

## **CODIFIED ORDINANCES OF SHEFFIELD VILLAGE**

### **PART ELEVEN - PLANNING AND ZONING CODE**

---

#### **TITLE ONE – GENERAL PROVISIONS; ADMINISTRATION**

- Chap. 1103. Purpose.
- Chap. 1105. Definitions.
- Chap. 1107. Powers and Duties.
- Chap. 1109. Administrative Procedures.
- Chap. 1111. Amendments.
- Chap. 1113. Enforcement; Penalties.

#### **TITLE THREE – PLANNING AND DESIGN STANDARDS**

- Chap. 1121. Design Standards for all Subdivisions.

#### **TITLE FIVE – ZONING**

- Chap. 1133. Districts Established; Zoning Map.
- Chap. 1137. Residential Districts.
- Chap. 1141. Recreation Camp District
- Chap. 1145. Commercial Districts.
- Chap. 1149. Industrial Districts.
- Chap. 1153. Conditional Use Regulations.
- Chap. 1157. Planned Unit Development Regulations.
- Chap. 1161. Off-Street Parking Regulations.
- Chap. 1163. Regulation of Unattended Collection Bins.
- Chap. 1165. Sign Regulations.
- Chap. 1169. Floodplain Overlay District
- Chap. 1175. Nonconforming Regulations.
- Chap. 1177. Supplemental Regulations.

EDITOR'S NOTE: All sections of the Planning and Zoning Code, unless otherwise noted, were enacted by Ordinance 1552, passed April 13, 1998.



**CODIFIED ORDINANCES OF SHEFFIELD VILLAGE**  
**PART ELEVEN - PLANNING AND ZONING CODE**

---

**TITLE ONE – General Provisions; Administration**

- Chap. 1103. Purpose.
  - Chap. 1105. Definitions.
  - Chap. 1107. Powers and Duties.
  - Chap. 1109. Administrative Procedures.
  - Chap. 1111. Amendments.
  - Chap. 1113. Enforcement; Penalties.
- 

**CHAPTER 1103**  
**Purpose**

- |                                |                                  |
|--------------------------------|----------------------------------|
| <b>1103.01 Short title.</b>    | <b>1103.04 Conflicting laws.</b> |
| <b>1103.02 Purpose.</b>        | <b>1103.05 Scope.</b>            |
| <b>1103.03 Interpretation.</b> | <b>1103.06 Severability.</b>     |

**CROSS REFERENCES**

- Rules of construction - see ADM. 101.03 et seq.
  - Determining legislative intent - see ADM. 101.07
- 

**1103.01 SHORT TITLE.**

Titles One, Three and Five of Part Eleven of these Codified Ordinances shall be known and may be cited as the “Planning and Zoning Code of the Village of Sheffield,” or “this Code.”

**1103.02 PURPOSE.**

This Code establishes certain districts in the Village and regulates and restricts the ways in which land can be used. It regulates the density of population in residential districts and the location and size of buildings and other structures in all districts. More specific purposes are to:

- (a) Protect the character and the values of the residential, business, industrial and recreational areas and to assure their orderly and beneficial development;
- (b) Provide adequate open spaces for light and air, to prevent overcrowding of the land, excessive concentration of the population, and, on the other hand, excessive and wasteful scattering of the population;
- (c) Manage congestion on the streets, to improve the public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with, and be damaged least by, traffic movements;
- (d) Facilitate adequate provisions for public utilities and facilities such as recreation, school, sewerage, water, transportation and other public requirements; and
- (e) Encourage the most appropriate uses of the land and guide the future development of the Village, all in accordance with the Comprehensive Land Use Plan and any other Village plans.

#### **1103.03 INTERPRETATION.**

(a) In interpreting and applying the provisions of this Code, the provisions shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

(b) This Code shall not interfere with, abrogate or annul any easement, covenant or other agreement between parties except that in cases where this Code imposes a greater restriction upon the use of buildings or premises, upon the height of buildings, upon the lot area per family, or requires larger yards or other open spaces than are imposed or required by such easements, covenants or agreements, the provisions of this Code shall control.

#### **1103.04 CONFLICTING LAWS.**

This Code shall not repeal, abrogate, annul or in any way impair or interfere with any existing law or ordinance, or any rules or regulations heretofore or hereafter adopted or promulgated pursuant to law regulating the use of land or buildings. However, in cases where this Code imposes a greater restriction upon the use of buildings or premises, upon the height of buildings, upon the lot area per family or requires larger yards or other open spaces than are imposed or required by such other laws or ordinances, or by such rules and regulations, the provisions of this Code shall control.

#### **1103.05 SCOPE.**

Nothing in this Code shall be construed to limit Council in the exercise of all of the powers to zone or redistrict now or hereafter authorized by the Ohio Constitution or Ohio statutes.

#### **1103.06 SEVERABILITY.**

Sections and subsections of this Code and the several parts or provisions thereof are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any such section, subsection, part or provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other such section, subsection, part or provision thereof.

**CHAPTER 1105**  
**Definitions**

**1105.01 Use of section references.**

**1105.02 Definitions.**

**CROSS REFERENCES**

General definitions - see ADM. 101.02

Platting definitions - see Ohio R.C. 711.001

**1105.01 USE OF SECTION REFERENCES.**

Throughout this Code, reference to section numbers means the numbered sections of this Code. Reference to section numbers separated by the word "to" (such as Sections 1131.01 to 1131.06) is to be taken as equivalent to the words "to and including."

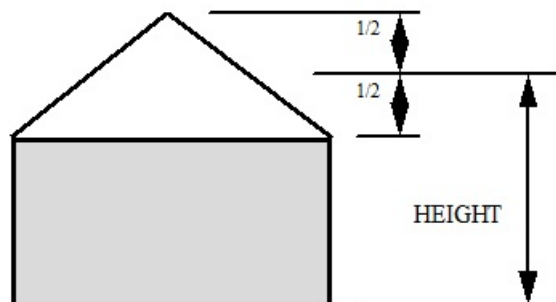
**1105.02 DEFINITIONS.**

For the purpose of this Development Code, the following terms shall have the meaning herein indicated: (Ord. 2544. Passed 12-12-16.)

- (1) **ABUTTING:** Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.
- (2) **ACCEPTANCE:** The date of the acceptance of work, which, subject to the terms of the guaranty, shall be the date after the work has been satisfactorily completed, as hereinafter provided.
- (3) **ACCESSORY BUILDING:** (EDITOR'S NOTE: Former subsection (b)(3) hereof was repealed by Ordinance 1781, passed October 23, 2000.)
- (4) **ADULT DAY-CARE FACILITY:** An establishment that during any part of the normal business day provides supervised educational, recreational and social activities to elderly and/or handicapped adults, but not including persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require restraint.
- (5) **ADULT USE:** Refer to Section 1177.07.
- (6) **ALLEY:** See "Street".
- (7) **ALTERATION, BUILDING:** Any change or modification of a building or structure.

- (8) **ALTERATION, STRUCTURAL:** Any change, modification or replacement of the supporting members of any building.
- (9) **APARTMENT:** A suite of rooms so arranged, intended or designed to be occupied as a residence of a single family individual or group of individuals as a complete housekeeping unit.
- (10) **APPLICANT:** A person, corporation or other legal entity with a legal interest who submits an application for which any action is being sought.
- (11) **AUTO SERVICES:** A building or part of a building, structure or land area used for the retail sale of fuel, lubricants and/or motor vehicle accessories, the routine maintenance and service, and/or the making of repairs to motor vehicles, except that repairs described as major repairs in **REPAIR GARAGE** shall not be permitted.  
(Ord. 1552. Passed 4-13-98.)
- (11A) **AUTOMOBILE SALES/RENTAL AGENCY:** Any establishment that is engaged in activities such as displaying, offering for sale, renting or leasing new or used automobiles, including cars and light trucks at retail, and must provide an inventory of new automobiles available for sale or lease that shall not be less than two percent (2%) of the total annual unit inventory on each lot or premise on which the agency displays, sells, rents or leases new or used automobiles. Such establishment may also include operating a service facility to perform repairs and maintenance on automobiles and offering for sale automobile parts at retail. See also “New Automobile”.  
(Ord. 1718. Passed 9-27-99.)
- (12) **BAR/TAVERN:** An establishment where the principal business is the sale of alcoholic beverages for retail consumption on the premises and the sale of food is accessory and incidental to such sales. See also definition of Nightclub.
- (13) **BLOCK:** An area of land bounded by streets, public or common land, railroad rights of way, shorelines, boundary lines, municipalities, etc., or by other definite limits and/or specified boundaries.
- (14) **BUILDING:** Any structure having a roof supported by columns or walls and which is completely enclosed and intended for the shelter, housing, or enclosure of persons, animals or property.
- (15) **BUILDING HEIGHT:** The vertical distance from the grade to the highest point of the roof surface if it is a flat roof; to the deck line for a mansard roof; and to the mean height level between the eaves and ridge line for gambrel, gable or hip roofs (See Fig. 1).

Figure 1: Building Height for Gambrel, Gable and Hip Roofs



- (16) **CAR WASH:** A building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.
- (17) **CEMETERY:** Land used or intended to be used for the burial of the human dead including columbariums and mausoleums, when operated in conjunction with and within the boundaries of such cemetery.
- (18) **CERTIFICATE OF OCCUPANCY:** A statement signed by the Building Inspector, setting forth either that a building or structure complies with this Zoning Code or that a building, structure or parcel of land may lawfully be employed for specific uses or both.
- (19) **CONDITIONAL USE:** See “Use, Conditional”
- (20) **CONTRACTOR:** Any individual, group of individuals, partnership, firm or corporation who or which constructs or contracts to construct any improvement intended to be dedicated for public use and/or maintenance on land dedicated or intended to be dedicated for public use.
- (21) **CORNER LOT:** See “Lot Types, Corner”
- (22) **COUNCIL:** The Village Council of Sheffield, Ohio.
- (23) **COUNTY:** The County of Lorain, Ohio.
- (24) **COUNTY RECORDER:** The Recorder of Lorain County, Ohio.
- (25) **COURT:** An open unoccupied space, other than a yard, on the same lot with a building, unobstructed from the lowest level to the sky.
- (26) **CUL-DE-SAC:** See “Street”.
- (27) **DATE OF PASSAGE:** The date upon which this Planning And Zoning Code was passed by Council.
- (28) **DAY CARE CENTERS:**
- A. Any place in which child day care is provided, with or without compensation, for thirteen or more children at one time; or
  - B. Any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven to twelve children at one time.
- In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator or employee and who are on the premises of the center shall be counted.  
(Cross Reference: O.R.C. 5104.01(C))
- (29) **DAY CARE HOMES:**
- Type A Home: A permanent residence of the administrator in which child day care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child day care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator or employee and who are on the premises of the Type A Home shall be counted. A Type A Home does not include a residence in which the needs of children are administered, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings.  
(Cross Reference: O.R.C. 5104.01(D))

**Type B Home:** A permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type B Home shall be counted. A Type B Home does not include a residence in which the needs of children are administered, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings.

(Cross Reference: O.R.C. 5104.01(E))

- (30) **DENSITY:** The number of dwelling units permitted per acre of land.
- (31) **DISTRICT:** A part of the Village wherein regulations of this Code are uniform as classified by the provisions of Chapter 1133.
- (32) **DRIVE THROUGH FACILITY:** Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive through" shall also include "drive-up" and "drive-in".
- (33) **DWELLING, ATTACHED SINGLE FAMILY:** Single family dwelling units which are structurally attached to one another, but which maintain separate identities, including such elements as separate ground-floor entrances, services and attached garages.
- (34) **DWELLING, CLUSTER SINGLE FAMILY:** A building designed and used exclusively for occupancy by one family, separated from other dwelling units by open space, which is grouped with other dwellings on a site and which is not located on its own subdivided lot.
- (35) **DWELLING, MULTIPLE FAMILY:** A building or portion thereof containing three or more dwelling units. For the purposes of this Code, a two-family unit connected by a breezeway to a third unit is not considered a multifamily dwelling. The breezeway is defined as an accessory connection to the main structure.
- (36) **DWELLING, SINGLE FAMILY:** A separate, detached building designed for and occupied exclusively as a residence for one family.
- (37) **DWELLING UNIT:** A building or a portion thereof designed exclusively for residential occupancy by one family and having cooking facilities.
- (38) **EASEMENT:** A grant by the property owner of a portion of the owner's property rights to another person or entity for a specific use or uses. Easements shall be excluded from the buildable portion of a lot. No building and/or structures shall be placed in an easement.  
(Ord. 1781. Passed 10-23-00.)
- (39) **ENGINEER:** The Engineer of the Village of Sheffield, Ohio.
- (40) **FAMILY:** One individual, any number of individuals related by blood, adoption or marriage plus no more than three (3) unrelated individuals, or not more than four (4) unrelated individuals occupying a dwelling unit and living as a single housekeeping unit, but not including groups occupying a hotel or motel as herein defined. Notwithstanding the provisions of this definition, no family unit shall exceed in total number those persons permitted under the applicable provisions of the Housing Code describing required habitable floor and bedroom areas for each occupant.

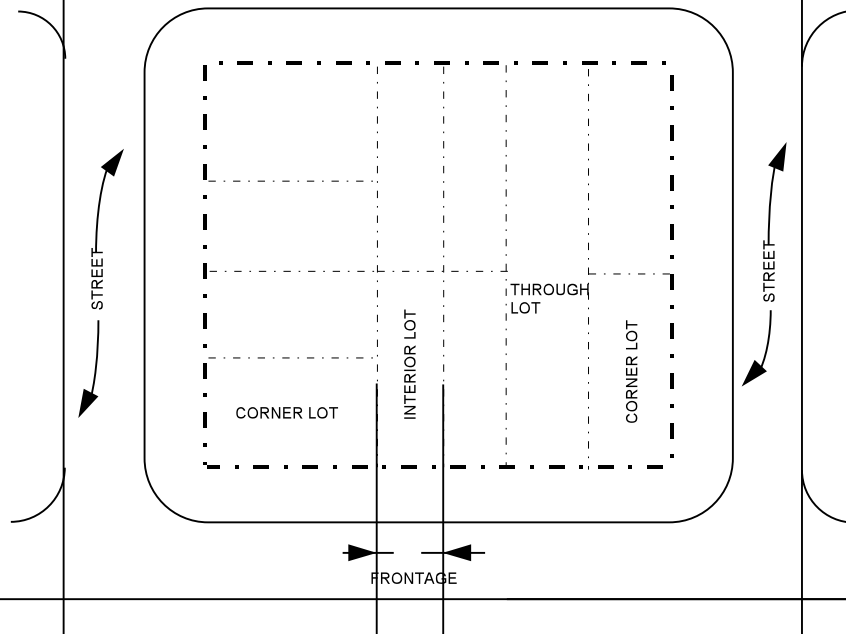


- (41) **FLOOR AREA OF A DWELLING UNIT:** The sum of the gross horizontal areas of a building devoted to residential use measured from the exterior faces of exterior walls or from the center line of common walls separating two dwelling units. "Floor Area of a Dwelling Unit" shall not include unfinished basement, attached garage, attic, terraces, breezeways, open porches, and covered steps.
- (42) **FLOOR AREA RATIO:** The ratio between the number of square feet of floor area and the number of square feet of land in the lot.
- (43) **FLOOR AREA, GROSS:** The total number of square feet of all floor space contained within the outside surface of the exterior walls of a building or from the center line of a common wall separating two buildings but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking. However, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.
- (44) **FRONT YARD:** "Yard, Front"
- (45) **FUNERAL HOME:** A building or part thereof used for human funeral services. Such building may contain space and facilities for: funeral services, embalming and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles, but shall not include facilities for cremation. (Ord. 1552. Passed 4-13-98.)
- (46) **GARAGE, ATTACHED:** A building designed, built or used for the parking and storage of automobiles and constructed in such a manner as to be part of another structure, particularly a dwelling. Unless a garage is structurally attached to a dwelling, it shall not be considered attached. (Ord. 2456. Passed 9-22-14.)
- (47) **GARAGE, DETACHED:** A building designed, built or used for the parking and storage of automobiles and which is separate from and not connected to another structure, particularly a dwelling.
- (48) **GASOLINE SERVICE STATION:** An establishment where liquids used as motor fuels are stored and dispensed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant and may include facilities available for the sale of other retail products.
- (49) **GRADE, NATURAL:** The elevation of the undisturbed natural surface of the ground prior to any recent excavation or fill.
- (50) **GRADE, FINISHED:** The average level of the finished surface of ground adjacent to the exterior walls of the building after the final grading and normal settlement. Finished grade shall not be based on any mounds or depressions sculpted on the site for landscaping, drainage, retention or any similar purpose.

- (51) **HOME OCCUPATION:** An occupation for which gain is subordinate and incidental to the use of the premises as a dwelling, carried on by a person in the home in which he/she resides.
- (52) **HOTEL:** A building in which lodging is provided and offered to the public for compensation on a daily rate and which is open to occupancy for periods of less than one week.
- (53) **INDUSTRY, LIGHT:** Manufacturing or other industrial uses which are controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating within enclosed structures with limited outdoor storage; and no nuisances.
- (54) **INDUSTRY, HEAVY:** Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and which generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.
- (55) **INSTITUTIONS:** Any establishment of a public or charitable character, or foundation, including, but not limited to; churches, synagogues, colleges, hospitals and schools, or similar uses as approved by the Planning Commission.
- (56) **IMPROVEMENTS:** Street or highway pavements, with or without curb or gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, street trees and other appropriate items.
- (57) **JUNK; JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS:** Any personal property which is or may be salvaged for re-use, resale, reduction or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled or assembled for such purposes. "Junk building," "junk shop" or "junk yard" any land, property, structure, building or combination of the same on which junk is stored or processed.
- (58) **LABORATORIES/RESEARCH FACILITIES:** A building or group of buildings for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- (59) **LOT:** For the purposes of this Code, a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. The term "zoning lot" is used synonymously with "lot" in this Code. Such lot shall have frontage on an improved public street, but not include any portion thereof, or on an approved private street, and may consist of:
- A. A single lot of record;
  - B. A portion of a lot of record;
  - C. A combination of complete lots of record, and portions of lots of record.

- (60) LOT AREA: The size of a lot measured within the lot lines exclusive of any portion of the right-of-way of any public street.
- (61) LOT DEPTH: The mean horizontal distance between the front and rear lot line.
- (62) LOT FRONTAGE: That portion of a lot extending along the street right-of-way which shall be a minimum of 100 feet for a straight roadway and 80 feet for a cul-de-sac roadway. (Ord. 1781. Passed 10-23-00.)
- (63) LOT LINE: The boundary line defining the limits of the lot. Lot line is synonymous with “property line.”
  - A. FRONT LOT LINE: The line separating a lot from the street right-of-way.
  - B. REAR LOT LINE: The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
  - C. SIDE LOT LINE: Any lot line other than a front or rear lot line.
- (64) LOT OF RECORD OR PARCEL: Land designated as a separate parcel on a plat, map, or deed which has been recorded in the office of the Recorder of Deeds of Lorain County prior to the effective date of this Planning and Zoning Code.
- (65) LOT TYPES: Terminology used in this ordinance with reference to corner lots, interior lots and through lots is as follows (See Figure 2).
  - A. CORNER LOT: A lot abutting on two streets at their intersection where the angle of such intersection is not more than 135 degrees.
  - B. INTERIOR LOT: A lot with only one frontage on a street.
  - C. THROUGH LOT: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Figure 2. Lot Types



- (66) **LOT WIDTH:** The horizontal distance between the side lot lines measured along a straight line parallel to the front lot line at the required front setback line.
- (67) **MASTER PLAN:** The comprehensive plan made and adopted by the Planning Commission indicating the general locations recommended for streets, parks, public buildings, zoning districts and all other public improvements.
- (68) **MUNICIPALITY:** The Village of Sheffield, Ohio.  
(Ord. 1552. Passed 4-13-98.)
- (68A) **NEW AUTOMOBILE:** An automobile, the legal title to which has never been transferred by a manufacturer, remanufacturer, distributor or dealer to an ultimate purchaser.  
(Ord. 1718. Passed 9-27-99.)
- (69) **NIGHTCLUB:** Any commercial establishment where a dance floor or entertainment is provided on a regular basis. See also definition of Bar/Tavern.
- (70) **NONCONFORMING USE:** A legally established building, structure or use of land that does not conform with the regulations of the district in which it is situated.
- (70A) **OUTBUILDING:** Any structure detached from the principal building. On lots one hundred by one hundred fifty feet (100' by 150'), one (1) two hundred and fifty (250') square foot outbuilding with eight foot (8') maximum sidewalls is permissible. On lots one hundred feet by four hundred feet (100' x 400') one (1) six hundred (600) square foot outbuilding with ten foot (10') maximum walls is permissible. This includes but is not limited to garages, pole barns, and all other buildings.  
(Ord. 1781. Passed 10-23-00.)
- (71) **OUTDOOR STORAGE:** The keeping, in an area outside of a building, of any goods, material, merchandise or vehicles in the same place for more than 24 hours.
- (72) **OWNER:** The Village or its agents.
- (73) **PARCEL:** See "Lot of Record"
- (74) **PLACES OF WORSHIP:** A building or buildings designed and used primarily for conducting organized public religious services and associated accessory uses. The term "place of worship" includes, but is not limited to, the words "church," "chapel," "Kingdom Hall," "mosque," "tabernacle," "temple," and "synagogue."
- (75) **PLANNING COMMISSION:** The Planning Commission of the Village of Sheffield.
- (76) **PLANS:** The official plans, profiles, typical cross-sections, working drawings and supplemental drawings, or reproductions thereof, approved by the Village and on file in the office of the Clerk-Treasurer, which show the location, character, dimensions and details of the work to be done. The words "plans" and "drawings" are used synonymously in these Regulations.
- (77) **PORCH:** A roofed open structure projecting from the front, side or rear wall of a building and having no enclosed features of glass, wood or other material more than thirty inches above the floor thereof, except the necessary columns to support the roof.
- (78) **PROJECT:** The entire improvement proposed by any individual, group of individuals, partnership, firm or corporation undertaken in whole or in part pursuant to these Regulations and specification and which is dedicated or intended to be dedicated for public use and/or maintenance.

- (79) **PUBLIC NOTICE:** Advance notice of a hearing or proceeding as prescribed in this Code which states the subject matter to be heard and the time and place of the hearing or proceeding, printed once in a newspaper of general circulation in the Municipality.
- (80) **PUBLIC SAFETY FACILITY:** A governmentally owned and operated facility established to provide police or fire safety services to the surrounding area
- (81) **PUBLIC SERVICE/MAINTENANCE FACILITY:** The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants by a public utility, publicly or privately owned railroad, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.
- (82) **RECREATIONAL VEHICLE:** A recreational vehicle is defined as a portable structure built on a chassis or designed to be mounted on or drawn by a motor vehicle, and intended to be used for temporary occupancy for travel, recreational or vacation use.
- (83) **REPAIR GARAGE:** Building or portion of a building in which structural repair, rebuilding or reconditioning of motor vehicles, or parts thereof, is conducted, including collision service; spray painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of the engine cylinder, head or crankcase pan; repairs to radiators requiring the removal thereof; complete recapping or retreading of tires; or similar activities. (A.O.)
- (84) **RETAIL ESTABLISHMENT:** An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such products. Such an establishment is open to the general public during regular business hours and has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows may be considered. This term does not include any sexually oriented businesses. This term also does not include cultivating, processing, or dispensing medical marijuana. (Ord. 2544. Passed 12-12-16.)
- (85) **RIGHT-OF-WAY:** A strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.
- (86) **SATELLITE DISH RECEIVING ANTENNA:** Also referred to as a satellite earth station, means a round parabolic antenna designed to send or receive television broadcasts relayed by microwave signals from communications satellites orbiting the earth.

- (87) **SCHOOL FACILITIES:** Publicly or privately owned facilities providing full-time day instruction and training at the elementary, junior high and high school levels in accordance with the requirements of Chapter 3313 of the Ohio Revised Code; or publicly or privately owned facilities providing kindergarten or nursery school training and care which are operated by a board of education or an established religious organization.
- (88) **SENIOR CITIZEN HOUSING:** A building or group of buildings that: (1) is provided under any State or Federal program that the Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the applicable State or Federal program; or (2) is intended for, and solely occupied by, persons 62 years of age or older; or (3) is intended for, and operated for occupancy by, at least one person 55 years of age or older; and (4) complies with the regulations contained in 24 C.F.R. Secs. 100.303 and 100.304.
- (89) **SETBACK, FRONT:** A line established by this Code which is generally parallel to the front property line and defines the minimum distance from such property line a building, structure or other use may be constructed or placed.
- (90) **SETBACK, REAR:** A line established by this Code which is generally parallel to the rear property line and defines the minimum distance from such property line a building, structure or other use may be constructed or placed.
- (91) **SETBACK, SIDE:** A line established by this Code which is generally parallel to the side property line and defines the minimum distance from such property line a building, structure or other use may be constructed or placed.
- (92) **SIGN:** Any identification, description, illustration or device which is affixed to or integrated into a building, structure or land, or otherwise situated on a lot, and which is intended to direct, instruct or attract attention to, or announce or promote, a product, place, activity, person, institution or business by of letters, words, designs, colors, symbols, flags, banners, fixtures, images or illuminations.
- (93) **SIMILAR USE:** A use not specifically listed in any of the schedules of permitted uses of any district, but which may be found similar and added to a schedule for a particular district.
- (94) **SPECIFICATIONS:** The directions, provisions and requirements contained herein as supplemented by such special provisions as may be necessary pertaining to the method and manner of performing work or to the quantities and qualities of material to be furnished under a contract. Special provisions are specific clauses setting forth conditions or requirements peculiar to the improvement under consideration and covering work or materials involved in the proposal and estimate but not satisfactorily covered by these general specifications.

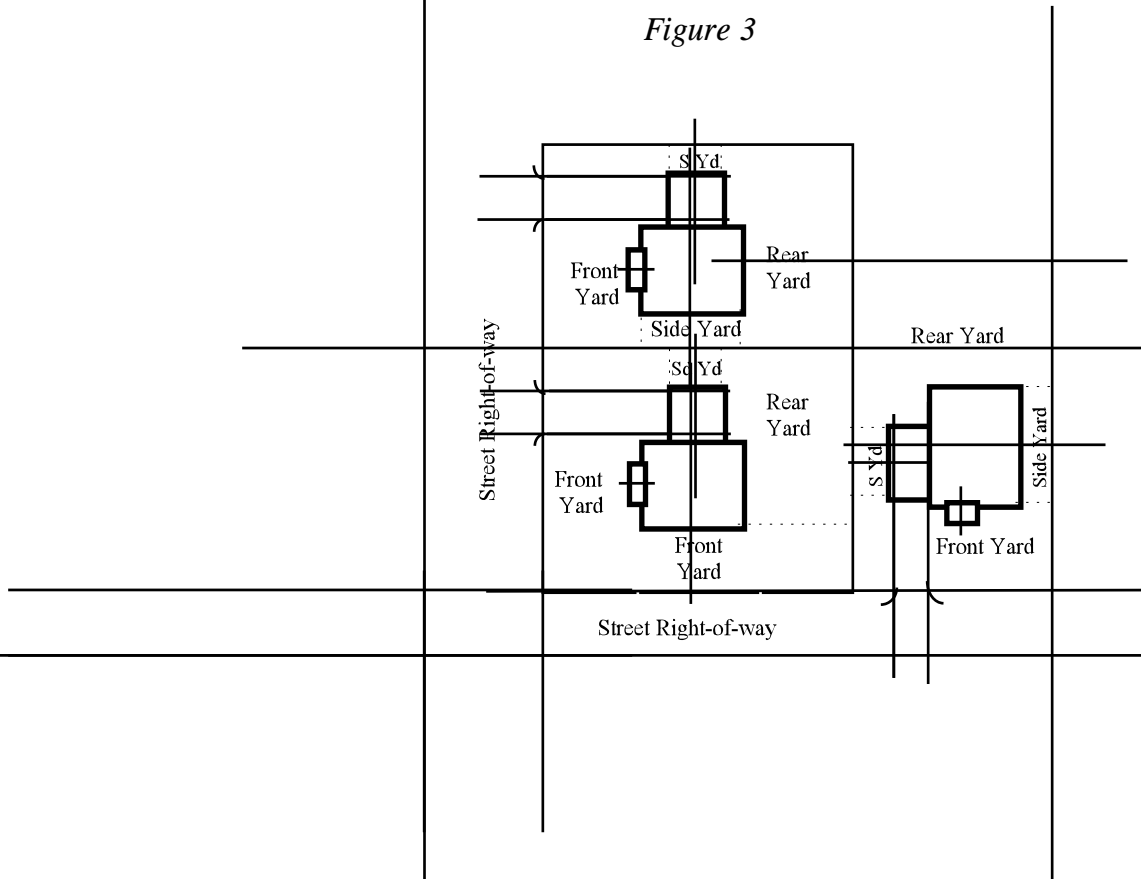
- (95) **STORY:** That portion of a building included between the surface of any floor and the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.
- (96) **STREET:** An avenue, highway, road, thoroughfare, boulevard, parkway, alley or other way proposed for vehicular traffic, and any existing State, County, or City street or way shown upon a plat heretofore duly approved, filed and recorded in the office of the County Recorder. Included is the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulder, gutters, sidewalks, division strips or other areas within the street lines. Streets shall be classified as follows:
- A. **Major Street or Thoroughfare:** A street which is primarily for moving fast or heavy traffic between large or intensively developed districts.
  - B. **Secondary or Collector Street:** A street supplementary to and connecting major streets to local streets and to district centers.
  - C. **Local Street:** A street primarily for access to abutting properties and to serve local needs.
    - (1) **Cul-de-sac:** A street with only one permanent outlet.
    - (2) **Alley:** A street providing service access to the rear or side of properties abutting also on other streets.
  - D. **Private Street:** A paved area located on private land providing access to abutting land.
- (97) **STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.
- (98) **STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to: buildings, signs, farmers' roadside stands, fences, decks, pools, patios, paved areas, sidewalks and gazebos, but not including trailers and other vehicles, whether on wheels or other supports.
- (99) **SUBDIVISION:**
- A. A division of any parcel of land (shown as a unit or as contiguous units in the current records of the County Recorder) into two or more lots, parcels, sites or other divisions of land, any one of which is five acres or less, for the purpose, whether immediate or future, of transfer of ownership;
  - B. A division or allocation of land for the opening, widening or extension of any street, or as open spaces for common use, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities in connection with the improvement of one or more parcels or land for residential, commercial or industrial developments;

- C. A resubdivision or replatting; and
  - D. When appropriate to the context, the process of subdividing or the land divided; except that a division of land into parcels of more than five acres for agricultural purposes not involving new streets or easements of access, or a division, sale or exchange of parcels between adjoining lot owners where such exchange does not create additional building sites, shall not be considered a subdivision.
- (100) **TRUCK TERMINAL:** A warehouse, or other building or buildings used for the assembly, sorting or reloading of merchandise from one establishment for shipment by semi-trailers and/or other trucks or rail and including the storage and parking of operable semi-trailers and/or other trucks.
  - (101) **USE, ACCESSORY:** A use located on the same lot with the principal use of building or land, but incidental to the principal use of the principal building or land.
  - (102) **USE, CONDITIONAL:** A use permitted in a district, other than a principal use permitted by right, which is allowed only under certain conditions as set forth in Chapter 1153, and which requires a use permit and approval of the Planning Commission, in accordance with the standards and procedures of Section 1109.04.
  - (103) **USE, PRINCIPAL:** The main purpose of, or activity in, a building, structure or land.
  - (104) **VARIANCE:** A modification of the literal provisions of this Planning and Zoning Code where such modification will not be contrary to the public interest.
  - (105) **VILLAGE:** The Village of Sheffield.
  - (106) **WAREHOUSE/DISTRIBUTION FACILITY:** A building used primarily for the storage of goods and materials which are intended for future sale or use but specifically excluding commercial multi-unit storage facilities.
  - (107) **WHOLESALE ESTABLISHMENT:** Business establishments that sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are for further resale, for use in the fabrication of a product, or for use by a business service.
  - (108) **WIRELESS COMMUNICATION TOWER:** A guyed, monopole or self support tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone or similar forms of electronic communication.
  - (109) **YARD, FRONT:** A yard across the full width of the lot extending from the front wall of the building to the front line of the lot (See Fig. 3). Front yard regulations shall apply to the area adjacent to all front lot lines regardless of the number of streets abutting the lot.



- (110) **YARD, REAR:** A yard between the rear wall of the building and the rear line of the lot ( See Figure 3).
- (111) **YARD, SIDE:** A yard between the side wall of the building and the adjacent side line of the lot, extending from the front wall of the building to the rear wall of the building (See Figure 3).

*Figure 3*



- (112) **ZONING ADMINISTRATOR:** The individual designated to administer the Planning and Zoning Code of the Village of Sheffield, Ohio. Duties of the Zoning Administrator may also be performed by a designated agent. (See Section 1107.02)
- (113) **ZONING MAP:** The "Zoning District Map" of the Village of Sheffield, Ohio.
- (114) **ZONING PERMIT:** A written statement, signed by the Zoning Administrator, setting forth that the issuance of a specific building permit would be in compliance with this Code, or that the use of a specific piece of land or structure, or both would be in compliance with the same. (A.O.)

- (115) **MEDICAL/DENTAL/HEALTH SERVICES CLINIC:** An establishment where human patients are examined and treated by a group of dentists, physicians or similar medical professionals. Clinics provide outpatient service only, including outpatient surgery. This term does not include a hospital. This term also does not include cultivating, processing or dispensing medical marijuana.
- (116) **OFFICE, MEDICAL/DENTAL.** Facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which do not provide overnight care or serve as a base for an ambulance service. Medical/dental facilities are operated by doctors, dentists or similar practitioners licensed by the State of Ohio. Emergency treatment is not the dominant type of care provided at this facility. Medical/dental office includes establishments providing support to medical professionals and patients, such as medical and dental laboratories, blood banks, oxygen and miscellaneous types of medical supplies and services. This term does not include cultivating, processing or dispensing medical marijuana.
- (117) **MARIJUANA.** Marijuana means marijuana as defined in Section 3719.01 of the Ohio Revised Code.
- (118) **MEDICAL MARIJUANA.** Medical marijuana means marijuana that is cultivated, processed, dispensed, tested, possessed or used for a medical purpose.  
(Ord. 2544. Passed 12-12-16.)

**CHAPTER 1107  
Powers and Duties**

<b>1107.01 Purpose.</b>	<b>1107.04 Board of Zoning Appeals.</b>
<b>1107.02 Zoning Administrator.</b>	<b>1107.05 Village Council.</b>
<b>1107.03 Planning Commission.</b>	

**CROSS REFERENCES**

Planning Commission shall be platting commission - see Ohio R.C. 713.03  
 Planning Commission - see ADM. Ch. 169  
 Zoning appeals - see Ohio R.C. 713.11

**1107.01 PURPOSE.**

This chapter sets forth the powers and duties of the Zoning Administrator, Planning Commission, Board of Zoning Appeals, and Village Council with respect to the administration of the provisions of this Code.

**1107.02 ZONING ADMINISTRATOR.**

(a) Establishment. A Zoning Administrator, appointed by the mayor, shall administer this Code. The Zoning Administrator may be provided the assistance of others as the Mayor may direct.

(b) Powers and Duties. For the purposes of this Planning and Zoning Code, the Zoning Administrator shall have the following powers and duties:

- (1) Enforce the provisions of this Code and interpret the meaning and application of its provisions.
- (2) Issue zoning permit approval as provided by this Code and keep a record of same with a notation of any special conditions involved.
- (3) Accept and review for completeness all applications upon which the Zoning Administrator is authorized to review including amendments to the Code, site plan review, conditional uses, variances, and appeals, by the provisions of this Code.
- (4) Manage and coordinate the Village's administrative review of rezoning applications, site plan review and conditional use applications.
- (5) Respond to questions concerning applications for amendments to the Code text and the official Zoning Map.
- (6) Maintain the official Zoning Map which shall be kept on permanent display in the Village offices.

- (7) Maintain any records required by this Code including inspection documents, and records of all variances, amendments, conditional uses, and similar use determinations.
- (8) Make such records available for the use of Council, the Planning Commission, the Board of Zoning Appeals, and the public.
- (9) Conduct or cause the inspection of buildings and uses of land to determine compliance with this Planning and Zoning Code and, in the case of any violation, to notify in writing the person(s) responsible.
- (10) Determine the existence of any violations of this Code and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.

### **1107.03 PLANNING COMMISSION.**

(a) Organization. The Municipal Planning Commission shall consist of the Mayor; one (1) member of Council, to be chosen by Council; and three (3) citizens to be appointed by the Mayor. The citizens appointed by the Mayor must, at the date of their respective appointments, be registered, qualified electors of the Municipality and who hold no other elective or appointive offices or positions in the Municipal administration. The members of the Planning Commission shall continue to possess the qualifications of registered, qualified electors of the Municipality throughout their terms of office, or they shall forfeit their office. Failure of any member of the Commission to maintain said qualifications shall not render void or ineffective any action of the Municipal Planning Commission in which such member has participated.

(Ord. 1822. Passed 3-12-01.)

(b) Term. The Mayor and Members of Council shall serve only during the term of office for which they have been elected. The three (3) electors appointed by the Mayor shall serve a term of six (6) years each, except that the term of one of the members first appointed shall be for four (4) years and one shall be for two (2) years, the plan being that a new appointment for a six (6) year term should be made once every two (2) years.

Any vacancy occurring in the Commission shall be filled for the remainder of the unexpired term in the same manner that the position was originally filled.

(c) Powers and Duties. For the purposes of this Planning and Zoning Code, the Planning Commission shall have such powers and duties as are or may be conferred upon it by the general laws of the State of Ohio, and as are or may be conferred upon it by Council, including, without limitation, the following:

- (1) Make and recommend to Council plans and maps of the Village of Sheffield and periodically amend, extend, delete or add to the plans and maps.
- (2) Evaluate the Comprehensive Land Use Plan once a year and recommend to Council a Comprehensive Land Use Plan once every five (5) years.
- (3) Review and recommend to Council plans and maps for dividing the Village or any portion thereof into zones or districts in the interest of the public health, safety, convenience, comfort, prosperity or general welfare.

- (4) Review and approve zoning permit applications which are either conditional uses or subject to site plan review according to the procedures, standards and criteria stated in this Code.
- (5) Review all proposed amendments and revisions to this Code and make recommendations to Village Council as provided in this Code.
- (6) Make determinations regarding similar uses as defined in this Code.
- (7) Review any proposed construction, alteration, opening, widening, narrowing, relocation, vacation or change in publicly owned property to evaluate its conformity with the approved Comprehensive Land Use Plan, or other plans adopted by the Village. The Planning Commission shall make a recommendation to the Village Council on such a proposal within sixty (60) days from the date of referral unless a time extension has been mutually agreed upon. If the Planning Commission fails to make such timely recommendation, the Village Council may proceed as if the Planning Commission had approved said proposal.

#### **1107.04 BOARD OF ZONING APPEALS.**

(a) Establishment. An administrative board called the “Board of Zoning Appeals” is hereby established. The word “Board,” when used in this Code, shall be construed to mean the “Board of Zoning Appeals.”

(b) Organization.

- (1) The Board of Zoning Appeals shall consist of three (3) members to be appointed by Council, as hereinafter provided. All members, at the date of their respective appointments and thereafter during their terms of office, shall be, registered, qualified electors of the Village who hold no other elective or appointive office or position or who are not otherwise employed within the Municipal Government.
- (2) Members of the Board of Zoning Appeals shall continue to possess the qualification of qualified electors of the Municipality throughout their terms of office, or they shall forfeit their office. Failure of any member of the Board to maintain said qualifications shall not render void or ineffective any action of the Board in which such member has participated.  
(Ord. 1821. Passed 3-12-01.)

(c) Terms and vacancies. All terms for Board of Zoning Appeals members shall be three (3) years in duration, with one person being appointed every year, in order to permit staggered terms.

Any vacancy occurring in the Board shall be filled only for the remainder of the unexpired term and in the same manner that the position was originally filled.

(d) **Powers and Duties.** For the purposes of this Planning and Zoning Code, the Board of Zoning Appeals shall have the following powers and duties:

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by an administrative official in the administration of enforcement of this Code, unless otherwise provided in this Code.
- (2) To grant such variances from the terms of this Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Code will result in practical difficulty or unnecessary hardship, and so that the spirit of this Code shall be observed and substantial justice done.
- (3) Permit the completion, restoration, reconstruction, expansion or extension of a nonconforming use where the enforcement of the regulations pertaining to nonconforming lots or buildings will result in unnecessary hardship.
- (4) Adopt rules or bylaws for the holding of regular and special meetings, for the transaction and disposition of its business and the exercise of its powers.

**1107.05 VILLAGE COUNCIL.**

For the purposes of this code, the Village Council shall have the following powers and duties:

- (a) Act upon a request for a conditional use permit upon a recommendation of the Planning Commission.
- (b) Initiate or act upon proposed amendments to this Planning and Zoning Code.
- (c) Confirm or overturn a variance which has been approved by the Board of Zoning Appeals.
- (d) Confirm or overturn a use variance which has been approved by the Planning Commission.  
(Ord. 2688. Passed 7-8-19.)

**CHAPTER 1109**  
**Administrative Procedures**

<b>1109.01</b>	<b>Purpose.</b>	<b>1109.06</b>	<b>Appeals.</b>
<b>1109.02</b>	<b>Zoning permits.</b>	<b>1109.07</b>	<b>Variances.</b>
<b>1109.03</b>	<b>Site plan review.</b>	<b>1109.08</b>	<b>Major subdivisions.</b>
<b>1109.04</b>	<b>Conditional use approval.</b>	<b>1109.09</b>	<b>Minor subdivisions.</b>
<b>1109.05</b>	<b>Planned unit development/ conservation development approval.</b>	<b>1109.10</b>	<b>Determination of similar uses.</b>

**CROSS REFERENCES**

Plat and contents - see Ohio R.C. 711.01 et seq.  
Appeals - see Ohio R.C. 713.11  
Zoning fees - see BLDG. 1335.10

**1109.01 PURPOSE.**

In order to accomplish the purposes for which this Code is adopted, it is essential that its regulations be soundly and consistently applied, and that this Code be vigorously administered. This Chapter stipulates the procedures to be followed in obtaining zoning permits, including conditional use permits, subdivision plat approval, and variances.

**1109.02 ZONING PERMITS.**

(a) Zoning Permit Required.

No building or other structure, except as provided for in this Code, shall be erected, constructed, reconstructed, enlarged, moved or structurally altered, nor shall any excavation or site improvements be commenced, until a zoning permit has been applied for and received by the owner of the property involved or a person having an interest in such property and acting under written authority of the owner. Such permit shall be issued by the Zoning Administrator only when the Zoning Administrator finds that the application complies with all applicable requirements and standards of this Code, and, if applicable:

- (1) A site plan as required in this Code has been approved by the Planning Commission according to the procedures set forth in 1109.03.
- (2) A conditional use has been approved by Council based on a recommendation by Planning Commission in accordance with the procedures set forth in Section 1109.04.
- (3) A request for a variance from a numerical standard has been approved by the Board of Zoning Appeals and confirmed by Council in accordance with the limitations, procedures and requirements of Section 1109.07.

(b) Application.

- (1) Application forms for zoning permits shall be available in the office of the Zoning Administrator. All completed applications shall be accompanied by the required fee and all other applicable submission requirements established in this Chapter and shall be submitted to the Zoning Administrator.
- (2) Upon receipt of an application, the Zoning Administrator shall, within a reasonable period, review the application and any accompanied proposed plan for completeness and compliance with all applicable technical requirements of the Code. If the requirements have not been satisfied, the application is returned to the applicant with the deficiencies noted, and such application shall not be further processed until determined complete by the Zoning Administrator.
- (3) If the Zoning Administrator determines that the application is exempt from Site Plan Review because the project is either a reoccupancy of an existing structure with no change in the bulk of the structure or in a previously approved site plan, the Zoning Administrator may issue a zoning permit.
- (4) If the Zoning Administrator determines the application requires site plan review, it shall be processed according to the regulations set forth in Section 1109.03.

(c) Expiration for Zoning Permits. A zoning permit shall become void at the expiration of one year after the date of issuance unless construction is begun. If no construction is begun or use changed within one year of the date of the permit, a new application and permit shall be required. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed.

**1109.03 SITE PLAN REVIEW.**

The purpose of this Section is to provide adequate review by the Planning Commission of proposed developments in those zoning districts where the uses permitted are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community.

- (a) Site Plan Review Required. Site Plan Review shall be required for the following:
- (1) New construction of all permitted uses in commercial and industrial districts;
  - (2) All new conditional uses in all districts, including multi-family uses; (Ord. 1747. Passed 11-8-99.)
  - (3) All signs that applicants request to be reviewed which have been reviewed by the Zoning Administrator and found to be not in compliance nor approved nor issued the requisite sign permit by the Mayor; and (Ord. 1744. Passed 12-13-99.)
  - (4) Any existing or previously approved development meeting the criteria of (1) and (2) above which proposes to alter, reconstruct or otherwise modify a use or site including expanding the floor area of the permitted use, increasing the number of dwelling units in a multi-family development, or changing the use which requires an increase in the amount of parking or a change in the site's circulation.



- (b) Preliminary Plans. The applicant or owner of any proposed development, use or structure requiring Site Plan Review pursuant to subsection (a) is encouraged to meet informally with the Planning Commission, Village Council and other appropriate Village staff to review preliminary plans prior to preparing final plans pursuant to subsection (c) below. The purpose of such preliminary review is to establish a mutual understanding of the provisions of this Code and the development objectives of the Village.
- (c) Final Plan Submission Requirements. The applicant for a zoning permit or conditional use permit for any use requiring site plan approval shall submit the final site plan to the Zoning Administrator along with payment of the required fee. The final site plan shall be prepared by a qualified professional and drawn to an appropriate scale and shall disclose all uses proposed for the development, their location, extent and characteristics and shall include, unless items are determined by the Zoning Administrator to be inapplicable or unnecessary and are waived in writing by the Zoning Administrator, the following maps, plans, designs and supplementary documents:
- (1) The total areas to be developed showing with dimensions, the setbacks, existing property lines, easements and the location of all existing and proposed buildings, structures, utilities, lighting, driveways, walls, fences, off-street parking areas, topography, wetlands, abutting street rights-of-way, railroads, highways, loading and unloading areas, watercourses, and other topographic features within the property and extending 200 feet beyond all property lines. A separate sheet may be submitted for the properties extending 200 feet beyond all property lines;
  - (2) A vicinity map which indicates the location of the site in relation to the immediate surrounding area or the entire Village;
  - (3) The zoning classification of all adjacent properties;
  - (4) A separate plan may be required to show all existing and proposed utilities;
  - (5) Landscaping plan indicating location, dimensions, and arrangement of all areas devoted to lawns, trees, and shrubs. Types of plantings shall be listed by common and biological names;
  - (6) An artists drawing, or an architect's rendering including elevations and site plans which depict and show all proposed structures, all of which together shall accurately and sufficiently demonstrate how construction of the proposed project shall ultimately appear;
  - (7) A description of the proposed operation in sufficient detail to fully describe the nature and the extent of the proposed use;
  - (8) A description of the expected traffic pattern as it affects the existing Village thoroughfares;
  - (9) For conditional uses only, the applicant must provide the Zoning Administrator with a list of the property owners and the listed addresses of such property owners within 200 feet of the boundaries of the proposed sites as shown upon the current records of the County Recorder;
  - (10) Plans or reports describing proposed treatment or control of any excess traffic impacts, noise, glare, air or water pollutants;

- (11) Plans for the handling or storage of any hazardous gases, liquids or other materials;
  - (12) Plans or reports showing the types of fuels to be used and the smoke or gas control devices that will be provided; and
  - (13) Any additional information deemed necessary by the Village staff or Planning Commission to determine whether the project is satisfactory relative to all aspects of the Village's requirements.
- (d) Administrative Review.
- (1) The Zoning Administrator shall review the application for completeness pursuant to subsection (c) and inform the applicant which items from the final plan submission requirements have not been received or are incomplete. If any submission requirements are incomplete or missing the application will not be processed further until the necessary items are submitted.
  - (2) When the application is deemed complete, the Zoning Administrator shall forward the application to appropriate Village departments and Village Council for their review.
  - (3) The Zoning Administrator shall advise the applicant of any revisions recommended as a result of the administrative review. The applicant may:
    - A. Revise the application as recommended by the Zoning Administrator and request that it then be forwarded to the Planning Commission;
    - or
    - B. Request that it be forwarded to the Planning Commission without any revisions.
- (e) Planning Commission Review Criteria. In reviewing a final plan the Planning Commission shall consider the location of buildings, parking areas and other features with respect to the topography of the lot and existing natural features such as streams and large trees; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the location of the green areas provided, considering the possible effects of irregularly shaped lots; the adequacy of the location, landscaping and screening of the parking lots; and such other matters as the Commission may find to have a material bearing upon the stated standards and objectives of the various district regulations. In approving a site plan, the Planning Commission shall find that:
- (1) The plan is consistent with any plan for the orderly development of the Village.
  - (2) The appropriate use and value of property within and adjacent to the area will be safeguarded.
  - (3) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
  - (4) The development will have adequate public service, parking and open spaces.
  - (5) The plan, to the extent practical, will preserve and be sensitive to the natural characteristics of the site.
  - (6) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.

- (7) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas, and shall comply with any applicable regulation or design criteria established by the Village.
- (8) The building or buildings will be designed and constructed such that:
- A. The height, width and general proportions of the structure shall complement adjacent buildings so that an overall harmonious appearance is created.
  - B. Materials shall be appropriate for the structure and the use therein. Materials shall be weather-resistant. The materials shall be compatible with and not in stark contrast to the materials used on adjacent structures.
  - C. Colors and textures shall be appropriate for the size and scale of the proposed structures and shall be harmonious with adjacent structures.
  - D. The materials, colors and finishes used for screening roof top mechanical equipment and other surface equipment shall be consistent with the primary structure and, to the extent practicable, such screening shall be designed as an integral part of the architecture of the building.
  - E. Architectural details and ornamentation shall be meaningful to the overall design and appropriate for the size and scale of proposed structures and harmonious with other architectural details and ornamentation, including those used in adjacent structures.
  - F. Wall surfaces shall have appropriate openings, and the ratio of wall surface to openings should be consistent with adjacent structures.
  - G. The following styles and materials are inappropriate and shall be discouraged from use and will generally be unacceptable:
    1. Attached mansard roof for one-story structures which have the effect of making a commercial building more residential in character;
    2. Exposed concrete or cinder block on the front or sides of any building (except split face, high or other special "architecturally patterned" block).
    3. Sheet metal except as rain gutter/downspouts; exposed unstained wood; exposed steel nails; vinyl siding; and flimsy vertical wood siding (e.g. T-111); large expanses of flat concrete, or concrete block.
- (9) If a conditional use, the establishment and operation of the proposed use satisfies the criteria and specific requirements for all conditional uses in Chapter 1153.

During the review process, the Planning Commission may ask for additional information and table the application and/or defer action on the application to subsequent work sessions or further discussion.

- (f) Planning Commission Action. Following its review, the Planning Commission shall approve the application, approve the application with modifications or deny the application.

If the Planning Commission does not make a decision on the application within sixty (60) days from the date the application is deemed complete or an extended time period as may be agreed upon, the application, at the election of the applicant, may be deemed to have been denied. (Ord. 1552. Passed 4-13-98.)

- (g) Confirmation by Council. Following a recommendation for approval by the Planning Commission, the application shall be submitted to Council for confirmation who may, by a majority vote:
- (1) Confirm the recommendation of the Planning Commission; or
  - (2) Reject the recommendation of the Planning Commission.
- Failure of Council to act within ninety (90) days from the date Council receives the recommendation from the Planning Commission, shall be deemed a confirmation of the Planning Commission's recommendation.
- (h) Lapse of Approval. An approved plan shall remain valid for a period of twelve (12) months following the date of its approval. If, at the end of that time, construction has not begun, then such plan shall be considered as having lapsed and shall be of no effect unless resubmitted and reapproved by the Planning Commission. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed. (Ord. 2139. Passed 6-23-08.)

#### **1109.04 CONDITIONAL USE APPROVAL.**

When a proposed use is permitted in a zoning district as a conditional use as set forth in the district regulations, a conditional use permit is required and the application for such conditional use permit shall be submitted and reviewed according to the following procedures:

- (a) Application. The owner, or agent thereof, of property for which such conditional use as proposed shall file with the Zoning Administrator an application for a conditional use permit accompanied by payment of the required fee established by Council.
- (1) The application for all conditional use permits, except general development plans for planned unit developments, shall be reviewed in accordance with the site plan review procedures set forth in Sections 1109.03(a) through 1109.03(d).
  - (2) A general development plan for a planned unit development application shall include those items listed in the submission requirements set forth in Section 1109.05(a).
- (b) Planning Commission Review Criteria. In addition to the site plan review criteria set forth in section 1109.03(e), the applicant shall comply with the conditions and criteria for specific conditional uses set forth in Chapter 1153.
- (c) Public Hearing and Notice by Planning Commission. The Planning Commission shall hold a public hearing on all conditional use applications. Notice of such public hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said public hearing. All notices shall set the time and place of the public hearing and the nature of the proposed conditional use application. From a list supplied by the applicant, the Planning Commission shall send written notice of the hearing by first class mail, at least ten (10) days before the day of the public hearing to all owners of property within 200 feet of such area proposed as a conditional use to the addresses of such owners appearing on the County Auditor's current tax list or the treasurer's mailing list, and to such other list or lists that may be specified by the Planning Commission.

- (d) Planning Commission Action. Following its review and the public hearing, the Planning Commission shall approve the application, approve the application with modifications or deny the application.  
If the Planning Commission does not act on the application within sixty (60) days from the date the application is deemed complete or an extended time period as may be agreed upon, at the election of the applicant, it may be deemed a denial.
- (e) Confirmation by Council. Following a recommendation for approval by the Planning Commission, the application shall be submitted to Council for confirmation who may, by a majority vote:
- (1) Confirm the recommendation of the Planning Commission; or
  - (2) Reject the recommendation of the Planning Commission.
- Failure of Council to act within ninety (90) days from the date Council receives the recommendation from the Planning Commission, shall be deemed a confirmation of the Planning Commission's recommendation.
- (f) Lapse of Approval. An approved plan for a conditional use shall remain valid for a period of six (6) months following the date of its approval. If, at the end of that time, construction has not begun, then such plan shall be considered as having lapsed and shall be of no effect unless resubmitted and reapproved by the Planning Commission. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed.

#### **1109.05 PLANNED UNIT DEVELOPMENT/CONSERVATION DEVELOPMENT APPROVAL.**

Planned Unit Developments, also known as Conservation Developments, may be a conditional use on land zoned as a Residential District, pursuant to the terms and conditions set forth in Chapter 1157 of the Codified Ordinances and subject to the project review procedures set forth herein.

- (a) Submission of General Development Plan. An applicant for a conditional use permit pertaining to a Planned Unit Development shall submit a general Development Plan application to the Village Zoning Administrator. The application shall include documentation illustrating compliance with the standards and criteria set forth in this Section 1109.05. The application and documentation shall include, but does not have to be limited to, the following:
- (1) Identification of existing site characteristics, including a general depiction of:
    - A. Boundaries, dimensions and total acreage of the area proposed for development;
    - B. Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features;
    - C. Location of:
      1. Wetlands and potential Wetlands,
      2. The Floodway boundary and Floodway elevation as delineated by the Federal Emergency Management Agency (FEMA), and
      3. Rivers and streams and their related river or stream bank, ponds and watercourses;

- D. Existing soil classifications;
  - E. Locations of all wooded areas, trees, lines, hedgerows and specimen trees;
  - F. Delineation of existing drainage patterns on the property, existing wells and well sites;
  - G. Description of significant existing vegetation by type of species, health and quality;
  - H. Existing buildings, structures and other significant man-made features on the site and within 200 feet of the Project Boundary; and
  - I. Existing view sheds and identification of unique vistas.
- (2) The preliminary site plan for the Conservation Development shall be drawn at a scale not less than 1" = 100' (except that projects over 200 acres may be drawn at a scale of 1" = 200'), and shall include the following:
- A. A summary of the proposed development including the total acreage, number of residential units, type of dwellings, density by type of dwelling, and acreage of Restricted Open Space to be conserved;
  - B. A sketch layout of Standard Single-Family Lots, if any;
  - C. The location of the Restricted Open Space and any proposed recreational facilities;
  - D. Natural Features to be conserved and any required Buffer areas;
  - E. Natural Features to be altered or impacted by the development and areas where new landscaping will be installed;
  - F. General location of public street rights-of-way; and
  - G. Proposed utility easement locations.
- (3) An outline of the method or structure to be used to perpetually preserve the required Restricted Open Space, indicating:
- A. The structure of the Association or Land Trust;
  - B. Association membership requirements;
  - C. Financial responsibilities;
  - D. The relationship of the entity holding the Conservation Easement to public agencies having responsibilities related to the project; and
  - E. Any other miscellaneous information relating to the entity holding the Conservation Easement.
- (4) A description of project phasing, including the phased construction of Open Space improvements.
- (b) Conditional Use Approval. Approval of the Development Plan and application described in subsection (a) hereof shall be subject to Conditional Use Approval, as outlined in Section 1109.04 of the Codified Ordinances of the Village of Sheffield, Ohio.
- (c) Defined Terms. Words and terms used herein shall have their ordinary meaning, unless otherwise defined in Chapter 1105 or Chapter 1157 of the Codified Ordinances of the Village of Sheffield, Ohio.  
(Ord. 1962. Passed 4-12-04.)

**1109.06 APPEALS.**

Appeals to the Board of Zoning Appeals may be submitted by any person, firm or corporation, or by any officer, board or department of the Municipality, deeming himself or itself to be adversely affected by the decision of the Zoning Administrator, or by any administrative officer deciding matters relating to this Code.

- (a) Initiation of Appeal. Notice of appeal accompanied with the established fee shall be filed with the Zoning Administrator within thirty (30) calendar days after the date of any adverse order, requirement, decision, or determination, except when the 30th day falls on Saturday, Sunday, or a holiday, then the 30th day shall be deemed to be the next day of business thereafter. Such written notice of appeal shall specify therein the grounds and reasons for the appeal.
- (b) Public Hearing by the Board. When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Zoning Administrator shall immediately place the request upon the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail, addressed to the parties making the request for appeal, variances, or exception at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the application; otherwise to the addresses given in the last assessment roll. Not less than ten (10) days prior to the date set for such hearing or appeal, written notice of such hearing shall be caused by the Board to be given by mail to any person, firm, or corporation owning premises located within 200 feet of the land to which such appeal or application relates. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required. Any person in interest may appear at the public hearing in person or by attorney. The appellant, except the Municipality, shall post security for the cost of all action required for the hearing of the appeal.
- (c) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator shall certify to the Board of Zoning Appeals after the notice of the appeal has been filed, that by reason of facts stated in the permit, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by a court having lawful jurisdiction.
- (d) Decision of the Board. Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part, the decision being appealed, and to that end shall have all the powers of the officers from whom the appeal is taken, and it may direct the issuance of a permit. The Board shall render a decision on the appeal without unreasonable delay. If the Board fails to act within ninety (90) days from the date the appeal was received by the Board, or an extended period of time as may be agreed upon, the appellant may determine the appeal has been denied.

- (e) Notification of Board's Decision. The secretary of the Board shall notify the appellant in writing of the decision of the Board. The Board shall keep minutes of all proceedings upon appeal, showing the vote of each member thereon, and shall keep records of its official actions.

#### **1109.07 VARIANCES.**

The Board of Zoning Appeals may authorize upon appeal in specific cases such area variances from the terms of this Code as will not be contrary to the public interest and the Planning Commission may authorize upon appeal in specific cases such use variances from the terms of this Code as will not be contrary to the public interest according to the following procedures:

- (a) Application Requirements. An application for an area or use variance shall be filed with the Zoning Administrator for review by the Board of Zoning Appeals if the request is for an area variance, or the Planning Commission if the request is for a use variance, upon the forms provided, and shall be accompanied by the following requirements necessary to convey the reason(s) for the requested variance:
- (1) Name, address and phone number of applicant(s);
  - (2) Proof of ownership, legal interest or written authority;
  - (3) Description of property or portion thereof;
  - (4) Description or nature of variance requested;
  - (5) Narrative statements establishing and substantiating the justification for the variance pursuant to subsection (b) below;
  - (6) Development plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;
  - (7) Payment of the application fee as established by Council;
  - (8) Any other documents deemed necessary by the Zoning Administrator. Upon receipt of a written request for variance, the Zoning Administrator shall within a reasonable amount of time make a preliminary review of the request to determine whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Zoning Administrator shall so advise the applicant of the deficiencies and shall not further process the application until the deficiency is corrected.
- (b) Public Hearing. The Board of Zoning Appeals in the case of an area variance, or the Planning Commission in the case of a use variance shall hold a public hearing on all requests for variances. At least ten (10) days prior to the date of the scheduled hearing, notice of such hearing shall be in a newspaper in general circulation in the Village and mailed to addresses given in the application (or otherwise to the addresses given in the last assessment roll) and to any person, firm, or corporation owning premises located within 200 feet of the land to which such variance relates. The Board, or Commission may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required. Any person in interest may appear at the public hearing in person or by attorney.
- (c) Review by the Board, or Commission. According to the procedures established for appeals in Section 1109.06(b), the Board, or Commission shall hold a public hearing and give notice of the same. The Board, or Commission shall review each application for a variance to determine if it complies with the purpose and intent of this Code and evidence demonstrates that the literal enforcement of this Code will result in practical difficulty, or unnecessary hardship.



- (1) The following factors shall be considered and weighed by the Board of Zoning Appeals in order to determine, by a preponderance of the evidence, whether practical difficulty exists which would warrant the granting of an area variance:
  - A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
  - B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - C. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
  - D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
  - E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
  - F. Whether the property owner purchased the property with knowledge of the zoning restrictions;
  - G. Whether special conditions or circumstances exist as a result of actions of the owner;
  - H. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
  - I. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
  - J. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
- (2) A use variance would require the applicant to demonstrate that the applicant will suffer unnecessary hardship if strict compliance with the terms of the Code is required and such hardship must be demonstrated by clear and convincing evidence that all of the following criteria are satisfied. The following factors shall be used by the Planning Commission to determine unnecessary hardship:
  - A. The property cannot be put to any economically viable use under any of the permitted uses in the Zoning District;
  - B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
  - C. The hardship condition is not created by the actions of the applicant;
  - D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
  - E. The granting of the variance will not adversely affect the public health, safety or general welfare;
  - F. The variance will be consistent with the general spirit and intent of the Code; and

- G. The variance sought is the minimum which will afford relief to the applicant.
- (d) Additional Conditions and Safeguards. The Board, or Commission may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met.
  - (e) Action by the Board, or Commission. The Board, or Commission shall either approve, approve with supplementary conditions or disapprove the request for variance. The Board, or Commission shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.
  - (f) Confirmation by Council. Any variance granted by the Board, or Commission may only be overturned by a three-fourths vote of Village Council. If such vote does not occur within forty-five (45) days of the Board of Zoning Appeals, or Planning Commission action, the variance granted by the Board, or Commission shall stand.
  - (g) Term and Extension of Variance. Variances shall be nonassignable and shall expire one year from the date of their enactment, unless prior thereto, the applicant commences actual construction in accordance with the granted variance. There shall be no modification of variances except by further consideration of the Board of Zoning Appeals, or Planning Commission. Requests for renewal of expired variances shall be considered to be the same as an application for a variance and shall meet all requirements for application and review pursuant to this section.  
(Ord. 2646. Passed 10-22-18.)

**1109.08 MAJOR SUBDIVISIONS.**

Procedures are herein established and intended to define the steps by which an applicant may design, make an application, record plats and construct improvements in the development of land, and by which the Commission may review, make recommendations for and approve the plans and otherwise administer these regulations.

- (a) Pre-application conference. The applicant or owner of any proposed subdivision shall meet with the Planning Commission, Village Council and other appropriate Village staff to review the project concept prior to preparing preliminary plats pursuant to subsection (b). The purpose of such preliminary review is to establish a mutual understanding of the provisions of this Code and the development objectives of the Village; and to obtain the advice, suggestions and recommendations of the Planning Commission, Village Council and Village departments before significant expenses are incurred for detailed engineering drawings of proposed developments.
- (b) Preliminary plat. The purpose of the preliminary plat shall be to explore the best design for the subdivision, the best relationship to adjoining subdivisions or undeveloped land, to outline a program of improvements and to obtain further advice, suggestions and recommendations of the Planning Commission, Village Council and Village departments before the subdivision becomes final.
  - (1) Compliance with Zoning Standards and Planning and Design Principles. The proposed subdivision shall be planned in accordance with the planning and design principles set forth in Chapter 1121 of this Code and zoning standards set forth in Chapters 1133 through 1177.
  - (2) Application and Submission Requirements. The applicant shall furnish a written application and the required number of prints, as determined by the Village, of a preliminary plat, or alternate plans, relevant maps and data complying with the requirements set forth below, accompanied by the required fee established by Council, all of which shall be submitted to the Zoning Administrator for each proposed major subdivision.
    - A. The subdivision shall be designed and drawn by a registered architect, engineer, land surveyor, landscape architect or professional planner. The preliminary plat shall be accurately drawn at a scale of not less than 100 feet to one inch, and shall include a graphic scale, north arrow, date and title.
    - B. The preliminary plat shall include the following:
      1. The layout, right-of-way and pavement widths, approximate grades and names of proposed streets and abutting existing streets, including the location of pavements and sidewalks;
      2. The location, width and purpose of all other public right-of-ways and easements;
      3. The approximate dimensions and number of lots; and each lot's proposed use;
      4. Sites to be reserved or dedicated for parks, playgrounds or other public uses;

5. Existing structures on the parcel and within fifty (50) feet of adjoining property;
  6. Proposed building setback lines;
  7. The bearings and distances of the parcel to be subdivided; and
  8. Contours at two-foot intervals showing the approximate direction and gradient of the ground slope on immediately adjacent land; the subsurface condition of the tract if not typical; and the watercourses, marshes, wooded areas, isolated preservable trees and other significant features.
  9. Proposed development phasing.
- C. Location map of the Village or part thereof, showing thereon the location of the proposed subdivision and the relationship to adjacent development and all community facilities which serve or influence it.
  - D. Utility map showing utilities on and adjacent to the tract, including the water and gas mains and the location of fire hydrants and electric power and telephone poles.
  - E. Titles and certificates indicating present parcel designations according to official records, the name of the applicant, the name and address of the owners, certification of a registered surveyor, the scale and the date of the survey.
  - F. An outline of the protective covenants proposed to regulate and protect the development.
  - G. The Commission may require additional preliminary drawings showing information such as street profiles and grades, a typical cross section of the proposed roadway, proposed sanitary and storm sewers and water service, or the prospective street system of adjacent land owned by the applicant.
  - H. The Commission may require a certificate as to ownership and that the proposed subdivision is satisfactory to the owner.
- (3) Professional Review; Council Review. For all subdivisions which affect the design of an integrated neighborhood street pattern, extensions to adjoining unsubdivided land, public sites, unusual topographic or other conditions, the Commission;
- A. May obtain an analysis and recommendation from a professional planner, civil engineer or landscape architect who is experienced in the type of subdivision under consideration and who has no interest in the proposed subdivision;
  - B. Shall forward to the Village Council for review and comment.
- The Commission shall review any analysis requested or otherwise determine if the preliminary plat embraces all the applicable planning principles and other provisions of these regulations as well as other codes of the Village.

- (4) Planning Commission Action. The Planning Commission shall review the preliminary plat according to the subdivision design standards set forth in Chapter 1121 and the applicable standards set forth in Section 1109.03(e) and shall either approve the preliminary plat, approve the preliminary plat with modifications or disapprove the preliminary plat. If the Planning Commission does not act on the application within forty-five (45) days, it shall be deemed denied.
  - (5) Council Action. The Village Council shall review the preliminary plat according to the subdivision design standards set forth in Chapter 1121 and the applicable standards set forth in Section 1109.03(e) and shall either approve the preliminary plat, approve the preliminary plat with modifications or disapprove the preliminary plat.
  - (6) Effect of Approval. The approval of the preliminary plat by Village Council shall assure the applicant for a one-year period from the date of approval:
    - A. That the general layout of streets, lots and other features are approved and that the preliminary plat shall be the basis for the preparation of the final plat;
    - B. That the general terms and any special conditions under which the approval of the preliminary plat was granted shall not be changed; and
    - C. That the applicant may submit drawings and specifications for improvements and a final plat for the whole or part of the subdivision for final approval.
    - D. If, following approval of the preliminary plat, the proposed development of the subdivision, or any part thereof, is altered or changed significantly, the Planning Commission may require the resubmission and reconsideration of a revised preliminary plat to accurately reflect the proposed changes.
- (c) Final Plat Preparation. Following the approval of the preliminary plat, the owner, subdivider or agent shall prepare for record purposes, and for dedication of public streets and other public places, a final plat of the proposed subdivision.
- (1) Application and Submission Requirements. An application for approval of a final plat shall be submitted in writing to the Zoning Administrator. The application shall include the original tracing of the final plat, the original tracing of the drawings for the required improvements, twelve (12) prints of each tracing, twelve (12) sets of specifications and other maps, data and certificates as set forth in the following:
    - A. The final plat shall be drawn in ink on mylar or equal on sheets not less than twenty-four (24) inches by thirty-six (36) inches nor larger than thirty-six (36) inches by forty-eight (48) inches, at a scale not less than fifty (50) feet to one inch. If necessary, the final plat shall consist of several sheets including an index and references to adjoining sheets. Each sheet shall include the title, scale, north arrow and date. The final plat shall show the following:

1. Primary control points to which all dimensions, angles and bearings are to be referred and the nearest street or section line or other established point.
  2. Tract boundary lines, street rights-of-way lines, easements (and purpose for easements) required building setback line and other rights-of-way, corporation lines and property lines with accurate dimensions, and radii, arcs, chords and tangents of all curves, nearest one hundredth of a foot; bearings or deflection angles, nearest second. Natural and artificial watercourses, streams and shorelines;
  3. The name and width of each street within the proposed subdivision and those adjoining;.
  4. The number or letter, in progressive order, for each lot and block conforming with the County Recorder's procedures;
  5. The boundaries of and proposed use for any non-one-family parcel or areas to be dedicated or reserved for public use;
  6. The location and description of those monuments found, set or to be set;
  7. The names of recorded owners of adjoining unplatted land;
  8. Reference to subdivision plats of adjoining platted land by name, volume and page of the County Recorder's maps;
  9. Certification by the owner of acceptance of the plat and statement offering the dedication of streets, rights-of-way and any sites for public use or reserved by deed covenants for common use of all property owners;
  10. Certification and seal by a registered surveyor or engineer as to preparation and details of the survey and plat;
  11. Reference to or inclusion on the plat of protective covenants;
  12. The title of the subdivision, municipality, county, state, original township section, tract or lot; and
  13. An approval statement for the Planning Commission and Village officials and/or County officials as may be required.
- B. Protective covenants in final form, to be recorded separately.
- C. A statement that the applicant owns the property, and that there are no unpaid taxes or special assessments against the tract.
- D. Other data, certificates or affidavits, as may be required by the Planning Commission in the enforcement of these regulations.
- (2) Review of Final Plat by Village Engineer. The Zoning Administrator shall transmit two prints of each drawing and the specifications to the Village Engineer who shall determine whether or not the final plat conforms to the approved preliminary plats and any special conditions or modification stipulated and the mathematical data and computations are correct. One copy shall be returned to the Planning Commission within 14 days indicating the Village Engineer's determinations.

- (3) Review by Law Director. The Law Director shall review the financial guarantees required for the installation and maintenance of the improvements.
- (4) Action by the Planning Commission. If the Engineer determines that the final plat, drawings and specifications are satisfactory in regard to the aforesaid provisions and if the subdivision complies with all other applicable provisions of these regulations, the Planning Commission shall approve it. Action shall be taken within sixty (60) days after the meeting at which the application for approval and all required plats, maps and data were submitted to the Planning Commission or within a mutually agreed upon extension; otherwise the final plat may be deemed by the applicant to have been disapproved. In the event of disapproval of a final plat by the Planning Commission, the reason(s) for disapproval shall be stated in the records of the Planning Commission.
- (5) Form of Approval. The approval of the final plat shall be indicated by a certification to that effect on the original mylar of the plat with the signature of the Chair of the Planning Commission. The Planning Commission shall obtain three duplicates thereof at the applicant's expense.
- (6) Review of Improvement Plans by the Village Engineer. After the Planning Commission approves the final plat, the Village Engineer and other appropriate Village officials shall review the drawings and specifications showing cross-sections, profiles, elevations, construction details and specifications for all required improvements as shown on the drawings and specifications and shall determine if they are in conformity with any master plans for utilities and streets, and the grading and construction standards in effect in the Village. The approval of the drawings and specifications for the required improvements shall be indicated by a certification to that effect on the original drawings and specifications with the signature of the Village Engineer.
- (7) Recording. The Village, upon recommendation by the Planning Commission shall cause the approved final plat to be filed in the office of the County Recorder. The costs incurred in filing the plat shall be the obligation of the applicant. If the final plat is revised in any manner after Planning Commission approval, such approval shall be null and void.
- (8) Effect of Approval and Recording. If drawings and specifications for improvements are approved and construction guaranteed, the final plat may be approved and recorded, construction of improvements started, building permits issued and lots sold, leased or transferred.
- (9) Occupancy Permits. Occupancy permits for a building shall not be issued until streets and utilities are accepted by the Village for public use. However, a temporary occupancy certificate may be issued upon condition that the applicant assumes all responsibility for maintenance of streets and utilities until officially accepted by the Village.

- (d) Dedication for Public Use. If the final plat indicates land for public use, the plat shall be submitted to Council for acceptance of the dedication of any public land and acceptance of any easement before it is recorded. The acceptance of any street or utility for public use and maintenance shall be by separate action of Council.
- (e) Resubdividing or Vacation. An application for resubdividing, replatting or vacation of a subdivision shall be made by the owner or owners thereof to the Planning Commission in the same form as for an original subdivision along with all required maps and other information. The original lots shall be shown by dotted lines and lot numbers and other references made to previously recorded subdivisions.

#### **1109.09 MINOR SUBDIVISIONS.**

Procedures are herein established and intended to define the steps by which an applicant may design, make an application, record plats and construct improvements in the development of land classified as a minor subdivision.

- (a) Classification. A proposed division of a parcel of land which adjoins an existing public street and does not involve the opening, widening, extension or improvement of any street or the installation of any underground public utility, and does not involve more than five (5) lots and does include all the contiguous land under one ownership, shall be classified as a minor subdivision.
- (b) Application. An application and sketch plat, complying with the requirements set forth in subsection (c) below shall be prepared for each minor subdivision and submitted to the Zoning Administrator. The purposes of a sketch plat layout are to furnish sufficient information for determination of proper integration of the subdivision with the neighborhood and compliance with Village codes. The Planning Commission shall take action at the next regularly scheduled monthly meeting after receipt of an application.
- (c) Sketch Plat. The applicant shall furnish with the application for approval of a sketch plat for a minor subdivision the following:
  - (1) A drawing or print of a Village map, or a part thereof, showing the location of the proposed subdivision;
  - (2) A drawing or print showing by scale and dimensions the parcel which is to be subdivided and all contiguous land of the same ownership, including locations of existing structures within fifty (50) feet of the boundaries;
  - (3) Information on the topography and drainage of the proposed subdivision and within fifty (50) feet thereof;
  - (4) Information on the accessibility of required utilities; and
  - (5) Names of the owner and of adjoining property owners, including designations of the parcel according to official records.The sketch plat shall be clearly drawn on appropriate paper at a scale of not less than fifty (50) feet to the inch showing the proposed layout and dimensions of each lot.
- (d) Approval. The sketch plat shall be approved if the Commission determines the proposed division of land is a minor subdivision; and



- (1) That all the contiguous land owned by the proposed applicant will therein be completely subdivided; and
- (2) That it is properly integrated with adjoining developments or could be properly coordinated with the subdivision and extension of streets to adjoining land; and
- (3) That it complies with the planning principles and other sections of these regulations, the Zoning Code and other plans of the Village; and
- (4) The layout is satisfactory and all maps, plans and data as set forth in subsection (c) above.

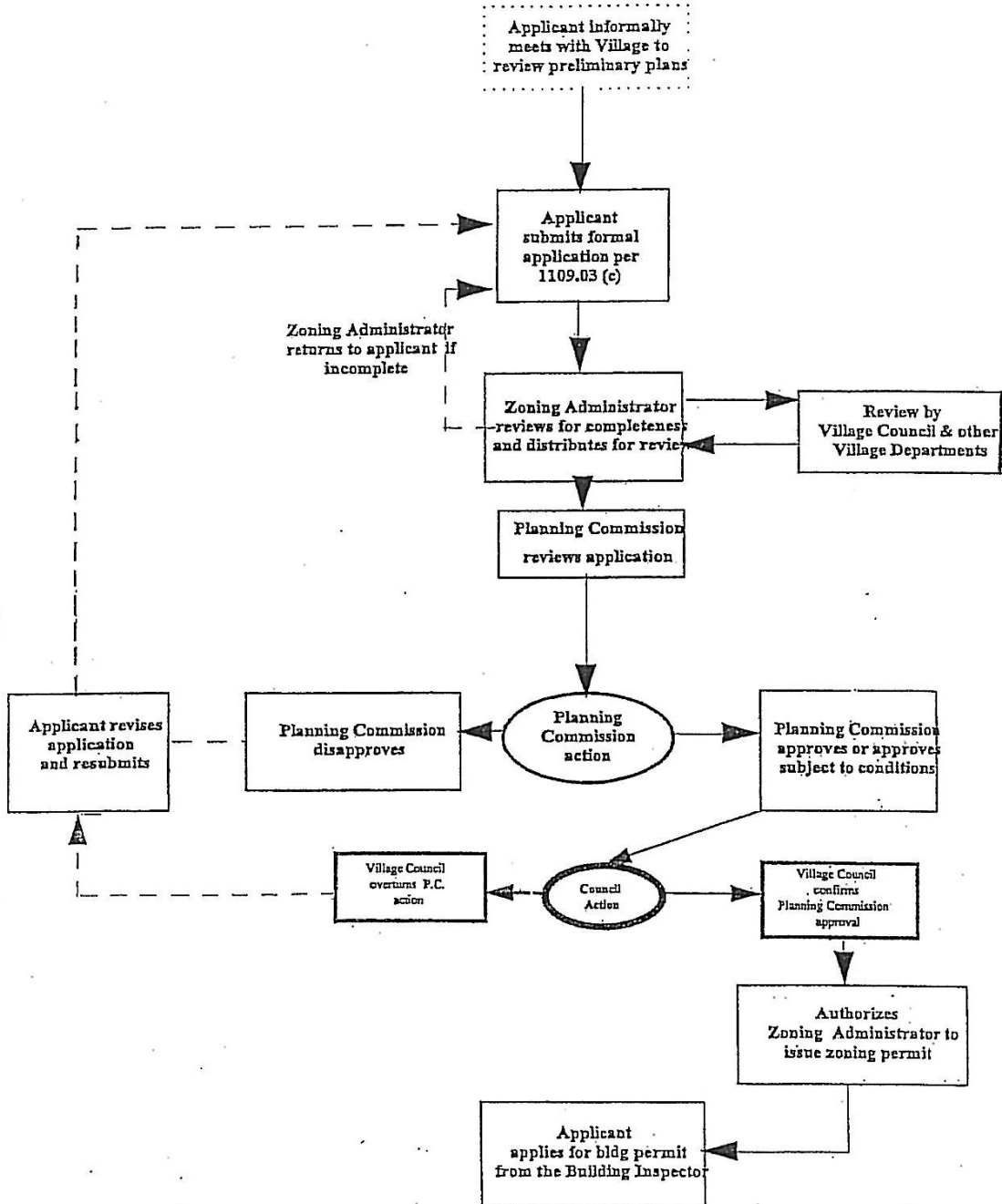
A notation to that effect shall be made on the sketch plat by the Chairman and the applicant shall be informed if a metes and bounds deed description or a plat map will be required. Three prints of the approved sketch plat shall be made for the Commission by the applicant.

- (e) If Not Approved. If the Commission determines it is a major subdivision or the sketch plat is not approved for other reasons, the Commission shall state the conditions that shall be complied with before it will be approved.
- (f) Recording the Minor Subdivision. After approval of a sketch plat, the applicant shall submit either a metes and bounds, deed description, and/or plat as required, to the Village Engineer for review. The metes and bounds, deed description, and/or plat shall conform to all applicable County and State standards. If the same is found to conform to the approved sketch plat and is otherwise satisfactory to the Engineer, he shall so certify his approval thereon within seven working days after receipt. The approval shall expire within 120 days unless the deed or plat has been filed and recorded in the office of the County Recorder and the Commission has been so notified by the applicant in writing.

#### **1109.10 DETERMINATION OF SIMILAR USES.**

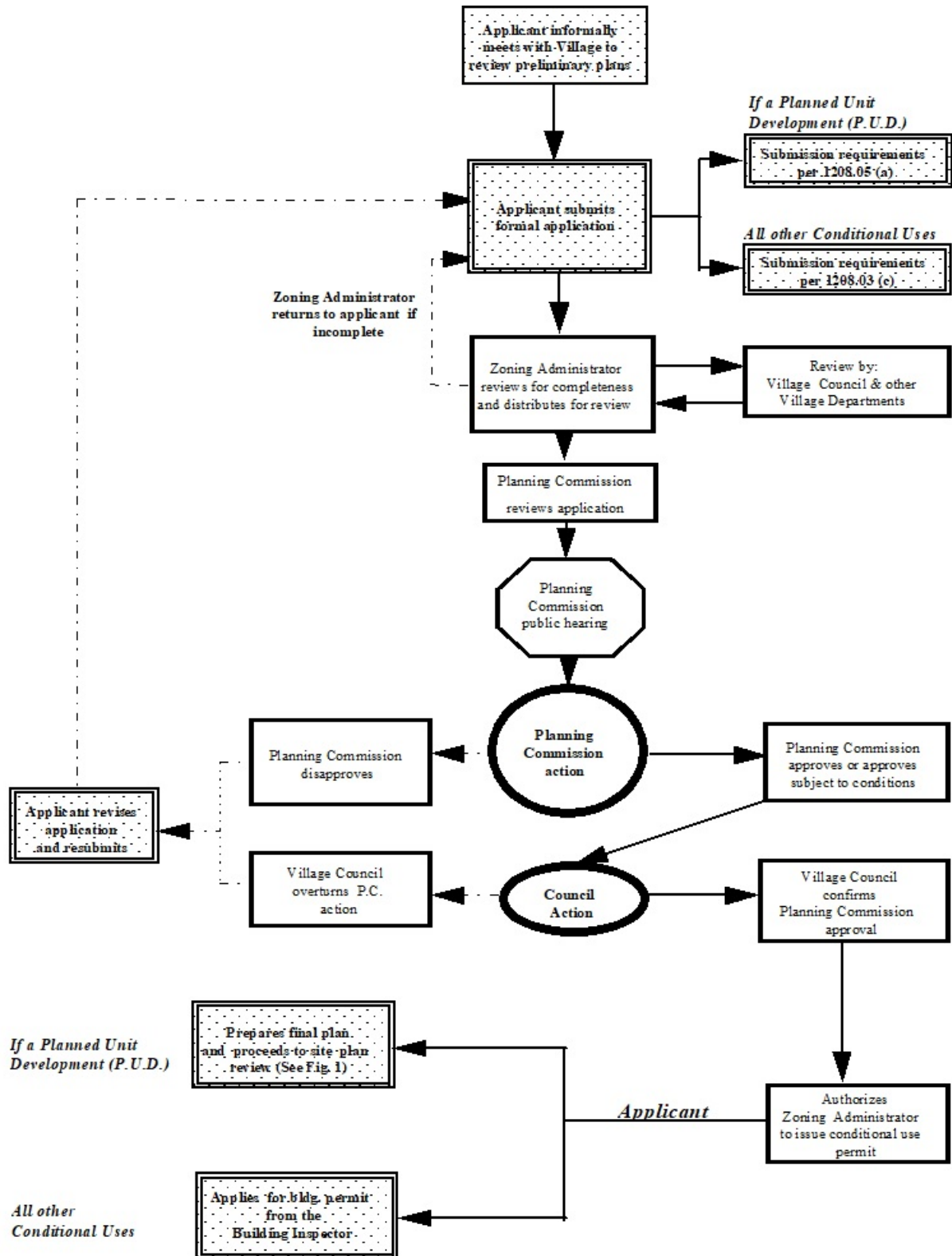
When a specific use is proposed that is not listed or provided for in this code, the Planning Commission may make a determination that the proposed use is substantially similar to a specific use that is listed or provided for as a principal or conditional use in the Code, or is determined to be consistent with the purpose statement for the district in which such use is proposed. If the Commission finds that a use is substantially similar to a specific use listed in this Code, such substantially similar use may be permitted in those districts which have the principal or conditional use most similar. The initial determination of a similar use shall be approved in accordance with the conditional use permit procedures set forth in Section 1109.04. At the time of an initial determination, the Planning Commission shall further determine if such similar use shall be added to the permitted use list for the district, either as a permitted principal use or as a conditional use.

Fig. 1 Site Plan Review Procedures

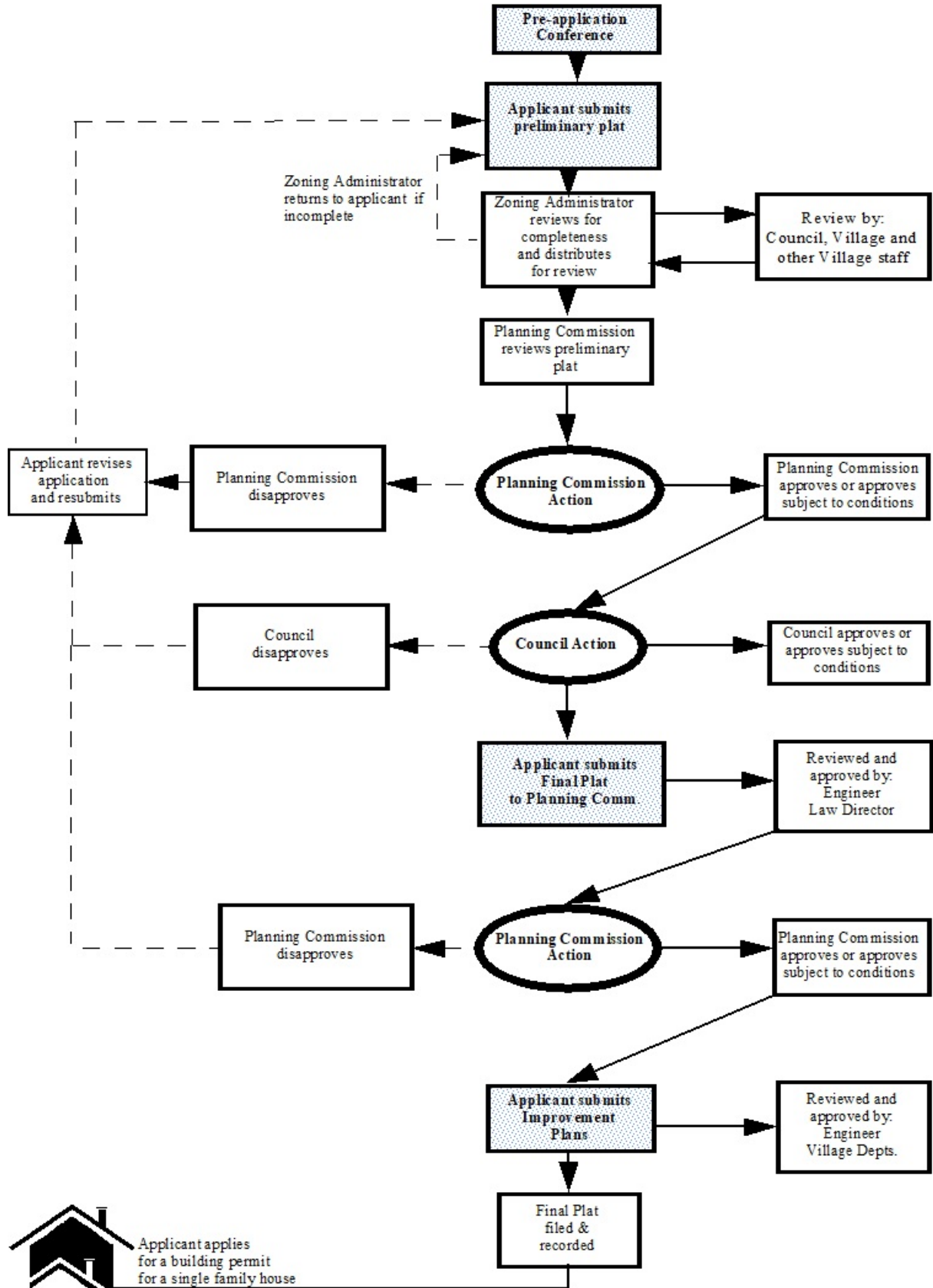


(Ord. 2139. Passed 6-23-08.)

**Fig. 2 Approval Procedures - Conditional Uses Including General Development Plans for Planned Unit Developments**



**Fig. 3 Approval Procedures - Major Subdivisions**



**CHAPTER 1111  
Amendments**

- |  |   |
|--|---|
| <p><b>1111.01 Authority for amendments.</b></p> <p><b>1111.02 Initiation of zoning amendments.</b></p> <p><b>1111.03 Map amendments initiated by property owners(s).</b></p> | <p><b>1111.04 Amendments initiated by Planning Commission.</b></p> <p><b>1111.05 Amendments initiated by Council.</b></p> |
|--|---|

**CROSS REFERENCES**

Council may amend districts or zoning - see Ohio R.C. 713.10

**1111.01 AUTHORITY FOR AMENDMENTS.**

Whenever the public necessity, convenience, general welfare or good zoning practices require, Village Council may by ordinance amend, revise, rearrange, renumber or recodify this Planning and Zoning Code or amend, supplement, change or repeal the boundaries or classification of property according to the procedures set forth in this Chapter and subject to the procedures provided by law.

**1111.02 INITIATION OF ZONING AMENDMENTS.**

Amendments to the Code may be initiated in one of the following ways:

- (a) By the filing of an application to the Zoning Administrator by at least one owner or lessee of property or developer with an option on such property within the area proposed to be changed or affected by said amendment. The Zoning Administrator shall refer the application to the Village Council for consideration.
- (b) By the adoption of a motion by the Planning Commission.
- (c) By the passage of a resolution by Village Council.

**1111.03 MAP AMENDMENTS INITIATED BY PROPERTY OWNER(S).**

A map amendment initiated by at least one owner or lessee of property or developer with an option on such property within the area proposed to be changed or affected by said amendment shall be submitted and reviewed according to the following:

- (a) Submission Requirements. Applications for amendments to the Zoning Map adopted as part of this Code shall contain at least the following information
  - (1) The name, address and phone number of the applicant and the property owner if other than the applicant;
  - (2) Legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;
  - (3) A statement of the reason(s) for the proposed amendment;
  - (4) Present use and zoning district;
  - (5) Proposed use and zoning district;

- (6) A vicinity map at a scale approved by the Zoning Administrator showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Administrator may require;
  - (7) A list of the names and addresses of the owners of properties lying within 200 feet of any part of the property on which the zoning amendment is requested;
  - (8) Evidence that the existing Code is unreasonable with respect to the particular property and it deprives the property owner of lawful and reasonable use of the land; or evidence that the proposed amendment would materialize in an equal or better land use;
  - (9) A statement on the ways in which the proposed amendment relates to the Comprehensive Land Use Plan;
  - (10) The payment of the application fee as established by Council.
- (b) Administrative Review. An applicant shall submit the application to the Zoning Administrator for review.
- (1) The Zoning Administrator shall review the application for completeness pursuant to subsection (c) and inform the applicant which items from the submission requirements have not been received or are incomplete. If any submission requirements are incomplete or missing the application will not be processed further until the necessary items are submitted.
  - (2) When the application is deemed complete, the Zoning Administrator shall forward the application to appropriate Village departments for their review.
  - (3) The Zoning Administrator shall advise the applicant of any revisions recommended as a result of the administrative review. The applicant may:
    - A. Revise the application as recommended by the Zoning Administrator and request that it then be forwarded to the Village Council; or
    - B. Request that the application be forwarded to the Village Council without any revisions.
- (c) Village Council Introduces Ordinance. Village Council may cause to have an ordinance prepared amending the Zoning Code as requested by the applicant. Once prepared, such ordinance shall be introduced by a motion of Village Council and referred to the Planning Commission for its review and recommendation.
- (d) Recommendation by Planning Commission. The Planning Commission shall recommend one of the following:
- (1) That the amendment be granted as requested;
  - (2) That the amendment be granted as modified by the Planning Commission; or
  - (3) That the amendment be denied.
- If the Planning Commission does not make a recommendation on an application within forty-five (45) days, or an extended period as may be agreed upon, at the election of the applicant, it shall be deemed a denial.

- (e) Public Hearing and Notice by Council. Upon receipt of the recommendation from the Planning Commission, Council shall set a time for a public hearing on the proposed amendment. Notice of the public hearing shall be given by Council by at least one publication in one or more newspapers of general circulation in the Village. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested. During such thirty (30) days, the text of the proposed amendment, maps or plans, if applicable, and the recommendations of the Planning Commission shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.
- (f) Notice to Property Owners by Council. If the proposed amendment intends to rezone or redistrict ten or less 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 10 days before the day of the public hearing to all owners of property within 200 feet of such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by Council. The notice shall contain the same information as required of notices published in newspapers as specified in subsection (e).
- (g) Action by Council. After the public hearing required by subsection (e), Council may:
- (1) Approve the amendment as recommended by the Planning Commission or approve, with some minor modifications thereof, with a simple majority;
  - (2) Approve the amendment which was recommended for disapproval by the Planning Commission with a 3/4 majority; or
  - (3) Deny the amendment.
- Any such proposal may be amended prior to the voting thereon by Council without further notice or postponement, if such amendment to the proposal shall be germane to the subject matter thereof and is in accordance with the recommendation of the Commission. If no action is taken within 180 days of the public hearing, it may be deemed a denial.

#### **1111.04 AMENDMENTS INITIATED BY PLANNING COMMISSION.**

The Planning Commission on its own initiative may, by the passage of a motion, recommend to Village Council changes in the Code and Zoning Map. After Planning Commission has made a recommendation to Village Council, Council shall follow the procedures for review and hearing of the proposed amendment as set forth in Sections 1111.03(e) through 1111.03(g).

#### **1111.05 AMENDMENTS INITIATED BY COUNCIL.**

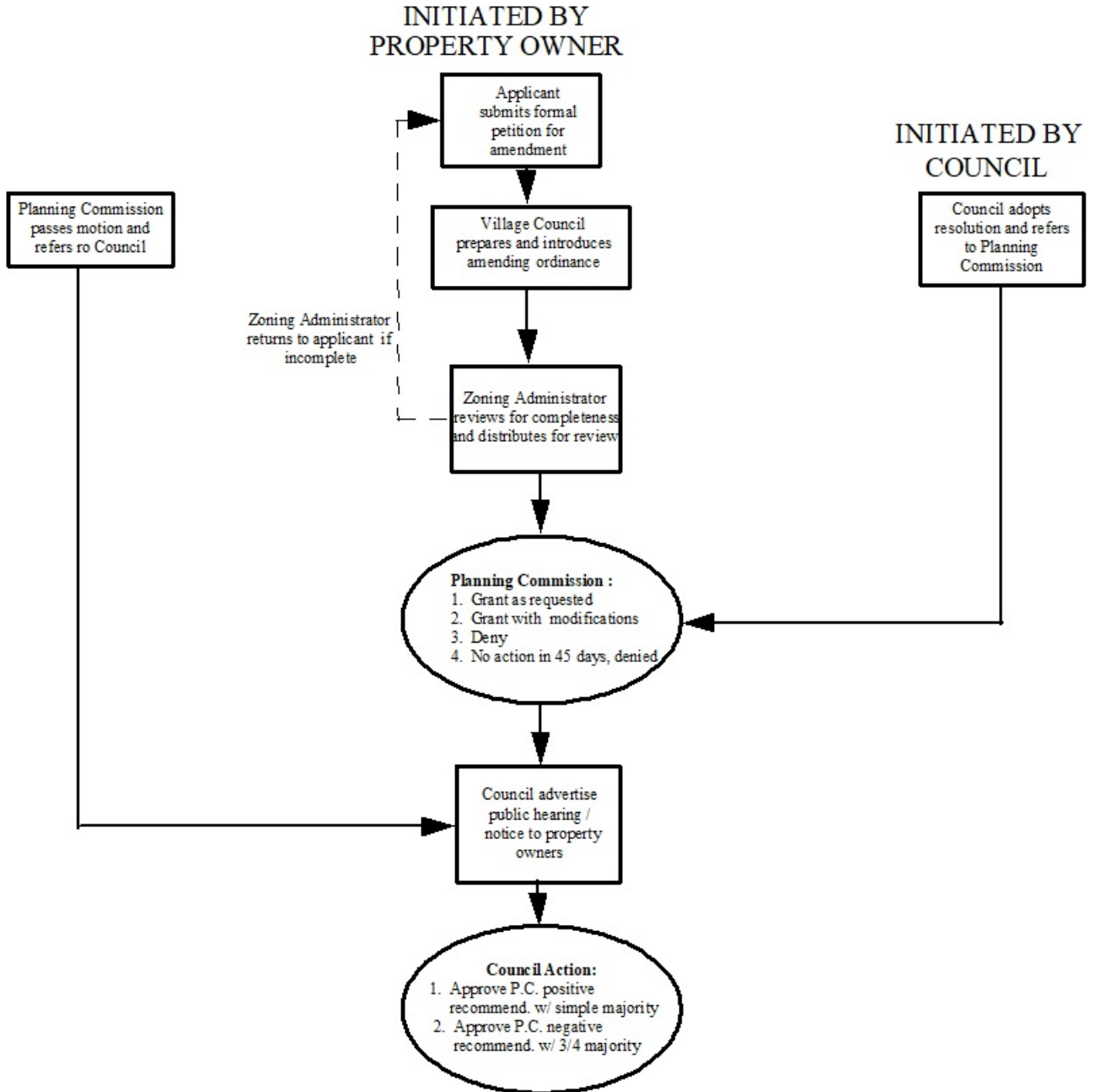
Amendments to the Code or Zoning Map initiated by the passage of a resolution by Village Council shall comply with the following:

- (a) Referral to Planning Commission. After the introduction of an ordinance by Council, said resolution shall be referred to the Planning Commission for its consideration and recommendation.

- (b) Recommendation by Planning Commission. The Planning Commission shall recommend one of the following:
- (1) That the amendment be granted as requested;
  - (2) That the amendment be granted as modified by the Planning Commission;
- or
- (3) That the amendment be denied.
- The decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based. The Planning Commission shall be allowed a reasonable time, not less than 45 days, for consideration and report. If the Planning Commission does not make a recommendation on a resolution passed by Council within forty-five (45) days, and the time for responding is not extended by Council, Council shall determine that the recommendation of the Planning Commission is that the amendment be denied.
- (c) Public Hearing and Action by Council. After receiving a recommendation from the Planning Commission, Council shall follow the procedures for review and hearing of the proposed amendment as set forth in Sections 1111.03(e) through 1111.03(g)



### ZONING AMENDMENT PROCEDURES





**CHAPTER 1113  
Enforcement; Penalties**

- |   |  |
|---|--|
| <p><b>1113.01 Enforcement by Zoning Administrator.</b></p> <p><b>1113.02 Construction and use shall be as approved.</b></p> | <p><b>1113.03 Violations.</b></p> <p><b>1113.04 Penalties.</b></p> |
|---|--|

**CROSS REFERENCES**

Violation of zoning ordinances - see Ohio R.C. 713.13  
Retroactive measures prohibited - see Ohio R.C. 713.15

**1113.01 ENFORCEMENT BY ZONING ADMINISTRATOR.**

The provisions of this Planning and Zoning Code shall be enforced by the Zoning Administrator.

**1113.02 CONSTRUCTION AND USE SHALL BE AS APPROVED.**

Zoning permits issued by the Zoning Administrator on the basis of approved plans and applications authorize only the use and arrangement set forth in such approved plans and applications, or amendments thereto. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this Code.

**1113.03 VIOLATIONS.**

(a) Violations a Nuisance. Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of the Planning and Zoning Code are declared to be a nuisance per se. Any building or land use activities considered possible violations of the provisions of the Planning and Zoning Code which are observed by any Village official shall be reported to the Zoning Administrator.

(b) Complaints. Any citizen may file a written complaint with the Zoning Administrator to report an alleged violation of the Planning and Zoning Code. Such written complaint shall fully state the causes and basis of such complaint.

(c) Inspection. The Zoning Administrator shall inspect any building erected, altered, moved, razed or converted, or any use of land or premises carried on in alleged violation of any of the provisions of this Planning and Zoning Code and shall, in writing, order correction of all conditions which are found to be in violation of this Planning and Zoning Code.

(d) Order for Discontinuance and Removal of Violation. If the Zoning Administrator finds that any use in violation of any of the provisions of this Planning and Zoning Code, the Zoning Administrator shall notify the persons responsible for the violations, indicating the nature of the violation. The Zoning Administrator shall order discontinuance of violations of the use of land or buildings, or the removal of illegal buildings, additions, alterations, or structural change as the case may be, or shall take any other action authorized by this Planning and Zoning Code to insure compliance therewith. After such an order is served or posted on the premises, thereafter no work, except to correct the violation or comply with such notice, shall proceed on any building or tract of land included in the violation.

#### **1113.04 PENALTIES.**

It shall be unlawful to:

- (a) Use or occupy any land or place; build, erect, alter, remodel, restore, or rebuild thereon any building or structure; permit any building or structure to remain on such land; or use, occupy, or operate such building or structure, in any way or for any use or purpose which is not permitted by the provisions of this Planning and Zoning Code; or
- (b) Use or occupy any parcel of land; use or occupy a new building; or enlarge, substitute, or otherwise change the use, occupancy, or configuration of any land or building, without having received a certificate of zoning compliance, conditional use permit, or occupancy permit indicating compliance with the provisions of this Planning and Zoning Code from the Zoning Administrator; or
- (c) Aid, assist, or participate with any person in placing, building, erecting, altering, remodeling, restoring, or rebuilding any building or structure which is not permitted by the provisions of this Planning and Zoning Code; or
- (d) Violate or fail to perform any condition, stipulation or safeguard set forth in any certificate issued pursuant to this Planning and Zoning Code, or continue to use or occupy the premises or building as previously authorized by such certificate beyond the duration limit therein stated; or
- (e) Continue construction, renovation, or improvements contrary to an Order of Discontinuance or Notice of Violation; or
- (f) Refuse to permit the Zoning Administrator to enter any premises in the Village to investigate a reported violation of the provisions of this Planning and Zoning Code, or refuse or fail to furnish to such Zoning Administrator a statement as to the number of persons occupying such premises; or
- (g) Knowingly make any materially false statement of fact in an application to the Zoning Administrator for a certificate of zoning compliance, conditional use permit, or occupancy permit, or in the plans or specifications submitted to the Zoning Administrator in relation to such application.

The owner or owners of any building or premises or part thereof where a violation of the Planning and Zoning Code shall be placed or shall exist, any tenant or occupant of such building or premises, and any architect, builder or contractor who shall assist in the commission of any such violation, and any person who violates any of the provisions or non-compliance shall be deemed guilty of a misdemeanor of the first degree. Each violation shall consist of a separate offense. Each day such violation exists shall constitute a separate offense.



## TITLE THREE – PLANNING AND DESIGN STANDARDS

Chap. 1121. Design Standards for all Subdivisions.

### CHAPTER 1121

#### Design Standards for All Subdivisions

<p><b>1121.01 Intent.</b></p> <p><b>1121.02 Street classification.</b></p> <p><b>1121.03 Principles of acceptability.</b></p> <p><b>1121.04 Relationship of streets to topography.</b></p> <p><b>1121.05 General layout of streets.</b></p> <p><b>1121.06 Block design.</b></p> <p><b>1121.07 Lot design.</b></p> <p><b>1121.08 Improvements.</b></p>	<p><b>1121.09 Construction standards and specifications.</b></p> <p><b>1121.10 Access for handicapped.</b></p> <p><b>1121.11 Monuments.</b></p> <p><b>1121.12 Street trees.</b></p> <p><b>1121.13 Modifications approved by Planning Commission.</b></p> <p><b>1121.14 Public park and open space land. (Repealed)</b></p>
---	--

#### **1121.01 INTENT.**

The planning principles and construction standards for subdivisions set forth in this Chapter are fundamental principles and standards to be applied with professional skill in the planning for the division of land as to produce functional, attractive, distinctive, convenient and economical subdivisions.

#### **1121.02 STREET CLASSIFICATION.**

In order to promote public safety and convenience, streets shall be planned to serve particular functions as follows:

- (a) Primary Streets. Primary streets shall be primarily for the efficient circulation of traffic into, out or around the village and to carry high volumes of traffic between centers of traffic generation;
- (b) Secondary Streets. Secondary streets shall be for collecting traffic from or distributing it to local streets, connecting with primary streets and providing access to abutting properties;

- (c) Local Streets. Local streets shall be for providing access to abutting properties and circulation of slowly moving traffic and pedestrians within a neighborhood.
- (d) Cul-de-Sacs. A street that terminates in a vehicular turnaround.

#### **1121.03 PRINCIPLES OF ACCEPTABILITY.**

- (a) Streets shall conform to an adopted Comprehensive Plan.
- (b) If a tentative or suggested plan or plat for the area has been made by the Planning Commission or any other public agency designated by the Planning Commission, the street layout shall be in general conformance thereto.
- (c) The subdivision proposed and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area. The subdivider shall present evidence to this effect when requested by the Planning Commission.
- (d) The tract to be subdivided should not be a part of, or encroach upon, an area or areas designated in the Comprehensive Plan, as adopted, for future public facilities.
- (e) Frontage on high-volume express highways shall be provided with a parallel service street or such other medium of access as may be appropriate to the conditions.
- (f) Where railroads are involved, provision for grade separations, buffer strips and other protective media shall be required to the extent and type as may be practicable.

#### **1121.04 RELATIONSHIP OF STREETS TO TOPOGRAPHY.**

Streets shall be related appropriately to the topography:

- (a) A subdivision shall be planned so that as many lots as possible will be above the street grade. On irregular topography, streets shall be designed to avoid extensive cuts and fills and to comply with grading standards hereinafter established for private driveways and yards as well as for the streets. Streets approximately parallel to contour lines shall be adjusted so that the lots on one side of the street will not be excessively below the street grade.
- (b) In no case may streets be constructed with grades that, in the professional opinion of the Engineer, create a substantial danger to the public safety. Street grades shall be not less than 0.4 percent in order to provide adequate surface drainage, provided, however, that the Planning Commission may permit a minimum of 0.25 percent where necessary because of topographic or other conditions.
- (c) Street grades shall conform as closely as practicable to the original topography.

#### **1121.05 GENERAL LAYOUT OF STREETS.**

- (a) Primary Streets. Where a subdivision of one-family dwellings abuts a primary street, the Planning Commission shall require the developer to prepare sketches and estimates of a plan based on marginal access streets of such other treatment as the fronting of lots on perpendicular local streets in order to protect the residential property from the movement of heavy traffic and to eliminate driveways cutting into a primary street.



(b) Secondary Streets. The layout shall be related to the topography and natural features. Driveway access shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.

(c) Local Streets. Local streets shall have a sixty (60) foot wide right-of-way and the layout shall be related to the topography and natural features. The street pattern shall be indirect to prevent through traffic and yet continuous; it shall be formed of straight, moderately winding, curved, loop, angular or ell streets with tee-intersections predominating.

(d) Cul-de-sac Streets. Streets with cul-de-sacs shall have a sixty (60) foot wide right-of-way and shall be permitted only where parcels are isolated by surrounding allotments, with no available access where continuous streets would require excessive grading because of very irregular topography or where other types of streets would not provide sufficient discouragement of through traffic. Where approved, cul-de-sacs shall comply with the following:

- (1) The length of cul-de-sacs shall not exceed 1,200 feet.
- (2) A permanent turnaround shall be provided having an outside pavement diameter of at least 100 feet and a property line diameter of at least 134 feet.
- (3) If the cul-de-sac is not open in the direction of schools or playgrounds, a pedestrian-way shall be provided.
- (4) The minimum pavement width at the end of the cul-de-sac shall be twenty-six (26) feet.
- (5) A landscaping mound is permitted at the diameter of a cul-de-sac if such plantings contained therein permit an unobstructed view three (3) feet and above across the cul-de-sac. (Ord. 1785. Passed 10-23-00.)

(e) Temporary Dead-End Streets. Where a subdivision adjoins unsubdivided land, a temporary turn-around shall be provided for each street more than 200 feet in length if lots front thereon, and provisions shall be made for future extension of the street and utilities and reversion of the excess right-of-way to the abutting properties and the same shall be so noted on the final plat.

(f) Streets for Multi-Family Developments. Dedicated streets for multi-family developments shall be planned to connect with primary or secondary streets so as not to generate large volumes of traffic on local residential streets. Vehicular and pedestrian access shall be adequate and convenient to each dwelling unit, planned so that a street, access drive, parking area or delivery area will be located no more than 100 feet from every main or service entrance of a building.

(g) Streets for Commercial and Industrial Developments. Dedicated streets for business and industrial developments shall be planned to connect with major streets so as not to generate traffic on local residential streets. The Planning Commission may require the dedication and improvement of service roads along major streets.

(h) Deceleration Lanes. All subdivisions shall have deceleration lanes accessing the primary street(s) of the Village at the intersection of the subdivision's street(s) and the primary street(s) which shall include all through streets, in order to facilitate the ingress and egress of traffic of the subdivision. All deceleration lanes shall be 150 feet long and 12 feet wide. The layout of deceleration lanes shall be part of the subdivision sketches and site plan prepared by the developer to be presented to Planning Commission for review. (Ord. 1786. Passed 9-25-00.)

**1121.06 BLOCK DESIGN.**

Streets shall be laid out so that blocks are created in compliance with the following:

- (a) General Layout Blocks shall be designed to accommodate lots of the size required for the zoning district as set forth in this Planning and Zoning Code and to provide for convenient access, circulation and safety of traffic on the bounding streets. The lines and boundaries of blocks shall be adjusted to conform to the topography and natural features, such as streams and lakes, and so that rear or side lot lines will coincide with corporation lines.
- (b) Blocks for One-Family Subdivisions. Block lengths shall be planned to average 1320 feet unless otherwise approved by the Commission. Block widths shall be generally planned to accommodate two tiers of lots, except that a single tier of lots may be required by the Commission to separate residential development from major streets, adjoining non-residential land uses or unusual topographic features.
- (c) Pedestrian Ways. Pedestrian ways having a minimum right-of-way of 4 feet and in a straight line may be required across excessively long blocks or at the end of cul-de-sac streets for access to schools, playgrounds or bus stops, or to other public facilities where convenient pedestrian circulation has not been provided by sidewalks and or streets.

**1121.07 LOT DESIGN.**

(a) Access. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

(b) Side Lot Lines. Side lot lines shall be designed to be at right angles to straight street lines or radial to curved street lines. Where a street terminates on another to form a "T" intersection, the side lot lines shall be planned so that a dwelling site will not be directly on the projected line of the street which intersects.

(c) Corner Lots. Corner lots in one-family subdivisions shall comply with Section 1137.03 in order to obtain the required side yards and building setback from, and appropriate orientation to both streets and as may be required by the Zoning Code.

**1121.08 IMPROVEMENTS.**

Approval of the final plat and issuance of a building permit(s) is contingent on evidence that all improvements as required have been made by the developer, and have been tested and approved by the Village Service Department as provided herein. All improvements, including storm and sanitary sewers, water supply, electric lines, gas lines, phone lines, pavements and street and lot grades, shall be built in accordance with Village standard plans and specifications with the approval of the Village Engineer, and plans thereof proposed shall be submitted by a registered civil engineer. All improvements must be completed, tested and approved for the entire development by the Village Service & Village Engineer Department before a building permit(s) shall be issued. No development shall have partial phases approved.

(Ord. 1834. Passed 4-23-01.)

- (a) Streets.
  - (1) Maximum allowable grades and minimum requirements for vertical and horizontal curves and for intersections shall conform to the standards and requirements of the Village Engineer
  - (2) The minimum widths of pavement required shall be as follows
    - A. Concrete with curb, twenty-six feet.
    - B. Asphalt with curb, twenty-six feet.
  - (3) The naming of streets and their classification as streets avenues or courts shall conform to the Village's adopted street naming system.

- (b) Water System.
- (1) Wherever water can reasonably be provided from a public water main, water connections shall be made available for each lot within the Water Department furnishings the water supply.
  - (2) A written agreement shall be made and entered into with the Water department and the Village Service Department in question for the installation of such water mains, services and fire plugs as deemed necessary or required in accordance with Village standards to properly serve the proposed allotment. The agreement shall state the work to be done, the portion to be financed by the developer, the charges to be made by the Water Department for is portion of the work and, if refunds are to be made, the terms for reimbursing the developer for the portion of the work financed by him or her.
- (c) Storm Drainage. Grading shall be done and drainage structures shall be installed to the extent and type as may be required by the Village Engineer and further regulated in Chapter 1359.
- (d) Gas and Electric Utilities.
- (1) All utilities should be place in the ground before any pavement is constructed in the proposed streets.
  - (2) Electric poles and lines should be placed at the rear of all lots where possible.

#### **1121.09 CONSTRUCTION STANDARDS AND SPECIFICATIONS.**

All construction in the Village shall be completed in accordance with the Sheffield Village Construction Specifications on file at the Village Hall.

#### **1121.10 ACCESS FOR HANDICAPPED.**

Wheelchair ramps on sidewalks along public streets, parking lots, and building entrances shall be constructed in accordance with the provisions of the Americans with Disabilities Act (ADA) of 1990.

#### **1121.11 MONUMENTS.**

A monument shall be accurately place at each corner, at changes in direction of the boundary at each street intersection, at points of curves of streets, at intermediate points and corners of lots and at other locations as may be required by the Village Engineer. The monuments shall be either concrete six inches by six inches by thirty inches long with an iron pin in the center, or metal monuments, as approved by the Village Engineer. The top of the monument shall be set at the finished grade upon the completion of the grading of the streets and the lots.

#### **1121.12 STREET TREES.**

All street trees shall be provided and placed outside of the street right-of-way. The selection and spacing of trees shall be in accordance with a street tree plan for the Village. Trees which have undesirable characteristics, such as excessively thick foliage, low branches, unpleasant odors, susceptibility to disease or attack by insects or large root systems, such as poplar, willow, cottonwood, American elm, nut and fruit trees, ailanthus, mountain ash and Oregon maple, shall be prohibited within twenty-five feet of a public sewer. Poplar, willow and cottonwood trees, if planted on private property in the Village, shall be located not less than 100 feet from any public sewer.

**1121.13 MODIFICATIONS APPROVED BY PLANNING COMMISSION.**

The Planning Commission may approve modifications in the standards set forth in this Chapter that are related to the design of a subdivision but not including standards and regulations set forth in the district regulations or in the construction specifications adopted by Council. In reviewing any request for a modification, the Planning Commission shall consider the factors for variances set forth in Section 1109.07(c).

**1121.14 PUBLIC PARK AND OPEN SPACE LAND.**

(EDITOR'S NOTE: Former Section 1121.14 was repealed by Ordinance 1852, passed December 10, 2001.)

**TITLE FIVE - ZONING**

- Chap. 1133. Districts Established; Zoning Map.
- Chap. 1137. Residential Districts.
- Chap. 1141. Recreation Camp District
- Chap. 1145. Commercial Districts.
- Chap. 1149. Industrial Districts.
- Chap. 1153. Conditional Use Regulations.
- Chap. 1157. Planned Unit Development Regulations.
- Chap. 1161. Off-Street Parking Regulations.
- Chap. 1163. Regulation of Unattended Collection Bins.
- Chap. 1165. Sign Regulations.
- Chap. 1169. Floodplain Overlay District
- Chap. 1175. Nonconforming Regulations.
- Chap. 1177. Supplemental Regulations.

**CHAPTER 1133  
Districts Established**

- |  |  |
|--|--|
| <p><b>1133.01 Establishment of Districts.</b></p> <p><b>1133.02 Type of Districts.</b></p> <p><b>1133.03 Zoning Districts Map.</b></p> | <p><b>1133.04 Interpretation of District boundaries.</b></p> |
|--|--|

**CROSS REFERENCES**

- Division of municipal corporations into districts - see Ohio R.C. 713.06
- Amendments - see P. & Z. Ch. 1111
- Table of zoning map changes - see PRELIM. Table I

**1133.01 ESTABLISHMENT OF DISTRICTS.**

For the purpose of promoting the public health, safety, morals, convenience, and the general welfare of the community, the Municipality is hereby divided into districts, as enumerated in Section 1133.02, each being of such number, shape, kind and area and of such common unity of purpose and adaptability of use that are deemed most suitable to carry out the purposes of the Planning and Zoning Code.

**1133.02 TYPE OF DISTRICTS.**

- R-1 Residence District
- R-2 Residence District
- M-1 Multiple Family Residence District
- R-C Recreation Camp Ground District
- C-1 Commercial Recreation District
- C-2 Limited Retail/Office District
- C-3 General Commercial District
- C-4 Multiple Family/Office District
- I.P.-1 Industrial Park District
- I-1 Industrial District

**1133.03 ZONING DISTRICTS MAP.**

Those districts established in Section 1133.02 are bounded and defined as shown on a map entitled "Zoning District Map of Sheffield Village, Ohio". Such map with all the notations, references and other pertinent material shown thereon, is hereby incorporated by reference and declared to be a part of the Code, thereby having the same force and effect as if fully described in writing.

**1133.04 INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- (a) Where Boundaries Approximately Follow Streets, Alleys or Highways. Where district boundaries are indicated as approximately following the center line or street line of streets, the center line or alley line of alleys, or the center line or right-of-way lines of highways, such lines shall be construed to be such district boundaries.
- (b) Where Boundaries Parallel Street Lines, Alley Lines or Highway Right-of-Way Lines. Where district boundaries are so indicated that they are approximately parallel to the center line or street line of streets, the center line or alley line of alleys, or the center line or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Map.
- (c) Where Boundaries Approximately Follow Lot Lines. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- (d) Vacation of Public Ways. Whenever any street, alley or other public way is vacated in a manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.
- (e) Resolving Disputes. All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

**CHAPTER 1137**  
**Residential District Regulations**

<p><b>1137.01 Purpose.</b></p> <p><b>1137.02 Permitted uses.</b></p> <p><b>1137.03 Lot regulations.</b></p> <p><b>1137.04 Minimum required building setback for principal uses.</b></p> <p><b>1137.05 Height regulations.</b></p> <p><b>1137.06 Accessory use and outbuilding regulations for single family dwellings.</b></p>	<p><b>1137.07 Accessory use regulations for multiple family dwellings.</b></p> <p><b>1137.08 Home occupation regulations.</b></p> <p><b>1137.09 Landscaping and screening requirements for multiple family dwellings.</b></p> <p><b>1137.10 Tap-in fees and metering.</b></p> <p><b>1137.11 Landscaping requirements for single-family dwellings.</b></p> <p><b>1137.12 Subdivision entrances.</b></p>
--	--

**CROSS REFERENCES**

Conditional uses - see P. & Z. Ch. 1153

Signs - see P. & Z. 1165.05 et seq.

Front yards on partially built up blocks - see P. & Z. 1177.01

Antennas - see P. & Z. 1177.06

**1137.01 PURPOSE.**

Sheffield Village is comprised of a significant amount of vacant land and detached, owner-occupied single-family dwellings. While single-family residences require high standards for use and location of principal and accessory buildings if the residential areas are to be maintained and remain high quality places in which to live, flexibility is required in the regulations in order to provide opportunities for diversity in dwelling type as well as to preserve open space. Residential district regulations are established to carry out the above purpose and the basic planning objectives stated in Section 1103 and to achieve the specific objectives below:

(Ord. 1552. Passed 4-13-98.)

- (a) Single Family Residence District (R-1). Provide areas in the Village for low density single-family development with a minimum lot size of 45,000 sq. ft. and in compliance with the provisions set forth in Schedule 1137.03 herein, primarily located in the northwest part of the Village; and also including Metropark land throughout the Village. This district also permits as a conditional use clustered single-family dwellings in Planned Unit Developments (P.U.D.); (Ord. 1963. Passed 4-12-04.)
- (b) Single Family Residence District (R-2). Provide areas for medium density single-family development with a minimum lot size of 15,000 sq. ft., primarily located in subdivided and partially developed portions of the Village. This district also permits, as a conditional use, various single family arrangements in P.U.D.'s; and
- (c) Multiple Family Residence District (M-1). Provide areas for multiple family dwellings up to a maximum of 6 units/acre.

**1137.02 PERMITTED USES.**

In the R-1, R-2, and M-1 Residence Districts, land and structures shall be used or occupied, and structures shall be erected, reconstructed, enlarged, moved or structurally altered, only for a principal use specified for such district in Section 1137.02(a), a conditional use in accordance with Section 1137.02(b), or an accessory use to a permitted principal or conditional use in accordance with Section 1137.02(c).

- (a) Principal Uses. The principal uses enumerated in Schedule 1137.02 denoted with a P, are permitted by right in the district indicated, provided that all the requirements of other Village ordinances and this Code have been met.
- (b) Conditional Uses. The categories of conditional uses enumerated in Schedule 1137.02 denoted with a C, may (together with their accessory uses) be permitted in the district indicated, provided that all the requirements of other Village ordinances and this Code have been met.
- (c) Accessory Uses. The accessory uses in Schedule 1137.06, denoted with an A are permitted in any Single-Family Residential District, unless indicated otherwise below, when such accessory use is associated with, subordinate to, and located on the same zoning lot as the principal use. Such uses shall comply with the supplemental requirements noted.

**Schedule 1137.02  
Permitted Uses In Residential Districts**

PERMITTED USES	R-1	R-2	M-1
<b>A. RESIDENTIAL</b>			
1. Single family dwellings	P	P	
2. Multiple family dwellings			P
3. Planned unit developments	C	C	
4. Senior citizen housing			C
<b>B. INSTITUTIONAL/OTHER</b>			
1. Child day care center	C	C	C
2. Schools; Place of worship	C	C	
3. Library, Museum	C	C	
4. Park, playground or athletic field	C	C	
5. Country club or golf course	C	C	
6. Truck gardening, farming	P	P	
7. Commercial Greenhouse or Nursery	C	C	
8. Hospital	C	C	
9. Public safety facilities	C	C	
10. Nursing home; Assisted living facilities	C	C	
11. Public utility transmission and distribution station	C	C	C
P Permitted Use C Conditionally Permitted Use A Permitted Accessory Use (a) Type A refers to the care of 7-12 children under six years of age and Type B refers to the care of 1-6 children under six years of age.			



PERMITTED USES	R-1	R-2	M-1
12. Cemetery	C	C	
13. Parking of recreational campers and trailers			
ACCESSORY USES			
1. Home Occupations in accordance with Section 1137.07	A	A	A
2. Renting of Rooms or Serving meals for compensation, to not more than 4 persons	A	A	A
3. Private garages and off-street parking areas in accordance with Chapter 1161	A	A	A
4. Signs in accordance with Chapter 1165	A	A	A
5. Child Day Care Home (Type A&B) <sup>(a)</sup>	A	A	A
6. Adult Day Care Home	A	A	A
7. Swimming pools	A	A	A
8. Satellite dish receiving antennas	A	A	A
9. Fences in accordance with Section 1137.06	A	A	A
P Permitted Use C Conditionally Permitted Use A Permitted Accessory Use (a) Type A refers to the care of 7-12 children under six years of age and Type B refers to the care of 1-6 children under six years of age.			

### 1137.03 LOT REGULATIONS.

The minimum lot area, width and depth for single-family dwellings is specified in Schedule 1137.03.

#### Schedule 1137.03 Lot Regulations

	R-1	R-2	M-1
A. Minimum Lot Area	45,000 sq. ft.	15,000 sq. ft.	10 acres <sup>(a)</sup>
B. Minimum Lot Width at the Front Setback			
1. Abbe Rd., Colorado, E. River Rd. and S.R. 254	150	125	150
2. All Other Streets	150	100	150
C. Minimum Lot Depth	300	150	
D. Minimum Corner Lot Width	300	170	200

<sup>(a)</sup> This minimum project size would also apply to multi-family developments in the Limited Retail/Office District and the Multi-Family/Office District

(Ord. 1963. Passed 4-12-04.)

**1137.04 MINIMUM REQUIRED BUILDING SETBACK FOR PRINCIPAL USES.**

Principal uses shall be located no closer to the front, side or rear property lines as specified in Schedule 1137.04. All portions of the lot not covered by the principal use, or as otherwise permitted in this Chapter, shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which shall be adequately maintained so as to assure absorption of rainfall and to prevent erosion from rapid runoff of surface water.

**Schedule 1137.04  
Minimum Building Setback (Residence) (in feet)**

	R-1	R-2	M-1
<b>A. Front Building Setback</b>			
1. Lots fronting on Abbe Rd., Colorado Ave., E. River Rd. and S.R. 254	100, from the right of way	100	150
2. Lots fronting on Lake Breeze and Harris	100, from the right of way	75	150
3. Corner lots <sup>(a)</sup>	300		
4. All other lots <sup>(b)</sup>	100, from the right of way	50	150
<b>B. Side Building Setback</b>			
	25	10	10
<b>C. Rear Building Setback</b>			
	25	25	40

(a) Front setbacks for corner lots would apply with respect to each street on which the lot has frontage.
(b) Principal buildings fronting on primary or secondary streets shall conform to the front building setback.

(Ord. 1963. Passed 4-12-04.)

**1137.05 HEIGHT REGULATIONS.**

In single family districts, the height of any principal building shall not exceed 35 feet, except as regulated in 1177.02. The height of any permitted outbuilding or structure shall not exceed 20 feet. (Ord. 1781. Passed 10-23-00.)

**1137.06 ACCESSORY USE AND OUTBUILDING REGULATIONS FOR SINGLE FAMILY DWELLINGS.**

Accessory uses and outbuilding uses and structures permitted in R-1 or R-2 Districts shall conform to the location, coverage and height regulations contained in this Section. Attached garages as part of a dwelling are subject to the principal building setback requirements contained in Section 1137.04.

- (a) Required Location and Setback for Accessory Uses and Outbuildings. An accessory use, outbuilding or structure permitted in an R-1 or R-2 District shall be located in the yard specified; and no closer to the front, side or rear property lines than the distance set forth in Schedule 1137.06 (a).

**Schedule 1137.06 (a)**

Permitted Use, Structure or Building	Yard in Which Permitted	Distance from property line (in feet):			
		R-1		R-2	
		Side	Rear	Side	Rear
A. Any outbuilding	Rear	10(a)	10(a)	10(a)	10(a)
B. Swimming Pool	Rear	10	10	10	10
C. Paved Surfaces including driveways	Front, Side, Rear	5	5	5	5
D. Fence	Front, Side, Rear	0 <sup>(b)</sup>	0 <sup>(b)</sup>	0 <sup>(b)</sup>	0 <sup>(b)</sup>

(a) See 1137.06(c).

(b) See 1137.06(f) for fence regulations.

(Ord. 1963. Passed 4-12-04.)

- (b) **Number and Area of Outbuildings.** Each dwelling shall be permitted to have the maximum number of outbuildings as set forth in Schedule 1137.06(b). All outbuildings shall only be permitted in the rear yard, except that outbuildings shall be permitted in the side yard when located at least 10 feet from the side property line. The total square footage of an outbuilding shall conform to Schedule 1137.06(b) of the Codified Ordinances of the Village of Sheffield.

**Schedule 1137.06(b)**

Lot Size	Number of Outbuildings	Size of Outbuildings Total Square Feet	Sidewall Height
subdivision			
100 x 150 +	1	250	8'
100 x 400 +	1	600	10'
1 acre +	1	800	10'
2 acre +	1	800	10'
non-subdivision			
Up to 1 acre +	1	600	N/A
1 acre +	1	800	N/A
2 acre +	2	1200	N/A
3 acre +	2	1600	N/A
4 acre +	3	1800	N/A
5 acre +	unrestricted	unrestricted	N/A

- (c) Minimum Setback Required for Outbuildings. Any outbuilding shall be set back from the side or rear property line a minimum distance equal to the length of the wall adjacent to the side or rear property line provided that any such outbuilding is set back a minimum of 10 feet.
- (d) Number, Size and Sidewall Height of Outbuildings. In any Residential District the number, size and sidewall height of all outbuildings shall conform to the requirements set forth in Schedule 1137.06(b) as set forth above. Such outbuilding shall be located no less than 150 feet from a public right of way.
- (e) Maximum Coverage of Rear Yard. The maximum area of the rear yard that may be covered by outbuildings, accessory structures and paving shall be 35%. For the purposes of determining coverage areas of the rear yard by an accessory structure, an accessory structure shall be defined as any horizontal surface which is placed on or above the ground but excludes incidental structural supports, portable equipment, fence posts, garden lights and other similar items. (Ord. 1781. Passed 10-23-00.)
- (f) Fence Regulations Fences in Single-Family Residential Districts shall be no closer than 2 feet to any right-of-way. The maximum height of fences in Single-Family Residential Districts shall comply with the regulations set forth in Schedule 1137.06 (f). For the purposes of these regulations, the height of the fence shall be measured from the natural contour of the ground under the fence.

**Schedule 1137.06 (f)**

Type of Fence	Yard in Which Permitted	Maximum Height Permitted
Open (Other than a chain link)	Front	3 ft.
	Side	6 ft.
	Rear	6 ft.
Chain Link	Rear	4 ft.
	Side	4 ft.
Solid	Rear	6 ft.
	Side	6 ft.

For the purpose of these regulations, an open fence shall be any fence intended for decorative purposes having at least 75 percent of its vertical surface area open. Solid fences shall be placed so that the “finished” side, as determined by the Zoning Administrator, is facing the adjacent property.

- (g) Swimming Pools. Any constructed pool which is used or intended to be used as a swimming pool in connection with a single-family dwelling and is available only to the families of the householders and their private guests shall be classified as a private swimming pool and shall be regulated by this subsection. Swimming pools shall comply with the current Sheffield Village Building Code and shall be subject to the following regulations:
  - (1) A swimming pool may be used only for private recreational purposes by residents of a dwelling to which it is accessory, and their guests, and shall not in any way be operated for profit.

- (2) A swimming pool not exceeding 54 inches in height may be located in a rear yard in accordance with the setback requirements set forth in Schedule 1137.06(a).
- (3) Usual and customary pool equipment and accessories (such as a pool deck, a diving board or a filtration house) not exceeding five feet in height may be located in the rear yard, but shall be no closer than three feet to any property line.
- (4) All swimming pool construction and operation shall be in accordance with standards and regulations established by the Board of Health having jurisdiction within the Village, the Building Code and any other governmental regulations governing the construction and operation of such facilities.
- (5) A building permit shall be obtained from the Building Department before construction of a swimming pool is begun.
- (6) Lighting shall be shaded so as not to be a disturbance to adjacent properties.

#### **1137.07 ACCESSORY USE REGULATIONS FOR MULTIPLE FAMILY DWELLINGS.**

Outbuildings and structures shall comply with the following regulations.

- (a) Outbuildings. Outbuildings shall comply with the development standards established for principal buildings and uses in Section 1137.04. (Ord. 1781. Passed 10-23-00.)
- (b) Fences. Any proposed fence shall be approved as part of Site Plan Review in accordance with 1109.03. However, when a fence is proposed at a separate time from when a site plan is reviewed for any development for new construction, additions or site renovation, fences may be approved administratively by the Zoning Administrator when the Zoning Administrator determines that the proposal:
  - (1) Is compatible with the current site development if there is no approved plan; and
  - (2) Will have a minimum impact to the surrounding areas.
- (c) Accessory Structures. Accessory structures including dumpsters shall be located in the rear yard, setback from a side and rear lot line a minimum of 10 feet, except that such dumpster shall be set back a minimum of 25 feet when adjacent to a Single Family Residential District. Accessory structures, including mechanical equipment, which are located on the roof of a building shall either be located in a manner that such structure is not visible from the front lot line or shall be enclosed in a structure that matches the materials of the building or shall be covered or painted to blend with the building.

#### **1137.08 HOME OCCUPATION REGULATIONS.**

The purpose of this section is to set forth regulations which control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and does not in any manner whatsoever disrupt or alter the residential character of the neighborhood in which it is located. Compliance with the regulations contained in Sections 1137.08(a) through 1137.08(j) should result in all home occupations being located and conducted in such a manner that their existence is not detectable in any manner from the outside of the dwelling unit.

- (a) The home occupation shall be clearly incidental and secondary in importance to the use of the dwelling for dwelling purposes.
- (b) Any on-site business related in any manner to the home occupation shall be conducted by occupants of the dwelling unit. One additional employee shall be permitted to be employed on the premise.

- (c) The business activity, including the storage of equipment, supplies or any apparatus used in the home occupation shall be conducted entirely within the dwelling unit and no use of a garage, an accessory building or an outdoor area shall be permitted.
- (d) A home occupation may be conducted in any area of the dwelling including the basement provided such home occupation shall occupy no more than one room in the dwelling unit or an area equal to 20% of the area of the main floor of the dwelling unit, whichever is greater. The area of an attached garage shall not be included when calculating the area of the main floor of the dwelling unit.
- (e) Any activity, material, goods, or equipment indicative of the proposed use shall be carried on, utilized or stored within the dwelling unit and shall not be visible from any public way or adjacent property.
- (f) The business activity shall not create a nuisance by reason of generating any noise, odor, dust, vibrations, fumes, smoke, electromagnetic interference or truck or delivery vehicle traffic which would depreciate or change the residential character of the neighborhood in which the proposed use is located.
- (g) There shall not be any sign or change in the outside appearance of the building or premises, or other visible exterior change related to the home occupation.
- (h) The business activity shall not constitute a fire hazard endangering the site of the home occupation and adjoining property sites. There shall be no storage of hazardous, combustible or flammable matter, accumulation of rubbish or waste paper, and storage of cartons and/or boxes situated in a manner that would endanger life or property in case of an actual fire.
- (i) The business activity shall not cause an increase in the use of any one or more public utilities (water, sewer, electric, sanitation, etc.) so that the combined use of the residence and home occupation does not exceed the average use for residences in the neighborhood of the proposed use.
- (j) The number of automobiles or trucks attracted to the premise shall not be greater than that which is normally associated with residential uses including normal fluctuations in level of residential activities.

#### **1137.09 LANDSCAPING AND SCREENING REQUIREMENTS FOR MULTIPLE FAMILY DWELLINGS.**

Landscape buffers and visual screening shall be provided on each lot in compliance with Section 1177.05 in order to reduce the impact between incompatible uses or zones to break up and lessen the impact of large parking areas, to provide interest and lessen the monotony of the streetscape, to obscure the view of accessory uses and to provide protection from soil erosion.

#### **1137.10 TAP-IN FEES AND METERING.**

A tap-in fee for water and sewers must be separately paid for each dwelling unit, and each dwelling unit shall be separately metered and billed.

#### **1137.11 LANDSCAPING REQUIREMENTS FOR SINGLE FAMILY DWELLINGS.**

Grading and seeding on all single family residential lots must be completed within six (6) months of occupancy of the residence and/or completion of construction of the house, whichever is earlier. Failure to complete grading and seeding of lots as herein required, may subject the contractor or owner to a penalty of \$100.00 per day for each working day over the allotted 1 year time allowance. (Ord. 1783. Passed 10-9-00.)

**1137.12 SUBDIVISION ENTRANCES.**

Each main subdivision entrance shall be a minimum of 150 feet wide. Each main subdivision entrance shall have landscaping running for a depth of 100 feet from the right of way (exclusive of retention basins) on each side of the street, after which the first lot(s) in the subdivision may be placed.

(Ord. 1963. Passed 4-12-04.)





**CHAPTER 1141  
Recreation Campground District Regulations**

- |   |   |
|---|---|
| <p><b>1141.01 Purpose.</b></p> <p><b>1141.02 Permitted uses.</b></p> <p><b>1141.03 Minimum area required for a campgrounds and maximum number of campsites per acre.</b></p> <p><b>1141.04 Minimum required setbacks for principal uses.</b></p> <p><b>1141.05 Maximum slope of a campsite permitted.</b></p> <p><b>1141.06 Height regulations.</b></p> | <p><b>1141.07 Supplemental regulations for recreation campgrounds.</b></p> <p><b>1141.08 Maximum occupancy term permitted and registration of vehicles.</b></p> <p><b>1141.09 Water supply and sanitary facility requirements.</b></p> <p><b>1141.10 Recreational vehicle defined.</b></p> <p><b>1141.11 Site plan review required.</b></p> |
|---|---|

**1141.01 PURPOSE.**

To provide an area which accommodates temporary occupancy for recreational purposes including cabins, tents and recreational vehicles.

**1141.02 PERMITTED USES.**

Campgrounds including the temporary parking of recreational vehicles of up to 32 feet in length shall be the principal permitted use. Accessory uses shall include outdoor recreational facilities, pavilions, and sanitary facilities.

**1141.03 MINIMUM AREA REQUIRED FOR CAMPGROUND AND MAXIMUM NUMBER OF CAMPSITES PER ACRE.**

The minimum area required for a campground shall be 10 acres and the maximum number of campsites permitted per acre shall be six (6).

**1141.04 MINIMUM REQUIRED SETBACKS FOR PRINCIPAL USES.**

All buildings, structures and recreational vehicles shall be located a minimum of 1,700 feet from any street right-of-way and shall be located no closer than 200 feet from any side or rear property lines.

**1141.05 MAXIMUM SLOPE OF A CAMPSITE PERMITTED.**

No campsite shall be located on land having a slope which exceeds a 20% slope shall be permitted.

**1141.06 HEIGHT REGULATIONS.**

The height of any structure shall not exceed 20 feet.

**1141.07 SUPPLEMENTAL REGULATIONS FOR RECREATION CAMPGROUNDS.**

- (a) The minimum shall be provided for each campsite:
- (1) Adequate garbage and rubbish container with a tightly fitting lid which shall be collected a minimum of once a week.
  - (2) Adequate fire extinguishing equipment as determined by the Fire Department.
  - (3) A minimum of one (1) picnic table and one (1) fireplace.
- (b) At a minimum, all access drives shall be 18 feet in width and shall be surfaced with gravel or equal in order to avoid muddy and/or dusty surface in all weather conditions.
- (c) All swimming pool construction and operation shall be in accordance with standards and regulations established by the Board of Health having jurisdiction within the Village, the Building Code and any other governmental regulations governing the construction and operation of such facilities.
- (d) Outdoor lighting shall be directed away from adjacent property in order to prevent glare.
- (e) All lights except those necessary for security purposes shall be shut off by 12:00 midnight.
- (f) All campground operators shall keep a log of all campers' names, permanent addresses, campsites, and dates of arrival and departure.

**1141.08 MAXIMUM OCCUPANCY TERM AND REGISTRATION OF VEHICLES.**

- (a) Recreational vehicles shall be permitted to remain no more than seven (7) months in a year.
- (b) All recreational vehicles shall be properly registered and shall have displayed a current vehicle license.

**1141.09 WATER SUPPLY AND SANITARY FACILITY REQUIREMENTS.**

- (a) Water supply requirements. A minimum of five (5) gallons per camper per day shall be provided. For the following facilities, the minimum shall be provided:
- (1) For every flush toilet, twenty-five (25) gallons per camper per day;
  - (2) For every shower with a flush toilet, forty (40) gallons per camper per day;
  - (3) The emergency storage capacity of the water reservoir or tank shall provide for double the expected daily use.

Drinking water shall be located no more than 300 feet from a camper unit.

(b) Sanitary facility requirements. All recreation campground sewerage facilities shall comply with the Lorain County Board of Health regulations and shall be approved by the Lorain County Board of Health.

**1141.10 RECREATIONAL VEHICLE DEFINED.**

A recreational vehicle is defined as a portable structure built on a chassis or designed to be mounted on or drawn by a motor vehicle, and intended to be used for temporary occupancy for travel, recreational or vacation use.

**1141.11 SITE PLAN REVIEW REQUIRED.**

Any proposed campground shall require the submission and approval of a site plan pursuant to Section 1109.04.



**Chapter 1145  
Commercial Districts**

<b>1145.01 Purpose.</b>	<b>1145.05 Maximum building height.</b>
<b>1145.02 Permitted uses.</b>	<b>1145.06 Accessory use regulations.</b>
<b>1145.03 Lot regulations.</b>	<b>1145.07 Landscaping and screening requirements.</b>
<b>1145.04 Minimum building and parking setback.</b>	<b>1145.08 Site plan review required.</b>

**CROSS REFERENCES**

Conditional uses - see P. & Z. Ch. 1153

Off-street parking - see P. & Z. Ch. 1161

Sign regulations - see P. & Z. Ch. 1165

**1145.01 PURPOSE.**

The Commercial district regulations are established to ensure the availability of suitable areas for various commercial uses while encouraging the most desirable and beneficial use of land and protecting the character and value of residential property in the Village of Sheffield.

- (a) Commercial Recreation (C-1) Provide an area which permits, as of right, swimming clubs and meeting facilities and conditionally permits limited recreation and office uses.
- (b) Limited Retail/Office District (C-2) Provide areas for a limited number of retail and office uses on primarily large parcels while excluding outdoor storage and automotive uses.
- (c) General Commercial District (C-3) Provide areas to accommodate a wide range of commercial uses including outdoor storage as a conditional use in a manner that does not intrude upon residential areas.
- (d) Multiple Family/Office District (C-4) Provide areas for larger multiple family development of 10 acres or more and office developments in order to serve as a transition between the general commercial and single family districts.

**1145.02 PERMITTED USES.**

(a) The uses described in this Section do not include or allow cultivation, processing or dispensing of medical marijuana.  
(Ord. 2544. Passed 12-12-16.)

(b) In the C-1, C-2, C-3, and C-4 Commercial Districts, land and structures shall be used or occupied, and structures shall be erected, reconstructed, enlarged, moved or structurally altered, only for a principal use specified for such District in Section 1145.02(a), a conditional use in accordance with Section 1145.02(b), or an accessory use to a permitted principal or conditional use in accordance with Section 1145.02(c).

- (a) **Principal Uses.** The principal uses enumerated in Schedule 1145.02 denoted with a “P”, are permitted by right in the district indicated provided that all requirements of other Village ordinances and this Code have been met.
- (b) **Conditional Uses.** The categories of conditional uses enumerated in Schedule 1145.02 denoted with a “C”, may be permitted in the district indicated, provided they conform to the conditions, standards and requirements of Chapter 1153 and are approved for a particular zoning lot in accordance with the administrative procedures in Section 1109.04.
- (c) **Accessory Uses.** The accessory uses, buildings and structures enumerated in Schedule 1145.02 denoted with an “A”, may be permitted in association with and subordinate to a permitted principal or conditional use in the district indicated provided they conform to the regulations in Section 1145.06.

**Schedule 1145.02  
Permitted Uses In  
Commercial Districts**

<b>PERMITTED USES</b>	<b>Commercial Recreation C-1</b>	<b>Limited Retail/Office C-2</b>	<b>General Commercial C-3</b>	<b>Multiple Family/Office C-4</b>
<b>RESIDENTIAL</b>				
1. Single Family Dwellings	P			
2. Multiple Family Dwellings		€		P
3. Nursing Homes, Assisted Living Facilities		C		C
4. Senior Citizen Housing		C		C
<b>PROFESSIONAL/MEDICAL</b>				
1. Administrative, Business Professional and Medical Offices	C	P	P	P
2. Funeral Homes		P	P	P
3. Hospitals		C	P	C
4. Urgent Care Clinics		C	P	C
5. Veterinary Hospitals			P	
6. Ambulance and Emergency Medical Services			P	

P	Permitted Use
C	Conditionally Permitted Use
A	Permitted Accessory Use

<b>PERMITTED USES</b>	<b>Commercial Recreation C-1</b>	<b>Limited Retail/Office C-2</b>	<b>G e n e r a l Commercial C-3</b>	<b>Multiple Family/Office C-4</b>
<b>RETAIL/SERVICE</b>				
1. Retail Establishments in Wholly Enclosed Buildings		P	P	
2. Personal Services (e.g. hair care dry cleaner, shoe repair, self-service laundry)		P	P	
3. Other Services (e.g. small appliance repair, electronics)		C	P	
4. Financial Establishment		P	P	
5. Automatic Teller Machines		C	C	
6. Restaurant		P	P	
7. Bar, Tavern, Night Club			P	
8. Outdoor Display for Retail Sale			C	
9. Outdoor Storage of Materials			C	
10. Drive Through Facilities		C	C	
11. Hotels / Motels			P	
<b>INSTITUTIONAL/OTHER</b>				
1. Schools, Places of Worship		C	P	
2. Museums, Libraries		P	P	P
3. Child Day Care Centers	C	C	C	C
4. Public Utility Transmission and Distribution Stations		C	C	C
5. Public Safety Facilities		C	C	C
6. Public Service and Maintenance Facilities			C	
<b>ENTERTAINMENT/RECREATION</b>				
1. Swim Club	P	C	P	C
2. Indoor Commercial Recreation Bowling Alley, Skating Rink, Sports/Fitness Club etc.	P	C	P	
3. Movie Theater			P	
4. Assembly Hall, Meeting Place	C	C	C	
5. Outdoor Commercial Recreation	C		C	
6. Internet Gaming/Sweepstakes Café*		P	P	
P Permitted Use C Conditionally Permitted Use A Permitted Accessory Use * Please see Chapter 757 of the Sheffield Revised Code regarding regulations for licensing, opening and operation of internet gaming/sweepstakes cafes.				

PERMITTED USES	Commercial Recreation C-1	Limited Retail/Office C-2	General Commercial C-3	Multiple Family/Office C-4
<b>AUTOMOTIVE</b>				
1. Automobile Sales/Rental		C	P	
2. Truck Sales/Rental			C	
3. Automobile Service Station (minor repair)			P	
4. Repair Garage			P	
5. Car Wash			P	
<b>ACCESSORY USES</b>				
1. Off-Street Parking and Loading Facilities	A	A	A	A
2. Signs	A	A	A	A
3. Accessory Buildings	A	A	A	A
4. Retail Services including Restaurants within the same Building as the permitted or conditionally permitted use.	A			
5. Fences	A	A	A	A
6. Outdoor Storage of Fleet Vehicles Used in the Operation of a Principal Use			A	
P Permitted Use C Conditionally Permitted Use A Permitted Accessory Use				

(Ord. 1552. Passed 4-13-98; Ord. 1718. Passed 9-27-99; Ord. 2271. Passed 4-11-11.)

**1145.03 LOT REGULATIONS.**

The minimum lot width and depth requirements for Commercial Districts are specified in Schedule 1145.03.

**Schedule 1145.03**

**Lot Area and Width Requirements for Commercial Districts**

<b>A. Minimum Lot Area</b>	
1. Abbe Road, Colorado Ave. and S.R. 254, E. River Rd.	30,000 square feet
2. All Other Streets	20,000 square feet
<b>B. Minimum Lot Width</b>	
1. Abbe Road, Colorado Ave. and S.R. 254, E. River Rd.	150 feet
2. All Other Streets	100 feet



**1145.04 MINIMUM BUILDING AND PARKING SETBACK.**

The minimum required setbacks for buildings and parking areas are specified in Schedule 1145.04.

**Schedule 1145.04  
Minimum Required Building and Parking Setback  
for Commercial Districts  
(in feet)**

A. FRONT BUILDING SETBACK	50
B. SIDE AND REAR BUILDING SETBACK	
1. Adjacent to Residential District	50
2. Adjacent to Non-residential District	20
C. FRONT PARKING SETBACK	20
E. SIDE/REAR PARKING SETBACK	
1. Adjacent to Residential District	25
2. Adjacent to Non-residential District	5

**1145.05 MAXIMUM BUILDING HEIGHT.**

The maximum height for any building in a Commercial District shall be 45 feet. Incidental structures such as chimneys or towers may be erected to a height approved by the Planning Commission.

**1145.06 ACCESSORY USE REGULATIONS.**

Accessory buildings and structures shall comply with the following regulations:

- (a) Accessory Buildings. Accessory buildings shall comply with the development standards established for principal buildings and uses in Section 1145.04.
- (b) Fences.
  - (1) No fence shall be in any way electrified nor shall be topped with any sharp edged materials.
  - (2) No fence shall exceed six (6) feet in height in any rear or side yard, or exceed 3 feet in height in any front yard.
  - (3) Any proposed fence shall be approved as part of Site Plan Review in accordance with Section 1109.03. However, when a fence is proposed at a separate time from when a site plan is reviewed for any development for new construction, additions or site renovation, fences may be approved administratively by the Zoning Administrator when the Zoning Administrator determines that the proposal:

- A. Complies with subsections (1) and (2) above;
  - B. Is consistent with any previously approved plan for the site;
  - C. Is compatible with the current site development if there is no approved plan; and
  - D. Will have a minimum impact to the surrounding areas.
- (c) Accessory Structures. Accessory structures including dumpsters shall be located in the rear yard, setback from a side and rear lot line a minimum of 10 feet, except when adjacent to a Residential District, then such structures shall be setback 25 feet. Accessory structures, including mechanical equipment, which are located on the roof of a building shall either be located in a manner that such structure is not visible from the front lot line or shall be enclosed in a structure that matches the materials of the building or shall be covered or painted to blend with the building.

#### **1145.07 LANDSCAPING AND SCREENING REQUIREMENTS.**

Landscape buffers and visual screening shall be provided on each lot in compliance with Section 1177.05 in order to reduce the impact between incompatible uses or zones to break up and lessen the impact of large parking areas, to provide interest and lessen the monotony of the streetscape, to obscure the view of accessory uses and to provide protection from soil erosion.

#### **1145.08 SITE PLAN REVIEW REQUIRED.**

Any new construction of a permitted principal, conditional or accessory use or any existing or previously approved development that proposes to expand the floor area, or change the use of the land or building, and which requires a modification in the amount of parking or the site's circulation shall require the submission and approval of a site plan pursuant to Section 1109.03.

**CHAPTER 1149**  
**Industrial District**

<b>1149.01 Purpose.</b>	<b>1149.05 Maximum building height.</b>
<b>1149.02 Permitted uses.</b>	<b>1149.06 Performance standards</b>
<b>1149.03 Lot regulations.</b>	<b>1149.07 Accessory use regulations.</b>
<b>1149.04 Minimum building and parking setback requirements.</b>	<b>1149.08 Landscaping and screening requirements.</b>
	<b>1149.09 Site plan review required.</b>

**CROSS REFERENCES**

Nuisance conditions - see GEN. OFF. Ch. 521

Adult regulations - see P. & Z. 1177.07

Environmental regulations - see P. & Z. 1177.09

**1149.01 PURPOSE.**

The industrial district regulations are established to provide for manufacturing, industrial and related uses and facilities within the community in conformance with specific standards and in a manner compatible with the primarily residential character of Sheffield. Two industrial districts have been established to meet the needs of the community.

- (a) Industrial Park (I.P.-1) Provide areas to encourage the grouping of professional, research and administrative uses, and the distribution and handling of goods and materials in a clean and non-intrusive manner while promoting the design of an appropriate Industrial Park environment considering the location of buildings, landscaping and circulation.
- (b) Industrial (I-1) Provide areas to accommodate general industrial uses including processing, fabrication, packaging, assembly and related functions. In order to accommodate such industrial uses, outdoor storage related to such uses is permitted.

**1149.02 PERMITTED USES.**

In the Industrial Park (I.P.-1) and Industrial (I-1) Districts, land and structures shall be used or occupied, and structures shall be erected, reconstructed, enlarged, moved or structurally altered, only for a principal use specified for such district in Section 1149.02(a), a conditional use in accordance with Section 1149.02(b), or an accessory use to a permitted principal or conditional use in accordance with Section 1149.02(c).

- (a) Principal Uses. The principal uses enumerated in Schedule 1149.02 denoted with a “P”, are permitted by right in the district indicated provided that all requirements of other Village ordinances and this Code have been met.
- (b) Conditional Uses. The categories of conditional uses enumerated in Schedule 1149.02 denoted with a “C”, may be permitted in the district indicated, provided they conform to the conditions, standards and requirements of Chapter 1153 and are approved for a particular zoning lot in accordance with the administrative procedures in Section 1109.04.
- (c) Accessory Uses. The accessory uses, buildings and structures enumerated in Schedule 1149.02 denoted with an “A”, may be permitted in association with and subordinate to a permitted principal or conditional use in the district indicated provided they conform to the regulations in 1149.07.

**Schedule 1149.02  
Permitted Uses in Industrial Districts**

Permitted Use	I.P.-1 Industrial Park	I-1 Industrial
<b>A. OFFICES</b>		
1. Administrative offices	P	P
2. Laboratories/Research Facilities	P	P
<b>B. BUSINESS SERVICES, EQUIPMENT SALES, SUPPLIES (when in completely enclosed buildings)</b>		
1. Sales and service of construction equipment, farm machinery, recreational vehicles and other large equipment	P	P
2. Carpet cleaning, dry cleaning, office supply, etc.	P	P
3. Wholesale Establishment	P	P
4. Vehicle, appliance and equipment repair services	P	P
5. Printing and publishing	P	P
<b>C. STORAGE/DISTRIBUTION (when in completely enclosed buildings)</b>		
1. Warehouse/Distribution facility	P	P
2. Construction trades/contractors facility	P	P
3. Storage and distribution of flammable gases in tanks above ground and flammable liquids below ground		P
4. Truck terminal		P
5. Metal salvage or junk storage (in a wholly enclosed building)		P

D.	MANUFACTURING/PACKAGING/ FABRICATION/ASSEMBLY (when in completely enclosed buildings)	I.P.-1 Industrial Park	I-1 Industrial
1.	Food and drink preparation, production and storage	P	P
2.	Fabrication and assembly operations	P	P
3.	Machine shop	P	P
4.	Light Industrial uses that meet the definition and comply with the performance standards	P	P
5.	Heavy industrial uses that meet the definition and comply with the performance standards		P
6.	Manufacture of products from raw materials		C
E. OTHER USES			
1.	Instructional or training facilities	P	P
2.	Animal hospitals/Kennels		P
3.	Public utility transmission and distribution stations	C	C
4.	Public service and maintenance facilities	C	P
5.	Public safety facilities	C	C
6.	Child day care center	C	C
7.	Auto Sales and Repair Garages		P
8.	Adult uses		C
9.	Wireless Communication Towers	C	C
10.	Indoor Commercial Recreation	C	C
F. OUTDOOR ACTIVITIES			
1.	General storage of materials accessory to a principal use which is in a principal building.		C
2.	Parking of fleet vehicles used in operation of principal use	C	P
3.	Sales, rental and leasing of vehicles, trucks and equipment		P
G. ACCESSORY BUILDINGS AND USES			
1.	Off-street parking and loading facilities	A	A
2.	Signs	A	A
3.	Accessory Buildings	A	A
4.	Employee Cafeterias	A	A
5.	Fences	A	A
6.	Medical Clinics, Cafeterias, Child Day Care and Recreational Facilities in association with a permitted use and located in the same building	A	A

(Ord. 1989. Passed 11-22-04.)

**1149.03 LOT REGULATIONS.**

The minimum lot width and depth requirements, minimum landscaping areas and maximum building height regulations for Industrial Districts are specified below.

**Schedule 1149.03  
Lot Area and Width Requirements**

	<b>I.P.-1 Industrial Park</b>	<b>I-1 Industrial</b>
A. MINIMUM LOT AREA	1 acre	1 acre
B. MINIMUM LOT WIDTH		
1. Abbe Rd., Colorado Ave. and E. River Rd.	200 feet	200 feet
2. All Other Streets	100 feet	100 feet

**1149.04 MINIMUM BUILDING AND PARKING SETBACK REQUIREMENTS.**

The minimum required setbacks for buildings and parking areas are specified in Schedule 1149.04.

**SCHEDULE 1149.04  
Minimum Required Building & Parking Setback  
(in feet)**

	<b>I.P.-1 Industrial Park</b>	<b>I-1 Industrial</b>
A. FRONT BUILDING SETBACK	60	60
B. SIDE AND REAR BUILDING SETBACK		
1. Adjacent to Residential District	100	100
2. Adjacent to Non-residential District	30	30
C. FRONT PARKING SETBACK	20	20
D. SIDE/REAR PARKING SETBACK		
1. Adjacent to Residential District	25	25
2. Adjacent to Non-residential District	15	15

**1149.05 MAXIMUM BUILDING HEIGHT.**

The maximum height for any building in an Industrial District shall be 45 feet. Incidental structures such as chimneys or towers may be erected to a height approved by the Planning Commission.

**1149.06 PERFORMANCE STANDARDS.**

Any use in a Industrial Park (I.P.-1) District or Industrial (I-1) District shall comply with the performance standards set forth hereinafter for the district in which such use or building is to be located as a precedence to occupancy and use. If any existing use or building is extended, enlarged or reconstructed, the performance standards for the district involved shall apply to such extended, enlarged or reconstructed part or parts of such building or use as a precedence to further use.

- (a) Dust and Smoke. Dust and other types of air pollution borne by the wind from sources such as parking areas, storage areas or yards shall be kept to a minimum by appropriate landscaping, paving, oiling, and other acceptable treatment.  
The emission of smoke, soot, fly ash, fumes and dust shall be controlled by precipitation devices, height of stack, rate of emission or other manner so that the quantity deposited at any Residential or Commercial District shall not be detrimental to or endanger the public safety, comfort, welfare or adversely affect property values.
- (b) Fire and Explosive Hazards.
  - (1) The storage, utilization and manufacture of materials, goods or products ranging from free to active burning is permitted, provided the materials or products shall be stored, utilized or produced within completely enclosed structures having incombustible exterior walls, and such structure shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association.
  - (2) Materials which produce flammable or explosive vapors or gases under ordinary weather temperatures shall not be permitted in Industrial Park and Industrial Districts except such materials as are used or required in emergency equipment or in secondary processes accessory to the main use.
- (c) Glare and Heat. Any operation which produces glare or heat contrary to the normal and expected conditions shall be performed so as not to create any hazards along the lot line in a Industrial Park District, and not create any hazards along the district boundary of an Industrial District.
- (d) Odorous Matter. The emission of odorous matter in such quantities as to produce a public nuisance or hazard shall not be detectable beyond the lot line in a Industrial Park District and beyond the district boundary line in an Industrial District.

- (e) Toxic or Noxious Matter. The discharge of toxic or noxious matter across the lot lines wherein such a use is located is prohibited for any period of time and in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property.
- (f) Noise. The sound pressure level of any individual operation or operations on a lot in any Industrial District, other than the operation of auto-calls, bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of the street traffic noise at the nearest Residential or Commercial District.
- (g) Vibration. Operations creating intense earth-shaking vibrations in the Industrial Park and Industrial Districts shall be set back from and controlled in such a manner as to prevent transmission of vibrations which would be perceptible without the aid of instruments at the lot line in a Industrial Park District or along the district boundary of an Industrial District.
- (h) Waste Materials. Liquid wastes shall not be discharged into an open reservoir, stream or other open public body of water or sewer unless treated or controlled so that the amount of solid substances oils, grease, acids, alkalines and other chemicals shall not exceed the amount permitted by other codes of the State or County.
- (i) Soil Removal. No mining, extracting, filling or soil-stripping operations shall be conducted in such a manner as to leave unsightly or dangerous excavations or soil banks, or in such a manner as to increase erosion.
- (j) Enforcement. Where determinations can be made by the Building Inspector or other authorized Village employee, using equipment normally available or obtainable without extraordinary expense, such determinations or evaluation shall be made whenever possible before a notice of violation is issued. Where technical complexity or extraordinary personnel or equipment is required to make the determination, the Planning Commission may, in the case of the offenses under this Section, require the owner to either obtain and pay for an independent survey or share in the cost of an independent survey from a professional engineer experienced in the particular specialty.

#### **1149.07 ACCESSORY USE REGULATIONS.**

Accessory buildings and structures shall comply with the following regulations:

- (a) Accessory Buildings. Accessory buildings shall comply with the development standards established for principal buildings and uses in Section 1149.04.
- (b) Fences.
  - (1) Fences may be topped with barbed wire placed on a 45 degree angle-arm away from the side of the fence that fronts a property or right-of-way line. Fences shall not be entirely comprised of barbed wire.
  - (2) No fence shall be in any way electrified nor shall be topped with any sharp edged materials, except as permitted in subsection (b)(1) above.



- (3) No fence shall exceed eight (8) feet in height in any side or rear yard and shall not exceed three (3) feet in any front yard.
- (4) Any proposed fence shall be approved as part of Site Plan Review in accordance with 1109.03. However, when a fence is proposed at a separate time from when a site plan is reviewed for any development for new construction, additions or site renovation, fences may be approved administratively by the Zoning Administrator when the Zoning Administrator determines that the proposal:
  - A. Complies with subsections (1) through (3) above;
  - B. Is consistent with any previously approved plan for the site;
  - C. Is compatible with the current site development if there is no approved plan; and
  - D. Will have a minimum impact to the surrounding areas.
- (c) Other Accessory Structures. All other accessory structures including dumpsters shall be located in the rear yard, set back from a side and rear lot line a minimum of 10 feet, except that the setback shall be 25 feet when adjacent to a Residential District. Accessory structures, including mechanical equipment, which are located on the roof of a building shall either be located in a manner so that the structure is not visible from the front lot line, or shall be enclosed in a structure that matches the materials of the building, or shall be covered or painted to blend with the building.

#### **1149.08 LANDSCAPING AND SCREENING REQUIREMENTS.**

Landscape buffers and visual screening shall be provided on each lot in compliance with Section 1177.05 in order to reduce the impact between incompatible uses or zones to break up and lessen the impact of large parking areas, to provide interest and lessen the monotony of the streetscape, to obscure the view of accessory uses and to provide protection from soil erosion.

#### **1149.09 SITE PLAN REVIEW REQUIRED.**

Any new construction of a permitted principal, conditional or accessory use or any existing or previously approved developments that proposes to expand the floor area, or change the use of the land or building, and which requires a modification in the amount of parking or the site's circulation shall require the submission and approval of a site plan pursuant to Section 1109.03.



**CHAPTER 1153**  
**Conditional Use Regulations**

- |  |  |
|--|--|
| <p><b>1153.01 Purposes.</b></p> <p><b>1153.02 General criteria for all conditional uses.</b></p> | <p><b>1153.03 Specific standards for conditional uses.</b></p> <p><b>1153.04 Supplemental regulations for specific uses.</b></p> |
|--|--|

**CROSS REFERENCES**

Conditional use defined - see P. & Z. 1105.02  
Conditional use approval - see P. & Z. 1109.04

**1153.01 PURPOSES.**

The function and characteristics of an increasing number of new kinds of land uses combined with conclusive experience regarding some of the older, familiar kinds of uses require a more flexible and equitable procedure for properly accommodating the activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude and location of such types of land use activities are many and varied, depending upon functional characteristics, competitive situations, and the availability of land. Rather than assign all uses to special, individual and limited zoning districts, it is important to provide controllable and reasonably flexible requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provisions for the health, safety, convenience and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Code for a more detailed consideration of each land use designated a conditional use in the District regulations as it may relate to the proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement, concentration of population, processes and equipment employed, and amount and kinds of public facilities and services required, together with many other possible factors. Review of this information by the Planning Commission and Council is required to ensure that each proposed conditional use is consistent with the intent and objectives of the particular district in which it is to be located. Accordingly, conditional use permits for such uses shall be issued in compliance with the procedures and requirements of Section 1109.04.

**1153.02 GENERAL CRITERIA FOR ALL CONDITIONAL USES.**

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following standards in addition to any specific conditions, standards and regulations for such use or category of uses set forth in Sections 1153.03 through 1153.04. Furthermore, the Planning Commission and Council shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

- (a) The conditional use in the proposed location will be harmonious and in accordance with the purpose, intent and basic planning objectives of this Ordinance and with the objectives for the district in which located;
- (b) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;
- (c) The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;
- (d) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;
- (e) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (f) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (g) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets; and considering the proximity of access drives to street intersections relative to the anticipated volume of traffic.
- (h) The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;
- (i) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible;
- (j) The design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the parking regulations pursuant to Chapter 1161 Off Street Parking Regulations and shall provide for interconnecting circulation among adjacent parcels.
- (k) Conditional uses abutting properties in residential districts shall be screened in compliance with the regulations in 1177.05.
- (l) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located as well as any specific supplemental conditions for such use set forth in Sections 1153.03 through 1153.04.

### **1153.03 SPECIFIC STANDARDS FOR CONDITIONAL USES.**

In addition to the general criteria established in Sections 1153.01 and 1153.02, the following specific conditions pertaining to each use or group of uses shall apply:

- (a) All applicable district regulations in which such use is to be located.
- (b) Area, width and yard regulations set forth in Schedule 1153.03 (a)(1) for specific conditional uses in Residential Districts and Schedule 1153.03(a)(2) for specific conditional uses in Commercial and Industrial Districts; and
- (c) Supplemental regulations for specific conditional uses are set forth in Section 1153.04.

Whenever there is a difference between the provisions of the Conditional Use regulations and the district regulations, the more restrictive provisions shall prevail.

Nothing in these regulations shall prohibit the Planning Commission and Council from prescribing supplementary conditions and safeguards in addition to these requirements in order to achieve the objectives established in Section 1153.02.

(Ord. 1552. Passed 4-13-98.)

**Schedule 1153.03(a)(1)**  
**Area, Width & Yard Regulations For Conditional Uses In Residential Districts**

Conditional Use	Minimum Lot Requirements		Building Setback (feet)		Parking Setback (feet)		See Also Section
	Area	Width (feet)	Front	Side/Rear	Front	Side/Rear	
1. Cemetery		200	100	50	50	30	--
2. Child day care center	45,000 sq. ft.	175	50	50	50	30	1153.04(c)
3. Country club or golf courses	-	-	100	50	50	50	--
4. Hospital	5 acres	200	100	50	50	30	1153.04(e)
5. Nursing Home, Assisted living facilities	2 acres	200	100	50	50	30	1153.04(e)
6. Schools, Places of worship	1 acre	175	100	50	50	30	1153.04(n)
7. Libraries, Museums	1 acre	175	100	50	50	30	--
8. P.U.D. Conservation Development	(EDITOR'S NOTE: See Chapter 1157 of the Codified Ordinances for zoning requirements relating to P.U.D. Conservation Developments)						
9. Public utility transmission and distribution stations	--	--	--	--	--	--	1153.04(m)
10. Public safety facilities	1 acre	200	100	50	50	30	1153.04(l)
11. Senior citizen housing	6 acres	200	100	50	50	30	1153.04(o)
12. Parks, playgrounds and athletic fields <sup>(a)</sup>	--	--	100	50	--	--	1153.04(k)
13. Commercial Greenhouse and Nursery	2 acres	200	100	50	50	30	--

<sup>(a)</sup> Includes buildings and activity areas

(Ord. 1962. Passed 4-12-04.)

**Schedule 1153.03(a)(2)**  
**Regulations for Conditional Uses In Commercial and Industrial Districts**

The uses described in this Section do not include or allow cultivation, processing or dispensing of medical marijuana. (Ord. 2544. Passed 12-12-16.)

Conditional Use	District in Which Conditionally Permitted						Minimum Lot Requirements		See Also Section
	C-1	C-2	C-3	C-4	I.P	I-1	Area <sup>(a)</sup>	Width (feet)	
1. Administrative, business professional and medical offices	X						5 acres	200	--
2. Adult uses						X	(b)	(b)	1153.04(a)
3. Assembly Hall/Meeting Place	C	C	C				(b)	(b)	--
4. Automatic teller machine		X	X				--	--	1153.04(b)
5. Child day care center	X	X	X	X	X	X	(b)	(b)	1153.04(c)
6. Drive-through facilities		X	X				--	--	1153.04(d)
7. Hospitals		X		X			5 acres	200	1153.04(e)
8. Indoor commercial recreation, bowling, skating rink, sports fitness club		X			C	C	5 acres	200	1153.04(f)
9. Manufacture of products from raw materials					X	X	(b)	(b)	1153.04(g)
10. Nursing homes, assisted living facilities		X		X			2 acres	200	1153.04(e)
11. Other services (e.g. small appliance repair, electronics)		X					(b)	(b)	--
12. Outdoor commercial recreation	X		X				--	--	1153.04(h)
13. Outdoor display for retail sale			X				--	--	1153.04(i)
14. Outdoor storage of materials			X		X		--	--	1153.04(j)
15. Parking of fleet vehicles used in the operation of a principal use			X		X		--	--	1153.04(p)
16. Public safety facilities		X	X	X			1 acre	200	1153.04(l)
17. Public service and maintenance facilities			X				1 acre	200	1153.04(l)
18. Public utility transmission and distribution stations		X	X	X	X	X	1 acre	200	1153.04(m)
19. Automobile Sales/Rental		X							1153.04(t)
20. Truck Sales/Rental			X						1153.04(t)

Conditional Use	District in Which Conditionally Permitted						Minimum Lot Requirements		See Also Section
	C-1	C-2	C-3	C-4	I.P	I-1	Area <sup>(a)</sup>	Width (feet)	
21. Schools, Places of worship		X					1 acre	200	1153.04(n)
22. Senior citizen housing		X		X			6 acres	200	1153.04(o)
23. Storage of fleet vehicles used in the operation of a principal use			X		X		--	--	1153.04(p)
24. Swim club		X		X			1 acre	200	1153.04(q)
25. Urgent care clinics		X		X			1 acre	200	1153.04(r)
26. Wireless					X	X	(b)	(b)	1153.04(s)

Footnotes to Schedule 1153.03(a)(2)									
(a) Area required if located in a separate building									
(b) Shall comply with district regulations									

(Ord. 1989. Passed 11-22-04.)

#### **1153.04 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

The following are specific criteria and requirements for certain conditional uses and are in addition to the general criteria set forth in Section 1153.02 and the lot area, width and yard regulations set forth in Schedules 1153.03(a)(1) and 1153.03(a)(2). The uses described in this section do not include or allow cultivation, processing or dispensing of medical marijuana including, but not limited to, those uses set forth below in subsections (e) and (g).

(Ord. 1552. Passed 4-13-98; Ord. 2544. Passed 12-12-16.)

- (a) Adult Uses (I-1). Adult uses, as defined in Section 1177.07, shall be located:
- (1) A minimum of 2000 feet from the boundaries of any lot containing a church, library, public park or playground, nursery, school or any other institution where children are kept day or night;
  - (2) A minimum of 1000 feet from any other adult use; and
  - (3) A minimum of 2000 feet from any residentially zoned parcel in the Village of Sheffield or any adjacent community.
- (b) Automatic Teller Machine (C-2, C-3). All except for those located within the principal building and accessible only during regular banking hours should meet the following conditions:
- (1) It should be located to be the least disruptive to pedestrian and vehicular traffic.
  - (2) There should be adequate and safe standing space for persons waiting to use the facility with adequate lighting and located to be visible and open to the general public for surveillance purposes.
- (c) Child Day Care Center (C-1, C-2, C-3, C-4, I.P.-1, I-1).
- (1) In order to minimize any adverse impact on surrounding residential property, they should be placed, to the extent possible,:

- A. On the extremity of the single family district if located on a local street; or
- B. Located on a major arterial/collector.
- (2) The play area should be fenced in order to provide a safe and secure environment for the children.
- (3) Drop-off/pick-up should be located so as not to impede traffic safety.
- (4) Parking should be located to avoid the necessity for parents and/or children to cross streets or access driveways.
- (d) Drive-Through Facilities (C-2, C-3).
  - (1) They should be located on a major street so as to be the least disruptive to vehicular and pedestrian traffic.
  - (2) Loudspeakers shall be approved as part of the site plan.
  - (3) The Planning Commission may impose restrictions on the hours of operation in order to assure minimal adverse impact on adjacent uses, particularly residential uses.
- (e) Hospitals, Nursing Homes, Assisted Living Facilities (R-2, C-2, C-4).
  - (1) Health care facilities located in R-2 districts shall comply with the lot and setback requirements pursuant to Schedule 1153.03(a)(1), and health care facilities located in C-2 and C-4 districts shall comply with the district regulations.
  - (2) In any district, such uses shall be located adjacent to a major street or at an intersection with a major street, or, when in a multi-family district, it shall abut a commercial district.
  - (3) In any district, access drives shall be located no less than 100 feet from an intersection.
- (f) Indoor Commercial Recreation, Bowling, Skating Rinks, Sports/Fitness Club (C-1, C-2).
  - (1) The Planning Commission may impose restrictions on the hours of operation in order to assure minimal adverse impact on adjacent uses, particularly residential uses.
  - (2) No use shall generate noise, odor, dust or smoke beyond the premises at levels higher than those in the surrounding neighborhood.
- (g) Manufacturing of Products from Raw Materials (I.P.-1, I-1). In addition to the performance standards in Section 1149.06, any proposed use requires a complete description of the operation including, but not limited to, the following:
  - (1) The materials used in the process;
  - (2) The amount and location of any stored materials; and
  - (3) The projected noise and emission levels.
- (h) Outdoor Commercial Recreation (C-1, C-3).
  - (1) The minimum lot required shall be:
    - A. 5 acres in a C-1 District; and
    - B. 1 acre in a C-3 District.
  - (2) The minimum setback for all outdoor commercial recreation uses shall be 100 feet from all property lines.
  - (3) In C-1 and C-3 Districts outdoor commercial recreation uses shall comply with the following conditions:



- A. No uses that involve the discharge of firearms shall be permitted.
  - B. No use shall generate noise, odor, dust or smoke beyond the premises at levels higher than those for permitted uses. Paving and additional noise reduction measures may be necessary to assure that the level of noise that is generated is less than or the same as the prevailing levels.
  - C. The hours of operation may be regulated by the Planning Commission.
  - D. All active recreation areas shall require fencing of at least 6 feet in height.
- (i) Outdoor Display for Retail Sale (C-3).
- (1) All areas to be used for display of materials for sale should be indicated on the site plan.
  - (2) If goods for sale are displayed on the exterior of the building, they should;
    - A. Comply with principal building setback established in Schedule 1145.04;
    - B. Not be located in areas intended for traffic circulation and required parking; and
    - C. Be secured against theft, vandalism or loss to the extent possible.
- (j) Outdoor Storage of Materials (C-3, I.-1).
- (1) All areas to be used for outdoor storage should be indicated on the site plan.
  - (2) It should be located in the rear yard and:
    - A. Comply with the principal building setbacks established in Schedule 1145.04 for uses in C-3 Districts and 1149.04 for uses in the I-1 District.
    - B. Be secured against theft, vandalism or loss to the extent possible.
- (k) Parks, Playgrounds and Athletic Fields (R-1, R-2).
- (1) Lighting shall not shine on adjacent properties.
  - (2) Fields, courts and other activity areas shall not be located in a required yard.
  - (3) May require outdoor play areas to be fenced to minimize potential hazards.
- (l) Public Safety, Service and Maintenance Facilities (C-2, C-3, C-4).
- (1) Storage of materials shall conform to the regulations in section 1153.04(j).
  - (2) They should be located, to the extent possible, at intersections and/or at the extremity of district because these uses are non-retail in nature and the peak activity periods including both pedestrian and vehicular traffic flow do not correspond with a typical retail business,.
- (m) Public Utility Transmission and Distribution Stations (R-1, R-2, M-1 C-2, C-3, C-4, I.P.-1, I-1).
- (1) Locations should offer natural or man-made barriers to mitigate any adverse impacts on surrounding areas.
  - (2) Storage of materials is prohibited in R-1, R-2 & M-1 Districts and if located in a C-2, C-3, or C-4 District, it shall conform to the regulations in Section 1153.04(j).

- (3) Permitted in residential districts only when essential for distribution of service to the immediate neighborhood or when topographical features restrict the location of such facilities.
- (4) They should be located to be at least disruptive to a Residential District as possible and they should be located, to the extent possible, at intersections and/or at the extremity of business districts.
- (n) Schools and Places of Worship (R-1, R-2, C-2).
  - (1) Drop-off/pick-up locations should be designed so as not to impede traffic safety.
  - (2) If located in a commercial district, they should be located, to the extent possible, at intersections and/or at the extremity of districts because these uses have peak activity periods including both pedestrian and vehicular traffic flow that do not correspond with a typical retail business.
- (o) Senior Citizen Housing (M-1, C-2, C-4). Multiple family developments that are intended to be exclusively devoted to seniors are permitted in M-1, C-2 and C-4 districts and shall include independent or assisted living arrangements with congregate dining and/or recreational facilities, and nursing home facilities.
  - (1) A maximum density of 10 units per acre shall be permitted.
  - (2) A minimum building setback of 50 feet from any single family residential district shall be required.
  - (3) The maximum lot coverage for buildings and parking areas shall be 60 %.
  - (4) To qualify as a senior citizen housing development the applicant shall present documentation to the satisfaction of the Law Director that ensures that the dwelling units are constructed for and perpetually reserved for senior citizens as defined in Chapter 1105 of this Code.
- (p) Parking of Fleet Vehicles Used in the Operation of a Principal Use (C-3, I.P.-1). Storage areas shall be located in the side or rear yard within the off-street parking areas and shall meet the minimum parking setback requirements in Schedule 1145.04.
- (q) Swim Club (C-2, C-4).
  - (1) Hours of operation may be limited by the Planning Commission.
  - (2) No use shall generate noise, odor, dust or smoke beyond the premises at levels higher than those in the surrounding neighborhood.
  - (3) Lighting shall not shine on adjacent residential property.
  - (4) The play area should be fenced in order to minimize any potential traffic hazard.
- (r) Urgent Care Clinics (C-2, C-4). Because this use is non-retail in nature, the hours of operation, and therefore, the peak activity periods including both pedestrian and vehicular traffic flow do not correspond with a typical retail business, they should be located, to the extent possible, at intersections and/or at the extremity of districts.
- (s) Wireless Communication Towers (I.P.-1, I-1). The location of wireless communication towers shall be approved using the following criteria:
  - (1) First priority consideration should be given to collocating new wireless antennas on existing towers or placing them on existing structures which have been constructed for other purposes (water towers, church steeples, chimneys, cooling towers).

- (2) Second priority is to place new towers along and/or adjacent to existing overhead electric utility corridors.
  - (3) Towers shall be located, to the extent possible, to minimize any adverse impacts on residential property.
  - (4) A newly constructed tower shall not exceed 200 feet in height, and, further, the applicant shall demonstrate that the proposed tower is the minimum height necessary to accommodate the antennae and is no higher than existing towers housing similar antennae.
  - (5) New towers shall be single monopoles (tubular structure). Lattice-type towers are prohibited.
  - (6) The minimum setback from all property lines and existing residences shall be the height of the tower plus 20 feet unless it can be demonstrated, because of its design and construction, that, if in the case of a collapse, adjacent property shall not be affected.
  - (7) Prior to approving a new tower, a tower height greater than those prevailing in the area, or a tower in a location not in compliance with these regulations, the applicant shall demonstrate to the Village that such new tower or additional height is needed to meet the reasonable service requirements of the applicant.
  - (8) The base of the tower, including any guy wires, shall be completely enclosed with a secure fence a minimum of 8 feet in height and also screened from adjacent property in accordance with the regulations in Section 1149.07 and applicable requirements of Section 1177.05.
  - (9) Any accessory buildings shall comply with the regulations in Schedule 1149.04.
  - (10) Lighting shall be of such intensity and directed to minimize brightness and glare. (Ord. 1552. Passed 4-13-98.)
- (t) Automobile Sales/Rental (C-2) and Truck Sales/Rental (C-3).
- (1) The location of the display and storage of vehicles shall comply with the parking setback requirements for the district. The location of the display and storage of vehicles shall comply with the parking setback requirements for the district.
  - (2) Sufficient space must be reserved to satisfy the parking requirements of Chapter 1161.
  - (3) Signs shall only be permitted on the site or any vehicles for sale or rent which are in compliance with Chapter 1165 except for "price signs," which may be on the window of the vehicle.
  - (4) All work on vehicles, including but not limited to cleaning, servicing and repair, shall be done only inside a suitable service building.
  - (5) No junk, inoperative or unlicensed vehicle will be permitted to remain outside on the property for more than forty-eight hours.
  - (6) All lighting and flood lighting shall be adjusted so as to be focused and directed downward and away from adjoining property and the public street and adjusted so as not to be a nuisance to adjoining properties. No festoon lighting shall be permitted.  
(Ord. 1718. Passed 9-27-99.)



**CHAPTER 1157**  
**Planned Unit Development Regulations**

<p><b>1157.01 Purpose.</b></p> <p><b>1157.02 Definitions.</b></p> <p><b>1157.03 Uses.</b></p> <p><b>1157.04 Minimum project area for Conservation Development.</b></p> <p><b>1157.05 Permitted density and restricted open space.</b></p> <p><b>1157.06 Regulations for restricted open space.</b></p>	<p><b>1157.07 Development and site planning standards.</b></p> <p><b>1157.08 Resource protection.</b></p> <p><b>1157.09 Pedestrians, streets and sewage.</b></p> <p><b>1157.10 Waivers.</b></p> <p><b>1157.11 Development design criteria.</b></p>
--	--

**1157.01 PURPOSE.**

The purposes of these Planned Unit Development (P.U.D.) Conservation District Regulations are as follows:

- (a) Protection of Natural Resources. To maximize protection of the Village's natural resources by:
- (1) Avoiding development on and destruction of sensitive natural resource areas;
  - (2) Reducing the quantity and improving the quality of storm water runoff from expected development;
  - (3) Maintaining natural characteristics such as woods, hedgerows, natural vegetation, meadows, slopes and streams;
  - (4) Reducing the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns, and the use of invasive vegetation;
  - (5) Conserving, to the extent possible, areas of prime agricultural soils; and
  - (6) Maintaining a traditional rural settlement pattern characterized by compact groupings of development in otherwise wide-open spaces.
- (b) Conservation of Rural Character. To conserve, within the land bound by the Sheffield Lake municipal property line on the North, Avon Lake and Avon municipal property line on the East, Colorado Avenue (S.R. 611) on the South and Lorain municipal property line on the West (which geographic area within the Village is hereafter referred to as the "Conservation District"), the rural character of the area, which is characterized by (i) large, aggregated, undeveloped land areas; (ii) natural features such as woodlands, slopes, floodplains, wetlands, streams and hedgerows; and (iii) significant historic features such as barns, family farms and heritage trees.

- (c) Efficient Uses. To encourage more efficient uses of land and public services through unified development within the Conservation District.
- (d) Development Review Criteria. To establish development review criteria that promotes creative design solutions in a manner that best conserves the Conservation District resources.
- (e) Review Process. To establish a review process that maintains local review and approval of the overall development plan and that results in the timely consideration by the Village of an application to develop or use property located in the Conservation District.
- (f) Compliance with Village Objectives. To ensure that development within the Conservation District complies with the objectives of the Village of Sheffield as expressed in Comprehensive Plan, 1994.  
(Ord. 1963. Passed 4-12-04.)

### 1157.02 DEFINITIONS.

(a) Special Meanings. Words in these Regulations are used in their ordinary English usage, except as set forth in subsection (b) hereof. The provisions of Section 1105.02 of the Codified Ordinances of the Village of Sheffield, Ohio are incorporated herein by reference.

(b) Definition of Terms. For purposes of these Regulations, the following terms shall have the meanings ascribed to them herein:

- (1) **ACTIVE RECREATION**: Leisure time activities characterized by repeated and concentrated use of land, often requiring equipment, and taking place at prescribed places, sites or fields. Examples of active recreation facilities include, but are not limited to, golf courses, tennis courts, swimming pools, and softball, baseball and soccer fields. For the purpose of these Regulations, active recreation facilities do not include (i) paths for bike riding, hiking and walking and (ii) picnic areas.
- (2) **ASSOCIATION**: A legal entity operating under recorded land agreements or contracts through which each unit owner in a conservation development is a member and each dwelling unit is subject to charges or fees for a proportionate share of the expenses of the organization's activities, such as maintaining common open space and other common areas and providing services needed for the housing development. An association can take the form of a homeowner's association or other similar entity.
- (3) **BUILDING ENVELOPE**: An area within a conservation development that is designated as a location within which a dwelling unit is to be placed in compliance with the building setback and spacing requirements established by the zoning ordinances of the Village of Sheffield, Ohio.
- (4) **BUFFER**: A designated area between uses or adjacent to the perimeter of Natural Features designed and intended to provide protection and which shall be permanently maintained. Examples are as follows.
  - A. **Land Use Buffer**: land area used to separate or visibly shield and/or screen one use from another.
  - B. **Riparian Buffer**: a naturally vegetated area located adjacent to streams and rivers that is intended to stabilize banks and limit erosion.
  - C. **Wetlands Buffer**: An area of undisturbed natural vegetation located adjacent to the perimeter of the wetlands.

- (5) **COMMON AREA:** Any land area, and associated facilities, within a Conservation Development that is held in common ownership by the residents of the development through a Homeowners' Association, Community Association or other legal entity, or which is held by the individual members of a condominium Association as tenants-in-common.
- (6) **COMMON DRIVE:** A private way that provides vehicular access to at least two but not more than five (5) dwelling units.
- (7) **CONSERVATION DEVELOPMENT:** A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards (such as, for example, building arrangements and setbacks) than those that would normally apply under single-family district regulations, allowing for the flexible grouping of houses in order to conserve Open Space and existing natural resources.
- (8) **CONSERVATION EASEMENT:** A legal interest in land, which legal interest restricts development and other uses of the property in perpetuity for the public purpose of preserving the rural, open, natural or agricultural qualities of the property.
- (9) **DEVELOPMENT PLAN:** A proposal including drawing(s) and map(s) for a Conservation Development, prepared in accordance with these regulations, illustrating the proposed design, layout and other features for the development and including all elements set forth in Section 1109.05 of the Codified Ordinances of the Village.
- (10) **DWELLING DETACHED SINGLE-FAMILY:** A building designed for, or used exclusively for, residence purposes by one family situated on a parcel having a front, side and rear yard.
- (11) **DWELLING SINGLE-FAMILY CLUSTER:** A building that is designed and used exclusively by one family and separated from all other dwelling units by air space from ground to sky, which is grouped with other dwellings on a site and which may be located on its own subdivided lot without a front, side and/or rear yard in compliance with the standard zoning district regulations.
- (12) **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The federal agency with the overall responsibility of administering the National Flood Insurance Program.
- (13) **FLOODPLAIN:** Any land susceptible to being inundated by water from any source. Base Flood is the flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.
- (14) **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 a designated height.
- (15) **LAND TRUST:** A non-profit tax-exempt entity the primary purpose of which includes the preservation of Open Space, natural land, rural land, or agricultural land and which is permitted to hold conservation easements.
- (16) **LOT or SUBLot:** For the purposes of these Planned Unit Development/Conservation District regulations, a Lot or Sublot shall be a parcel of land owned in fee simple and intended for a single dwelling unit whether or not such Lot or Sublot is located with frontage on a dedicated street.

- (17) **NATURAL FEATURE:** An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress, and energy costs.
- (18) **OPEN SPACE:** A geographic area that is intended to provide light and air. Open space may include, but is not limited to, meadows, wooded areas, and water bodies. See also “Restricted Open Space.”
- (19) **PERENNIAL STREAM:** A natural waterway that contains water throughout the year except in severe drought.
- (20) **PRIVATE STREET:** A local private way that provides vehicular access to no more than five (5) residential structures that is not and will not be dedicated to public use, but that is owned and maintained by an Association.
- (21) **PROJECT BOUNDARY:** The boundary defining the tract(s) of land that is included in a development project to meet the minimum required project area for a Conservation Development. The term “Project Boundary” shall be synonymous with the term “Development Boundary.”
- (22) **PUBLIC IMPROVEMENT:** Any roadway, sidewalk, pedestrian way, tree lawn, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which responsibility by the government is established.
- (23) **RESTRICTED OPEN SPACE:** Open Space within a Conservation Development that is of sufficient size and shape to meet the minimum zoning requirements, and that is restricted from further development according to the provisions of this chapter.
- (24) **SETBACK:** The required distance between a building and a lot line, street right-of-way, pavement, stream or riverbank, wetland or other delineated site feature.
- (25) **STANDARD SUBDIVISIONS:** A major or minor subdivision, as defined in the Codified Ordinances of the Village of Sheffield, Ohio, in which property is subdivided into lots having the minimum front, side and rear yards as specified by the Zoning Regulations therein and with each lot having the requisite frontage on a dedicated public street.
- (26) **STREAM BANK:** The ordinary high water mark of the stream, otherwise known as the bankfull stage of the stream channel. Indicators used in determining the bankfull stage may include changes in vegetation, slope or bank materials, evidence of scouring and stain lines.
- (27) **WALKWAY:** A public way, four or more feet in width, for pedestrian use only, which may or may not be located within the street right-of-way. (In contrast to sidewalks, which are located in the public right-of-way).
- (28) **WETLAND:** An area that is 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. Wetlands generally include swamps, marshes, bogs, and similar areas. For an area to be designated a wetland, the following criteria must be met: (i) hydric soils; (ii) hydrophytic vegetation; and (iii) wetland hydrology.  
(Ord. 1963. Passed 4-12-04.)



**1157.03 USES.**

For purposes of these Regulations, the following uses of land are a permitted use within a Planned Unit Development:

- (a) Detached Single-Family Dwellings;
  - (b) Single-Family Cluster Dwellings; and
  - (c) A combination of the foregoing dwellings.
- (Ord. 1963. Passed 4-12-04.)

**1157.04 MINIMUM PROJECT AREA FOR CONSERVATION DEVELOPMENT.**

Land in a Conservation Development shall have the following characteristics:

- (a) Minimum Acreage. The gross area of a tract of land proposed for Conservation Development shall be a minimum of twenty-five (25) acres, not including any areas within any existing public street rights-of-way. This gross area, exclusive of existing public street rights-of-way, shall be called the "Project Area."
  - (b) Frontage. Frontage on Harris Road, Lake Breeze Road and Abbe Road, North side of Colorado Avenue, shall have a minimum of 150 feet along said roadways and shall have a minimum total of three acres per residential lot size.
  - (c) Ownership. An area proposed for Conservation Development shall be in one ownership, or if in multiple ownership, the building application relating to the Conservation Development shall be filed jointly by all owners of properties included in the Conservation Development.
- (Ord. 1963. Passed 4-12-04.)

**1157.05 PERMITTED DENSITY AND RESTRICTED OPEN SPACE.**

A Conservation Development must comply with the following Restricted Open Space and Density regulations.

- (a) Restricted Open Space. The minimum amount or area of Restricted Open Space shall be fifty percent (50%) of the total Project Area.
- (b) Density. The maximum density shall be three (3) dwelling units per acre, calculated (i) over the total buildable Project Area and (ii) by deducting the following from the total Project Area:
  - (1) Any public right-of-way within the Project Boundary existing at the time the Development Plan is submitted; and
  - (2) The area of land within a Floodway, designated Wetland or existing body of water that exceeds the minimum acreage required for Restricted Open Space (as specified in Section 1157.05(a) herein). Where any Floodway(s) and Wetland(s) overlap, they shall be counted only once.

(c) Example. Owner of land submits a Development Plan with a total Project Area of 26 acres as a Conservation Development. Public rights-of-way within the Project Boundary occupy an aggregate area of 1 acre. The Development Plan must set aside a minimum of 12.5 acres as Restricted Open Space. Provided all other zoning requirements are met, the Development Plan may include up to, but no greater than, 38 dwelling units on the remaining 12.5 acres. This example is set forth for purposes of illustrating the requirements of this Section 1157.05 only.

(Ord. 1963. Passed 4-12-04.)

**1157.06 REGULATIONS FOR RESTRICTED OPEN SPACE.**

Restricted Open Space shall comply with the following regulations.

- (a) Design. Restricted Open Space shall be designed and located to conserve significant Natural Features and historical and cultural elements located on site. If such elements are located in individual Lots, then building Setbacks, Buffer requirements and Walkways may be modified to accommodate such Natural Features and historical and cultural elements.
- (b) Uses. An area designated as a Restricted Open Space may be (i) preserved in its natural state; (ii) designed and intended through such design for the use and enjoyment of residents of the proposed development; or (iii) utilized for farming, when authorized in a Conservation Easement or in an Association's covenants, bylaws and/or restrictions on use.
- (c) Interconnection. Restricted Open Space shall be interconnected with Open Space areas on parcels abutting the Project Boundaries, to the extent reasonably possible.
- (d) Utilities. Sewage service, storm water management and/or water supply facilities may be located partially or entirely within Restricted Open Space areas. Where such facilities are so located, the appropriate parties shall establish easements satisfactory to the Village of Sheffield and the Lorain County Health Department, to require and enable maintenance of such facilities. It is recognized that meeting Lorain County Health Department regulations for area, length and width for an onsite septic system may require greater spacing between buildings and larger lots, thus reducing the extent of conservation of Open Space and otherwise affecting the arrangement of dwelling units. If, pursuant to this subsection (d), a Conservation Easement is required to effectuate a sewage or storm water management system located on contiguous private yards, the front building Setbacks may be reduced to accommodate such rear yard Conservation Easements.
- (e) Exclusions from Restricted Open Space. The following areas shall not be considered Restricted Open Space:
  - (1) Private roads;
  - (2) Public road rights-of-way;
  - (3) Parking areas, access ways and driveways;
  - (4) Required Setbacks between building, parking areas and Project Boundaries;
  - (5) Required Setbacks between buildings and streets;
  - (6) Minimum spacing between buildings, and minimum spacing between buildings and parking areas;
  - (7) Private yards;
  - (8) A minimum of 15 feet between buildings and Restricted Open Space; and
  - (9) Other small, fragmented or isolated Open Space areas that have a dimension less than 100 feet in any direction.
- (f) Recreational Areas. Any Restricted Open Space intended to be devoted by design to a recreational activity shall be of a usable size and configuration for the intended recreational purpose. The maximum percentage of required Restricted Open Space that may be developed for recreation areas, including, but not limited to, a community center, shall be five percent (5%) of the Restricted Open Space, unless such recreation area is a golf course, in which case Council may, in its discretion, negotiate the maximum percentage of required Restricted Open Space to be permitted.

- (g) Landscaping. The following areas within a Restricted Open Space shall be landscaped with vegetation that is compatible with the natural characteristics of the site: (i) any area that is disturbed during construction or is otherwise not preserved in its natural state; (ii) other Common Areas, such as Setback areas; and (iii) both sides of any new streets.
- (h) Development Plan. The Restricted Open Space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown in the Development Plan.
- (i) Prohibition on Further Subdivision. Restricted Open Space in a Conservation Development shall be prohibited from further subdivision or development either by deed restriction, Conservation Easement or other agreement, in a form acceptable to the Village's Legal Advisor, and duly recorded in the office of the Recorder of Deeds of Lorain County, Ohio.
- (j) Ownership of Restricted Open Space. Subject to such permanent restriction as set forth in Section 1157.06(i) above, Restricted Open Space may be owned by an Association, a Land Trust or other conservation organization (or similar entity) recognized by the Village of Sheffield, Ohio, or may remain in private ownership, all subject to approval by the Council of the Village of Sheffield, Ohio.
- (1) The Village may, but shall not be obligated to, accept dedication of Restricted Open Space in the form of fee simple ownership thereof.
  - (2) Restricted Open Space may be held by the individual members of an Association as tenants-in-common, or may be held in common ownership by a Homeowners Association, Community Association, or other similar legal entity.
  - (3) With respect to any Association or other similar entity, the Village of Sheffield's Legal Advisor shall require and determine that, based on documents submitted with the Development Plan, the Association's bylaws or code of regulations specify the following:
    - A. Membership in the Association shall be mandatory for all purchasers of Lots in the development; and
    - B. The Association shall be responsible for maintenance, control and insurance of Common Areas, including, but not limited to, the Restricted Open Space.
- (k) Transfer of Conservation Easements. With the approval of Council of the Village of Sheffield, Ohio, the owner(s) of Common Open Space may grant a Conservation Easement to any of the entities listed in Ohio Revised Code Section 5301.68, provided that
- (1) The entity to which the Conservation Easement is given or transferred is acceptable to the Village of Sheffield, Ohio; and
  - (2) The provisions of the Conservation Easement are acceptable to the Village of Sheffield, Ohio; and
  - (3) The conveyance contains appropriate provision for assignment of the Conservation Easement to another entity authorized to hold Conservation Easements hereunder in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the Conservation Easement.

- (l) Private Ownership of Restricted Open Space. Restricted Open Space may be retained in ownership by the conditional use permit-applicant, or may be transferred to other private parties, subject to compliance with all standards and criteria for Restricted Open Space contained in these Regulations and approval of such by Council of the Village of Sheffield, Ohio.  
(Ord. 1963. Passed 4-12-04.)

#### **1157.07 DEVELOPMENT AND SITE PLANNING STANDARDS.**

The following development and site plan standards shall apply in a Conservation Development

- (a) Ownership and Lot Requirements. In a Conservation Development, ownership of land and/or dwelling units may include, but is not limited to, fee simple lots. Regardless of the ownership of land and/or dwelling units in a Conservation Development, the arrangement of dwelling units shall comply with the spacing requirements of these Regulations. In a Conservation Development, dwelling units are not required to be on lots, provided, however, that if Lots for Detached Single-Family Dwellings or Sublots for Single-Family Cluster Dwellings are included as part of a Conservation Development, such Lots or Sublots shall be of sufficient size and configuration to accommodate dwelling units in compliance with the spacing requirements of this Section 1157.07.
- (b) Development Plan. An applicant for a conditional use permit for a Conservation Development in a Residential (R-1) Zoning District shall submit a Development Plan that includes a depiction of the Building Envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this Section 1157.07.
- (c) Interior Building Setback/Spacing Regulations. The following Setbacks and spacing regulations shall apply in a Conservation Development:
  - (1) The minimum Setback from a proposed local public right-of-way shall be 40 feet.
  - (2) The minimum Setback from the edge of the pavement of a private street shall be 25 feet.
  - (3) The minimum separation between dwellings shall be 10 feet.
- (d) Height. The maximum height of any building in a Conservation Development shall be 35 feet. (Ord. 1963. Passed 4-12-04.)

#### **1157.08 RESOURCE PROTECTION.**

The following regulations are for the purpose of protecting natural resources and shall apply in a Conservation Development:

- (a) Floodway Protection. All current and future buildings, structures or land within a Floodway shall be used, erected, altered, enlarged, repaired, re-built, moved and/or designated to be used, either in whole or in part, only for the uses listed hereafter and in conformity with Chapter 1169 "Floodplain Overlay District" of the Codified Ordinances of the Village of Sheffield, Ohio. No uses other than those hereafter set forth shall be permitted:
  - (1) Agriculture;
  - (2) Public or private parks and outdoor recreational facilities, including swimming, horse-back riding academies, playfields, ballfields, courts and trails.

- (3) Fencing that allows the passage of water;
- (4) Off-street parking areas accessory to the above uses, provided that such parking areas are improved with pervious pavement materials such as pervious asphalt or pervious concrete, or a combination of geotextiles with sand, gravel and sod.
- (b) Wetlands Protection. Wetlands in a Conservation Development that are required, either by the Army Corps of Engineers or the Ohio Environmental Protection Agency (EPA), to be retained shall be protected by the following:
  - (1) A Buffer area having a width of not less than 20 feet, measured from the edge of the designated Wetland (the area within this Buffer shall not be disturbed and shall be retained in its natural state); and
  - (2) A minimum building and pavement Setback of 35 feet, measured from the edge of the designated Wetland.
- (c) Conservation of Riparian Zones. The following regulations relating to riparian zones shall apply in a Conservation Development:
  - (1) A riparian Buffer shall be provided along the entire length and on both sides of any river or Perennial Stream channel within a Conservation Development. The riparian Buffer shall have a width not less than fifty (50) feet, and shall be measured from the bank of the river or Perennial Stream.
  - (2) Walkways may be permitted to be located within riparian Buffers, provided that the Village of Sheffield, Ohio Planning Commission first determines that such walkway will create minimal or no change to the riparian Buffer and approves such walkway.  
(Ord. 1963. Passed 4-12-04.)

#### **1157.09 PEDESTRIANS, STREETS AND SEWAGE.**

The following Regulations relating to Pedestrians, Streets and Sewage, shall apply in a Conservation Development:

- (a) General Street Design Criteria. Street alignments should follow natural contours and be designed to conserve natural features. The Location of streets should be planned to avoid excessive storm water runoff and the need for storm sewers. The area of the project devoted to streets and related to pavement should be the minimum necessary to provide adequate and safe movement through the Conservation Development.
- (b) Pedestrian Circulation Systems. Any Conservation Development must contain a pedestrian circulation system. The pedestrian circulation system shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian circulation system shall provide connections between any activities or special features within the Common Open Space. It is not a requirement that the pedestrian circulation system be located along streets. Trails for which public right of passage has been established shall be incorporated into the pedestrian circulation system.
- (c) Sewage Disposal. A Conservation Development shall be served by individual or public sewage disposal structures consistent with the Lorain County, Ohio systems. Individual sewage disposal systems shall comply with all applicable regulations of the Lorain County Health Department and may be located within a Common Open Space, provided any such location within a Common Open Space is approved by the Village of Sheffield, Ohio and the Lorain County Health Department.  
(Ord. 1963. Passed 4-12-04.)

**1157.10 WAIVERS.**

In the event that the Village of Sheffield, Ohio Planning Commission determines that certain numerical standards set forth in Sections 1157.08 and/or 1157.09 hereof do not or should not apply specifically to the circumstances of a particular project and an alternative method of achieving the objectives of the numerical standard is the equivalent of or better than the strict application of the specified standard, the Planning Commission may relax such standard to an extent deemed just and proper, provided that the granting of such relief shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Chapter 1157 of the Codified Ordinances of the Village of Sheffield, Ohio.  
(Ord. 1963. Passed 4-12-04.)

**1157.11 DEVELOPMENT DESIGN CRITERIA.**

The following development design criteria shall be followed for purposes of conservation in a Conservation Development:

- (a) Conservation of Sloping Land. The road systems and buildings shall be located within a Conservation Development in such a way as to minimize changes to the topography and the need for cutting and filling.
- (b) Conservation of Woodlands, Vegetation and Other Natural Areas. The design and layout of a Conservation Development shall conserve, maintain and incorporate existing wooded areas, meadows and hedgerows and/or tree lines between fields or meadows, especially those containing significant wildlife habitats.
- (c) Conservation of Wildlife Habitats. Wildlife habit areas of species listed, either by the United States Environmental Protection Agency or the Ohio Department of Natural Resources, as endangered, threatened or of special concern, shall be protected through the design of a Conservation Development.
- (d) Conservation of Prime Farmland. Farmland that satisfies the USDA definition of "prime" or "locally unique," shall, to the extent possible, be preserved within a Conservation Development.
- (e) Conservation of Existing Scenic Vistas and Visual Quality of the Environment. To the extent possible, buildings and structures within a Conservation Development shall be located in such a way as to preserve existing scenic views and scenic vistas unblocked and uninterrupted.
- (f) Conservation of Cultural Resources. To the extent possible, sites of historic, archaeological or cultural value and their environs, such as stone walls, springhouses, barn foundations, underground fruit cellars, earth mounds and burial grounds, shall be preserved and protected, insofar as necessary to safeguard the nature of such feature.

(Ord. 1963. Passed 4-12-04.)

(NOTE: The next printed page is page 105.)





**CHAPTER 1161**  
**Off-Street Parking Regulations**

<b>1161.01 Purpose.</b>	<b>1161.07 Off-street waiting spaces.</b>
<b>1161.02 Determination of required off-street parking spaces.</b>	<b>1161.08 Off-street loading and unloading required.</b>
<b>1161.03 Off-street parking spaces required.</b>	<b>1161.09 Regulations for access drives.</b>
<b>1161.04 Allowance for shared parking.</b>	<b>1161.10 Improvement and maintenance standards.</b>
<b>1161.05 Deferred construction of parking spaces.</b>	<b>1161.11 Screening and landscaping requirements.</b>
<b>1161.06 Location of required parking spaces.</b>	

**CROSS REFERENCES**

Off-street parking facilities - see Ohio R.C. 717.05

**1161.01 PURPOSE.**

The purpose of provisions for off-street parking is to provide adequate storage for private vehicles, to provide sufficient access for all business and industrial uses and to ensure traffic safety.

**1161.02 DETERMINATION OF REQUIRED OFF-STREET PARKING SPACES.**

(a) Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses.

(b) Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated, or when fixed seats are not indicated, the capacity shall be determined as being one (1) seat for each 20 square feet of floor area of the assembly room.

(c) Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees on any two successive shifts.

(d) Fractional numbers shall be increased to the next whole number.

**1161.03 OFF-STREET PARKING SPACES REQUIRED.**

The required number of off-street parking spaces for each facility or use shall be determined by application of the standards contained in Schedule 1161.03. For a use not specified in Schedule 1161.03 the Planning Commission shall apply the standard for a specified use which the Planning Commission determines to be most similar to the proposed use.

**Schedule 1161.03**  
**Minimum Off-Street Parking Spaces Required**

Principal Building Or Use	Minimum Spaces Required
<b>A. RESIDENTIAL</b>	
1. Single family dwellings	2 spaces/ unit (both enclosed)
2. Multiple family dwellings	2 spaces/ unit
3. Attached single family dwellings	2.5 spaces/unit (1 enclosed)
4. Senior citizen housing, apartments for the physically disabled	1.25 spaces/unit
<b>B. RETAIL/SERVICE</b>	
1. Retail or service uses unless specific standard given below	1 space/ 250 sq. ft. of floor area
2. Furniture, Appliance, Retail Nursery or Garden Supply	1 space/ 400 sq. ft. of floor area
3. Bars, Taverns, Nightclubs	1 space/ 4 seats
4. Restaurants - Table Service	1 space/ 50 sq. ft. of floor area 1 space/delivery vehicle
5. Restaurants - Counter Service when located In a Shopping Center	10 spaces or 1 space/ 50 sq. ft. of floor area [which ever is greater]; and 1 space /delivery vehicle
6. Restaurants - Counter Service when located as the only use in a free-standing building	20 spaces, or 1 space/50 sq. ft.[which ever is greater]; and 1 space /delivery vehicle
7. Hair Care	2 spaces/ chair
8. Self service laundry	1 space for every 4 washing machines
9. Financial Establishment	1 space/300 sq. ft. of floor area
10. Hotel/Motel	1 space/sleeping room; and 1 space/employee
<b>C. AUTOMOTIVE</b>	
1. Auto, Machinery or Boat Sales or Rental	1 space/500 sq. ft. of floor area
2. Auto Repair Garage	4 space/service bay
3. Gasoline Service Station	1 space/employee
4. Car Wash	1 space/employee
<b>D. PROFESSIONAL/MEDICAL</b>	
1. Business, Professional & Administrative Offices(Excluding Medical)	1 space/300 sq. ft. of floor area
2. Medical Dental Offices and Clinics Including Urgent Care	1 space/150 sq. ft. of floor area
3. Hospitals	1 space for every 2 beds
4. Nursing Homes	1 space/employee; and 1 space/5 beds
5. Veterinary Hospitals	1 space/400 sq. ft.; and 1 space/2 employees
6. Ambulance and Emergency Medical Services	1 space/150 sq. ft. of floor area

Principal Building Or Use	Minimum Spaces Required
<b>E. ENTERTAINMENT/ARTS/RECREATION</b>	
1. Membership/sports/fitness club	1 space/200 sq. ft. of floor area
3. Indoor Movie Theaters, Auditoriums, Stadiums, or other places of public assembly	1 space for every 4 seats
4. Bowling Alleys	4 spaces/alley; and 1 space for every 2 employees
5. Dance Halls Assembly Halls w/out fixed seats, Skating Rinks	1 space/100 sq. ft. of floor area
<b>F. GENERAL COMMERCIAL/INDUSTRIAL</b>	
1. Wholesale, Warehouse Distribution Facility	1 space/1000 sq. ft. of floor area
2. Self-Service Storage Facility	3 spaces + 1 space for every 100 units
3. Research and Testing Facility	1 space/400 square feet of floor area
4. All other types of industrial uses	1 space/300 sq. ft. of floor area
<b>G. EDUCATIONAL/COMMUNITY FACILITIES</b>	
1. Places of worship	1 space/4 seats
2. Elementary & Junior High Schools	1 space / staff; 1 space for every 10 seats in the assembly hall
3. Senior High Schools	1 space / staff; 1 space for every 10 seats in the assembly hall; and 1 space for every 6 students
4. Public Libraries, Museums, Community Center or similar public building	1 space/500 sq. ft. of floor area
5. Private clubs, lodges, Social/recreation centers owned, operated and managed for a non-profit organization	1 space/100 sq. ft. of floor area
6. Child Day Care Center	1 space/8 students
7. Adult Day Care Facility	1 space/10 clients

#### **1161.04 ALLOWANCE FOR SHARED PARKING.**

The Planning Commission may approve a site plan with a reduction in the number of parking spaces required if it can be shown that the lesser number of spaces is appropriate and consistent with these regulations under the following provisions:

- (a) In a mixed use project, when it is determined that because of varying peak demands, the uses can be adequately accommodated with a lesser number of parking spaces than what would be required based on the sum of the various uses computed separately, the Planning Commission may approve a site plan with a reduction in the required spaces

- (b) When the required parking spaces for a proposed use can be accommodated on an adjacent or nearby site, arrangements can be made between the businesses and other property owners that are not normally open, used or operated during the same hours to share parking facilities in order to meet their parking requirements, provided not more than 50 percent of the required parking spaces are shared. Where the required parking spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a zoning approval.

#### **1161.05 DEFERRED CONSTRUCTION OF PARKING SPACES.**

If the number of parking spaces required in Schedule 1161.03 is substantially larger than the number anticipated by the applicant and the applicant provides sufficient evidence that supports the reduced parking needs, the Planning Commission may approve a site plan with a lesser number of parking spaces provided that:

- (a) Suitable area (s) must be reserved for the construction of the balance of the total number of spaces otherwise required by Schedule 1161.03 and shall be illustrated on the site plan in locations and with landscaping in full compliance with this Code.
- (b) The Planning Commission, upon reevaluation of the project parking needs, may at any time direct that some or all of the reserved spaces be constructed; and
- (c) Any additional parking, if and when constructed, shall be provided according to the approved site plan and only after approval of the construction plans by the Planning Commission.

#### **1161.06 LOCATION OF REQUIRED PARKING SPACES.**

In addition to the specific requirements contained in each district regulation, location of off-street parking facilities shall be further regulated according to the following provisions:

- (a) Parking spaces required for dwelling units shall be located on the same lot as the dwelling unit.
- (b) For one and two family dwellings, the off-street parking spaces required in this section, other than garages and carports, shall be restricted to driveways that are asphaltic concrete or concrete.

#### **1161.07 OFF-STREET WAITING SPACES.**

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street waiting areas, on the same lot as the use, in addition to the required number of parking spaces specified in Schedule 1161.03 in accordance with the following requirements:

- (a) Commercial establishments such as banks, drive-thru restaurants, automatic car wash facilities and other similar facilities with service windows or service entrances shall provide a minimum of 10 waiting spaces, but not less than 5 spaces per window or entrance when there are two or more windows or entrances.

- (b) Self-serve car wash facilities shall provide no fewer than 2 waiting spaces per stall.
- (c) Gasoline stations shall provide no fewer than 2 waiting spaces per accessible side of a gasoline pump island.

**1161.08 OFF-STREET LOADING AND UNLOADING REQUIRED.**

Off-street loading spaces shall be provided and maintained on the same zoning lot with the principal building and shall be located according to the following regulations:

- (a) No part of any required yard, off-street parking area or access drive shall be used for loading or unloading purposes.
- (b) Access to truck loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of trucks.
- (c) Streets, sidewalks, alleys or other public rights-of-way or other public property shall not be used for loading purposes nor shall vehicles be parked on such areas during loading and unloading.

**1161.09 REGULATIONS FOR ACCESS DRIVES.**

(a) Number of Drives. Each lot shall be permitted one two-way access drive, or, upon review of the site plan, the Planning Commission may permit a pair of one-way drives

(b) Width. The width of the access drives shall be not less than 10 feet per exit lane and 15 feet per entrance lane. An access drive shall have a maximum total width of not more than 39 feet, measured at the property line.

(c) Location at Intersections. Access drives on corner lots shall be located as far from the street intersection as practicable; and no access drive shall be located within 50 feet of street intersections as measured from the intersection of the street right-of-way lines.

(d) Access Management Criteria. To minimize traffic conflicts and improve traffic carrying capacity on existing roads while respecting private property rights, the following access principles shall guide the Planning Commission when considering the location of access drives on main streets:

- (1) The spacing of drives shall be proportioned to the speed of existing or expected traffic on the street – the greater the speed, the greater the spacing.
- (2) Access points should either line up with driveways across the road or be off-set to permit convenient and safe turning movements in both directions.
- (3) Marginal access roads and shared drives with adjacent property owners should be encouraged. Deceleration and acceleration lanes and right-turn-only lanes (in and out) should be considered to facilitate traffic flow and safety.

**1161.10 IMPROVEMENT AND MAINTENANCE STANDARDS.**

For all parking areas and driveways, other than a single-family home on a standards subdivided lot, the following improvement and maintenance standards shall apply:

- (a) Parking Area. All non-residential parking areas must be at least 1000 sq. ft. (Ord. 1552. Passed 4-13-98.)
- (b) Minimum parking space dimension. 9 feet by 18 feet (Exclusive of access drive or aisles).
- (c) Combined Minimum Dimensions for Circulation Aisles and Parking Rows:

Minimum width for:	90°	60°
One row + one aisle	42 ft.	42 ft.
Two rows + one aisle	58 ft.	60 ft.

- (Ord. 2501. Passed 7-27-15.)
- (d) Overhang of vehicles. An allowance of a 2 feet overhang for vehicles may be counted as part of the parking space as long as it does not infringe upon any required landscaped area or sidewalk.
- (e) Paving. All required spaces, together with driveways and other circulation aisles shall be surfaced either with concrete not less than six inches in thickness, with bituminous surface not less than two inches in depth on top of a compacted crushed stone base not less than six inches in depth, or with any other surface equal or superior to either of these types.
- (f) Drainage. All required spaces, together with driveways and other circulation aisles, shall have adequate provision for drainage and for the disposal of storm water, so that water shall not flow onto adjoining property or adjacent sidewalks in a quantity or manner that would be detrimental thereto, or inconvenient to persons using the sidewalk.
- (g) Curbs. A curb at least six inches high shall be installed along the perimeter of a parking or loading area.
- (h) Marking. The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surfacing. (Ord. 1552. Passed 4-13-98.)
- (i) Alternative aisle widths can be considered if accompanied by appropriate engineering analyses.
- (j) Alternative surface preparations, including pervious pavement, low impact design (LID) and any additional design considerations to limit the discharge of stormwater offsite may be considered. These design considerations must be approved by the applicable Village department. (Ord. 2501. Passed 7-27-15.)

**1161.11 SCREENING AND LANDSCAPING REQUIREMENTS.**

Landscape buffers and visual screening shall be provided on each lot in compliance with Section 1177.05 in order to reduce the impact between incompatible uses or zones to break up and lessen the impact of large parking areas, to provide interest and lessen the monotony of the streetscape, to obscure the view of accessory uses and to provide protection from soil erosion.

**CHAPTER 1163**  
**Regulation of Unattended Collection Bins**

<b>1163.01</b>	<b>Definitions.</b>	<b>1163.04</b>	<b>Violations, enforcement, actions and remedies.</b>
<b>1163.02</b>	<b>Permits.</b>	<b>1163.05</b>	<b>Existing conditions.</b>
<b>1163.03</b>	<b>Revocation of permit; removal of unattended collection bins and liability.</b>	<b>1163.99</b>	<b>Violation; penalty.</b>

**CROSS REFERENCES**  
Littering - see GEN. OFF. 521.08

**1163.01 DEFINITIONS.**

As used in this chapter:

- (a) "Exempt Charitable Organization". This Chapter shall not apply to any Unattended Collection Bin that is located on premises that are operated by any religious, charitable or eleemosynary organization.
- (b) "Operator" means a natural person or legally recognizable person who utilizes or maintains Unattended Collection Bins to hold donations of salvageable personal property.
- (c) "Permittee" means the Operator who applies for and/or is issued a permit authorizing the placement of Unattended Collection Bins and the legal owner of the parcel of real property upon which an Unattended Collection Bin is or shall be placed.
- (d) "Property Owner" means the person who owns the real property on which Unattended Collection Bins are to be located or are located.
- (e) "Unattended Collection Bins" means any unattended container or receptacle located in the Village that is used for collecting and containing donations of clothing, shoes, books or other salvageable personal property. This term does not include trash or recycle bins for the collection of waste material governed or otherwise regulated by ordinance.
- (f) "VA" means the Village Administrator of the Village of Sheffield.  
(Ord. 2492. Passed 7-27-15.)

**1163.02 PERMITS.**

- (a) It is unlawful and a public nuisance for any person to place, operate, maintain or allow Unattended Collection Bins on real property unless:
  - (1) The Operator applicant is a legal representative or official agent of an Exempt Charitable Organization;
  - (2) The Operator and the Property Owner first obtains a permit pursuant to this Chapter; or

- (3) The Unattended Collection Bin is placed and maintained in accordance with all provisions of this chapter, other ordinances, Zoning and Building Codes and laws of the Village of Sheffield.
- (b) The permit application shall be made on a form provided by the VA and shall include the following information:
  - (1) The name, address, email, website (if applicable) and telephone number of the Operator applicant;
  - (2) The name, address, email and telephone number of the Property Owner applicant;
  - (3) The physical address of the Property Owner's real property and a drawing sufficient to indicate the proposed location of the Unattended Collection Bin on the Property Owner's real property and the size of the proposed Unattended Collection Bin; and
  - (4) The written consent of the Owner of the property on which the Unattended Collection Bin will be placed.
- (c) Applications shall be filed with the VA.
- (d) Within sixty (60) days of receiving a completed application, the VA shall issue a permit or deny the issuance of a permit.
- (e) If the VA denies an application, the VA shall state, in writing, the specific reasons for denial. Failure of the applicant to comply with any requirement of this Chapter or any related Ordinance of Code shall be cause for denial.
- (f) The term of the permit shall expire two (2) years from the date of issuance.
- (g) No person or organization to which a permit has been issued shall transfer, assign or convey such permit to another person.
- (h) A Permittee may apply for permit renewal by submitting to the VA before the expiration of the permit a new application and new nonrefundable fee. Any changes shall be noted on the application.
- (i) A permit application shall require payment of an administrative fee in the amount of twenty-five dollars (\$25.00).  
(Ord. 2492. Passed 7-27-15.)

### **1163.03 REVOCATION OF PERMIT; REMOVAL OF UNATTENDED COLLECTION BINS AND LIABILITY.**

The VA shall have the right, for cause, to revoke any permit issued hereunder. Any of the grounds upon which he or she may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of a Permittee to comply with the provisions of this Chapter or other provisions of this Code or other law shall also constitute grounds for revocation of the permit. The VA shall provide a written notification to the Permittee stating the specific grounds for revocation. Upon revocation, the Unattended Collection Bin shall be removed from the Permittee's real property within thirty (30) days and, if not removed within this time period, the Village may remove, store and/or dispose of the Unattended Collection Bin at the expense of the Permittee. Upon revocation, a Permittee shall be prohibited from applying for a permit for a period of one (1) year at this location. Any violation of the provisions of this Chapter is a public nuisance subject to abatement.



- (a) A Permittee shall locate all Unattended Collection Bins as follows:
  - (1) An Unattended Collection Bin may not be placed within the required front setback;
  - (2) An Unattended Collection Bin may not be placed within twenty (20) feet of the side property line; and
  - (3) An Unattended Collection Bin may not be placed on a vacant lot.
- (b) A Permittee shall operate and maintain or cause to be operated and maintained all Unattended Collection Bins located in the Village as follows:
  - (1) Unattended Collection Bins shall be maintained in good condition and appearance with no structural damage, holes or visible rust, and shall be free of graffiti;
  - (2) Unattended Collection Bins shall be locked or otherwise secured;
  - (3) Unattended Collection Bins shall contain the following contact information, visible from the front of each Unattended Collection Bin: the name, address, email and phone number of both the Permittee and the Operator; and
  - (4) Unattended Collection Bins shall be serviced and emptied as needed, but at least every thirty (30) days.
- (c) The Permittee shall maintain or cause to be maintained the area surrounding the Unattended Collection Bin(s) free of any junk, debris or other material and shall be responsible to the extent provided by law for the cost to abate any violation.
- (d) Notwithstanding any other provision of this Code, it is unlawful for any person to place an Unattended Collection Bin in any residential district or any residential use property, except on educational or religious organizational property.
- (e) Notwithstanding any other provision of this Code, it is unlawful to locate any Unattended Collection Bin less than four hundred feet (400' 0") from any other Unattended Collection Bin.
- (f) Notwithstanding any other provision of this Code, it is unlawful to locate more than one (1) Unattended Collection Bin on a parcel of real property or acre or less. No more than one (1) Unattended Collection Bin shall be permitted per acre of real property.
- (g) Notwithstanding any other provision of this Code, it is unlawful to locate any Unattended Collection Bin on required parking spaces.  
(Ord. 2492. Passed 7-27-15.)

#### **1163.04 VIOLATIONS, ENFORCEMENT, ACTIONS AND REMEDIES.**

Each failure to comply with any provision of this chapter or any regulation promulgated under this chapter is unlawful and constitutes a public nuisance. All potential penalties provided for in this chapter are independent of each other, and a Permittee may be subject to all or to one depending on the circumstances of the violation.  
(Ord. 2492. Passed 7-27-15.)

#### **1163.05 EXISTING CONDITIONS.**

The provision of this chapter shall apply to all Unattended Collection Bins located within the Village as of the effective date of this chapter. All persons who have one (1) or more Unattended Collection Bins located on their real property as of the effective date of this chapter shall have sixty (60) days from the date to file an application for a permit as provided for in this chapter. Any such person who has filed a timely application for a permit shall not be subject to the provisions of this chapter relating to Unattended Collection Bins until a permit is issued or denied to the applicant. (Ord. 2492. Passed 7-27-15.)

**1163.99 VIOLATION; PENALTY.**

Any person violating any provision of this chapter is guilty of an unclassified misdemeanor with a fine of no less than fifty dollars (\$50.00) and no more than two hundred fifty dollars (\$250.00). Each failure to comply with any provision of this chapter is a violation. (Ord. 2492. Passed 7-27-15.)



**CHAPTER 1165  
Sign Regulations**

<b>1165.01 Purpose.</b>	<b>1165.081 Electronic message boards.</b>
<b>1165.02 Classification of signs.</b>	<b>1165.09 Maintenance.</b>
<b>1165.03 Computations.</b>	<b>1165.10 Prohibited signs.</b>
<b>1165.04 Maximum sign area permitted.</b>	<b>1165.11 Sign approval procedure.</b>
<b>1165.05 Maximum height and minimum setback for freestanding signs.</b>	<b>1165.12 Regulations for nonconforming signs.</b>
<b>1165.06 Regulations for projecting signs.</b>	<b>1165.13 Prohibition of signs in the right-of-way.</b>
<b>1165.07 Supplemental regulations.</b>	<b>1165.14 US I-90 Corridor.</b>
<b>1165.08 Criteria for the design and construction of signs.</b>	<b>1165.15 Off-premise electronic billboards.</b>

**CROSS REFERENCES**

Unlawful traffic signs - see TRAF. 313.07  
Sign defined - see P. & Z. 1105.02

**1165.01 PURPOSE.**

In the interest of promoting the general health, safety and welfare of residents of Sheffield Village, these sign regulations are herein established for signs to provide for the use, location and size of signs in a manner that ensures that signs are in harmony with the character of the associated use and surrounding area. These regulations apply to signs which are outside of public street rights-of-way and provide regulations for signs related to business or activities on a subject site or permitted political expression by owners or occupants of the property. Billboards promoting off-site advertising are expressly prohibited. The specific purposes of these regulations are to:

- (a) Promote and maintain attractive, high value residential, commercial and industrial districts.
- (b) Provide reasonable, yet appropriate, conditions for identifying institutions, businesses and industrial establishments.
- (c) Control the size and location so that signs will be aesthetically harmonious with their surroundings.
- (d) Eliminate any conflict which would be hazardous between identification signs and traffic control signs and devices.
- (e) Provide review procedures which enable the Village to comprehensively evaluate the appropriateness of the sign to the site, building and surroundings.
- (f) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment.
- (g) Prohibit all signs not expressly permitted by this Code.

In establishing these purposes, the Village has determined that signs which do not comply with these regulations (type, size, location, and limitation on the number of signs) are a public nuisance. Unregulated signs are unduly distracting to motorists and pedestrians, and thereby create a traffic hazard and reduce the effectiveness of signs needed to direct the public.

**1165.02 CLASSIFICATION OF SIGNS.**

For the purposes of these regulations, a sign shall include any identification, description, illustration or device which is affixed to or integrated into a building, structure or land, or otherwise situated on a lot and which is intended to direct or attract attention to, or announce or promote a product, place, activity, person, institution or business by means of letters, words, designs, colors, symbols, flags, banners, fixtures, images or illuminations. Signs shall be further classified by physical design or structure, and function or purpose based on the following.

(a) Physical Characteristics.

- (1) Canopy or awning sign: A sign which is printed on a canopy or awning and is attached to the soffit or fascia which projects not more than 36 inches from the building.
- (2) Emblem: Any device, symbol, design or figure not otherwise defined in this section, which is used as an advertisement and which may include, but is not limited to banners, lights and site or building sculpture.
- (3) Freestanding sign: A sign which is supported by one or more uprights or braces in or upon the ground and is not supported by a building.
- (4) Projecting sign: A sign erected on the outside wall of a building and which projects out and is perpendicular to the outside wall of the building.
- (5) Temporary sign: A sign that is used only for a predetermined period of time and is not permanently mounted.
- (6) Wall sign: A sign erected parallel to or affixed on the outside wall of any building, and not extending more than 18 inches therefrom, and which does not project above the parapet wall or roof line or beyond the corner of the building.
- (7) Window sign: A sign on the inside of a building permanently affixed to, or near, a window for the purposes of being visible to and read from the outside of the building.

(b) Function.

- (1) Construction sign: A temporary sign identifying a building project only during the time of construction, including new construction, additions and renovations.
- (2) Directional sign: A sign which directs customers onto, off or around the site. Examples of directional signs include "Entrance Only", "Exit", "One-Way", "No Parking, Fire Lane", and "Right Turn Only".
- (3) Identification sign: A permanent sign which identifies, describes or otherwise promotes a commercial enterprise or a residential subdivision and which may also be a canopy or awning, free-standing, projecting, wall or window sign as defined in subsection (a) of this section.
- (4) Institutional identification sign: A sign erected on the property of a place of worship, school, public library or other public facility which displays information regarding the institution which occupies such property.
- (5) Instructional sign: A sign that has a purpose secondary to the use on the lot that is intended to instruct employees, customers or users as to specific parking requirements; the location or regulations pertaining to specific activities on the site or in the building; specific services offered, or methods of payments accepted. Examples of instructional signs include "Honk Horn for Service", "Restrooms Inside", "Parking for Customers Only", "Parking for Residents Only", menu boards, drive-up tellers, and "self-serve" signs.

- (6) Nameplate: A sign attached to the wall of the principal building indicating only the name and address of the person or business occupying the lot or building.
- (7) Political sign: A temporary sign advocating action on a public issue, promotion of a candidate for public office, or other ballot-oriented objectives.
- (8) Real estate sign: A temporary sign which directs attention to the rental, sale or lease of the property on which the sign is located.
- (9) Safety or regulatory sign: A sign erected by a public authority, utility, public service organization or private industry upon the public right-of-way or on private property which is required by law or otherwise intended to control traffic, direct, identify or inform the public, or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy. Safety and regulatory signs include "No Parking Fire Lane" and "Handicapped Parking."
- (10) Temporary special event sign: A temporary sign of any type, excluding construction, real estate, or political, intended to announce special events, promotions, or sales.

### **1165.03 COMPUTATIONS.**

The following principles shall control the computation of sign area and sign height.

- (a) Determining Sign Area or Dimension
  - (1) For a sign which is framed, outlined, painted and otherwise prepared and intended to provide a background for a sign display, the area shall include the entire portion within the outside dimensions of the background or frame of each sign face.
  - (2) For a sign comprised of individual letters, figures, or elements on a wall or similar surface, or an irregularly shaped freestanding sign, the area of a sign shall encompass a regular, or a combination of regular geometric shapes which form, or approximate, the perimeter of all the elements in the display. When separate elements are organized to form a single sign but the elements are separated by open space, the area shall be calculated by determining the geometric form or combination of forms which comprise all the display area including the space between the elements.
  - (3) The sign area shall include the frame, but shall not include the pole or other necessary structural support.
  - (4) A freestanding or projecting sign shall have no more than two display surfaces provided that the two display surfaces are arranged back-to-back, and not more than 12 inches from each other. Each display surface shall be considered a sign face, and the maximum sign area permitted according to the regulations in Schedule 1165.04 shall mean the maximum area per sign face.
  - (5) The total window area of a building shall be the total glass area which is comprised of the sum of glass area of each window on the first floor of the wall of a building facing a public street, provided that for the purposes of these regulations, the height of windows on the first floor shall be that portion of the window within 15 feet of the grade. If a window panel is separated from another window panel by an opaque area of less than four inches, the panels shall be considered as part of the same window.

- (6) Any projecting, canopy or awning sign shall be included in the total allowance for wall signs except that projecting signs under a canopy or awning with the primary purpose of informing pedestrians walking under such canopy or awning shall be excluded from the total allowance for an identification wall sign.
  - (7) In the event there is a dispute in determining the sign area or any sign dimension, the Planning Commission shall have the final responsibility for making such determination.
- (b) Determining Sign Height. The height of a freestanding sign shall be measured from the base of the sign or supporting structure at normal grade to the top of the highest element. Normal grade shall be (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, or mounding solely for the purpose of locating the sign.
- (c) Determining Building Frontage. The building wall that faces the street or that contains the main entrance to the use(s) in the building shall be considered the front of the building. When used as the basis for determining sign area, the building frontage shall be calculated according to the following:
- (1) The building frontage shall be measured along the front wall between the exterior faces of the exterior side walls.
  - (2) In the case of an irregular wall surface, a straight line extended along the front wall surface shall be used to measure the length.
  - (3) For lots fronting on two or more streets, or where the building has its main entrance on a wall other than the wall that faces the street, the building frontage shall be calculated separately for each building wall facing a street or having a main entrance. The sign area that is located on a particular building wall shall not exceed the area permitted for such building wall.
  - (4) For multi-tenant buildings, the portion of a building that is owned or leased by a single tenant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

**1165.04 MAXIMUM SIGN AREA PERMITTED.**

Signs as permitted in the respective zoning districts shall conform to the maximum area limitations set forth in Schedule 1165.04.

**Schedule 1165.04  
MAXIMUM PERMITTED AREA PER SIGN FACE**

Type of Sign	R-1, R-2	M-1, C-1, C-2, C-3, C-4, I.P.-1, I-1
(1) Construction	6 sq.ft.	32 sq.ft.
(1) Identification		
a. Free-Standing	15 sq.ft.	50 sq.ft. <sup>(a) (b)</sup>
a. Projecting	Not Permitted	24 sq.ft. <sup>(c)</sup>
a. Wall	Not Permitted	1.5 sq.ft. per lineal foot of building frontage <sup>(d) (e)</sup>
a. Window (Permanent)	Not Permitted	15% <sup>(f)</sup>
(1) Instructional	Not Permitted	See 1165.07(e)
(1) Institutional Identification	See 1165.07 (c)	Shall comply with the regulations in (1 )through (3) above
(1) Political	6 sq.ft.	32 sq.ft. <sup>(g)</sup>
(1) Real Estate	6 sq.ft.	32 sq.ft.
(1) Temporary Special Event	See 1165.07 (d)	See 1165.07 (d)

*Notes to Schedule 1165.04*

- <sup>(a)</sup> Area may be increased for signs on large lots according to Section 1165.07(f)
- <sup>(b)</sup> One permanent free-standing identification sign shall be permitted per zoning lot.
- <sup>(c)</sup> See 1165.06 for additional regulations for projecting signs.
- <sup>(d)</sup> An additional ½ sq. ft. of sign area shall be permitted if there is a minimum setback of 150 feet.
- <sup>(e)</sup> See 1165.03(c)(4) for regulations in calculating the building frontage for multi-tenant buildings.
- <sup>(f)</sup> The combined area of temporary and permanent window signs shall not exceed 30% of the total window area.
- <sup>(g)</sup> Temporary signs erected in relation to a public vote shall be erected no more than 30 days before such vote and shall be removed within 10 days after such vote.



**1165.05 MAXIMUM HEIGHT AND MINIMUM SETBACK FOR FREE-STANDING SIGNS.**

Free-standing signs as permitted in the respective zoning districts shall conform to the maximum height and minimum setback regulations set forth in Schedule 1165.05.

**Schedule 1165.05  
Maximum Height And Minimum Setback For  
Free-Standing Signs  
(in feet)**

	R-1, R-2, M-1	I.P.-1, I-1, C-1, C-2, C-3, C-4
Maximum Height <sup>(a)</sup>	5	8
Minimum Setback from right-of-way	5	8

<sup>(a)</sup> Measured from the natural average grade of the adjacent right-of-way line and shall not include any artificial or decorative mounds or depressions.

**1165.06 REGULATIONS FOR PROJECTING SIGNS.**

- (a) Only one projecting sign shall be permitted per building unit.
- (b) The lowest part of the sign shall be a minimum of 8 feet above ground level.
- (c) It shall not project out more than 4 feet from the building.

**1165.07 SUPPLEMENTAL REGULATIONS.**

The following sign regulations are in addition to the maximum sign area and height regulations set forth in Sections 1165.04 and 1165.05.

- (a) Permanent Free-Standing Residential Identification Signs. A permanent free-standing residential identification sign shall be permitted for each entrance to residential development pursuant to the area limitations of Schedule 1165.04 and the height limitations of Schedule 1165.05 and such signs may be placed:
  - (1) On private property adjacent to such entrance; or
  - (2) On the center island of a boulevard entrance when no closer than 25 feet to the intersecting street's right-of-way and when the Village is held harmless for any liability related to the existence of such sign.

- (b) Temporary Free-Standing Residential Identification Signs. One temporary free-standing residential identification sign no more than 40 square feet in area and no more than 8 feet in height shall be permitted while a subdivision is under construction for a period not to exceed 15 months unless extended by the Zoning Administrator.
- (c) Institutional Signs in Residential Districts. Accessory signs for institutional uses in a Residential District shall be permitted according to the following regulations.
- (1) One free-standing identification sign shall be permitted and shall be setback from the right-of-way a minimum of 8 feet, shall not exceed 8 feet in height and shall not exceed 50 square feet per sign face; and
  - (2) A wall sign shall be permitted to a maximum of 1 square foot per lineal foot of building frontage not to exceed 100 square feet.  
(Ord. 1552. Passed 4-13-98.)
- (d) Temporary Special Event Signs. Signs erected for a special promotion or other event shall be erected for a maximum period of 21 consecutive days a maximum of three times a year. Such signs shall not be located so as to cause a traffic or other hazard. Signs meeting all requirements set forth in the Sheffield Planning and Zoning Code as determined by the Zoning Administrator shall be approved by the Mayor and issued a permit by the Mayor. Any sign reviewed and found to be not in compliance by the Zoning Administrator and not approved by the Mayor may be presented to the Planning Commission meeting upon the request of the applicant for review. Such signs shall be reviewed and approved by the Planning Commission according to the site plan review procedures pursuant to Section 1109.03.
- (e) Instructional Signs. Signs that are clearly intended for instructional purposes and, as determined by the Zoning Administrator, as authorized, are not larger than necessary to serve the intended instructional purposes nor are in locations which can be viewed and read from a public street shall not be included in the sum of the area of identification signs. Signs meeting all requirements set forth in the Sheffield Planning and Zoning Code as determined by the Zoning Administrator shall be approved by the Mayor and issued a permit by the Mayor. Any sign reviewed and found to be not in compliance by the Zoning Administrator and not approved by the Mayor may be presented to the Planning Commission at its next meeting upon the request of the applicant for review. Such signs shall be reviewed and approved by the Planning Commission according to the site plan review procedures pursuant to Section 1109.03.  
(Ord. 1744. Passed 12-13-99.)
- (f) Additional Area and Height Regulations for Free Standing Signs on Large Lots. The area and height of freestanding signs on large lots may be increased according to the following:
- (1) The allowable area of any freestanding sign face may be increased by 1 square foot of area for every 3 lineal feet of lot frontage greater than 300 lineal feet and the maximum height permitted may be increased according to the requirements set forth in Schedule 1165.07.

**Schedule 1165.07**  
**Minimum Setback and Maximum Height Requirements**  
**for Free-Standing Signs on Large Lots**

Area of Sign (square feet)	Minimum Setback (feet)	Maximum Height (feet)
50-75	8	8
76-100	8	10
101-125	10	12
126-150	10	16

**1165.08 CRITERIA FOR THE DESIGN AND CONSTRUCTION OF SIGNS.**

In addition to ensuring compliance with the numerical standards of these regulations, the Planning Commission shall consider the proposed general design arrangement and placement of the sign as well as the appropriateness of the proposed sign in relationship to other signs and other structures both on the premises and in the surrounding areas, and shall only approve signs which are consistent with the intent, purposes, standard and criteria of these sign regulations. Specific standards for determining the appropriateness of the sign shall include, but not be limited, to the following:

- (a) The lettering shall be large enough to be easily read but not overly large or out of scale with the building or site.
- (b) The number of items, letters, symbols, shapes, shall be consistent with the amount of information which can be comprehended by the viewer; reflect simplicity; avoid visual clutter; and improve legibility.
- (c) The shape of the sign shall be simple and not create visual clutter, and the sign should be consolidated into a minimum number of elements.
- (d) A ratio between the message and the background shall permit easy recognition of the message.
- (e) The size, style and location of the sign shall be appropriate to the activity of the site.
- (f) The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture.
- (g) Signs shall have an appropriate contrast and be designed with a limited number of, and harmonious use of, colors.
- (h) Extraneous elements, by virtue of inappropriate remodeling, and which exist at the time a new sign is proposed shall be removed to improve the clarity and design of the proposed sign and restore the intended character of the building.
- (I) Signs, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block.
- (j) Instructional sign shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.
- (k) Visible frames or supports for projecting signs shall be artistic in nature.
- (l) A sign should be constructed with a minimum of different types of material so as to provide a consistent overall appearance.

(m) Illumination.

- (1) All signs, except as herein modified, may be illuminated by internally or reflected light provided that such illumination shall:
  - A. Not be excessive in brightness,
  - B. Not be flashing, moving or intermittent so that any part of the message changes at a rate of more than once every 2 minutes.
  - C. Located, arranged or shielded to be reflected away from adjacent property or streets.
- (2) Signs shall not be lighted to obstruct traffic control or any other public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices. These regulations shall not apply to Holiday display lighting.

(n) Construction Standards.

- (1) Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.
- (2) Signs shall be fabricated on and of material which are of good quality, good durability and are complimentary to the building of which they become a part.
- (3) The construction, erection, safety and maintenance of signs shall comply with the Sheffield Building Code and the Ohio Revised Code.
- (4) Signs shall be structurally designed to withstand wind pressure of 30 pounds per square foot in any direction.

**1165.081 ELECTRONIC MESSAGE BOARDS.**

- (a) The Building Department may grant a permit for an Electronic Message Board

Sign if:

- (1) The sign has been subject to and received design review and has been approved by administrative review.
- (2) Is limited to a five (5) year period, from the time it is installed, at which time, upon timely re-application, the Administrator may renew the permit for an additional period of five (5) years, provided the sign was operated in compliance with the provisions of this section in all material aspects. The Administrator shall notify sign owners at least sixty (60) days prior to the end of the period. Failure to provide such notice, however, shall not extend the renewal for more than sixty (60) days from the date notice is given;
- (3) Has a luminance of no more than ten thousand (10,000) units during daylight sunrise to sunset and no more than five hundred (500) units at night from sunset to sunrise;
- (4) The illuminated side of the sign shall not be located within three hundred (300) feet of a residential zoning district; and
- (5) Is used only for on-premise advertising.

(b) The owner of an electronic sign shall be required to obtain an annual license by paying an annual fee determined by the Fiscal Officer and the Village Administrator. The fee is subject to yearly revision. Failure to pay the annual fee will subject the permit to revocation;

(c) Electronic Message Board Display Regulations:

- (1) One image, animation, or video must remain visible for an interval of at least eight (8) seconds;
- (2) Display must go dark if there is a malfunction.

(d) An Electronic Message Sign will be in violation of the terms of its permit if one or more of the following occurs:

- (1) Animation and motion of images and messages is too fast and distracting and as such compromise public safety;
- (2) Sign has a negative impact on pedestrian or vehicular traffic flow and safety;
- (3) Sign compromises public safety in any way.

(Ord. 2691. Passed 9-9-19.)

#### **1165.09 MAINTENANCE.**

(a) All signs shall be maintained in accordance with the Sheffield Building Code.

(b) Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, relettering or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met.

- (1) There is no alteration or remodeling to the structure or the mounting of the sign itself.
- (2) There is no enlargement or increase in any of the dimensions of the sign or its structure.
- (3) The sign is accessory to a legally permitted or legally nonconforming use.

#### **1165.10 PROHIBITED SIGNS.**

All signs not expressly permitted under this Code or exempt from regulation hereunder in accordance with the previous section are prohibited in the Municipality. Such signs include, but are not limited to:

- (a) Animated, flasher, blinker, racer type, moving or revolving signs, pennants, inflatable signs and tethered balloons, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, except those exempt under the previous section, and other similar features.
- (b) Signs on temporarily placed vehicles.
- (c) Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or directional signals.

- (d) Merchandise, equipment, products, vehicles, or other items not themselves for sale and placed for attention getting, identification, or advertising purposes.

### 1165.11 SIGN APPROVAL PROCEDURES.

Provided that all applicable regulations of this Chapter are complied with, the approval of signs shall be in compliance with Schedule 1165.11. All signs requiring site plan review shall follow the procedures according to Section 1217.05.

#### Schedule 1165.11 APPROVAL REQUIREMENTS FOR SIGNS

Type of Sign	No Permit Required	Mayoral Approval Required	Planning Commission Approval Required*
1. Construction		X	
2. Political	X		
3. Real Estate	X		
4. Instructional	X	X	X
5. Identification			
(a) Permanent Free-Standing		X	X
(b) Projecting		X	X
(c) Wall		X	X
6. Temporary Special Event		X	X
7. Window			
(a) Permanent		X	X
(b) Temporary	X		

\* For all signs not approved by Mayor and requiring a permit.

### 1165.12 REGULATIONS FOR NONCONFORMING SIGNS.

(a) Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 1165.09 of this Code.

(b) Alteration and Removal of Nonconforming Signs.

(1) Nonconforming signs shall be removed and any subsequent modification or replacement, excluding maintenance as defined in Section 1165.09 shall conform to all requirements of this chapter:

- A. When more than 50 percent of the value of the sign has been destroyed or has been taken down;
- B. When the use which the nonconforming sign is accessory to is vacant for 90 consecutive days; and
- C. Following 5 years from the date of this amendment to this Planning and Zoning Code which made the sign nonconforming.

- (2) A nonconforming sign shall not be altered, modified or reconstructed other than to comply with this chapter except:
- A. When the existing use has new ownership which results in a change in the name of the use or business on the property;
  - B. When the space is reoccupied by a similar use and the new occupant requires no external building or site renovation; or
  - C. A new sign pursuant to this subsection may be changed by replacing a sign panel or by repainting a sign face only. Such alterations shall not require changes to the structure, framing or erection or relocation of the sign unless such changes conform to this chapter.

### **1165.13 PROHIBITION OF SIGNS IN THE RIGHT-OF-WAY.**

(a) Any sign or flyer, whether permanent or temporary, whether freestanding or attached to any structure including, but not limited to any utility pole, tree, shrub or plant, shall be prohibited within any public right-of-way.

(b) For purposes of this Section 1165.13, the term “right-of-way” shall have the meaning given to such term in Section 1105.02(b)(85).

(c) For purposes of this Section 1165.13, the term “sign” shall have the meaning given to such term in Section 1105.02(b)(92).

(d) This section shall not prohibit the location in the right-of-way of any sign required by law or placed within the right-of-way by any governmental entity.  
(Ord. 2031. Passed 1-23-06.)

### **1165.14 US I-90 CORRIDOR.**

(a) Introduction: Signs in the US I-90 Corridor are necessary to communicate information for property owners, tenants and users. Since the corridor is a major gateway, signs may be considered differently than other signs throughout the Village. Additional sign criteria are necessary to accomplish this and are intended to supplement the sign regulations.

(b) Location: The regulations noted below are applicable to any property that has frontage on US I-90 and within the US I-90 Corridor Zone below:



(c) Purpose: These criteria include restrictions on all signs including but not limited to freestanding signs, wall signs, monument signs, temporary signs, and portable signs.

(d) Standards: All signs on US I-90 must be setback a minimum of ten (10) feet from the right-of-way

(e) Freestanding Signs (Pole Signs):

- (1) No more than thirty-five (35) feet in height from the finished site grade;
- (2) No more than seventy-five (75) square feet in surface area when the building is between one thousand (1,000) and five thousand (5,000) square feet in size;
- (3) No more than one hundred and fifty (150) square feet in surface area when the building is between five thousand one (5,001) and twenty thousand (20,000) square feet;
- (4) No more than one hundred seventy-five (175) square feet in surface area when the building is twenty thousand one (20,001) square feet or larger; and
- (5) Clear area under the sign must be eight and one half (8.5) feet from the ground to the bottom of sign.

(e) Wall Signs: No more than one and one half (1.5) square feet per one (1) lineal ft. of the building/unit frontage.

(f) Monument Signs: No more than eight (8) feet in height; No more than fifty (50) square feet in area.



(g) Electronic Message Boards: Must follow regulations found in Section 1165.081. (Ord. 2691. Passed 9-9-19.)

**1165.15 OFF-PREMISE ELECTRONIC BILLBOARDS.**

For the purposes of this section, outdoor off-premises advertising via Electronic Billboard signs shall be classified as a conditionally permitted use only in IP-1, C2, C3 zoning districts along the 1-90 Corridor as defined at Section 1165.14 of this Code. In addition, regulation of signs along interstate highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto and ODOT rules and regulations. Off-Premise Electronic Billboard signs must also conform to these guidelines:

- (a) Electronic Billboards may not be erected or constructed within fifty (50) feet of any road or highway intersection or railroad grade crossing;
- (b) No sign except those placed and maintained by the Village, County, State, or Federal governments shall be located within, overhang or encroach upon any public right-of-way;
- (c) Setback shall be ten (10) feet from the road right-of-way;
- (d) Height shall not exceed forty-five (45) feet;
- (e) Electronic Billboards must also meet the following regulations:
  - (1) Signs may not be located within eight thousand (8,000) feet of any other billboard or with an electronic message board component on the same roadway.
  - (2) All signs must follow the luminance regulations of Section 1165.081.
  - (3) There shall be no more than two (2) Electronic Billboards within the Village at any given time, one of which must be located on property owned by the Village of Sheffield.
  - (4) Electronic Billboards must follow regulations found in Section 1165.081;
- (f) All messaging shall conform to Community Standards and shall not be salacious in nature or appeal to the prurient interest; and
- (g) Provision of emergency messaging and community activity shall be permitted cost free. (Ord. 2701. Passed 10-28-19.)

**CHAPTER 1169**  
**Floodplain Overlay District**

<b>1169.01</b>	<b>Purpose.</b>	<b>1169.06</b>	<b>Variance procedure.</b>
<b>1169.02</b>	<b>Definitions.</b>	<b>1169.07</b>	<b>General provisions for flood hazard reduction.</b>
<b>1169.03</b>	<b>Boundaries of floodplain overlay district.</b>	<b>1169.08</b>	<b>Specific standards.</b>
<b>1169.04</b>	<b>Compliance.</b>	<b>1169.09</b>	<b>Floodways.</b>
<b>1169.05</b>	<b>Warning and disclaimer of liability.</b>	<b>1169.10</b>	<b>Violations and penalties.</b>

**1169.01 PURPOSE.**

The Floodplain Overlay District is established to achieve the general purpose of this Zoning Ordinance, as stated in Chapter 1103, to protect human life and health; to minimize expenditure of public money for costly flood control projects and rescue and relief efforts; to ensure that potential buyers are notified that property is in an area of special flood hazard; to minimize private losses; and to ensure that those who occupy areas within the Floodplain Overlay District assume responsibility for their actions.

**1169.02 DEFINITIONS.**

For the purpose of this Zoning Ordinance, the following words and phrases shall have the meanings ascribed to them respectively.

- (a) Alteration of Watercourse: Any action that serves to increase or decrease the carrying capacity of a watercourse.
- (b) Area of Special Flood Hazard: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.
- (c) Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-hundred (100) year flood.
- (d) Federal Emergency Management Agency (FEMA): The agency with the overall responsibility for administering the National Flood Insurance Program.
- (e) Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (1) The overflow of inland or tidal waters, and/or
  - (2) The unusual and rapid accumulation or runoff of surface waters from any source.

- (f) **Flood Insurance Rate Map (FIRM):** An official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.
- (g) **Flood Insurance Study:** The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.
- (h) **Floodplain:** Any land susceptible to being inundated by water from the base flood.
- (i) **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 .5 foot.
- (j) **Overlay District:** A district described by the zoning map and superimposed on other districts, within which further regulations apply in addition to those of the underlying districts to which such designation is added.
- (k) **Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

### **1169.03 BOUNDARIES OF FLOODPLAIN OVERLAY DISTRICT.**

The boundaries of the Floodplain Overlay District shall include all areas of special flood hazard within the jurisdiction of the Village. The areas of special flood hazard within the Village of Sheffield have been identified by the Federal Emergency Management Agency, and are identified in a Flood Boundary and/or Flood Insurance Rate Map, dated June 18, 1980, and any revisions thereto is hereby adopted by reference and declared to be part of this Chapter, and is on file at the Village Hall.

### **1169.04 COMPLIANCE.**

Unless specifically exempted according to Section 1169.09(c), no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of this Chapter.

### **1169.05 WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. Therefore, this Ordinance shall not create liability on the part of the Village, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Ordinance or any administrative decisions lawfully made thereunder.

**1169.06 VARIANCE PROCEDURE.**

(a) Board of Zoning Appeals. When evaluating requests for variances, the Board of Zoning Appeals shall consider, in addition to the requirements of Section 1109.07, all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (6) The necessity to the facility of a waterfront location, where applicable;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the flood plain management program for the area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport or the flood waters and the effects of wave action, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(b) Conditions for Variances.

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1) through (11) in Section 1169.06(a) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (5) Variances shall only be issued upon:
  - A. A showing of good and sufficient cause;
  - B. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  - C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this ordinance, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with existing local laws or ordinances.
- (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

#### **1169.07 GENERAL PROVISIONS FOR FLOOD HAZARD REDUCTION.**

Within the Floodplain Overlay District the following standards are required:

- (a) Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (b) Construction Materials and Methods.
  - (1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
  - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) Utilities.
  - (1) All new and replaced water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
  - (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
  - (3) Individual waste water treatment systems shall be located to avoid impairment to them or contamination from them during flooding.
- (d) Subdivision Proposals.
  - (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
  - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
  - (3) All subdivision proposals shall have adequate drainage and grading provided to reduce exposure to flood damage;

- (4) Base flood elevation data shall be provided for subdivision proposals.
- (5) A zoning certificate for any subdivision which contains land within the Floodplain Overlay District, shall not be given unless the plat and development plans shows the boundary of the Floodplain Overlay District and contains in clearly discernible print the statement that such land is restricted by Chapter 1169 of this Zoning Ordinance.

#### **1169.08 SPECIFIC STANDARDS.**

In addition to the general provisions of Section 1169.07, the following specific standards are required within the Floodplain Overlay District.

- (a) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.
- (b) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
  - (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and affects of buoyancy; and,
  - (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this Section.
- (c) Accessory Structures. An exemption to the elevation or dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 500 square feet or less in gross floor area. Such structures must meet the encroachment provisions of Section 1169.09 and the following additional standards:
  - (1) They shall not be used for human habitation;
  - (2) They shall be designed to have low flood damage potential;
  - (3) They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
  - (4) They shall be firmly anchored to prevent flotation; and,
  - (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.
- (d) Manufactured Homes. The following standards shall apply to all new and substantially improved manufactured homes. Where the provisions of this Section conflict or overlap with State Law, whichever imposes the more stringent restrictions shall prevail.
  - (1) Manufactured home shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
  - (2) Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.

- (3) Necessary surface drainage and easy access for manufactured home haulers shall be provided in manufactured home parks.
- (4) Load bearing foundation supports must be placed on stable soil or concrete footings no more than 10 feet apart, and if the support height is greater than 72 inches, the support must contain steel reinforcement.
- (e) Enclosures Below Base Flood Elevation. The following provisions shall apply to all new and substantially improved residential and nonresidential structures which are elevated to or above base flood elevation using pilings, columns, or posts or which contain a crawl space. These structures may enclose the area below the base flood elevation provided the following conditions are met:
  - (1) Fully enclosed areas below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls allowing for the entry and exit of flood waters. Designs for meeting this requirement must:
    - A. Be certified by a registered professional engineer or architect; or,
    - B. Must meet or exceed the following criteria:
      - 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area shall be provided;
      - 2. The bottom of all openings shall be no higher than one foot above grade; and,
      - 3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
  - (2) Any enclosure which meets these criteria shall be considered as having met the requirements of Section 1169.07(a), Anchoring.
- (f) Water Supply and Sanitary Sewer Systems. Whenever any portion of a proposed development is located within the Floodplain Overlay District, the agency or agencies responsible for certifying the adequacy of the water supply and sewage disposal system for the Village shall be notified. Such agency shall certify that any new water supply or sanitary sewer system is adequately designed to minimize or eliminate infiltration of flood waters into it, to eliminate discharge from sewers into floodwaters, and to avoid impairment during times of flooding.
- (g) Drainage and Erosion Control.
  - (1) Whenever any portion of a floodplain is filled in with fill dirt, slopes shall be adequately stabilized to withstand the erosive forces of the base flood.
  - (2) To the extent practicable, all development shall conform to the natural contours of the land and natural and preexisting man-made drainage ways shall remain undisturbed.
  - (3) All developments shall be provided with a drainage system that prevents retention of surface water on the development site, unless the retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan.
  - (4) No surface water may be channeled or directed into a sanitary sewer.

**1169.09 FLOODWAYS.**

The Flood Insurance Rate Map referenced in Section 1169.03 identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The following provisions apply within all delineated floodway areas.

- (a) No encroachments, including fill, new construction, substantial improvements, and other development shall be permitted in a floodway.
- (b) Artificial Obstructions. Any obstructions other than a natural obstruction, that is capable of reducing the flood carrying capacity of a stream or may accumulate debris and thereby reduce the flood carrying capacity of a stream, shall not be located in a floodway, except as provided in Section 1169.09(c).
- (c) Permissible Uses Within Floodways. Permitted uses within a floodway are limited to the following:
  - (1) Agriculture.
  - (2) Ground level parking and loading areas.
  - (3) Public and private parks.
- (d) Improvements Permitted Within Floodways. Maintenance work, such as roofing, painting, and basement sealing, and improvements which are not substantial--as defined in Section 1169.02--shall be permitted within floodways.

**1169.10 VIOLATIONS AND PENALTIES.**

Violations of the provisions of this Chapter or failure to comply with any of its requirements shall constitute a violation under the terms of Chapter 1113.





**CHAPTER 1175**  
**Nonconforming Regulations**

<b>1175.01 Purposes.</b>	<b>1175.05 Nonconforming use due to reclassification.</b>
<b>1175.02 Nonconforming buildings or structures.</b>	<b>1175.06 Performance standards.</b>
<b>1175.03 Nonconforming use of buildings.</b>	<b>1175.07 Nonconforming lots.</b>
<b>1175.04 Nonconforming use of land.</b>	

**1175.01 PURPOSES.**

The principal objective of this chapter is to provide regulations for the continuance, maintenance, repair, restoration, moving and discontinuance of nonconforming buildings and uses and to bring about eventual conformity with a comprehensive plan for the community by the gradual elimination of all nonconforming buildings and uses. The specific means to accomplish this, although permitting maintenance of existing non-conforming buildings, are as follows:

- (a) To permit the continuance but control of nonconformity so as to minimize any adverse effect on the adjoining properties and development;
- (b) To regulate nonconforming building maintenance, repair and extension;
- (c) To require the permanent discontinuance of nonconforming buildings, land and uses if the same are not operated for certain periods; and
- (d) To bring about eventual conformity in accordance with the objectives of the Comprehensive Plan of the Village.

**1175.02 NONCONFORMING BUILDINGS OR STRUCTURES.**

A building or structure existing lawfully at the time this Code became effective, but which does not conform in dimension (area and width of lot, width of setbacks, percent of land coverage, parking requirements or height of building or structure) or in design (a building designed or intended for a use not permitted in the district), or other site condition related to the regulations of the district in which it is located, is a nonconforming building or structure and may be continued as follows:

- (a) Maintenance and Repair. A building or structure nonconforming in dimension and/or design may continue to be used, maintained and repaired, provided that no structural part is replaced in a building non-conforming in design, except when required by law to restore it to a safe condition or to make the building or use conform to the regulations of the district in which it is located. For the purpose of this Code, the words “maintained” and “repaired” include the ordinary maintenance of a building or structure, the replacement of equipment which is required for safety of operation and the replacement or substitutions of machinery or equipment.

- (b) Additions. A building or structure nonconforming in dimension may be added to or enlarged, provided that the additions are made to conform to the yard, percent of coverage, parking and height regulations of the district in which it is located. A building or structure nonconforming in design shall not be added to or enlarged unless the original building or structure, as well as the additions, are made to conform with all the regulations of the district in which it is located.
- (c) Moving. A building or structure nonconforming in dimension and/or design may be moved in whole or in part to any other location on a lot or other premises, provided that every portion of such building or structure so moved is made to conform to all regulation of the district in which it is to be located.
- (d) Restoration of Damaged Buildings. If a nonconforming building or structure is damaged or destroyed by any cause to the extent of fifty percent of its fair market value, those portions so destroyed or damaged may be restored, but not to more than its former size, provided such restoration is completed within a period of one year from the date of damage or destruction. If such a building is occupied by a nonconforming use prior to such damage, such use may be continued. If a nonconforming building or structure is damaged or destroyed to the extent of more than fifty percent of its fair market value, no repair or reconstruction shall be made unless every portion of the building or structure is made to conform to the regulations of the district in which the building is located and unless occupied by a conforming use. Determination of the fair market value shall be made by three (3) appraisers, one to be appointed by the owner, one to be appointed by the Village and the third to be appointed by the first two; costs of the appraisers shall be borne by the owner.

### **1175.03 NONCONFORMING USE OF BUILDINGS.**

The use of a building existing lawfully at the time this Code became effective, but which does not conform with the use, sign, parking or loading regulations of the district in which it is located, is a nonconforming use and may be continued only under the following conditions.

- (a) Change of Use. The nonconforming use of a building may be changed to a conforming use. In addition, the nonconforming use of a building may be changed to a less injurious use if approved by the Planning Commission after a public hearing. Thereafter, it shall not be changed back to the former nonconforming use.
- (b) Expansion of Use. A nonconforming use of part of a building may be expanded or extended only throughout the floor on which such use is presently located, but no change or structural alteration shall be made unless such change or structural alteration shall be made and the use thereof conform to all the regulations of the district in which the building is located.
- (c) Discontinuance of Use. If a nonconforming use within a building or portion thereof is discontinued for a continuous period of one year, any future use of such building or portion thereof so discontinued shall be in conformity with the use regulations of the district in which the building is located.

- (d) Nonconforming Parking Facilities. A building or use existing lawfully at the time this Code became effective but which does not conform with the off-street parking or off-street loading regulations, may be occupied by the existing use without such parking and/or loading facilities being provided. Any parking spaces that may be provided shall be in accordance with the applicable regulations set forth in the Code. However, if the existing building is altered so that there is an increase in the number of dwelling units, seating capacity or floor area, or if the use is changed to a use requiring more off-street facilities, than off-street parking and loading facilities shall be provided at least equal to the number of spaces required for the entire building or use in accordance with the applicable provisions of the Code.
- (e) Modification of Building. A building occupied entirely or partially by a nonconforming use may be modified if such modification is in conformity with all applicable regulations of the district in which the building is located or if the Planning Commission determines that the proposed modification(s) are required to retain or attract investment and will not be injurious to surrounding properties or the Village.

#### **1175.04 NONCONFORMING USE OF LAND.**

A vacant lot or parcel of land, the use and/or dimension of which existed lawfully at the time this Code became effective, but which does not conform with the use and/or dimension regulations of the district in which it is located, is a non-conforming use of land, and such use may be continued under the following conditions:

- (a) Expansion of Use. The use of a lot or part thereof nonconforming as to use shall not be expanded or extended.
- (b) Discontinuance of Use. If a lot or part thereof has been nonconforming as to use, and such use has been discontinued for a continuous period of one year, any future use of such lot or part thereof shall be in conformity with the use regulations of the district in which it is located.
- (c) Insufficient Size. A lot nonconforming as to lot area and/or lot width requirements of the district in which it is located and existing lawfully at the time this Code became effective may be developed in accordance with limitations set forth in Section 1175.07.

#### **1175.05 NONCONFORMING USE DUE TO RECLASSIFICATION.**

The provisions of Sections 1175.01 to 1175.04 shall also apply to buildings, structures, land or other uses hereafter becoming nonconforming as a result of future reclassification of district or of other amendments made to this Code.

Buildings and uses which were conforming, as well as nonconforming buildings and uses which were lawfully existing, prior to the effective date of this Code, and which became nonconforming under this Zoning Code, shall be deemed lawful nonconforming buildings and uses.

#### **1175.06 PERFORMANCE STANDARDS.**

Any use which was established before the effective date of this Code and which became nonconforming as to one or more of the performance standards, shall be required to conform therewith, no later than two years following the date of the enactment of this Code.

**1175.07 NONCONFORMING LOTS.**

A lot of record which does not comply with the area and/or width of lot regulations of the district in which it is located on the effective date of this Code or any amendment thereto which makes the lot nonconforming, may be used as follows:

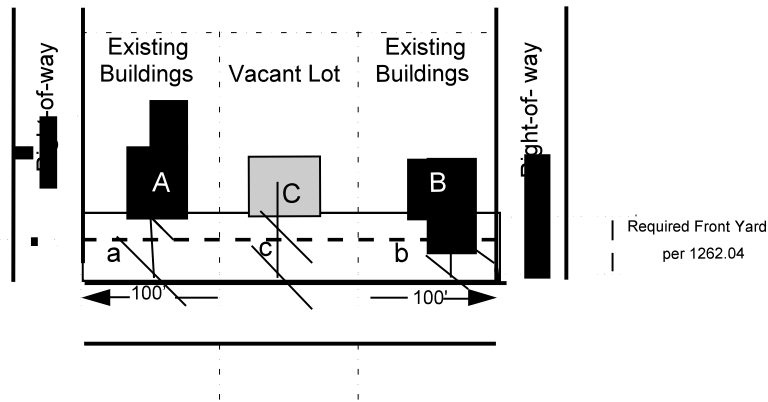
- (a) If occupied by a dwelling, such dwelling may be maintained, repaired or altered, except that the building may not be enlarged in floor area, unless the enlarged sections comply with all other regulations of this Code, except lot area and lot width regulations.
- (b) If vacant, the lot may be used as a site for a one-family dwelling only, provided that:
  - (1) No adjoining vacant lot or parcel of land was owned by the same owner on the effective date of this Code.
  - (2) All other regulations of this Code, except lot area and lot width regulations, are complied with.

**CHAPTER 1177**  
**Supplemental Regulations**

- |   |   |
|---|---|
| <p><b>1177.01</b> Front yards on partially built-up blocks.</p> <p><b>1177.02</b> Exceptions to height limitations.</p> <p><b>1177.03</b> Side lot lines not perpendicular to street lines.</p> <p><b>1177.04</b> Rear lot lines not parallel with street lines.</p> <p><b>1177.05</b> Screening and landscaping requirements for non-single family uses.</p> | <p><b>1177.06</b> Transmitting and receiving antennas.</p> <p><b>1177.07</b> Adult use regulations.</p> <p><b>1177.08</b> Mobile Homes.</p> <p><b>1177.09</b> Environmental Regulations.</p> <p><b>1177.10</b> Removal of trees, timber and plants.</p> <p><b>1177.11</b> Temporary outdoor special events.</p> |
|---|---|

**1177.01 FRONT YARDS ON PARTIALLY BUILT-UP BLOCKS.**

For any undeveloped lot located between two successive intersecting streets occupied by buildings prior to the effective date of this Zoning Code, the required minimum front yard setback shall be the average of the aggregate setbacks of buildings conforming in type and use for the district and located within 100 feet of either side of the undeveloped lot. In no event, however, shall the resulting front yard setback be less than two-thirds of the front yard depth requirements of Section 1137.04 (see Figure 1, below).



*Figure 1*

**1177.02 EXCEPTIONS TO HEIGHT LIMITATIONS.**

Principal buildings shall be erected, altered, moved or maintained in accordance with the maximum height regulations established for each district, except that radio or television antennae, chimneys, and other permitted accessory mechanical appurtenances located upon and constituted as an integral part of the principal building may be erected to a height not to exceed 15 feet above the rooftop. In any district, the height limitations of the district may be exceeded by a monument, steeple or shaft for ornamental purposes or by a building occupied exclusively as a place of worship with the approval of Planning Commission.

**1177.03 SIDE LOT LINES NOT PERPENDICULAR TO STREET LINES.**

In cases where the side lines of lot are not perpendicular to the street line, average dimensions may be used in measuring the width of side yards.

**1177.04 REAR LOT LINES NOT PARALLEL WITH STREET LINES.**

In cases where the rear line of a lot is not parallel with the street line, average dimensions may be used in determining the depths of rear yards.

**1177.05 SCREENING AND LANDSCAPING REQUIREMENTS FOR NON-SINGLE FAMILY USES.**

The following regulations shall apply to all permitted uses in M-1, C-1, C-2, C-3, C-4, I.P.-1 and I-1 Districts:

- (a) Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition. The minimum height of the planted material required in this Section shall be achieved within 2 years of planting.
  - (1) A minimum of 25% of the lot area shall be landscaped.
  - (2) Within the 20 foot front yard required pursuant to Section 1145.04, the following minimum plant material shall be provided:
    - A. One (1) tree with a caliper of at least 2 inches for each 50 lineal feet of lot frontage or fraction thereof, not including access driveways; or
    - B. One (1) shrub at least 30 inches in height for each 10 lineal feet of lot frontage or fraction thereof, not including access driveways.The planted material required in subsections A and B above may be placed in varying intervals or clustered in groups of plantings provided that the total number required for the lot frontage is accomplished. The Planning Commission may make a determination that existing trees satisfy the minimum plant material requirement.
- (b) All side and rear yards abutting Residential Districts shall be suitably landscaped with one or a combination of the following;
  - (1) The landscaping material shall include one or a combination of the following:
    - A. Dense vegetative planting incorporating trees and/or shrubs of a variety which shall be effective all year round and which shall be placed a maximum of eight (8) feet apart.
    - B. Non-living opaque structure such as a solid masonry wall, solidly constructed decorated fence, or louvered fence; or
    - C. Landscaped mound or berm.

- (2) The height of screening required in subsections A through C above shall be in accordance with the following:
  - A. Visual screening, walls, fences, or mounds and fences in combination shall be a minimum of six feet high in order to accomplish the desired screening effect.
  - B. The required landscaping shall be maintained in healthy condition by the current owner and replaced when necessary. Replacement material shall conform to the original intent of the landscape plan.
- (c) Landscaping of Parking Areas.
  - (1) Whenever a parking area, driveway or vehicle stacking area is adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property in a Residential District by an acceptably designed wall, fence, or planting screen.
  - (2) For parking lots designed to accommodate 20 or more vehicles, a minimum of 5% of the interior of the parking lot shall be landscaped. Such landscaping shall be in addition to any landscaping required in yards, and shall also conform to the following conditions.
    - A. Total landscaped area shall be separated into smaller areas and should be located so as to break up the expanse of pavement.
    - B. Each separate landscaped area shall be not less than one-hundred (100) square feet in area, and shall contain at least one (1) tree having a height not less than six (6) feet.
    - C. In addition to trees, the landscaped areas shall be adequately planted or otherwise treated with approved landscaping materials not to exceed three (3) feet in height above parking lot grade.
- (d) Screening of Accessory Uses. Accessory uses including dumpsters and loading areas shall be screened by an opaque fence or wall a minimum of six feet in height placed adjacent to the dumpster or loading area so as to effect screening from any adjacent streets and any adjoining properties.

#### **1177.06 TRANSMITTING AND RECEIVING ANTENNAS.**

Any other provisions of the Codified Ordinances notwithstanding, accessory transmitting or receiving antennas within the City are to regulated under this section. Transmission towers approved as a conditional use shall comply with the regulations set forth in Chapter 1153.

- (a) Definitions. As used in this section:
  - (1) "Antenna" means any device for radiating and/or receiving radio and television waves.
  - (2) "Antenna structure" means an antenna consisting of two or more radiating elements, generally similar which are arranged and excited in such a manner as to obtain directional radiation patterns. It includes any structural members which are necessary to maintain the proper electrical relationships between the radiating elements, but does not include the mast or other structure used to support the array as a whole, nor does it include the transmission line which supplies energy to or receives energy from the array as a whole.
  - (3) "Broadcast receiving antenna" means an outside antenna used for the reception of signals transmitted by stations licensed by the Federal Communications Commission (FCC), in the Radio Broadcast Services, including AM, FM and TV.



- (b) No person shall erect or cause to be erected within the City, any outside antenna or antenna structure, except standard, generally-marketed television and radio receiving antennas which are non-tower mounted, without first submitting plans for such antenna or antenna structure to the Zoning Administrator. Upon submission of an application for a permit for the construction of an antenna or antenna structure, accompanied by the plans therefor, the applicant shall also submit any available manufacturer's specifications and recommended construction details. In the absence of any such manufacturer's specifications and/or recommended construction details, the applicant shall submit sufficient data and/or diagrams as shall enable the Zoning Administrator to determine whether or not the proposed antenna and/or antenna structure shall be securely and safely anchored and capable of withstanding the reasonably-expected forces of wind and weather.
- (c) Such application shall also be accompanied by a certificate of public liability insurance evidencing liability protection to the applicant in an amount determined by Council. Upon expiration of the insurance coverage, the applicant shall furnish the City with further certificates of coverage showing the continuation of coverage. Lack of continuation of coverage shall be sufficient cause for the Zoning Administrator to order the antenna and or antenna structure removed as an unreasonable and unsound structure.
- (d) Height and Yard Restrictions. Antennas shall be located no less than 20 feet from any side or rear lot line and no antenna shall exceed a height of 60 feet, except as may be permitted as a conditional use for transmission towers.

#### **1177.07 ADULT USE REGULATIONS.**

The Village of Sheffield has determined that permitting adult uses, as defined in this Section, to be located in proximity to residential, institutional, and non-adult oriented retail uses would have a detrimental effect on such adjacent uses. It has been demonstrated that adult uses, as defined in this Section, have been known to cause undesirable secondary effects on residential and institutional uses, particularly those where children are present, as well as adjacent non-adult use oriented retail uses. Therefore, in order to prevent potential deterioration in Sheffield's retail area; and to avoid potential adverse impacts on residential and institutional uses particularly those where children are present, and thereby protecting the public health, safety and welfare, adult uses, as defined in this Section, shall be permitted only as a conditional use in the I-1 Districts pursuant to the regulations of Chapter 1153; the conditional use approval procedures pursuant to Section 1109.04; and further subject to the following requirements.

- (a) For purposes of this Code adult uses shall include but not be limited to any of the following:
  - (1) Adult book/video store. An establishment which utilizes 5 percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display or viewing, for any compensation, of books, magazines, other printed material, films, tapes and video cassettes, or any other visual representation, which are distinguished by their emphasis on adult materials as defined in this Section.
  - (2) Adult motion picture theater. An enclosed motion picture theater which regularly uses or utilizes 5 percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Section.

- (3) Adult motion picture drive-in theater. An open air drive-in theater which regularly uses or utilizes 5 percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Section.
- (4) Adult only live entertainment business. An establishment where the patron directly or indirectly is charged a fee, and where the establishment features:
  - A. Entertainment or services which constitute adult material as defined in this Section; or
  - B. Exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material as defined in this Section.
- (b) To further determine whether the above facilities are adult uses, the following definitions shall apply.
  - (1) Adult material. Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, video cassette, motion picture film, record or, other tangible thing, or any service, capable of creating sexual interest through sight, sound or touch, and;
    - A. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
    - B. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
  - (2) Bottomless. Less than full opaque covering of male or female genitals, pubic area or buttocks.
  - (3) Nude or nudity. The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
  - (4) Topless. The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
  - (5) Sexual activity. Sexual conduct or sexual contact, or both.
  - (6) Sexual contact. Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
  - (7) Sexual excitement. The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
- (c) Adult uses shall be located according to the conditions set forth in Section 1153.04.

#### **1177.08 MOBILE HOMES.**

(a) **Mobile Home Defined.** "Mobile home," as used in this chapter, means a house car, a camp car or any vehicle or structure mounted on wheels or capable of being propelled or drawn from place to place, either by its own power or by power supplied by some vehicle attached thereto or to be attached thereto, and being used for living or sleeping quarters.

(b) Maintenance on Lots; License and Sewage Disposal Facilities Required. No person shall place, keep or maintain, or permit to be placed, kept or maintained, a mobile home on any lot, piece or parcel of ground within the Village unless and until permanent sewage disposal facilities have been provided for the occupants of the mobile home and unless and until a license has been obtained therefor as hereinafter provided.

(c) License Application. Application for the license required by subsection (b), above, shall be made to the Mayor. The application shall be signed by the applicant and shall state the location of the premises to be occupied, the name and permission of the owner or responsible occupant of such premises, the name and address of the occupant of such mobile home, the license number of the mobile home and of the automobile to which it is or may be attached and such further information as the Mayor may require.

(d) Effective Period of Licenses; Fee Renewals. The license issued by the Mayor shall be effective for a period not to exceed thirty (30) days. The applicant shall pay a fee therefore of one dollar (\$1.00) per day for the effective period of such license. Such licenses shall not be renewable.

(e) Parking Limitations on Streets. No person shall park any mobile home at any one time, within a twenty-four hour period, in or upon any street or highway within the Village, for a period longer than two hours, nor between the hours of 12:00 midnight and 6:30 a.m.

#### **1177.09 ENVIRONMENTAL REGULATIONS.**

All property owners, applicants, or developers proposing to develop property or alter the land in any way shall have a continuing obligation to comply with all federal, state and/or county environmental regulations pertaining to, but not limited to: wetlands, on-site septic systems, other utility systems, drainage and retention, air and water quality, etc..

No permit issued by the Village shall absolve the owners, applicants or developers from meeting all of these applicable requirements.

#### **1177.10 REMOVAL OF TREES, TIMBER AND PLANTS.**

(a) Definitions. For purposes of this section, the term "Commercial Logging" shall mean the logging of forest products for commercial purposes, and shall not include the cutting or maintenance of wood by the property owner (or any contractor, agent, employee or other person on behalf of the owner) for any of the following purposes:

- (1) Personal use;
- (2) Routine maintenance of roads, rights of way and ditches;
- (3) The clearing of a home site for which a building permit has been obtained;
- (4) Christmas tree culture;
- (5) Clearing of approved subdivision roads and public utility easements.

(b) Permit Required. Commercial Logging within the Village shall require approval from the Village Building Department, which shall issue a permit for any such logging following the review of the appropriate application therefore. Any permit issued hereunder shall be in effect for a period of one (1) year from the date of issuance, and may be extended, at the sole discretion of the Village, for an additional six (6) months upon written request by the landowner.

(c) Application. Prior to commencing any Commercial Logging operation, an application for a permit shall be made by the landowner (or such owner's authorized designee) to the Village Building Department on a form prescribed by the Building Department. Such application shall include the following:

- (1) The name, address, telephone number and signature of the land owner;
- (2) The name, address, telephone number, certification number and signature of any Certified Forest Practitioner assisting the landowner in the design, managing and/or conducting of the Commercial Logging operation;
- (3) The name, telephone number, certification number and signature of the Certified Forest Harvester and/or any other contractor involved in such Commercial Logging operation;
- (4) The start date for such Commercial Logging operation;
- (5) The estimated completion date for such Commercial Logging operation;
- (6) The exact location of the Commercial Logging operation;
- (7) A detailed description of the proposed route to be taken by logging truck and other vehicles and machinery over any maintained roads in the Village;
- (8) A map depicting the exact area to be logged in connection with the Commercial Logging operation and any proposed logging roads to be created or utilized on the subject property for purposes of providing access from the subject property to public roads within the Village; and
- (9) A nonrefundable certified check payable to the Village in the amount of one hundred fifty dollars (\$150.00).

(d) Access. All logging roads created or utilized on the subject property and/or in connection with a Commercial Logging operation for the purpose of providing access to Village-maintained roads shall be subject to the approval of the Building Department and shall:

- (1) Be designed to minimize damage to Village road surfaces and shoulders;
- (2) Be designed to minimize damage and prevent blockage of any existing drainage systems; and
- (3) Be designed to minimize the erosion of soils from the Commercial Logging operation site and roads (whether public or private) and existing drainage systems.

(e) Logging Routes. The Building Department shall have the authority to modify the truck route within the Village of any vehicles used in connection with a Commercial Logging operation if, in the sole reasonable discretion of the Building Department, the proposed truck route may create risks or hazards to the health, safety or welfare of the Village and its residents, or if the proposed route will create undue noise issues. Factors to be considered by the Village Building Department under this section include, but are not limited to, the character of the roads, the zoning classification of the areas within the Village on the proposed route, and the proximity to residential neighborhoods or schools of the proposed route.

(f) Property Lines and Notification. The owner (or such owner's authorized designee) shall be obligated to perform the visible demarcation of any area to be logged in connection with a Commercial Logging operation as well as the applicable property lines of the owner's property, so that abutting property owners have adequate notice of the precise area to be logged in the event of a Commercial Logging operation. The owner (or such owner's authorized designee) shall also be obligated to post temporary signage in conformance with the Village's zoning regulations, which signage shall announce the timber harvesting activity and Commercial Logging that is to take place, and which signage shall be posted not less than fourteen (14) days prior to the commencement of any Commercial Logging operation. (Ord. 2098. Passed 6-25-07.)

(g) Bond. Prior to the issuance of a permit hereunder, any contractor performing work within the Village in connection with a Commercial Logging operation must file with the Village Clerk/Treasurer a cash or surety bond in a form approved by the Solicitor of the Village in favor of the Village in the amount specified below based on the total acreage to be subject to the Commercial Logging operation:

- (1) Up to ten (10) acres: Twenty-five thousand dollar (\$25,000.00) bond.
- (2) Over ten (10) acres: Twenty-five thousand dollar (\$25,000.00) bond for the first ten (10) acres and an additional two thousand dollar (\$2,000.00) bond for each additional acre or majority fraction of each additional acre over ten (10).

Any contractor performing work within the Village in connection with a Commercial Logging operation shall agree to indemnify and hold harmless the Village from any and all damages resulting from such Commercial Logging operation, including but not limited to, any damage resulting to any road, right-of-way, ditch, bridge, stormwater management system, or other infrastructure or property within the Village. Within thirty (30) days following the completion of the Commercial Logging operation, contractor(s) shall remove and properly dispose of stumps, roots, treetops, sawdust and other refuse, debris or material created as a result of the Commercial Logging operation and shall restore any right-of-way utilized in the Commercial Logging operation to its original condition. The bond may be released by the Village provided that all corrections, clean-up, repairs, improvements and damages have been made and/or addressed to completion within the time limits stated herein. In the event that such contractor fails to clean up, repair, improve or correct any damages within thirty (30) days after completion of the Commercial Logging operation or within thirty (30) days from receipt of written notice from the Village to do so, whichever first occurs, the Village may correct such damage or conduct such repair, improvement, clean-up and disposal. All costs and damages to the Village for the corrective work, clean-up work, repair work, improvement work or disposal work shall be the responsibility of the contractor and/or the owner, and the contractor and/or owner shall reimburse the Village within thirty (30) days of receipt of a bill from the Village for such corrective work, clean-up work, repair work, improvement work or disposal work. The Village shall have the right to use the bond as an offset to the costs of the corrective work, clean-up work, repair work, improvement work or disposal work, and if the costs exceed the value of the bond, the applicant/owner and/or contractor shall be responsible for the deficient balance, which shall be immediately due and owing. (Ord. 2385. Passed 3-25-13.)

(h) Issuance of Permit. Following review of the application and within ten (10) days of receipt thereof, the Building Department shall either issue or deny in writing the request for a permit. In the event that the application is approved and a permit is issued, such permit shall be permitted for the subject site and the subject Commercial Logging operation until released or terminated pursuant to the terms of this section.

(i) Display of Permit. It shall be the duty and obligation of the landowner to display the permit issued hereunder in a conspicuous location at the site of the driveway to the subject property.

(j) Warning Signs. Any firm, contractor, corporation, partnership, business entity or individual operating within the right-of-way in connection with any Commercial Logging operation shall be required to post warning signs at least 500 feet, in all appropriate directions, to adequately warn and notify any oncoming vehicular or pedestrian traffic.  
(Ord. 2098. Passed 6-25-07.)

(k) Penalties.

- (1) Violation of the provisions of this or any amendment or supplement thereto, or failure to comply with any of the requirements herein shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense. Any person or persons violating any of the provisions herein shall upon conviction be fined up to one hundred dollars (\$100.00) per day the violation exists, and, in addition, shall pay all costs and expenses involved in the case.
- (2) Upon notice from the Municipality and/or its authorized agent(s), that work is being done contrary to this chapter, such work shall immediately stop. Such notice shall be in writing and shall be given to the applicant, and shall state the conditions under which such work may resume; provided, however, in instances where immediate action is deemed necessary for the public safety or public interest, the Municipality's authorized agent may require that work be stopped upon verbal order pending issuance of the written order.
- (3) The imposition of any other penalties provided herein shall not preclude the Municipality, by or through its Law Director and/or any of its assistants, from instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules or regulations, or the orders of the authorized agent(s).  
(Ord. 2421. Passed 9-23-13.)

(l) Removal or Logging By or on Behalf of Public Utilities. Even though a public utility shall not be required to obtain a permit hereunder, any public utility shall nevertheless have the following obligations with respect to any removal of trees or branches and/or logging performed by or on behalf of any such public utility:

- (1) In connection with any removal or logging by or on behalf of a public utility, all ruts and depressions caused by any work must be eliminated and no standing water shall be permitted as a result of any clearing or removal or logging. All disturbed areas shall be re-seeded within one year of the completion of any removal or clearing or logging and/or any work regulated by this section.
- (2) In connection with any removal or clearing or logging by or on behalf of a public utility, all temporary drives and temporary drive pipes must be removed after completion of any such removal or clearing or logging and/or any work regulated by this section.  
(Ord. 2098. Passed 6-25-07.)

**1177.11 TEMPORARY OUTDOOR SPECIAL EVENTS.**

Temporary outdoor retail and recreational activities such as sales of plants, flowers, arts, crafts, fairs, festivals, carnivals, holiday events, temporary inventory reduction or liquidation sales, shall be permitted in compliance with the following regulations:

(a) Residential Districts.

- (1) The Mayor may approve an existing permitted or conditional use to conduct a temporary retail activity, including carnivals and festivals on private property, so long as such activity is limited in duration to no more than three (3) days and no more than two (2) such events occur in each calendar year.
- (2) Any such activity, carnival or festival that is intended to last for more than three (3) days, but no more than sixty (60) days must be approved by the Mayor, the Village Administrator, the Zoning Administrator, the Building Inspector, the Fire Chief and the Police Chief. Only one such event shall be permitted on a site in each calendar year.

(b) Commercial and Industrial Districts.

- (1) Temporary Outdoor Special Events may be approved by the Mayor when proposed for a period no longer than three (3) days and no more than two (2) such events shall occur in each calendar year.
- (2) Any such activity that is proposed for more than three (3) days, but no longer than sixty (60) days must be approved by the Mayor, the Village Administrator, Zoning Administrator, the Building Inspector, the Fire Chief and the Police Chief. Only one such event shall be permitted on a site in each calendar year.
- (3) Such event, when proposed to extend for a period longer than sixty (60) days, shall be considered by the Planning Commission and Village Council as a conditional use. Regardless of the duration of the outdoor special event, in all cases the owner of the property on which the activity is to be conducted shall sign the permit application.

(c) Activities on Public Property.

- (1) Temporary outdoor special events may be conducted on property which is publicly owned. Such event may be considered and approved by the Mayor when proposed to be no more than three (3) days in duration.
- (2) Any such activity that is proposed for more than three (3) days, but no longer than sixty (60) days must be approved by the Mayor, the Village Administrator, Zoning Administrator, the Building Inspector, the Fire Chief and the Police Chief. Only one such event shall be permitted on a site in each calendar year.
- (3) Such event, when proposed to extend for a period longer than sixty (60) days, shall be considered by the Planning Commission and Village Council as a conditional use.
- (4) Such activities shall not be conducted in the public right-of-way unless the appropriate license is obtained from the Village.

(d) Compliance Required.

- (1) All permits for temporary special events issued pursuant to this section shall set forth the precise location of the event, duration of the event, hours of operation and the specific type of activity to be conducted.
- (2) Any applicant for a temporary outdoor special event permit shall provide satisfactory proof of liability insurance and shall return the property to its original condition upon the conclusion of the event.

- (3) The failure on the part of any applicant to comply with the terms of the permit issued pursuant to this chapter shall result in the revocation of the permit and subject the applicant penalties for violation of the Village of Sheffield Planning and Zoning Code.
- (e) Fees. The fee to be paid by an applicant for a temporary outdoor special event shall be as follows:
- |   |          |
|---|----------|
| More than 3 days, but less than 60 days | \$200.00 |
| Greater than 60 days                    | \$500.00 |
- (f) Security. For any temporary outdoor special event which will last longer than three (3) days, the applicant will be required to hire off-duty Sheffield Village law enforcement police officers to provide security for the event during all hours of operation. The number of officers required shall be determined by the mayor and police chief based upon the nature of the event.  
(Ord. 2679. Passed 6-10-19.)