwater. Stormwater detention and drainage systems shall be designed so the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems. Unless impractical, stormwater shall be removed from all roofs, canopies and paved areas by underground surface drainage system.
 3. Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, buffers or greenbelts may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property.
 4. Screening. Where non-residential uses abut residential uses, appropriate screening shall be provided, in accordance with *Chapter 13*, to shield residential properties from noise, headlights and glare.
 5. Lighting. Lighting shall be designed to minimize glare on adjacent properties and public streets. As a condition of site plan approval, reduction of lighting during non-business hours may be required.
 6. Utility Service. All utility service shall be underground, unless impractical and approved by the city engineer.
 7. Exterior Uses. Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.
 8. Emergency Access. All buildings and structures shall be readily accessible to emergency vehicles.
 9. Water and Sewer. Water and sewer installations shall comply with all city specifications and requirements.
 10. Signs. Permitted signs shall be located to avoid creating distractions, obstructions and visual clutter.
 11. Building Design. New or substantially remodeled buildings shall be reasonably compatible in appearance with, or shall enhance, the established general character of other buildings in the immediate vicinity.

City of Lorain Zoning Code

Section 12.07 Conditions.

Conditions which are designed to ensure compliance with the intent of this ordinance, the review standards of this chapter and other provisions of the City of Lorain code of ordinances may be imposed on site plan approval.

Section 12.08 Changes to Approved Plans.

Changes to an approved site plan shall be permitted only under the following circumstances:

- A. The holder of an approved site plan shall notify the zoning administrator of any proposed change to the site plan.
- B. Changes to an administrative site plan may be approved by the zoning administrator.
- C. Minor changes to final site plans may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 1. Reduction in building size or increase in building size up to five (5) percent of total approved floor area.
 2. Movement of buildings or other structures by no more than 10 feet.
 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 4. Changes in building materials to a comparable or higher quality; provided, such change does not alter the exterior architectural design of the building as approved.
 5. Changes in floor plans which do not alter the character of the use.
 6. Changes required or requested by a city or county, state, or federal regulatory agency in order to conform to other laws or regulations.
- D. A proposed change to a final site plan, not determined by the zoning administrator to be a minor change, shall be submitted to the planning commission as a site plan amendment and shall be reviewed in the same manner as the original application, including recommendations by the design review board, if applicable, and approval by the city council of revised preliminary plans.

Section 12.09 Expiration.

Site plan approval shall expire 24 months after the date of approval, unless substantial construction has been commenced and is continuing. If a project is to be undertaken in phases, this requirement shall only apply to the initial phase as shown on the approved site plan. The applicable review authority may grant one extension of up to 12 additional months; provided the applicant requests an extension, in writing, prior to the date of expiration of the site plan. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the site plan approval shall become null and void.

Section 12.10 Appeal.

City of Lorain Zoning Code

An appeal from an administrative decision made by the building department, or from a decision made by the zoning administrator, shall be filed with the Zoning Board of Appeals. The appeal shall be filed with the Zoning Board of Appeals within 14 days from the date the decision being appealed was issued. An appeal from a decision of the Zoning Board of Appeals, Planning Commission, or an administrative decision of Counsel, shall be made to the Lorain County Common Pleas Court, or other applicable court, in accordance with the provisions of Chapters 2505 and 2506 of the Ohio Revised Code.

CHAPTER 13 LANDSCAPING AND BUFFERING

Section 13.01 Intent.

The City of Lorain determines it is necessary and desirable to enact landscaping and buffering regulations for the protection of the public health, safety and welfare. The importance of plant material is recognized by the city for its contribution to shade, cooling, noise and wind reduction, soil erosion prevention, oxygen production, dust filtration, carbon dioxide absorption, aesthetic and economic enhancement of all real property, and its contribution to the general well-being and quality of life of the citizens of Lorain. Consistent with the expressed purpose of this chapter, all persons shall make reasonable efforts to preserve and retain certain existing, self-supporting trees as defined in these regulations. In order to achieve these purposes, this chapter calls for the conservation and planting of trees, shrubs and groundcover without denying the reasonable use and enjoyment of real property.

Section 13.02 General Provisions.

A. Applicability. This chapter governs and regulates the following activities within the city:

1. All non-residential (industrial, commercial, office, institutional and civic), attached single-family and multifamily construction on lands within the city which, on the effective date of this ordinance, requires a building permit.
2. The perpetual maintenance of any required landscaped or common open space area built on or after the effective date hereof.

B. Exceptions. The regulations of this chapter shall apply in all areas of the city except:

1. Those lands within the city limits which, on the effective date of this ordinance, have a pending or completed application for approval for residential subdivision or the building of improvements on such lands in compliance with the zoning ordinance of the city as they exist on the date of such application: provided, those proposed improvements are built and completed within any applicable time limits specified in this ordinance.
2. Those lands which may in the future be annexed into the city, and on the effective date of that annexation, are improved by the construction of a building or other structure, or have received final approval for residential subdivision, in compliance with the zoning ordinances of the jurisdiction from which they are annexed as they exist on the date of annexation.

C. Review and Permitting Procedures.

1. Pre-application Review. Applicants are strongly encouraged to meet with the zoning administrator to discuss design concepts or present a preliminary design prior to submission of a required landscaping plan. Such discussions shall not be binding on the applicant or the city, are strictly at the option of the applicant, and no official action will be taken regarding the discussion or presentation.
2. Application. A landscape plan, as specified in this chapter, shall be submitted as part of any administrative or final site plan required by *Chapter 12* of this ordinance, unless specifically deferred or waived by the zoning administrator, planning commission or, if applicable, design review board. The landscape plan submittal and application shall follow the applicable requirements of *Section 12.04*. Incomplete plans will be returned to the applicant as though no application had been received, with notice of deficiencies and non-filing.

City of Lorain Zoning Code

3. **Review Authority.** The zoning administrator or planning commission shall be responsible for reviewing the landscape plan, based on the scale of the proposed development as specified in Table 12-2. If the property that is the subject of the application is located within the design review overlay district, a copy of the landscape plan shall be forwarded by the zoning administrator to the design review board which shall be responsible for reviewing and acting upon the landscaping.
4. **Technical Review.** The zoning administrator shall review all plans and specifications submitted and the premises upon which the trees and landscaping are proposed to be planted with regard to compliance with the technical requirements of this chapter and all other ordinances and laws of the city.
5. **Design Review.** The review authority shall consider the landscaping plan and shall approve, approve with conditions, or deny the application, based on conformance with the applicable landscape standards of *Sections 13.03 and 13.04*. If denied, the reasons for the denial shall be stated and submitted in writing for the record.
6. **Approval.** Upon approval or approval with conditions, the zoning administrator shall issue a permit accordingly.

D. Landscape Plan Requirements.

1. **Preparation.** The landscape plan shall include the location, botanical name, common name, quantity and size of all proposed plantings and shall be prepared by a landscape architect licensed in the State of Ohio to prepare planting plans. Additionally, the plan shall include summary plant schedules, charts and notes as necessary to clearly demonstrate conformance with all applicable planting requirements for the site. The general landscape installation standards defined within this chapter shall be included as notes on the plans. This requirement may be waived by the zoning administrator, at his/her sole discretion, for projects subject to administrative site plan review and for any residential development containing fewer than four (4) dwellings on a single lot or parcel; provided, the number, type, size and location of all proposed plant material shall be shown on the plan.
2. **Deviation from Plans.** At any time after the approval of any landscape plan, a developer, builder, or owner shall have the right to amend the proposed plan. Approval for deviations from the approved plan shall follow the same steps as changes or revisions to any other required development/site plans within the city, as specified in *Section 12.08*.

Section 13.03 General Landscaping Standards.

- A. **Plant Material.** All required buffers, screens, berms and green belts shall comply with the following standards in addition to all other applicable requirements of this section:
 1. All plant materials shall be hardy to Lorain County and free of disease and insects.
 2. Landscaped areas shall be maintained in a neat, healthy and orderly condition following accepted horticultural practices. Withered, dying and/or dead plants and trees shall be replaced within a reasonable period of time, but not longer than one (1) growing season.
 3. Artificial plant material shall not be used within any required landscaped area. This shall not preclude the use of stone, shredded bark, wood chips, pine needles or similar accent materials within planting beds.
 4. All plant material, screens and berms shall be installed in such a manner as not to alter drainage patterns or to obstruct vision for safety of ingress or egress.

City of Lorain Zoning Code

5. All plant material shall be planted in a manner as to not cause damage to utility lines (above and below ground) and public roadways.
6. Existing plant material which complies with the standards and intent of this ordinance and the provisions of this section may be credited toward meeting the landscape requirements. Scrub, dying, diseased, or prohibited trees and shrubs shall be removed and shall not be counted toward any requirement of this section.
7. The overall landscape plan shall not contain more than 33% of any one plant species, unless determined to be appropriate by the reviewing authority.

Table 13.03-1, Minimum Size Requirements

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

8. Plant material shall conform to the standards found in the American Standard for Nursery Stock (ANSI Z60.1 - 2014) published by American Hort and conform to the minimum plant sizes at time of planting listed in *Table 13.03-1*, unless a greater requirement is specified elsewhere in this ordinance. Larger sizes may be required by the reviewing authority, if determined to be necessary to maintain a natural appearance and achieve the intended purpose of the buffer, green belt or screen based on the size of the development, its location and/or the character of the surrounding area.
9. Landscaping shall be installed prior to issuance of a certificate of zoning compliance, unless the owner demonstrates that weather conditions or unforeseen circumstances beyond his/her control prevented the installation. In such case, the zoning administrator may issue a conditional certificate of zoning compliance provided that a specific time limit, not to exceed 180 days, is established for completing the landscaping.

B. Berms.

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

C. Screen Walls and Fences.

1. All required plant material shall be on the exterior side of the screen wall or fence.

City of Lorain Zoning Code

2. The wall or fence may be constructed with openings that do not exceed 20 percent of the wall surface. While the opening may allow passage of air, it shall not reduce the obscuring effect of the wall or fence.
3. When a screen wall or fence has both a finished face and an unfinished face, the finished face shall be installed so that it is directed toward the exterior side of the development site, or the side which will be most visible to the general public, as determined by the reviewing authority.
4. Screen walls or fences shall be constructed so as to not alter drainage patterns on-site or on adjacent properties.

Section 13.04 Specific Landscaping Requirements.

A. **Green Belt.**

1. **Requirement.** Green belts shall be provided along any frontage abutting a public right-of-way in a business or industrial district or if the property is to be developed for a non-residential, attached single-family or multiple-family use in a residential district. Except for necessary driveways, frontage roads, service drives or walkways, a green belt shall extend the full length of the lot line. A green belt shall not be required in the B-3, Downtown Business District.
2. **Green Belt Standards.**
 - a. The minimum depth of the green belt shall be as follows:
 - i. Business Districts: equal to the zoning district's required setback along any street or 20 feet, whichever is less
 - ii. Industrial Districts: 20 feet
 - iii. Non-residential uses in Residential Districts: 25 feet
 - iv. Attached single-family and multiple-family developments: 25 feet
 - b. At a minimum, a required green belt shall be landscaped in accordance with the following:
 - i. One (1) canopy tree plus one (1) additional canopy or ornamental tree for each 75 feet, or fraction thereof, of road frontage; and
 - ii. Six (6) shrubs per each 50 feet, or fraction thereof, of road frontage.
 - c. Existing trees located within the required green belt shall be counted toward meeting the minimum requirements of this section; provided, they are indigenous to Lorain County and are in a healthy condition, as determined by the zoning administrator. Other existing trees within the required green belt may be counted toward the minimum requirements of this section if approved by the reviewing authority.
 - d. Healthy and viable existing trees within a proposed green belt shall be preserved unless their removal is shown, to the satisfaction of the reviewing authority, to be infeasible due to existing site characteristics, necessary grading, location of future site improvements or other similar conditions that make their preservation unreasonable or undesirable. Financial hardship or development expediency shall not be considered valid rationale for such tree removal.
 - e. If berms are appropriately incorporated into the green belt, the reviewing authority may reduce the required quantities of plant material by up to one-third (1/3) where it is determined that the purpose of the green belt will still be achieved.
 - f. Green belt landscaping need not be evenly spaced. Clustering of trees and planting beds is encouraged to provide a more aesthetic and natural appearance.
 - g. Landscaping shall be located so it does not obstruct the vision of drivers entering or exiting a site.

City of Lorain Zoning Code

h. Storm water management facilities may only be located within a required green belt if the reviewing authority determines that such areas will enhance the appearance of the green belt and will not jeopardize either the survival of plant material or public safety.

B. Buffers.

1. Requirement. Landscaping shall be provided to buffer the negative impacts between incompatible land uses, to minimize the adverse effects of certain activities upon their surroundings and to improve the appearance of intensive uses within the community.
2. Buffer Zone Standards. Buffer zones shall be required along the property line between adjacent lots as specified in *Table 13.04-1* and defined in *Table 13.04-2*. A buffer zone shall be required even where the adjacent property is unimproved.
 - a. Prior to changing the use of a property to a more intense land use (for example, residential to commercial), or when a property is rezoned to a more intense district, a buffer zone meeting the applicable requirements of this section shall be installed.
 - b. All areas of the buffer zone outside of planting beds shall be planted with grass or other living ground cover or preserved in a natural wooded state.
 - c. Storm water management facilities may be located within a required buffer zone provided they do not reduce the screening effect.

Table 13.04-1, Buffer Zones Required

Zoning Districts	Required Buffer														
	R-1A	R-1B	R-1C	R-2	R-3	RM	B-1	B-2	B-3	I-1	I-2	MU	OS	HMD	
R-1A				C	C	C	B	A	C	A	A	C			B
R-1B				C	C	C	B	A	C	A	A	C			B
R-1C				C	C	C	B	A	C	A	A	C			B
R-2							B	B	C	A	A	C			B
R-3							B	B	C	A	A	C			B
RM							B	B	C	A	A	C			B
B-1										B	A				
B-2										B	B				
B-3										B	B				
I-1															
I-2															
MU										A	A				
OS							A	A		A	A				
HMD										A	A				

Table 13.04-2, Buffer Zone Specifications

Requirements (Plant quantities required per 100 linear feet of buffer along property line)	Buffer Zones		
	A	B	C
Minimum buffer depth	30 ft.	20 ft.	10 ft.
Canopy trees	1	2	1
Ornamental trees	3	3	1

City of Lorain Zoning Code

3. <u>Buffer</u>	Evergreen trees	5	3	2
<u>Zone</u>	Shrubs	10	6	4

Exception

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

- a. Physical characteristics of the site and surrounding area such as topography, vegetation, water features, etc;
- b. Views and noise levels;
- c. Proximity or potential proximity to residential uses;
- d. Building and parking lot placement; and
- e. Location of outdoor storage, display, or sales areas.

C. **Screening.**

1. Requirement. Screening shall be required as follows, except as may be provided elsewhere in this chapter. Screening shall be required even where the adjacent property is unimproved.
 - a. Around all trash dumpsters in all districts.
 - b. Around designated outdoor storage areas.
 - c. Around any loading/unloading area visible from an adjoining street or parking area located on adjoining property.
 - d. Around heating and cooling units for all non-residential uses.
 - e. Around essential public services and related accessory structures.
2. Screening Standards. Except as otherwise permitted by this section, a required screen shall be comprised of a solid, sight-obscuring fence or wall meeting the requirements in Section 10.08 of this ordinance and also the following minimum specifications:
 - a. The screen shall be at least six (6) feet in height.
 - b. The screen shall be enclosed on all sides and not contain any openings other than a gate for access which shall be closed at all times when not in use. This full enclosure requirement, however, shall not apply to screening of loading/unloading areas.
 - c. The screen shall be constructed of masonry, treated wood or other approved material determined to be durable, weather resistant, rust proof and easily maintained. Chain link, split rail, and metal fences shall not be permitted to meet the screening requirement.
 - d. When a screen wall or fence has both a finished side and an unfinished side, the finished side shall face the adjoining property or, if on the interior of the site, shall face outward toward the perimeter of the site.
 - e. If approved, the required screen may be comprised of berms or plant material, in combination with or as a substitute for a fence or wall when it is determined that the alternate solution will provide the same degree or better of opacity and screening required by this section.
3. Screening Exceptions. If existing conditions are such that a lot cannot accommodate the screening standards above, the reviewing authority may modify the screening requirements based on the following factors:
 - a. Distance from existing or future residential uses;

City of Lorain Zoning Code

- b. Sight lines from parking areas, adjacent properties or roadways;
- c. Noise levels generated by the facility to be screened; and
- d. Physical characteristics of the site and surrounding area such as topography and vegetation that may mitigate the need for screening.

Section 13.05 Certificate of Completion and Bond Requirements.

A. **Certificate of Completion for Non-Residential, Attached Single-Family and Multi-Family.**

1. Final Inspection. The zoning administrator shall make a final inspection of trees and landscaping for completeness prior to issuance of the certificate of completion. The installed plantings shall match the approved plan.
2. Tree and Landscape Performance Bond.
 - a. In the event of continued construction, weather, plant availability or other delay, approved by the zoning administrator, which reasonably prevents the installation of all or a portion of the required landscaping, the owner shall post a performance bond to assure completion. The bond shall be equal to 125 percent of the approved estimate for tree and/or landscape installation which cannot be planted. The bond shall be posted with the City of Lorain. A deadline for completion of work shall be scheduled with the city but in no case shall be more than six (6) months from the date a certificate of completion is issued for the project.
 - b. The zoning administrator shall make a final inspection of the trees and landscaping at the scheduled completion of work. If work has been completed, the tree and landscape performance bond shall be refunded. If the landscaping is not complete at the scheduled deadline, the performance bond shall be withheld based upon the amount of work incomplete and the city, at its sole discretion, may cause the work to be completed and paid for with the bond.

B. **Common Areas Regulated.**

1. From the effective date of this ordinance, all trees required by this chapter to be planted, preserved or protected in all common areas or other public facilities in every development subject to the provisions of this chapter shall be maintained for a period of three (3) years after the date of certification of completion by the developer, property owners association, owner or similar entity holding title to those properties.
2. Responsibility for that maintenance shall commence on the date the improvements required by this chapter are certified as completed and continue, as provided above, for a period of three (3) years.
3. The initial responsibility of such maintenance shall be upon the developer, and shall remain upon the developer until the sooner of the time that the developer passes legal title to the owner or a property owner's association, or similar association, or the end of the maintenance period, whichever occurs first. However, if the developer retains any control, including voting control, in or over the association, the developer's maintenance responsibility shall continue until the developer fully surrenders such control to the association or the end of the maintenance period, whichever occurs first.
4. Should the developer both pass the legal title to the common areas and surrender control of any property owner's or similar association prior to the end of the maintenance period, as provided in subsection c. above, the owner or property owner's or similar association, as the case may be, shall assume full responsibility for the maintenance of the improvements on the common areas for the entire balance of the maintenance period.

City of Lorain Zoning Code

5. Every developer responsible for any maintenance under this chapter shall, on or before December 31 of each calendar year, file with the zoning administrator, a statement for each development, setting out the ownership status of the common areas of such development, and for those developments where a property owner's association, or similar association, is to hold title to the common areas. The statement shall declare, under penalty of perjury, that the developer has or has not surrendered control, including voting control, of such association.

CHAPTER 14 OFF-STREET PARKING AND LOADING

Section 14.01 Purpose.

The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles in residential and non-residential zoning districts; to ensure by the provision of these regulations that adequate parking and access are provided in a safe and convenient manner; and to afford reasonable protection to adjacent land uses from light, noise, air/water pollution and other effects of parking lot proximity.

Section 14.02 General Requirements.

- A. **Applicability of Parking Requirements.** For all buildings and uses established after the effective date of this ordinance, off-street parking shall be provided as required by this chapter. In addition, the following shall also apply:
 1. Whenever use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided, as required by this chapter for that use.
 2. If the intensity of use of any building or lot is increased, through the addition of floor area, increase in seating capacity, or other means, additional off-street parking shall be provided, as required by this chapter.
 3. Off-street parking facilities in existence on the effective date of this ordinance shall not be reduced below the requirements of this chapter, nor shall nonconforming parking facilities that exist as of the effective date of this ordinance be further reduced or made more nonconforming.
 4. An area designated as required off-street parking shall not be changed to another use, unless equal facilities are provided elsewhere in accordance with the provisions of this chapter.
- B. **Location.** Off-street parking facilities required for all uses other than single and two-family dwellings shall be located on the lot or within 300 feet of the building(s) or use they are intended to serve, as measured from the nearest point of the parking facility to the nearest public entry of the building(s) or use served. Off-street parking facilities required for single-and two-family dwellings shall be located on the same lot or plot of ground as the dwelling they are intended to serve, and shall consist of a driveway, parking strip, parking apron, and/or garage.
- C. **Shared/Common Parking.**
 1. Two (2) or more buildings or uses may share a common parking facility; provided, the number of parking spaces available shall equal the required number of spaces for all the uses computed separately.
 2. Parking facilities for a church, place of worship or similar intermittently used facility may be used to meet up to 50 percent of the off-street parking for uses lying within 300 feet of the facility, as measured from the nearest edge of the parking area to the nearest public entry point of the building or use; provided, the church, place of worship or similar facility makes the spaces available and there is no conflict between peak times when the uses are in need of the parking facilities.
 3. A request for shared parking that will result in fewer than the total number of spaces required for all uses separately may be approved as part of administrative, concept or final site plan review. In any case, the continued availability of required parking, either shared or by other means, shall be made a condition of any site plan approval and/or conditional use approval, as provided by this ordinance. The following documentation shall be provided in conjunction with such a request:

City of Lorain Zoning Code

- a. A shared parking analysis shall be submitted to the zoning administrator that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by or acceptable to the zoning administrator. It must address, at a minimum, the size and type of the proposed development or combination of uses, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
- b. A shared parking plan shall be enforced through written agreement among all owners of record and included in the development agreements filed with the city. The agreement shall be in recordable form, be perpetual and provide that the provisions of the agreement run with the land and may be enforced by any owner of the affected property, or the City of Lorain, if violated.
4. An attested copy of the shared parking agreement between the owners of record shall be submitted to the zoning administrator to be recorded in a form established by the city attorney. The agreement must be recorded before issuance of a building permit or certificate of zoning compliance for any use to be served by the shared parking area. A shared parking agreement may only be revoked if all required off-street parking spaces will be provided on-site. The city shall void the written agreement if other off-street facilities are provided in accord with these zoning regulations.

D. **Modification of Parking Requirements.** Cumulative parking requirements for mixed-use developments or planned unit developments may be reduced by the city council, as part of concept plan review, or by the planning commission, as part of final site plan review, where it can be determined that one or more of the following conditions is met:

1. Other forms of travel (such as transit, bicycle or pedestrian) are available and likely to be used and the site design will incorporate both bicycle parking facilities and pedestrian connections.
2. Shared parking is available to multiple uses where there will be a high proportion of multipurpose visits or where uses have peak parking demands during differing times of the day or days of the week and meeting the following requirements:
 - a. Pedestrian connections shall be maintained between the uses.
 - b. Unless the multiple uses are all within a unified business center, office park or industrial park all under the same ownership, shared parking agreements shall be filed by the zoning administrator with the city clerk after approval and recording.
3. Available municipal off-street parking or on-street spaces are located within 300 feet of the subject property and one (1) or more of the following conditions exist:
 - a. A number of the on-street spaces are currently routinely available and can reasonably be expected to be available to the use for which the waiver is requested;
 - b. The nature of the proposed use is such that its peak demand occurs at times when the on-street parking is not likely to be used; or
 - c. The on-street parking would not be the primary parking area for the use and may be considered a temporary option in support of deferred parking, as provided in *Section 14.02 E.*
4. Expectation of walk-in trade is reasonable due to sidewalk connections to adjacent residential neighborhoods or employment centers. To allow for a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation, providing safe and convenient access to the building entrance.
5. Where the applicant has provided a parking study, conducted by a qualified transportation engineer, demonstrating that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.

City of Lorain Zoning Code

6. A parking study may be required, at the sole discretion of the reviewing authority, to document that any one or more of the criteria 1 through 4 above would be met.

E. Deferred Parking.

1. Where a reduction in the number of parking spaces is not warranted, but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the city council, for concept plans, and planning commission, for final plans, may defer a portion of the required parking. A site plan shall designate areas of the site for future construction of the required parking spaces, meeting the design and dimensional requirements of this chapter. Any area so designated shall be maintained in a landscaped appearance and not occupy required buffers, greenbelts or parking lot setbacks, or be used for any other purpose.
2. The deferred parking shall meet the requirements of this chapter, if constructed. Construction of the additional parking spaces within the deferred parking area may be initiated by the owner or required by the city, based on parking needs or observation, and shall require approval of an amended site plan which may be approved by the zoning administrator.

F. Temporary Parking. It is recognized that there may be special events or situations that occur infrequently which would result in a temporary reduction in the availability of required parking spaces or create a need for temporary off-site parking. Such events may include, but are not limited to, outdoor vehicle sales, festivals or fairs, church/school car washes, sporting events or garage sales. In those instances, the zoning administrator may authorize the use of a portion of the required parking area for other purposes on a temporary basis or permit temporary off-site parking, upon a demonstration by the applicant that:

1. the loss of the required parking spaces may be off-set by requiring employees or customers to park elsewhere or that due to the time of year or nature of the on-site business, the required spaces are not needed;
2. all or part of the displaced parking may be accommodated on unpaved areas of the site;
3. permission has been granted by neighboring property owners or operators to use their parking facilities;
4. the duration of the special event is so short or of such a nature as to not create any appreciable parking shortage for the normal operation of the existing on-site use;
5. temporary off-site parking is located and designed to ensure safe and efficient circulation for both pedestrians and vehicles (a site plan may be required to demonstrate this); and
6. the proposed special event satisfies all other applicable city regulations.

G. Maximum Allowed Parking. In order to minimize excessive areas of pavement that detract from aesthetics, contribute to high rates of storm water runoff and generate reflective heat, the minimum parking space requirements of this section shall not be exceeded by more than 10 percent, unless approved by the city council, as part of concept plan review, or the planning commission, as part of final plan review, or if the parking spaces are located within a multi-level parking structure. In approving additional parking space, the review authority shall determine that the parking is necessary, based on documented evidence, to accommodate the use on a typical day. Further, the review authority may require that parking spaces provided in excess of 10 percent over the minimum requirement shall only be located on permeable surfaces.

Section 14.03 Required Off-Street Parking.

The minimum number of required off-street parking spaces shall be provided and maintained on the premises or as otherwise allowed by this chapter, based on the applicable requirements of *Table 14.03-1*. As a condition of approval, the city council or planning commission may require that a performance guarantee be posted, in accordance with the provisions of *Section 18.06*.

City of Lorain Zoning Code

- A. When units or measurements determining the number of required parking spaces result in a fraction over one-half ($\frac{1}{2}$), a full parking space shall be required.
- B. In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a specified use which is most similar, as determined by the zoning administrator, shall apply.
- C. Each 24 inches of bench, pew, or similar seating facilities shall be counted as one (1) seat, except if specifications and plans filed in conjunction with a building permit application specify a maximum seating capacity, that number may be used as the basis for required parking spaces.
- D. Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the city building and fire codes.
- E. Unless otherwise indicated, floor area shall be usable floor area (UFA).

Table 14.03-1 Parking Requirements by Use

Use	Number of Parking Spaces
Residential Uses	
Accessory dwellings	1 space per dwelling unit
Bed and breakfast	2 for the owner/operator and 1 per leasable room
Boarding house, residential hotel	1 space per 2 beds, plus 2 additional spaces for owner or employees
Multiple-family residential dwellings and attached single family dwellings	2 spaces per dwelling unit, plus .25 spaces per unit for guest parking
Residential social service facilities	1 per 4 occupants
Senior apartments and senior independent living	1.25 spaces per unit. Should units revert to general occupancy, the requirements for multiple family dwellings shall apply
Single-family detached and two-family dwellings	2 spaces per dwelling unit
Institutional Uses	
Auditoriums, assembly halls, meeting rooms, theaters, and similar places of assembly	1 space per 3 seats or 1 space per 3 persons allowed based on maximum capacity in the main place of assembly, as established by the city fire and building codes
Child day care centers, nursery schools, and day nurseries; adult day care centers	1 per 350 sq. ft. of UFA, plus 1 per employee. Sufficient area shall be designated for drop-off of children or adults in a safe manner that will not result in traffic disruptions
Churches and customary related uses	1 per 3 seats in the main unit of worship, plus spaces required for each accessory use such as a school
Colleges and universities; business, trade, technical, vocational, or industrial schools	1 per classroom plus 1 per 3 students based on the maximum number of students attending classes at any one time
Elementary and middle schools	1 per teacher, employee, and administrator, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium
Government offices	1 per 300 sq. ft. of UFA plus requirements for auditoriums, meeting halls or similar assembly rooms
High schools; performing and fine arts schools	1 per teacher, employee, and administrator, and 1 per 10 students, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium
Hospitals and similar facilities for human care	1 per 2 beds, plus 1 per employee on the largest shift.
Nursing and convalescent homes	1 per 2 beds or occupants
Post office	1 per 200 sq. ft. of UFA for customer parking, plus 1 per employee and additional space for delivery vehicles

City of Lorain Zoning Code

Public libraries and museums		1 per 300 sq. ft. of UFA, plus requirements for auditoriums, classrooms or similar assembly rooms
Retail Uses		
Retail stores except as otherwise specified herein		1 per 250 sq. ft. of UFA
Multi-tenant shopping centers	with 60,000 square feet or less of retail	1 per 250 sq. ft. of retail UFA
	with over 60,000 square feet of retail	1 per 220 sq. ft. of retail UFA
	with restaurants	If more than 20% of the shopping center's floor area is occupied by restaurants or entertainment uses, parking requirements for these uses shall be calculated separately. Where the amount of restaurant space is unknown, it shall be assumed to be 20%.
Agricultural sales, greenhouses and nurseries or roadside stands		1 per employee plus 1 per 100 sq. ft. of actual permanent or temporary area devoted primarily to sales
Animal grooming, training, day care, and boarding		1 per 300 sq. ft. of UFA
Convenience store		1 per 200 sq. ft. of UFA
Farmers' markets		1 per 150 sq. ft. of lot area used for sales or display
Furniture and appliance, household equipment, showroom for plumber, decorator, electrician, hardware, wholesale and repair shop, or similar uses		1 per 800 sq. ft. of net UFA plus 1 additional space per employee
Grocery store/supermarket		1 per 200 sq. ft. of UFA
Home improvement centers		1 per 300 sq. ft. of UFA
Open air businesses, except as otherwise specified herein		1 per 500 sq. ft. of lot area for retail sales, uses, and services
Vehicle dealerships, including automobiles, RV's, motorcycles, snowmobiles, ATV's and boats		1 per 300 sq. ft. of show room floor space, plus 1 per automobile service stall, plus 1 per employee
Service Uses		
Banks and other financial institutions		1 per 200 sq. ft. of UFA for the public. Drive-up windows/drive-up ATMs shall be provided with 3 stacking spaces per window or drive-up ATM
Beauty parlor or barber shop		2 parking spaces per chair/station
Contractor's yard		1 per business vehicle, plus 1 per 1,000 sq. ft. GFA
Dry cleaners		1 per 500 sq. ft. of UFA
Kennel		1 per 400 sq. ft. of GFA, but no less than 4 spaces
Laundromats		1 per washer-dryer pair, plus 1 space per employee
Mail box clusters serving residential subdivisions or other concentrated developments		A turn-out/off-set area shall be provided adjacent to the mail box cluster of sufficient dimension (minimum 66 feet long by 7 feet wide) to accommodate three (3) standing vehicles
Mortuary establishment, funeral home		1 per 50 sq. ft. of assembly room or parlor floor space
Motel, hotel or other commercial lodging establishment		1.25 per guest unit. In addition, spaces required for ancillary uses such as lounges, restaurants, meeting rooms or places of assembly shall be provided and determined on the basis of specific requirements for each individual use

City of Lorain Zoning Code

Motor vehicle service stations (gas stations and truck stops)		1 per employee, plus additional parking required for other uses within vehicle service station, such as the retail floor area, restaurants or vehicle repair stalls. Each automobile fueling position may count as one quarter (1/4) of a required space for other uses.
Offices, business, professional and general		1 per 300 sq. ft. of UFA, but no less than 5 spaces
Offices, medical, dental and veterinary		1 per 200 sq. ft. of UFA
Radio or television broadcast studio		1 per 400 sq. ft. UFA
Vehicle repair establishment, major or minor		2 per service stall, plus 1 per employee
Vehicle quick oil change		2 stacking spaces per service stall, rack or pit plus 1 per employee
Vehicle wash	Self-service (coin operated)	2 spaces plus 2 stacking spaces per washing stall
	Full-service	2 spaces, plus 1 per employee. 15 stacking spaces per washing stall or line, plus a minimum 30 foot long drying lane to prevent water from collecting on street.
Restaurants, Bars and Clubs		
Standard sit-down restaurants with or without liquor license		1 per 75 sq. ft. of UFA
Carry-out restaurant (with no or limited seating for eating on premises)		6 per service or counter station, plus 1 per employee
Open front restaurant/ice cream stand		6 spaces, plus 1 per employee and 1 per 4 seats
Drive-through restaurant		1 per 75 sq. ft. UFA, plus 8 stacking spaces per food pickup window
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)		1 per 50 sq. ft. of UFA
Private clubs, lodge halls, or banquet halls		1 per 3 persons allowed within the maximum occupancy load as established by the city fire and building codes
Recreation		
Athletic clubs, exercise establishments, health studios, sauna baths, martial art schools and other similar uses		1 per 3 persons allowed within the maximum occupancy load as established by city fire and building codes, plus 1 per employee
Billiard parlors		1 per 3 persons allowed within the maximum occupancy load as established by city building and fire codes or 2 per table, whichever is greater
Bowling alleys		5 per bowling lane
Indoor recreation establishments including gyms, tennis courts, roller or ice-skating rinks, exhibition halls, dance halls, and banquet halls		1 space per 3 persons allowed within the maximum occupancy load as established by the city fire and building codes
Golf courses open to the public, except miniature or "par-3"		4 per golf hole, plus additional for any bar, restaurant, banquet facility, meeting room or similar use
Miniature or "par-3" courses		2 per 1 hole, plus 1 per employee

City of Lorain Zoning Code

Neighborhood amenities (swimming pools, club houses and similar facilities for the common use of residents within a development)	1 per 10 persons allowed within the maximum capacity as established by the city fire and building codes
Stadium, sports arenas, sports fields (ball diamonds, soccer fields, etc.) or similar place of outdoor assembly	1 per 3 seats or 3 per 6 feet of bench, plus 1 per employee. For fields without spectator seating, there shall be a minimum of 30 spaces per field.
Industrial Uses	
Industrial establishments, including manufacturing, research and testing laboratories, bottling works, printing, plumbing or electrical work-shops	1 per employees computed on the basis of the greatest number of persons employed at any one time during the day or night; or 1 per 550 feet of GFA, whichever is greater
Warehouses and storage buildings	1 per employee computed on the basis of the greatest number of persons employed at any one time during the day or night; or 1 per 5,000 sq. ft. of GFA, whichever is greater.
Mini-warehouse/self-storage	Unobstructed parking area equal to 1 space per 10 door openings, plus parking for uses on the site such as truck rental
Truck terminals	1 per employee, plus 2 truck spaces of 10 by 70 feet per truck berth or docking space

Section 14.04 Off-Street Parking and Facility Design

A. **Location and Setbacks.** Off-street parking lots shall meet the setback requirements, as follows for the respective zoning district or which may be specified, in *Chapter 11* for individual uses:

1. **Business districts.** Parking shall not be located within the required front or street side yard in any B-1 district or within the first 20 feet along any street in any B-2 district.
2. **Industrial districts.** Parking shall be setback a minimum of 20 feet from any right-of-way or private street easement line.
3. **Residential districts.** Except for parking within a residential driveway serving a single or two-family dwelling, off-street parking lots shall not be located within any required yard. This shall not prohibit the authorized parking of recreational vehicles on a single-family lot, as provided by Section 10.026.

B. **Parking Construction and Development.** Construction shall be completed, inspected by the city engineer, and approved by the zoning administrator before a certificate of completion is issued and the parking lot may be used.

1. **Pavement.** All driveways, parking lots and vehicle and equipment storage areas shall be paved with asphalt or concrete and shall be graded and drained to dispose of surface water which might accumulate. Alternative paving materials, such as permeable/grass pavers, stone or asphalt millings, may be approved for all or a portion of the parking areas, based upon credible evidence of the durability and appearance of the proposed materials. For storage areas in Industrial Districts, a substitute for hard-surfaced pavement may be approved upon a determination that there are no adverse effects on adjoining properties. All parking structures, parking areas, and access drives shall be constructed in accordance with standards established by the city engineer.

City of Lorain Zoning Code

2. Drainage. Surface water from parking areas shall be managed in accordance with the city engineering standards. The city engineer shall determine the appropriate detention or retention treatment.
3. Curbing or Wheel Blocks. Whenever a parking lot extends to a property line, curbing, wheel blocks or other suitable devices shall be permanently installed at least five (5) feet inside the property line to prevent any part of a parked vehicle from extending beyond the property line.
4. Lighting. Any parking area to be used at night shall be illuminated. Fixtures shall be direct cut-off to prevent light spill-over onto adjacent properties. Lighting levels throughout a parking area shall provide a minimum of two (2), but no more than five (5) foot candles of illumination at the surface of the parking area.
5. Dimensions. Parking space and aisle dimensions shall meet the following requirements and as specified in Table 14.04-1.
 - a. Angled parking between these ranges shall be to the nearest degree.

Table 14.04-1 Dimensional Requirements (feet)

Parking Pattern	Parking Space		Maneuvering Aisle Width		Total Width – Two Rows of Parking and Maneuvering Lane	
	Width	Length	One-way	Two-way	One-way	Two-way
0°(parallel)	7	22	11	22	25	36

- b. Space length may be reduced by up to two (2) feet if an unobstructed overhang, such as a landscaped area or sidewalk, is provided. A sidewalk shall have a minimum width of seven (7) feet where abutting a parking area. There shall be a minimum distance of seven (7) feet between the parking lot curb and building. Where curbing does not exist, bumper blocks shall be provided to protect pedestrian space adjacent to the building.
- c. The width of driveways providing ingress and egress to parking areas from public streets shall not exceed 34 feet at the sidewalk and 40 feet at the curb.
- d. All parking lots shall be striped and maintained showing individual parking bays, in accordance with the following dimensions; provided, if alternative materials are used wheel stops shall be installed to define the spaces.

City of Lorain Zoning Code

45°	9	18	11	22	47	58
60°	9	20	11	22	56	62
75° to 90°	9	20	12	22	52	62

6. Stacking Spaces. Each required waiting/stacking space for drive-through uses (such as banks, restaurants, car washes, pharmacies, dry cleaners and oil change establishments) shall be at least 24 feet long and 10 feet wide. Stacking spaces shall not block required off-street parking spaces. Where the drive-through waiting lane provides for a single lane for five (5) or more vehicles an escape/by-pass lane shall be provided to allow vehicles to exit the waiting lane.
7. Ingress and Egress. Adequate vehicular ingress and egress to the parking area shall be provided by means of clearly limited and defined drives. All parking lots shall provide interior access and circulation aisles for all parking spaces. The use of public streets for maneuvering into or out of off-street parking spaces shall be prohibited.
8. Access Through Residential Districts. Ingress and egress to a parking lot in a non-residential zoning district shall not be through a residential district, except in instances where access is provided by means of an alley that forms the boundary between a residential and non-residential district or if specifically authorized by the city council after a public hearing.

City of Lorain Zoning Code

9. **Curbing.** A six (6) inch concrete curb or approved alternative shall be provided around all sides of any parking lot of 10 or more spaces to protect landscaped areas, sidewalks, buildings or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot. Curb openings are allowed for storm water drainage, as recommended by the city engineer. Plantings shall be set back two (2) feet from curbs to allow for bumper overhang.
10. **Landscaping.** Off-street parking areas shall be landscaped and/or screened, in accordance with the requirements of *Chapter 13*. The use of rain gardens and other low impact design solutions to minimize the impact of stormwater runoff is encouraged.
11. **Lighting.** Light fixtures used to illuminate off-street parking areas shall be arranged to deflect the light away from adjoining properties and adjacent streets. Lighting fixtures in parking areas shall conform to the requirements of *Section 14.04 B.4*. Light fixtures shall be designed to achieve 90 degree luminary cutoff.
12. **Fire Lanes.** Fire lanes shall be designated on the site and posted with signage prior to occupancy. Vehicle circulation shall meet turning radius requirements set by the fire department.
13. **Crosswalks.** Pedestrian pathways and crosswalks in parking areas shall be readably distinguishable from driving surfaces through the use of markings and/or alternate paving materials to enhance pedestrian safety and comfort.

C. **Barrier Free Parking in Parking Lots.** Within each parking lot, signed and marked barrier free spaces shall be provided at a convenient location, in accordance with the applicable requirements of the Americans with Disabilities Act of 1990 (ADA). Barrier free spaces shall be located as close as possible to building entrances. Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four (4) feet shall be provided for wheelchair access.

D. **Maintenance.** All parking areas shall be maintained free of trash and debris. Surface, curbing, light fixtures and signage shall be maintained in good condition.

E. **Limitations on Use of Parking Lots.**

1. Off-street parking areas are intended only for temporary vehicle parking. Except when land is used as storage space in connection with the business of a repair or service garage, use of parking areas or open land is not permitted for the storage or parking of wrecked or junked cars, or for creating a junk yard or nuisance. In no event shall a vehicle be stored or parked on any lot for a period exceeding 45 days without significant work being performed on said vehicle. For good cause shown, the zoning inspector may authorize the vehicle to be parked and/or stored for an additional period of time.
2. Loading spaces, as required in Section 14.05, and parking spaces, required in Section 14.03, shall be considered separate and distinct requirements and shall be provided as individual components on the site. In no case shall one component be construed as meeting the requirements of the other.
3. Parking lots and loading areas shall not be used for the storage of trucks or trailers, except where such outdoor storage is specifically permitted in the zoning district as a truck livery and has been approved. Overnight parking or storage of commercial vehicles shall be prohibited, except for uses and locations approved for vehicle storage. This shall not be construed to prohibit the parking overnight of commercial fleet vehicles or the short-term parking of trailers in loading bays or staging areas related to commercial or industrial uses.

City of Lorain Zoning Code

4. Except as otherwise permitted, the parking or storage of tractor-trailer, agricultural tractors, trucks of more than one (1) ton capacity, semi-trailers, pole trailers, industrial units, or moving vans is hereby prohibited on private property in any residential or business district. The storage of such vehicles at commercial truck terminals, construction and demolition sites, designated loading docks, or for emergency repairs shall be permitted.
5. It shall be unlawful to use a parking lot or open area to store or park any vehicle for the purpose of displaying vehicles for sale, except in an approved vehicle sales dealership.

F. Single Family Residential Parking.

1. In all residential districts, vehicles, trailers, boats, and similar recreational vehicles or equipment shall be parked only on a designated driveway that provides access to the garage or property from the public right-of-way or road easement. However, no trailer, boat, or similar recreational vehicle or equipment, or portion thereof, and no abandoned or dismantled vehicle, shall be located in such area for more than 48 hours, except as allowed by section ORC §10.026.
2. Parking areas shall not exceed 30 feet in width or half the lot width, whichever is less, unless the width of the lot is 100 feet or greater. If so, the building official may authorize a greater driveway width if compatible with the character of the surroundings and is aesthetically pleasing.
3. Off-street parking in other areas of the front yard, side street yard or rear yard may be permitted when in the opinion of the Board of Zoning Appeals no practical alternative exists, the purpose of the district would not be compromised, and no detrimental impact would result.

Section 14.05 Off-Street Loading Requirement

- A. **Uses Requiring Loading Area.** On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, retail sales, consumer services or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys and parking spaces. This provision shall not apply to retail sales and consumer service uses of less than 10,000 square feet.
- B. **Loading Area Requirements.** Loading and unloading spaces shall be paved and, unless otherwise adequately provided for, for buildings of 20,000 square feet or less shall be a minimum of 12 feet wide and 35 feet long. Loading spaces for buildings of over 20,000 square feet shall be a minimum of 14 feet wide and 50 feet long. All loading spaces shall have a vertical clearance of 14 feet, according to the following schedule:

Table 14.05-1 Minimum Off-Street Loading Requirements	
Building Net GFA	Minimum Truck Loading Spaces
10,000 – 20,000 sq. ft.	1 space
20,001 – 40,000 sq. ft.	2 spaces
40,001–100,000 sq. ft.	3 spaces
100,001–160,000 sq. ft.	4 spaces
Over 160,000 sq. ft.	4 spaces, plus 1 space for each 80,000 sq. ft. in excess of 160,000 square feet (or fraction greater than $\frac{1}{2}$)

City of Lorain Zoning Code

C. **Orientation of Overhead Doors.** Overhead doors for truck loading areas shall not face a public right-of-way and shall be screened to not be visible from a public street or an adjacent residential district.

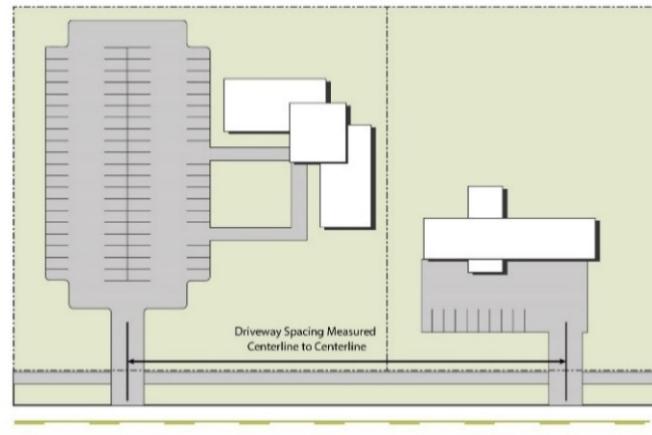
D. **Residential Setback.** Loading and unloading spaces shall not be located closer than 50 feet to any residential district boundary, unless the spaces are wholly within a completely enclosed building or completely screened from the residential district by an approved solid, sight-obscuring wall or fence at least six (6) feet in height.

Section 14.06 Access Management

Control over the number and location of access points, as specified in this section, along the city's major roadways is necessary to reduce congestion, improve safety, maintain acceptable flow and minimize confusion. Therefore, the standards of this section shall apply to all non-residential development having frontage on and direct access to any arterial or collector street within the City of Lorain.

A. **Driveway Location in General.**

1. All driveways serving commercial, office, institutional or industrial uses, hereafter referred to as "commercial driveways," shall comply with the requirements of this section.
2. Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
3. Driveways, including the radii, but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage of the property being served, unless otherwise approved by the city or the Ohio Department of Transportation (ODOT), as applicable, and upon written certification from the adjacent property owner agreeing to such encroachment.



B. **Driveway Spacing Standards.**

**Table 14.06-1,
Minimum Commercial Driveway Spacing
From Another Driveway**

Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
25	125
30	125
35	150
40	185
45	230
50	275

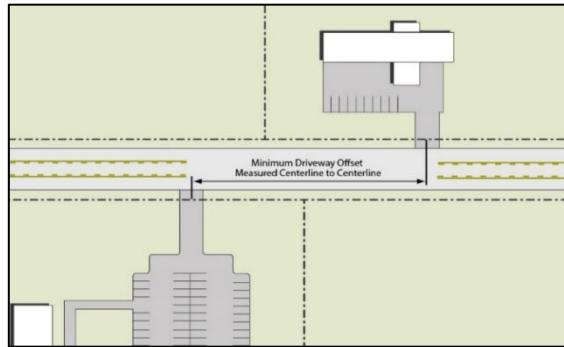
City of Lorain Zoning Code

1. Minimum spacing between two commercial driveways or a commercial driveway and a street

55	350
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intersection, either adjacent or on the opposite side of the street, shall be determined based upon posted speed limits along the parcel frontage. The minimum spacing indicated in *Table 14.06-1* is measured from centerline to centerline for driveways and nearest pavement edge to nearest pavement edge from driveways to street intersections.

2. To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the street, where possible. If alignment is not possible, driveways shall be offset from those on the opposite side of the street the same distance as required in *Table 14.06-1*. These standards may be reduced by the planning commission where there is insufficient frontage and shared access with an adjacent site is not feasible. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.



C. Modification of Requirements.

1. Given the variation in existing physical conditions along the city's streets, modifications to the spacing and other requirements above may be permitted as part of the site plan review. The planning commission shall consider the criteria in *Subsection C.2* when determining if there is a need for modification, in the following circumstances, and the degree to which any modification is necessary.
 - a. The modification will allow an existing driveway to remain that does not meet the standards of this section but that has, or is expected to have very low traffic volumes (less than 50 in-and out-bound trips per day) and is not expected to significantly impact safe traffic operations.
 - b. The use is expected to generate a relatively high number of trips and an additional driveway will improve overall traffic operations.
 - c. Practical difficulties exist on the site (sight distance limitations, existing development, topography, unique site configuration or shape) that make compliance unreasonable, or existing off-site driveways make it impractical to fully comply with the standards.
 - d. Because of restricted turning movements or presence of a median that restricts turning movements, the driveway does not contribute to congestion or an unsafe situation.
2. The planning commission may waive or modify certain requirements of this section upon consideration of the following:
 - a. The proposed modification is consistent with the general intent of the standards of this section, the recommendations of the Lorain Comprehensive Plan, and, if applicable, published ODOT guidelines.
 - b. Driveway geometrics have been improved to the extent practical to reduce impacts on traffic flow.
 - c. Shared access has been provided, or the applicant has demonstrated it is not practical.
 - d. Such modification is the minimum necessary to provide reasonable access, will not impair public safety or prevent the logical development or redevelopment of adjacent sites and is not simply for convenience of the development.

D. Commercial Driveways Permitted.

1. The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable user access and access for emergency vehicles, while preserving traffic operations and safety along the public street.

City of Lorain Zoning Code

2. Access shall be provided for each separately owned parcel. Access may be via an individual driveway, shared driveway or service drive.
3. More than one (1) driveway may be permitted for a property only as follows:
 - a. One (1) additional driveway may be allowed for properties with a continuous frontage greater than 300 feet, if the planning commission determines there are no other reasonable access alternatives;
 - b. The planning commission determines, based on a traffic impact analysis, that additional access is justified without compromising traffic operations along the public street; and
 - c. The minimum spacing requirements, specified in *Table 14.06-1* can be met.

E. Commercial Driveway Design.

1. All commercial driveways shall be designed according to the standards of the City of Lorain or ODOT, as applicable.
2. For high traffic generators, or for commercial driveways along streets experiencing or expected to experience congestion, the planning commission may require individual right- and left-turn egress lanes.
3. Where a boulevard entrance is proposed by the applicant or required by the planning commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will use the driveway. The minimum area of the island shall be 180 square feet. The planning commission may require landscaping, tolerant of street conditions, on the section outside the public right-of-way.
4. The planning commission may require an applicant to provide a traffic impact analysis to be performed by a qualified transportation engineer where the scale of a proposed development, the anticipated peak hour traffic volumes, or the location of proposed access points in proximity to other driveways or street intersections may have a negative impact on the capacity of adjacent streets or contribute to unsafe conditions.

CHAPTER 15 SIGNS

Section 15.01 Purpose.

- A. The regulations of this chapter are intended to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare of the residents of the City of Lorain; to maintain and improve the appearance of the community; to conserve community character; to prevent traffic hazards; to provide safe conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location and number of signs. It is further determined that to allow signs of excessive number and size in the city would unduly distract pedestrians and motorists, create potentially dangerous traffic conditions and reduce the effectiveness of signs needed to direct the public.
- B. It is the intent of this chapter that signs are as much subject to control as noise, odors, debris and like characteristics of a use. In establishing the purpose and objectives of this chapter, the city has determined that without adequate regulation and design standards, signs could become a nuisance to the city and its citizens. If the appearance of the city is marred by the excessive number, oversized and poorly designed signs, both residential and business property values will be adversely affected.
- C. The general objectives of this chapter include:
 1. Requiring signs to be reviewed for approval prior to installation;
 2. Requiring signs to be properly constructed, installed and maintained;
 3. Controlling the size, location and design of signs so their appearance will be aesthetically harmonious with the surroundings and are appropriate to the zoning districts in which they are located;
 4. Encouraging readable signs;
 5. Reducing visual clutter;
 6. Eliminating any conflict that would be hazardous between private signs and public signs including traffic control signs and devices; and
 7. Ensuring that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment.

Section 15.02 General Provisions.

- A. **Definitions.** All terms used in this chapter shall have the definitions provided in *Chapter 21*.
- B. **Applicability.** No sign shall be permitted in any district except as provided in this chapter. The provisions of this chapter shall apply to all signs of every nature, whether portable, freestanding or attached, except as otherwise provided, either specifically or by necessary implications.
- C. **Basic Standards.**
 1. All permanent signs must be of a professional character, must be erected by a qualified sign erector, and must comply with the provisions of this chapter. Homemade lettered signs shall not be permitted, whether or not a permit is required, except for wire frame temporary signs.
 2. Signs may be externally or internally illuminated, except as otherwise specified.
 3. Signs shall not detract from the appearance of the general neighborhood in which located or adversely affect property values in the neighborhood.

City of Lorain Zoning Code

4. Signs shall not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for motorists.
- D. **Setbacks.** Except as otherwise specifically provided in this chapter, the following setback requirements shall apply to all signs:
 1. No part of a sign shall be located within 15 feet of a street right-of-way line, unless otherwise permitted; provided, signs attached to buildings which are located within 15 feet of a street right-of-way shall be exempt from this requirement.
 2. No part of any sign shall be located closer than one (1) foot from and adjoining lot line.
 3. No part of any sign shall be located closer than 10 feet from a residential zoning district.
- E. **Clear Vision Triangle.** Signs shall not be placed within a clear vision triangle, required by *Section 10.09*.
- F. **Signs in Public Right of Way.** Signs shall not be placed in any public easement, right-of-way, utility easement, clear vision triangle, or no-build zone, except publicly owned signs, such as traffic control signs and city authorized directional signs.
- G. **Official Public Signs Exempt.** Public notices by governmental bodies, and other official signs and notices are exempt from the provisions of this section. The zoning administrator may authorize the erection of other signs reasonably necessary for the regulation of traffic and of parking areas on private property in nonresidential districts. Such signs shall relate only to traffic flow and safety. No such sign shall include advertising material nor shall it be larger than reasonably required for its purpose.

City of Lorain Zoning Code

H. **Measurement.** Signs shall not exceed the maximum sign area allowed for the district in which located. The sign area is to be expressed in square feet, computed to the nearest tenth of a square foot, and shall be calculated as follows:

1. **Area.** The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo or any other figure of similar character, together with any other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the frame and the structure necessary to support the sign.
2. **Double-Faced sign.** The area of a sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back and are no more than three (3) feet apart at any point, the area of one face shall be counted toward the maximum size requirement. If the back-to-back faces are of unequal size, the larger of the sign faces shall be counted as the one (1) face.
3. **Wall Sign.** For a sign consisting of individual letters and/or a graphic affixed directly onto a building without a border, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and graphic.
4. **Height.** The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground or the average grade of the ground immediately beneath the sign, excluding any artificially constructed earthen berms.
5. **Multi-Tenant Buildings.** For buildings with multiple tenants, the sign area for wall, projecting, canopy or awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing the sign requirements for that portion of the total wall.

I. **Illumination and Movement.** All illuminated signs shall meet the following requirements:

1. Except as otherwise specifically permitted in this chapter, signs shall not contain any intermittent, moving, blinking, flashing, oscillating, scrolling, or fluttering lights or animated parts; nor shall any device be utilized which has a changing light intensity, brightness of color or give such illusion, except as specifically required for electronic changeable message signs.

City of Lorain Zoning Code

2. The light source for any externally illuminated sign shall not be directly visible from adjacent streets or property. Exposed neon-type tubing as part of any sign and/or on the building shall not be permitted except in the B-3, Downtown Business District. Backlight silhouetted halo letters shall be permitted, provided the light source is fully concealed.
3. For all signs, the level of illumination emitted or reflected from a sign shall not be of intensity sufficient to constitute a demonstrable hazard to vehicular traffic or pedestrians on any right-of-way or parking lot from which the sign may be viewed. All illumination must be of reasonable intensity and shall not spill onto adjacent properties or rights-of-way. Signs adjacent to residential buildings and streets shall not be of such brightness to cause reasonable objection from adjacent residential districts or uses nor to spill light and glare onto adjacent residential properties and structures.
4. Ground signs abutting a residential district or use shall be at least 50 feet from the property line abutting the residential district or use.
5. Signs illuminated by electricity or equipped in any way with electric devices or appliances shall conform, with respect to wiring and appliances, to provisions of the building code relating to electrical installations. All wiring, fittings and materials used in construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the applicable electrical code followed by the City of Lorain.

J. **Safety.**

1. All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the city electrical code and approved by the zoning administrator. All electrical signs shall contain an Underwriters Laboratories (UL) or a city approval label.
2. All signs hung and erected shall be plainly marked with the name of the person, firm or corporation hanging or erecting the sign.
3. Signs shall not closely resemble or approximate the shape, form and color of official traffic signs, signals and devices.
4. No sign shall be so placed as to obstruct or interfere with a required doorway, other required means of ingress or egress, or traffic visibility.
5. Signs shall be constructed to withstand a wind pressure as specified by the building code enforced by the City of Lorain and shall be otherwise fastened, suspended, or supported so not to be a menace to persons or property.
6. No sign shall be attached to the standard of a ground sign, other than the display surface originally constructed as part of the sign. No sign shall be attached to or painted or otherwise displayed on a light standard, gasoline pump, fence, wall, post or other structure, or to any supporting device, except as specifically authorized in this chapter.

Section 15.03 Signs Exempt from Permits

The following regulations are applicable to all signs exempt from permitting in all zoning districts.

A. **Exempt Actions.** The following actions shall not be considered to be creating a sign and shall not be required to have a sign permit, unless otherwise specified.

1. **Maintenance.** Painting, repainting, cleaning, or other normal maintenance and repair of a sign or sign structure unless a structural change is involved. The change of sign wording or a sign face is permitted; provided the sign frame and structure do not change.

City of Lorain Zoning Code

2. **Re-lettering and Rewording Changeable Copy.** The changing of advertising copy or message, either electronically or manually, on an approved or existing nonconforming sign, such as a theater marquee, manual or electronic changeable message signs and similar signs which are specifically designed for use of changeable copy.

B. **Exempt Signs.** Those signs listed in *Table 15.03-1* are allowed in addition to the permanent signs specified in *Table 15.06-1*. A sign permit shall not be required for the signs listed in *Table 15.03-1*; provided, all other applicable requirements of this chapter are met.

Table 15.03-1, Signs Exempt from Permitting

Type of Sign	Requirements
Address Sign	Numeral height no greater than six (6) inches for residences and 18 inches for businesses and other nonresidential uses.
Barber Pole	The bottom of the barber pole shall be attached to the building wall and must be at least eight (8) feet from the ground or sidewalk, but the top must be lower than the height of the building. The barber pole must not extend more than 12" from the exterior face of the wall to which it is attached.
Business Identification Sign	An identification sign on or near (above or beside) a public entrance or service entrance to a business in a commercial or industrial zone is permitted; provided, the sign states only the street address number and name of the business or building. It shall be mounted flush against the wall and shall not exceed three (3) sq. ft. in area.
Commercial Construction Sign	A sign which identifies the architects, engineers, contractors or other individuals and firms involved with the commercial construction project on the premises and/or identifying the project under construction. One (1) sign, not exceeding 48 square feet shall be permitted. The sign shall be set back a minimum of 10 feet from any right-of-way line. The sign may be erected when a building permit is issued for construction and shall be removed within 30 days following issuance of a certificate of occupancy for the building or project to which the sign relates.
Damaged Signs (replacement)	A sign, erected under a legally obtained permit, which is subsequently damaged or destroyed by wind, weather, or other accidental event beyond the control of the applicant may be replaced or restored to its original size, shape, and location (as prior to the accident) without obtaining an additional permit; provided, the cost of repair or restoration is less than 30 percent of the cost of replacing the sign. Replacement of a damaged or destroyed sign with a new sign or different size or location from the original sign shall require a permit.
Device Sign	Permanent signs on gas pumps, vending machines or ice containers indicating the contents of such devices; provided, the sign area of each device shall not exceed three (3) square feet in area and only one (1) sign is permitted per vending machine, gas pump or ice container.
Directional Sign	In order to facilitate traffic movement and minimize confusion, one (1) directional sign, not exceeding two (2) square feet in area and three (3) feet in height, is permitted at each driveway. The sign shall be set back from the right-of-way line and edge of the driveway at least five (5) feet. Only words such as "enter," "exit," "one way," "do not enter," and similar traffic directions may be displayed, along with a logo or trademark up to one-third of the sign area, but not including a name or commercial message.
Flag	Flags or insignia of any nation, state, local government, community organization or educational institution or representing a public issue or political statement.
Historic Marker	Historical markers, including plaques or signs describing a property's designation as a historical site or structure, not exceeding two (2) square feet in area; provided, an

City of Lorain Zoning Code

Table 15.03-1, Signs Exempt from Permitting

Type of Sign	Requirements
	officially designated state or federal historical marker shall not be subject to a size limitation.
Incidental Sign	Incidental signs, indicating acceptance of credit cards, location of restrooms, restrictions on smoking and restrictions on building entrances or describing business affiliations, not exceeding a total of two (2) square feet each. Up to two signs (2) per business may be displayed attached to a permitted sign, exterior wall, building entrance, or window.
Integral Signs	Names of building, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
Interior Sign	Any sign which is located completely within an enclosed building, and is not visible from outside the building or which is primarily directed at persons within the premises where the sign is located.
Murals	Murals not containing any words, logos, products or service representations, except for the artist's name may be permitted in any Business District, subject to approval of the design review board where applicable; provided, any mural that does contain words, logos, product or service representations shall be considered a wall sign and regulated as such.
Nameplate	A nameplate which shall not exceed two (2) square feet in area is permitted for each dwelling unit of a single-family, two-family or multi-family dwelling; identifying only the name and/or address of the occupant and/or approved home occupation.
Parking Signs	Signs for public access to parking shall be set back three (3) feet from the right-of-way and shall solely identify the availability of and access to a designated parking area. Signs shall be a maximum six (6) feet high and six (6) square feet in area. Such signs shall not obstruct the view of traffic entering or leaving the premises.
Political Sign	Rigid frame or wire frame yard signs not exceeding eight (8) square feet in area may be displayed within 60 days prior to any public vote and shall be removed within seven (7) days following the date of such vote. There shall be no limit to the number of such signs.
Private Traffic Direction Signs	Signs directing interior traffic circulation within a premise shall be a maximum of three (3) feet high and six (6) square feet in area. Illumination shall be permitted in accordance with <i>Section 12.2 H.</i>
Public Signs	Signs of a noncommercial nature and in the public interest erected by or on the order of the City of Lorain or other county, state or federal authority.
Religious Symbols	Religious symbols incorporated into the architecture on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied by text.
Scoreboards	Used in conjunction with a sports field owned by a governmental unit, school or bona fide sports organization, such as a little league or youth soccer. The scoreboard shall be single sided and have a maximum height of 20 feet to the top of the scoreboard and a maximum area of 100 square feet. Any scoreboard exceeding these height or area dimensions shall require a permit and approval in accordance with the requirements of <i>Sections 12.7 and 12.8.</i>
Sign on Vehicle	Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of business or activity, provided that the primary use of the vehicle shall not be for the purpose of identifying or advertising a business.
Temporary	The total area of all signs within one (1) foot of the window shall not obscure more than

City of Lorain Zoning Code

Table 15.03-1, Signs Exempt from Permitting

Type of Sign	Requirements
Window Sign	25 percent of the window area.
Traffic Control Sign	Traffic or other municipal signs, legal notices, danger signs and such temporary emergency or non-advertising signs, or private traffic control signs which conform to the requirements of the Manual of Uniform Traffic Control Devices and as may be approved by the zoning administrator.
Warning Sign	Publicly authorized warning signs, such as no trespassing, warning of electrical currents or animals, provided the sign does not exceed two (2) square feet in area.
Yard Sign, Rigid Frame Temporary	The signs shall not exceed a size of six (6) square feet in residential districts, nor eight (8) square feet in commercial and industrial districts or on nonresidential properties in a mixed use or residential district. The sign shall be setback a minimum of 10 feet from the street right-of-way line. No more than one (1) yard sign shall be displayed per street frontage, unless otherwise specifically permitted by this ordinance.
Yard Sign, Wire Frame Temporary	The signs shall not exceed a size of four (4) square feet and shall not be placed in the right of way. No more than one (1) yard sign shall be displayed per street frontage, unless otherwise specifically permitted by this ordinance.

Section 15.04 Prohibited Signs.

The following signs are prohibited in the City of Lorain:

- A. Any sign not specifically permitted.
- B. Abandoned signs that identify an activity, business, use, product or service no longer conducted or available.
- C. Off-premise signs.
- D. The use of trucks, cars, trailers, aircraft, boats or similar vehicles as signs is prohibited when the vehicle is parked on public or private property within 50 feet of any property line abutting a public street, except for those:
 1. Lawfully parked overnight or during non-business hours in a place not visible from a public street or designated truck parking or loading area;
 2. Making deliveries, sales calls or other customary practices relating to doing business;
 3. Making trips to transport persons or property;
 4. Used in conjunction with active construction operations on the site; or
 5. Passenger vehicles, pick-up trucks and vans containing signs that do not exceed 16 square feet in area painted on or permanently affixed to the doors or integral body panels and such vehicles are of a size that can fully fit within a standard parking space.
- E. Roof signs.
- F. Search lights, "twirling signs", balloons, other gas or air-filled figures, pennants or streamers: provided, this shall not be construed to prohibit decorations related to the observance of traditional national, state or local holidays or special events of national, state or local significance.
- G. Signs that are held by or supported by a person along a public street.
- H. Blade or feather signs.
- I. Portable signs, except as allowed under *Section 15.05*.
- J. Miscellaneous signs and posters visible from a roadway that are tacked, pasted or otherwise affixed to the walls of buildings or structures or on trees, poles, posts, fences or other structures.

City of Lorain Zoning Code

- K. Signs or any portion of a sign or sign structure which moves or assumes any motion or gives the illusion of movement, unless specifically permitted by this chapter.
- L. Signs bearing or containing statements, words or pictures of an obscene, pornographic, or immoral character.
- M. Signs painted on or attached to any fence or wall which is not structurally a part of a building.
- N. Signs that emit audible sound, odor or visible matter.

Section 15.05 Temporary Signs

The following signs shall be allowed at any location within the City of Lorain upon application for and issuance of a sign permit, unless otherwise specified.

Table 15.05-1 Temporary Signs

Type of Sign	Requirements
Promotional signs, banners and displays	<p>Within any business or mixed use district, in accordance with the following requirements:</p> <ul style="list-style-type: none">a. A temporary sign permit shall be obtained from the zoning administrator;b. The sign may be displayed for a maximum of 30 days;c. No more than two (2) temporary signs shall be permitted for any business, organization or property within a calendar year and at least 30 consecutive days shall elapse between the end of one (1) permit period and the start of the second.d. Materials of community interest may be erected within a street right-of-way or across a public street, causeway or walkway; provided, the mayor approves the display and all materials are erected by a licensed, bonded and insured installer approved by the manager.e. Materials shall be of a quality, size and installation as to not cause litter, hazard or obstruction.f. All such signs, banners, displays and material shall remain the responsibility of the permit holder who shall be responsible for any damage, injury, or expense incurred by the city.g. If damaged or deteriorated, the material shall be removed immediately.
Sandwich Board	<ul style="list-style-type: none">a. Within the B-3 Downtown Business District, each business may display one (1) sandwich board sign per street frontage.b. The sign shall not exceed eight (8) square feet per side in area. In addition, the width of the sign may not exceed two (2) linear feet, with a maximum height of four (4) feet. Within these specified maximum dimensions, creative shapes that reflect the theme of the business being advertised are encouraged (i.e. ice cream shop may display a sign in the shape of an ice cream cone).c. Sandwich board signs shall be displayed only during operational hours of the business being identified and shall not be lighted. These signs must be removed each day at the close of business.d. The sign shall be placed on a sidewalk directly in front of the associated establishment and the nearest part of the sign structure shall not be separated by more than two (2) feet from the wall of the building. The sign must be placed so as not to interfere with or obstruct pedestrian or vehicular traffic; provided, a minimum of five (5) feet of passage must be maintained on the sidewalk between the street and the sign. Signs may not be anchored to the sidewalk, or attached or chained to poles, newspaper vending boxes, or other structures or appurtenances.e. The sign must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable. The sign lettering should be professionally painted or

City of Lorain Zoning Code

Table 15.05-1 Temporary Signs

Type of Sign	Requirements
	applied; a "yard sale" or "graffiti" look with hand painted or paint-stenciled letters is not acceptable, however, chalkboard signs shall be permitted.
Subdivision or Multi-Family Real Estate Development Sign	Within any zoning district, one (1) temporary subdivision or multiple-family development sign may be permitted per street frontage, in accordance with the following requirements: a. A temporary sign permit shall be obtained from the zoning administrator; b. Maximum sign area shall not exceed 32 square feet of area; c. Minimum setback distance from any right-of-way and adjoining property line shall be 10 feet; and d. The temporary sign permit shall expire 12 months from the date it is issued or until the project is 85 percent occupied, whichever is greater.
Non-exempt Yard Signs	Any rigid frame yard sign exceeding the maximum area specified in Table 15.03-1 for such sign shall be required to obtain a sign permit; provided, in any case, rigid frame yard signs shall not exceed a maximum area of 24 sq. ft. and shall be set back from any property line at least 20 feet.

Section 15.06 Permitted Signs by District

A. **Permitted Signs.** The following signs are permitted in combination, unless noted otherwise, in each district, subject to the requirements described in *Table 15.06-1*, issuance of a sign permit and all other applicable regulations.

B. **Number.** For non-residential uses in any commercial, mixed use and industrial district, a maximum of two (2) types of signs listed in *Table 15.06-1* and three (3) total signs shall be permitted on any lot, regardless of the number of tenants, unless otherwise specified in *Table 15.06-1*.

Table 15.06-1 Signs By District

R-1A, R-1B, R-1C, R-2, R-3 and RM Residential Districts and OS District	
Permitted Home Occupation Sign (not permitted in OS District)	
Number	One (1) per dwelling.
Size	Two (2) sq. ft. maximum.
Location	Façade of dwelling.
Subdivision or Residential Development Entry Sign	
Number	Two (2) per development entry, one on opposite sides of the entry drive.
Size	24 sq. ft. maximum for each sign.
Location	15 ft. setback from all lot lines; development entries shall be at least 300 feet apart, otherwise only one (1) entry per street frontage shall have entry signs.
Height	Six (6) ft. maximum.
Monument Sign for Non-Residential Principal Use	
Number	One (1) per street frontage, two (2) maximum.
Size	36 sq. ft. maximum.
Location	10 ft. setback from front lot line, 50 ft. setback from all other lots lines.
Height	Six (6) ft. maximum.
Wall Sign for Non-Residential Principal Use	
Number	One (1) per street frontage, two (2) maximum.
Size	10 percent of wall area to which it is attached, not to exceed 75 sq. ft.
Location	Mounted flat against the wall.
Other	A wall sign shall not extend horizontally or vertically past the edge of the wall to which it is

City of Lorain Zoning Code

	affixed nor extend above the roof line of a building.			
Manual or Electronic Changeable Message Sign for Non-Residential Principal Use				
Number	One (1) per lot or parcel, integrated within a permitted wall or ground sign.			
Size	Maximum size no greater than 50 percent of the area of the sign within which it is integrated and shall be counted as part of the total permitted sign area of that sign.			
Location	Shall be integrated into a permitted ground or wall sign; provided, no electronic changeable copy sign shall be located within 50 feet of a side or rear lot line or within 150 feet of a dwelling unit. Electronic changeable message signs shall not be located within any design review overlay district or on any designated historic property.			
Other for electronic changeable message signs	<ul style="list-style-type: none"> a. Each message appearing on a digital sign shall remain fixed for a minimum of 10 seconds, and message changes shall be instantaneous. Roll, splice, unveil, venetian, zoom, fade, dissolve, exploding, scroll and other methods of transition between messages shall not be permitted. b. Scrolling or traveling displays or the vertical movement of a static message or display on an electronic changeable message sign shall not be permitted. c. Display brightness shall be adjusted as ambient light levels change and shall be subject to review and regulation, as determined by the zoning administrator. d. Illumination shall be no greater than 7,500 nits during daylight hours and 500 nits during evening hours. e. The electronic changeable message display shall be turned off between the hours of 12:00 AM and 6:00 AM. f. LED and digital signs shall contain a malfunction display lock default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down. g. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the message or display is changed to another message or display. In no case shall white be used as the background color on any part of the electronic display portion of the sign. h. To reduce the potential negative effects of light and glare on nearby residential properties, the background of the electronic display portion of any sign located within 200 feet of a dwelling unit shall be a dark color and all lettering, graphics and symbols shall be a muted color approved as part of the sign permit. White shall not be permitted. 			
B-3, Downtown Business District				
Wall Sign				
Number	One (1) per street frontage, two (2) maximum.			
Size	Length of Wall to Which Sign is Attached	Max. Square Feet of Sign		
	Under 15	60		
	15 to 20	75		
	20 to 25	90		
	25 to 30	100		
	30 to 45	115		
	45 to 60	120		
	Over 60	2 sq. ft. per foot of frontage to a maximum of 300 square feet.		
Location	Mounted flat against the wall.			

City of Lorain Zoning Code

Other	A wall sign shall not extend horizontally or vertically past the edge of the wall to which it is affixed or extend above the roof line of a building.
Canopy, Projecting, Marquee or Awning Sign	
Number	One (1) per business.
Size	24 sq. ft. maximum for marquee signs, six (6) sq. ft. maximum for all others.
Location	Four (4) ft. maximum projection from building wall.
Height	Eight (8) ft. minimum between sidewalk or grade and the bottom of the sign.
Window Sign	
Number	No limit.
Size	Maximum 25 percent of the window surface along any building façade may be covered.
Location	On the inside surface of the window.
Other	May be internally illuminated. Neon lighting shall be permitted.
Permitted Home Occupation Sign	
Number	One (1) per dwelling.
Size	Two (2) sq. ft. maximum.
Location	Façade of dwelling.
B-1 and B-2 Business Districts and MHD District	
Monument Sign or Pole Sign	
Number	One (1) per street frontage.
Size	36 sq. ft. maximum for monument sign or 75 sq. ft. for pole sign
Location	15 ft. setback from all lot lines.
Height	Six (6) ft. maximum for monument sign or 25 ft. for pole sign.
Wall Sign	
Number	One (1) per wall facing a public or private street or parking lot serving the business
Size	Same as B-2, Downtown Business District
Location	Mounted flat against the wall.
Other	No part of a wall sign shall extend horizontally or vertically past the edge of the wall to which it is affixed nor extend above the roof line of a building.
Projecting or Awning Sign	
Number	One (1) per business.
Size	8 sq. ft. maximum.
Location	Four (4) ft. maximum projection from building wall.
Height	Eight (8) ft. minimum between sidewalk or grade and the bottom of the sign.
Business Center Monument or Pole Sign	
Number	One (1) per street frontage, two (2) maximum, no other freestanding signs allowed for individual businesses.
Size	48 sq. ft. maximum for monument sign or 100 sq. ft. for pole sign
Location	10 ft. from all lot lines and outside of clear vision triangle.
Height	8 ft. maximum for monument sign or 35 ft. for pole sign.
Window Sign	
Number	No limit.
Size	Maximum 25 percent of the window surface along any building façade may be covered.
Location	On the inside surface of the window.
Other	May be internally illuminated; provided, neon lighting shall not be permitted.
Menu Board	
Number	One (1) per drive-thru lane.
Size	24 sq. ft. maximum.

City of Lorain Zoning Code

Location	In the rear yard and adjacent to the drive-in or drive-thru lane, but no closer than 100 feet to any residential district or residential use in a mixed use district if a speaker is located in conjunction with the menu board.
Height	Eight (8) ft. maximum.
Manual or Electronic Changeable Message Sign for Non-Residential Principal Use	
Number	One (1) per lot, parcel or business center, integrated within a permitted wall or ground sign.
Size	Maximum size no greater than 25 percent of the area of the sign within which it is integrated and shall be counted as part of the total permitted sign area of that sign.
Location	Shall be integrated into a permitted ground or wall sign; provided, no electronic changeable copy sign shall be located within 50 feet of a side or rear lot line or within 150 feet of a dwelling unit. Electronic changeable message signs shall not be located within any design review overlay district or on any designated historic property.
Other for electronic changeable message signs	<ol style="list-style-type: none"> Each message appearing on a digital sign shall remain fixed for a minimum of 10 seconds, and message changes shall be instantaneous. Roll, splice, unveil, venetian, zoom, fade, dissolve, exploding, scroll and other methods of transition between messages shall not be permitted. Scrolling or traveling displays or the vertical movement of a static message or display on an electronic changeable message sign shall not be permitted. Display brightness shall be adjusted as ambient light levels change and shall be subject to review and regulation, as determined by the zoning administrator. Illumination shall be no greater than 7,500 nits during daylight hours and 500 nits during evening hours. The electronic changeable message display shall be turned off between the hours of 12:00 AM and 6:00 AM. LED and digital signs shall contain a malfunction display lock default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the message or display is changed to another message or display. In no case shall white be used as the background color on any part of the electronic display portion of the sign. To reduce the potential negative effects of light and glare on nearby residential properties, the background of the electronic display portion of any sign located within 200 feet of a dwelling unit shall be a dark color and all lettering, graphics and symbols shall be a muted color approved as part of the sign permit. White shall not be permitted.
MU Mixed Use District	
Residential Uses and Non-Residential Uses Allowed in a Residential District	
Permitted signs	Same as listed in this table for Residential Districts.
Business Uses	
Permitted signs	Same as listed in this table for B-1 and B-2 Business Districts.
I-1 and I-2 Industrial Districts	
Monument Sign	
Number	One (1) per street frontage, two (2) maximum
Size	32 sq. ft. maximum.
Location	10 ft. setback from all lot lines.
Height	Six (6) ft. maximum.

City of Lorain Zoning Code

Wall Sign	
Number	One (1) per street frontage, two (2) maximum
Size	Ten (10) percent of wall area to which it is attached, not to exceed 100 sq. ft.
Location	Mounted flat against the wall.
Other	A wall sign shall not extend horizontally or vertically past the edge of the wall to which it is affixed nor extend above the roof line of a building.
Business Center Monument Sign	
Number	One (1) per property, no other freestanding signs allowed for individual businesses.
Size	48 sq. ft. maximum.
Location	10 ft. from all lot lots and outside of clear vision triangle.
Height	Eight (8) ft. maximum.
Development Gateway and Entry Sign	
Number	One (1) per development entry.
Size	36 sq. ft. maximum.
Location	15 ft. setback from all lot lines.
Height	Six (6) ft. maximum.
Specialty Signs	
Billboards	
Number	Maximum two (2) signs per face.
Size	Maximum area of 300 sq. ft. per sign, if the face contains two (2) signs or 750 sq. ft. if only one (1) sign is displayed on a face.
Location	<ul style="list-style-type: none"> a. Permitted only in the B-2, I-1 and I-2 districts. b. Any portion of a billboard or billboard structure shall meet the minimum front setback requirements of the district in which it is located or the established building line, whichever is less. c. No billboard shall be located closer than 150 feet from the side lot of a residential district; provided, the setback may be reduced to 50 feet if no portion of the sign face is visible from the residential district. d. No billboard shall be located closer than 150 feet from a park, playground, or public or semi-public building; provided, the setback may be reduced to 50 feet if no portion of the sign face is visible from the entrance drive to the public park, playground, or public or semi-public building. e. No billboard may be erected closer than 300 feet in any direction to another billboard located on either side of the street, unless the distance is separated by a building which prevents the faces from being viewed at the same time.
Height	Same as maximum height of the zoning district in which it is located or 50 ft., whichever is less.
Other	LED lighting is not permitted. Billboards shall be static and not contain any movement, create the illusion of movement, change of color or include any mechanical special effects.
Vehicle Service Stations	
Number	In addition to the signs otherwise permitted in the district in which the service station is located, other permanent signs may be permitted.
Size	Maximum aggregate area of 50 sq. ft. for all other signs in addition to those otherwise permitted within the zoning district.
Lighting	Lighting shall be internal. No exposed bulbs or tubes shall be permitted.
Other	The number and size limits shall not apply to product identification on equipment and structures lawfully used for the display of products or services offered on the premises, such as credit card logos.

City of Lorain Zoning Code

Section 15.07 Sign Permits

No sign described in this chapter whether permanent or temporary, shall be erected, constructed, altered, relocated, repaired or replaced within the limits of the city by any person, firm or corporation until a permit has been issued by the city electrical department and approved by the zoning administrator and, if applicable, a written order from the zoning board of appeals that a variance has been granted. All sign permits shall be valid for a period of six (6) months from the date of issuance, and shall be void if the approved sign is not erected within that time period. Written notice of the permit's expiration shall be provided to the property owner. This section shall not apply to those signs specifically exempted in Section 15.03, unless such sign is illuminated internally or externally.

Section 15.08 Application Procedure

A. **Application Requirements.** An application shall be submitted on a form for that purpose, along with a required application fee as established by the city council. Only applications by licensed sign contractors shall be accepted. All sign applications shall include the following information:

1. Location of building, structure or lot on which the sign is to be erected or attached.
2. Detailed colored drawing to illustrate the dimensions, design, materials and structure of each sign.
3. Site drawing to scale, showing the property boundaries, street right-of-way line, curb line, building location, access drives and location of all ground, directional, menu or other sign proposed to be located on the ground. The setback dimension from the right-of-way line and the curb line to the nearest edge of the sign shall be shown on the site plan.
4. Photographs of the property or building upon which the sign is to be erected or attached.
5. Building elevations, illustrating the position of wall, awning, projecting or other signs to be mounted on the building.
6. Plans, specifications and method of construction for attachment to the building or in the ground.
7. Name and address of the sign erector.
8. Any electrical permit required and issued for such sign.
9. Specifications for electronic changeable message signs, including brightness levels (day and night), automatic dimming mechanism, display colors and other relevant information.
10. In the case of a billboard, the site plan shall also show the horizontal distance to the nearest existing billboard within 350 feet, horizontal distance to the nearest residential district property line within 350 feet and horizontal distance to the nearest park, playground or public or semi-public building. If any of the above does not exist within the stated distances, it shall be so noted on the plan.
11. Other information that the zoning administrator may require to ensure full compliance with this and all other applicable laws of the city and State.

B. **Approval.** The zoning administrator shall decide on an application within seven (7) days of submission. The zoning administrator shall approve the application and issue a sign permit if it is determined that the application fully complies with the requirements of this chapter.

C. **Fees.** Fees to be paid in conjunction with the submission of a sign application may be changed as provided for in the Lorain Codified Ordinance, as may be amended from time to time.

Section 15.09 Inspection and Maintenance

A. **Inspection.** The zoning administrator shall inspect each sign after it is erected to determine if the sign and its location are in conformance with the permit and the approved sign plan. The zoning administrator may also conduct inspections at such times as necessary for the purpose of ascertaining whether the sign remains in compliance with the provisions of this ordinance or is in

City of Lorain Zoning Code

need of repair or removal. A record of all such inspections shall be kept on file in the office of the zoning administrator.

B. **Removal of Signs.** The zoning administrator may order the removal of any sign erected or maintained in violation of this chapter. Thirty (30) days' written notice to remove the sign or to bring it into compliance shall be given to the owner of a permanent sign or a notice of such violation placed on the building, structure, premises, or sign in violation. In the case of any temporary sign in violation, the zoning administrator may remove the sign immediately. The sign owner shall be notified in writing as to disposition of the sign. Any sign removed by the zoning administrator, pursuant to the provisions of this section, shall be held for redemption by the owner. To redeem, the owner shall pay all costs incurred by the city for removal. Should the sign not be redeemed within 30 days of its removal, it may be disposed of in any manner deemed appropriate by the zoning administrator and the costs incurred for its removal shall be assessed to the owner on the property tax roll. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.

C. **Maintenance.** Signs which are no longer functional or are in disrepair for more than 60 days, shall be removed, at the expense of the property owner, within 30 days following notice of non-compliance. The property owner shall be notified by certified mail. Failure to comply will automatically revoke the permit after noncompliance has been determined by the zoning administrator and notice has been given to the property owner as reflected by the records of the zoning administrator. If the sign is not removed within 30 days, the zoning administrator shall cause the sign to be removed and assess the cost of removal against the property.

D. **Obsolete Signs.** A sign shall be removed by the owner or lessee of the premises upon which the sign is located within six (6) months of when the business or use which it identifies is no longer conducted on the premises. If the owner or lessee fails to remove it, the zoning administrator shall give the owner seven (7) days' written notice to remove it. If the owner fails to comply with this notice, the zoning administrator shall cause the sign to be removed at cost to the owner. Where a successor to a defunct business agrees to maintain the sign(s) as provided in this chapter, this removal requirement shall not apply. The new sign user shall notify the zoning administrator's office, in writing, of this change. No new sign permit shall be required unless the sign is altered or relocated contrary to the provisions of this chapter. The zoning administrator shall be notified in any matters relating to sign relocations.

E. **Unsafe Signs.** Should any sign be or become insecure or in danger of falling or become otherwise unsafe, the owner or persons maintaining the sign shall, upon receipt of written notice from the zoning administrator, proceed immediately to put it in a safe and secure condition or remove it. If the owner or lessee fails to remove or to make the sign safe within seven (7) days after such notice, the zoning administrator shall cause the sign to be removed at the expense of the property owner. The zoning administrator may cause any sign which is in an immediate peril to persons or property to be removed summarily and without notice.

F. **Regular Maintenance.** Every sign and all the supports, braces, guys and anchors thereof, shall be kept in repair and, unless made of non-corroding material, shall be thoroughly and properly painted regularly. The zoning administrator may order removal or compliance of any such signs that are not, in the judgement of the zoning administrator, maintained in accordance with the conditions of this section.

G. **Alterations.** No sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this chapter, and then not until a permit has been issued by the zoning administrator.

Section 15.10 Enforcement

The zoning administrator shall monitor signs permitted under this chapter. Enforcement action may be taken where the requirements of this chapter are not met.

- A. If the owner, permit holder, or person maintaining the sign or premises fails to comply with such notice by the date of reinspection, or cannot be found, or his whereabouts cannot be ascertained with reasonable diligence, in addition to the penalties provided in *Section 18.04 B*, the zoning administrator may cause the sign to be removed or altered to comply with the order at the expense of the permit holder, owner or person maintaining the premises. If the permit holder, owner or person maintaining the premises fails to pay the city for the expenses of removal or alteration, the full amount of costs shall be added to the property tax bill of the owner of the premises where the sign is located as a lien on the property.
- B. If a violation of a provision of this chapter is repeated within 60 days of a previous violation of the same provision, the subject sign may be seized immediately and a charge assessed for removal without additional notification.
- C. Fees for removal shall be immediately due and payable to the City of Lorain. Notice of such assessment shall be given to the property owner mailing the notice to the address utilized for tax billing purposes and by posting a notice of assessment at the subject premises where the sign owner and property owner are the same. All assessments not paid within 10 days after such mailing and posting shall be placed on the property tax bill and collected as other taxes are collected or as a lien on the property.
- D. The city may also collect such costs together with interest through a civil action in the appropriate court of law having jurisdiction and seek such additional orders from a court of competent jurisdiction as may be necessary from time to time in order to enforce the provisions of this chapter.

Section 15.11 Appeals

All questions of interpretation and enforcement shall first be presented to the zoning administrator. Any appeal of the zoning administrator's decision shall be presented to the zoning board of appeals in accordance with the provisions of *Chapter 19*.

Section 15.12 Nonconforming Signs

- A. Any lawfully existing sign that does not conform to the provisions of this chapter, either in existence prior to the date of adoption of this chapter or located in areas annexed thereafter, shall be deemed a nonconforming sign.
- B. A nonconforming sign shall not be relocated, reconstructed or replaced unless it is brought into compliance with the provisions of this chapter.
- C. A nonconforming sign shall not be enlarged or altered in a way which increases its nonconformity; provided, a sign or portion of a sign may be altered to decrease its nonconformity.
- D. A nonconforming sign shall only be maintained or repaired in the following manner:

City of Lorain Zoning Code

1. The size and structural shape shall not be changed or altered, except to remove entire elements thereby reducing the overall size.
2. The copy may be changed (including changeable message signs and change of sign face).
3. In the case where damage occurs to the sign, the owner or the owner's authorized representative shall, within 14 days of the damage, schedule a meeting with the zoning administrator for the purpose of establishing whether the sign was damaged to an extent of 30 percent or more of replacement value. Based on that determination, an application for a permit must be submitted within 30 business days from the date of the pre-application meeting. Where the damage to the sign is less than 30 percent of its replacement value, the sign may be repaired to its original configuration within 45 days from the date the sign permit is issued. If the damage is greater than 30 percent of its replacement value, the sign shall be removed in its entirety within 30 days from the date of damage and any subsequently erected sign must comply with the requirements of this chapter.

CHAPTER 16 NONCONFORMITIES

Section 16.01 Purpose

- A. It is recognized that there exist within zoning districts certain lots, buildings, structures and uses which were lawful before this ordinance was passed or amended, but are now prohibited, regulated or restricted under the terms of this ordinance. It is the intent to permit these legal nonconformities to continue until they are removed, but not to encourage their survival.
- B. Nonconforming lots, buildings, structures and uses are declared by this ordinance to be incompatible with the provisions of the districts in which they are located. It is the intent of this ordinance that these nonconformities shall not be enlarged upon, expanded, or extended, except as otherwise permitted in this chapter, nor be used as grounds for adding other buildings, structures or uses otherwise prohibited in the district.
- C. Nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently conducted.
- D. Nothing in this ordinance shall be interpreted as authorization for, or approval of, the continuance of the use of a structure or premises in violation of zoning regulation in effect at the time of the adoption of this ordinance.

Section 16.02 Nonconforming Lots of Record

- A. Where a lot of record in existence at the time of adoption or amendment of this ordinance does not meet the minimum requirements for lot width or lot area, the lot of record may be used for any permitted use in the district in which the lot is located; provided, any building or structure constructed on the lot complies with all other requirements for the zoning district. The nonconforming lot may also be used for conditional uses, if it meets all applicable requirements of this ordinance for those uses.
- B. If two (2) or more vacant lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this ordinance, or an amendment thereto, with continuous frontage and under single ownership for any period of time on or after January 1, 1986 do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of that parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this ordinance.

Section 16.03 Nonconforming Uses

- A. A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance. The extension of a lawful nonconforming use throughout all portions of a building or structure existing at the effective date of this ordinance shall not be considered an extension of the nonconforming use.
- B. No part of any nonconforming use shall be moved unless that movement eliminates or reduces the nonconformity.
- C. If a nonconforming use is abandoned for any reason for a period of more than 12 months, any subsequent use shall conform to the requirements of this ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and which shall be

City of Lorain Zoning Code

deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:

1. Utilities, such as water, gas and electricity to the property, have been disconnected;
2. The property, buildings, and grounds, have fallen into disrepair;
3. Signs or other indications of the existence of the nonconforming use have been removed;
4. Equipment or fixtures necessary for the operation of the nonconforming use have been removed;
5. Other actions which, in the opinion of the zoning administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

D. A nonconforming use may be changed to another nonconforming use provided all the following determinations are made by the zoning administrator:

1. The proposed use shall be as, or more, compatible with the surrounding neighborhood than the previous nonconforming use, considering factors such as hours of operation, traffic, noise, number of employees or visitors and similar external impacts.
2. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land or building area than the previous nonconforming use.
3. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this ordinance.

E. A nonconforming use which is changed to a conforming use or to another nonconforming use of a more restrictive nature shall not be permitted to revert to the original or less restrictive use.

F. Uses consisting of lots occupied by storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf courses and similar open uses, where the only buildings on the property are ancillary to the open use and where the use is nonconforming, shall be subject to the following restrictions, in addition to all other applicable provisions of this chapter.

1. When a nonconforming open use of land has been changed to a conforming use, it shall not be used again for any other nonconforming use.
2. Nonconforming open uses of land shall only be converted to a conforming use.
3. A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.

G. When any nonconforming open use of land is discontinued for a period of more than six (6) months, any future use of the land shall be limited to those uses permitted in the zoning district under which the property is governed. Vacancy and/or nonuse of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Section 16.04 Nonconforming Buildings and Structures

A. Where a lawful building or structure exists at the effective date of this ordinance, or an amendment thereto, that does not comply with the requirements of this ordinance because of restrictions such as lot area, lot coverage, width, height, or setbacks, that building or structure may continue to be occupied and used so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is nonconforming by 50 percent or less of the distance required by this ordinance. Only in these cases may the nonconforming setback be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.
2. In the event that a nonconforming building or structure is destroyed to an extent of more than 50 percent of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance; provided that the board of zoning appeals

City of Lorain Zoning Code

may, upon application, permit the reconstruction of the nonconforming building or structure if all of the following conditions are met:

- a. The prior nonconforming condition(s) shall not be increased.
- b. All building materials and architectural details shall conform to the applicable requirements of this ordinance.
- c. The new building or structure shall be placed on the original foundation, unless the building or structure could be located in a way that reduces the extent of its nonconformity on the lot.
- d. The application to reconstruct the nonconforming building or structure shall be filed with the zoning administrator within six (6) months of the event in which the building or structure was damaged or destroyed.
- e. The reconstruction of the building or structure shall not be detrimental to adjacent property and the surrounding neighborhood.

3. If a nonconforming building or structure is moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this ordinance.

B. None of the provisions of this section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting any unsafe condition of the building or structure.

Section 16.05 Exceptions

- A. **Uncompleted Structures.** If a permitted construction project remains dormant for more than 12 months, the building permit and all other permits shall become null and void. The owner of such uncompleted structure may maintain the structure in its existing condition for up to 12 months while awaiting new permits. If the applicant does not receive the necessary permits within the 12 month period, the uncompleted structure shall be removed. The council, may grant one (1) extension of up to 12 additional months where it is found that circumstances beyond the owner's control such as extreme weather conditions, availability of materials or labor shortages have caused delays.
- B. **Errors and Violations.** The issuance or granting of a permit or approval of plans or specifications shall not be considered as approval for any violation of any provision in this ordinance. No permit presuming to give the authority to violate or cancel any provision of this ordinance shall be valid.
- C. **Illegal Nonconformity.** Any lot, use, building or structure established in violation of the provisions of this ordinance or any prior ordinance or amendment shall not be considered a legal nonconformity and shall not be entitled to the provisions, remedies and safeguards of this chapter.

CHAPTER 17 REVIEW AND DECISION-MAKING AUTHORITY

Section 17.01 City Council

A. Procedures.

1. Regular Meetings. The regular meetings shall be held in the council chambers on the first and third Monday evenings of each month promptly at 6:00 PM. If the day of the meeting falls on a legal holiday, the meeting shall be held of the following day. Council shall recess during the month of August.
2. Special Meetings. Special meetings may be called by the mayor or any three (3) members of the legislative authority, or by a majority vote of the legislative authority during any meeting upon providing at least 24 hours' notice to each member of the legislative authority and to the news media that have requested notifications, except in the event of an emergency requiring official action. In the event of an emergency, notification must be provided to the news media that have requested notification immediately of the time, place and purpose of the meeting in accordance with O.R.C. 121.22.
3. Public Meetings. All regular, special, emergency, committee, work sessions and public hearings, etc. of the legislative authority shall be open to the public and conducted in accordance with O.R.C. 121.22. All minutes and records of the council shall be available to the public to view and/or purchase in the clerk of the council office during business hours.
4. Public Hearings. The president of council, or designee, shall preside over public hearings required and/or scheduled by the legislative body. No public hearing shall be scheduled unless a resolution setting forth the reasons therefore is adopted or it is a requirement stipulated by state statutes.
5. Opening Procedures. The president shall call the meeting to order and follow the order of business as listed on the agenda. In the absence of the president, the president pro-tempore shall preside. In the event the president and president pro-tempore are absent and a quorum is present, council shall designate a member to preside until the president or president pro-tempore arrives.
6. Quorum. A majority of council members elected shall be considered a quorum to conduct business.
7. Three Readings. No ordinance or resolution shall be passed until it has been read on three (3) separate days in accordance with O.R.C. 731.17, unless the statutory requirement has been dispensed with by a three-fourths (3/4) affirmative vote of the legislative authority. All ordinances and resolutions may be read by caption only, provided all members have copies.

B. Powers and Duties. The city council, for purposes of this ordinance, shall have the following duties:

1. Adopt the zoning ordinance and any subsequent amendments to the ordinance;
2. Act upon the preliminary site plan for all planned unit development and mixed-use development requests;
3. Create preservation districts or design review districts or designate individual landmark properties;
4. Review and act upon the proposed sale of landmark properties; and
5. Establish a schedule of fees for applications required by this ordinance.

Section 17.02 Planning Commission

A. **Membership.** There is established a city planning commission, consisting of five (5) members as follows:

1. The mayor;
2. The service director; and
3. Three (3) citizens of the city who shall serve without compensation for terms of six (6) years each, which shall be staggered. To the extent possible, citizen members should be selected with the member exhibiting at least one (1) of the following areas of experience:
 - a. Licensed Building Contractor
 - b. Representatives with proven or demonstrated expertise in Real Property, Real Estate Appraisal, Real Estate Law, Land Use Planning, Municipal Zoning, Architecture, City Planning, or Land Development, as well as construing municipal zoning language and codes and their impact on land use applications.

B. **Procedures.**

1. Meetings of the commission shall be held monthly when there is business to transact. There shall be a fixed place of meeting and all meetings shall be open to the public. The commission shall adopt its own rules of procedure and keep a record of its proceedings, showing the action taken and the vote of each member upon each application considered. The presence of three (3) members shall constitute a quorum and be necessary to conduct business. Decisions shall be made by a majority of the quorum present at the meeting.
2. The commission may adopt rules of procedure to be followed in the performance of its duties

C. **Powers and Duties.** For the purpose of this zoning ordinance, the planning commission shall have the following duties:

1. Initiate proposed amendments to this zoning ordinance;
2. Review all proposed amendments to this zoning ordinance and make recommendations to council;
3. Review all requests for planned unit and mixed-use developments and make recommendations to council;
4. Review and act upon all site plans, as designated by this ordinance;
5. Review all plats of proposed allotments and make recommendations to council; and
6. Review lot splits and report same for commercial property and residential lot splits creating three (3) or more separate parcels.

Section 17.03 Zoning Board of Appeals

A. **Membership.** The zoning board of appeals shall consist of five (5) members, who shall include the Safety Service Director and four (4) residents of the city, who shall be appointed by the mayor, subject to approval by the majority of the members of council. To the extent possible, zoning board of appeals members should represent different geographical areas of the city and varied occupational or professional fields, including at least one of the following areas of experience:

1. Licensed Building Contractor
2. Representatives with proven or demonstrated expertise in either Real Property, Real Estate

City of Lorain Zoning Code

Appraisal, Real Estate Law, Land Use Planning, Municipal Zoning, Architecture, City Planning, or Land Development, as well as construing municipal zoning language and codes and its impact on land use applications.

B. Those members appointed to this board shall be appointed for a term of six (6) years, except that of the five (5) appointed initially, the terms shall be staggered for six (6), four (4), and two (2) years. Any member of the zoning board of appeals may be removed, with or without cause, by the Mayor. Any vacancies occurring during the term of any member of the board, shall be filled in a manner authorized for an original appointment.

C. **Procedures.**

1. Meetings of the board shall be held monthly when there is business to transact. There shall be a fixed place of meeting and all meetings shall be open to the public. The board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action taken and the vote of each member upon each question considered. The presence of three (3) members shall constitute a quorum and be necessary to conduct business. A vote of a majority of the members of the entire board is necessary to approve or make any recommendation.
2. The board may adopt policies and interpretations to be followed in enforcing the zoning ordinance.

D. **Powers and Duties.**

1. The board shall hear and decide appeals de novo and review an appeal when it is alleged that there is an error in any order, requirement, decision, or determination made by any official relating to the enforcement of the zoning ordinance.
2. The board shall hear and decide other matters referred to it under the provisions of this zoning ordinance.
3. Where, because of exceptional circumstances, the strict application of provisions of this zoning ordinance would cause undue hardship or exceptional practical difficulty upon the owner of a property, the board may authorize a variance from the terms of this ordinance as will not be contrary to the public interest, so that the spirit of this ordinance shall be observed and substantial justice done.

Section 17.04 Design Review Board

A. **Membership.** The design review board shall consist of seven (7) members. Members shall be appointed by the mayor with the approval of council. All members should have a demonstrated interest in historic preservation together with a determination to work for the overall improvement of the quality of the city's physical environment. An effort should be made to appoint persons with special expertise that may be of assistance in the efficient operation of the review board.

1. To the extent possible, membership should be selected from the following:
 - a. Safety/service director,
 - b. Registered architect,
 - c. Licensed building contractor,
 - d. Planner from the community development department,
 - e. Representative of downtown business interests,
 - f. Representatives of planning, real estate, design, building trades, landscape architecture, law or finance,
 - g. Resident within the design review overlay district, and
 - h. Individual with education and/or training in architectural history, history or archaeology.

City of Lorain Zoning Code

2. All members shall satisfy at least one (1) of the following conditions:
 - a. Reside within the City of Lorain.
 - b. Own property within the City of Lorain.
 - c. Own a business that is based within the City of Lorain.
 - d. Be employed within the City of Lorain.
3. The design review board shall elect from its membership a chairperson, vice-chairperson, and a secretary.
4. Each appointed member shall serve a term of two (2) years and may be reappointed for subsequent terms, except that the initial appointments that shall be staggered; three (3) members shall be appointed for a one (1) year term and may be reappointed. Vacancies shall be filled for the unexpired term in the same manner as original appointments.
5. Members shall serve without compensation from the city.
6. Any member of the review board shall be subject to removal for just cause by the mayor with the consent of council.

B. Applicability.

1. The design review board shall function to improve the quality of life in the city by striving to further and achieve the spirit and purpose of this ordinance; and
2. The design review board shall promote the protection of property values in order to further the city's goals of sound economic and community development.

C. Procedures.

1. The presence of four (4) members shall constitute a quorum and be necessary to conduct business. All meetings and records of the review board shall be public. Decisions of the review board shall be made by a majority vote of the members present at the meeting.
2. Meetings of the design review board shall be held monthly when there is business to transact. There shall be a fixed place of meeting and all meetings shall be open to the public. The design review board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action taken and the vote of each member upon each matter considered.

D. Powers and Duties. The review board shall have the following duties:

1. The design review board may make recommendations to the planning commission and council for additions or revisions to this ordinance or recommend legislation that would best serve to develop, preserve, restore and beautify the city.
2. The design review board shall be responsible for reviewing and providing a recommendation for proposed projects within the design review overlay district and on properties containing a designated historic or landmark structure, as prescribed by this ordinance.
3. Until such time as a historic district commission and/or landmarks commission is established by the city, the design review board may conduct or cause to be conducted or assist in a continuing survey of all property, sites, or areas of architectural, archaeological, historic, and aesthetic interest in the city which the board, on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as a landmark or preservation district.

City of Lorain Zoning Code

4. The design review board shall work for the continuing education of the citizens of the city with respect to the architectural and historic heritage of the city, its landmarks and preservation districts as designated under the provisions of this ordinance, and shall make every effort to improve the overall design and the environmental awareness of the people. The design review board shall keep current a register of all landmarks and preservation districts. All landmarks shall be given a number and a description accompanied by a photograph. The reason for designating a landmark or for recommending the establishment of additional preservation districts shall be set forth in writing. This register shall be made available to council, the city planning commission, the board of zoning appeals, all city departments and the public.

Section 17.05 Zoning Administrator

- A. **Authority.** The duty of administering and enforcing the provisions of this zoning code is conferred upon the zoning administrator. For this purpose, he/she shall have those powers prescribed by this ordinance and as may reasonably be implied. The zoning administrator may be assisted by such personnel deemed necessary by the city council.
- B. **Powers and Duties.**
 1. Upon finding that any provision of this ordinance is being violated, he shall notify in writing the person responsible for such violation, ordering the action necessary to correct the violation.
 2. Order discontinuances of illegal uses of land, buildings or structures.
 3. Order removal of illegal buildings, structures, additions, or structural alterations and order discontinuance of any illegal work being done.
 4. Issue certificates of completion for projects meeting the requirements of this code. In those cases when a request is not in conformance with applicable requirements, he shall inform the applicant in writing regarding the noncompliance and deficiencies.
 5. Keep permanent records of all applications, permits and other transactions.
 6. Maintain the official copy of the zoning map and recording amendments as they occur.
 7. Conduct inspections, as necessary, to enforce the zoning ordinance and keep records of such.
 8. Serve as secretary of the zoning board of appeals and the planning commission, without voting power, and provide staff assistance and information as may be requested by those bodies.

CHAPTER 18 ADMINISTRATION AND ENFORCEMENT

Section 18.01 Administrative Procedures

It shall be unlawful for any person to commence excavation for or construction of any building or structure, or moving of any existing building or structure without first obtaining a permit from the chief building inspector. No permit shall be issued for the construction, moving, placement or alteration of any building or structure until proper approval has been granted and fees have been submitted in accordance with the provisions of this code.

Section 18.02 Minimum Requirements

In the interpretation and application of this code, all provisions shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this code to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than this zoning code; or with any rules, regulation or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this code imposes a greater restriction than is required by any existing ordinance or by rules, regulations or permits, the provisions of this code shall control. Nothing in this code should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, morals and general welfare.

Section 18.03 General Responsibility

The provisions of this code shall be administered and enforced by the mayor and city council, planning commission, zoning board of appeals, design review board, zoning administrator and their respective designees. The zoning administrator shall, among other duties, issue all approvals and notices of violations provided for in this code.

Section 18.04 Enforcement

- A. **Zoning Administrator.** The city shall provide for the enforcement of this ordinance by appointing a zoning administrator, who shall, jointly with other designated personnel, have the right to enforce the provisions of this code which may include withholding applicable approvals for noncompliance or violation, including withholding issuance of the certificate of completion if any or all required site improvements are not completed. The zoning administrator shall not have authority to grant approval of any action that does not meet the requirements of the zoning code.
- B. **Violations.**
 1. Any building, structure, use or condition that exists or is erected, altered, converted, or maintained in violation of this code shall be subject to a minimum penalty of \$500.00. Continuance of a violation shall be considered a separate and distinct offense for each day the violation is continued. Furthermore, such building, structure, use or condition that is in violation of this code is not eligible for a variance or other zoning action and will be subject to fines until the building, structure, use or condition is brought into compliance.
 2. Any person or entity that violates any provision of this code or fails to comply with the requirements thereof shall be subject to a minimum penalty of \$500.00 for each violation and, in addition, all costs and expenses related to that case. Continuation of any violation of this code

City of Lorain Zoning Code

shall be considered a separate and distinct offense for each day any such violation is continued. The owner, lessee, agent, or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided. Nothing contained in these provisions shall prevent the city from taking such other lawful action as necessary to prevent or remedy any violations.

C. **Enforcement of Violations.** When the zoning administrator finds that any provision of this code is being violated, he/she shall execute the following procedures:

1. The zoning administrator or designee may obtain a warrant to enter private property in the enforcement of this ordinance; provided, if permission is granted by the property owner or tenant, such warrant shall not be needed.
 - a. *Notice of violation.* Whenever the zoning administrator or designee shall find that there is a violation of the provisions of this code, he shall serve notice to the owner and occupant of the premises to comply with the relevant provisions. It shall be sufficient notification if the notice is delivered to the person to whom it is addressed or deposited in the United States mail, properly stamped, certified and addressed to the address listed on the property tax rolls.
 - b. *Failure to comply with notice.* If the person to whom the violation notice is directed fails or neglects to comply with the provisions of this section within 15 days after the notice has been received, or within 20 days after a copy of the notice has been deposited in the United States mail, that person shall be considered in violation of this section and subject to the penalties set forth in this code.
 - c. *Property subject to abatement of conditions.* It shall be unlawful for any owner, agent or occupant of any lot, parcel or tract of land which is subject to the provisions of this code to permit the conditions set forth in this section to exist or continue after receiving notice. It shall be the duty of the owner, agent or occupant of any such lot, parcel or tract in violation of the provisions of this code to abate the unlawful condition.
2. If any person, owner, agent or occupant of property shall fail to comply with a written notice of violation(s) or shall fail to correct a violation thereof within the time period specified, the zoning administrator may:
 - a. Enter an administrative order directing compliance with the provisions of this section and any and all other applicable statutes, laws, and ordinances;
 - b. Board up the premises in order to make it inaccessible for habitation;
 - c. Commence an action in a court of competent jurisdiction for injunction, mandamus or abatement or discontinuance of violations of the provisions of this code or other ordinances of the City of Lorain;
3. If a violation of this code is not corrected within the time period provided, enforcement officials are authorized to enter upon such property and correct or abate such violations or take such other action as may be reasonably necessary to remove the threat to the public health, safety and welfare. All costs incurred in such action, including, but not limited to, inspection, administration, labor and equipment costs, court costs and attorney's fees, shall become a lien on the subject property and shall be collected in the same manner as taxes are collected.
4. The remedies provided in this section are not mutually exclusive and shall be cumulative to other remedies provided in this code and to any other remedy provided at law or in equity.

City of Lorain Zoning Code

5. In case any building is erected, constructed, reconstructed, altered, converted, or maintained or any building, structure, or land is or is proposed to be used in violation of this code, the zoning administrator, or other appropriate authority of the City of Lorain, may, in addition to other remedies, institute injunction, mandamus, or other appropriate action of proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, structure or land.
6. Any subdivision of property conducted for the purpose of fraudulently circumventing this code shall be considered void and the provisions of this code shall apply.

D. **Complaints Regarding Violations.** Whenever a violation of this code occurs, or is alleged to have occurred, any person may file a written and signed complaint with the zoning administrator stating fully the causes and basis for the complaint. Upon receiving the complaint, the zoning administrator shall investigate the complaint, take whatever action is warranted.

E. **Persons Liable for Violations.** The owner, tenant, or occupant of any building or land or part thereof and any architect, engineer, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this code may be held responsible for the violation and suffer the penalties and be subject to the remedies provided in this chapter.

Section 18.05 Public Nuisance, Per Se

Any building or structure which is erected, repaired, altered, or converted; or any use of premises or land which is begun or changed subsequent to the time of passage and in violation of any of the provisions of this code is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 18.06 Performance Guarantees

- A. As a condition of approval of a final plat and/or prior to the issuance of a certificate of zoning compliance for a non-residential structure, multiple-family development, or attached single-family development, if some or all required improvements have not been made, a financial guarantee may be required of sufficient sum to assure the installation of those features or components of the approved activity or construction that are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Those features or components, referred to as "improvements" may include, but shall not be limited to, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
- B. Performance guarantees shall be processed in the following manner:
 1. Prior to approval of a final plat and/or issuance of a certificate of zoning compliance, the applicant shall submit an itemized estimate of the cost of those required improvements subject to the performance guarantee, which shall then be reviewed by the zoning administrator. The amount of the performance guarantee shall be 100 percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies, but not-to-exceed 125 percent of the estimated cost of construction and materials.
 2. The required performance guarantee may be in the form of a cash deposit or check.

City of Lorain Zoning Code

3. Upon receipt of the required performance guarantee, a permit shall be issued for the subject development or activity, provided it is in compliance with all other applicable provisions of this code and other applicable ordinances of the city.
4. The city, upon the written request of the owner, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed, as determined by the city. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
5. When all required improvements have been completed, the owner shall send written notice to the zoning administrator of completion of the applicable improvements. Thereupon, the zoning administrator shall cause an inspection to be made of all the improvements and approve, partially approve, or reject the improvements with statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be retained and the owner will be directed to complete the missing items. Where partial approval is granted, the owner shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved. The city may withhold issuance of the certificate of zoning compliance until all improvements are completed.
6. A record of authorized performance guarantees shall be maintained by the zoning administrator.

CHAPTER 19 APPEALS AND VARIANCES

Section 19.01 Decisions

A. Appeals.

1. Appeals to the zoning board of appeals concerning the interpretation or enforcement of this zoning code may be made by any person affected or aggrieved by any decision of the zoning administrator.
2. Such appeal shall be made within 20 days after the decision by filing with the zoning administrator a notice of appeal specifying the grounds upon which the appeal is being made. The notice of appeal shall be accompanied by a filing fee as established by the city council.
3. Within seven (7) days of receiving a notice of appeal, the zoning administrator shall transmit a copy of the notice, along with all papers relating to the appealed action, to the chairman of the board who shall present the appeal at the next scheduled meeting.

B. Variances.

1. The zoning board of appeals is authorized to grant, upon appeal in specific cases, such variances from the terms of the zoning code as will not be contrary to the public interest, where owing to special conditions of the property, a literal enforcement of the provisions of this code will result in unnecessary hardship.
2. A nonconforming use of neighboring lands or structures in neighboring lands in the same or other zoning district shall not be considered grounds for the issuance of a variance.
3. Variance shall not be granted on the grounds of convenience or economics, but only where strict application of the provisions of this zoning code would result in undue hardship due to conditions of the property.
4. Variances shall not be granted which permit any use not otherwise permitted or expressly, or by implication, prohibited in the district involved.

Section 19.02 Stay of Proceedings

An appeal stays all proceedings in furtherance of the appealed action, unless the zoning administrator certifies to the zoning board of appeals that, in his opinion, a stay of proceedings would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order granted by the board, or by a court of record on application, or notice to the zoning administrator from whom the appeal is taken on due cause shown.

Section 19.03 Application and Standards for Variances

- A. A variance from the terms of this code shall not be granted unless a written application is submitted to the zoning administrator. The application for a variance shall be accompanied by a filing fee as established by the city council.
- B. Within seven (7) days of receiving an application for a variance, the zoning administrator shall transmit a copy of the application, together with all papers relating to the action, to the chairman of the zoning board of appeals who shall present the application at the next scheduled meeting.

City of Lorain Zoning Code

- C. The application for a variance shall be fully completed, including a site plan and narrative. In addition to the information and materials required as part of the application, other supplementary material supporting the variance request and relevant to the review standards should be provided by the applicant. Incomplete applications will not be forwarded to the board of appeals for consideration.
- D. A variance shall only be granted upon a finding by the board of appeals that all the following standards have been satisfied:
 1. That special conditions and circumstances exist which are particular to the property involved and are not generally applicable to other properties in the same district.
 2. That the literal interpretation of the provisions of this zoning code would deprive the applicant of rights commonly enjoyed by other properties in the same district.
 3. That the special conditions and circumstances which exist are not the result of actions of the applicant.
 4. That granting the requested variance will not give the applicant any special privileges denied to other properties in the same district.
- E. All materials and information shall be provided to the zoning administrator at least 14 working days prior to the next regularly scheduled meeting of the board. If this is not done, the application will be held until the next meeting.
- F. Consideration of the application shall be at a meeting open to the public. Prior to conducting the meeting, written notice of the agenda shall be placed in a newspaper of general circulation in the city at least seven (7) days prior to the meeting. The notice shall state the place, date and time of the meeting, and shall also be sent by first class mail, at least 10 days before the date of the meeting, to the owners of the property contiguous to and directly across the street from the property subject to the application.
 1. The required notices shall be addressed to the contiguous owners of real estate and those directly across the street from the property subject to the variance application as they appear on the county auditor's current tax list or the county treasurer's mailing list.
 2. The failure of delivery of such notice shall not invalidate any action taken by the zoning board of appeals; provided, the notice was mailed by first-class mail to the individuals as described in Section 19.03 F at least 10 days before the date of the meeting.

Section 19.04 Time Limit on Variances

Unless otherwise specified by the board as a condition of approval, any variance granted shall automatically become null and void after a period of 12 months from the date of approval if substantial construction has not commenced, unless the owner or his/her agent has demonstrated, in writing, that substantial steps have been taken toward effecting the variance. Such written evidence shall be submitted prior to the expiration of the 12 month period. Building permits shall only be granted for plans consistent with the approved application. Any deviation from the information submitted shall require a new application and reconsideration by the board.

Section 19.05 Conditions

In granting any appeal or variance, the zoning board of appeals may prescribe appropriate conditions and safeguards in conformity with this zoning code. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance was granted, shall be deemed a violation of this code.

City of Lorain Zoning Code

Section 19.06 Appeal of Board Decision

The zoning board of appeals shall either approve, approve with supplementary conditions, or disapprove the request for appeal or variance. Appeals from any decision of the board of appeals shall be made to the Court of Common Pleas.

CHAPTER 20 AMENDMENTS

Section 20.01 Authority to Amend

Whenever the public necessity, convenience, general welfare or good zoning practices require, council, after receipt of recommendation from the planning commission and subject to procedures provided by law, may by ordinance amend, supplement, change, or repeal any regulations, boundaries, or classification of property.

Section 20.02 Text and Zoning Map Amendments

- A. **Initiation of Code Amendments.** Applications for amendment of these regulations may be in the form of proposals to amend the text or to amend the zoning map. Applications for amendment to the zoning map may be initiated by the owner or option holder of property that is the subject of the amendment request or by the planning commission or city council upon its own initiative. Only the planning commission or city council may initiate an amendment to the code text.
- B. **Resubmittal of Map Amendment Requests.** No application for a zoning map amendment which has been denied by the city council, shall be resubmitted within six (6) months of the date when the request was first denied. However, if the amendment request is for a different zoning district than the prior request, an application may be accepted.

Section 20.03 Amendment Procedures

- A. **Application.** Each application to amend the zoning map shall be filed with the zoning administrator on forms provided for that purpose along with the application fee and any other required documentation. Only compete applications, containing all required information and exhibits and the required fee, shall be processed. An application shall not be withdrawn by the applicant after the legal notification for public hearing has been processed by the city, except as otherwise provided.
- B. **Planning Commission Recommendation.**
 1. Immediately after the filing of a resolution by a member of council or the filing of an application by at least one owner of property, the resolution or application shall be transmitted to the planning commission.
 2. Within 60 days from the receipt of the proposed amendment and all required supporting documents, the application shall be placed on the agenda of the commission for consideration, after which the commission shall transmit its recommendation to council. In no event shall an application to amend the zoning code or zoning map be placed on the agenda of the next scheduled meeting of the commission unless the application and all required supporting documents have been submitted to the secretary of the planning commission at least 14 working days prior to the scheduled meeting.
- C. **Public Notice.**
 1. Prior to the planning commission conducting a hearing upon a request for a zone change, written notice of the agenda of the hearing shall be placed in a newspaper of general circulation in the city, stating the place, date and time of the hearing, at least seven (7) days prior to the hearing, and notice shall be mailed by the clerk of the planning commission by first class mail at least 10 days before the date of the hearing to the owners of the property contiguous to and directly across the street from the property being considered for a zone change.

City of Lorain Zoning Code

2. The notices shall be addressed to the contiguous owners of real estate, to those directly across the street from the property being considered for a zone change and to the owners of property being considered for a zone change as appear on the county auditor's current tax list or the county treasurer's mailing list.
3. Failure to deliver the notice by first class mail shall not invalidate any action taken by the planning commission provided the notice of hearing was mailed at least 10 days before the date of the hearing to the individuals as described in Subsection C.1.

D. City council Action.

1. Upon the clerk of council's receipt of the recommendation of a zone change from the planning commission, council shall schedule a public hearing. The hearing shall be held not more than 40 days after the receipt of the recommendation of a zone change from the commission.
2. Notice of the public hearing shall be provided by council in at least one (1) notice published in a newspaper of general circulation in the city. The notice shall be published at least 30 days before the hearing date. The notice shall set forth the time and location of the public hearing and a summary of the proposed amendment.
3. When a proposed amendment proposes to rezone 10 or fewer parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the clerk of council, by first class mail at least 20 days before the hearing date, to all owners of lots abutting and/or across the street from the premises for which a zone change is being requested. The notice shall contain the same information as the newspaper notice. Failure to deliver the notice by first class mail shall not invalidate any action taken by the council; provided, the notice of hearing was mailed at least 20 days before the date of the hearing to the individuals as described in this subsection.
4. During the 30 days prior to the hearing, the proposed map or text amendment and all related maps, plans, or other data shall be available for public examination in the office of the zoning administrator.
5. Within 30 days after the conclusion of the public hearing, council shall initiate the legislative process to either adopt or deny the recommendation of the planning commission, or adopt some modification thereof.
6. An ordinance which adopts the recommendation of the commission shall require the concurrence of a majority of the full membership of council. The planning commission recommendation shall be deemed approved if not adopted, modified or denied within 60 days after the legislative process has commenced.
7. An ordinance which denies or modifies the recommendation of the commission shall require the concurrence of three-fourths (3/4) of the full membership of council.
8. No such ordinance may be passed unless it has been fully read on three (3) different days, unless this requirement is waived by a three-fourths (3/4) majority of all members elected to council. An ordinance amending the zoning regulations may contain an emergency clause, whereas an ordinance amending the zoning map shall not contain an emergency clause.

Section 20.04 Standards

In order to promote the public health, safety, and general welfare of the city against the unrestricted use of property, the council and planning commission may consider the following standards and any other factors relevant to balancing the public interest in making any rezoning decision:

- A. Is the request in conformance with the city's comprehensive long-range plan?

City of Lorain Zoning Code

- B. Is this request a logical extension of a zoning boundary which would improve the pattern of uses in the general area?
- C. Does the current zoning classification unreasonably restrict the use and enjoyment of the subject property?
- D. Has a change of conditions occurred in the surrounding area which makes the current zoning of the property unreasonable?
- E. Is this spot zoning and generally unrelated to either existing zoning or the pattern of development of the area?
- F. Could traffic created by the proposed use or other uses permissible under the proposed zoning district travel through established residential neighborhoods on minor streets, leading to congestion, noise and traffic hazards?
- G. Will the proposed use substantially conflict with existing density patterns in the zone or neighborhood?
- H. Would the proposed use precipitate similar requests which would generate or accelerate adverse land use changes in the zone or neighborhood?
- I. Will the request have any impact on any present or planned historic site or development in the city?
- J. Will the action adversely impact adjacent or nearby properties in terms of:
 - 1. Environmental quality or livability, resulting from the introduction of uses or activities which would create traffic, noise, odor or visual hazards or the reduction of light and air that is incompatible with the established development pattern.
 - 2. Property values, by rendering such properties less suitable and therefore less marketable for the type of development to which they are committed or restricted.
- K. Will the action create development potential of such increased intensity that storm water runoff from the site cannot be controlled within previous limits, resulting in adverse impacts upon existing down-stream drainage problems or potential problems?
- L. Will the action create development opportunities that could create traffic flow beyond the carrying capacity of the current street system?
- M. Will the action result in public service requirements such as provision of utilities or safety services which, because of the location or scale of the development, cannot be provided economically and therefore would create an actual burden to the public?

Section 20.05 Rezoning with a Conditional Use

- A. **Purpose.** It is recognized that there may be instances in which it would be in the best interests of the city, as well as advantageous to the property owner seeking a change in zoning boundaries, if certain conditions could be proposed by the property owner as part of a rezoning request. In order to encourage appropriate land use, stabilize property values, and protect neighborhoods, the applicant may propose and the planning commission may recommend that a proposed zone change only be approved with certain conditions and safeguards. Any property where a zone change has been approved under such conditions shall be known as a "conditionally zoned" property and indicated as such with a suffix "CZ" on the official zoning map.
- B. **Application and Offer of Conditions.**
 - 1. The required application and process for considering a conditional rezoning request shall be the same as for a rezoning request made without any offer of conditions, except as modified by the requirements of this section.
 - 2. An applicant for a rezoning may voluntarily offer zoning conditions, in writing, along with an application for rezoning before or following the public hearing for the proposed rezoning.

City of Lorain Zoning Code

3. The zoning conditions may include limitations on the uses permitted on the subject property, specification of lower density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features.
4. In addition to the information required under Section 20.03 A, a zone change amendment application for a conditional use shall require a preliminary plan showing, at a minimum, the following information:
 - a. location of buildings, building heights.
 - b. location of streets, parking areas, loading areas.
 - c. location of landscaped areas, buffer zones.
 - d. gross acreage and proposed land coverage.
 - e. detailed description of proposed uses.
 - f. other information needed by the Commission to judge the impact of the proposal and the relationship to the surrounding area.
5. Council's approval of a zone change for a conditional use allows only the specific use and arrangement of structures and facilities shown in the approved preliminary plan. Any building permit, Certificate of Occupancy, or Certificate of Zoning Compliance granted for such a conditional use must be in accordance with the approved plan. Any other use proposed shall require an application for a zone change amendment.
6. The zoning conditions may not authorize uses or developments of greater intensity or density, or which are not permitted in the proposed zoning district; nor may the conditions permit variations from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district.
7. The conditions offered by the owner shall bear a reasonable and rational relationship to the property for which the rezoning is requested.
8. Following Council's approval of the preliminary plan, the Zoning Board of Appeals may, by variance, authorize minor adjustments or rearrangements of buildings, parking areas, entrances, heights, or yards, provided that such requests conform to the general standards established by the approved preliminary plan and this ordinance.
9. The offer of conditions may be amended during the process of rezoning consideration; provided, any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the city council; provided, if such withdrawal occurs subsequent to the planning commission's public hearing on the original rezoning request, the rezoning application shall be referred to the planning commission for reconsideration and a new public hearing with appropriate notice.

C. **Planning Commission Review.** The planning commission, after public hearing and consideration of the standards for rezoning set forth in Section 20.04, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. **City Council Review.** The council may consider amendments to the proposed conditional rezoning, and if such amendments to the proposed conditions are acceptable to and agreed to by the owner, council shall then vote to approve or deny the revised conditions. The action by council shall be taken in accordance with the provision of Section 20.03 D.6. and D.7. of this ordinance.

E. Approval.

1. If the city council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written conditional use agreement acceptable to the owner and conforming in form to the provisions of this section. The conditional use agreement shall be incorporated as an inseparable part of the ordinance adopted by council to accomplish the requested rezoning.
2. The conditional use agreement shall:
 - a. Be in a form recordable with the office of the county recorder or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the conditional use agreement in a manner acceptable to the city council. A statement by the owner acknowledging that the conditional use agreement, affidavit or memorandum may be recorded by the city with the office of the county recorder shall also be included. The cost of recording the agreement shall be paid by the owner.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the conditions run with the land and are binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted by the owner and approved by the planning commission or city council that are necessary to illustrate the implementation of the conditional use agreement. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the conditional use agreement.
3. Upon the effective date of the conditional rezoning, the zoning map shall be amended to reflect the new zoning classification along with a suffix designation "CZ" indicating the land was rezoned conditionally with a conditional use agreement. The city clerk shall maintain a listing of all lands rezoned with a conditional use agreement.
4. The approved conditional use agreement or an affidavit or memorandum giving notice thereof shall be filed by the city with the office of the county recorder. The council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the city or to any subsequent owner of the land.
5. Upon the effective date of the rezoning, subsequent use of the subject property shall conform to all requirements regulating use and development within the new zoning district, as modified by any more restrictive provisions contained in the conditional use agreement.

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all conditions set forth in the conditional use agreement. Any failure to comply with a condition contained within the conditional use agreement shall constitute a violation of this ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance, per se, and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this code for any use or development that is contrary to an applicable conditional use agreement.

City of Lorain Zoning Code

G. Time Period for Establishing Development or Use. Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced within 18 months of the effective date of the rezoning and proceed diligently to completion. Upon written request by the owner, the City Council may grant one extension for a period not to exceed one (1) year if:

1. it is demonstrated to the council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and
2. the city council finds there has not been a change in circumstances that would render the conditional zoning incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning. If the approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, the city council may request the planning commission to proceed with consideration of rezoning the land to its former or other suitable zoning classification. The procedure for considering and making this reversionary rezoning shall follow the procedures specified in this chapter for other map change amendments.

I. Subsequent Rezoning of Land. When land that is rezoned with a conditional use agreement is subsequently rezoned to a different zoning classification or to the same zoning classification but with a different or no conditional use agreement, whether as a result of a city initiated action in accordance with Subsection H above or otherwise, the conditional use agreement imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the city clerk shall record with the office of the county recorder a notice that the conditional use agreement is no longer in effect.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension granted by the council, the city shall not add to or alter the conditions in the conditional use agreement.
2. The conditional use agreement may be amended thereafter in the same manner as was prescribed for the original rezoning and conditional use agreement.

K. City Right to Rezone. Nothing in the conditional use agreement nor in the provisions of this section shall be construed to prohibit the city from rezoning all or any portion of land that is subject to a conditional use agreement to another zoning classification or from amending the zoning provisions of the district in which the applicant's land is located. Any rezoning or other amendment shall be conducted in compliance with this code.

L. Failure to Offer Conditions. The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this ordinance.

CHAPTER 21 DEFINITIONS

Section 21.01 Definitions A-B

ACCESSORY BUILDING. A subordinate building detached from, but located on the same lot as, the principal building, the use of which is incidental and accessory to that of the principal building or use. A storage container, trailer, or similar item is not an accessory building.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building.

ALLEY. A public thoroughfare or way, not more than 30 feet in width except for necessary turnarounds, and which normally provides a secondary means of access to abutting property.

ALTERATION: Any change to any land, structure or building.

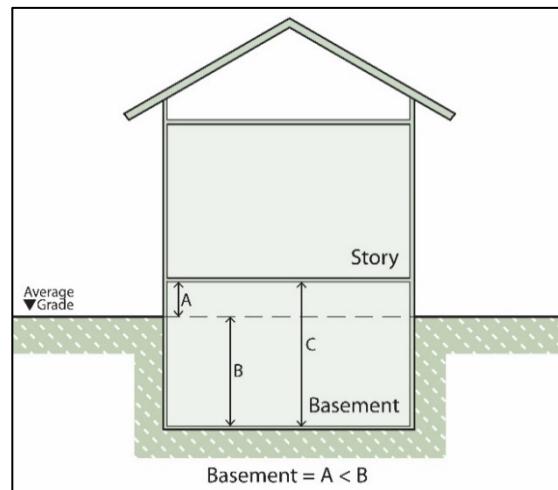
ALTERATION, BUILDING: Any change in the use of a building or any physical alteration made which modifies the existing foundation, load bearing walls or roof of a building; or requires an electrical, plumbing or mechanical permit.

ANIMAL HOSPITAL. An enclosed structure allowing for overnight or continuous care, diagnosis, and treatment of animal illnesses by a veterinarian.

BAR: Any place devoted primarily to the retailing and drinking of malt, vinous, or other alcoholic beverages, or which derives at least 75 percent of its total annual gross sales from the sale of such beverages for consumption on the premises.

BASEMENT: That portion of a building all or partly underground but having at least one-half (1/2) of its height below the average level of the adjoining ground.

BED AND BREAKFAST: An owner-occupied private single-family residence which is the principal residence of the owner and the principal structure on the premises, with bedrooms available for rent to the general public and with breakfast served at no additional cost.



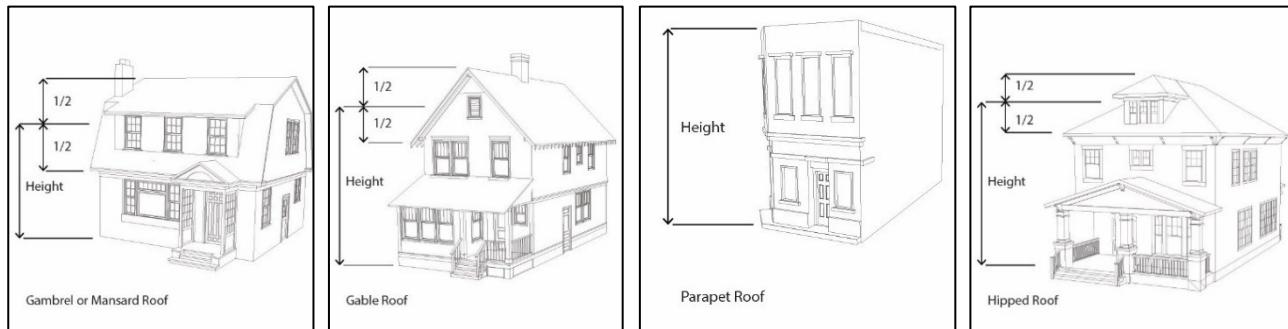
BOARDING HOUSE. A dwelling or part thereof, other than a hotel or motel, providing rooms for compensation for three (3) or more unrelated persons who may reside for extended periods. Cooking facilities are not provided in the individual units. Accessory uses may include dining rooms and recreation rooms for use by the occupants, but not for the general public.

BUFFER: Any visual buffer, screening, open spaces, landscaped areas, fences, walls, berms, or any combination thereof required by this ordinance used to physically separate or screen one use of property from another so as to visually shield or physically block noise, lights, or other nuisances.

BUILDING: Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal or property and occupying more than 100 square feet of area. .

City of Lorain Zoning Code

BUILDING HEIGHT: The vertical distance from the average adjacent grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof



and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE. A line established by the zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a required yard in which no building or structure may be located, except as may be provided in the zoning ordinance. Also referred to as the required setback.

BUILDING PERMIT. The written approval by the zoning administrator authorizing the construction, alteration, or repair of a building or structure at a specific location and under definite regulations which the owner of the property, building or structure and the contractor or builder of the same agree to follow exactly.

Section 21.02 Definitions C-D

CERTIFICATE OF OCCUPANCY. The written approval by the building official or his designee stating that a building or structure complies with the building code.

CERTIFICATE OF COMPLETION. The written approval by the zoning administrator or his designee stating that a building, structure, use of land, and/or site improvements, such as landscaping, stormwater management, water and sewer systems, paving, and lighting, complies with the requirements of the zoning ordinance and all approved plans and specified conditions.

CHILD DAY CARE CENTER. A commercial establishment not located in a residence which provides care for five (5) or more infants, pre-school children, or school-age children outside of school hours, by persons other than their parents for any part of the 24 hour day, but not including the care of children in places of worship.

City of Lorain Zoning Code

CITY: Unless the context clearly discloses a contrary intent, the word "city" shall mean the City of Lorain, Ohio.

CLINIC: An establishment where patients who are not lodged overnight are admitted for examination and treatment.

CLUB, PRIVATE: Associations and organizations of a fraternal or social character, not operated or maintained for profit. The term "private club" shall not include nightclubs or other institutions operated for profit.

CLUB, CIVIC: A use of property and buildings for the purpose of providing a meeting place or meeting house for a group or organization of persons having as their primary purpose or goal the furtherance of activities or concepts relating to the common good and general welfare of the citizens of a geographic area.

CONDITIONAL USE: A use identified by this ordinance which may have characteristics of its operation (such as traffic, noise, hours of operation, or other potential nuisance effects) that requires special review and may warrant additional conditions beyond the general requirements of the district in which it is located to mitigate its impacts and ensure its compatibility with its surroundings.

CONSTRUCTION: The erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building.

CORRECTIONAL HALFWAY HOUSE: A premise which provides room and board and correctional oversight pursuant to a contract to provide those services for the Federal Bureau of Prisons or the Ohio Department of Rehabilitation and Corrections or the Lorain County Court of Common Pleas, Department of Probation, or any other governmental entity with jurisdiction to provide correctional services to adults who have been assigned to such facility by either a governmental authority or a court of law. Such premises may be one building or a group of buildings located on contiguous properties.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment. Shall also mean:

1. The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels, or other divisions by plat or deed;
1. The construction, installation, or alteration of a structure, impervious surface, or drainage facility;
2. Cleaning, scraping, grubbing, or other activities that significantly disturb the soil, vegetation, and trees of a site; or
3. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, or trees of a site.

DRIVE-THROUGH: A facility designed to accommodate pickup of food, merchandise or services by motor vehicle momentarily at rest in a driveway expressly designed for that purpose.

DWELLING: Any building or portion thereof designed for or used for residential purposes, but not including hotels/motels, recreational vehicles, tents or portable buildings.

2. **DWELLING, MULTI-FAMILY:** A building, or portion thereof, designed, constructed, altered or used for occupancy by three (3) or more families, living independently of each other and each doing their own cooking within their dwelling unit; with the number of families in residence not exceeding the number of dwelling units provided.
4. **DWELLING, SINGLE-FAMILY DETACHED:** A detached building designed for the complete living accommodations of one (1) family and containing only one (1) dwelling unit.

5. **DWELLING, SINGLE-FAMILY ATTACHED:** A dwelling designed for occupancy by one (1) family in a row of at least three (3) dwelling units in which each unit has its own front and rear access to the outside, no unit is located over another and each unit is separated from any other unity by one (1) or more vertical common fire-resistant walls.
6. **DWELLING, TWO-FAMILY:** A detached building designed for and occupied exclusively by two (2) families living independently of one another, also referred to as a duplex.

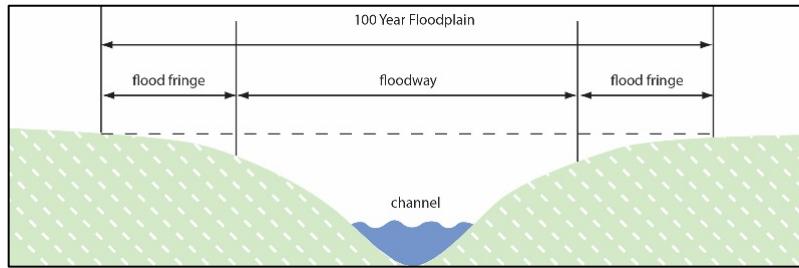
DWELLING UNIT: A permanent building, or any part of a permanent building, having cooking and sanitary facilities, designed or used exclusively for residential occupancy by one (1) family as a single housekeeping unit.

DWELLING UNIT, ACCESSORY. A dwelling subordinate to a principal single-family dwelling on the same lot or parcel and located within or attached to the principal dwelling which contains sleeping quarters, a bathroom, living area, and kitchen facilities for one (1) family.

Section 21.03 Definitions E-F

EASEMENT: An acquired legal right for the specific use of land owned by others.

FAMILY: One (1) or more persons occupying a dwelling unit, living as a single, nonprofit housekeeping unit; provided, a group of four (4) or more persons who are not within the second degree of kinship shall not constitute a family.



FENCE: An artificially constructed barrier, typically constructed of posts, wire and/or wood, erected to enclose, screen, or separate areas. A natural plant species which has been planted to form a continuous barrier to prevent passage or for protection shall be considered a fence.

FLOOD OR FLOODING: means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source.

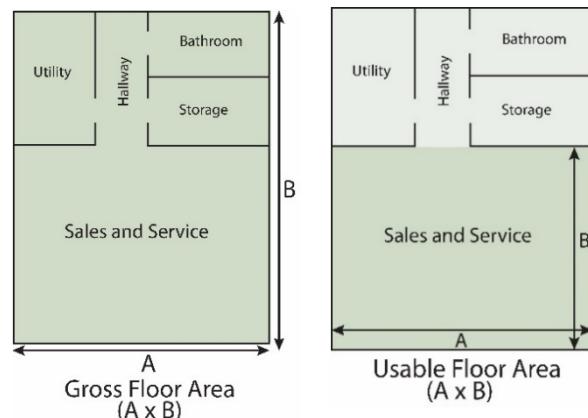
1. **BASE FLOOD:** The flood having a one percent (1%) chance of being equaled or exceeded in a given year.
2. **FLOOD INSURANCE STUDY:** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
3. **FLOOD INSURANCE RATE MAP (FIRM):** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
4. **FLOODPLAIN:** Any land area susceptible to flooding.
5. **FLOODWAY:** the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-half foot.

City of Lorain Zoning Code

6. **SPECIAL FLOOD HAZARD AREA:** The area within a floodplain subject to a one percent (1%) or greater chance of flooding in any given year.

FLOOR AREA, GROSS: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

1. **FLOOR AREA, GROSS LEASABLE:** The area within a shopping center, commercial or industrial condominium that is available for lease by tenants, not including common elements such as, but not limited to, hallways and mall public areas.
2. **FLOOR AREA, LIVABLE:** The finished area of a dwelling unit heated and/or air conditioned, located above ground, but not including basements, garages, covered patios or porches, or other outdoor space.
3. **FLOOR AREA, USABLE:** That area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers, measured from the interior faces of the exterior walls. Areas used principally for the storage or processing of merchandise, for hallways, stairways and elevator shafts, or for utilities and sanitary facilities shall be excluded from this computation.



Section 21.04 Definitions G-J

GARAGE. PRIVATE: An accessory building or portion of a principal building designed or used for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

GRADE:

1. **GRADE, AVERAGE:** The mean point between the highest and lowest ground elevation abutting the existing or proposed location of each face of the exterior walls of a building.
2. **GRADE, FINISHED:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
3. **GRADE, NATURAL:** The elevation of the ground level in its natural state before construction, filling or excavation. Also referred to as Ground Elevation or Natural Ground Surface.

GREEN BELT: A strip of land containing trees, shrubs and/or other required landscape materials located within the front yard and extending for a prescribed depth from the front lot line across the width of the lot or parcel.

HELIPORT: A facility designed to accommodate operation of helicopters and includes landing surfaces and associated services and operating facilities.

HELISTOP: A land deck or surface upon which helicopters may land. It may also be a specially prepared roof surface or a superstructure above a building roof, having no housing or service facilities.



City of Lorain Zoning Code

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the secretary of the interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the secretary of the interior; or
 - b. Directly by the secretary of the interior in states without approved programs.

HOME-BASED CHILD CARE: A private residence in which minor children receive care and supervision for periods of less than 24 hours per day, unattended by parent or legal guardian, except children related to an adult member of the household.

HOME OCCUPATION: A vocational activity conducted as an accessory use within a dwelling unit by a member or members of the resident family and which is clearly accessory and incidental to the principal residential use of the dwelling.

City of Lorain Zoning Code

HOSPITAL: Any institution receiving inpatients, providing a staffed 24 hour emergency care facility and authorized under Ohio law to render medical, surgical and/or obstetrical care. The term shall also include a sanitarium with an approved certificate of need (CON) from the state health planning agency for the treatment and care of various forms of mental illness, but shall not include clinics, convalescent homes or nursing homes or office facilities for the private practice of medicine, dentistry or psychiatry.

HOTEL: A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. A hotel includes a central interior lobby and provides daily room cleaning and linen changes. Other supportive facilities may also include, but not be limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests.

IMPERVIOUS SURFACE: Any surface composed of any material that greatly impedes or prevents the natural infiltration of water into the underlying native soils. Impervious surfaces include, but are not limited to, rooftops, buildings, sidewalks, driveways, streets and roads.

INDOOR COMMERCIAL RECREATION CENTER: A building or place of business equipped with various machines, devices, facilities and electronic devices, but not including gambling devices, where, for a fee, persons may engage in various games and diversions.

Section 21.05 Definitions K-N

KENNEL: Any place or premises where four (4) or more dogs or cats over four (4) months of age are kept.

LANDSCAPE MATERIALS: Any combination of living plant materials and nonliving materials such as rocks, pebbles, wood chips, mulch and pavers, and decorative features, including sculpture, patterned walks, fountains, and pools.

LOT: A developed or undeveloped parcel or tract of land in one ownership, legally transferable as a single unit of land. Also means a parcel.

City of Lorain Zoning Code

1. **LOT, CORNER:** A lot having contiguous frontage on two (2) intersecting streets if the interior angle at the intersection of those streets is less than 135 degrees. A lot abutting a curved street shall be considered a corner lot if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.
2. **LOT, INTERIOR:** A lot, the side lines of which do not abut on a street.
3. **LOT, THROUGH:** An interior lot having frontage on two (2) streets that are approximately parallel.
4. **LOT, FLAG:** A lot with access provided to the bulk of the lot by means of a narrow corridor.

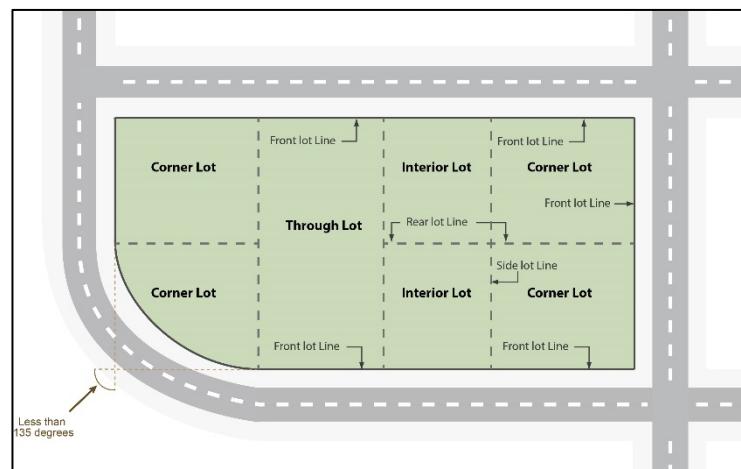
LOT AREA: The total horizontal area within the lot lines of the lot, excluding any street right-of-way or easement dedicated for street purposes.

LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the midpoint between the side lot lines.

LOT LINE:

1. **LOT LINE, FRONT:** That lot line separating the lot from the street right-of-way or street easement. Through lots have two (2) front lot lines. The front lot line of a corner lot shall be the shortest lot line abutting a street.
2. **LOT LINE, REAR:** The lot line opposite and most distant from the front lot line. In the case of a triangular or gore-shaped lot where the two (2) side lot lines converge in the rear, the rear lot line shall be considered to be an imaginary line 10 feet long within the lot, parallel to and at the maximum distance from the front lot line. A through lot has no rear lot line.
3. **LOT LINE, SIDE:** Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot or plots is an interior side lot line.

LOT WIDTH: The horizontal distance between the side lot lines of a lot measured at the two points where the required front setback line intersects the side lot lines.



City of Lorain Zoning Code

MANUFACTURED HOME: A factory-built, single-family structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. This definition shall not include any vehicle designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle moved on or drawn by another vehicle.

MANUFACTURED HOME PARK OR COMMUNITY: A parcel (or contiguous parcels) of land divided into two or more lots to be rented or sold for installation of manufactured homes.

MICRO-BREWERY: A business establishment engaged in making specialty beer in limited quantities for sale, in accordance with Ohio law.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, but no longer conforming to the current provisions of the ordinance with respect to such requirements as height, size, setbacks, access, materials or landscaping.

NONCONFORMING LOT: A lot lawfully existing at the time it was created that does not conform to the current lot area and/or width requirements of this ordinance.

NONCONFORMING USE: A use lawfully occupying a structure or land at the time of adoption or subsequent amendment of this ordinance which is not permitted in the district in which the use is located.

NURSERY SCHOOL: A place for the day care and instruction of children not remaining overnight.

NURSING HOME: A home for the aged, chronically ill or incurable persons, licensed by the Ohio Department of Public Welfare, in which three (3) or more persons, not of the immediate family, are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Section 21.06 Definitions O-R

OCCUPANCY: The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

OVERLAY DISTRICT: A zoning district superimposed upon one (1) or more other zoning districts and which applies supplementary regulations to land within the overlay area.

OWNER: A person, firm, partnership, corporation or other entity holding an interest in real property and shown as such on official records. For the purposes of this ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the zoning administrator, e.g., a sign leased from a sign company.

PARCEL: A unit of land as defined in a single deed recorded in the office of the recorder in Lorain County, Ohio. The description as specified in each recorded deed shall constitute a parcel of land for the purpose of this ordinance. Provided further, that two (2) or more adjoining parcels in common ownership which are physically unified by the existence of a common structure or development located thereon shall constitute and be considered as one (1) parcel for the purpose of this ordinance.

PARKING: The temporary, transient storage of motor vehicles used for transportation, while their operators are engaged in other activities. It shall not include storage of new or used motor vehicles for sale, services, rental or any other purpose other than specified above.

City of Lorain Zoning Code

PARKING SPACE: The space required to park one vehicle, exclusive of driveways and access aisles, in accordance with the requirements of this ordinance.

PARKING STRUCTURE: A manmade building, consisting of one or more floors, designed and intended for the parking of motor vehicles.

PERMIT: An official authorization, issued by a representative of the city, to conduct a specified activity under the provisions of this ordinance.

PERMITTED USE: A use of property specifically allowed within a zoning district wherever that district exists in the city; provided, all dimensional and other requirements applicable to that district are satisfied.

PERSON: Any person, individual, firm, partnership, association, corporation, company or organization, singular or plural, of any kind, including sole proprietors, nonprofits, two (2) or more individuals having a joint or common interest, joint venture, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Ohio, any interstate body or any other legal entity or any other form of business organization.

PERSONAL SERVICES: Any business whose principal activity is the provision of individualized services to the general public, such as barbershop, beauty shop, dry cleaning pickup, printing and photocopying and tailors.

PLACE OF RELIGIOUS WORSHIP: A building or structure, or groups of buildings or structures which, by design and construction, are primarily intended for conducting organized religious services and associated accessory uses that are noncommercial in nature.

PRINCIPAL BUILDING: The building in which the principal use of the lot or parcel is located.

PROJECT: The entire proposed development project regardless of the size of the area of land to be disturbed.

RECREATIONAL VEHICLE: Vehicles or equipment used primarily for recreational purposes, including, but not limited to, motor homes, travel trailers, camper trailers, pop-up campers, boats, off-road vehicles, dune buggies, personal watercraft, snow mobiles and the trailers used to transport them.

RECYCLING CENTER: Any one or any combination of the following where recycling materials are processed to the extent indicated:

1. **COLLECTION CENTER:** A site where recyclable goods are accepted and removed to a processing center on a semi-weekly basis at a minimum.
2. **PROCESSING CENTER:** A site where recyclable materials are separated and refined for shipment or delivery to a recycling plant.
3. **RECYCLING PLANT:** A site where recyclable materials are refined directly into raw materials.
4. **MATERIALS RECOVERY FACILITY:** A facility where recyclable materials are separated and processed from common household and commercial solid waste.

RESIDENTIAL SOCIAL SERVICES FACILITY. A facility or home which provides resident services to a group of individuals of whom one or more are unrelated, and which may provide additional supervised programming services. Groups served may include the mentally retarded or handicapped, juvenile offenders, drug or alcohol offenders, releasees from state institutions, or wards of the court or welfare system. The category includes, but is not limited to, facilities licensed, supervised, or sponsored by any political subdivision or judicial authority. The category includes, but is not limited to, facilities commonly referred to as "halfway houses" or "group homes"

RESTAURANT, STANDARD: A building or part of a building where food is prepared and served for compensation on the premises and more than half the revenue is obtained from the sale of food.

RESTAURANT, DRIVE-THROUGH: A restaurant whose method of operation involves the delivery of prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises. A drive-through restaurant may also have indoor seating.

RETIREMENT COMMUNITY: A planned community for residents who have retired from an active working life and may contain a variety of housing types to accommodate varying needs and life stages, including independent living units, assisted living and nursing care.

RIGHT OF WAY LINE. A line which establishes boundary of land within an area which is dedicated, reserved by deed or granted by easement for street purposes.

Section 21.07 Definitions S-T

SCALE: The relationship of a particular building mass to other nearby or adjacent development.

SELF-SERVICE MINI-STORAGE FACILITY: A fully enclosed structure or structures containing separate, individual, private storage spaces of varying sizes, leased or rented on an individual basis for varying periods of time.

SETBACK: The minimum horizontal distance between the nearest point of the applicable building, structure, or sign measured perpendicular to the property line from which the setback distance is required. See "Yard" definitions.

SEXUALLY ORIENTED BUSINESS. Any use of land, whether vacant or combined with structures or vehicles, by which the property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas" as defined herein. Definitions related to adult entertainment uses include the following:

1. **ADULT BOOK STORE.** An establishment, having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to nudity or sexual conduct. As used within this section "nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the depiction of covered male genitals in a discernibly turgid state, and "sexual conduct" means acts of masturbation, homosexuality, sodomy, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be female, breast.
2. **ADULT CABARET.** A cabaret which features go-go dancers, exotic dancers, strip dancers or other similar entertainment, dancers or employees.
3. **ADULT ENTERTAINMENT ESTABLISHMENT.** Any building or structure which contains, or is used for commercial entertainment, whether a place where musical entertainment is carried out consisting of a series of unrelated episodes and dances, all with the purpose of depicting or suggesting sex-centered subjects or objects, or a place where the patron is charged a fee to dance or view a series of dance routines, strip performances or other gyrating choreography provided by the establishment that depicts or suggests sex-centered subjects or objects.

Nothing herein defined shall in any way or form legitimize any activity prohibited by state law or city ordinance.

4. **ADULT MEDIA STORE:** An establishment having more than ten percent of its stock-in-trade consisting of books, magazines, publications, video tapes, films, video disk, CDs or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas, or to persons depicted or illustrated in such a manner so as to plainly expose to view any portion of a male's or female's pubic hair, anus, cleft of the buttocks, vulva, or genitals, or any portion of the female breast below the top of the areola.
5. **ADULT MINI MOTION PICTURE THEATRE.** An enclosed building with a capacity for less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct. As used within this section "nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the depiction of covered male genitals in a discernibly turgid state, and "sexual conduct" means acts of masturbation, homosexuality, sodomy, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be female, breast, or an enclosure where coin or slug operated, or electrically, electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to depict nudity or sexual conduct, as heretofore defined.
6. **ADULT MOTEL.** A motel, hotel, or similar commercial establishment that: (1) provides patrons with closed-circuit television transmissions, internet selections or sites, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or (2) offers a sleeping room for rent for a time period of less than 10 hours; or (3) allows a tenant or occupant to subrent the sleeping room for a time period of less than 10 hours.
7. **ADULT MOTION PICTURE THEATRE.** An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "nudity" or "sexual conduct," as heretofore defined under this chapter, for observation by patrons therein.
8. **ADULT MOVIE THEATER:** An enclosed building used for presenting film or video material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas, or to persons depicted or illustrated in such a manner so as to plainly expose to view any portion of a male's or female's pubic hair, anus, cleft of the buttocks, vulva, or genitals, or any portion of the female breast below the top of the areola.
9. **LIVE ADULT ENTERTAINMENT:** An establishment devoted to adult entertainment, either with or without a liquor license, presenting distinguished and characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas, or to persons depicted or illustrated in such a manner so as to plainly expose to view any portion of a male's or female's pubic hair, anus, cleft of the buttocks, vulva, or genitals, or any portion of the female breast below the top of the areola. Such entertainment includes but is not limited to wet T-shirt contests, bikini mud-wrestling, topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainment for observation by patrons.
10. **SPECIFIED ANATOMICAL AREAS:** The graphic depiction, whether real or simulated, of less than completely and opaquely covered human genitals, pubic region, buttock, and female breast

City of Lorain Zoning Code

below a point immediately above the top of areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

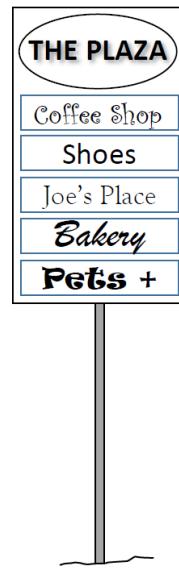
11. **SPECIFIED SEXUAL ACTIVITIES:** The graphic depiction, whether real or simulated, of human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

SHORT-TERM RENTAL: A business engaged in the rental of an entire dwelling unit or a portion of a dwelling unit to provide guest lodging for pay for periods not-to-exceed 29 days and which does not include serving food. Short-term rentals include, by way of example, Airbnb and VRBO, but do not include residential uses otherwise defined in this chapter such as, but not limited to: bed and breakfast, boarding house, hotel, sober living facility, or residential social services facility.

SIGN: A device, structure, fixture or placard which may or may not use graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity.

1. **AGGREGATE SIGN AREA:** The combined area of all signs of a category on a single parcel. For example, the aggregate area of all freestanding signs on a parcel is the sum total area of all freestanding signs on that parcel.
2. **ANIMATED SIGN:** A sign that has moving parts or includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by mechanical means such as blowing air or motorized parts, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays such as an LED (light emitting diode) screen or any other type of video display, even if the message is stationary.
3. **BANNER:** A sign of fabric, thin plastic or similar lightweight material that is mounted to a pole or a building at one (1) or more edges and is intended or displayed as commercial speech. Flags shall not be considered banners.
4. **BENCH SIGN:** Any bench or structure whose primary purpose is for sitting upon which a message is displayed.
5. **BILLBOARD:** A freestanding sign identifying or advertising an establishment, product, service or activity not available on the lot or parcel on which the sign is located.
6. **BLADE SIGN:** See "Feather Sign".
7. **BUILDING SIGN:** A sign that in any manner is fastened to, projects from, or is placed upon the exterior wall, window, door or roof of a building. The term "building sign" includes but is not limited to the following:
 - a. **CANOPY SIGN:** A sign imposed, mounted or painted upon a freestanding canopy.
 - b. **PROJECTING SIGN:** A sign affixed to a wall and extending perpendicular from the surface of the wall.
 - c. **ROOF SIGN:** A sign mounted on, applied to, or otherwise structurally supported by the roof of a building (other than the fascia portion of a mansard roof).
 - d. **WALL SIGN:** A sign fastened directly to or placed directly upon the exterior wall of a building facade, with the sign face parallel to the wall and extending from the surface of the wall no more than 12 inches.
 - e. **WINDOW SIGN:** A sign placed permanently on, behind or inside a windowpane or glass door and intended to be viewed from outside the building.

8. **BUSINESS CENTER SIGN:** A sign which serves as a common or collective sign for a group of persons or businesses operating on the same parcel (e.g., shopping center, office complex, etc.).
9. **CHANGEABLE COPY SIGN:** A portion of a sign on which copy may be frequently changed, including a sign with a fixed or changing display message composed of a series of lights that may be changed through electronic means. Changeable copy signs include the following types:
 - a. **MANUAL:** A sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered by placing such letters or other message elements directly on the sign face by hand.
 - b. **ELECTRONIC:** A sign whose alphabetic, pictographic, or symbolic informational content can be changed and is displayed electrically or electronically.
10. **DOUBLE-FACED SIGN:** A sign structure with two (2) sign faces that are parallel (back-to-back) or that form an angle to one another, where each sign face is designed to be seen from a different direction and the two (2) sign faces are separated from each other at their furthest point by no more than three (3) feet. Sign faces on a single sign structure separated by more than three (3) feet are considered separate signs.
11. **FEATHER SIGN:** A freestanding sign, typically consisting of a flexible single pole or shaft, usually of plastic or metal, stuck in the ground or otherwise fastened at the base, with an attached pennant along or at the top of the shaft, consisting of fabric or some other flexible material that is usually vertically elongated, and may be in the shape of a feather, tear drop or some other configuration.
12. **FLAG:** A fabric or bunting containing colors, patterns and/or symbols normally displayed by flying from a pole as a wind-activated device.
13. **FREESTANDING SIGN:** A sign attached to or part of a completely self-supporting structure set firmly in or below the ground surface and not attached to any building or any other structure, whether portable or stationary. The term "freestanding sign" includes:
 - a. **POLE SIGN:** A sign mounted on one (1) or more poles or columns so the sign body is elevated above the ground by at least eight (8) feet.
 - b. **MONUMENT SIGN:** A freestanding sign mounted on a base which rests directly on the ground and is at least 50 percent of the width of the sign.
14. **ILLUMINATED SIGN:** Any sign or portion of a sign illuminated by artificial light, including outline, reflective or phosphorescent light.
 - a. **EXTERNALLY ILLUMINATED:** Illumination arranged so the light source is external to the sign and directed toward the sign.
 - b. **INTERNALLY ILLUMINATED:** Illumination arranged so the light source is contained behind the face of the sign and no light is directly visible from outside the sign.
15. **INCIDENTAL SIGN:** A sign, emblem or decal no larger than one and one-half (1½) square feet in area. Such signs are normally located on doors, windows and gas pumps or in parking lots or loading areas, may be freestanding or building signs, and are generally not readily visible or legible from public rights-of-way.
16. **INFLATABLE SIGN:** A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.
17. **LED SIGN:** Any sign or portion of a sign that uses light emitting diode technology or similar semiconductor technology to produce an illuminated image, picture, or message of any kind. LED signs are considered to be a form of electronic message centers.



18. **NONCONFORMING SIGN:** A sign legally existing at the time of erection that could not be built under the terms of this ordinance.

19. **POLITICAL SIGN:** A temporary yard sign displayed in connection with an official local government, school district, county, state, or federal election or referendum.

20. **PROJECT ENTRANCE SIGN:** A permanent freestanding sign located at an entrance designed and permitted for vehicular access into a residential subdivision, townhome or multifamily development, planned unit or mixed-use development or a shopping center, office park or industrial park where buildings are located on separate lots or as part of an integrated development.



21. **PROJECTING SIGN:** See under "building sign."

22. **PUBLIC ISSUE SIGN:** A temporary sign relating to an election called by a governmental body.

23. **REAL ESTATE SIGN:** A temporary sign advertising the real estate upon which the sign is located as being for sale, rent or lease.

24. **ROOF SIGN:** See under "Building Sign."

25. **SUSPENDED SIGN:** See under "Canopy Sign" and under "Building Sign."

26. **TEMPORARY SIGN:**

a. **REAL ESTATE DEVELOPMENT SIGN:** A sign erected during the development of a new or expanded residential or non-residential project.

b. **PORTABLE SIGN:** A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building, including signs with wheels and signs mounted on vehicles for advertising purposes.

c. **RIGID FRAME SIGN:** A sign that is commonly, but not always, made of wood, metal or vinyl posts and arm and designed to be stuck in the ground with equipment. Such signs are typically associated with real estate sales, construction and the like.

d. **SANDWICH BOARD SIGN:** A self-supporting, moveable sign with one or two faces that are adjoined at the top and displayed at an angle, which is not permanently anchored or secured and designed to be placed upon a sidewalk, plaza or other area where pedestrians walk or gather. Also referred to as A-frame signs.

e. **WINDOW SIGN, TEMPORARY:** A temporary sign installed or affixed inside a window and intended to be viewed from the outside for limited periods.

f. **WIRE FRAME SIGN:** A sign that is commonly, but not always, made up of a flexible wire frame and corrugated plastic face and designed to be stuck in the ground without equipment. Such signs are typically associated with home improvement projects, political expression, yard sales, open house events and the like.



27. **VEHICLE SIGN:** Any sign placed, mounted, painted on or affixed to a motor vehicle or to a freight, flat-bed or storage trailer or other conveyance.

28. **WALL SIGN:** See under "Building Sign."

29. **WINDOW SIGN:** See under "Building Sign" and "Temporary Sign."



City of Lorain Zoning Code

SIGN COPY: The words, letters, figures, symbols, logos, fixtures, colors or other design elements used to convey the message, idea or intent for which a sign has been erected or placed.

SITE DEVELOPMENT PLAN: A detailed plan, as required in *Chapter 12*, showing proposed buildings, uses or reuses of all land, open space, location of major structures, recreation areas, schools and public facilities and such other planning elements and reasonable design criteria as deemed necessary by the zoning administrator, planning commission or city council to determine compliance with the requirements of this ordinance.

SLUM OR BLIGHTED AREA: A residential area within the corporate limits of the City of Lorain in which there exist 20 percent or more of structures or other improvements which, by reason of dilapidation, deterioration, age or obsolescence; inadequate provisions for ventilation, light, air, sanitation, or open space; high density of population and overcrowding; unsafe and unsanitary conditions; or the existence of conditions which endanger life or property by fire or other causes; or any combination of factors, substantially impairs the sound growth and planning of the community, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety and welfare. This definition is to be used only to determine eligibility for Federal, State, or Local funding sources. The appraisal method of the Lorain County Auditor's Appraisal office will be used to assess each property when determining slum or blighted areas pursuant to this definition.

SMALL ENGINE REPAIR: A use of property and buildings for the purpose of repairing, rebuilding and servicing internal combustion engines of 30 horsepower or less, and the related accessories and equipment powered by such engines.

SOBER LIVING FACILITY: A residential facility that provides group housing in a structured living environment over extended periods of time typically greater than six (6) months for people exiting drug and alcohol rehabilitation programs. The facility may include accessory uses such as common dining, laundry, and recreation rooms but is not licensed and does not provide counseling or other support services.

SOCIAL SERVICES, RESIDENTIAL. A facility or home which provides resident services to a group of individuals of whom one or more are unrelated, and which may provide additional supervised programming services. Groups served may include the mentally or physically handicapped, juvenile offenders, drug or alcohol offenders, persons released from state institutions, or wards of the court or welfare system. The category includes, but is not limited to, facilities licensed, supervised, or sponsored by any political subdivision or judicial authority and facilities commonly referred to as "halfway houses" or "group homes".

START OF CONSTRUCTION: The date a development permit is issued, provided the actual start of construction, repair, reconstruction, or improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure.) See also, "Substantial Improvement".

City of Lorain Zoning Code

STORMWATER: Precipitation runoff, snow melt runoff, and surface runoff.

STREET: Any public or private thoroughfare which affords the principal means of access to abutting property.

1. **STREET, ARTERIAL:** A road or highway, as shown on the official map maintained by the City of Lorain, which carries large volumes of traffic at relatively high speed between population centers or from one section of the city to another.
2. **STREET, COLLECTOR:** A public way, as shown on the official map maintained by the City of Lorain, designed primarily to connect local streets with arterial streets or to provide access from residential areas to major destination points such as shopping or employment centers and which may be expected to carry a significant volume of traffic. Any street may be declared a collector street by city council at any time and shall be designated as such on the official street map.
3. **STREET, LOCAL:** These roads serve the final function in destination trips and the initial function at point of origin. They provide direct access to adjacent land as well as serve the purpose of short distance transportation needs. This category encompasses all streets, roads and highways not classified as either arterial or collector streets.

STREET FRONTOGE: The distance within which a front lot line of a lot adjoins a street, measured between the two (2) lot lines intersecting that street. Corner lots at intersections and double frontage (through) lots have multiple street frontages; corner lots formed by a curve in the street greater than 135 degrees have one (1) street frontage.

STREET, PRIVATE: Any vehicular access not dedicated to the public that has been platted and recorded as a private street.

STORY: The portion of the building included between the surface of any floor and the surface of the floor next above, or, if there is no floor above, the space between the floor and the ceiling next above.

STORY, HALF. A story under a gabled, tripped, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the furnished floor of such story.

STRUCTURE: Anything constructed or erected, which requires location on the ground or is attached to something having a location on the ground including by way of example, but not limited to, buildings, billboards, swimming pools, advertising signs, a gas or liquid storage tank, and satellite dishes but not including fences.

STRUCTURAL ALTERATION: Any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

SUBSTANTIAL IMPROVEMENT: Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a five-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

City of Lorain Zoning Code

SWIMMING POOL: An enclosure, designed, used, or maintained for the purpose of holding water, permanently constructed or portable, in ground or above ground, with the ability to contain water having a depth of 18 inches or more, and having a surface area of 200 or more square feet.

TAVERN: See "Bar".

TATTOO PARLOR: An establishment providing the service of body painting indelible marks, text, or figures that are fixed upon the skin through insertion of pigment or production of scars.

TELECOMMUNICATIONS FACILITY: A use of property and buildings for the purpose of switching, amplifying, uplinking, downlinking, disseminating, distributing, broadcasting, receiving or otherwise processing any telephone or television signal, or related electro-magnetic communication signal.

TEMPORARY EVENT: An activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include but are not limited to such activities as:

1. The offering of a property or premises for sale or rent.
2. An election, political campaign, referendum, or ballot proposition put to the voters as part of city, county, state, or federal governance.
3. Special business promotions, such as but not limited to "grand openings," "close-out sales," and seasonal sales events.
4. A yard sale.
5. The construction of a building or development project, or the rehabilitation, remodeling, or renovation of a building.
6. A public announcement of a special event or seasonal activity by an individual or a nonprofit organization.

TENANT: A natural person, business or other entity that occupies land or buildings by ownership, under a lease, through payment of rent, or at will; an occupant, inhabitant, or dweller of a place.

TOWER, CELLULAR, PHONE OR RADIO: A building or structure typically higher than its diameter and high relative to its surroundings, used for the purpose of broadcasting, transmitting, receiving or otherwise enhancing or facilitating the transmission of radiant energy for communications purposes.

TRUCK LIVERY: A use of land specifically designated and approved for the overnight parking and storage of semi tractors and trailers.

Section 21.08 Definitions U-Z

USE: The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

1. **USE, NONRESIDENTIAL:** Any use of property or buildings that is not a residential use.
2. **USE, PRINCIPAL:** The primary purpose for which a lot or the main building thereon is designed, arranged or intended and for which it is or may be used.
3. **USE, RESIDENTIAL:** A principal use that is intended for occupancy by an owner or lessee as their permanent place of abode.
4. **USE, TEMPORARY:** A use of a lot or lots of limited duration and established in connection with a construction project, real estate development or special event.

City of Lorain Zoning Code

VARIANCE: An authorization by the zoning board of appeals granting relief from the strict requirements of this ordinance and doing substantial justice, where literal enforcement would result in a practical difficulty or unnecessary hardship.

VEHICLE REPAIR, MAJOR: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body frame or fender straightening or repair; tire recapping or retreading; painting and engine steam cleaning.

VEHICLE REPAIR, MINOR: Incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger vehicles and trucks not exceeding one-ton capacity, but not including any operation defined as "major repair".

VEHICLE SALVAGE BUSINESS: The storage and dismantling of severely damaged motor vehicles for the purpose of reclaiming the component parts and materials for resale, recycling or disposal. This does not include major or minor vehicle repair establishments.

VEHICLE SERVICE STATION: A building and premises where the principal use is the retail dispensing or sale of vehicular fuels.

VEHICLE WASH: A use of property and buildings for the purpose of providing buildings, equipment and facilities for the purpose of cleaning and preserving the exterior or interior surfaces of automobiles or other motor vehicles designed primarily for use on the highway.

WAREHOUSE: A building or portion of a building used, designed, and intended for the storage of merchandise or commodities.

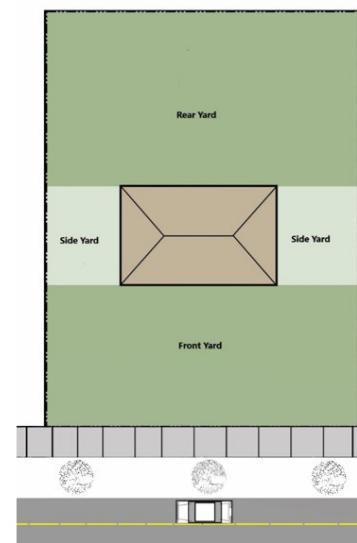
WHOLESALE ESTABLISHMENT: A use of property and buildings for the purpose of selling, buying, trading or otherwise dealing at a wholesale level in general merchandise. This type of facility often requires membership and may not be open to the general public.

WATERCOURSE: Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

WETLANDS: Those areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Also include swamps.

YARD: The open spaces on a lot located between a building and a lot line. The term "required yard" shall refer to that portion of the yard lying between the lot lines and the minimum required setback lines.

1. **YARD, FRONT:** The space extending the full width of the lot, the depth of which is the distance between the front lot line and the nearest building line of the principal building.
2. **YARD, REAR:** The space extending the full width of the lot, the depth of which is the distance between the rear lot line and the nearest building line of the principal building.
3. **YARD, SIDE:** The space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the distance from the side lot line to the nearest building line of the principal building.



ZONING ADMINISTRATOR: The person designated by the city to

City of Lorain Zoning Code

administer and enforce the provisions of this zoning code. The term shall also include a designee or designees to whom some or all of the duties are delegated.

APPENDIX A CONSOLIDATED TABLE OF USES

Allowed Uses	Districts													
	Residential						Business			Industrial		Special		
	R-1A	R-1B	R-1C	R-2	R-3	RM	B-1	B-2	B-3	I-1	I-2	MU	OS	HMD
Accessory Uses														
Accessory dwelling units	C	C	C	C										
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Cafeteria facilities located within a principal use (not including dwelling units)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Child care facilities located within a principal use	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Corporate offices incidental to the principal use										P	P			
Drive-in and drive-through facilities for automated teller machines, banks and pharmacies, not including drive-in restaurants							C	C	C	C	C			C
Dwelling units for watchmen and operating personnel and their families										C	C		C	
Home occupations	P	P	P	P	P							C		
Outdoor display areas for retail establishments							C	P	C			C		
Outdoor seating areas for restaurants, taverns and similar establishments							C	P	C			C		
Outdoor storage related to a principal use								C		C	P			
Single-user solar energy system as accessory to a principal use	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Agricultural, Food and Animal-Related Uses														
Breweries, distilleries and bottling plants										P				
Food processing plants											P			

City of Lorain Zoning Code

Allowed Uses	Districts													
	Residential						Business			Industrial		Special		
	R-1A	R-1B	R-1C	R-2	R-3	RM	B-1	B-2	B-3	I-1	I-2	MU	OS	HMD
Greenhouse/nursery (not including retail sales)										P				
Greenhouse/nursery (including retail sales)								C		C				
Kennels								C		P				
Produce and other food products terminals										P				
Construction														
Building materials and lumber supply								P						
Contractors' offices and shops (not including outdoor storage)										P				
Glass sales & service								P		P				
HVAC sales & service								P		P				
Landscaping services										P				
Educational Services, Commercial														
Schools, driving										C	C			
Technical and trade school								P	P	P				
Training centers, engineering or sales								P	P	P				
Food, Drink, Entertainment and Hospitality														
Bars, taverns and nightclubs								C	P	C	C	P		
Club or lodge, private								P	P					
Commercial recreation, indoor (movie theaters, bowling alleys, ice arenas, billiard parlors and similar uses)								P	P					
Commercial recreation, outdoor (mini-golf, go-cart, amusement parks and similar activities)								C						
Food catering service								P	P	P				
Hotel/motel								P	P			P		C
Micro-brewery								P	P			P		
Performance theaters, concert halls								P				P		

City of Lorain Zoning Code

Allowed Uses	Districts													
	Residential						Business			Industrial		Special		
	R-1A	R-1B	R-1C	R-2	R-3	RM	B-1	B-2	B-3	I-1	I-2	MU	OS	HMD
Performing arts or martial arts school or studio							P	P	P					
Radio, television and recording studio								P	P	P		P		
Restaurant (standard)							P	P	P	P	P	P		P
Restaurant (drive-in or drive-through)								C						
Restaurant (alcohol and/or entertainment)							C	P	P	P	P	P		P
Sexually oriented businesses										C				
Health Care and Social Assistance														
Ambulance service										P				P
Hospice centers														P
Hospital and medical centers														P
Inpatient and outpatient rehabilitation and detoxification facilities, providing rehabilitation and detoxification services for substance, alcohol and chemical abuse patients														P
Inpatient psychiatric, psychological and counseling facilities														P
Laboratory serving professional requirements, e.g. medical, dental, etc., not including manufacture of narcotics or pharmaceuticals								P	P	P				P
Medical, dental, optical, psychiatric, physical therapy office, including clinics							C	P	P			P		P
Medically-related educational facilities														P
Nursing home or extended care facilities.				C	P							C		P
Rehabilitation centers														P
Manufacturing														
Building material manufacturing including milling, planning and joining										C	P			

City of Lorain Zoning Code

Allowed Uses	Districts													
	Residential						Business			Industrial		Special		
	R-1A	R-1B	R-1C	R-2	R-3	RM	B-1	B-2	B-3	I-1	I-2	MU	OS	HMD
Chemical manufacturing and storage												C		
Concrete or asphalt manufacturing												C		
Electronics manufacturing and assembly										P	P			
Machine, sheet metal and welding shops										P	P			
Manufacturing and assembly of automobiles, trucks, planes, ships and railways											P			
Manufacturing, compounding, processing, packaging, treating or assembly from previously prepared materials										P	P			
Metal stamping, pressing and buffing										C	P			
Oil refineries											C			
Paint, rust proofing and rust coating										C				
Primary metal industries										P				
Sawmills										P				
Structural and steel fabrication										C	P			
Tool and die shops										P	P			
Mining														
Mineral extraction operations											C			
Office, Financial and Business Services														
Financial institutions (banks, savings & loans, credit unions)							P	P	P	P	P	P		P
Office equipment sales and service								P	P	P	P	P		
Offices, general and professional							P	P	P	P	P	P		
Printing and photocopying establishment								P	P	P	P	P		
Printing and publishing facilities									P					
Research, development and testing laboratories									P	P				

City of Lorain Zoning Code

Allowed Uses	Districts													
	Residential						Business			Industrial		Special		
	R-1A	R-1B	R-1C	R-2	R-3	RM	B-1	B-2	B-3	I-1	I-2	MU	OS	HMD
Short-term lending or pay-day check cashing								C						
Veterinary hospital								C		P				
Personal Services														
Barber shop, hair salon or spa							P	P	P			P		
Child care centers, commercial preschools and nurseries							C	P	P	P	P	P		P
Cleaning services										P				
Crematorium								C		C				
Dress maker, tailor							P	P	P			P		
Dry cleaner, not including a dry-cleaning plant							P	P	P			P		
Dry cleaning plants and commercial laundries										P				
Electronics repair							P	P	P			P		
Home-based child care (fewer than six)	P	P	P	P	P	P						P		
Home-based child care (six or more)	C	C	C									C		
Laundromat							P	P	P			P		
Locksmith shops								P		P				
Mortuary or funeral home, not including crematorium								C						C
Optician and eyeglass sales							P	P				P		P
Pest control services								P		P				
Pet grooming							P	P	P			P		
Photography studio							P	P	P			P		
Repair shops, including small engine repair								P		P				
Tattoo parlor								P						
Tool and equipment rental								P		P				
Public/Quasi-Public Uses														
Cemeteries	C	C	C	C	C							P		

City of Lorain Zoning Code

Allowed Uses	Districts													
	Residential						Business			Industrial		Special		
	R-1A	R-1B	R-1C	R-2	R-3	RM	B-1	B-2	B-3	I-1	I-2	MU	OS	HMD
Correctional facilities										C	C			
Government buildings and facilities	C	C	C	C	C	C	P	P	P	P	P	P	P	P
Library							P	P	P			P		
Museum, cultural facility								P	P			P		
Places of religious worship	C	C	C	C	C	C	C	C	C			C		
Schools (K-12)	C	C	C	C	C	C						C		
Recreation and Leisure														
Adult day service facility														C
Amphitheater													C	
Art gallery or studio							P	P	P			P		
Campground													C	
Commercial recreation, indoor (movie theaters, bowling alleys, ice arenas, billiard parlors and similar uses)								P	P			C		
Commercial recreation, outdoor (mini-golf, go-cart, amusement parks and similar activities)								C				C		
Golf courses/country clubs												P	P	
Health/fitness clubs							P	P	P			P		P
Performing arts, dance or martial arts school or studio							P	P	P			P		
Private noncommercial recreation	P	P	P	P	P	P						P	P	
Public boat ramp										C		P	P	
Public parks/playgrounds	P	P	P	P	P	P	P	P	P			P	P	P
Residential														
Assisted living facility				C	P							C		P
Bed and breakfast	C	C	C											
Boarding house				C	C									
Dwelling, manufactured home						P								
Dwelling, multiple family					P				P			P		
Dwelling, single-family attached				P	P				P			P		

City of Lorain Zoning Code

Allowed Uses	Districts													
	Residential						Business			Industrial		Special		
	R-1A	R-1B	R-1C	R-2	R-3	RM	B-1	B-2	B-3	I-1	I-2	MU	OS	HMD
Dwelling, single-family detached	P	P	P	P								P		
Dwelling, two-family				P	P							P		
Manufactured home community/subdivision						P								
Residential social services					C									
Retirement community				C	P							C		P
Sober living facility					C									
Upper floor dwelling above a street-level business (live/work units)						C	C		P			P		
Retail Uses														
Appliance repair							P	P	P	P				
Auction houses								P		P				
Consumer fireworks retail sales facility (permanent)											C			
Consumer fireworks retail sales facility (temporary)								C		C				
Machinery and equipment sales & service								P		P				
Medical supplies and equipment								P						P
Package liquor store							C	P	P			C		
Pawn shops								P	P	P	C			
Pharmacy							P	P	P			P		P
Planned shopping centers								P				P		
Planned shopping centers, not exceeding 50,000 sq. ft.							P							
Retail establishments whose principal activity is the sale of merchandise within an enclosed building, not exceeding 5,000 square feet of floor area							P							
Retail establishments whose principal activity is the sale of merchandise								P	P			P		

City of Lorain Zoning Code

Allowed Uses	Districts													
	Residential						Business			Industrial		Special		
	R-1A	R-1B	R-1C	R-2	R-3	RM	B-1	B-2	B-3	I-1	I-2	MU	OS	HMD
within an enclosed building of any size.														
Transportation and Warehousing														
Airports										C				
Bottled gas storage and distribution										C	C			
Cartage, express and parcel delivery facilities										C	P			
Freight and intermodal terminals											P			
Heliports and helipads										C	C			C
Mail order businesses and fulfillment centers										P	C			
Moving companies										P				
Petroleum bulk stations											C			
Petroleum products sales											P			
Self-storage facilities (indoor)								C		C				
Self-storage facilities (outdoor)										C				
Warehouses and distribution centers										P	P			
Wholesale businesses										P				
Utilities														
Power generating plants										P	P			
Public utility structures and land								C	P	P	P	P		
Sewage treatment plants										C	C			
Solar Farms										P	P			
Wind energy conversion systems (single accessory)										C	C			C
Wind energy conversion systems (commercial)											C			
Wireless communication facilities and towers	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Vehicle Sales, Service and Related Uses														
Auto parts and tire store								P		P				
Automobile rental										P				

City of Lorain Zoning Code

Allowed Uses	Districts													
	Residential						Business			Industrial		Special		
	R-1A	R-1B	R-1C	R-2	R-3	RM	B-1	B-2	B-3	I-1	I-2	MU	OS	HMD
Automobile, trailer, truck, farm equipment, heavy equipment, manufactured home, boat, recreational vehicle or motorcycle sales and rental								P		C				
Heavy equipment/semi-tractor and trailer sales, rental and service										P				
Parking garage, structure or lot, commercial (as principal use)								C	C	P	P	C		C
Tire retreading service										C	P			
Semi-tractor and trailer rental										P				
Truck stops										C	C			
Vehicle auction facilities										P				
Vehicle repair, minor								C		P				
Vehicle repair, major								C		P				
Vehicle service stations							C	C		P	P	C		
Vehicle wash facilities								C		P	P	C		
Vehicle wash facilities for trucks and trailers										P	P			
Waste Processing and Disposal														
Construction debris, junk, solid waste disposal and salvage yards										C				
Processing, storage, transfer, disposal or incineration of hazardous waste or medical waste										C				
Recycling collection and/or processing facility (non-hazardous)										P	P			
Sanitary landfills											C			
Vehicle salvage business											C			
Other Uses														

City of Lorain Zoning Code

Allowed Uses	Districts													
	Residential						Business			Industrial		Special		
	R-1A	R-1B	R-1C	R-2	R-3	RM	B-1	B-2	B-3	I-1	I-2	MU	OS	HMD
Uses of the same nature or class as uses listed in this district but not listed elsewhere in this ordinance ¹⁷	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C

¹⁷ If the use to which the proposed use is similar is permitted by right, the proposed use shall be permitted by right. If the similar use is a conditional use, the proposed use shall be conditional.

APPENDIX B

CONSOLIDATED TABLE OF DIMENSIONAL REQUIREMENTS

Table B-1, Schedule of Dimensional Requirements

Requirements	Residential								Business			Industrial		Special		
	R-1A	R-1B	R-1C	R-2		R-3		B-1	B-2	B-3	I-1	I-2	HMD	MU	OS	
				Single-family	Two-family	Attached	Two-family									
Area, Width and Density																
Lot area (min. sq. ft.)	15,000	9,000	7,000	6,000	¹⁸ 3,600	-	3,600 ¹	-	5,000	20,000	-	1 acre	2 acres	20,000	5 ac. ¹⁹	-
Lot width (min. ft.) ²⁰	90	70	60	50	60	-	60	-	50	100	-	200	200	100	150 ²	100
Density (maximum units/net acre) ²¹	-	-	-	-	-	12 ²²	-	14/18 ²³	-	-	-	-	-	-	18	-
Min. Non-Resid. Area (%) ²⁴	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10 %	-
Max. Non-Resid. Area (%) ⁷	-	-	-	-	-	-	-	-	-	-	-	-	-	-	30 %	-
Setbacks																

¹⁸ Min. lot area per dwelling unit.¹⁹ Refers to total project area to be developed.²⁰ All single-family detached and two-family lots within the Residential Districts shall have a depth of at least 120 ft.²¹ Net acre shall be calculated as the total site acreage, less the area occupied by wetlands and street right-of-way or street easements.²² Maximum five (5) attached dwellings per building.²³ Maximum five (5) attached dwellings and 12 multiple dwelling units per building.²⁴ Refers to area occupied by commercial, office or institutional uses and associated parking, not including required open space. Accessory business uses entirely within a principal use such as golf course pro shops, employee day care or hair salons for residents of a retirement community shall not be counted toward the non-residential area requirements.

City of Lorain Zoning Code

Table B-1, Schedule of Dimensional Requirements

Requirements	Residential								Business			Industrial		Special			
	R-1A	R-1B	R-1C	R-2			R-3		B-1	B-2	B-3	I-1	I-2	HMD	MU	OS	
				Single-family	Two-family	Attached	Two-family	Attached/Multi-family									
Front	45	40	35	25	30	20	30	20/30	30	35	-	30	30	35	- ²⁵	50	
Rear	35	30	30	30	30	35	30	35/35	10	10	-	35 ²⁶	50 ⁹	10	- ⁸	25	
Side (interior)	12	6/10	6/8	5	5	10 ²⁷	5	10 ¹⁰	5	10	-	20 ⁹	20 ⁹	10	- ⁸	25	
Side (street)	25	25	20	20	20	20	20	20	10	20	-	20	30	35	- ⁸	50	
Height and Coverage (maximum)																	
Building coverage (%)	35	40	45	45	45	50	45	50	-	-	-	-	-	50	-	-	
Height (ft.)	35/2½								45/4	35/2 ½	45/4	-	45	60	45/4 ²⁸	45/4	35/2
Minimum open space (%) ²⁹	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10	-	
Floor Area (minimum sq. ft.) for Two-Family, Attached Single-Family and Multiple Family Dwellings																	
One-bedroom	-	-	-	-	750				-	-	-	-	-	-	-	-	
Two-bedroom	-	-	-	-	900				-	-	-	-	-	-	-	-	
Three-bedroom	-	-	-	-	1,050				-	-	-	-	-	-	-	-	
Addl. bedrooms > 3	-	-	-	-	150/addl. Bedroom				-	-	-	-	-	-	-	-	

²⁵ Minimum setbacks shall not be applied to individual lots within the development; provided, all greenway and buffer requirements specified in *Chapter 13* shall apply to property abutting the perimeter of the mixed-use development and any public street.

²⁶ Minimum side and rear setback abutting a residential zoning district shall be 50 ft. in the I-1 and 75 ft. in the I-2 District.

²⁷ A minimum separation of 20 ft. shall be maintained between ends of contiguous buildings.

²⁸ Hospitals may be a maximum of 100 feet or eight (8) stories

²⁹ Required open space may include the following if generally accessible to all users of the mixed-use development: parks, landscaped buffer areas, lakes, rooftop gardens, plazas, city squares, playgrounds and recreation areas, outdoor sports facilities, surface easements for drainage facilities and pedestrian walkways or paths; provided, the requirements of *Section 7.04* shall be met.