Sheffield Village
Planning and Zoning Code

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CODIFIED ORDINANCES OF SHEFFIELD VILLAGE

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CODIFIED ORDINANCES OF SHEFFIELD VILLAGE

PART ELEVEN - PLANNING AND ZONING CODE

CHAPTER 1101
General Provisions

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1101.01 PURPOSE.

It is the purpose of this planning and zoning code to promote and protect the public health, safety, comfort, convenience, and general welfare of the people of Sheffield Village through the establishment of minimum regulations governing the subdivision and development of land as well as the types of structures allowed and the use of land and structures. Furthermore, the more specific purpose of this planning and zoning code is to:

(a) Encourage and facilitate orderly, efficient, and appropriate growth and development;

(b) Protect the character and the values of the residential, business, industrial, and recreational areas;

(c) Assure the orderly and beneficial development of these areas;

(d) Provide adequate open spaces for light and air for all residents;

(e) Establish appropriate development density and intensity to prevent or reduce congestion and to secure the economy in the cost of providing water supply systems, electricity, sewerage systems, streets, highways, fire and police protection, schools, parks and recreation facilities, and other governmental services;

(f) Manage congestion on the streets to improve public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with traffic movements;

(g) Provide adequate access to all areas of the Village by people of all abilities and by varied modes of transportation;

(h) Encourage interconnectivity of developments to provide multiple access points in and out of developments for safety purposes and traffic dispersion;

(i) Improve the quality of life through the protection of the Village's total environment, including, but not limited to, the prevention of air, water, and noise pollution;

(j) Avoid the inappropriate subdivision or development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage; and

(k) 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 plans adopted by the Village.

(Ord. 2879. Passed 10-23-23.)

1101.02 SCOPE AND AUTHORITY.

(a) General Authority and Scope.

(1) The authority for the preparation, adoption, and implementation of this code is derived from Ohio Revised Code (ORC) Chapters 711 and 713, which permit the adoption of uniform rules and regulations governing the zoning and subdivision of land.

(2) Nothing in this code shall be construed to limit Village Council in exercising all of its powers to zone or redistrict now or hereafter authorized by the Ohio Constitution or Ohio statutes.

(b) References to the Ohio Revised Code (ORC) or the Ohio Administrative Code (OAC). Whenever any provision of this code refers to or cites a section of the ORC (as amended) or the OAC (as amended), and that section is later amended or superseded, this code shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section. (Ord. 2879. Passed 10-23-23.)

1101.03 TITLE.

These regulations shall be known and may be cited as the "Planning and Zoning Code of Sheffield Village, Ohio," or may be referred to as the "planning and zoning code," the "Sheffield Village Zoning Code," or the "code." This code may also be referred to as Part 11 of the Codified Ordinances of Sheffield Village, Ohio. (Ord. 2879. Passed 10-23-23.)

1101.04 EFFECTIVE DATE.

This code was originally adopted by Village Council on April 13, 1998 (Ordinance 1552), as amended, and took effect in accordance with the codified ordinances.
(Ord. 2879. Passed 10-23-23.)

1101.05 APPLICABILITY.

(a) General Applicability.

(1) The provisions of this code shall apply to all land, buildings, structures, and uses of land, buildings, and structures, or portions thereof, located within the municipal boundaries of Sheffield Village in Lorain County, Ohio. The provisions of this code are the minimum requirements adopted to meet the purposes of this code as established in Section 1101.01: Purpose.

(2) The regulations established for each district in this code shall apply uniformly to each class or type of use, land, building, or structure unless modified, varied, or waived as provided herein.

(3) No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(b) Essential Services Exempted.

(1) The erection, construction, alteration, or maintenance by public utilities or municipal departments, boards, or commissions of essential services shall be exempt from the regulations of this code. However, the installation shall conform to Federal Communications Commission and Federal Aviation Administration rules and regulations and those of other authorities having jurisdiction.

(2) Buildings required in conjunction with an essential service identified in subsection (b)(1) above shall be subject to the regulations of this code and shall be reviewed as a principal use in accordance with Section 1107.05.
(Ord. 2879. Passed 10-23-23.)

1101.06 COMPREHENSIVE LAND USE PLAN AND OTHER VILLAGE PLANS.

The administration, enforcement, and amendment of this code should be consistent with the most recently adopted version of the Sheffield Village Comprehensive Land Plan, as amended and herein referred to as the "comprehensive land use plan" or "land use plan." Such plan, or references to such plan, shall also include other adopted or approved plans within the Village that relate to development, including, but not limited to, a thoroughfare plan, parks and recreation plan, etc. Amendments to this code should maintain and enhance the consistency between this code and the Comprehensive Land Use Plan or any other adopted or approved Village plans.
(Ord. 2879. Passed 10-23-23.)

1101.07 INTERPRETATION AND CONFLICTS.

(a) Interpretation of Provisions. The provisions of this code shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare.

(b) Conflict with Other Public Laws, Ordinances, Regulations, or Permits. This code is intended to complement other Village, State, and Federal regulations that affect land use and the division of land. This code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this code are more restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions of this code shall govern.

(c) Repeal of Conflicting Ordinance. All ordinances or parts of ordinances in conflict with this code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect. (Ord. 2879. Passed 10-23-23.)

1101.08 RELATIONSHIP WITH THIRD-PARTY PRIVATE AGREEMENTS.

(a) This code is not intended to interfere with or abrogate any third-party private agreements, including, but not limited to, easements, covenants, or other legal agreements between third parties. However, where this code proposes a greater restriction or imposes higher standards or requirements than such easement, covenant, or other private third-party agreement, then the provisions of this code shall govern.

(b) Nothing in this code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this code.

(c) In no case shall the Village be obligated to enforce the provisions of any easements, covenants, or other agreements between private parties, even if the Village is a named party in such agreement and has been granted the right to enforce the provisions of such agreement. (Ord. 2879. Passed 10-23-23.)

1101.09 COMPLIANCE WITH BUILDING, FIRE, AND FLOOD DAMAGE REDUCTION.

(a) Buildings and structures may be subject to other code requirements in the Sheffield Village Codified Ordinances in addition to the requirements of this code, including, but not limited to, Part 13 (Building Code) and Part 15 (Fire Prevention Code).

(b) Enforcement and administration of those regulations shall be as established in the applicable Codified Ordinance section and not through this planning and zoning code. (Ord. 2879. Passed 10-23-23.)

1101.10 ENVIRONMENTAL REGULATIONS.

(a) All property owners, applicants, or developers proposing to develop a property or alter the land in any way shall have a continuing obligation to comply with all federal, state, and 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.

(b) No permit issued by the Village shall absolve the owners, applicants, or developers from meeting all of these applicable requirements. (Ord. 2879. Passed 10-23-23.)

1101.11 SEVERABILITY.

(a) If any court of competent jurisdiction invalidates any provision of this code, then such judgment shall not affect the validity and continued enforcement of any other provision of this code.

(b) If any court of competent jurisdiction invalidates the application of any provision of this code to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment.

(c) If any court of competent jurisdiction invalidates any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment. (Ord. 2879. Passed 10-23-23.)

1101.12 TRANSITIONAL RULES.

(a) Purpose. These transitional rules aim to resolve the status of properties with pending applications or recent approvals and properties with outstanding violations on the effective date of this code amendment.

(b) Violations Continue.

(1) Any violation that existed at the time this amendment became effective shall continue to be a violation under this code and is subject to penalties and enforcement under Chapter 1127: Enforcement and Penalties unless the use, development, construction, or other activity complies with the provisions of this code.

(2) Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered a violation under this code.

(c) Nonconformities Continue.

(1) Any nonconformity that was legally established and that existed at the time this amendment became effective shall continue to be a legal nonconformity under this code as long as the situation that resulted in the nonconforming status under the previous code continues to exist. Chapter 1125: Nonconformities shall control all such nonconformities.

(2) If a legally established nonconformity that existed at the time this amendment became effective becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

(3) Any nonconformity that was not legally established in accordance with the provisions of this code shall not be protected and is considered a violation of this code.

(d) Processing of Applications Commenced or Approved Under Previous Regulations

(1) Pending Projects.

A. Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this code, shall be reviewed in accordance with the provisions of the regulations in effect on the date the application was deemed complete by the Village.

B. If a complete application is not filed within the required application filing deadlines in effect prior to the adoption of this code, the application shall expire, and subsequent applications shall be subject to the requirements of this code.

C. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

D. An applicant with a pending application may waive the applicable review available under prior regulations and request review under the provisions of this code by requesting such waiver, in writing, to the Village Administrator.

(2) Approved Projects.

A. Approved planned unit developments, site plans, variances, conditional uses, building permits, or other approved plans or permits that are valid on the effective date of this code shall remain valid until their expiration date, where applicable.

B. Any building or development for which a permit or certificate was granted prior to the effective date of this code shall be permitted to proceed to construction, even if such building or development does not conform to the provisions of this code, as long as the permit or certificate remains valid.

C. If the development for which the permit or certificate is issued prior to the effective date of this code fails to comply with the time frames for development established for the permit or certificate, the permit or certificate shall expire, and future development shall be subject to the requirements of this code.

(e) Vested Rights. The transitional rule provisions of this section are subject to Ohio's vested rights laws. (Ord. 2879. Passed 10-23-23.)

1101.13 RESTORATION OF UNSAFE BUILDINGS.

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared unsafe by an official charged with protecting the public safety upon order of such official. (Ord. 2879. Passed 10-23-23.)

1101.14 USE OF GRAPHICS, TABLES, ILLUSTRATIONS, FIGURES, AND CROSS-REFERENCES.

(a) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. The text shall control where a conflict may occur between the text and any graphic, illustration, or figure.

(b) In some instances, cross-references are provided between chapters, sections, and subsections that include the number and name of the referenced chapter, section, or subsection. The name shall control where a conflict may occur between the given cross-reference number and name.

(c) A table shall be considered text for the purposes of this code unless specifically identified as a figure. (Ord. 2879. Passed 10-23-23.)

1101.15 BURDEN OF PROOF.

(a) The burden of demonstrating that an application, development, structure, or use of land or structures subject to this code complies with applicable review and approval standards is the responsibility of the applicant.

(b) Such burden of proof shall also apply to demonstrating that the nonconformity was established legally under a previous amendment of this code.

(c) The burden of proof is not the responsibility of the Village or other parties to demonstrate that the standards have been met by the applicant or person responsible for the application, development, use of land or structure, or nonconformity with this code.
(Ord. 2879. Passed 10-23-23.)

CHAPTER 1103
Decision-Making Roles and Authorities

1103.01 Purpose.
1103.02 Review authority names, references, and delegation.
1103.03 Village Council.
1103.04 Review boards.
1103.05 Village Administrator.
1103.06 Zoning Administrator.

1103.01 PURPOSE.

The purpose of this chapter is to set forth the powers and duties of Sheffield Village's various review boards and administrative staff with respect to the administration and enforcement of the provisions of this code. (Ord. 2879. Passed 10-23-23.)

1103.02 REVIEW AUTHORITY NAMES, REFERENCES, AND DELEGATION.

(a) Review Authority Names and References. For the purposes of this code, the formal names of the administration and decision-making authorities identified above may also be referred to abbreviated names as identified below:

(1) The Sheffield Village Council may be referred to as "Village Council" or "Council."

(2) The Sheffield Village Planning Commission may be referred to as the "Planning Commission" or "Commission."

(3) The Sheffield Village Board of Zoning Appeals may be hereafter referred to as the "Board" or "BZA."

(4) The Village Administrator of Sheffield Village may be hereafter referred to as the "Village Administrator."

(5) The Sheffield Village Zoning Administrator may be hereafter referred to as the "Zoning Administrator."

(b) Delegation of Authority. Whenever a provision requires the head of a department or another officer or employee of the Village to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates unless the terms of the provision specify otherwise.
(Ord. 2879. Passed 10-23-23.)

1103.03 VILLAGE COUNCIL.

In addition to any other authority granted to the Village Council by ordinance or State law, the Village Council shall have the following powers and duties as it relates to this code:

(a) Initiate, hear, review, and make decisions related to amendments to the text of this code or the zoning map;

(b) Hear, review, and make decisions related to Planned Unit Developments;

(c) Review and accept, where appropriate, any proposed dedication of streets, utilities, and other public improvements required by this code;

(d) Review and confirm or overturn decisions made by review boards in relation to variances, conditional uses, and site plan applications;

(e) Establish fees for development review procedures, certificates, and permits outlined in this code;

(f) Perform any other duties related to administering and enforcing this code as authorized by this code and the ORC.

(Ord. 2879. Passed 10-23-23.)

1103.04 REVIEW BOARDS.

For the purposes of this code, there shall be review boards established for the administration and enforcement of this code, including the Planning Commission and BZA.

(a) General Rules and Regulations for All Review Boards. The following shall apply to the Planning Commission and BZA:

(1) Unless otherwise stated by the ORC, all members of a review board, at the date of their respective appointments, shall be residents of the Village and shall continue to be residents of the Village during the terms of their office.

(2) Except where the organizational requirements of this chapter allow for, or the ORC mandates membership by, an elected official or employee of the Village, members of the review boards shall not otherwise be employed or appointed to any other Sheffield Village municipal office.

(3) Members of any review board shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Village Council, upon written charges having been filed with the Village Council and after a public hearing has been held regarding such charges. A copy of the charges shall be served upon the member at least ten days prior to the hearings, either personally, by registered mail, or by leaving the same at his usual place of residence. The member shall be given the opportunity to be heard and answer such charges.

(4) A vacancy occurring during the term of any member of a review board shall be filled in the same manner as the position was originally filled, for the unexpired term in a manner authorized for the original appointment.

(5) The review boards may, by a majority vote of its entire membership at the time of consideration, adopt bylaws or rules for the governance of said board, provided they are consistent with State law and with any ordinances of the Village.

(6) The review boards shall keep a record of their meetings and hearings, which shall be a public record.

(7) All meetings of the review boards shall be open to the public, except as exempted by law.

(8) The departments, divisions, and agencies of the Village shall cooperate with and assist the boards in implementing the purposes for which they are formed.

(9) Meetings.

A. Each review board shall hold such meetings as it may require for conducting its business. Prior to the end of each year, the members shall, by motion, determine the dates of its regular meetings for the succeeding year.

B. The Village Administrator may cancel a meeting if there is no pending business to be conducted.

C. Special meetings may be called by the Chairperson or by a vote of the applicable review board at its regular meeting.

D. At either the first meeting or the last regular meeting of each year, or when practical, each board shall elect a Chairperson who shall serve for one-year terms. The boards may also elect a Vice-Chairperson. These officers shall be elected from among the members of the applicable boards. During the temporary absence of the Chairperson, the Vice-Chairperson, where elected, shall fulfill the duties of the Chairperson.

(b) Organization and Roles of the Planning Commission.

(1) Establishment. The Sheffield Village Planning Commission is hereby established by Village Council pursuant to Chapter 713 of the ORC.

(2) Membership and Terms. Membership of the Planning Commission shall be in accordance with Chapter 713 of the ORC, including the length of terms.

(3) Roles and Powers of the Planning Commission. The Planning Commission shall have the following roles and powers:

A. Initiate, hear, review, and make recommendations to Village Council for the approval of a comprehensive land use plan and other plans for the future physical development and improvement of the Village based upon utility, convenience and beauty, physical needs, density, and the social welfare and physical well-being of the people;

B. Initiate, hear, review, and make recommendations to Village Council related to amendments to the text of this code or the zoning map;

C. Hear, review, and make recommendations or decisions related to Planned Unit Developments;

D. Hear, review, and make decisions on conditional uses in the respective zoning district;

E. Hear, review, and decide on use variance requests in accordance with the applicable provisions of this code;

F. Make decisions on similar use determinations in accordance with Section 1107.05(d);

G. Hear, review, and make decisions on requests for substitution of nonconforming uses in accordance with Section 1125.04(e);

H. Review and make decisions on site plan applications;

I. Review and make recommendations and decisions, as applicable, on the preliminary subdivision plats and final subdivision plats for major subdivisions;

J. Review and make decisions on requests for subdivision modifications;

K. Consider, investigate, and report upon any special matter or question coming within the scope of its work as requested by Village Council or the administration; and

L. Perform any other duties related to the administration and enforcement of this code as authorized by this code, by ordinance of Village Council, and/or by the ORC.

(4) Special Provisions for Planning Commission Hearings Related to Conditional Use Review and Use Variances. A conditional use application and a use variance application shall be reviewed through an adjudication hearing that allows the Planning Commission to have the additional powers as part of the review of the application:

A. The Planning Commission shall make findings and conclusions which support all of its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps administer and enforce the provisions of this code, including the application of any review criteria for the subject application.

B. The Planning Commission shall have the power to subpoena and require the attendance of witnesses, to administer oaths, to compel testimony, and to produce reports, findings, and other evidence pertinent to any issue referred to it for decision.

C. Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney. Comments may also be submitted in writing or verbally to the Village Administrator and provided to the Planning Commission in advance of the hearing.

D. The privilege of cross-examination of witnesses shall be accorded to all interested parties or their attorneys.

(5) Quorums and Decisions.

A. Any combination of three (3) or more members of the Planning Commission shall constitute a quorum.

B. A motion made on a decision or recommendation shall carry when at least three (3) members of the Planning Commission concur.

C. General business items that do not include decisions on applications, such as continuances or approval of minutes, shall only require a majority of the quorum to concur.

D. A member of a Planning Commission shall not be qualified to vote if that member did not attend the public hearing or meeting of the applicable case subject to a decision unless he or she has read or listened to the transcript of the public hearing or meeting, as applicable.

E. A member of the Planning Commission shall not be qualified to vote if they have a direct or indirect interest in the issue subject to the application or any other conflict of interest.

(c) Organization and Roles of the Board of Zoning Appeals (BZA).

(1) Establishment. The Sheffield Village Board of Zoning Appeals is hereby established.

(2) Membership.

A. The BZA shall be composed of a total of three (3) members appointed by the Mayor and confirmed by the Village Council.

B. The terms of all members shall be three (3) years in duration, with one person being appointed every year, in order to permit staggered terms.

(3) Roles and Powers of the BZA. The BZA shall have the following roles and powers to:

A. Hear, review, and decide on appeals of any administrative decision where it is alleged there is an error in any administrative order, requirement, decision, or determination made by the Village Administrator, Zoning Administrator, or other staff member authorized to make such decisions or orders unless another appeals board is established by this code;

B. Hear, review, and decide on area/dimensional variance requests in accordance with the applicable provisions of this code;

C. Resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Section 1107.03(b);

D. To 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 (See Chapter 1125: Nonconformities.); and

E. Perform any other duties related to the administration and enforcement of this code as authorized by this code or the ORC.

(4) Quorums and Decisions.

A. Any combination of two (2) or more members of the BZA shall constitute a quorum.

B. A motion made on a decision shall carry when at least two (2) members of the BZA concur.

C. General business items that do not include decisions on applications, such as continuance or approval of minutes, shall only require a majority of the quorum to concur.

D. A member of a BZA shall not be qualified to vote if that member did not attend the public hearing of the applicable case subject to a decision unless he or she has read or listened to the transcript of the public hearing.

E. A member of the BZA shall not be qualified to vote if they have a direct or indirect interest in the issue subject to the application or any other conflict of interest.

(5) Special Provisions for BZA Hearings.

A. The BZA shall make findings and conclusions which support all of its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps administer and enforce the provisions of this code, including the application of any review criteria for the subject application.

B. The BZA shall have the power to subpoena and require the attendance of witnesses, to administer oaths, to compel testimony, and to produce reports, findings, and other evidence pertinent to any issue referred to it for decision.

C. Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney. Comments may also be submitted in writing or verbally to the Village Administrator and provided to the BZA in advance of the hearing.

D. The privilege of cross-examination of witnesses shall be accorded to all interested parties or their attorneys.

(6) Record of Decisions. Immediately following the BZA's decision, the applicant shall be notified of the decision, and conditions of approval, if approved, and any next steps.
(Ord. 2879. Passed 10-23-23.)

1103.05 VILLAGE ADMINISTRATOR.

(a) Establishment. For the purposes of this code, the Village Administrator shall be the designated authority to undertake the overall administration of this code, with assistance from the Zoning Administrator and such other persons as the Mayor or Village Council may direct. Furthermore, the Village Administrator shall have the authority to delegate any of the roles and powers established in this section to other members of staff.

(b) Roles and Powers of the Village Administrator. The Village Administrator shall have the following roles and powers regarding the administration of code. These roles and powers shall be in addition to any other roles or powers assigned to them by the Mayor, Village Council, or ORC outside of the administration of this code:

(1) Review and make administrative decisions on building permit applications or zoning compliance reviews;

(2) Review and make decisions on questions of interpretation related to this code;

(3) Accept, review for completeness, and respond to questions regarding review procedure applications established in this code;

(4) Review and provide comments and reports, as needed, for the various procedures where the Planning Commission, BZA, or Village Council reviews an application;

(5) Participate in any pre-application meetings as may be requested by a property owner or potential applicant in accordance with this code;

(6) Refer requests for appeals of decisions to the BZA pursuant to the procedures established in Section 1105.08;

(7) Revoke an authorization to proceed if issued contrary to this code or based on a false statement or misrepresentation on the application;

(8) Take any other action authorized by this code to ensure compliance with or to prevent violation(s) of this code; and

(9) Undertake any additional work as specified by this code or as directed by the review boards and Village Council.

(c) Decisions of the Village Administrator. A decision of the Village Administrator may be appealed to the BZA in accordance with Section 1105.08 unless another appeals board is established by this code. (Ord. 2879. Passed 10-23-23.)

1103.06 ZONING ADMINISTRATOR.

(a) Establishment. The position of Sheffield Village Zoning Administrator shall be established to aid in the administration and enforcement of this code. The Zoning Administrator may be provided with the assistance of such other persons as the Mayor or Village Council may direct.

(b) Roles and Powers of the Zoning Administrator. The Zoning Administrator shall have the following roles and powers to:

(1) Enforce the provisions of this code. The Zoning Administrator shall have all necessary authority on behalf of the Village to administer and enforce the provisions of this code. Such authority shall include the ability to order, in writing, the remedy of any condition found in violation of this code and the ability to bring legal action to ensure compliance with the provisions, including injunction, abatement, or other appropriate action or proceeding. All officials and employees of the Village may assist the Zoning Administrator by reporting to the Zoning Administrator any new construction, reconstruction, land uses, or violations that are observed;

(2) Review and provide comments and reports, as needed, for the various procedures where the Planning Commission, BZA, or Village Council reviews an application;

(3) Participate in any pre-application meetings as may be requested by a property owner or potential applicant in accordance with this code;

(4) Coordinate the Village's administrative review of applications required by this code, including rezoning applications, site plan review, conditional use applications, and subdivision plats;

(5) Review and make decisions on minor subdivision applications;

(6) Maintain in current status the official zoning map;

(7) Provide such technical and consultation assistance as may be required by the BZA, the Planning Commission, and the Village Council in the exercise of their duties relating to this code;

(8) Maintain permanent and current records of all applications and the decisions related to those applications;

(9) Review, inspect properties, and make decisions on compliance with the provisions of this code;

(10) Investigate complaints and issue citations or other forms of enforcement and penalties for any violations and keep adequate records of all violations;

(11) Order discontinuance of any illegal work being done;

(12) Maintain any records required by this Code, including inspection documents and records of all variances, amendments, conditional uses, and similar use determinations.

(13) Revoke an authorization to proceed if issued contrary to this code or based on a false statement or misrepresentation on the application;

(14) Take any other action authorized by this code to ensure compliance with or to prevent violation(s) of this code;

(15) Undertake any additional work as specified by this code or as directed by the review boards and Village Council.

(c) Decisions of the Zoning Administrator.
A decision of the Zoning Administrator may be appealed to the BZA in accordance with Section 1105.08 unless another appeals board is established by this code.
(Ord. 2879. Passed 10-23-23.)

CHAPTER 1105
Review Procedures

1105.01 Purpose.
1105.02 Common review requirements.
1105.03 Code text and map amendments.
1105.04 Conditional uses.
1105.05 Site plan review.
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1105.07 Variances.
1105.08 Appeals.
1105.09 Minor subdivisions.
1105.10 Major subdivisions.
1105.11 Interpretation of the code.

1105.01 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 required administrative and board-level approvals. (Ord. 2879. Passed 10-23-23.)

1105.02 COMMON REVIEW REQUIREMENTS.

The requirements of this section shall apply to all applications and procedures subject to development review procedures established in this code unless otherwise stated.

(a) Summary of Review Procedures. Table 1105-1 provides a list of all review procedures utilized in the administration and enforcement of this code, the applicable review authority, the type of review hearing or meeting, and the decision-making responsibility of each review authority.

TABLE 105-1: SUMMARY OF REVIEW PROCEDURES					
Review Procedure	**See Section:**	**Village Council**	**Planning Commission**	**BZA**	**Village Administrator**
Code and Text Amendment	1105.03	PH/D	PM/R		
Conditional Use	1105.04	PM/C	AH/D		
Site Plan Review	1105.05	PM/C	PM/D		
Zoning Compliance Review	1105.06				D
Use Variance	1105.07	PM/C	AH/D		
Area/Dimensional Variance	1105.07	PM/C		AH/D	
Appeals of Administrative Decisions	1105.08	PM/C[1]		AH/D	
Minor Subdivision	1105.09				D
Major Subdivision Preliminary Plat	1105.10	PM/D	PM/R		
Major Subdivision: Subdivision Modification	1105.10		PM/D		
Major Subdivision: Final Plat and Improvement Plans	1105.10		PM/D		
Major Subdivision Acceptance of Improvements	1105.10	D			
Interpretation of the Code	1105.11				D
Abbreviations					
PH = Public Hearing **AH** = Adjudication Hearing **PM** = Public Meeting	**R** = Recommendation **D** = Decisions **C** = Confirmation				
NOTE: **[1]** The Village Council shall have a confirmation review of an appeal only where the BZA decides to overturn an administrative decision through the appeals process.					

(b) Authority to File Applications.

(1) Unless otherwise specified in this code, applications for development review procedures defined in this code may be initiated by:

A. An owner of the property that is the subject of the application; or

B. An agent authorized, in writing, by the owner, which may include a lessee of the property, manager, attorney, or other representative.

(2) The Planning Commission or Village Council may initiate code text and map amendments under this code, with or without written authorization or application from the property owners who may be affected.

(c) Application Submission Schedule. The schedule for the submission of applications in relation to scheduled meetings and hearings of the review bodies shall be established by the Village Administrator and made available to the public.

(d) Application Contents.

(1) Applications required under this code shall be submitted to the office of the Village Administrator.

(2) All applications shall be in a form and in such numbers as established by the Village Administrator and made available to the public as part of any application forms.

(3) Applications shall be accompanied by a fee, if required, in accordance with the fee ordinance adopted by Village Council pursuant to Section 1105.02(g): Fees.

(4) Complete Application Determination.

A. The Village Administrator shall only initiate the review and processing of applications submitted under this code if such application is determined to be complete.

B. An application shall be determined to be complete if the applicant has submitted all of the forms, maps, and other submittal requirements required for the specified application. The Village Administrator may waive the submission of requirements if such requirements are not needed due to the type or scale of development or are unnecessary for determining compliance with this code. Such waiver shall be provided to the applicant in writing as part of the record.

C. The Village Administrator shall make a determination of application completeness within five (5) business days of the application filing.

D. If the application is determined to be complete, the application shall then be processed according to the procedures and timelines set forth in this code.

E. If an application is determined to be incomplete, the Village Administrator shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected, and the Village Administrator determines that the application is complete.

F. The Village shall not be required to process an incomplete application, forward an incomplete application to any decision-making body, or be subject to any required timelines of review for incomplete applications.

G. If the applicant fails to correct all deficiencies and submit a complete application within sixty (60) days of the notice provided by the Village Administrator, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. The Village Administrator may grant one sixty (60)-day extension if just cause is shown upon written request by the applicant.

H. No reconsideration of an incomplete application shall occur after the expiration of the sixty (60)-day period, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements of this chapter, submit a new application and a new filing fee.

I. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

(e) Simultaneous Processing of Applications.

(1) Whenever two (2) or more forms of review and approval are required by review boards under this code, the Village Administrator shall determine the order and timing of the reviews.

(2) The Village Administrator may authorize a simultaneous review of multiple applications so long as all applicable requirements are satisfied for all applications.

(f) Pre-application Conferences or Meetings.

(1) Prior to filing an application, an applicant may request a meeting with the Village Administrator or Zoning Administrator for a pre-application conference to discuss the proposed application or project.

(2) An applicant may request a pre-application meeting with a review board for any review procedure in this chapter. The applicant may request such a meeting by submitting a written request to the Village Administrator for placement on the agenda of the next regularly scheduled meeting or any special meeting that may be called by the applicable review board.

(3) The purpose of the pre-application conference or meeting shall be to discuss the proposed application or project, review submittal requirements, and discuss compliance with the provisions of this code and the Comprehensive Land Use Plan prior to the submission of an application.

(4) No action can be taken by the administrative staff and/or any review boards until the applicant submits an actual application and/or plan to the Village pursuant to the laws and policies of the Village. Therefore, all discussions that occur between the applicant and/or applicant's representative(s) and staff, and/or Village review boards, that occur prior to the date the applicant submits an actual application and/or plan including, but not limited to, any informal meetings with Village staff, review boards, any pre-application conferences or meetings, are not binding on the Village and do not constitute official assurances or representations by the Village or its officials regarding any aspects of the plan or application discussed.

(g) Fees.

(1) Any application for a review procedure under this code shall be accompanied by such fee as shall be specified from time to time by an ordinance adopted by the Village Council. There shall be no fee, however, in the case of applications filed by the Mayor, Village Council, or any of the review boards.

(2) The fees shall be in addition to any other fees that may be imposed by the Village, State, Lorain County, or any other agency having jurisdiction.

(3) Such fees are adopted to cover the cost to the Village for investigations, legal advertising, postage, and other expenses resulting from the administration of planning and zoning activities.

(4) Unless otherwise identified in the fee schedule adopted by Village Council, no application shall be processed or determined to be complete until the established fee has been paid.

(5) If the Village determines that the costs of a particular application will exceed the filing fee as established by Village Council as a result of the preparation of legal descriptions, maps, studies, or other required information or as a result of the need for professional expert review, study, or testimony, the Village Administrator is authorized to collect such additional costs from the applicant.

(6) Application fees are not refundable except where the Village Administrator determines that an application was accepted in error or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

(h) General Provisions for Attendance and Decisions.

(1) Whenever a provision of this code allows for or requires attendance at a meeting or hearing by the applicant, the applicant may attend in person, may have an authorized representative attend in their place, or may provide the Village Administrator written comments in advance of the meeting or hearing. If the applicant is represented by any person other than their attorney, then the speaker will be required to provide written authorization to speak on behalf of the applicant at the meeting or hearing.

(2) Whenever a provision in this code requires a decision to be provided in writing, or communication in writing, then such provision shall be interpreted to allow for such communication by e-mail unless otherwise stated, required by law, or requested by the applicant.

(i) Public Notification for Public Meetings. For all public meetings required by this code, the Village shall comply with this code and all applicable State notice requirements.

(j) Public Notification for Public Hearings.

(1) Applications for development approval that require public hearings, including all adjudication hearings, shall comply with all applicable State requirements and the public meeting notice requirements established in Section 1105.02(i) above.

(2) The Sheffield Village Fiscal Officer shall be responsible for providing the required notice as specified in Table 1105-2.

(3) Content. Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:

A. Provide the name of the applicant or the applicant's agent;

B. Indicate the date, time, and place of the public hearing;

C. Describe the land involved by street address, Lorain County parcel identification number (as applicable), or by legal description; and

D. Describe the nature, scope, and purpose of the application or proposal.

(4) Notice Requirements. Published and mailed notice for public hearings shall be provided as defined in Table 1105-2.

TABLE 1105-2: NOTICE REQUIREMENTS		
Review Procedure	**Published Notice**	**Written (Mailed) Notice**
Code Text Amendment	Published notice required a minimum of 30 days before the scheduled public hearing of the Village Council	No written notice is required for a text amendment.
Zoning Map Amendment		Written notice shall be sent to all applicants and all owners of property within 200 feet of the boundary of all properties subject to the application. The notice shall be required a minimum of 10 days before the scheduled public hearing of the Village Council.
Planned Unit Developments		Written notice shall not be required where the application involves more than ten individual lots
Conditional Use, Appeals, and Variances	No published notice is required	Written notice to all applicants and all property owners within 200 feet of the boundary of all properties subject to the application. The notice shall be required a minimum of 10 days prior to the scheduled public hearing.

(5) Published Notice.

A. Any required published notice shall be provided in a newspaper of general circulation. The Village may also provide additional published notice by the posting of the notice in Village buildings or by electronic media, including, but not limited to, posting online at the Village's website.

B. The content and form of the published notice shall be consistent with the requirements of this section and State law.

(6) Written (Mailed) Notice.

A. Written notification of property owners shall apply only to the initial presentation of the application for the public hearing in front of the applicable review board.

B. Written notice shall be postmarked no later than the number of days specified in Table 1105-2 prior to the hearing date at which the item will be considered.

C. Notice to the applicant shall be sent to the addresses given on the application; otherwise, the notice shall be sent to the address in the last assessment roll for the applicable properties.

(7) Constructive Notice.

A. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in the notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the department having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this code and such finding shall be made available to the decision-making body prior to final action on the request.

B. When the records of the Village document the publication, mailing, and/or posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.

(k) Conduct of Public Hearing.

(1) Rights of All Persons at Public Hearings. Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, and if appearing on behalf of a person or organization, state the name of the person or organization being represented.

(2) Continuance of a Public Hearing or Deferral of Application Review.

A. An applicant may request that a review board's consideration of an application at a public hearing be deferred by submitting a written or verbal request for deferral to the Village Administrator prior to the publication of any notice, as may be required by this code. The Village Administrator may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.

B. A request for deferral of consideration of an application received by the Village Administrator after the publication of notice of the public hearing, as required by this code, shall be considered as a request for a continuance of the public hearing and may only be granted by the applicable review board.

C. The review board conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place, provided the date, time, and place are publicly announced at the time of continuance. No additional written or published notice shall be required.

(l) Withdrawal of Application.

(1) Any request for withdrawal of an application shall be either submitted in writing to the Village Administrator or made through a written request by the applicant prior to action by the review or decision-making body.

(2) After a request for withdrawal has been received, the Village Administrator will then withdraw the application from any agenda, and no further action will be taken. Any future request for action will require a new application and fee in accordance with this code.

(m) Examination and Copying of Applications and Other Documents. Documents and/or records related to applications may be inspected and/or copied as provided for by State law.

(n) Effect of any Approvals.

(1) The issuance of any approval or permit under this code shall authorize only the particular development, alteration, construction, or use approved in the subject application.

(2) All approvals shall run with the land or use and shall not be affected by a change in ownership, provided there is no change in use and all conditions of approval continue to be met.

(3) Any approval of a variance or conditional use shall be tied expressly to the related, approved site plan, building permit, or authorization to proceed following zoning compliance review, whichever is applicable.

(o) Modifications or Amendments of Approved Applications.

(1) For any review procedure, the Village Administrator is authorized to allow minor changes related to the design of an approved application where the change is insignificant and has minimal impact on the overall design of the development or subdivision, does not increase density, or is necessary to address minor technical issues. This shall not give the Village Administrator the authority to vary the requirements of this code or any conditions of approval.

(2) Where the Village Administrator determines that the proposed modification, amendment, or change is not minor, as stated above, the applicant shall be required to resubmit an application and payment of additional fees for the application to be reviewed in accordance with the procedures and standards established for its original approval.

(p) Reapplication after Denial of an Application. If an application is denied, the applicant may:

(1) Appeal the decision in accordance with the applicable appeals procedure established for the procedure in this code, or as granted by State Law; or

(2) Make changes to the application that will fully address all issues and findings identified for the denial and resubmit a new application, including any required fees. Any such resubmission shall contain evidence that shows how the new application has substantially changed to address each of the findings of the original decision. The Village Administrator shall have the authority to determine if the evidence submitted substantially changes the application to address all issues as part of the complete application determination in 1105.02(d)(4). If it does not, the Village Administrator shall return the application, with reasons for their determination, along with any submitted fees;

(3) Submit the same application after a twenty-four (24)-month waiting period; or

(4) Submit a new application if the proposed use and design of the site will be entirely different than the denied application.

(q) Subsequent Development.

(1) Development authorized by any approval under this section and this code shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the Village's Codified Ordinances.

(2) The granting of any approval or permit shall not guarantee the approval of any other required permit or application.

(3) The Village shall not be responsible for reviewing the application for compliance with any permits, certificates, or other approvals that may be required by Lorain County, the State, or other agencies having jurisdiction.

(r) Records. The Village shall maintain permanent and current records of all applications and the decisions related to those applications at the Village offices.

(s) Computation of Time.

(1) In computing any period of time prescribed or allowed by this code, the date of the application, act, decision, or event from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included unless it is a Saturday, a Sunday, or a legal holiday observed by Sheffield Village where the Village administrative offices are closed for the entire day, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

(2) When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).

(3) When the Village offices are closed to the public for the entire day, which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day, which is not a Saturday, a Sunday, or a legal holiday observed by Sheffield Village in which the Village administrative offices are closed for the entire day.

(4) If a timeframe does not specify business or calendar days, such timeframe shall be interpreted to be calendar days.

(Ord. 2879. Passed 10-23-23.)

1105.03 CODE TEXT AND MAP AMENDMENTS.

(a) Purpose. The purpose of the code text and zoning map amendment procedure is to provide a process for amending the zoning map and/or text of this code.

(b) Applicability. This section shall apply to requests to amend the text of this code or amend the Official Zoning District Map of Sheffield Village, Ohio.

(c) Initiation.

(1) For a zoning map amendment of a specific property, any person who has the authority to file an application (See Section 1105.02(b).) for such property may initiate an amendment by filing an application with the Village Administrator.

(2) Only Village Council or the Planning Commission may initiate code text amendments. However, any member of the public may request that the Planning Commission or Village Council consider a text amendment during their respective public meetings.

(3) Village Council may initiate a code text or map amendment by passing a resolution that refers a recommendation on an amendment to the Planning Commission.

(4) The Planning Commission may initiate a code text or map amendment by adopting a motion to make such an amendment.

(d) Code Text or Map Amendment Review Procedure. The review procedure for a code text or map amendment shall be as follows:

(1) Step 1 - Pre-Application Meeting (Optional). An applicant may request to have a pre-application meeting with the Village Administrator, Zoning Administrator, and/or Planning Commission to informally discuss the application and any concept plans. Such a meeting shall be subject to Section 1105.02(f).

(2) Step 2 - Application.

A. For amendments that are not initiated by the Planning Commission or Village Council, the applicant shall submit an application in accordance with Section 1105.02: Common Review Requirements and with the provisions of this section.

B. Amendments initiated by Village Council shall be referred to the Planning Commission for initiation of review.

(3) Step 3 - Village Administrator Review.

A. Upon determination that a text or zoning map amendment application is complete, the Village Administrator shall forward the application to the Planning Commission and may distribute the application to other departments or agencies for review and comment.

B. Upon receipt of comments, the applicant shall have the option to make revisions to the application and plans based on the comments prior to being forwarded to the Planning Commission or may request that the application be forwarded to the applicable review board without revisions.

C. The Village Administrator shall place the amendment application on the agenda for the next Planning Commission meeting, provided notice is given, or may work with the Planning Commission to set a special meeting to review the amendment application.

(4) Step 4 - Planning Commission Review and Recommendation.

A. Notification of the public meeting shall be provided in accordance with Section 1105.02(h).

B. In reviewing the application, Planning Commission shall, at a minimum, consider the review criteria of this section.

C. The Planning Commission shall make a recommendation to Village Council, on the application, in the form of a resolution to cause legislation to be written in accordance with such recommendation. In making its recommendation, the Planning Commission may recommend approval, approval with some modification, or denial of the application.

D. If the Planning Commission fails to make a recommendation within forty-five (45) days of submission of a complete application, or an extended timeframe approved by the applicant, the application will move forward to Step 5 with a recommendation of denial.

(5) Step 5 - Village Council Review and Decision.

A. Following receipt of the recommendation from the Planning Commission (Step 4), the application shall be placed on Village Council's agenda for the next regularly scheduled meeting, if in compliance with notification requirements, or Village Council shall set a time for a public hearing on the proposed amendment that is no more than sixty (60) days from receipt of the Planning Commission's recommendation, or an extended timeframe approved by the applicant.

B. Notification of the public hearing shall be provided in accordance with Section 1105.02(j).

C. Village Council shall review a text or zoning map amendment application during the public hearing. In reviewing the application, Village Council shall, at a minimum, consider the recommendation from the Planning Commission and the review criteria of this section.

D. Village Council shall adopt, adopt with some modification, or deny the recommendation of the Planning Commission.

i. If Village Council moves to make any of the following decisions, such action shall only require the concurring vote of a simple majority of the Village Council:

a) Approve the recommendation of the Planning Commission;

b) Approve the recommendation of the Planning Commission with some modification; or

c) Deny the application following a recommendation for approval from Planning Commission.

ii. If Village Council moves to overturn a recommendation for denial from the Planning Commission, such action shall require three-fourths of the Village Council membership to concur.

(e) Review Criteria. The review of code text or map amendment applications by the Planning Commission and Village Council shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

(1) The proposed amendment is consistent with the comprehensive land use plan, other adopted or approved Village plans, and the stated purposes of this code;

(2) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

(3) The proposed amendment will promote the public health, safety, and general welfare;

(4) The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;

(5) The proposed amendment, if amending the zoning map, follows lot lines or the centerlines of streets, railroads, or other rights-of-way.

(6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated;

(7) The proposed amendment will not constitute spot zoning, where special treatment is given to a particular property or property owner that would not be applicable to a similar property under the same circumstances; and/or

(8) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.

(Ord. 2879. Passed 10-23-23.)

1105.04 CONDITIONAL USES.

(a) Purpose. The purpose of a conditional use procedure is to allow consideration for certain uses that, due to their unique and special nature relative to location, design, size, operations, circulation, and general impact on the community, need to be evaluated on a case-by-case basis.

(b) Applicability. This section shall apply to all applications for the establishment or modification of a conditional use as may be identified in this code.

(c) Conditional Use Review Procedure. The review procedure for considering a conditional use shall be as follows:

(1) Step 1 - Pre-Application Meeting (Optional). An applicant may request to have a pre-application meeting with the Village Administrator, Zoning Administrator, and/or Planning Commission to informally discuss the application and any concept plans. Such a meeting shall be subject to Section 1105.02(f).

(2) Step 2 - Application. The applicant shall submit an application in accordance with Section 1105.02: Common Review Requirements and with the provisions of this section.

(3) Step 3 - Village Administrator Review.

A. Upon determination that a conditional use application is complete, the Village Administrator shall forward the application to the Planning Commission and may distribute the application to other departments or agencies for review and comment.

B. Upon receipt of comments, the applicant shall have the option to make revisions to the application and plans based on the comments prior to being forwarded to the Planning Commission or may request that the application be forwarded to the Planning Commission without revisions.

C. The Village Administrator shall place the conditional use application on the agenda for the next meeting of the Planning Commission, provided notice is given, or may work with the Planning Commission to set a special meeting to hear the conditional use application.

(4) Step 4 - Planning Commission Review and Decision.

A. The Planning Commission shall hold a public hearing on the conditional use application at a public meeting.

B. Notification of the public hearing shall be provided in accordance with Section 1105.02(j).

C. See Section 1103.04(b)(4) for special provisions provided to the Planning Commission as part of a conditional use review.

D. In reviewing the application, the Planning Commission shall, at a minimum, consider the review criteria of this section.

E. Within ninety (90) days of the determination that the application is complete, or an extended timeframe approved by the applicant, the Planning Commission shall make a decision on the application. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.

F. The Planning Commission may impose such conditions, guarantees, and safeguards as it deems necessary to protect the general welfare and individual property rights and to ensure that the conditional use will meet the intent and purposes of this code.

G. The decision on a conditional use application shall be incorporated in a statement of conclusions relative to the request under consideration. The decision shall specify the basis for the decision and any conditions imposed.

H. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.

(5) Step 4 - Village Council Review and Confirmation.

A. Village Council shall review the Planning Commission's decision at a regularly scheduled meeting or special meeting.

B. Village Council may confirm the decision of the Planning Commission by a simple majority vote or may overturn the decision of the Planning Commission by a three-fourths vote of the total Village Council membership. The decision of the Village Council shall stand.

C. Failure of the Village Council to act within forty-five (45) days from the date the Village Council receives the decision from the Planning Commission shall be deemed a confirmation of the Planning Commission's decision.

(d) Review Criteria. Decisions on a conditional use application shall be based on consideration of the following review criteria. All conditional use applications shall be subject to review under the criteria of this section, as applicable, and may also be subject to additional use-specific standards, as established in this code.

(1) The proposed conditional use is established as an allowed conditional use in the applicable zoning district;

(2) The proposed use is consistent with the spirit, purpose, and intent of the comprehensive land use plan, the general purpose of this code, and the purpose of the zoning district in which the conditional use will be located;

(3) The proposed use complies with any use-specific standards as may be established for the use in Chapter 1107: Zoning Districts and Principal Uses;

(4) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare;

(5) The proposed use will comply with all applicable development standards unless a variance is approved in accordance with this code;

(6) The proposed use will be harmonious with the existing or intended character of the general vicinity, and such use will not change the essential character of the same area;

(7) 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;

(8) The proposed use will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

(9) Adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;

(10) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and considers the proximity of access drives to street intersections relative to the anticipated volume of traffic.

(11) The design of the buildings, structures, and site will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance;

(12) The establishment of the conditional use will 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;

(13) 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; and

(14) Wherever there are no use-specific standards (See Section 1107.06.) for the proposed use related to lot and site regulations, then such use shall be subject to the lot and site regulations for the applicable zoning district.

(e) Revocation of a Conditional Use Permit Approval. The breach of any condition, safeguard, or requirement shall automatically invalidate the conditional use approval and shall constitute a violation of this code. Such violation shall be punishable as specified in Chapter 1127: Enforcement and Penalties.

(f) Time Limit.

(1) The applicant shall have acquired the approval of all necessary zoning and building permits, and commenced use or construction within one year of the date the conditional use permit was approved, or the approval shall expire.

(2) A conditional use approval shall be deemed to authorize only one particular conditional use and said approval shall automatically expire if, for any reason, the conditional use shall cease for more than (1) one year.

(3) Upon expiration of a conditional use permit approval, a new application, including all applicable fees, shall be required before a conditional use permit application will be reviewed.

(4) Upon written request, one extension of six (6) months may be granted by the Village Administrator if the applicant can show good cause for a delay.

(5) As part of the conditional use approval, the Planning Commission may authorize alternative time limits for zoning and building permit issuance based on the scale of the proposed development.

(g) Appeals. Any person or entity claiming to be injured or aggrieved by any final action of the Village Council shall have the right to appeal the decision to the Lorain County Court of Common Pleas as provided in ORC Chapters 2505 and 2506.
(Ord. 2879. Passed 10-23-23.)

1105.05 SITE PLAN REVIEW.

(a) Purpose. 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.

(b) Applicability. The following forms of development shall require site plan review by the Planning Commission in accordance with this section:

(1) New construction of all principal buildings in all zoning districts; and

(2) Any proposal to alter, reconstruct, or otherwise modify any existing or previously approved site plan for a permitted use, conditional use, or similar use that structurally alters a principal building, increases the number of dwelling units in a multi-family development or changes the use in a manner which requires an increase in the amount of parking or a change in the site's circulation.

(3) Exemptions. The following forms of development shall be exempt from site plan review but may still be subject to zoning compliance review:

A. The new construction, expansion, alteration, or other modification of single-family dwellings;

B. Re-occupancy of an existing building or the internal construction or change in floor area of a building or structure that does not increase the gross floor area, increase the intensity of use, or affect parking or landscaping requirements on a site that meets all of the development standards of this code; and

C. Accessory and temporary uses as established in Chapter 1111: Accessory and Temporary Uses, unless otherwise stated.

(c) Site Plan Review Procedure. The site review procedures shall proceed as follows:

(1) Step 1 - Pre-Application Meeting (Optional). An applicant may request to have a pre-application meeting with the Village Administrator, Zoning Administrator, and/or Planning Commission to informally discuss the application and any concept plans. Such a meeting shall be subject to Section 1105.02(f).

(2) Step 2 - Application. The applicant shall submit an application in accordance with Section 1105.02: Common Review Requirements and with the provisions of this section.

(3) Step 3 - Village Administrator Review.

A. Upon determination that a site plan application is complete, the Village Administrator shall forward the application to the Planning Commission and may distribute the application to other departments or agencies for review and comment.

B. Upon receipt of comments, the applicant shall have the option to make revisions to the application and plans based on the comments prior to being forwarded to the Planning Commission or may request that the application be forwarded to the Planning Commission without revisions.

C. The Village Administrator shall place the site plan application on the agenda for the next meeting of the Planning Commission, provided notice is given, or may work with the Planning Commission to set a special meeting to hear the site plan application.

(4) Step 4 - Planning Commission Review and Decision.

A. The Planning Commission shall review the site plan application at a public meeting.

B. In reviewing the application, the Planning Commission shall, at a minimum, consider the review criteria of this section.

C. Within sixty (60) days of the Village Administrator determining that the application is complete, the Planning Commission shall make a decision on the application. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.

D. If the Planning Commission fails to make a decision within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.

(5) Step 4 - Village Council Review and Confirmation.

A. Village Council shall review the Planning Commission's decision at a regularly scheduled meeting or special meeting.

B. Village Council may confirm the decision of the Planning Commission by a simple majority vote or may overturn the decision of the Planning Commission by a three-fourths vote of the total Village Council membership. The decision of the Village Council shall stand.

C. Failure of the Village Council to act within forty-five (45) days from the date the Village Council receives the decision from the Planning Commission shall be deemed a confirmation of the Planning Commission's decision.

D. After approval of a site plan, the applicant may apply for zoning compliance review.

(d) Review Criteria. The following standards shall be utilized by the Planning Commission in the review of all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of the site plans as well as for the reviewing authority in making a judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

(1) The proposed development is consistent with all the requirements of this code and other related codes and ordinances of the Village;

(2) The proposed development is in compliance with the applicable zoning district regulations;

(3) The proposed development complies with any established standards, policies, or requirements in the approved comprehensive land use plan;

(4) The proposed development meets all the requirements or conditions of any applicable development approvals (e.g., previously approved planned unit developments, conditional use approvals, variance approvals, etc.);

(5) Proposed structures shall be related harmoniously to the terrain and to the existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such a relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features, or other buildings;

(6) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code;

(7) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas;

(8) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;

(9) Points of ingress/egress to the development shall be controlled and designed in such a manner as to minimize conflicts with adjacent properties and developments;

(10) Any utility installations remaining above ground shall be located so as to have a harmonious relationship with neighboring properties and the site;

(11) Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas shall be subject to such setbacks, screen plantings, or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties;

(12) The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas;

(13) Adequate provision is made for emergency vehicle access and circulation; and

(14) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing criteria are complied with at the completion of each stage.

(e) Significance of an Approved Site Plan.

(1) An approved site plan shall become, for the proposed development, a binding commitment of the specific elements approved for development, regardless if the ownership of the site is transferred.

(2) All construction and development under any building permit or authorization to proceed following zoning compliance review shall be in accordance with the approved site plan. Any departure from such plan shall be cause for revocation of the building permit or authorization to proceed, and the property owner or other responsible parties are subject to penalties as prescribed by this code.

(f) Time Limit.

(1) The applicant shall submit a completed application for zoning compliance review within one year of the date the site plan was approved, or the site plan approval shall expire.

(2) Upon expiration of a site plan approval, a new application, including all applicable fees, shall be required before a new site plan will be reviewed.

(3) Upon written request, one extension of six months may be granted by the Village Administrator if the applicant can show good cause for a delay.

(4) The Planning Commission may authorize alternative time limits for zoning compliance review, as part of its approval, based on the scale of the proposed development.

(g) Appeals. Any person or entity claiming to be injured or aggrieved by any final action of the Village Council shall have the right to appeal the decision to the Lorain County Court of Common Pleas as provided in ORC Chapters 2505 and 2506.
(Ord. 2879. Passed 10-23-23.)

1105.06 ZONING COMPLIANCE REVIEW.

(a) Purpose. A finding of zoning compliance shall be required in accordance with the provisions of this section in order to ensure that proposed development and uses comply with the standards of this code and to otherwise protect the public health, safety, and general welfare of the citizens of Sheffield Village.

(b) General Provisions.

(1) Where a building permit is required in Chapter 1335 of the Code of Ordinances for any work subject to the provisions of this code, a review for zoning compliance shall take place as part of the building permit review process. The building permit review procedure and timeframes established in Chapter 1335 of the Code of Ordinances shall apply. However, the timeframe for building permit review and decisions shall not commence until the applicant has received all necessary zoning approvals in accordance with this code (e.g., zoning map amendments, site plan review, conditional use review, variances, etc.). Approval of the building permit shall be authorization to proceed with any approved work.

(2) Where a building permit is not required by Chapter 1335 of the Code of Ordinances, any work subject to the requirements of this section shall still be required to receive an authorization to proceed. Such authorization shall take place in accordance with the procedure set forth in this section.

(c) Applicability.

(1) No building or other structure shall be erected, moved, structurally altered, or added to, in whole or in part, nor shall any building, structure, or land be used or changed in use without a zoning compliance review. A change in tenancy or ownership of a residential dwelling unit shall be exempt from the zoning compliance review requirement unless such change in tenancy changes the classification of the use.

(2) Zoning compliance review may be required for the establishment of certain temporary or accessory use as established in Chapter 1111: Accessory and Temporary Uses.

(3) Zoning compliance review shall be required for any changes to any site element, vehicular use area, landscaping, patio, or other improvements to land as may be established under the applicability sections of individual sections or chapters in this code.

(4) The establishment of a use of vacant land or building shall require authorization to proceed through the zoning compliance review process.

(5) Changes in a building or structure's appearance that is regulated by this code shall require authorization to proceed through the zoning compliance review process unless the change is a replacement of the same-for-same materials and colors, etc.

(6) Unless otherwise specifically exempted in Section 1121.02(g), signs shall require an authorization to proceed through the zoning compliance review process.

(7) Authorization to proceed through the zoning compliance review process shall be granted only in conformity with the provisions of this code unless the application is subject to approval by the BZA or Planning Commission providing for additional standards, conditions, or modifications, in which case, the authorization to proceed shall be issued in conformity with the provisions of those approvals, as applicable.

(8) Failure to obtain an authorization to proceed through the zoning compliance review process shall be a violation of this code subject to the provisions of Chapter 1127: Enforcement and Penalties.

(d) Zoning Compliance Review. The following shall be the process used by the Village Administrator to determine zoning compliance for activities that do not require a building permit approval.

(1) Step 1 - Application. The applicant shall submit an application in accordance with Section 1105.02: Common Review Requirements and with the provisions of this section.

(2) Step 2 - Village Administrator Review and Decision.

A. The Village Administrator may distribute the application to other staff members and other Village departments to solicit comment on the subject application.

B. Within thirty (30) days after the application is determined to be complete, or an extended timeframe approved by the applicant, the Village Administrator shall make a decision on whether the application demonstrates compliance with this code. In making its decision, the Village Administrator may approve or deny the application. The Village Administrator may also approve modifications or supplementary conditions necessary to ensure the proposed activity will be in full compliance with this code.

C. The above thirty (30)-day timeframe shall not begin until the applicant has received all other necessary zoning approvals in accordance with this code (e.g., zoning map amendments, site plan review, conditional use review, variances, etc.) and made a formal application for zoning compliance review.

D. Prior to making a decision, the Village Administrator shall have the authority to provide comments to the applicant regarding necessary revisions to bring the application into full compliance.

E. If the Village Administrator fails to act within thirty (30) days from the date the application is determined to be complete, or an extended period as may be agreed upon by the Village Administrator and applicant, then the application shall be considered denied.

F. Where revisions are necessary for approval, the application shall not be deemed formally approved until the applicant makes all of the appropriate changes and submits all necessary revised forms, maps, and documents to the Village Administrator.

G. When the Village Administrator denies an application, the Village Administrator shall inform the applicant of the reason for the denial, including the regulation(s) which would be violated by the proposed use or development.

H. Approvals shall be granted through a formal authorization to proceed from the Village Administrator. Such authorization may take the form of a permit, letter to proceed, or other format as may be established by the Village Administrator.

(e) Review Criteria for a Zoning Compliance Review. In order to authorize any activity to proceed, the Village Administrator shall determine the following:

(1) The application complies with all applicable provisions of this code and the applicable zoning district; and

(2) The application complies with all approved plans, conditions, or other development approvals issued pursuant to the rules of this code (e.g., variances, conditional uses, etc.).

(f) Time Limits.

(1) Where a building permit is required for the subject activity, the activity shall be subject to the time limits established for the building permit.

(2) Time limits for permitted temporary uses and structures that do not require a building permit shall be as authorized in Section 1111.02. Any authorization to proceed with a temporary use that does not require a building permit shall include the approved start and end dates for the proposed temporary use.

(3) Any other activities that do not require a building permit shall be required to be built or established within one (1) year of the authorization to proceed, or the authorization to proceed shall be voided.

(4) Upon written request, one extension of six (6) months may be granted by the Village Administrator if the applicant can show good cause for a delay.

(5) The Village Administrator shall notify the applicant of the revocation of an authorization to proceed, including notice that further work as described in the canceled authorization shall not proceed unless and until an authorization to proceed has been obtained or an extension granted.

(6) Upon revocation of an authorization to proceed, a new application, including all applicable fees, shall be required before a new authorization to proceed will be reviewed.

(7) The above time limits shall not apply if alternative time limits that have been approved by the Village Administrator, Planning Commission, or BZA in accordance with the applicable review procedure.

(g) Revoking an Authorization to Proceed. Any authorization to proceed shall be revocable by either the Village Administrator or Zoning Administrator if, among other things, the actual development activity does not conform to the terms of the application and approval granted thereon. In the event of the revocation of an authorization to proceed, an appeal may be taken to the BZA in accordance with Section 1105.08: Appeals.

(h) Appeals. Any person or entity claiming to be injured or aggrieved by any final action of the Village Administrator or Zoning Administrator, as applicable, shall have the right to appeal the decision to the BZA in accordance with Section 1105.08.
(Ord. 2879. Passed 10-23-23.)

1105.07 VARIANCES.

(a) Purpose. The purpose of a variance is to provide limited relief from the requirements of this code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this code. It is not intended that a variance be granted merely to remove inconveniences or financial burdens that the requirements of this code may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

(b) Variance Review Board.

(1) The BZA shall have the authority to review and make decisions on area and dimensional variance applications.

(2) The Planning Commission shall have the authority to review and make decisions on use variance applications.

(c) Variance Review Procedure. The review procedure for a variance shall be as follows, regardless of which review board is responsible:

(1) Step 1 - Application. The applicant shall submit an application in accordance with Section 1105.02: Common Review Requirements and with the provisions of this section.

(2) Step 2 - Village Administrator Review.

A. Upon determination that a variance application is complete, the Village Administrator shall distribute the application to the applicable review board and may distribute the application to other departments or agencies for review and comment.

B. Upon receipt of comments, the applicant shall have the option to make revisions to the application and plans based on the comments prior to being forwarded to the applicable review board or may request that the application be forwarded to the applicable review board without revisions.

C. The Village Administrator shall place the variance application on the agenda for the next meeting of the applicable review board, provided notice is given, or may work with the applicable review board to set a special meeting to hear the variance application.

(3) Step 3 - Board Review and Decision.

A. The applicable review board shall hold a public hearing on the variance application after notification is provided pursuant to Section 1105.02(j).

B. In reviewing the application, the applicable review board shall, at a minimum, consider the review criteria of this section.

C. The applicable review board may request that the applicant supply additional information that the applicable review board deems necessary to review and evaluate the request for a variance.

D. Within ninety (90) days of the determination that the application is complete, or an extended timeframe approved by the applicant, the applicable review board shall render a decision. In making its decision, the applicable review board may approve, approve with modifications or supplementary conditions, or deny the application.

E. In making its decision, the applicable review board shall make specific findings of fact based directly on the particular evidence presented that the reasons set forth in the application and as presented by the applicant during the public hearing, justify the approval, approval with modifications or supplementary conditions, or denial of the variance application that will make possible a reasonable use of the land, building, or structure.

F. The Secretary of the applicable review board shall notify the applicant of the decision of the applicable review board.

G. If the applicable review board fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.

H. In approving a variance, the applicable review board may impose conditions on the approval, the proposed use, or the premises to be developed or used pursuant to such approval as it determines are required to ensure compliance with the standards of this section and the purpose of this code. Any conditions established by the applicable review board shall relate directly to the requested variance.

I. Any violation of the conditions of approval shall be a violation of this code, subject to the enforcement and penalties of Chapter 1127: Enforcement and Penalties.

(4) Step 4 - Village Council Review and Confirmation.

A. Village Council shall review the applicable review board's decision at a regularly scheduled meeting or special meeting.

B. Village Council may confirm the decision of the applicable board by a simple majority vote or may overturn the decision of the Planning Commission or BZA, as applicable, by a three-fourths vote of all of the total Village Council membership. The decision of the Village Council shall stand.

C. Failure of the Village Council to act within forty-five (45) days from the date the Village Council receives the decision from the applicable review board shall be deemed a confirmation of the applicable review board's decision.

D. The decision of the Village Council on the confirmation shall become effective immediately.

(d) Review Criteria.

(1) Area or Dimensional Variance. Where an applicant is seeking an area or dimensional variance, the following factors shall be considered and weighed by the BZA to determine if a practical difficulty exists that would justify approval of the variance. However, no single factor listed below may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts. The application for a variance shall not be based exclusively upon a desire to increase the value or income potential of the parcel of land or any structures or uses thereupon. The BZA shall take into consideration the following:

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 proximity 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 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 a substantial detriment as a result of the variance;

E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and trash pickup;

F. Whether special conditions or circumstances exist as a result of actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);

G. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

H. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice is done by granting a variance;

I. 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; and

J. Whether a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.

(2) Use Variance. In order to grant a use variance, the Planning Commission shall determine that strict compliance with the terms of this code will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

A. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;

B. The variance requested stems from a condition that 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 actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);

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 this code; and

G. The variance sought is the minimum that will afford relief to the applicant.

(e) Time Limit.

(1) The applicant shall submit a completed application for zoning compliance review and start work within one year of the date the variance was approved, or the approval shall expire.

(2) Upon expiration of a variance approval, a new application, including all applicable fees, shall be required before a variance application will be reviewed.

(3) Upon written request, one extension of six (6) months may be granted by the Village Administrator if the applicant can show good cause for a delay.

(4) As part of the variance approval, the applicable review board may authorize alternative time limits for zoning compliance review based on the scale of the proposed development.

(f) Appeals. Any person or entity claiming to be injured or aggrieved by any final action of the Village Council shall have the right to appeal the decision to the Lorain County Court of Common Pleas as provided in ORC Chapters 2505 and 2506.
(Ord. 2879. Passed 10-23-23.)

1105.08 APPEALS.

(a) Purpose. This section sets out the procedures to follow when a person claims to have been aggrieved or affected by an administrative decision made in the administration or enforcement of this code.

(b) Applicability.

(1) An appeal may be made regarding any administrative decision made in the administration and enforcement of this code, including, but not limited to, administrative decisions by the Village Administrator or Zoning Administrator.

(2) An appeal may not be made to the BZA when the decision is part of a legislative action such as a code text or map amendment.

(c) Initiation. Appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by the authority having jurisdiction who is charged with the administration or enforcement of this code.

(d) Appeals Review Procedure. The review procedure for appeals shall be as follows:

(1) Step 1 - Submission of Appeal. Within thirty (30) days of the administrative order, decision, determination, or interpretation, the person appealing the decision or their authorized agent shall submit all required information to the Village Administrator in accordance with Section 1105.02: Common Review Requirements.

(2) Step 2 - Forwarding of the Record to the BZA.

A. Upon receiving the written appeal of an administrative decision or determination, the Village Administrator shall transmit the written appeal with all papers, documents, and other materials related to the appealed decision or determination to the BZA. This material shall constitute the record of the appeal.

B. The Village Administrator shall also place the appeal on the agenda for the next meeting of the BZA, provided notice is given, or may work with the BZA to set a special meeting to hear the appeal.

(3) Step 3 - BZA Review and Decision.

A. The BZA shall hold a public hearing with notification provided pursuant to Section 1105.02(j).

B. In reviewing the appeal, the BZA shall, at a minimum, consider the review criteria of this section.

C. Within ninety (90) days of the date the appeal was submitted to the BZA, the BZA shall render a decision on the appeal. The BZA may reverse or affirm, wholly or in part, or modify any such order, requirement, decision, or determination.

D. The Secretary of the BZA shall notify the appellant of the decision of the BZA.

E. If the BZA fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.

F. The decision of the BZA shall become effective immediately.

(e) Review Criteria. A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.

(f) Stay. A properly submitted appeal shall stay all administrative proceedings by the Village in furtherance of the action appealed unless the Village Administrator certifies to the BZA that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the BZA or by a court of competent jurisdiction, for good cause shown.

(g) Appeals of BZA Decisions.

(1) If the BZA confirms the administrative decision subject to appeal, any person or entity claiming to be injured or aggrieved by such final action of the BZA shall have the right to appeal the decision the Lorain County Court of Common Pleas as provided in ORC Chapters 2505 and 2506.

(2) If the BZA overturns the administrative decision subject to appeal, any person or entity claiming to be injured or aggrieved by such final action of the BZA shall have the to appeal the BZA's decision to Village Council, as follows:

A. Village Council shall review the BZA's decision at a regularly scheduled meeting or special meeting following the submission of a request to appeal the BZA's decision.

B. Village Council may confirm the decision of the BZA by a simple majority vote or may overturn the decision of the BZA by a three-fourths vote of the total Village Council membership. The decision of the Village Council shall stand.

C. Failure of the Village Council to act within forty-five (45) days from the date the Village Council receives the application for an appeal shall be deemed a confirmation of the applicable BZA's decision.

(Ord. 2879. Passed 10-23-23.)

1105.09 MINOR SUBDIVISIONS.

(a) Purpose. The purpose of the minor subdivision process is to allow for small subdivisions of land, consolidation of lots, or transfer of a portion of a lot to an adjacent lot where there will not be the creation of a new street, the dedication of right-of-way, or a need for any public improvements. Such purposes are also intended to be in alignment with the platting allowances established in ORC Chapter 711.

(b) Applicability.

(1) For the purposes of these regulations, a minor subdivision is a lot split, lot consolidation, or transfer of land between adjacent property owners that complies with all of the following requirements:

A. The subdivision shall not result in or create more than five (5) lots, including the remainder of the original lot (e.g., four (4) new lots and the remainder of the original lot);

B. The subdivision shall be in compliance with all applicable site development standards in this code or with any approved variance from such standards;

C. All lots resulting from the minor subdivision shall have frontage and access on an existing street and shall not require the construction, expansion, or improvement of any street;

D. The subdivision shall not require any public improvements or the dedication of rights-of-way;

E. The property has been surveyed, and a survey sheet or record plan, in the form provided for in this code, and a full legal description of the changes resulting from the split, are submitted with the application; and

F. No landlocking of parcels shall occur as a result of the minor subdivision.

(2) A minor subdivision also includes the recombination of land, consolidation of lots, transfer of property from one lot to an adjacent lot, and for the dedication of additional land for the widening of existing streets, where no new lots are created.

(c) Minor Subdivision Review Procedure. The review procedure for a minor subdivision shall be as follows:

(1) Step 1 - Application.

A. The applicant shall submit an application in accordance with Section 1105.02: Common Review Requirements and with the provisions of this section.

B. The application shall include a deed or other instrument of conveyance in compliance containing an accurate and current legal description based on a boundary survey of each proposed new lot.

C. If the minor subdivision involves the transfer of land area from one lot to an adjacent lot, both property owners shall be required to authorize the application, and instruments of conveyance shall be submitted for both resulting lots.

(2) Step 2 - Review and Comment by Applicable Agencies.

A. Upon determination that the application for a minor subdivision is complete, the Village Administrator may transmit copies of the application for review by applicable agencies, including, but not limited to, the Village Engineer and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.

B. Such agencies may supply comments, recommendations, and approvals, as applicable, to the Village Administrator for consideration prior to the Village Administrator's decision (Step 3).

(3) Step 3 - Review and Decision by the Village Administrator.

A. Within thirty (30) days of the determination that the application (Step 1) is complete, or an extended timeframe approved by the applicant, the Village Administrator shall review the application and approve, approve with modifications that will bring the application into compliance with codes, or deny the application for a minor subdivision based on the review criteria established below. An extension on the decision may be granted with approval from the applicant.

B. In reviewing the minor subdivision, the Village Administrator, on the recommendation of the Village Engineer, may require the addition of easements and/or setbacks as part of a transfer of land area between two (2) lots.

C. If the application is approved with modifications, the applicant shall be required to revise all documents prior to final signing and recording.

D. If the Village Administrator denies an application for a minor subdivision, the Village Administrator shall provide the applicant with written findings for the denial.

(4) Step 4 - Recording.

A. If the application is approved, the Village Administrator shall sign and date all required deeds in the minor subdivision or other forms of conveyance allowed by the Lorain County Auditor.

B. The applicant shall then be responsible for submitting the signed conveyance with the Lorain County Auditor for the transfer of property and to the Lorain County Recorder for the recording of the lots as legal lots of record and providing a copy of said conveyance to the Village Administrator, after recording.

C. In the case of a transfer of land between two adjacent lots, the recording of the revised lots shall take place simultaneously.

D. Following recordation, the applicant shall be required to provide the village with written confirmation of the recording.

(d) Review Criteria. In order for a minor subdivision to be approved, the Village Administrator must determine the following:

(1) That the minor subdivision complies with all applicable provisions of this code, including, but not limited to, the lot development standards of Section 1113.01;

(2) That the minor subdivision complies with all other applicable regulations of the Village; and

(3) That all valid objections to the minor subdivision raised by the Village departments have been or will be satisfactorily resolved by the applicant.

(e) Variances. If the proposed subdivision requires a deviation from the minimum site development standards (e.g., lot area, lot width, etc.) or other standards mandated by this code, the applicant will be required to apply for and receive variance approvals (See Section 1105.07.) prior to the review of the minor subdivision.

(f) Time Limit. The minor subdivision approval shall expire 120 days after the Village Administrator signs and dates the minor subdivision conveyance unless the minor subdivision is recorded in the office of the Lorain County Recorder during said period.

(g) Appeals. Any person or entity claiming to be injured or aggrieved by any final action with respect to the proposed minor subdivision shall have the right to appeal the decision to the BZA as established in Section 1105.08: Appeals.
(Ord. 2879. Passed 10-23-23.)

1105.10 MAJOR SUBDIVISIONS.

(a) Purpose. The purpose of the major subdivision process is to provide a method of review for any subdivision that exceeds the scope of a minor subdivision.

(b) Applicability. Any subdivision of land or replat of an existing subdivision that does not meet the applicability requirements of a minor subdivision in Section 1105.09(b) shall be subject to the requirements of this section.

(c) Major Subdivision Review Procedure.

(1) Step 1 - Pre-Application Meeting (Required). An applicant shall be required to have a pre-application meeting with the Village Administrator to informally discuss the application and any concept plans. The applicant shall also still have the option to request a pre-application meeting with the Planning Commission. Such meetings shall be subject to Section 1105.02(f).

(2) Step 2 - Application and Filling of the Preliminary Plat.

A. The applicant shall submit an application, including a preliminary plat, in accordance with Section 1105.02: Common Review Requirements and with the provisions of this section.

B. The preliminary plat shall be prepared, signed, and sealed by an engineer or land surveyor registered with the State of Ohio.

(3) Step 3 - Village Administrator Review and Transmission to the Planning Commission.

A. Upon determination that a preliminary plat application is complete, the Village Administrator shall forward the application to the Planning Commission and may distribute the application to other departments or agencies for review and comment.

B. Upon receipt of comments, the applicant shall have the option to make revisions to the application and plans based on the comments prior to being forwarded to the Planning Commission or may request that the application be forwarded to the Planning Commission without revisions.

C. The Village Administrator shall place the preliminary plat application on the agenda for the next meeting of the Planning Commission, provided notice is given, or may work with the Planning Commission to set a special meeting to hear the preliminary plat application.

(4) Step 4 - Review and Recommendation on the Preliminary Plat by the Planning Commission.

A. The Planning Commission shall review the preliminary plat application at a public meeting and make a recommendation to Village Council.

B. In making its recommendation, the Planning Commission shall approve, approve with conditions, or deny the preliminary plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant. In making its recommendation, the Planning Commission shall, at a minimum, consider the review criteria of this section.

C. The Planning Commission shall make a recommendation to Village Council within forty-five (45) days of the determination that the preliminary plat application is complete unless the Planning Commission and subdivider agree to an extension of this time frame. If the Planning Commission fails to act within forty-five (45) days or there is no agreement for an extension of time, the application for a preliminary plat will be considered denied.

(5) Step 5 - Review and Decision on the Preliminary Plat by Village Council.

A. Following receipt of the recommendation from the Planning Commission (Step 4), the application shall be placed on Village Council's agenda for the next regularly scheduled meeting, if in compliance with notification requirements, or Village Council shall set a time for a special public meeting

B. Village Council shall review the preliminary plat application during the public meeting. In reviewing the application, Village Council shall, at a minimum, consider the recommendation from the Planning Commission and the review criteria of this section.

C. Village Council shall make a decision to approve, approve with some modification, or deny the recommendation of the preliminary plat application.

D. If the Village Council denies the preliminary plat, the applicant shall not move forward in the review process until a preliminary plat is approved by the Village Council.

E. In the event the Village Council denies the preliminary plat or approves with conditions, the Village Administrator, on behalf of the Village Council, shall provide the subdivider with a statement setting forth the reasons for the denial or the conditions of approval.

F. If the applicant proposes to construct the subdivision in phases, the Village Council may approve a timeframe for filing of improvement plans and final plats for each phase.

G. Approval of the preliminary plat by the Village Council does not constitute approval of the subdivision but is merely an authorization to proceed with the preparation of the final plat and improvement plans.

(6) Step 6 - Submission of Improvement Plans and the Final Plat.

A. The applicant shall submit a final plat and related improvement plans and specifications in accordance with Section 1105.02: Common Review Requirements. Such application shall take place within one year following the Village Council's approval of the preliminary plat unless the Village Council approves an alternative schedule, in which case the applicant shall submit in accordance with the approved schedule. Failure to submit the final plat and improvement plans within this time frame shall void the preliminary plat approval, and the subdivider will be required to submit a new application in accordance with these regulations.

B. The applicant shall submit the improvement plans and specifications in accordance with Section 1105.02: Common Review Requirements and with the provisions of this section.

C. If a preliminary plat has been previously approved, the final plat shall have incorporated all changes in the preliminary plat approval.

D. In cases where the applicant proposes to develop the subdivision in phases, the final plat and improvement plans shall be submitted for each individual phase.

E. If the applicant proposes to provide a financial guarantee for the public improvements in lieu of installing all public improvements prior to the approval of the final plat, the applicant shall be required to provide all information required as part of Section 1123.05.

F. Upon determination by the Village Administrator that the final plat has been properly submitted, the final plat shall be accepted as being filed.

G. The final plat shall be prepared, signed, and sealed by a registered architect, engineer, land surveyor, landscape architect, or professional planner.

(7) Step 7 - Village Administrator Review of the Final Plat and Improvement Plans.

A. Upon determination that the submission of the final plat and improvement drawings is complete, the Village Administrator may transmit copies of the application for review by applicable agencies, including, but not limited to, the Village Engineer and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.

B. Improvement Plan Approval.

i. The authorities having jurisdiction over the improvement plans shall be responsible for making decisions on the applicable elements of the improvement plans. Upon approval by all authorities having jurisdiction over the improvement plans, such plans shall be considered approved, and the construction of improvements may commence.

ii. The Village Engineer shall be responsible for reviewing and approving the drawings and specifications showing cross-sections, profiles, elevations, construction details, and specifications for all required improvements that are subject to Village review 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. Failure to receive approval and certification of the improvement plans will result in the final plat not being forwarded to the Planning Commission for review.

C. Upon receipt of comments on the final plat, the applicant shall have the option to make revisions to the application and final plat based on the comments prior to being forwarded to the Planning Commission or may request that the application be forwarded to the Planning Commission without revisions.

D. The Village Administrator shall place the preliminary plat application on the agenda for the next meeting of the Planning Commission, provided notice is given, or may work with the Planning Commission to set a special meeting to hear the preliminary plat application.

E. Construction of Improvements.

i. Applicants shall have the choice to construct all public improvements prior to the approval of the final plat, without a financial guarantee, but such public improvements must be completed and then inspected and approved by the Village Engineer before the Village can approve the final plat. The improvements shall be constructed within a reasonable time as determined by the Village Engineer.

ii. All required subdivision improvements shall be maintained in a satisfactory condition by the subdivider during any interim period between their construction and final approval and acceptance of the subdivision by the Village. Additionally, such improvements shall be subject to maintenance requirements following acceptance in accordance with Chapter 1123: Subdivision Design.

iii. If the applicant requests approval of a final plat prior to installation of the public improvements, the applicant shall be required to provide a financial guarantee in accordance with the regulations of this code at the time the final plat is submitted for review.

(8) Step 8 - Review and Decision on the Final Plat by the Planning Commission.

A. The Planning Commission shall review the final plat at its next regularly scheduled meeting or at a special meeting after the final plat is submitted and determined to be complete.

B. The Planning Commission shall approve, approve with conditions, or deny the final plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily answered by the applicant.

C. The Planning Commission shall make a decision within forty-five (45) days of the filing of the final plat and improvement plans (Step 6) unless the Planning Commission and subdivider agree to an extension of this time frame. If the Planning Commission fails to act within forty-five (45) days or there is no agreement for an extension of time, the application for a final plat will be considered denied.

D. The review of the final plat will include a review by the Law Director.

E. If the Planning Commission denies the final plat, the applicant shall not move forward in the review process until a final plat is approved by the Planning Commission.

F. In the event the Planning Commission denies the final plat or approves with conditions, the Planning Commission shall provide the subdivider with a statement setting forth the reasons for the denial or the conditions of approval.

G. Approval of the final plat by the Planning Commission shall not be an acceptance by the public of the offer of dedication of any street, other public ways, or open space on the final plat unless they are accepted by Village Council in the form of the adoption of an ordinance.

H. The final plat shall be held until acceptance of all improvements in Step 9. No final plat shall be recorded until all improvements and areas offered for parks, open space, or public rights-of-way have been accepted by Village Council.

(9) Step 9 - Acceptance of Improvements by Village Council. The Village, through action by the Village Council, shall review the final plat and consider acceptance of public improvements made by a subdivider only after meeting the following conditions:

A. The public improvements have been made in accordance with the requirements of this code and any other manuals or documents referenced in Chapter 1123: Subdivision Design;

B. Installation of the public improvements has been completed in accordance with the applicable design standards;

C. All final inspections required by these regulations and the Village have been carried out by the Village and said public improvements were found to be acceptable by the Village Engineer.

D. After all public improvements have been installed to the satisfaction of the Village, the subdivider shall submit an original copy of as-built improvement plans (showing how all public improvements were actually installed) to the Village Engineer in a format acceptable to the Village Engineer.

E. After all public improvements have been installed in accordance with the subdivision agreement and these regulations and the subdivider has complied with this section, the Village Council may, by ordinance, accept the public improvements for maintenance with any applicable financial guarantee. See also Section 1123.05.

(10) Step 10 - Disposition of Approved Plat and Recordation.

A. All required deeds, agreements, and other required legal instruments shall be submitted to the Village Administrator within sixty (60) days from the date of the Planning Commission's approval of the final plat, or such approval shall thereafter be rendered null and void.

B. Any plat recorded which has not been approved according to the regulations in this chapter shall be considered invalid.

C. The subdivider shall then be responsible for submitting the signed plat to the Lorain County Recorder for the recording of the lots as legal lots of record and providing a copy of said plat to the Village after recording.

D. The approval of a plat shall expire within 120 days after Village Council approval is effective unless the plat has been duly filed and recorded by the applicant as required by law and the original tracing of the plat has been filed with the Village Administrator.

E. Following recordation, the applicant shall be required to provide the village with written confirmation of the recording.

(d) Review Criteria. In order to approve a major subdivision, the Planning Commission and Village Council shall determine the following:

(1) That the major subdivision complies with all applicable provisions of this code;

(2) That the major subdivision does not conflict with other regulations, plans, or policies of the Village;

(3) That the proposed subdivision is designed to be harmonious with the existing immediate or surrounding area or in keeping with the intended character of such area;

(4) That the proposed streets are in accordance with approved plans and have been coordinated with existing streets and that adequate measures have been taken to provide ingress and egress so as to minimize traffic congestion in public streets;

(5) That the proposed subdivision will not adversely affect the delivery of governmental services;

(6) That applicable review agencies have no objections that cannot be resolved by the applicant; and

(7) That the final plat and improvement plans conform to the approved preliminary plat if submitted and approved.

(e) Amendments of Application.

(1) No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after final approval has been given by the Planning Commission or Village Council and an endorsement is made in writing on the plat unless the plat is first resubmitted and the changes approved by the Planning Commission and Village Council.

(2) If the applicant finds, in the process of preparing improvement plans, that the approved preliminary plat, if submitted, is not workable and changes in layout are required, the applicant shall inform the Village Engineer. The Village Engineer may require that a revised preliminary plat be submitted for re-approval following the review procedure in Section 1105.10(c) if the changes significantly alter the design of the subdivision, including changes to the number of lots, modification of street layouts, or other substantial changes. If the proposed changes are technical or minor and do not substantively alter the approved preliminary plat, the Village Engineer may approve the revisions. Failure to submit and receive approval of a revised preliminary plat shall void the approval of the preliminary plat, and any new submission shall be subject to a new application.

(3) During the final plat process, the Village Engineer is authorized to allow minor changes related to the public improvements or design where there is minimal impact on the overall design of the subdivision. This shall not give the Village Engineer the authority to vary the requirements of this code.

(4) If, during the course of construction, any changes or modifications are encountered that are not in conformance with the original approved improvement plans, the subdivider shall submit the modified improvement plans (which have now become as-built drawings) to the Village Engineer, who, if in agreement with such modifications, shall sign these drawings to indicate approval of the modifications. If the Village Engineer does not approve the modifications, the applicant shall be required to bring the improvements into compliance with the approved improvement plans, or the Village may utilize the financial guarantee to correct the issue.

(f) Subdivision Modifications.

(1) Purpose. The purpose of a subdivision modification is to provide limited relief from standards that apply to the subdivision of land, including standards for improvements. Subdivision modifications are intended for those cases where strict application of a particular requirement will create a practical difficulty or extraordinary hardship prohibiting the use of land in a manner otherwise allowed under these regulations. It is not intended that modifications be approved merely to remove inconveniences or financial burdens that the requirements of these regulations may impose on property owners or subdividers in general.

(2) Applicability.

A. If the proposed subdivision requires a deviation from the minimum lot and building development standards (e.g., lot area, lot width, etc.), the applicant will be required to apply for and receive all the necessary variance (See Section 1105.07.) approvals prior to the approval of a preliminary plat.

B. If the applicant seeks a modification of standards required by Chapter 1123: Subdivision Design, then the request for a modification shall be accomplished through the procedure outlined in this section.

(3) Subdivision Modification Review.

A. A request for a subdivision modification shall be reviewed as part of the preliminary plat review procedure.

B. In reviewing the application, the Planning Commission shall, at a minimum, consider the review criteria of this section.

C. The Planning Commission shall review the request and may approve, approve with conditions, or deny the request to modify any or all of the modifications.

D. In approving a modification, the Planning Commission may impose conditions on the approval as it determines are required to ensure compliance with the provisions and purpose of these regulations.

E. If the preliminary plat is denied or if the approval of the preliminary plat expires, so does the approval of the subdivision modification. Any future request for preliminary plat approval that includes the same modifications shall require a new review and decision on the request for modifications.

(4) Review Criteria. The review criteria for a subdivision modification shall be the same as those for a variance as established in Section 1105.07(d).

(g) Appeals. Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission or Village Council, as applicable, shall have the right to appeal the decision to the Lorain County Court of Common Pleas as provided in ORC Chapters 2505 and 2506. (Ord. 2879. Passed 10-23-23.)

1105.11 INTERPRETATION OF THE CODE.

It is the intent of this code that all questions of interpretation related to the administration and enforcement of this code shall be first presented to the Village Administrator and that such questions shall be presented to the BZA only on appeal from the decision of the Village Administrator. Such appeals shall be in accordance with Section 1105.08: Appeals. (Ord. 2879. Passed 10-23-23.)

CHAPTER 1107
Zoning Districts and Principal Uses

1107.01 Purpose.
1107.02 Establishment of zoning districts.
1107.03 Zoning district map and district boundaries.
1107.04 Zoning district purpose statements.
1107.05 Allowed principal uses.
1107.06 Use-specific standards.

1107.01 PURPOSE.

The purpose of this chapter is to set out the individual purpose statements for each of the Village's zoning districts as well as the list of uses that are allowed within each zoning district. The uses are either allowed or prohibited, and where they are allowed, they may be permitted, permitted with additional standards, or conditionally permitted with additional review. Finally, this chapter includes use-specific standards for a variety of uses that apply to those uses alone, in addition to all other applicable standards of this code.
(Ord. 2879. Passed 10-23-23.)

1107.02 ESTABLISHMENT OF ZONING DISTRICTS.

(a) Districts Established.

(1) The Village hereby establishes the zoning districts in Table 1107-1 to carry out the purposes of this code and to assist in the implementation of plans adopted by the Village. All such regulations are uniform for each class or kind of building, structure, or use throughout each individual district.

TABLE 1107-1 SHEFFIELD VILLAGE ZONING DISTRICTS	
Abbreviation	**District Name**
Residential Zoning Districts	
R	Single-Family Residence District
M-1	Multi-Family Residence district
Nonresidential Zoning Districts	
C-2	Limited Retail/Office District
C-3	General Commercial District
C-4	Multi-Family/Office District
I-1	Industrial District
P-1	Public and Institutional District
Special Zoning Districts	
PUD	Planned Unit Development Overlay District

(2) Whenever abbreviated terms such as R, C-2, I-1, P-I, PUD, etc., are used in the code, they shall be construed as referring to their corresponding district name.

(b) References to Previous Zoning Districts. Some of the district classifications and names established within this code differ from previous versions of this code. Table 1107 2 identifies how each of the previous district classifications was renamed in this code. This table shall be used for comparison purposes only.

TABLE 1107-2 ZONING DISTRICT TRANSITION TABLE			
Zoning Districts in the Planning and Zoning Code Effective Prior to October 23, 2023		**Zoning Districts in the Planning and Zoning Code Effective October 23, 2023 or After**	
Abbrev.	**District Name**	**Abbrev.**	**District Name**
Residential Zoning Districts			
R-1	Residence District	R	Single–Family Residence District
R-2	Residence District		
M-1	Multiple Family Residence District	M-1	Multi-Family Residence District
Nonresidential Zoning Districts			
R-C	Recreation Camp Ground District	- - -	District Eliminated
C-1	Commercial Recreation District	C-2	Limited Retail/Office District
C-2	Limited Retail/Office District		
C-3	General Commercial District	C-3	General Commercial District
C-4	Multi-Family/Office District	C-4	Multi-Family/Office District
IP-1	Industrial Park District	I-1	Industrial District
I-1	Industrial District		
- - -	District Did Not Exist	P-1	Public and Institutional District
Special Zoning Districts			
- - -	District Did Not Exist	PUD	Planned Unit Development Overlay District

(Ord. 2879. Passed 10-23-23.)

1107.03 ZONING DISTRICT MAP AND DISTRICT BOUNDARIES.

(a) Zoning Districts Map. All land within Sheffield Village shall be placed into at least one of the zoning districts established in Table 1107-1. Such zoning shall be shown on the Official Zoning District Map of Sheffield Village, Ohio, which may hereafter be referred to as the "zoning map." The zoning map, including any notations, shall be incorporated and made a part of this code, thereby having the same force and effect as if fully described in writing.

(b) Interpretation of Zoning District Boundaries. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the zoning map, the following rules apply:

(1) Where zoning district boundary lines are indicated as approximately following a lot line, such lot line shall be the zoning district boundary.

(2) Where zoning district boundary lines are indicated as approximately following a center line of a street or highway, alley, railroad easement, or other rights-of-way, or a river, creek, or other watercourses, such centerline shall be the zoning district boundary. In the event of a natural change in the location of such streams, rivers, or other water courses, the zoning district boundary shall be construed as moving with the channel centerline.

(3) Where zoning district boundary lines are indicated as approximately following Village municipal limits, such Village municipal limits shall be the zoning district boundary.

(4) When the actual street, right-of-way, property line boundary, or other existing ground condition is in conflict with that shown on the zoning map, the BZA shall provide the necessary interpretation following a public hearing with notice in the same manner as an appeal. The person contesting the location of the district boundary shall be given a reasonable opportunity to submit technical evidence to illustrate the boundary.

(c) Zoning of Vacated Properties. Whenever any street, alley, or other public right-of-way is vacated in a manner authorized by law, the zoning district adjoining each side of such street, alley, or public right-of-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.

(d) Zoning of Annexed Territories. All territory that may hereinafter be annexed to the Village, if already zoned, shall be continued in its existing zoning classification until amended in conformance with the procedures outlined in Section 1105.03.
(Ord. 2879. Passed 10-23-23.)

1107.04 ZONING DISTRICT PURPOSE STATEMENTS.

In addition to the overall purpose of this code. as established in Section 1101.01, the following are the purpose statements for the individual base zoning districts in Sheffield Village. The purpose statement for Planned Unit Developments (PUDs) is established in Chapter 1109: Planned Unit Developments.

(a) Residential Districts (R and M-1). Sheffield Village is comprised of a significant amount of vacant land and detached, single-family dwellings as well as some multi-family residential areas. While single-family residences require high standards for the 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 specific objectives below:

(1) The Single-Family Residence District (R) is intended to provide areas for medium-density, single-family development with a minimum lot size of 15,000 square feet, primarily located in subdivided and partially developed portions of the Village.

(2) The Multi-Family Family Residence District (M-1) is intended to provide limited areas for multiple-family dwellings with up to a maximum of six dwelling units per acre.

(b) Commercial Districts (C-2, C-3, and C-4). 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 Sheffield Village. Three commercial districts have been established to meet the needs of the community that, include:

(1) The Limited Retail/Office District (C-2) is intended to provide areas for a limited number of retail and office uses on primarily large parcels while excluding outdoor storage and automotive uses.

(2) The General Commercial District (C-3) is intended to provide areas to accommodate a wide range of commercial uses in a manner that does not intrude upon residential areas.

(3) The Multi-Family/Office District (C-4) is intended to provide areas for larger multiple-family development of ten (10) acres or more and office developments in order to serve as a transition between the general commercial and the R or M-1 Districts.

(c) Industrial Districts (I-1). The I-I District is established to provide for manufacturing, industrial, processing, fabrication, packaging, assembly, related uses, and related facilities within the community in conformance with specific standards and in a manner compatible with the primarily residential character of Sheffield Village.

(d) Public and Institutional District (P-I). The purpose of the Public and Institutional District is to:

(1) Provide proper zoning classification for government, civic, welfare, and recreation facilities in the proper locations and extents so as to promote general safety, convenience, comfort, and welfare;

(2) Protect public and semi-public facilities and institutions from the encroachment of certain other uses and make such uses compatible with adjoining residential uses; and

(3) Provide an environment for the proper functioning of public facilities in relation to plans for community facilities.

(Ord. 2879. Passed 10-23-23.)

1107.05 ALLOWED PRINCIPAL USES.

(a) Table 1107 3 lists the principal uses allowed within the various zoning districts in Sheffield Village. Chapter 1109: Planned Unit Developments identifies the uses that are allowed in PUDs.

(b) Explanation of Permitted Uses Table.

(1) Permitted Uses (P).

A. A "P" in a cell indicates that a use type is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable standards of this code.

B. Permitted uses are approved administratively by the Planning Commission through the site plan review process (See Section 1105.05.) or by the Village Administrator through the zoning compliance review procedure (See Section 1105.06.), unless subject to additional reviews (e.g., variances, etc.).

(2) Permitted Uses with Standards (PS).

A. A "PS" in a cell indicates that a use type is allowed by right in the respective zoning district if it meets the additional standards as identified in the last column of Table 1107-3. Permitted uses with standards are subject to all other applicable standards of this code.

B. Uses permitted with standards are approved administratively by the Planning Commission through the site plan review process (See Section 1105.05) or by the Village Administrator through the zoning compliance review procedure (See Section 1105.06.), unless subject to additional reviews (e.g., variance, etc.).

(3) Conditional Uses (C).

A. A "C" in a cell indicates that a use may be permitted if approved by the Planning Commission through the conditional use review procedure (See Section 1105.04.). Conditional uses may be subject to use-specific standards as identified in the last column of Table 1107-3. Conditional uses are subject to all other applicable standards of this code.

B. The existence or lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any conditional use listed in the table shall be subject to the general review standards for all conditional uses established in Section 1105.04(d).

C. Where a use is listed as PS/C, there may be certain circumstances in which a conditional use approval may be required rather than the use being permitted with standards. The specific approval required shall be as established in the use-specific standards.

(4) Prohibited Uses (XX).

A. An "XX" in a cell indicates that a use is specifically prohibited in the applicable zoning district.

B. Any use not specifically listed in the table shall be considered prohibited unless approved as a similar use (See Section 1107.05(d).) or through a code text amendment.

C. There may be districts where the specified use is prohibited or restricted, under special conditions, by the use-specific standards referenced in the last column of Table 1107-3.

D. The following uses are specifically prohibited in Sheffield Village and may not be approved as a similar use in accordance with Section 1107.05(d):

i. Medical and recreational marijuana cultivation;

ii. Medical and recreational marijuana processing;

iii. Any gambling activity that is not expressly allowed by state law within a building or use allowed under this code;

iv. Internet gaming/sweepstakes cafes;

v. Battery reclamation or manufacturing, the manufacturing or processing of regulated substances as the principal activity, the manufacturing of paints, varnishes, lacquers, and enamels, or any similar type of use that could potentially create a brownfield site;
vi. Transfer, storage, or disposal facilities requiring a permit under the Resource Conservation and Recovery Act of 1976;
vii. Junk and scrap metal/auto salvage and recycling yards;
viii. Sanitary/solid waste landfills;
ix. Construction and demolition debris landfills; and
x. Outdoor storage of goods, materials, or vehicles as the principal use of a property.

(5) Use-Specific Standards.
A. The column titled "Use-Specific Standards" includes cross-references to a section containing standards that apply specifically to the listed use.
B. Use-specific standards shall only apply if the use is permitted with standards (PS) and/or a conditional use (C) in the zoning district.
C. Standards referenced in the "Use-Specific Standards" column apply in all zoning districts unless otherwise expressly stated.
D. The land uses and activities covered by this section shall comply with the applicable use-specific standards in all districts unless otherwise specified, in addition to all other applicable provisions of this code.

(c) Multiple Uses. If multiple uses are proposed on a single lot or in a single building, then each of the individual uses has to be allowed in the applicable zoning district and reviewed in accordance with how the individual use is allowed in the district (i.e., permitted, permitted with standards, or conditional use).

(d) Similar Use Determination and Unlisted Uses.
(1) When a specific proposed use is not listed in Table 1107-3, as determined by the Village Administrator, the applicant may request that the proposed use be reviewed by the Planning Commission to determine if the proposed use is similar in nature to an allowed use.
(2) The Planning Commission, at a regular public meeting, may determine that a proposed use is substantially similar to a use that is permitted, permitted with standards, or conditional as established in Table 1107-3 based on:
A. The proposed use activities;
B. The character of the proposed use as compared to other uses;
C. Similarity to existing uses within the Village; and/or
D. Information on the use that may be available from third-party land use resources such as documentation from the American Planning Association, Urban Land Institute, or similar organizations.
(3) If the Planning Commission determines that the proposed use is substantially similar to another use established in Table 1107-3, the application shall be processed in the same manner as the similar use.

(4) In finding that a proposed use is similar to a use established in Table 1107-3, the Village Administrator shall make a note of the similar use on the application form submitted by the applicant (e.g., zoning compliance review, site plan review, conditional use, etc.).

(5) If the Planning Commission makes the determination that a use is not allowed, the application shall be denied.

Table 1107-3 PRINCIPAL USES

P = Permitted Use PS = Permitted Use with Standards C= Conditional Uses XX= Prohibited Uses

Principal Land Uses	R	M-1	C-2	C-3	C-4	I-1	P-1	Use Specific Standards See Section:
Agricultural Uses								
Agricultural Uses	PS or C	XX	XX	XX	XX	XX	XX	1107.06(a)
Commercial Greenhouse or Nursery	C	XX	XX	XX	XX	XX	XX	
Residential Uses								
Dwelling, Multi-Family	XX	P	XX	XX	P	XX	XX	
Dwelling, Single-Family	P	P	XX	XX	XX	XX	XX	
Residential Facilities	PS	PS/ C	XX	XX	PS/ C	XX	XX	1107.06(b)
Skilled Nursing or Personal Care Facilities	XX	XX	C	XX	C	XX	PS	1107.06(c)
Public and Institutional Uses								
Active Recreational Facilities	C	C	XX	XX	XX	XX	PS	1107.06(d)
Cemeteries	C	C	XX	XX	XX	XX	P	
Cultural Facilities	C	C	P	P	P	XX	P	
Day Care Centers (Adult or Child)	XX	C	C	C	C	C	PS	1107.06(e)
Educational Institutions (Higher Education)	XX	XX	C	P	XX	P	P	
Educational Institutions (Preschool and K-12)	C	C	C	PS	XX	XX	PS	1107.06(f)

Table 1107-3 PRINCIPAL USES								
P = Permitted Use PS = Permitted Use with Standards C = Conditional Uses XX = Prohibited Uses								
Principal Land Uses	R	M-1	C-2	C-3	C-4	I-1	P-1	Use Specific Standards See Section:
Fraternal, Charitable, and Service-Oriented Clubs	XX	XX	XX	PS	PS	XX	PS	1107.06(g)
Government Offices and Buildings	C	C	C	C	C	P	P	1107.06(h)
Hospitals	XX	XX	C	PS	C	XX	PS	1107.06(c)
Passive Parks, Open Spaces, and Natural Areas	P	P	P	P	P	P	P	
Places of Worship	C	C	P	P	P	XX	P	
Public Utility Buildings and Facilities	C	C	C	C	C	C	P	1107.06(h)
Residential Community Centers	C	C	XX	XX	XX	XX	XX	1107.06(i)
Wireless Communications Towers and Antenna	XX	XX	XX	XX	XX	C	PS	1107.06(j)
Commercial and Office Uses								
Administrative, Business, or Professional Offices	XX	XX	P	P	P	P	P	
Adult Entertainment Establishments	XX	XX	XX	XX	XX	C	XX	1107.06(k)
Animal Boarding Facilities	XX	XX	XX	XX	XX	PS	XX	1107.06(l)
Animal Hospitals/Clinics and Animal Grooming	XX	XX	XX	P	XX	P	XX	
Assembly Halls or Conference Centers	XX	XX	C	C	XX	XX	XX	
Automotive Repair and Service (Major)	XX	XX	XX	PS	XX	PS	XX	1107.06(m)
Automotive Repair and Service (Minor)	XX	XX	XX	PS	XX	PS	XX	1107.06(n)
Commercial and Business Support Services	XX	XX	C	P	XX	XX	XX	
Commercial Recreational Facilities (Indoors)	XX	XX	C	PS	C	C	XX	1107.06(o)
Commercial Recreational Facilities (Outdoors)	XX	XX	C	C	XX	XX	XX	1107.06(d)

Table 1107-3 PRINCIPAL USES								
P = Permitted Use PS = Permitted Use with Standards C= Conditional Uses XX= Prohibited Uses								
Principal Land Uses	R	M-1	C-2	C-3	C-4	I-1	P-1	Use Specific Standards See Section:
Financial Institutions	XX	XX	P	P	P	XX	XX	
Fuel Stations	XX	XX	XX	PS	XX	XX	XX	1107.06(n)
Funeral Homes and Mortuaries	XX	XX	PS	PS	PS	PS	XX	1107.06(p)
Hotels and Motels	XX	XX	XX	P	XX	XX	XX	
Medical/Dental Clinics and Urgent Care Centers	XX	XX	C	P	C	XX	P	
Medical Marijuana and Adult-Use Cannabis Dispensary	XX	XX	C	C	XX	C	XX	
Microbrewery, Microdistillery, or Microwinery	XX	XX	XX	PS	XX	PS	XX	1107.06(q)
Mixed-Use Buildings	XX	XX	XX	P	P	XX	XX	
Multi-Tenant Use	XX	XX	P	P	P	P	XX	
Personal Services	XX	XX	P	P	XX	XX	XX	
Restaurants	XX	XX	P	P	XX	XX	XX	
Retail Businesses	XX	XX	P	P	XX	XX	XX	
Short-Term Rentals	XX	PS	XX	PS	XX	XX	XX	1107.06(r)
Taverns, Bars, or Night Clubs	XX	XX	XX	P	XX	XX	XX	
Theaters	XX	XX	XX	C	P	XX	XX	
Vehicle and Equipment Sales and Leasing	XX	XX	C	PS	XX	PS	XX	1107.06(s)
Vehicle Washing Establishments	XX	XX	XX	P	XX	XX	XX	1107.06(t)
Industrial Uses								
Bulk Sale or Distribution of Fuels and Oils	XX	XX	XX	XX	XX	P	XX	
Contractor Equipment and Storage Yards	XX	XX	XX	XX	XX	PS	XX	1107.06(u)
Food Services	XX	XX	XX	XX	XX	P	XX	
Industrial Service Uses	XX	XX	XX	XX	XX	P	XX	

Table 1107-3 PRINCIPAL USES								
P = Permitted Use PS = Permitted Use with Standards C = Conditional Uses XX = Prohibited Uses								
Principal Land Uses	R	M-1	C-2	C-3	C-4	I-1	P-1	Use Specific Standards See Section:
Machinery and Heavy Equipment Sales, Leasing, Storage, and Service	XX	XX	XX	XX	XX	P	XX	
Manufacturing and Production (Heavy or Outdoors)	XX	XX	XX	XX	XX	C	XX	
Manufacturing and Production (Indoors)	XX	XX	XX	XX	XX	P	XX	
Research and Development Facilities	XX	XX	XX	XX	XX	P	XX	
Self-Storage Facilities	XX	XX	XX	XX	XX	C	XX	1107.06(v)
Truck Terminals	XX	XX	XX	XX	XX	P	XX	
Warehouses	XX	XX	XX	XX	XX	P	XX	
Wholesale Establishments	XX	XX	XX	XX	XX	P	XX	

(Ord. 2879. Passed 10-23-23; Ord. 2991. Passed 11-24-25.)

1107.06 USE-SPECIFIC STANDARDS.

(a) Agricultural Uses.

(1) The farming of crops or trees is permitted as a principal use for all lot sizes in the R District.

(2) The raising of animals as a principal use shall only be permitted if the raising of livestock complies with the standards of Section 505.11 of the Codified Ordinances or with the standards for the raising of livestock as an accessory use in Section 1111.01. Additional livestock animals than allowed in such sections may be permitted if approved as a conditional use.

(3) One dwelling unit is permitted on the same lot as the agricultural use.

(b) Residential Facilities.

(1) Residential facilities, as defined in ORC Chapter 5119, providing services for one (1) to five (5) people, and residential facilities, as defined in ORC Chapter 5123, providing services for six (6) to eight (8) people, are allowed where single-family dwellings are permitted. Such use shall be deemed a permitted use in all residential zoning districts. Such facilities must comply with the lot and principal building regulations (See Section 1113.01.) and any other standards in this code that apply to single-family dwellings within the applicable district.

(2) Residential facilities, as defined in ORC Chapter 5119, providing services for six (6) to sixteen (16) people, and residential facilities, as defined in ORC Chapter 5123, providing services for nine (9) to sixteen (16) people, are allowed in the M-1 and C-4. Districts. Such use shall be deemed a conditional use in the M-1 and C-4 Districts. Such facilities must comply with the lot and principal building regulations (See Section 1113.01.) and any other standards in this code that apply to multi-family dwellings within the applicable district.

(c) Skilled Nursing or Personal Care Facilities and Hospitals.

(1) The use shall be located with at least one (1) street frontage along a collector or arterial street. Such use shall have all principal vehicular access from such collector or arterial streets.

(2) All access drives shall be located no less than 100 feet from an intersection of two (2) streets.

(3) The principal building shall be set back a minimum of fifty (50) feet from any adjacent residential zoning district or lot that contains a single-family dwelling.

(d) Active Recreational Facilities and Commercial Recreational Facilities (Outdoors).

(1) The minimum lot area shall be at least one (1) acre.

(2) All structures, viewing areas, or seating areas shall be set back at least 100 feet from any adjacent lot line that is in a residential zoning district.

(3) All exterior lighting shall project downward and shall be of full cutoff design in order to minimize glare and reflection onto adjoining properties and public streets. See Section 1113.03 for additional information on exterior lighting.

(4) The hours of operation may be regulated by the Planning Commission, if necessary, to mitigate adverse impacts on adjacent residential uses.

(5) No use that involves the discharge of firearms is permitted.

(e) Day Care Centers (Adult or Child).

(1) The use shall be located with at least one (1) street frontage along a collector or arterial street. Such use shall have all principal vehicular access from such collector or arterial streets.

(2) Parking should be located to avoid the necessity for adults and/or children to cross streets or driveways.

(3) The following shall apply only to day care centers for children:

A. Picking up and dropping off children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.

B. All play areas shall be fenced in order to provide a safe and secure environment for the children.

(f) Educational Institutions (Preschool and K-12). Drop-off/pick-up locations should be designed so as not to impede traffic safety.

(g) Fraternal, Charitable, and Service-Oriented Clubs. Accessory uses necessary to the operation of such use, such as clubhouses, restaurants, bars, swimming pools, and similar activities, shall be permitted if they comply with the general standards for accessory uses in Section 1111.01. However, such uses, where the conduct of business is the principal activity, shall be prohibited unless permitted in the applicable zoning districts.

(h) Government Offices and Buildings and Public Utility Buildings and Facilities.

(1) The outdoor storage of materials or equipment shall be prohibited in the R District. In all other districts, the outdoor storage shall comply with the outdoor storage requirements of Section 1111.01.

(2) Such uses shall only be considered in the R District when essential to the provisions of public services, for distribution of service to the immediate neighborhood, or when topographical features restrict the location of such facilities.

(i) Residential Community Centers.

(1) One residential community center shall be allowed within an individual subdivision or for a multi-family dwelling development with more than twelve (12) dwelling units.

(2) Additional residential community centers may be approved as part of a development that is approved as a planned unit development.

(3) The residential community center shall only be for the use of residents and their guests.

(j) Wireless Communications Towers and Antenna. 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 that have been constructed for other purposes (water towers, church steeples, chimneys, cooling towers).

(2) The second priority is to place new towers along and/or adjacent to existing overhead electric utility corridors.

(3) Towers shall be located, to the maximum extent possible, in a manner that will minimize any adverse impacts on adjacent 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 structures). Lattice-type towers are prohibited.

(6) The minimum setback from all lot lines and existing residences shall be the height of the tower plus twenty (20) feet unless it can be demonstrated, because of its design and construction, that, in the case of a collapse, the 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 eight (8) feet in height and also screened from any adjacent lots in accordance with the regulations in Chapter 1117: Landscaping and Screening.

(9) Any accessory buildings shall comply with the regulations in Section 1111.01.

(10) Lighting shall be in compliance with Section 1113.03.

(k) Adult Entertainment Establishments.

(1) Purpose and Findings.

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

B. Village Council has received substantial evidence concerning the adverse secondary effects of adult uses on community findings incorporated in the cases of Village of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), Young V. American Mini Theaters, 426 U.S. 50 (1976) and Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991), and on studies in other communities, including, but not limited to Phoenix, Arizona; Tucson, Arizona; Garden Grove, California; Los Angeles, California; Whittier, California; Indianapolis, Indiana; Minneapolis, Minnesota; St. Paul, Minnesota; New York, New York; Cleveland, Ohio; Oklahoma Village, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Houston, Texas; and Seattle, Washington.

(2) Classification. Adult entertainment establishments shall be classified as follows:

A. Adult arcades;
B. Adult bookstores, adult novelty stores, or adult video stores;
C. Adult cabarets;
D. Adult motion picture theaters;
E. Adult entertainment businesses; and
F. Adult theaters.

(3) Locational Requirements. All adult entertainment establishments shall meet the following location requirements.

A. No adult entertainment establishment shall be established within 2,000 feet of any lot upon which the following uses exist:

i. A use with a liquor permit issued by the State of Ohio;

ii. A place of worship;

iii. A hotel;

iv. A publicly owned active recreational facility or a passive park, open space, or natural area;

v. A day care center, nursery school, educational institution, or cultural institution, whether public or private, governmental or commercial, which use is regularly attended by persons under eighteen (18) years of age; or

vi. A lot with a residential use of any type, as established in Table 1107-3.

B. No adult entertainment establishment shall be established within 1,000 feet of any other adult entertainment establishment.

C. The distances specified in this section shall be measured in a straight line, without regard to intervening structures, from the nearest point of the premises in which the proposed adult entertainment establishment is to be established to the nearest lot line of a use or zoning classification listed above or another adult entertainment establishment. The presence of a Village, County, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(l) Animal Boarding Facilities.

(1) All structures and outdoor run areas designed to house or accommodate animals, either permanently or temporarily, shall be set back a minimum of 200 feet from all lot lines in a residential zoning district. All other structures related to the use of the property shall be set back in accordance with the applicable zoning district.

(2) Care and boarding of animals shall be limited to domestic animals and may not include cattle, horses, swine, or other similarly sized animals.

(3) A solid wood fence or masonry wall with a minimum height of six feet shall be constructed where a kennel or animal boarding facility is located adjacent to a residential zoning district.

(m) Automotive Repair and Service (Major).

(1) An automotive repair and service (major) establishment shall be subject to the same requirements as an automotive service station (minor) as established in Section 1107.06(n) below.

(2) The principal structure shall be set back a minimum of 150 feet from any lot line of a lot in a residential zoning district. Parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of fifty (50) feet from any adjacent lot line in a residential district.

(3) The storage of non-operational vehicles for longer than fourteen (14) days shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six (6) feet.

(4) Vehicles awaiting repair shall be parked in designated parking spaces and shall not encroach on driving aisles, landscaped areas, and drive approaches. No part of the street right-of-way shall be used for parking vehicles awaiting service.

(5) Damaged or inoperable vehicles shall not be used for storage purposes.

(n) Automotive Repair and Service (Minor) and Fuel Stations.

(1) Any repair work on vehicles that do not fall under Class 1, 2, or 3 vehicles, as defined by the Federal Highway Administration (FHWA), shall be defined as "automotive repair and service (major)" and subject to the applicable provisions of this chapter.

(2) Fuel pumps shall be set back a minimum of thirty-five (35) feet from all lot lines and fifty (50) feet from all adjacent lot lines of lots in residential zoning districts.

(3) Canopies and principal buildings shall be set back a minimum of twenty (20) feet from all lot lines and fifty (50) feet from all adjacent lot lines of lots in residential zoning districts.

(4) All hydraulic hoists, oil pits, and all lubricants, greasing, vehicle washing, and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicles shall be permitted.

(5) All repair work must be performed in a fully enclosed building.

(6) Activities shall be limited to:

A. The sale of automotive fuel;

B. The servicing of motor vehicles with minor repair work;

C. Hand washing of vehicles within an enclosed building;

D. The retail sale of vehicle parts and products relating to minor repair work, such as, but not limited to, oil, grease, tires, antifreeze, batteries, and windshield wipers. The storage and sales of such products shall take place entirely within an enclosed building.

(7) Space for overnight parking, overnight accommodations, or the inclusion of showers within the building shall be prohibited.

(8) Any major repair work, including but not limited to automobile body repair and painting, automobile glass work, automobile transmission work, automobile engine overhaul and repair, and radiator repair work, shall be classified as "automotive repair and service (major)" and shall be subject to Section 1107.06(m).

(9) Vehicles being serviced or awaiting service shall be stored for no longer than seven calendar days on the site if in unenclosed areas or areas not screened from view.

(10) The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment and fluids, shall comply with all applicable Federal, State, and local requirements.

(11) Outdoor solid waste, storage areas, and recyclable storage areas shall be screened in accordance with Section 1117.06.

(o) Commercial Recreational Facilities (Indoors).

(1) The Planning Commission may impose restrictions on the hours of operation in order to ensure 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.

(p) Funeral Homes and Mortuaries.

(1) Vehicular use areas shall be designed to allow for the queuing of vehicles if funeral processions are intended to originate or terminate at the establishment.

(2) One dwelling unit may be provided within the principal building for the use by the owner or an employee of the use.

(3) All funeral homes shall be located so as to provide access from an arterial or collector street.

(4) Cremation services shall be permitted only in the I-1 District and shall be set back a minimum of 500 feet from any lot line in a residential zoning district.

(q) Microbrewery, Microdistillery, or Microwinery.

(1) A microbrewery, microdistillery, and microwinery shall be allowed in the C-3 District when the majority of the floor area is dedicated to being used for restaurant service or for the serving of drinks made on-site so that the use fits into the retail character of the districts. Drinks made off-site may also be permitted, provided the majority of drinks offered for sale are made on-site.

(2) A microbrewery, microdistillery, and microwinery in the I-1 District may include a taproom area to serve customers drinks made on-site, provided the floor area of the taproom does not exceed fifty percent (50%) of the total footprint of the use. Food service may be included within the fifty percent (50%) total footprint. Drinks made off-site may also be permitted, provided the majority of drinks offered for sale are made on-site.

(r) Short-Term Rentals.

(1) Short-term rentals are permitted in any dwelling unit where resident offering short-term rental opportunities maintains that dwelling unit as their official residence.

A. A place shall be considered the official residence of a person in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.

B. A person shall not be considered to have lost official residency if they leave the dwelling and go to another municipality, county, or state, for temporary purposes only, with the intention of returning.

(2) No meals shall be provided by the short-term rental owner or managing agent.

(3) No private events or parties shall be hosted at the short-term rental that exceeds the maximum occupancy of the dwelling unit.

(4) No additional off-street parking shall be provided beyond what is required for the principal use.

(s) Vehicle and Equipment Sales and Leasing.

(1) Display of vehicles for sale or lease outdoors shall be located on a paved surface and within striped parking spaces that all comply with the parking requirements of Section 1119.03.

(2) All work on vehicles, including, but not limited to, cleaning, servicing, and repair, shall be done only in an enclosed building and shall be subject to the same standards as an automotive repair and service establishment (minor) or automotive repair and service (major) establishment, as applicable.

(3) No junk, inoperative, or unlicensed vehicle will be permitted to remain parked or stored outside for more than forty-eight (48) hours.

(t) Vehicle Washing Establishments.

(1) All structures shall be set back a minimum of fifty (50) feet from any residential zoning districts. Any self-service washing establishment or portion of a building used for self-service washing shall be set back a minimum of 150 feet from any residential zoning districts.

(2) In order to prevent excessive pooling of water in the street right-of-way, the facility must be equipped with a dryer or must demonstrate adequate drainage on-site to accommodate all water used for cleaning.

(3) There shall be adequate provision for the disposal of wastewater and the prevention of surface runoff.

(4) Vacuuming and/or steam cleaning equipment may be located outside but shall not be placed in the yard adjoining a residential zoning district.

(5) The use shall be subject to the vehicle waiting space requirements of Section 1119.07.

(u) Contractor Equipment and Storage Yards.

(1) Outdoor storage must be associated with a principal building that contains the contracting or construction business associated with the stored materials.

(2) All storage of equipment and materials must be located in the rear yard and screened in accordance with Chapter 1117: Landscaping and Screening.

(v) Self-Storage Facilities.

(1) Only self-storage facilities that have storage units accessed internally to the building shall be allowed. Outdoor self-storage facilities with exterior access to individual storage units are prohibited.

(2) The leases for all self-storage units shall include clauses related to the following:

A. The storage of flammable liquids or radioactive, highly combustible, explosive, or hazardous materials is prohibited; and

B. The property may not be used for any uses other than dead storage.

(3) The maximum lot coverage shall be fifty percent (50%).

(4) All access to any self-storage facility shall be from an arterial or collector street.

(5) There shall be no retail sales on the property, with the exception that the owner or their designee may hold an auction on the site up to four times a year for the purpose of selling goods stored in units.

(6) The maximum height of buildings for outdoor self-storage shall be one story.

(7) The Sheffield Village Fire Department shall be provided with twenty-four (24)-hour access to the grounds and buildings. A lockbox shall be provided for its use.

(8) The outdoor storage of inventory, materials, vehicles, or merchandise is prohibited.

(9) Sale, repair, fabrication, or servicing of goods, motor vehicles, appliances, equipment, materials, or similar activities shall be prohibited in or from self-service storage facilities.

(10) Self-storage facilities may not be used for residential purposes.

(11) Except for sinks and restroom facilities provided solely for the use of the managers or security personnel of self-storage facilities containing more than ten individual storage units, neither sinks nor restroom facilities shall be permitted within self-storage facilities.

(Ord. 2879. Passed 10-23-23.)

CHAPTER 1109
Planned Unit Developments

1109.01	**Purpose.**	**1109.04**	**Review criteria.**
1109.02	**Scope and applicability.**	**1109.05**	**Permitted uses.**
1109.03	**PUD review process.**	**1109.06**	**Development standards.**

1109.01 PURPOSE.

The purpose of the Planned Unit Development (PUD) Overlay District is to provide a means for encouraging ingenuity, imagination, and flexibility in the planning and designing of medium and large-scale developments where traditional zoning districts may be too restrictive for the range of proposed uses or design. The PUD regulations provide controlled flexibility by utilizing objectives and performance standards rather than rigid design requirements. The intent is to encourage developments that possess greater amenities and/or provide greater environmental protection than standard zoning district requirements. It is not the intent of the PUD to allow applications to circumvent the intent of this code to permit residential density, uses, housing types, or street and utility layouts that conflict with adopted plans and policies or the character of the area. It is, furthermore, the purpose of the PUD regulations to:

(a) Help achieve the goals of plans adopted by the Village in a manner that allows for the comprehensive review of a medium to large-scale development;

(b) Encourage creative and high-quality developments that are compatible with surrounding land uses, achieve a high degree of pedestrian-vehicular separation, and contribute to the overall quality of Sheffield Village;

(c) Provide for the flexible arrangement of buildings, densities, and a variety of housing types to meet the needs of the residential market;

(d) Encourage the design of residential development in a manner that will conserve open space and the rural character of Sheffield Village

(e) Promote a harmonious design amongst the various elements and uses within the development while mitigating any potential negative impact on surrounding properties;

(f) Allow phased construction with the knowledge that subsequent phases shall be approved as originally planned and approved by the Village;

(g) Ensure that there are adequate services and infrastructure to serve the proposed development; and

(h) Reserve adequate land areas for schools, parks, and other public uses.

(Ord. 2879. Passed 10-23-23.)

1109.02 SCOPE AND APPLICABILITY.

(a) The intent of the PUD regulations is to provide a means for applying comprehensive and flexible planning and design techniques on properties substantially sized to accommodate such a plan. As such, the minimum size of any PUD project or plan shall be five acres. PUD proposals should not be applied to small areas as a means of bypassing traditional district regulations.

(b) A PUD of less than five acres may be considered for high-intensity areas as defined by adopted plans. Planning Commission and Village Council must approve such a reduction in size.

(c) Any PUD approved and constructed prior to the effective date of this amendment shall carry forward with the approved plans. All future construction or changes in previously approved PUDs shall comply with the applicable approved plan unless a modification is required, in which case, the modification shall be reviewed in accordance with this chapter.

(d) In order to submit an application for PUD review, the tract or tracts of land included within the proposed PUD shall be in one ownership or control or shall be subject to a joint application by the owners of all properties included within the proposal.

(e) A PUD shall be considered an overlay district in that any approval of a PUD shall result in the placement of the PUD boundaries on the zoning map while retaining the underlying base zoning district (R, C-2, I-1, etc.). The underlying base zoning district shall control what uses are permitted in the PUD (See Section 1107.05.). A PUD overlay district may only be applied to areas that have an existing zoning of R, C-2, C-3, C-4, or I-1).
(Ord. 2879. Passed 10-23-23.)

1109.03 PUD REVIEW PROCESS.

(a) PUD Submission and Review Procedure.

(1) Step 1 - Pre-Application Meeting (Optional). An applicant shall have the option to request a pre-application meeting with the Village Administrator and additional staff to informally discuss the application and any concept plans. Such a meeting shall be subject to Section 1105.02(f).

(2) Step 2 - Application. The applicant shall submit an application in accordance with Section 1105.02 and the provisions of this section.

(3) Step 3 -Development Plan and Zoning Map Amendment.

A. The PUD Development Plan approval procedure involves a zoning map amendment to rezone the subject property to a PUD with an approved PUD Development Plan.

B. The procedure for this stage of review shall comply with the requirements of Section 1105.03.

C. In accordance with the zoning map amendment review procedure, the Planning Commission shall review the PUD Development Plan and make a recommendation to Village Council to approve, approve with modifications, or deny the application. The recommendation shall be made based on the review of the application using the criteria contained in Section 1109.04. The Planning Commission may, in its recommendation to Village Council, require that the PUD Development Plan be submitted in stages upon evidence assuring completion of the entire development in accordance with the PUD Development Plan and phased development schedule.

D. In accordance with the zoning map amendment review process, Village Council shall hold a public hearing on the PUD Development Plan and PUD zoning map amendment and decide to approve, approve with modifications, or deny the recommendation of the Planning Commission using the criteria contained in Section 1109.04, of this chapter.

i. If Village Council moves to make any of the following decisions, such action shall only require the concurring vote of a simple majority of the Village Council:

a) Approve the recommendation of the Planning Commission;

b) Approve the recommendation of the Planning Commission with some modification; or

c) Deny the application following a recommendation for approval from Planning Commission.

ii. If Village Council moves to overturn a recommendation for denial from the Planning Commission, such action shall require three-fourths of the full membership of the Village Council to concur.

E. Approval of the PUD Development Plan and zoning map amendment will result in the addition of the PUD overlay district on the zoning map.

F. In making its recommendations or decisions, the Planning Commission and/or Village Council may impose such conditions of approval as are in its judgment necessary to ensure conformity to the applicable criteria and standards of this zoning code and with adopted plans. In so doing, the Planning Commission and/or Village Council may permit the applicant to revise the plan and resubmit it as a PUD Development Plan within sixty (60) days of such action.

(4) Step 4 - Subdivision, Site Plan Review, and Zoning Compliance Review.

A. Within one year after the approval of the PUD Development Plan, the applicant shall file a major subdivision application if a subdivision of land is required. Such application shall be in accordance with Section 1105.10, and the submitted plats shall be in conformance with the approved PUD Development Plan.

B. If a subdivision of land is not required, then within one year after approval of the PUD Development Plan, the applicant shall file a site plan review or zoning compliance review, as applicable.

C. If more than one (1) year passes from the date of approval of the PUD Development Plan and no applications have been filed in accordance with the above provisions, or a request for an extension not to exceed one (1) year has been filed with the Planning Commission, then the PUD Development Plan shall be deemed expired, and the applicant must resubmit such plan.

D. In no case shall a PUD Development Plan be valid for more than two (2) years, including an approved extension.

E. After the PUD Development Plan has expired, the PUD zoning designation shall remain in place, but no development shall be authorized unless the property owner, or authorized agent, submits a new PUD Development Plan for a review pursuant to this chapter or submits an application for a zoning map amendment to another zoning district.

(b) Changes to Approved PUDs.

(1) A PUD shall be constructed and completed in accordance with the approved PUD Development Plan, including all supporting data and conditions. The PUD Development Plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees, and assignees and shall limit and control the use of premises (including the internal use of buildings and structures) and the location of structures in the PUD as set forth therein.

(2) Where a property owner on a lot in a PUD seeks a variance from the applicable standards for an individual property that will not apply to any other property in the PUD, the property owner shall request such variance in accordance with Section 1105.07.

(3) Any request to change or otherwise modify the approved PUD Development Plan, as it applies to more than one property owner, shall be reviewed based on whether the change is considered major or minor, in accordance with this subsection.

A. Major Change.

i. Major changes to a PUD require the prior approval of the Planning Commission and the Village Council in the same process, and with the same hearings, as that used to review the PUD Development Plan. The Village Administrator shall have the authority to determine if a proposed change is a major change. Major changes include, but are not limited to:

a) Expansion of the PUD project beyond the original tract coverage;

b) Removal or subtraction of land from the original tract coverage; and

c) Proposed changes that will result in an increase in residential dwelling units of more than five percent (5%) of the total dwelling units proposed or an aggregate increase of more than ten percent (10%) in nonresidential square footage.

ii. Changes that require the approval of only the Planning Commission at a public hearing include, but are not limited to, the following:

a) Changes in the site plan relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration, and location of common open space, and changes in any approved elements of the PUD; and

b) Amendments to the conditions that were attached to the PUD Development Plan approval.

B. Minor Changes.

i. Minor changes are those proposed by the developer/owner which do not disturb or affect the basic design and approved PUD Development Plan and which are essentially technical in nature, as determined by the Village Administrator.

ii. Examples of minor changes include but are not limited to, changes in the intensity of lighting, changes in the size and location of water and sewer lines within approved easements, and changes in the location and number of fire hydrants.

iii. Additionally, the Village Administrator shall have the authority to approve structural dimensional changes that do not increase density; that do not change building height by more than ten (10) feet; or that do not change building or perimeter setbacks by more than fifteen (15) feet when necessary to accommodate minor shifts in the location of improvements or infrastructure.

iv. The Village Administrator shall notify the Planning Commission of all such approved minor changes.

(c) Revocation.

(1) In the event of a failure to comply with the approved plan or any prescribed condition or approval, including failure to comply with the stage development schedule, the Planning Commission may, after notice and hearing, revoke the approval of the PUD Development Plan. The Planning Commission shall, at the same time, recommend whether to maintain the PUD zoning district or the rezoning of the properties to another zoning district.

(2) The revocation shall become final thirty (30) days after Village Council passes an ordinance to rezone the property to a zoning district, other than a PUD, or a decision by the Planning Commission to revoke the approved plans but retain the PUD zoning.

(3) Where the PUD zoning remains without an approved PUD Development Plan, the property owner or agent shall be required to submit a new PUD Development Plan in accordance with the review procedures of this chapter.

(d) Recording. The recording of the subdivision related to the PUD approval shall be done in the same manner as outlined in Section 1105.10.
(Ord. 2879. Passed 10-23-23.)

1109.04 REVIEW CRITERIA.

All PUD applications shall be reviewed based on the following general criteria, and the applicable review body shall consider such criteria in the creation of their specific findings when making recommendations and decisions regarding PUD applications, especially for the review of the PUD Development Plan:

(a) The proposed development is in conformity with the goals, policies, and any applicable recommendations of the Sheffield Village Comprehensive Land Use Plan;

(b) The proposed development meets the intent and spirit of this code and all other applicable Village ordinances or adopted plans;

(c) The development provides an environment of stable character that promotes a harmonious relationship between land uses within the site and a harmonious relationship with surrounding development, utilizing adequate screening where necessary;

(d) The proposed development provides a development pattern that preserves and utilizes the natural topography, geologic features, scenic vistas, natural vegetation, and natural drainage patterns of the site;

(e) The proposed development maximizes the opportunity for privacy within residential areas and minimizes nuisances between residential areas and other land uses;

(f) The proposed development, while compatible with its surroundings, provides a more diverse environment for living, shopping, and/or working than would be possible under strict application of the standard minimum design requirements of other districts provided within this code;

(g) The proposed development promotes greater efficiency in the use of land and does not impose an undue burden on public services and facilities such as fire and police protection, public works, schools, water supply, and wastewater disposal due to excessive population densities;

(h) The proposed development is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated;

(i) Where common open space is required, appropriate arrangements with the applicant have been made, which will ensure the reservation of common open space as identified in the PUD Development Plan and PUD Development Plan. Furthermore, the PUD Development Plan shall demonstrate how the open spaces shall be duly transferred and maintained by a legally established homeowner's association or another public or quasi-public agency for preservation and maintenance;

(j) The proposed development is accessible from public thoroughfares adequate to accommodate the traffic which will be imposed on them by the proposed development, and the proposed streets and parking areas within the site are adequate to serve the proposed arrangement and densities of land uses;

(k) The internal connectivity will assist in creating safe traffic patterns for pedestrians and cars while also minimizing the need for multiple curb cuts;

(l) The proposed development minimizes pedestrian, bicycle, and vehicle conflicts;

(m) The proposed development provides a higher quality and more useful design of landscaping and open space and amenities than would normally be required under the strict application of existing zoning and subdivision requirements;

(n) The proposed development contains such proposed covenants, easements, association by-laws, and other such provisions as may reasonably be required for the public health, safety, and welfare;

(o) The proposed development is designed in such a way that each individual section of the development, as well as the total development, can exist as an independent section capable of creating an environment of sustained desirability and stability or that adequate assurance has been provided that such an objective shall be attained;

(p) The proposed development can be substantially completed within the time specified in the schedule of development submitted by the developer; and

(q) The PUD plans have been transmitted to all other agencies and departments charged with the responsibility of review, and any identified issues have been reasonably addressed by the applicant.
(Ord. 2879. Passed 10-23-23.)

1109.05 PERMITTED USES.

(a) Principal Uses.

(1) Only those uses listed in this code (See Section 1107.05.) as a permitted use in the underlying base zoning district, whether permitted as-of-right, permitted with standards, or permitted as a conditional use, may be considered in the application of a PUD.

(2) In general, any use-specific standards that apply to a use in Table 1107 3 shall also apply to those same uses in a PUD. However, the Planning Commission and Village Council may adjust or waive any of those use-specific standards (See Section 1107.06.) based on unique circumstances specific to the applicable development.

(3) As part of any approval, the Planning Commission and/or Village Council may restrict the uses permitted within an individual PUD by adopting a list of uses permitted within the PUD.

(4) Any changes in uses within an approved PUD shall be required to be reviewed as part of a major PUD amendment.

(b) Accessory Uses.

(1) Unless otherwise allowed for in the approved plans, accessory uses associated with development in a PUD shall be allowed in accordance with the following:

A. Accessory uses permitted in the R District shall be allowed on lots with any single-family dwelling.

B. Accessory uses allowed in the M-1 District shall be allowed on lots with any multi-family dwelling.

C. Accessory uses allowed in the C-3 or I-1 Districts shall be allowed on lots with nonresidential uses.

D. Any allowed accessory uses shall still comply with the applicable accessory use-specific standards established in this code in Section 1111.01.

(2) As part of any approval, the Planning Commission and/or Village Council may restrict the accessory uses permitted within an individual PUD.
(Ord. 2879. Passed 10-23-23.)

1109.06 DEVELOPMENT STANDARDS.

(a) General Development Standards.

(1) For PUD applications that are related to property with an underlying base zoning district of C-2, C-3, C-4, or I-1, the Planning Commission and Village Council shall have the authority to restrict the intensity of development based on the compatibility of the development with surrounding development, the scale of the overall project, traffic impacts, and recommendations from adopted plans. No common open space is required for such PUD applications.

(2) For PUD applications that are related to property with an underlying R District, the total number of dwelling units permitted within the development shall be calculated based on a maximum density of three units per acre applied to the Total Buildable Area. The Total Buildable Area shall be calculated by subtracting the following areas from the total project area:

A. The total area of land in a designated floodway;

B. The total area of land that is defined as a wetland by the U.S. Army Corps of Engineers or the U.S. Environmental Protection Agency;

C. Ten percent (10%) of the total project area for rights-of-way and other dedications.

(3) Table 1109-1 includes an example of a calculation and the resulting total buildable area and maximum dwelling units for a residential PUD.

TABLE 1109-1: RESIDENTIAL DWELLING UNIT CALCULATION EXAMPLE

Areas and Standards		Calculation
Total Project Area	50 acres	50 acres - 1 acre - 2 acres - 5 acres = 42 acres of Total Buildable Area
Floodway Area	1 acre	
Wetland Area	2 acres	
10% Rights-of-Way/ Dedications	5 acres	42 acres x 3 units per acres = 126 units maximum
Maximum Density	3 units per acre of total buildable area	

(4) For PUD applications that are related to property with an underlying base zoning district of R, there shall be a minimum of fifty percent (50%) of the total project area dedicated to common open space that complies with Section 1109.06(b) below. If the total area of floodways and wetlands exceeds the fifty percent (50%) total project site, then the amount of open space shall be increased to include all floodways and wetlands. The total allowed building units shall be clustered on the remaining land areas outside of the open space. Table 1109-2 provides two (2) illustrative development examples of how the total number of units and open space apply based on the existence of floodways or wetlands.

TABLE 1109.2: DEVELOPMENT EXAMPLES			
Examples	**Areas and Standards**		**Calculation**
Example 1: Area of Floodways and Wetlands IS LESS THAN 50% of Total Project Area	Total Project Area	50 acres	50 acres - 1 acre - 2 acres - 5 acres = 42 acres of Total Buildable Area 42 acres x 3 units per acres = 126 units maximum
	Floodway Area	1 acre	
	Wetland Area	2 acres	
	10% Rights-of-Way/ Dedications	5 acres	
	Maximum Density	3 units per acre of total buildable area	
	Open Space and Resulting Development	50% - includes all areas of wetlands and floodway	126 dwelling units is clustered onto the 25 acres (50% of 50 acres) that is not set aside for open space - no single lot is less than 8,000 square feet
Example 2: Area of Floodways and Wetlands IS MORE THAN 50% of Total Project Area	Total Project Area	50 acres	50 acres - 24 acres - 6 acres - 5 acres = 15 acres of Total Buildable Area 15 acres x 3 units per acres = 45 units maximum
	Floodway Area	24 acres	
	Wetland Area	6 acres	
	10% Rights-of-Way/ Dedications	5 acres	
	Maximum Density	3 units per acre of total buildable area	
	Open Space and Resulting Development	60% - includes all areas of wetlands and floodway	45 dwelling units is clustered onto the 20 acres (40% of 50 acres) that is not set aside for open space - no single lot is less than 8,000 square feet

(5) All development under a PUD shall be connected to public water and public sanitary sewer systems.

(6) No residential lot shall be smaller than 8,000 square feet with a sixty (60)-foot lot width.

(7) The PUD Development Plan shall illustrate lot areas and setbacks (e.g., building area for each lot) for each lot.

(8) Every building in a PUD shall have access either to a street, walkway, or other area dedicated to common use.

(b) Common Open Space.

(1) Common open space shall be required in all applications where there is a proposed PUD that contains any residential uses.

(2) The common open space requirements for a PUD shall be based on the proposed residential density and shall be in accordance with Table 1109-1.

(3) In the case of phased developments, open space shall be provided in proportion to each developed phase.

(4) The percentage of open space shall be based on the gross site area of the proposed project, including all rights-of-way.

(5) When open space is required, such space should be designed in a manner that is beneficial to the entire development and is not solely land that is not developable or appears to be an extension of proposed lots. The design of the common open space shall be approved by the Planning Commission and Village Council during the PUD Development Plan review.

(6) Retention or naturalized stormwater management areas that are designed to be an amenity (e.g., improved ponds, decorative features, etc.) may be considered as open space if approved by the Planning Commission and Village Council during the PUD Development Plan review.

(7) The following areas shall not be counted toward compliance with open space requirements:

A. Private and public roads and the associated rights-of-way;

B. Public or private parking spaces, access ways, and driveways related to any residential use;

C. Required minimum spacing between buildings and required yard setbacks;

D. Vehicular use areas;

E. Land that is subject to pre-existing conservation easements or other similarly protected open spaces;

F. Above-ground buildings, pipes, apparatus, and other equipment for community or individual use, septic or sewage disposal systems;

G. Stormwater areas that are not designed as an amenity pursuant to Section 1109.06(b)(6) above.

H. Substations, public utility easements;

I. Leftover land that has no value for development and is not a natural resource (e.g., river or stream corridor, large forest stand, wetland) that contributes to the quality of the overall project, as determined by the Planning Commission or Village Administrator, as may be applicable based on the review procedure.

(8) All common open spaces shall be designed in accordance with the following:

A. The location, shape, size, and character of common open space shall be suitable for the proposed residential uses in relation to the location, number, and types of dwelling units it is intended to serve. In any case, it shall be highly accessible to all residents or users of the PUD.

B. The common open space shall be used for amenity and/or recreational purposes. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the PUD in relation to its size, density, expected population, topography, and type of dwellings.

C. The common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space shall be appropriate to the uses which are authorized for the common open space and shall conserve and enhance the amenities of the common open space regarding its topography and unimproved condition.

D. Where appropriate, open space should be arranged in order to provide connections to existing or future open space areas, trails, or similar features on adjoining parcels.

(9) Protection and Maintenance of Common Open Space. Adequate provision shall be made for the long-term maintenance and/or operation of all common open spaces in accordance with this section.

A. Reclamation of Disturbed Open Space. Any required land areas designated for use as open spaces that are disturbed during construction or otherwise not preserved in their natural state shall be landscaped with non-invasive vegetation that appeared in those respective areas prior to construction or with other native vegetation. The planting of invasive plant species is prohibited.

B. Future Subdivision and Development of Open Space. All required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to Sheffield Village and duly recorded in the office of the Lorain County Recorder. Subject to permanent restrictions as set forth above, required open space in an open space residential subdivision shall be owned by a homeowners' association, a land trust, or other conservation organization recognized by Sheffield Village or by a similar entity. Required open space may be held by the individual members of a homeowners' association as tenants-in-common or may be held in common ownership by a homeowners' association, community association, or other similar legal entity.

C. Conservation Easements. With the permission of Sheffield Village, the owner(s) of the required open space may, in accordance with the applicable provisions of the ORC, grant or transfer a conservation easement to any entity described in the ORC, provided that the entity and the provisions of the conservation easements are acceptable to Sheffield Village. When a deed restriction is proposed as the method of restricting further subdivision of land designated as open space, Sheffield Village shall be named as a party to such deed restrictions with approval authority over any changes thereto. The conveyance must contain appropriate provisions for the assignment of the conservation easement to another entity authorized to hold conservation easements under the ORC in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

D. Homeowners' Associations. The following shall apply where a homeowners' association will be established to maintain any open space or other common areas as required by this article:

i. A homeowners' association shall be established to permanently maintain all open space, common areas, and conservation easements related to the open space unless such open space is preserved in another manner allowed by this chapter.

ii. All homeowners' association agreements shall be submitted for approval as part of a zoning certificate, conditional use, or planned unit development application, as applicable. Copies of the proposed covenants, articles of incorporation, and bylaws of the association shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws of a homeowners' association shall permit the abrogation of any duties set forth in this section.

iii. All homeowners' associations shall guarantee the maintenance of all open spaces and common areas within the boundaries of the development. In the event of a failure to maintain such open space or common areas, the Village may do any of the following:

a) If the open space or common area is owned by the Village, Village approved land trust, or other qualified organization, county, state, or park district, the Village may remedy the failure to maintain it at its own cost and seek reimbursement from the homeowner's association, or seek to enforce the homeowner's association's duty to maintain through an injunction or any other civil remedy.

b) If the open space or common area exists pursuant to a conservation easement in which the Village is a party to such easement, the Village may seek to enforce the terms of the conservation easement as provided in Section 1109.06(b)(9)C.

iv. If the open space or common area is owned jointly or in common by the owners of the building lots or by any other owner of the property to be maintained, the Village may seek to enforce the association's nonperformance of its obligations and duties through an injunction or any other civil remedy.

(c) Design and Development Standards. Where this code provides for design and development standards (e.g., parking, landscaping, architectural standards, etc.) not specifically addressed in this chapter, development within a PUD shall comply with the applicable standard.

(1) Resource Protection.

A. All current and future buildings, structures, or land within a floodway shall be used, erected, altered, enlarged, repaired, rebuilt, moved, and/or designated to be used, either in whole or in part, only for the uses listed hereafter and in conformity with Section 1113.09.

B. Wetlands 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:

i. A buffer area having a width of not less than twenty (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

ii. A minimum building and pavement setback of thirty-five (35) feet, measured from the edge of the designated wetland.

C. The following regulations relating to riparian zones shall apply in a PUD and shall be conserved in common open space:

i. 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 of not less than fifty (50) feet and shall be measured from the bank of the river or perennial stream.

ii. Walkways may be permitted to be located within riparian buffers, provided that the Planning Commission first determines that such walkways will create minimal or no change to the riparian buffer and approves such walkways.

(2) Illumination. All development shall comply with the exterior lighting standards of Section 1113.03 unless the Planning Commission and Village Council allow for modification of the standards.

(3) Off-Street Parking and Loading. All development shall comply with the requirements of Chapter 1119: Parking, Access, and Connectivity unless otherwise approved by the Planning Commission and Village Council, where shared parking, on-street parking, or other arrangements will not necessitate as much parking.

(4) Landscaping and Screening.

A. All uses in a PUD shall comply with the applicable landscaping and screening requirements of Chapter 1117: Landscaping and Screening., which shall be established as the minimum landscaping and screening requirements.

B. All development and common open space shall be landscaped according to all overall coordinated plans, utilizing a variety of trees, including evergreen type, whenever possible to maximize screening potential year-round. Plantings, walls, fencing, and screens shall be so designed and located as to optimize privacy and aesthetic quality without encroaching upon required automobile sight distances.

C. The amount of landscaping shall be comparable to the intensity of the development proposed to soften the developed areas. Particular care shall be taken to introduce trees and other landscaping into parking and other paved areas that are sustainable, given the proximity to large expanses of pavement.

D. Outdoor areas or containers holding or storing trash, garbage, and recycled or reused materials shall be screened on three (3) sides from adjoining properties, streets, and other public areas. Such areas or containers shall be screened in accordance with this code and shall include a decorative gate for access.

(5) Development Layout. Dwelling units shall be grouped or clustered to provide interest and diversity in the arrangement, maximize privacy, collect and maximize the common open space and promote the individual character and coordinated layout of each lot, cluster, and grouping. Streets and cul-de-sacs shall be laid out so as to discourage through and high-speed traffic unless such through street is needed to be in compliance with the approved Village plans.

(6) Signs.

A. Signs shall be integrated into the building and landscaping plans to enhance the overall appearance while providing adequate identification of the development.

B. The requirements of Chapter 1121: Sign Regulations, may only be waived as part of the approval of the preliminary PUD plan when the applicant submits a master sign plan for the entire PUD. In such cases, the master sign plan shall not allow for more than a ten percent (10%) increase in the total sign area allowed in Chapter 1121: Sign Regulations.

(7) Vehicular Access Points.

A. Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided.

B. Topography, landscaping, and existing vegetative clusters shall be utilized as necessary to make the project attractive and provide screening between areas of a substantially different character.

C. The street and thoroughfare network shall be designed to minimize truck and through-traffic passing through residential areas of the development.

D. Where a PUD is located adjacent to a vacant lot, connections shall be planned for the future connection to the future development of the vacant lot unless otherwise approved by the Planning Commission and Village Council. Where such connections are made, a temporary turnaround may be established, and the future connection shall be noted on the PUD Development Plan and the final subdivision plat. An easement shall be provided on the final plat of the subdivision to keep the land open in perpetuity for the connection.

(8) Circulation Plan.

A. The circulation system and parking facilities shall be designed to fully accommodate the automobile with safety and efficiency. Any driveway to arterial and collector streets shall be placed at locations where the traffic can be controlled and operated effectively with minimum interference with the capacity and flow of the existing streets.

B. An interconnecting walkway system shall be designed to promote easy and direct barrier-free access, using accepted criteria, to all areas of the development in a carefully conceived total service plan while also considering the security of the residents in the design. Wherever possible, the vehicular and pedestrian circulation patterns shall be completely separate and independent of one another.

C. A PUD shall consider bicycle plans adopted by the Village and/or a regional agency, where applicable, on or adjacent to the site. A component of the bike plan which is proposed within a planned unit development shall be assured for public access by easements, agreements, or covenants as may be appropriate after review by appropriate departments and approval by Council.

(d) Improvement Standards.

(1) Subdivision Compliance. Subdivision compliance including, but not limited to, sidewalks, street design, drainage, and utilities.

(2) Subdivision compliance including, but not limited to, sidewalks, street design, drainage, and utilities.

(Ord. 2879. Passed 10-23-23.)

CHAPTER 1111
Accessory and Temporary Uses

1111.01 Accessory uses and structures. **1111.02 Temporary uses and structures.**

1111.01 ACCESSORY USES AND STRUCTURES.

(a) Purpose. This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

(b) General Provisions.

(1) An accessory use or structure shall be secondary and incidental to the primary use of the lot and shall not alter the character of the principal use.

(2) Accessory uses and structures shall be constructed on the same lot as the principal use that it serves.

(3) No accessory structure shall be constructed on any lot until the construction of the principal structure has commenced.

(4) In cases where the principal building is demolished, an existing accessory structure shall be allowed to remain on the lot or property without the principal building to which it is supposed to be an accessory for up to twelve (12) months while a new principal structure is established. Failure to complete the reconstruction of the principal structure will be an automatic cause for the removal of the accessory structure at the owner's expense unless good cause is given, in which case the Village Administrator may approve an extension of up to twelve (12) months.

(5) Small accessory structures such as doghouses, mailboxes, lending libraries, benches, garden decorations, barbeque equipment, etc. that are not otherwise addressed in this chapter shall be exempt from the provisions of this section, provided they do not have a footprint that exceeds eighteen (18) square feet and shall not exceed six (6) feet in height. Such structures shall not be located in the right-of-way.

(6) An accessory building that is attached to the principal building shall be considered an integral part of the principal building and shall comply with the site development standards and all other development standards of the applicable zoning district. Any accessory structure shall be considered an integral part of the principal building if it is connected to the principal building either by common walls, a breezeway, or a roof that requires footers to support such structure or is a living space with electrical service.

(7) The accessory use regulations of this chapter shall not apply to any public parklands owned by the Village, Lorain County, or the State of Ohio.

(8) Limitations on the Number of Certain Accessory Structures

A. Table 1111-1 establishes the maximum number of certain accessory structures allowed on any single lot in a residential zoning district.

TABLE 1111-1: LIMITS OF CERTAIN ACCESSORY STRUCTURES	
Accessory Structure	**Maximum Number of Structures**
Detached Accessory Buildings	2 for lots under five acres in lot area 3 for lots with five acres of lot area or more
Recreational Courts	1
Solar Panels (Ground-Mounted)	1
Swimming Pools	1

B. In the R District, the total area of detached accessory buildings, paved areas, porches, patios, decks, and swimming pools shall not exceed thirty-five percent (35%) of the total rear yard, regardless of the location of the structure.

C. In all cases, the above limit on the number of certain accessory structures, in addition to the existence of any other accessory use or structure allowed by this section, shall be controlled by the maximum size requirements of Table 1111-1.

(c) Prohibited Structures for Accessory Uses.

(1) Unless approved as a temporary use pursuant to this code, accessory structures that are constructed with fabric, canvas, tarpaulin, or other similar materials shall be prohibited. Inflatable garages or storage structures shall also be prohibited

(2) Portable containers, shipping containers, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in any residential district or the C-2, C-3, or C-4 zoning districts. Temporary storage in portable storage units is permitted in accordance with Section 1111.02.

(d) Accessory Uses in the Planned Unit Developments.

(1) The types of accessory uses allowed in a PUD shall be considered as part of the PUD review. Generally:

A. Accessory uses for single-family residential dwellings shall be those allowed in the R District.

B. Accessory uses for multi-family residential dwellings shall be those allowed in the M-1 District.

C. Accessory uses for nonresidential uses shall be those allowed in the C-3 District.

(2) The Planning Commission and Village Council may approve alternative accessory uses and structures within a PUD if allowed as part of the PUD Development Plan approval process.

(e) Permitted Accessory Uses. The following is an explanation of Table 1111-2.

(1) The symbols for permitted uses (P), permitted uses with standards (PS), conditional uses (C), and prohibited (XX) are defined in the same manner as Section 1107.05(b).

(2) Yards Permitted. This column identifies within which yards the use may be permitted. See the use-specific standards for any restrictions related to placement in individual yards.

(3) Zoning Compliance Review Required. A "Yes" in the "Zoning Compliance Review Required" column shall mean that the applicable accessory structure or use requires zoning compliance review in accordance with Section 1105.06 in order to be constructed.

(4) Use-Specific Standards. The numbers contained in the "Use-Specific Standards" column are references to additional standards and requirements that apply to the listed accessory use or structure. Standards referenced in the "Use-Specific Standards" column apply in all zoning districts unless otherwise expressly stated.

(5) Similar Use Determination and Unlisted Uses. The determination of whether a proposed accessory use or structure is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section shall be made in the same manner as principal uses. See Section 1107.05(d).

TABLE 1111-2: ACCESSORY USES AND STRUCTURES

P=Permitted Use PS=Permitted Use with Standards C=Conditional Use XX=Prohibited Use

Accessory Use or Structure	R and M-1	C-2, C-3, C-4, I-1, and P-I	Zoning Compliance Review Required	Yards Permitted F=Front S=Side R=Rear	Use-Specific Standards in Section:
Accessibility Ramps	PS	PS	No	F, S, or R	1111.01(f)(1)
Amateur Radio Antennas	PS	PS	Yes	S or R	1111.01(f)(2)
Automatic Teller Machines (ATM)	XX	PS	Yes	F, S, or R	1111.01(f)(3)

TABLE 1111-2: ACCESSORY USES AND STRUCTURES					
P=Permitted Use **PS=Permitted Use with Standards** **C=Conditional Use** **XX=Prohibited Use**					
Accessory Use or Structure	R and M-1	C-2, C-3, C-4, I-1, and P-I	Zoning Compliance Review Required	Yards Permitted F=Front S=Side R=Rear	Use-Specific Standards in Section:
Community Gardens	PS	PS	Yes	F, S, or R	1111.01(f)(4)
Detached Accessory Buildings	PS	PS	Yes	R	1111.01(f)(5)
Drive-Through Facilities and Pick-Up Windows	XX	PS	Yes	F, S, or R	1111.01(f)(5)G
Home Occupations	PS	XX	Yes	Interior Use	1111.01(f)(7)
Nursery Schools or Day Care Centers	PS	PS	Yes	Interior Use	1111.01(f)(8)
Outdoor Dining	XX	PS	Yes	F, S, or R	1111.01(f)(9)
Outdoor Display or Sales	XX	PS	Yes	F, S, or R	1111.01(f)(10)
Outdoor Drop Boxes	XX	PS	Yes	F, S, or R	1111.01(f)(11)
Outdoor Storage and Bulk Sales	XX	PS	Yes	S or R	1111.01(f)(12)
Outdoor Vending Machines	XX	PS	No	See Section 1111.01(f)(13).	
Patios, Porches, and Decks	PS	PS	See Section 1111.01(f)(14).		
Playsets, Treehouses and Trampolines	PS	XX	See Section 1111.01(f)(15).		
Raising of Livestock	PS or C	XX	Yes	R	1111.01(f)(16)
Recreational Courts	PS	PS	Yes	R	1111.01(f)(17)
Retail Commercial Uses	XX	PS	Yes	Interior Use	1111.01(f)(18)
Satellite Dishes	PS	PS or C	See Section 1111.01(f)(19).		
Solar Panels	PS	PS	See Section 1111.01(f)(20)		
Swimming Pools	PS	PS	Yes	R	1111.01(f)(21)
Type-B Day Care Homes	PS	XX	Yes	Interior Use	

(f) Standards for Specific Accessory Uses and Structures. The following requirements apply to the specific types of accessory uses and structures listed, in addition to the requirements of Section 1111.01(b).

(1) Accessibility Ramps.

A. Ramps that provide access to buildings for the disabled are permitted in all zoning districts and may encroach in all setbacks but shall not encroach on a public sidewalk, right-of-way, or street.

B. Such ramps shall be an open structure without a roof.

(2) Amateur Radio Towers and Antenna.

A. No more than one (1) amateur radio tower and/or antenna shall be permitted on each lot.

B. Ground-mounted amateur radio towers, antennas, and related guy wire anchors must be located in the rear yard.

C. Building-mounted amateur radio towers and antennas must be located to the rear of the centerline of the principal building.

D. Such a tower shall not exceed sixty-five (65) feet in height or the maximum height of the applicable zoning district, whichever is greater. The measurement shall be made from the grade directly beneath the tower to the highest point on the antenna or tower, whichever is the tallest point of the structure.

E. Antennas and guy wire anchors shall not overhang or otherwise be located within required accessory structure setbacks or on adjacent lots.

F. When an amateur radio tower and antenna are no longer being used by an FCC amateur radio license holder for amateur radio service, the tower and antenna must be removed no more than 180 days after cessation of the FCC license or the transfer of property ownership or lease to an individual without an FCC license.

G. Amateur radio towers and antennas that do not comply with the provisions of this section shall require a conditional use approval. The application for a conditional use approval for amateur radio towers and antennas must demonstrate that compliance with the provisions of this section would prevent the amateur radio operator from exercising the rights granted to them by the FCC or the State of Ohio by license or law. If the Planning Commission determines that expertise beyond that of Village staff is necessary to determine compliance with this criterion, then the applicant shall reimburse the Village for any expenses necessary for hiring a third-party consultant to make this determination.

(3) Automatic Teller Machines (ATM).

A. ATMs that are attached to or located within a principal building shall be regulated as part of the principal building.

B. ATMs that are located in a structure or building independent of any other use or activity (stand-alone ATMs) are only permitted in the C-2 and C-3 Districts and shall be subject to the following:

i. The ATM should be located in a manner that provides for safe pedestrian and vehicular movement.

ii. 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. ATMs shall include machines that are fully automated, without input from a teller, or ones that are operated virtually by a person not located on-site, sometimes referred to as an interactive teller machine.

(4) Community Gardens.

A. Community gardens may be allowed as an accessory use when associated with public or institutional principal use (e.g., religious institution or educational facility).

B. Community gardens may be located in an open space area of a PUD if the space is maintained by a homeowners' association.

C. The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.

D. The name and telephone number of the owner and any person designated as the person in charge of garden coordination, along with a copy of the operating rules, shall be kept on file in the offices of the Village Administrator.

E. The site shall be designed and maintained so that water, pesticides, and fertilizer will not drain onto adjacent properties.

F. There shall be no retail sales on site except for produce grown on the site.

G. Benches, bike racks, raised/accessible planting beds, picnic tables, seasonal farm stands, garden art, and rain barrel systems may be permitted if the community garden is located on a lot where the principal use of the lot is public, institutional, or commercial.

H. Fences and walls shall be subject to the provisions of Section 1113.05.

(5) Detached Accessory Buildings.

A. The provisions of this section shall apply to any accessory building not identified elsewhere in Table 1111-2 that may include detached garages and carports, detached storage or utility sheds, gazebos, pergolas, pool houses, and other similar buildings, as determined by the Village Administrator.

B. In residential zoning districts, the maximum height of an accessory building shall be twenty (20) feet. In nonresidential zoning districts, the maximum height of an accessory building shall be the same height as the maximum building height allowed in Section 1113.01(e).

C. Detached garages and carports shall be served by a paved driveway.

D. Detached accessory buildings shall include accessory structures that are enclosed, regardless of the materials used for the enclosure, including, but not limited to, screen porches, hoop houses, and greenhouses.

E. Portable carports and sheds shall be considered accessory buildings and subject to these requirements.

F. Table 1111-3 establishes the maximum gross floor area of accessory buildings in the R District. In no instance shall an accessory building have a gross floor area that exceeds fifty percent (50%) of the square footage of the principal dwelling.

TABLE 1111-3: MAXIMUM FLOOR AREA OF ACCESSORY BUILDINGS

Lot Area in R District	Maximum Square Feet of All Accessory Buildings	
	Lot Containing a Dwelling with an Attached Garage	Lot Containing a Dwelling without an Attached Garage
Up to 15,000 Square Feet	600	800
15,001 to 43,560 Square Feet	800	1,000
43,561 to 87,120 Square Feet	1,250	1,500
87,121 Square Feet or Larger	1,500	2,000

G. In the R District, all detached accessory buildings shall be set back a minimum of five (5) feet from the side and rear lot lines if the lot is less than one acre in area or ten (10) feet if the lot area is one acre or larger. In no case shall an accessory building be located in a utility easement.

H. In all zoning districts except the R District, all detached accessory buildings shall meet the setback requirements for the principal use as established in Section 1113.01(d).

(6) Drive-Through Facilities and Pick-Up Windows.

A. The following standards shall apply to businesses that contain a drive-through facility:

i. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 100 feet of any residential dwelling unit.

ii. All drive-through areas, including but not limited to drive-through signs, waiting lanes, trash receptacles, audio equipment, drive-up windows, and other objects associated with the drive-through area, shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

iii. If the drive-through window, drive-through signage, or any audio equipment are located in the front yard, they shall be screened with an opaque, landscaped screen with a height that will fully screen the window, signage, or audio equipment. Such screening shall not be required for waiting spaces that are located in a front yard.

iv. Drive-through facilities shall be required to include vehicle waiting spaces as established in Section 1119.07.

B. The following standards shall apply to pick-up windows where there is no vehicular access to the window.

i. Pick-up windows are a permitted accessory use in connection with any restaurant, microbrewery, microdistillery, or microwinery. Such use will require zoning compliance review.

ii. Pick-up windows, and other objects associated with the pick-up window, shall be located in the side or rear yard of a property to the maximum extent feasible and shall not cross, interfere with, or impede any public right-of-way.

C. The Planning Commission may impose restrictions on the hours of operation for drive-through facilities and pick-up windows in order to ensure minimal adverse impact on adjacent uses, particularly residential uses.

(7) Home Occupations. The following standards for home occupations are intended to provide reasonable opportunities for employment within the home while avoiding changes to the residential character of a dwelling that accommodates a home occupation or the surrounding neighborhood, where allowed by this section.

A. General Standards.

i. The home occupation shall be clearly secondary to the full-time use of the property as a residence.

ii. All home occupations shall require zoning compliance review.

iii. Permitted home occupations shall not create an adverse effect on the residential character of the zoning district or interfere with the reasonable enjoyment of adjoining properties. The residential building shall not be altered in any manner that is intended to change the residential appearance of the dwelling to a building with a commercial appearance. There shall be no separate entrance created solely for the home occupation.

iv. All home occupation activities shall take place in the dwelling, and there shall be no use of an outdoor area or accessory structures for the home occupation, including for storage of materials, goods, supplies, or equipment. A home occupation may be permitted in an accessory building if approved by the Planning Commission through a conditional use approval.

v. The sale of goods or services shall be limited to:
   a) Products that are produced or processed on the premises; or,
   b) The sale of goods as part of a mail order, online business, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.) where there is no stock-in-trade on the site.

vi. No equipment shall be used which will create any dust, noise, odors, glare, vibrations, or electrical disturbances beyond the lot.

vii. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.

viii. Only residents of the dwelling shall operate the home occupation plus up to one employee who is not required to live in the dwelling.

ix. The operator of a home occupation in a rental unit shall be able to demonstrate that the property owner has authorized the use of the unit for a home occupation.

x. No more than twenty percent (20%) of the floor area of the dwelling unit shall be devoted to such home occupations.

xi. There shall be no signs other than the wall signs allowed on a dwelling in Section 1121.02(g).

xii. No additional off-street parking or loading facilities shall be provided beyond that traditionally used for residential uses. No additional driveways shall be established for the use of the home occupation.

xiii. Traffic shall not be generated by such home occupation in significantly greater volume than would normally be expected in the residential neighborhood.

xiv. There shall be no window display or outdoor storage, or display of equipment, materials, or supplies associated with the home occupation.

xv. When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, such home occupation may be terminated by the Village Administrator.

B. Examples of Allowed Home Occupations. The following home occupations are examples of those that may be allowed without zoning compliance review, provided they comply with this code:

i. Handcrafts, as well as arts and craft work including, but not limited to, baking, ceramics, soap making, candy or snack making, jewelry making, pottery, painting, photography, dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, and sculpting;

ii. Office-only uses, including, but not limited to, an office for an architect, financial advisor, attorney, realtor, consultant, counselor, insurance agent, planner, tutor, or writer, provided no clients meet at the dwelling;

iii. Any home occupation that provides services where members of the public visit or enter the premises if designed to accommodate one customer at a time and which meets all other applicable requirements for home occupations including, but not limited to, fitness/health training, beauty parlors, barber shops, animal grooming (no overnight boarding), or licensed massage or physical therapy;

iv. Mail order, online businesses, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.); and

v. Other similar uses as determined by the Village Administrator.

C. Prohibited Home Occupations. The following are business activities that are prohibited as home occupations:

i. Animal hospitals and boarding facilities;

ii. Automotive and other vehicle repair and service, except when such repair or service is within an attached garage, and the vehicle is owned or leased by the occupant of the dwelling units.

iii. Construction, landscaping, or similar contractor facilities and storage (an office-only use is allowed in compliance with the above section) and other outdoor storage;

iv. Fitness/health facilities that provide group activities or services;

v. Medical clinics, laboratories, or doctor's offices;

vi. Parking on, or dispatching from, the site, any vehicle used in conjunction with the home occupation (e.g., landscaping services, taxi services, construction, etc.) with the exception of a vehicle owned and operated by the homeowner or tenant;

vii. Uses that require explosives or highly combustible or toxic materials;

viii. Welding and machine shop operations;

ix. Wood-cutting businesses; or

x. Other similar uses as determined by the Village Administrator.

(8) Nursery Schools or Day Care Centers. Nursery schools or day care centers may only be permitted as accessory uses to permitted and conforming nonresidential uses. Such use shall be located within the principal building.

(9) Outdoor Dining.

A. Outdoor dining areas shall be located along a sidewalk adjacent to the principal building the dining is connected with or between the principal building the dining is connected with and an adjacent parking area.

B. Outdoor dining areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café/food service area and the principal building.

C. Outdoor dining areas shall not be located within ten (10) feet of a fire hydrant, fire department standpipe connection, fire escape, bus stop, loading zone, mailboxes, or traffic signal stanchions.

D. If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.

E. Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital, or any other individual, group, or mechanical device, shall not be permitted in any outside dining area if the noise from such entertainment is of such a volume so as to cause a disturbance to abutting property owners. The addition of this activity to an existing use shall require approval through site plan review.

F. If the outdoor dining area is located on a sidewalk, the area shall be designed so there is a minimum of five (5) feet of clearance adjacent to the dining area to allow for safe pedestrian circulation. Furniture or elements of the outdoor dining shall also not block any areas of ingress or egress from the principal building.

G. Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.

H. Enclosing outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require authorization to proceed through zoning compliance review in accordance with this code.

I. Where an outdoor dining area is located in a right-of-way, the permittee shall hold harmless, indemnify, and defend Sheffield Village from and against any and all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, consequential or otherwise, including reasonable attorneys' fees, which may in any way arise out of or be connected with the authorization to proceed through zoning compliance review, in accordance with this code, which may in any way result therefrom, or from any act or failure to act by the permittee, its agents or employees.

J. The Village shall have the right and power, acting through the Village Administrator, to prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems and conflicts in the use of the sidewalk area. Such problems and conflicts include, but are not limited to, scheduled festivals and similar events or parades or marches, repairs to the street or sidewalk, or demonstrations or emergencies occurring in the area.

(10) Outdoor Displays and Sales. Seasonal and permanent facilities for outdoor display and sales (e.g., garden supply sales, news and flower stands, and similar uses) that are accessory to another principal use may be permitted upon compliance with the following:

A. Such uses shall not be placed within the street right-of-way, within an interior drive, or in a location that will interfere with the vision clearance requirements.

B. Outdoor displays and sales shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays and sales shall be prohibited when the principal building is vacant.

C. Outdoor displays and sales areas shall not cover an area that exceeds twenty-five percent (25%) of the ground floor area of the principal building.

D. Outdoor displays and sales areas shall be shown on the site plan.

E. Outdoor display and sales areas may be permitted in the front yard, provided that the merchandise is displayed along the sidewalk or walkway adjacent to the building. Outdoor display and sales areas may also be permitted in the side or rear yard without being located adjacent to the building. In all cases, the displays and sales areas shall be spaced a sufficient distance from the building, as dictated by the Fire Department, to satisfy all fire safety requirements.

F. The placement of the merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.

G. In all cases, any areas designated for outdoor display or sales shall be set back a minimum of twenty-five (25) feet from any adjacent lot lines of lots in residential zoning districts.

H. The outdoor display and sales areas shall be maintained in good order and appearance.

I. The outdoor display and sale of goods and products shall be limited to those goods and products that a customer can typically pick up and carry into the building for purchase. Larger items may be displayed for sale if in compliance with the outdoor storage requirements of Section 1111.01(f)(12).

J. The maximum length of time for outdoor displays and sales shall be ninety (90) days unless the Planning Commission approves an alternative time limit as part of the site plan review.

(11) Outdoor Drop Boxes. Outdoor drop-off boxes for recycled goods, books, donations, etc., may be permitted when they comply with the following regulations.

A. No such use or facility shall be placed within the street right-of-way, within an interior drive, or in a location that will interfere with required intersection visibility requirements in Section 1113.02.

B. The facility or equipment shall be maintained in good operating order and appearance.

C. Drop-off boxes shall only be permitted in nonresidential zoning districts.

D. One drop-off box shall be allowed in the front yard. Any additional drop-off boxes shall be located in the side or rear yard.

E. The container shall be emptied at least once every week. Containers that result in the overflow of donated goods shall be declared a nuisance and shall be removed immediately upon notification by the Village Administrator at the expense of the property owner or business owner.

F. Drop-off boxes shall include the name and contact information of the person who owns or maintains the box.

G. The Village shall have the authority to place more than one drop-off box on a single lot when providing recycling services to the general public.

(12) Outdoor Storage and Bulk Sales.

A. Outdoor storage and bulk sales shall comply with the standards of outdoor displays and sales unless otherwise modified by this section.

B. Outdoor storage and bulk sales in a parking lot shall be prohibited unless allowed as part of a temporary event.

C. The area of the lot devoted to outdoor storage of goods and merchandise shall not exceed fifty percent (50%) of the ground floor area of the principal building.

D. Outdoor storage and bulk sales areas shall be shown on the site plan.

E. Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust. Outdoor storage may be located on areas paved with gravel in the industrial districts if the storage is set back a minimum of 200 feet from any adjacent lot lines of lots in residential zoning districts.

F. The storage of radioactive, toxic, or otherwise hazardous materials shall not be permitted.

G. Areas devoted to outdoor storage or bulk sales shall be located in a side or rear yard so that it is behind the principal building and not visible from any public street unless the storage is located on a corner lot.

H. The storage or sales areas shall comply with the principal building setbacks for the applicable zoning district.

I. The maximum length of time for outdoor storage and bulk sales shall be ninety (90) days unless the Planning Commission approves an alternative time limit as part of the site plan review, including a permanent location for outdoor storage and bulk sales.

J. The outdoor storage of fleet vehicles used in the operation of a principal use is permitted in the side or rear yards with reduced setbacks provided such area complies with the vehicular use setbacks established in Section 1119.03.

K. Screening.

i. All aspects of outdoor storage and bulk sales of goods and materials shall be screened in accordance with Section 1117.06, with the exception that the outdoor storage of fleet vehicles shall not require special screening.

ii. If the wall or fence needs to exceed eight (8) feet in height to conceal the storage of materials, such a wall or fence shall be constructed of materials similar to the principal building so that it appears to be an extension of the principal structure.

iii. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.

(13) Outdoor Vending Machines. Outdoor vending machines may be permitted when they comply with the following regulations.

A. No such use or facility shall be placed within the street right-of-way, within an interior drive, or in a location that will interfere with required intersection visibility requirements in Section 1113.02.

B. The facility or equipment shall be maintained in good operating order and appearance.

C. Vending machines shall only be permitted in nonresidential zoning districts.

D. Vending machines shall only be placed along the facade of the principal building. See Figure 1111-A.

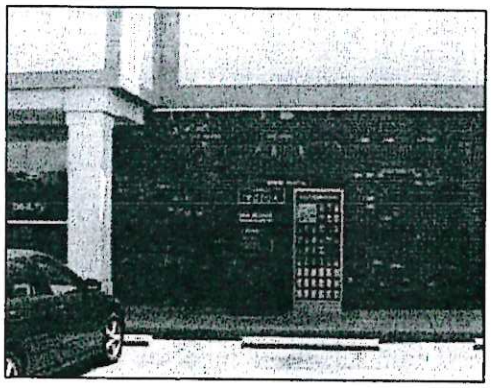

Figure 1111-A: The above is an image of one vending machine that is appropriately located along the facade of the building.

(14) Patios, Porches, and Decks.

A. Patios without a roof, building, or structure are permitted in any yard. Where a building or structure is placed on a patio, such building or structure may only be located in the yards where those buildings or structures are permitted.

B. Patios shall be set back five (5) feet from all lot lines if the applicable lot is less than one acre or ten (10) feet from all lot lines where the lot is one (1) acre or larger. Patios shall not cover any easements. Patios shall not be used in the calculation of any building coverage calculations.

C. Decks and porches shall comply with the principal building setbacks of the applicable zoning district.

D. Patios, decks, and porches may have built-in grills, kitchen areas, or living areas, but such activities shall only be permitted in the side yard or rear yard only, provided such use complies with any applicable building code requirements.

E. Patios, decks, and porches may have seating in any yard the patio, deck, or porch is permitted and located.

F. Rooftop decks in nonresidential districts shall be regulated as part of the principal building.

(15) Playsets, Treehouses, and Trampolines.

A. If a playset or treehouse has more than 100 square feet of enclosed play area, the use shall require authorization to proceed through zoning compliance review in accordance with this code and be reviewed in the same manner as a "detached accessory building." As such, any playset or treehouse that has more than 100 square feet of enclosed play area shall also count toward the maximum square footage of detached accessory buildings. Such area shall be measured by the smallest square or rectangle around the bottom of the playset or treehouse.

B. Smaller structures shall not require zoning compliance review.

C. Treehouses, trampolines, enclosed play areas, and permanently sited playsets shall be located in the side or rear yard only. Portable playsets may be located in the side or rear yard.

(16) Raising of Livestock. The raising of livestock in Sheffield Village is allowed in accordance with the following standards as a permitted accessory use. Additional livestock animals than provided below may be allowed on a lot if approved as a conditional use.

A. The keeping of up to six (6) chickens is permitted on any lot in the R District, provided the raising of such chickens complies with the following:

i. The principal use is a single-family dwelling on a lot;

ii. The raising or keeping of roosters is prohibited;

iii. No person shall slaughter any of the livestock for commercial sales;

iv. Housing shall be provided for the enclosure of all animals; however, the lot shall also include sufficient adjacent land for an outdoor run or pasture. Such outdoor area shall be enclosed with fencing. The permitted size and location of chicken coops and chicken runs are as follows:

a) The housing enclosure shall be of a size sufficient for the number and types of animals to be maintained on the lot.

b) The housing enclosure and outdoor run or pasture area shall be set back a minimum of ten (10) feet from the nearest lot line and twenty (20) feet from any adjacent dwelling unit and street right-of-way;

c) The maximum floor area of any enclosure shall be 200 square feet, where no individual façade dimension exceeds twenty (20) feet in length. Such enclosures shall be subject to the permit, size, number, and accessory building standards of Section 1111.01(f)(5).

d) The enclosed run or pasture area shall be appropriately fenced to prevent the animals from leaving the lot;

e) Housing enclosures and outdoor areas shall not be visible from the street and may be buffered from view using fencing or landscape materials.

f) Free-range animals are prohibited, meaning that all animals must be limited to their housing enclosure or outdoor area approved as part of these regulations.

v. All animal feed shall be kept in a predator-proof/rodent-proof container.

vi. Waste material must be disposed of in a manner that will not cause odor or attract flies or vermin.

vii. All areas where livestock animals are kept shall be maintained to be neat and clean and free of undue accumulation of waste, such as to prevent odors from being detectable on adjacent property.

viii. The raising of livestock shall also be subject to Section 505.08 of the Code of Ordinances, as may be applicable.

B. For lots of two (2) acres or more, the number of chickens permitted may be increased to a maximum of six (6) chickens per acre. The raising of chickens shall be subject to all of the regulations of this section.

C. The raising of other livestock is permitted on lots of two (2) acres or more in the R District, provided such activity complies with the following:

i. A maximum of one (1) horse, cow, goat, or similar livestock is permitted on any lot of two (2) acres or more. For each full acre of land that exceeds two (2) acres, one additional livestock animal is permitted.

ii. The care and housing of such animals shall be subject to Section 505.11 of the Code of Ordinances, regardless if the animal is a horse or not.

(17) Recreational Courts. Outdoor tennis courts and courts for other sports, including basketball and racquetball, that are accessory to a residential or nonresidential use shall comply with the following requirements:

A. Tennis courts or other recreational courts that exceed 900 square feet shall only be permitted on lots with a minimum lot area of one (1) acre. Any court that is 900 square feet or less may be permitted on any lot size, provided it complies with all other applicable provisions of this code.

B. The court shall be set back a minimum of ten (10) feet from all lot lines.

C. All fencing shall be subject to the fence regulations in Section 1113.05, except that fencing that surrounds a tennis or recreational court may exceed the maximum fence height of this code, provided that the fencing is located adjacent to the edge of the court.

D. Any lighting for the court shall not exceed twenty (20) feet in height and shall be directed downward and only illuminate the court. All exterior lighting shall comply with Section 1113.03.

(18) Retail Commercial Uses. Retail commercial uses are permitted in the I-1 and P-I Districts provided:

A. Such uses are an accessory use to an approved principal use;

B. The uses are located completely within a principal building of a nonresidential use;

C. In the I-1 District, the retail use shall be for the sale of goods and products manufactured on-site; and

D. The total floor area of accessory uses shall not exceed fifteen percent (15%) of the total gross floor area of the principal building.

(19) Satellite Dishes.

A. Satellite dishes of one (1) meter in diameter or less shall be exempt from the provisions of this section and shall not require zoning compliance review.

B. To the maximum extent feasible, the dish should be located in the side or rear yard.

C. Mounting brackets shall be removed whenever a satellite dish is removed.

D. Satellite dishes larger than one (1) meter in diameter may be permitted if approved by the Planning Commission as a conditional use in any nonresidential zoning district. Zoning compliance review shall be required if the conditional use is permitted. Such dishes shall be set back ten (10) feet from all lot lines.

(20) Solar Panels.

A. Freestanding solar panels shall be limited to a maximum height of ten (10) feet. Such freestanding solar panels shall be located in the rear yard, where they shall be set back a minimum of twenty-five (25) feet and shall not cover more than 200 square feet in lot area.

B. Roof-mounted solar panels on the front side of a roof facing a street shall be flush-mounted to the roof.

C. Roof-mounted solar panels that do not face a street may be mounted flush or at an angle to the roof but shall not exceed thirty-six (36) inches in height from the roof plane as measured from the roof plane to the furthest point of the solar panel.

D. Roof-mounted solar panels shall require zoning compliance review or may be reviewed simultaneously as part of the zoning compliance review for the principal building if constructed at the same time.

(21) Swimming Pools.

A. The following standards shall apply to all types of pools permitted in Sheffield Village:

i. A building permit shall be obtained from the Building Department before the construction of a swimming pool is begun.

ii. A swimming pool shall not exceed fifty-four (54) inches in height above ground. Slides associated with pools shall be exempt from this height requirement.

iii. 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.

iv. Any outdoor swimming pool, as defined in this subsection, shall be surrounded by a barrier that shall comply with the following:

a) Every swimming pool shall be completely enclosed by a fence and/or structure of sturdy construction at least forty-eight (48) inches in height, measured from the ground level at each point along the boundary of such enclosure. The enclosure may surround the pool area or the entire yard. The enclosure shall be of such design as to prevent young children from crawling or otherwise passing through, under, or over such enclosure without the use of a ladder or other implement. Openings in the barrier shall not allow passage of a four (4)-inch diameter sphere.

b) Access gates into such enclosures shall be self-closing and have a self-latching device.

c) Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked, or removed to prevent access.

d) The required barrier must be installed prior to filling the pool with water.

e) Automatic pool covers are permitted, but the barrier requirements of this section shall still apply.

f) A spa or hot tub with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

v. Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.

vi. Lighting shall be shaded so as not to be a disturbance to adjacent properties.

vii. Any sound of motors or pumps in such a manner as to disturb the peace, quiet, and comfort of neighboring inhabitants shall be shielded to prevent such disturbances.

viii. All swimming pools shall be set back a minimum of ten (10) feet from all lot lines as measured from the edge of the water. Usual and customary pool equipment and accessories (such as a pool deck, a diving board, or a filtration house) not exceeding five (5) feet in height may be located in the rear yard but shall be no closer than five (5) feet from any lot line on lots of less than one acre and ten (10) feet from any lot line on lots of one (1) acre or larger.

B. For the purpose of this code, swimming pools shall be further classified and regulated as follows:

i. Private Pools. Any constructed or manufactured pool, both permanent and temporary, not located within an enclosed building and which is used or intended to be used as a swimming pool in connection with residential dwellings and is available only to the residents and their private guests shall be classified as a private swimming pool and shall be regulated by this subsection.

ii. Club or Community Pools

a) Club pools may be located in a residential district provided the lot on which it is located is not less than three acres and access to it is provided only from a major arterial or collector street.

b) Commercial pools are pools open for paying members that are part of a nonresidential use or otherwise located in any nonresidential zoning district.

c) The pool, accessory buildings, structures, or other equipment shall be located not less than fifty (50) feet from any adjacent residential lot line. This setback shall be measured from the edge of the water.

d) At least one-half of an off-street parking space shall be provided for each member or resident of the development where a club pool is to be located. Such spaces shall be located not less than twenty (20) feet from any adjoining residential lot line and constructed as required in Section 1119.03.

(Ord. 2879. Passed 10-23-23.)

1111.02 TEMPORARY USES AND STRUCTURES.

(a) Purpose. This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses and structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

(b) General Standards Applicable to All Temporary Uses and Structures.

(1) All temporary uses and structures shall be reviewed in accordance with this section and all other applicable sections of this code.

(2) All temporary uses and structures shall:

A. Require authorization to proceed through zoning compliance review unless otherwise specifically stated;

B. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;

C. Be compatible with the principal uses taking place on the site;

D. Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;

E. Not include permanent alterations to the site;

F. Not maintain temporary signs associated with the use or structure after the activity ends;

G. Not violate the applicable conditions of approval that apply to a site or use on the site;

H. Not interfere with the normal operations of any permanent use located on the property; and

I. Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate parking and traffic movement.

(3) Temporary tents or structures related to a special event that is approved in accordance with this section shall be reviewed as part of that event. Tents, seasonal covers, and temporary carports that are not part of a special event shall be reviewed as an accessory use.

(4) Rummage and garage sales are allowed in accordance with Chapter 761 of the Code of Ordinances.

(c) Permitted Temporary Uses and Use-Specific Standards.

(1) Gravel Surface Parking Lot.

A. A gravel surface parking lot may be permitted while a site is under construction but shall only be permitted in areas for parking as established in the approved plans associated with the site plan approval or zoning compliance review, as applicable.

B. The gravel parking area must be paved in accordance with Section 1119.03(f) or the approved plans prior to occupancy. The applicant may also remove the temporary gravel surface parking lot as an alternative to paving, but in such case, the area that was used as a gravel lot shall be returned to its previous state or as a landscaped area.

C. A solid surface or gravel driveway shall be provided so vehicles may access the parking lot from a public street.

(2) Temporary Structures for Construction Purposes. Temporary structures for construction operations may be permitted in any district if such structures are deemed necessary, provided:

A. The use of such structures shall be limited to offices, buildings for the storage of lumber, equipment, or other building material, temporary toilets, and construction dumpsters.

B. All temporary structures shall be set back a minimum of twenty-five (25) feet from the nearest occupied residential dwelling.

C. No structure may be placed on the site any sooner than two (2) weeks before the start of grading or construction.

D. The structure shall not be located within a floodplain, in the right-of-way, or in any other location that will obstruct drainage or traffic flow.

E. The structure shall not block or prevent access to any fire hydrant.

F. All temporary structures for construction operations shall be removed within thirty (30) days after the completion of work on the premises or in the subdivision for which a certificate has been issued or if construction is not pursued diligently. In no instance shall zoning compliance review for the construction structure allow for its placement for longer than three years.

G. For real estate offices and/or model homes, the following shall apply:

i. The office or model home shall be identified on the improvement plans approved by Village Council.

ii. One temporary real estate sales office or model home per builder or developer, shall be permitted in a section or phase of a new residential or nonresidential development.

iii. The office or home shall be located on a lot approved as part of the subject development or subdivision.

iv. The office or homes shall be operated by a developer or builder active in the same phase or section where the use is located.

v. The office shall be removed, if not within a home, or the model home shall be converted into a permanent residential use once eighty percent (80%) occupancy in the section or phase of the development is reached. For the purposes of these standards, occupancy shall include both the physical occupancy of buildings by the resident or tenant or the sale of a completed building to a private party beyond the builder or developer.

(3) Portable Storage Units. The placement and use of portable storage units shall comply with the following:

A. Only one portable storage unit shall be permitted on a single lot at any one time.

B. Portable storage units shall not exceed eight (8) feet in width or height and sixteen (16) feet in length.

C. Portable storage units shall be permitted on any one lot for a total period of thirty (30) days per calendar year.

D. Portable storage units shall be placed on a paved surface.

E. Portable storage units shall not be located in the floodplain, block a drainage path, and shall not block sidewalks, fire lanes, or bike paths.

F. Portable storage units that are placed on a lot for more than one (1) day shall require zoning compliance review.

G. No part or former part of a semi-trailer or trailer shall be utilized as a portable storage unit or permanent accessory structure in any zoning district. A trailer or semi-trailer with all wheels and tires and a valid license may be utilized as a portable storage unit but shall conform to all requirements for portable storage units.

(4) Temporary Events. A temporary event may be permitted in compliance with the following:

A. The following activities shall be exempt from these temporary use regulations but may still be subject to other sections of this code.

i. Any event sponsored in whole or in part by the Village, Lorain County, State of Ohio, or United States government or the school district.

ii. Any organized activities conducted at sites or facilities typically intended and used for such activities, including, but not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities and religious services, wedding services, and funeral services conducted at places of worship.

B. Temporary outdoor sales of agricultural products are subject to the provisions of this section.

C. Such activities shall not be conducted in the public right-of-way unless the appropriate license is obtained from the Village.

D. Temporary Event (Limited Impact).

i. A temporary event with limited impact may be permitted with a special event permit, approved by the Mayor, for a maximum of two (2) times per calendar year on any single lot. Such events shall be subject to the general standards for all temporary uses.

ii. The authorization of a temporary event with limited impact shall not exceed three (3) consecutive days per occurrence.

iii. Any temporary event that involves the sale of alcoholic beverages, attendance of over fifty (50) people at one time, overnight stays, or that exceeds three consecutive days in length shall only be permitted if approved as a temporary use with extensive impact.

E. Temporary Event (Extensive Impact).

i. Any temporary event that is not classified as a temporary event with limited impact or that is not specifically exempted or prohibited by this code shall be classified as a temporary event with extensive impact and shall require additional approvals as follows:

a) If the event lasts more than three (3) days but no longer than sixty (60) days, the event may only be authorized if approved by the Mayor, Village Administrator, Village Administrator, Building Inspector, Fire Chief, and Police Chief in compliance with the provisions of this code.

b) If the event is intended to last for more than sixty (60) days, then the event may only be authorized if approved as a conditional use approval in accordance with Section 1105.04 and in compliance with the provisions of this code.

ii. The temporary event shall not create an unreasonable risk of significant:

a) Damage to public or private property beyond normal wear and tear;

b) Injury to persons;

c) Public or private disturbances or nuisances;

d) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;

e) Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; and

f) Other adverse effects upon the public health, safety, or welfare.

iii. 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 on the nature of the event.

iv. The temporary event shall not be of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.

v. The temporary event shall not occur at a time and location that has already been permitted or reserved for another permitted temporary event.

vi. In approving the temporary event, the Mayor or Planning Commission, as may be applicable, is authorized to impose such conditions as may be necessary to reduce or minimize any potential adverse impacts upon other properties in the area. Such conditions may include, but are not limited to, conditions that address the following:

a) Provision of adequate vehicular ingress and egress;

b) Control of nuisance factors, such as but not limited to the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;

c) Regulation of temporary buildings, structures, and facilities, including placement, height, size, and location of equipment and open spaces, including buffer areas and other yards; and

d) Modification or elimination of certain proposed activities.

F. Compliance Required.

i. 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.

ii. 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.

iii. 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 shall be subject to the provisions of Chapter 1127: Enforcement and Penalties. (Ord. 2879. Passed 10-23-23.)

CHAPTER 1113
General Development Standards

1113.01	**Lot and principal building regulations.**
1113.02	**Intersection visibility.**
1113.03	**Exterior lighting.**
1113.04	**Performance standards.**
1113.05	**Fences and walls.**
1333.06	**Dumpsters.**
1113.07	**Mounds and berms.**
1113.08	**Removal of trees.**
1113.09	**Flood protection standards.**

1113.01 LOT AND PRINCIPAL BUILDING REGULATIONS.

(a) Number of Principal Buildings Per Lot.

(1) In the R District, only one dwelling shall be permitted on any single lot unless approved as a condominium.

(2) There can be more than one (1) principal building on an individual lot in the M-1 and C-4 Districts, as well as on an individual lot in all nonresidential districts.

(3) The number of principal buildings per lot in a PUD shall be as approved by Village Council.

(b) Minimum Lot Area.

(1) Measurements.

A. The area of a lot includes the total horizontal surface area within the lot's boundaries (lot lines).

B. No lot shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by this code, and if already less than the minimum required by this code, said area or dimensions shall not be further reduced. Exceptions to this standard shall only be granted if a reduction is approved as part of a PUD or variance approval.

(2) Lot Area Requirements.

A. Table 1113-1 establishes the minimum lot area requirements for individual zoning districts.

B. Minimum lot areas in a PUD District shall be as established in the PUD approval process. See Chapter 1109: Planned Unit Developments.

TABLE 1113-1: MINIMUM LOT AREA REQUIREMENTS	
District	**Minimum Lot Area**
R	15,000 square feet
M-1	One acre
C-2, C-3, C-4, or P-I	30,000 square feet for lots with frontage along Abbe Road, Colorado Avenue, East River Road, or State Route 254
	20,000 square feet for lots with frontage along all other roads
I-1	1 acre

(c) Minimum Lot Width and Lot Depth.

(1) Measurements.

A. Unless otherwise stated, the lot width is the distance between the side lot lines measured along the minimum front yard setback line.

B. Lot depth is measured as the average depth of the lot between the front lot line to the rear lot line or to the most distant point on any other lot line where there is no rear lot line.

(2) Lot Width and Lot Depth Requirements. Table 1113-2 establishes the minimum lot width and lot depth requirements for all zoning districts.

TABLE 1113-2: MINIMUM LOT WIDTH AND LOT REQUIREMENTS					
	Zoning Districts				
	R	**M-1**	**C-2, C-3, and C-4**	**I-1**	**P-1**
Minimum Lot Width	100 Feet	150 Feet	100 Feet	100 Feet	100 Feet
Minimum Lot Width for Corner Lots [1]	170 Feet	200 Feet	100 Feet	100 Feet	100 Feet
Minimum Lot Depth	150 Feet	150 Feet	None	None	None

NOTE:
[1] The minimum lot width for corner lots shall only be required for one street frontage. The secondary street frontage may have the lesser minimum lot width required in this table for the applicable district.

(d) Minimum Setbacks and Yards.

(1) Setbacks and Yards Required for Buildings.

A. A yard is an open area created by the required setbacks. Where required, a yard for any structure shall be located on the same lot as the structure and shall not include any yard or open space areas from an adjacent lot.

B. While a yard is defined as an open area, certain structures and uses may be permitted in required yards as specified in this code.

C. Where the term "required" is used before any yard type, that required yard shall be the area of the yard between the applicable lot line and the required yard setback distance from the applicable lot line, regardless of the presence of a building. See Figure 1113-A.

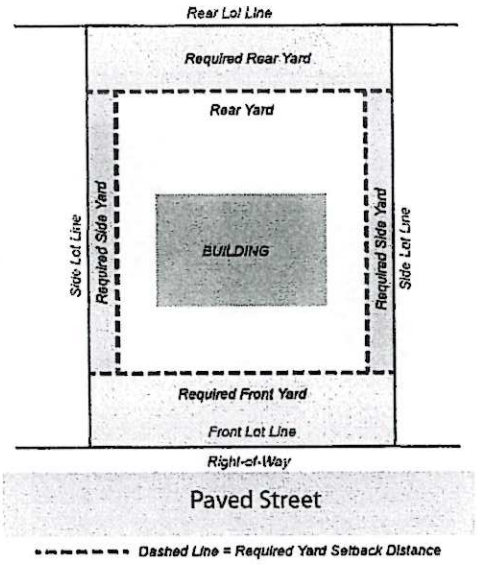

Figure 1113-A: The above image illustrates the use of the term "required yards" on a typical interior lot versus the location of the full front, side, and rear yards as defined in the next sections of this code.

(2) Measurements and Exceptions.

A. Setbacks refer to the unobstructed, unoccupied open area between the foundation or base of a structure and the property line (lot line) of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this code.

B. A setback shall not be reduced in any manner to less than the required dimensions for the district in which it is located, and a setback of less than the required dimensions shall not be further reduced in any manner unless otherwise noted in this code (e.g., nonconforming structures or by variances).

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

D. 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.

E. Front Yard Exception for Partially Built-Up Blocks. For any undeveloped lot along a block face that was occupied prior to the effective date of this code, the minimum front yard for new buildings shall be no less than the average setback distance of existing buildings located within 100 feet on either side of the applicable lot. However, front yard setbacks resulting therefrom shall not be less than two-thirds of the dimensions specified in the schedule in Table 1113-3. See Figure 1113-B.

Figure 1113-B: Illustrative example of the provision for a front yard exception where structures on nearby lots do not meet the minimum front yard setback.

F. Projections into Required Yards. Every part of a required yard shall be open to the sky and unobstructed except:

i. As otherwise provided in this chapter;

ii. For accessory and temporary uses as allowed in Chapter 1111: Accessory and Temporary Uses;

iii. For landscaping, as allowed in this code;

iv. For parking and circulation as allowed in this code;

v. For signage as allowed in this code;

vi. Walls and fences as permitted in accordance with Section 1113.05; and

vii. Unenclosed entrance features such as an open platform, landing, steps, terrace, or other features not extending above the first-floor level of a building may extend six (6) feet into a front yard and three (3) feet into a side yard.

(3) Lot Configurations and Rules for Setbacks and Yards.

A. Interior Lots.

i. Unless otherwise stated, the required minimum front yard setback shall be measured from the street right-of-way or, where a right-of-way is not identified, the front lot line. See Figure 1113-C.

ii. The lot line located directly behind the rear of the structure, as determined by the Village Administrator, shall be the rear lot line, and the rear yard setback shall be applied. See Figure 1113-C.

iii. All other lot lines shall be considered the side lot line, and the side yard setback shall be applied. See Figure 1113-C.

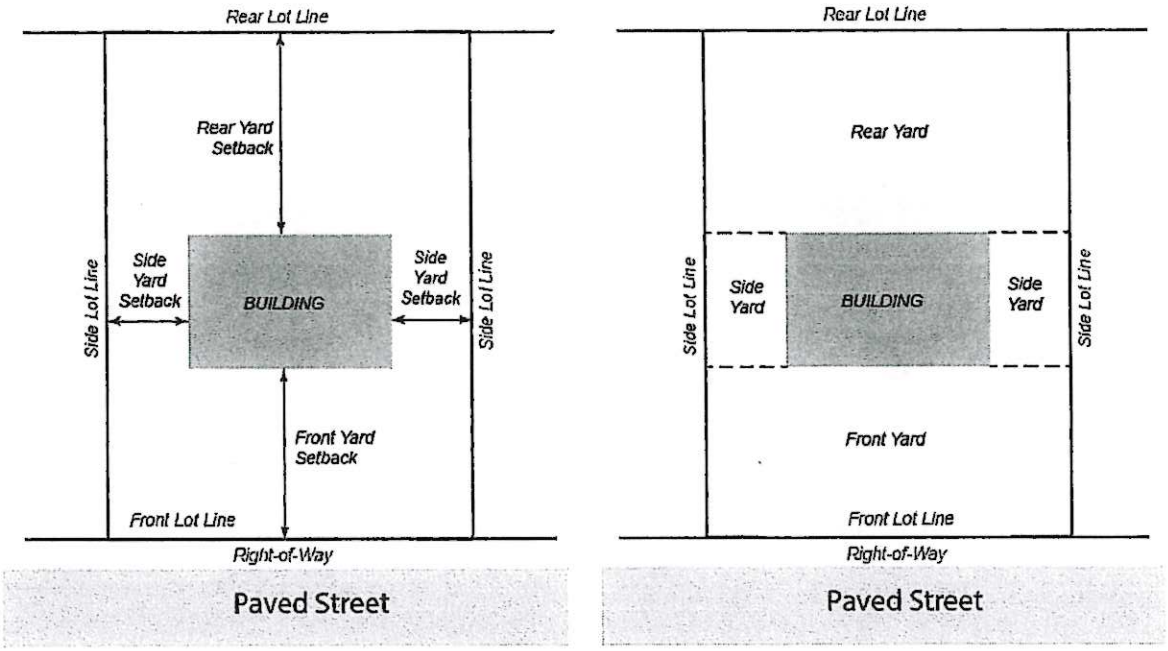

Figure 1113-C: Typical setback and yard locations for an interior lot.

B. Corner Lots. Lots that have street frontage on two (2) intersecting streets shall be considered a corner lot, subject to the following:

i. The lot line that runs parallel with the front facade of the building and is located at the rear of the lot shall be the rear lot line, and the minimum rear yard setback shall be applied from such lot line. See Figure 1113-D.

ii. All other lot lines shall be a side lot line, and the minimum side yard setback shall be applied from such lot lines. See Figure 1113-D.

iii. An alley shall not be considered a street for the purposes of determining a corner lot.

iv. Such setbacks and yard locations shall apply, regardless of the orientation of the building.

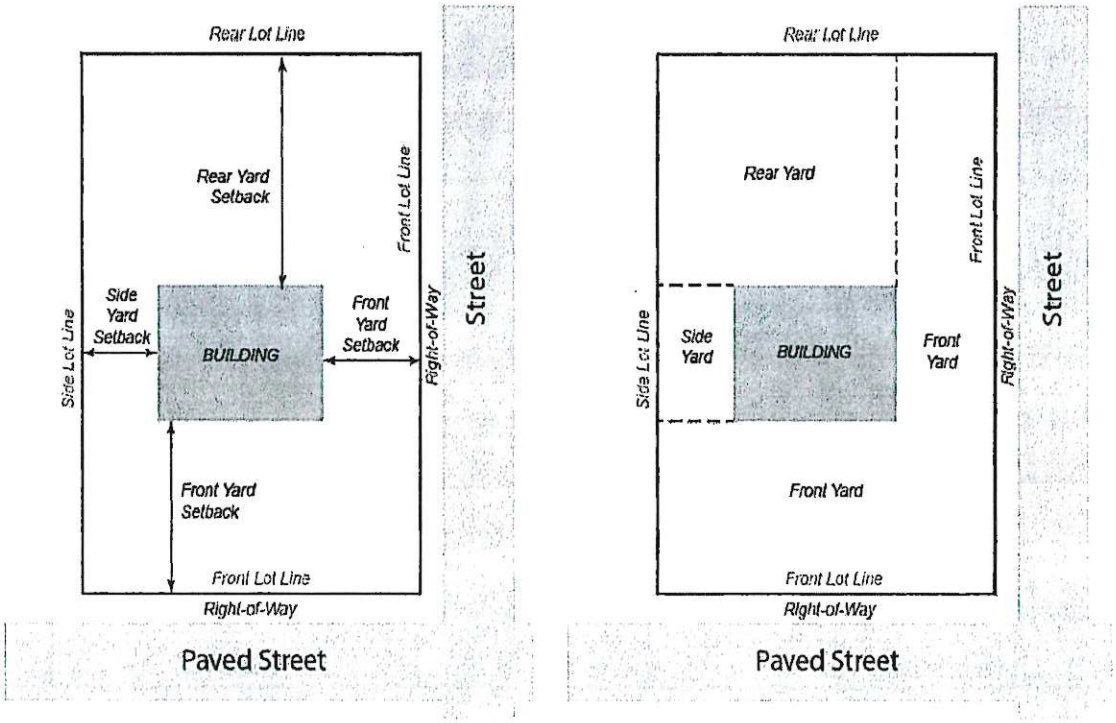

Figure 1113-D: Typical setback and yard locations for a corner lot.

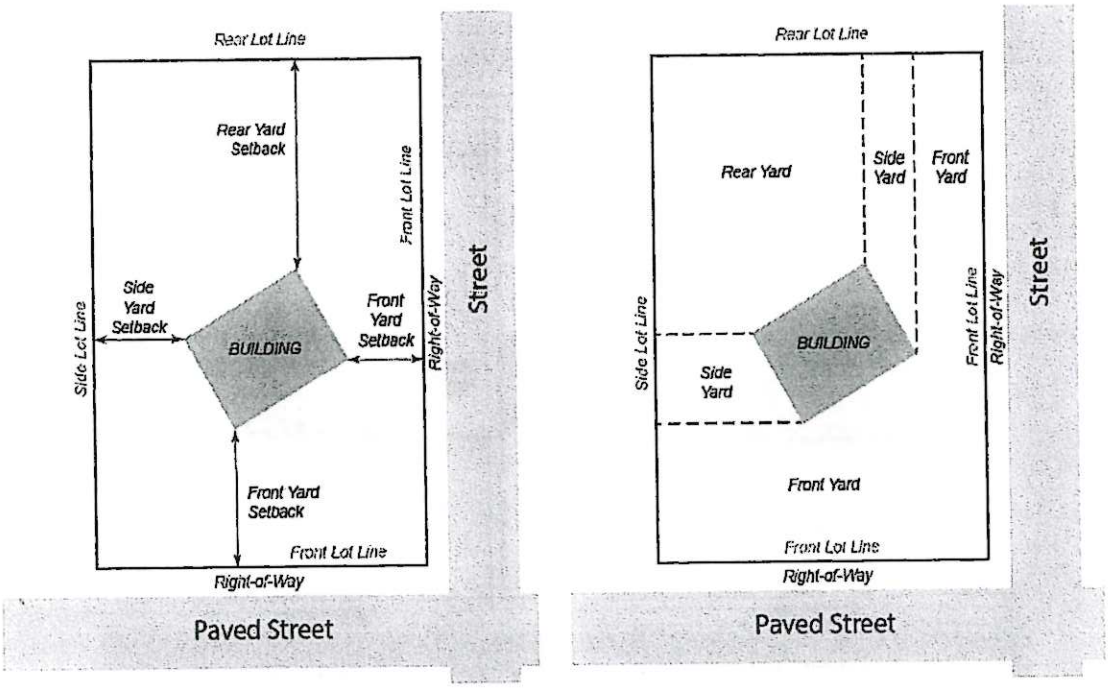

Figure 1113-E: Typical setback and yard locations for a corner lot where the building is oriented toward the corner of the lot.

C. Double Frontage (Through) Lots. Double frontage lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Double frontage lots shall be subject to the following regulations:

i. Where a lot is considered a double frontage (through lot) lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See Figure 1113-F.

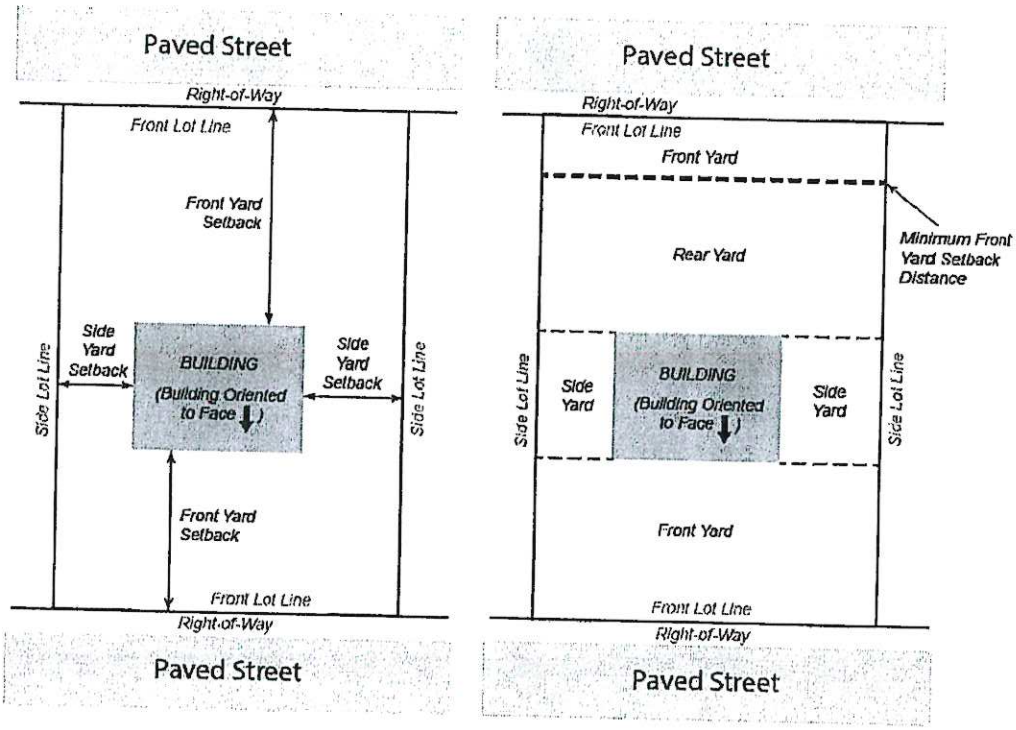

Figure 1113-F: Typical setback and yard locations for a double frontage (through) lot.

ii. The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See Figure 1113-F.

iii. For the purposes of allowing accessory uses and fences, which are allowed in a rear yard, the yard that is located to the rear of the principal building shall be considered the rear yard, and the setbacks of Section 1113.01(d) shall apply to all accessory uses or structures. Such accessory uses, or structures shall not be permitted in the required front yard areas adjacent to each street.

iv. Where alleys exist in the Village, any lots that have frontage along the alley shall not be considered a double frontage (through) lot and shall either be regulated as an interior lot or corner lot depending on the location of the subject lot within the block.

D. Panhandle (Flag) Lots

i. Panhandle lots (flag) lots shall be prohibited unless the applicant demonstrates to the Planning Commission that such lots are necessitated by unique topographic features or other special physical conditions during a major subdivision review process.

ii. If an application for a minor subdivision includes a proposed panhandle (flag) lot, such application shall be forwarded to the Planning Commission for review. Such minor subdivision application shall not be approved unless the applicant demonstrates a need for such lot types in the same manner as Paragraph 1113.01(d)(3)D.i above.

iii. Panhandle (flag) lots shall be subject to the following regulations:

a) Panhandle (flag) lots shall not be used to avoid the construction of a street.

b) The area of the "panhandle" portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.

c) The stacking of panhandle (flag) lots shall be prohibited. See Figure 1113-G.

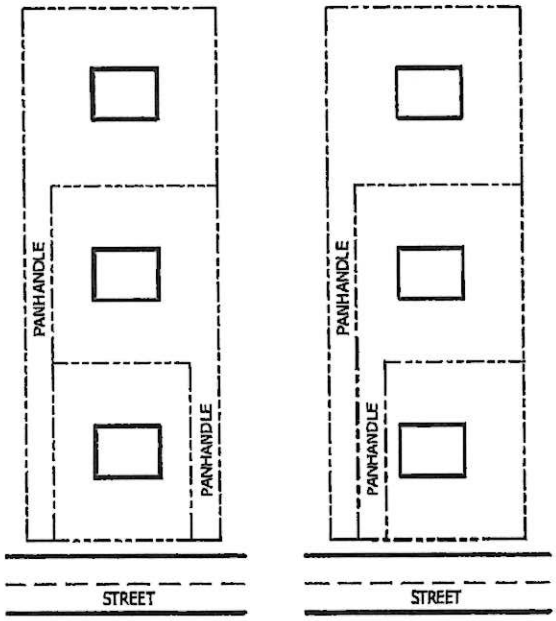

Figure 1113-G: The above illustration shows the stacking of panhandle lots, which is prohibited.

d) The panhandle shall have a minimum width of ten (10) feet along the entire width of the panhandle. The maximum width shall be forty (40) feet, and anything with a width of forty (40) feet or greater shall be considered an interior, corner, or double frontage lot as may be applicable.

e) No structures, except for fences and walls allowed by this code, shall be permitted in the panhandle portion of the lot.

f) The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot, as illustrated in Figure 1113-H.

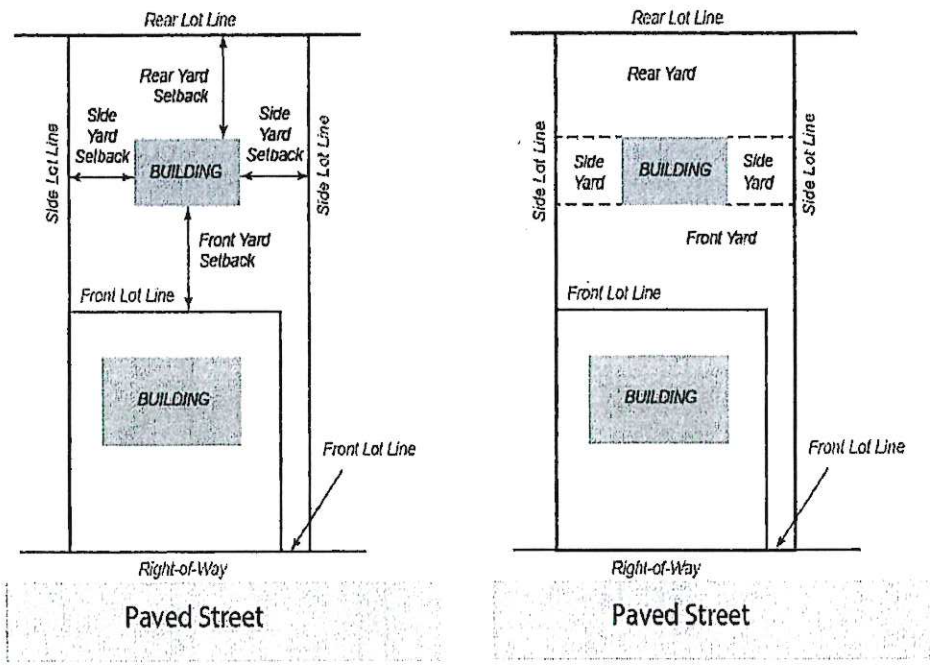

Figure 1113-H: Typical setback and yard locations for a panhandle lot.

E. Cul-de-Sac or Curved-Street Lot.

i. For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line (lot line). See Figure 1113-I.

ii. On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

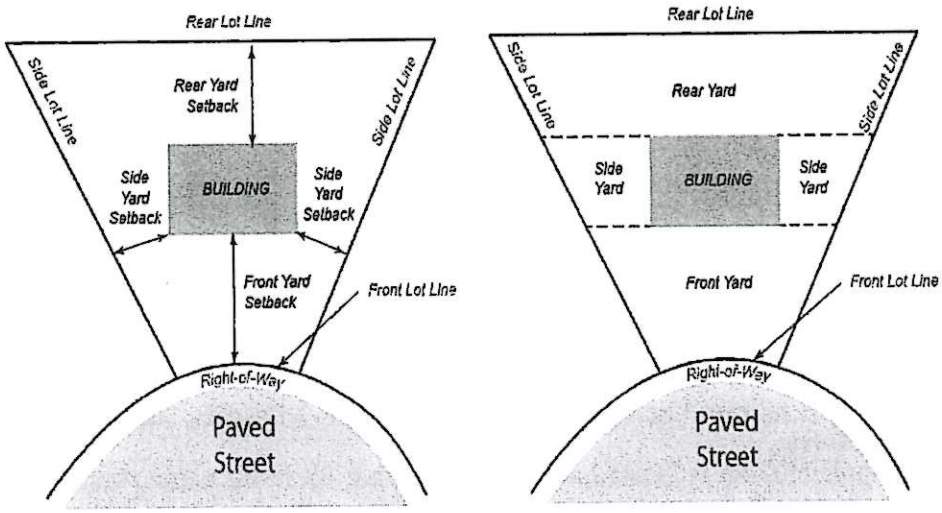

Figure 1113-I: Typical setback and yard locations for a curved street or cul-de-sac.

F. Other Lot Configurations. Where there is an instance of a lot configuration not addressed in the previous sections (e.g., interior, corner, panhandle, etc.) or where there is an atypical building orientation on any lot, the Village Administrator shall have the authority to make a determination regarding where front, rear, and side yard setbacks are required.

(4) Minimum Setback Requirements.

A. Setbacks required for accessory uses are established in Section 1111.01.

B. Table 1113-3 establishes the minimum setback requirements for principal buildings in all zoning districts.

TABLE 1113-3: MINIMUM SETBACK REQUIREMENTS			
Zoning District	**Setback Requirements (Feet)**		
	Front Yard	**Side Yard (Each Side)**	**Rear Yard**
R	50	10	25
M-1	20	10	40
C-2, C-3, C-4, and P-I	50	20 [1] [2]	20 [1]
I-1	60	30 [3]	30 [3]

NOTES:
[1] When the side or rear lot line is adjacent to an R or M-1 District, then the setback shall be increased to 50 feet.
[2] When the applicable lot is located adjacent to another lot in the same zoning district, the minimum side yard setback may be reduced to zero feet, provided the building complies with the applicable fire code.
[3] When the side or rear lot line is adjacent to an R or M-1 District, then the setback shall be increased to 100 feet.

(e) Maximum Building Height.

(1) Measurement. Where specified in feet, building height shall be measured as the vertical distance from the average grade at the base of the structure to the mid-point between the eaves and the peak line for any sloped roof or to the highest point of a flat roof, excluding architectural features (e.g., vents, cupolas, weather vanes, chimneys, etc.), roof embellishments, or chimney extensions. See Figure 1113-J.

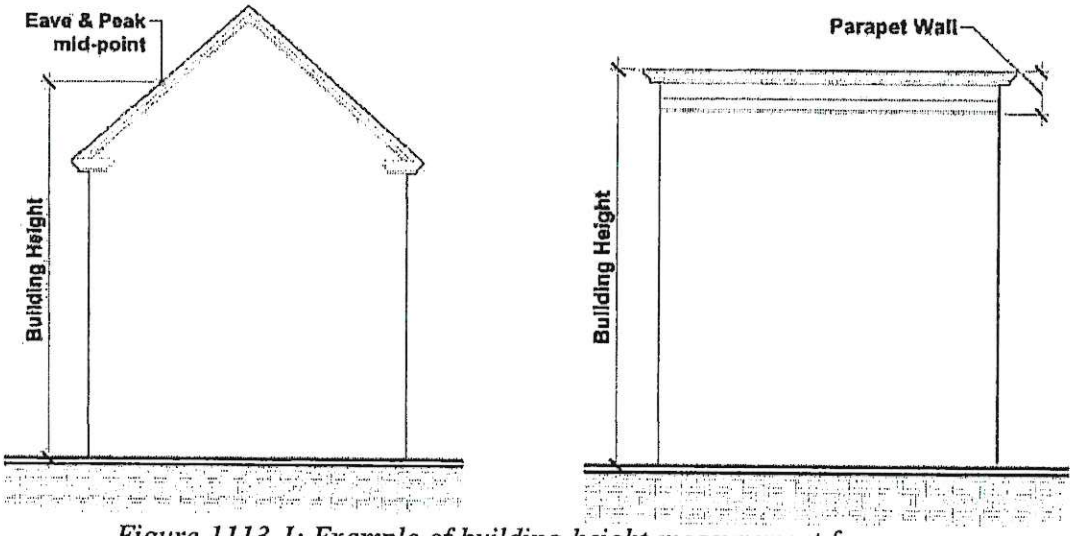

Figure 1113-J: Example of building height measurement for a sloped roof (left) and a flat roof (right).

(2) Exceptions to Height Limits. The maximum height limits established in this code shall not apply to:

A. Educational facilities, places of worship, hospitals, and other public and institutional uses, may have a maximum height of sixty (60) feet, provided that all yard setbacks shall be equal to or more than the height of the building wall adjacent to such lot line.

B. Chimneys, smokestacks, towers, water tanks or other tanks for liquids, radio or television antennae, and other permitted mechanical appurtenances located upon or constructed as an integral part of the principal building for all nonresidential uses may exceed the maximum building height but shall not have a separate height of more than fifteen (15) feet above the established roofline of the principal building.

C. Spires, belfries, cupolas, domes, monuments, and other decorative architectural features for nonresidential uses that are not habitable may exceed the established maximum height to a degree as approved by the Planning Commission

D. Governmentally-owned freestanding water tanks, towers, radio or television antennae, and flag poles.

(3) Maximum Height Standards.

A. Table 1113-4 establishes the maximum building height for principal buildings.

B. The maximum height of accessory structures is established in Section 1111.01.

TABLE 1113-4: MAXIMUM HEIGHT OF PRINCIPAL BUILDING

District	Maximum Height (Feet)
R	35
M-1	45
C-2, C-3, C-4, or P-1	45
I-1	45

(Ord. 2879. Passed 10-23-23.)

1113.02 INTERSECTION VISIBILITY.

No fence, wall, sign, structure, vehicle, or planting shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway or curb cut. Fences, walls, signs, structures, vehicles, or plantings located in the triangular area described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and five feet above the lowest point of the intersecting roads. The unobstructed triangular area is described as follows:

(a) At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb with the driveway edge and by measuring from this point a distance of ten (10) feet along the driveway to a point and a distance of twenty (20) feet along the street curb to a point and connecting these points.

(b) At street intersections, the sight triangle shall be formed by measuring at least thirty-five (35) feet along curb lines and connecting these points. Within the first twenty (20) feet of the street intersection sight triangles, no structure or landscaping material is permitted except required ground cover. Within the portion of the sight triangle that is located between twenty (20) feet and thirty-five (35) feet, signs and trees shall be permitted only when the pole or trunk is the only part of a sign or tree that is visible between the ground and five (5) feet above the ground, or otherwise does not present an intersection visibility hazard.
(Ord. 2879. Passed 10-23-23.)

1113.03 EXTERIOR LIGHTING.

(a) Purpose. The purpose of this exterior lighting section is to regulate exterior lighting in order to reduce or prevent light pollution and minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and the promotion of safety and security.

(b) Applicability.

(1) All exterior lighting fixtures shall be subject to review as part of this chapter, except that single-family dwellings shall be exempt from all requirements except Sections 1113.03(c) and 1113.03(d).

(2) Exemptions.

A. All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps, are exempt from the requirements of this section.

B. All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section, including flashing or blinking lights.

C. Streetlights shall be exempt from the provisions of this section.

(3) Prohibited Lights.

A. Searchlights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited except in emergencies by police and/or fire department personnel.

B. No open lights, such as strings of light bulbs, shall be permitted. This prohibition shall not include holiday lighting or those used for decorative purposes over outdoor patios, seating areas, or similar places of gathering.

(c) General Provisions Applicable to All Districts and Development.

(1) Exterior lighting shall be installed in a manner to deflect from adjacent residential developments.

(2) All exterior lighting for residential and nonresidential uses shall be located, screened, or shielded so adjacent lots located in residential districts or recorded subdivisions are not directly illuminated. Shielding may also be required for high-intensity light fixtures to prevent glare to adjacent uses, public rights-of-way, and drives. Perimeter lighting, when adjoining residential districts or recorded subdivisions, shall be by shielded fixtures to prevent light trespass onto adjacent properties.

(3) No exterior lighting shall be of such an intensity or color distortion as to cause glare or impair the vision of drivers, pedestrians, or adjacent properties. Shields and/or filters are required for light fixtures with high intensity and glare potential.

(d) Lighting for Residential Uses. Lighting for single-family dwellings shall be exempt from most provisions of this chapter, with the exception that for light fixtures that are not attached to the house or to an accessory building, there shall be a maximum height of twelve (12) feet from the finished grade adjacent to the base of the light fixture to the highest point of the fixture. The light bulb shall not produce more than 1,600 lumens.

(e) Exterior Lighting Requirements.

(1) Type of Fixtures.

A. All light fixtures shall be full cut-off type fixtures except for decorative light fixtures. See Figure 1113-K.

B. Decorative light fixtures shall not flash or otherwise create a sense of motion.

C. Non-cutoff lighting may only be used for decorative purposes when located adjacent to the building. See Figure 1113-K.

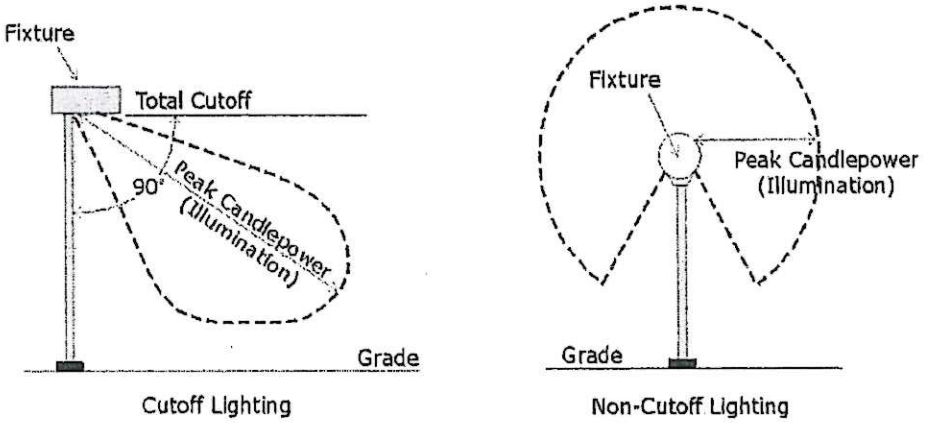

Figure 1113-K: Illustration of cutoff lighting versus non-cutoff lighting

(2) Height of Fixtures.

A. In all districts, the maximum height of any non-cutoff light fixture shall be twelve (12) feet.

B. All cut-off exterior lighting shall be designed, located, and mounted with the maximum height as follows:

i. The maximum height of light fixtures in the M-1 District and all nonresidential uses in the R District shall be fifteen (15) feet.

ii. The maximum height of light fixtures in the nonresidential zoning districts shall be twenty-four (24) feet.

C. Lighting located under canopies shall be flush-mounted or recessed within the canopy.

D. Height shall be measured from the finished grade adjacent to the base of the light fixture to the topmost point of the fixture.

(3) Illumination.

A. The maximum illumination at a lot line that abuts a lot zoned or used for residential purposes shall be 0.0-foot candles.

B. The maximum illumination at a lot line that abuts a lot in a nonresidential district shall be 1.0-foot candles.

C. Applicants for site plan review for all nonresidential uses shall be required to submit information that demonstrates compliance with these standards.

D. All applicants are strongly encouraged to submit lighting plans with components that reduce light pollution, including, but not limited to, automatic shut-off of fixtures, auto-dimming to adjust lighting based on ambient lighting, and the use of as little lighting as necessary without creating safety issues.

(4) Nonconforming Lighting. When a luminaire or exterior lighting structure exists at the time of the effective date of this code, such luminaire or structure may continue to exist until such time as the following occurs:

A. If the exterior lighting does not comply with the illumination levels of this section, any change of a nonconforming luminaire (e.g., replacement of bulbs) shall be in compliance with this section.

B. If a nonconforming lighting structure is voluntarily removed or is damaged to an extent beyond fifty percent (50%) of its replacement value, any new replacement lighting structure shall be in compliance with this code.

(f) Modifications. Should any exterior light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Village Administrator for approval, together with adequate information to assure compliance with this section, which must be received prior to the substitution.
(Ord. 3879. Passed 10-23-23.)

1113.04 PERFORMANCE STANDARDS.

Any use in a nonresidential district shall comply with the performance standards set forth hereinafter for the district in which such use or building is to be located as 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 precedence to further use.

(a) Dust and Smoke.

(1) 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.

(2) The emission of smoke, soot, fly ash, fumes, and dust shall be controlled by precipitation devices, the height of the stack, rate of emission, or another manner so that the quantity deposited on adjacent districts 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 burning to intense 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 that produce flammable or explosive vapors or gases under ordinary weather temperatures shall not be permitted in any district 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 and shall not create any hazards along the lot line.

(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.

(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, 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, as applicable.

(g) Vibration. Operations creating intense earth-shaking vibrations shall be set back from and controlled in such a manner as to prevent transmission of vibrations that would be perceptible without the aid of instruments at the lot line.

(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 create issues of increased erosion.

(j) Maintenance. All lots shall be maintained in a manner that includes the removal of trash and litter, maintenance of paved areas, maintenance of landscaping, and general upkeep of the property.

(k) Enforcement. Where determinations can be made by the Village Administrator 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. (Ord. 2879. Passed 10-23-23.)

1113.05 FENCES AND WALLS.

(a) Zoning Compliance Review Required.

(1) No person shall construct or erect a fence or wall without first obtaining an authorization to proceed through zoning compliance review.

(2) Fences or walls that are part of a development subject to site plan review shall be reviewed and approved as part of the site plan review process.

(3) Authorization to proceed through zoning compliance review shall be required for each property on which a fence or wall is being placed, including the connection of existing fences or walls. Such applications shall also include written documentation of agreement between property owners.

(4) Authorization to proceed through zoning compliance review is not required for repairs of existing fences or walls while the fence or wall remains in place or for invisible fences. If fifty percent (50%) or more of the length of a conforming or nonconforming fence or wall is to be removed and replaced, even as part of maintenance, such replacement shall conform with the requirements of this code and shall require authorization to proceed through zoning compliance review.

(5) Authorization to proceed through zoning compliance review shall not be required for short sections of fencing or walls that are designed as an architectural feature or utilized for decorative purposes and are not intended to enclose an area of land. Such sections shall not exceed twenty-five (25) feet in length and shall comply with the vision clearance requirements of this code.

(6) Hedges, shrubbery, trees, bushes, and plantings shall be excluded from classification as fences but shall be subject to the vision clearance requirements of this code.

(7) Retaining walls that are intended to retain an existing slope (i.e., not a slope created by the applicant), such retaining wall shall not be subject to the provisions of this code but may be subject to building code requirements.

(b) General Requirements.

(1) Unless a specific distinction is made in this section, any regulation that applies to fences shall apply to walls and vice versa.

(2) All fences and walls shall be subject to the intersection visibility requirements of Section 1113.02.

(3) All fences and walls, including invisible fences and any related supporting structures or appurtenances, shall be contained within the lot lines of the applicable lot and shall not encroach into adjoining or abutting lots and/or rights-of-way. Property owners, with written permission from abutting property owners, may connect to fences or walls on adjoining properties.

(4) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced. If a fence has two (2) similarly finished sides, either side may face the adjacent property.

(5) All diagonal or supporting members shall face the property on which the fence or wall is constructed.

(6) All fences and walls shall be maintained in a neat and orderly manner.

(7) Walls shall be prohibited within all utility easements. Fences that are placed in utility easements shall require written permission from the applicable utility and, without such permission, are subject to removal without notice by utility companies or the Village when work is being done in the utility easements. Fences shall not be placed in any Village easement unless the plat specifically permits the placement of such fence. Replacement of fences removed by the Village or utility company shall be at the property owner's expense.

(8) Fences and walls shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or stormwater drainage in any zoning district. Fences or walls may be permitted to include outlets at the bottom of the fence or wall to eliminate the possibility of the accumulation of water and allow for natural drainage past the wall or fence.

(9) It shall be the duty of each lot owner and contractor, or an agent thereof, to determine lot lines and to ascertain that the fence or wall does not deviate from the plans as approved by the Village Administrator issuing the authorization to proceed through zoning compliance review and that the fence does not encroach on another lot or existing easement. Authorization to proceed through zoning compliance review and any inspection by the Village shall not be construed to mean that the Village has determined the fence is not encroaching on another lot, nor shall it relieve the property owner of the duty imposed on him or her herein.

(c) Materials. The following standards shall apply to the materials of all fences and walls:

(1) Materials shall be weatherproof or weather resistant.

(2) All sides of a decorative wall shall have a similar finish on both sides.

(3) Fences made of rope, string, fabric, netting, or similar materials are prohibited unless an approved temporary construction fence (See Section 1113.05(f).).

(4) Deer fencing is permitted in nonresidential zoning districts if approved as a conditional use.

(5) Non-decorative concrete or masonry walls are prohibited.

(6) Chicken, hog, rabbit, mesh, or woven wire fences are prohibited unless mounted on the interior of another approved form of fencing. See Figure 1113-L.

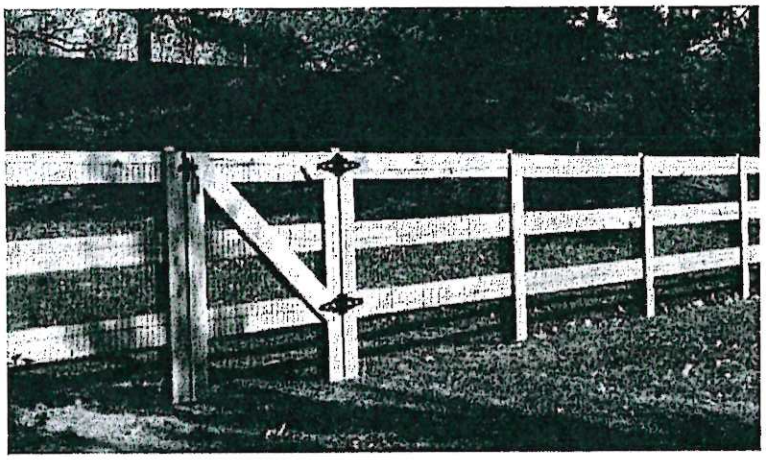

Figure 1113-L: Example of where wire fencing has been mounted on the interior of an approved three-rail fence.

(7) Chain link fencing is allowed, provided it is coated in vinyl. Slats or other materials shall not be permitted to be woven into the chain link fencing to create privacy fencing or otherwise obstruct the wires.

(8) Plywood, particle board, fiberglass, corrugated or galvanized sheet metal panels, and non-traditional fence materials deemed unacceptable by the Village Administrator shall be prohibited. This may include but is not limited to, discarded materials such as shipping crates or pallets, tires, stacked tires or automobile parts, stacked building materials, salvaged doors or garage doors, or similar new or used materials.

(9) No person shall erect or maintain any fence charged with electrical current.

(10) Dangerous fences installed above the ground, such as barbed wire, unfinished non-durable, sharp edge, cut or broken glass, rusted, or other such fences designed to inflict pain or cause injury, shall be prohibited except as allowed in Paragraph (11), below.

(11) In the I-1 Districts, fences may be topped with up to three (3) strands of barbed wire placed on a forty-five (45)-degree angle aimed away from the side of the fence that fronts a lot or right-of-way line. Fences shall not be entirely comprised of barbed wire. The barbed wired shall be mounted no less than seventy-two (72) inches above the grade.

(d) Measurement.

(1) The maximum fence or wall height shall be measured from the lowest point within three (3) feet on either side of the fence to the topmost portion of the fence between posts. See Figure 1113-M. The structure posts or finials may exceed the maximum height allowed in this section by up to six (6) inches.

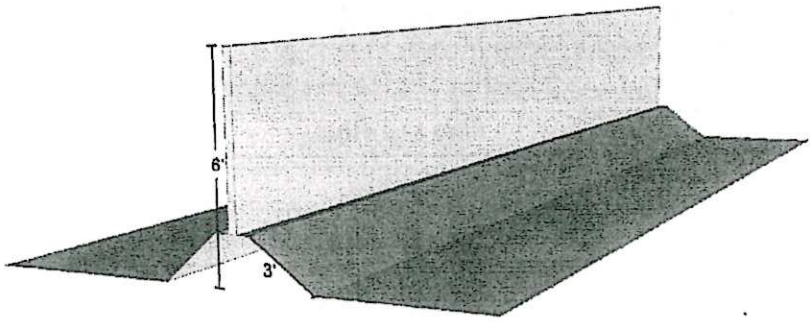

Figure 1113-M: Illustration of the measurement of the height of a fence based on the grade.

(2) Fencing or walls should follow the natural contour of the land on which it is located. See Figure 1113-N.

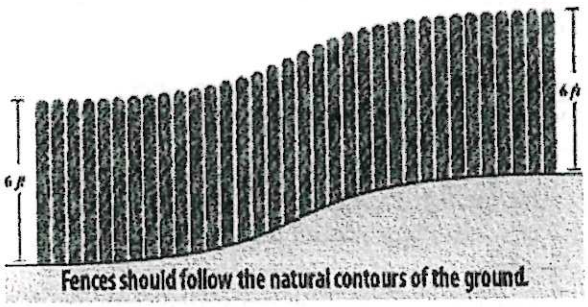

Figure 1113-N: This illustrates how fencing is measured along a natural contour.

(3) A fence may be erected on top of a wall, but the combined height of the fence and wall shall not exceed the heights specified within this section for a fence or wall. Fences or walls located on top of a retaining wall shall be measured from the top of the finished grade at the top of the retaining wall.

(e) Fences and Walls in Residential Districts. The following standards apply to fences and walls in residential districts.

(1) Table 1113-5 establishes the maximum height, location, and types of fences and walls permitted in residential districts.

(2) For the purpose of these regulations, an "open fence" shall be any fence having at least fifty percent (50%) of its vertical surface area open as viewed at right angles and uniformly distributed.

(3) The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this section.

TABLE 1113-5: FENCES AND WALLS IN RESIDENTIAL DISTRICTS		
Type of Fence or Wall	**Yard in Which Permitted**	**Maximum Height Permitted**
Vinyl-Coated Chain Link Fence	Side and Rear	4 Feet
Open Fence	Front	3 Feet
	Side and Rear	6 Feet
Solid Fence or Wall	Side and Rear	6 Feet

(f) Fences and Walls in Nonresidential Districts. The following standards apply to fences and walls in nonresidential districts.

(1) No fence shall exceed three (3) feet in height in any front yard.

(2) No fence shall exceed six (6) feet in the side or rear yard of a C-2, C-3, C-4, or P-I District.

(3) No fence shall exceed eight (8) feet in the side or rear yard of an I-1 District.

(4) Any proposed fence shall be approved as part of the site plan review in accordance with this code.

(g) Temporary Fences. Fences erected for a specific function and limited time duration, including deer, snow, or construction fencing, are permitted as follows and in compliance with the following requirements.

(1) Temporary fences shall be maintained in good condition and shall not require authorization to proceed through zoning compliance review.

(2) No temporary fencing material shall be used for permanent fencing.

(3) Snow Fencing

A. Snow fencing shall be permitted between November 1 of any year and April 1 of the following year.

B. Snow fencing shall not exceed four (4) feet in height.

C. Fencing materials shall be limited to burlap, plastic mesh fabric of a neutral or dark color, any clear plastic material, or wood slat fencing (traditional snow fence) with wood or metal supports.

D. Snow fencing shall be erected on private property only and positioned on the site so as not to obstruct the view of pedestrians or vehicular traffic or be detrimental to public safety.

E. Snow fencing shall not cause an artificial or unnatural accumulation of snow or drifting to accumulate on the property of another in excess of that which would otherwise accumulate in the absence of such fence.

(4) Construction Fencing. Construction fencing to enclose an active construction site for the duration of the construction period.

(Ord. 2879. Passed 10-23-23.)

1113.06 DUMPSTERS.

(a) All dumpsters that are permanently placed to serve a principal use shall be located to the rear of the principal building, to the maximum extent feasible, in order to minimize views from the street and neighboring properties.

(b) Temporary construction dumpsters shall be subject to the temporary use regulations of Section 1111.02.

(c) All dumpsters shall be placed on concrete pads that comply with the vehicular use area surfacing requirements of Section 1119.03(f).

(d) Dumpsters shall be screened in accordance with Section 1117.06.
(Ord. 2879. Passed 10-23-23.)

1113.07 MOUNDS AND BERMS.

The following standards shall apply to any earthen mounds or berms constructed in the Village:

(a) Earthen mounds and berms shall have a maximum slope of 3:1 (three (3) feet of horizontal space is required for each one-foot vertical change in elevation).

(b) The crest or top of the mound shall be rounded with elevation changes maintained one (1) foot off of the centerline of the mound.

(c) Earthen mounds or berms shall be designed and constructed with variations in physical alignment throughout the length of the mound or berm.
(Ord. 2879. Passed 10-23-23.)

1113.08 REMOVAL OF TREES.

(a) Permit and Compliance Required.

(1) Where a lot of five (5) acres or more is to be cleared of trees for development, authorization to proceed through zoning compliance review shall be required prior to clearance.

(2) Such authorization shall be based on a demonstration of compliance with this section.

(3) Any permit issued hereunder shall be in effect for a period of one year from the date of issuance and may be extended, at the sole discretion of the Village Administrator, for an additional six (6) months upon written request by the applicant.

(b) 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 Village Administrator 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.

(c) Logging Routes. The Village Administrator 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 Village Administrator, 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 Administrator 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.

(d) Property Lines and Notification.

(1) The applicant shall be obligated to place temporary signs along each lot line where the clearing activities will take place. Such signs shall have a minimum sign area of six (6) square feet and a maximum sign area of eight square feet and shall state that the site is being cleared in accordance with the approved permit number.

(2) Such signs shall be posted every 400 feet, or a portion thereof, along the established lot lines. A minimum of one (1) sign must be posted along each lot line.

(3) The applicant shall be required to post the temporary signs not less than fourteen (14) days prior to the commencement of any clearing activities and may be removed after all clearing is completed.

(e) Post-Clearing Requirements.

(1) Where trees have been removed, all stumps shall be required to be removed and the site graded following the clearing activities.

(2) If development or construction activities do not commence within sixty (60) days of the completion of clearing the site, the site shall be seeded with grass seeds.

(f) Bond and Indemnity.

(1) 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:

A. Up to ten (10) acres: A bond for twenty-five thousand dollars ($25,000.00).

B. Over ten (10) acres: A bond for twenty-five thousand dollars ($25,000.00) plus 2,000 additional dollars for each additional acre, or majority fraction of each additional acre, over the first ten (10) acres.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(g) 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.

(h) 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.

(i) 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, 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, 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, clearing, or logging and/or any work regulated by this section.

(Ord. 2879. Passed 10-23-23.)

1113.09 FLOOD PROTECTION STANDARDS.

(a) Purpose. These regulations are intended to achieve the general purpose of this code; to protect human life and health; to minimize the 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 an area designated as a special flood hazard area by the Federal Emergency Management Agency (FEMA) assume responsibility for their actions.

(b) Applicability. The standards of this section shall apply to 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 are hereby adopted by reference and declared to be part of this section, and is on file at the Village Hall.

(c) Compliance. Unless specifically exempted according to Section 1113.09(h)(3), no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of this section.

(d) Warning And Disclaimer Of Liability. The degree of flood protection required by this section 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 code 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 code 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 code or any administrative decisions lawfully made thereunder.

(e) Variance Procedure.

(1) When evaluating requests for variances from the requirements of this section, the BZA shall consider, in addition to the requirements of Section 1113.09(f), all technical evaluations, all relevant factors, all standards specified in this section, and:

A. The danger that materials may be swept onto other lands to the injury of others;

B. The danger to life and property due to flooding or erosion damage;

C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

D. The importance of the services provided by the proposed facility to the community;

E. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

F. The necessity for the facility to have a waterfront location, where applicable;

G. The compatibility of the proposed use with existing and anticipated development;

H. The relationship of the proposed use to the flood plain management program for the area;

I. The safety of access to the property in times of flood for ordinary and emergency vehicles;

J. 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

K. 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.

(2) Conditions for Variances.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1113.09(e)(1) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. 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.

C. Variances shall not be issued within any designated floodway if the result will be any increase in flood levels during the base flood discharge.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

i. A showing of good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

iii. 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.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the 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.

(f) General Provisions For Flood Hazard Reduction. The following standards shall apply to all areas that are designed as special flood hazard areas:

(1) 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.

(2) Construction Materials and Methods.

A. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. 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.

(3) Utilities.

A. All new and replaced water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

B. 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

C. Individual wastewater treatment systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision Proposals.

A. All subdivision proposals shall be consistent with the need to minimize flood damage.

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

C. All subdivision proposals shall have adequate drainage and grading provided to reduce exposure to flood damage.

D. Base flood elevation data shall be provided for subdivision proposals.

E. Authorization to proceed through zoning compliance review for any subdivision which contains land within a special flood hazard area shall not be given unless the plat and development plans show the boundary of the special flood hazard areas and contain in clearly discernible print the statement that such land is restricted by this section.

(g) Specific Standards. In addition to the general provisions of Section 1113.09(f), the following specific standards are required for special flood hazard areas:

(1) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to at least one foot above the base flood elevation.

(2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including the basement elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

A. Be floodproofed so that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;
B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
C. 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.

(3) 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 1113.09(h) and the following additional standards:
A. They shall not be used for human habitation;
B. They shall be designed to have low flood damage potential;
C. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
D. They shall be firmly anchored to prevent flotation; and,
E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(4) 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.
A. Manufactured homes 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, the use of over-the-top or frame ties to ground anchors.
B. 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.
C. Necessary surface drainage and easy access for manufactured home haulers shall be provided in manufactured home parks.
D. Load-bearing foundation supports must be placed on stable soil or concrete footings no more than ten (10) feet apart, and if the support height is greater than seventy-two (72) inches, the support must contain steel reinforcement.

(5) 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:

A. 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:

i. Be certified by a registered professional engineer or architect; or,

ii. Must meet or exceed the following criteria:

a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area shall be provided;

b) The bottom of all openings shall be no higher than one (1) foot above grade; and,

c) Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.

B. Any enclosure which meets these criteria shall be considered as having met the requirements of Section 1113.09(f)(1).

(6) Water Supply and Sanitary Sewer Systems. Whenever any portion of a proposed development is located within a special flood hazard area, 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.

(7) Drainage and Erosion Control.

A. 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.

B. To the extent practicable, all development shall conform to the natural contours of the land. Natural and preexisting man-made drainage ways shall remain undisturbed.

C. 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 stormwater runoff control plan.

D. No surface water may be channeled or directed into a sanitary sewer.

(h) Floodways. The Flood Insurance Rate Map referenced in Section 1113.09(b) 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 to all delineated floodway areas.

(1) No encroachments, including fill, new construction, substantial improvements, and other development, shall be permitted in a floodway.

(2) Any obstructions, other than a natural obstruction, 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 1113.09(h)(3).

(3) Permitted uses within a floodway are limited to the following:

A. Agriculture;

B. Ground-level parking and loading areas;

C. Public and private active recreational areas; and.

D. Passive parks, open spaces, and natural areas.

(4) Maintenance work, such as roofing, painting, basement sealing, and improvements that are not substantial, as defined in this code, shall be permitted within floodways.

(i) Violations And Penalties.

Violations of the provisions of this section or failure to comply with any of its requirements shall constitute a violation under the terms of this code and shall be subject to Chapter 1127: Enforcement and Penalties.

(Ord. 2879. Passed 10-23-23.)

CHAPTER 1115
Architectural Standards

1115.01 Purpose.
1115.02 Applicability.
1115.03 Architectural standards for multi-family and rowhouse dwellings.
1115.04 Architectural standards for nonresidential buildings.

1115.01 PURPOSE.

The purpose of this section is to establish architectural and building design standards that encourage higher quality development and function in order to protect property values and protect real estate from impairment or destruction of value. These architectural and building design criteria can encourage quality development through the use of a variety of design and site techniques while continuing to provide for a wide range of economic development.
(Ord. 2879. Passed 10-23-23.)

1115.02 APPLICABILITY.

The following buildings shall be subject to the standards of this chapter unless otherwise stated, which shall be reviewed as part of a site plan review process:

(a) New multi-family dwellings and rowhouse dwellings in all M-1, C-4, and PUD Districts;
(b) New principal buildings in the C-2, C-3, C-4, and P-I Districts;
(c) New nonresidential, principal buildings in any PUD District, including mixed-use buildings that contain residential uses;
(d) Expansion of any principal buildings that are subject to site plan review and the provisions of this chapter; and
(e) Any accessory building that has more than 500 square feet in floor area that is located within the C-2, C-3, C-4, and P-I Districts.
(Ord. 2879. Passed 10-23-23.)

1115.03 ARCHITECTURAL STANDARDS FOR MULTI-FAMILY AND ROWHOUSE DWELLINGS.

The standards of this subsection shall apply to all multi-family dwellings.

(a) All siding shall be either horizontal or vertical in placement.

(b) Any principal building that is located on a lot with frontage along the North Ridge Scenic Byway shall be designed with a one hundred percent (100%) brick facade along any facade facing the byway.

(c) Front facades shall incorporate variation in mass through one or more of the following methods every fifty (50) feet of facade frontage:

(1) Wall offsets in the form of projections and/or recesses in the facade plane; Wall offsets shall have a minimum depth of two (2) feet;

(2) Bay windows;

(3) Facade color changes;

(4) Use of pilasters, columns, or other detailing to articulate the facades; or

(5) Roofline changes when coupled with correspondingly aligned facade material changes.

(c) In addition to wall offsets, front facades and side facades on buildings on corner lots shall provide a minimum of three of the following design features for each residential dwelling unit fronting onto the street:

(1) One or more dormer windows or cupolas;

(2) A recessed entrance;

(3) A covered porch;

(4) Pillars, posts, or pilasters;

(5) One or more bay windows with a minimum of twelve (12)-inch projection from the facade plane;

(6) Eaves with a minimum of six-inch projection from the facade plane;

(7) A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or

(8) Multiple windows with a minimum of four(4)-inch-wide trim.

Figure 1115-A: Illustrative example of acceptable architectural design for multi-family dwellings

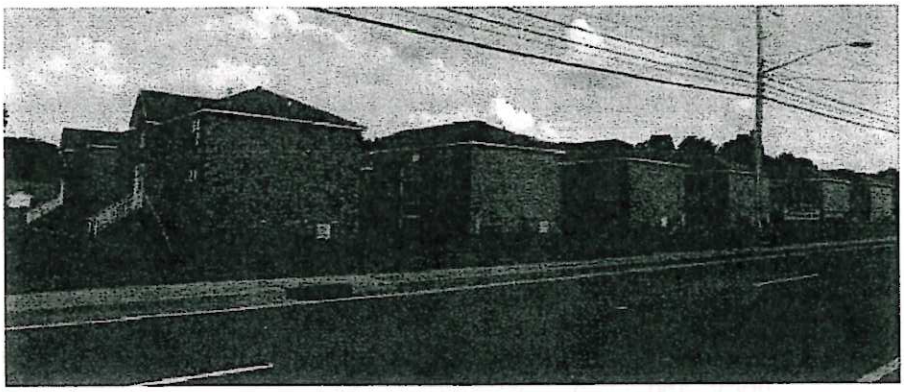

Figure 1115-B: Illustrative example of unacceptable architectural design for multi-family dwellings

(d) To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from the street. See Section 1115.04(h) and Section 1117.06. (Ord. 2879. Passed 10-23-23.)

1115.04 ARCHITECTURAL STANDARDS FOR NONRESIDENTIAL BUILDINGS.

(a) Building Orientation.

(1) Buildings should generally be parallel to the street they front unless an alternate orientation is consistent with existing adjacent development and is approved by the Planning Commission during the site plan review.

(2) The primary entrances of buildings should be oriented:

A. Towards a street along the perimeter of the development or towards a public space if such space is located adjacent to the proposed project; or

B. Towards streets in the interior of the development if none of the building's facades has frontage on a public street; or

C. As approved by the Planning Commission during the site plan review process.

(b) Building Facades. Blank building walls visible from public streets (including alleys adjacent to nonresidential or mixed-use buildings) are prohibited. These requirements shall not generally apply to those walls that are not visible from a street or are completely hidden due to topography or natural features preserved as open space.

(c) Building Materials.

(1) Any principal building that is located on a lot with frontage along the North Ridge Scenic Byway shall be designed with a one hundred percent (100%) brick facade along any facade facing the byway.

(2) A combination of materials, textures, colors, and finishes should be utilized to create visual interest. Vinyl siding and corrugated metal or steel siding material shall be prohibited unless specially approved by the Planning Commission during the site plan review.

(3) Exposed metal panels (such as copper, bronze, or other decorative metal) may be permitted on building elevations if used for an accent or minor exterior material.

(4) Exterior Insulation Finishing Systems (EIFS) shall be prohibited from use on the first floor of any nonresidential building. The Planning Commission shall have the authority to approve the use of EIFS on the first floor during the site plan review process if the applicant can demonstrate that the area coated in EIFS will be protected from damage and maintained to prevent deterioration.

(d) Building Design and Mass.

(1) All architectural elevations of principal buildings shall consist of a base, a body, and a cap. See Figure 1115-C.

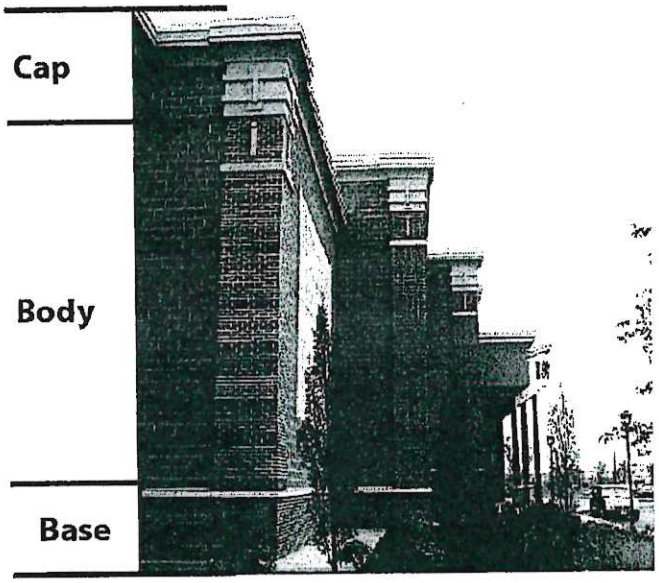

Figure 1115-C: Illustration of the cap, body, and base of a building.

(2) The base shall occupy the lowest portion of the elevation and should have a height no less than eight percent (8%)of the average wall height. The base shall be composed of brick, tile, stone or cast or cultured stone, concrete or pre-fab concrete panels, split-face block, or other material if specially approved by the Planning Commission during the site plan review.

(3) The body shall occupy the middle portion of the elevation and should have a height no less than sixty percent (60%) of the average wall height. The body may be composed of brick, stone, cast or cultured stone, stucco (EFIS), or other material if specially approved by the Planning Commission during the site plan review.

(4) The cap shall occupy the highest portion of the elevation, excluding the roof, and should have a height no less than eight percent (8%) of the average wall height, not to exceed the height of the base. The cap may be composed of brick, tile stone or cast or cultured stone, concrete or pre-fab concrete panels stucco (EFIS), or other material if specially approved by the Planning Commission during the site plan review.

(5) The cap shall consist of at least one of the following architectural features: (See Figure 1115-D and Figure 1115-E)

A. A cornice;
B. A parapet;
C. An awning;
D. A canopy; or
E. Eaves.

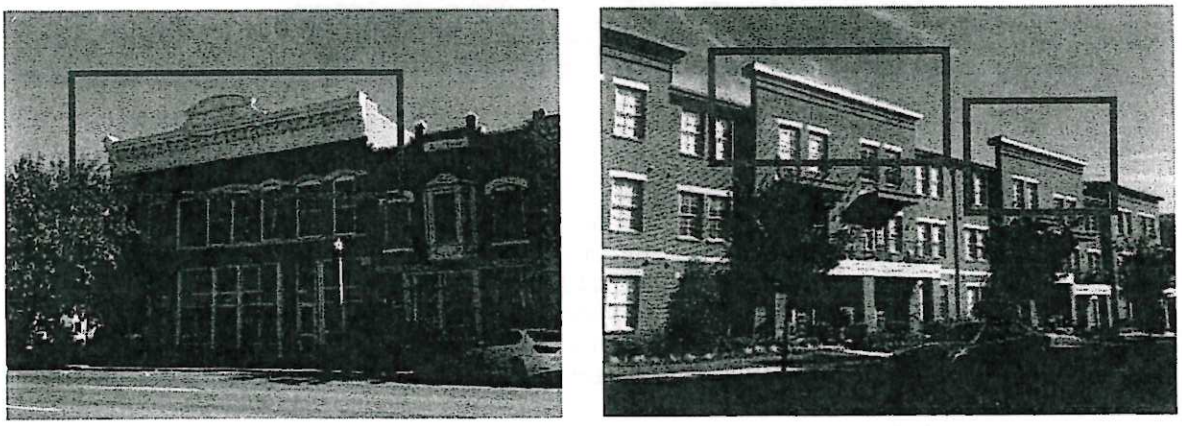

Figure 1115-D: Example of a cornice (left image) and parapet (right image), both highlighted in red rectangles.

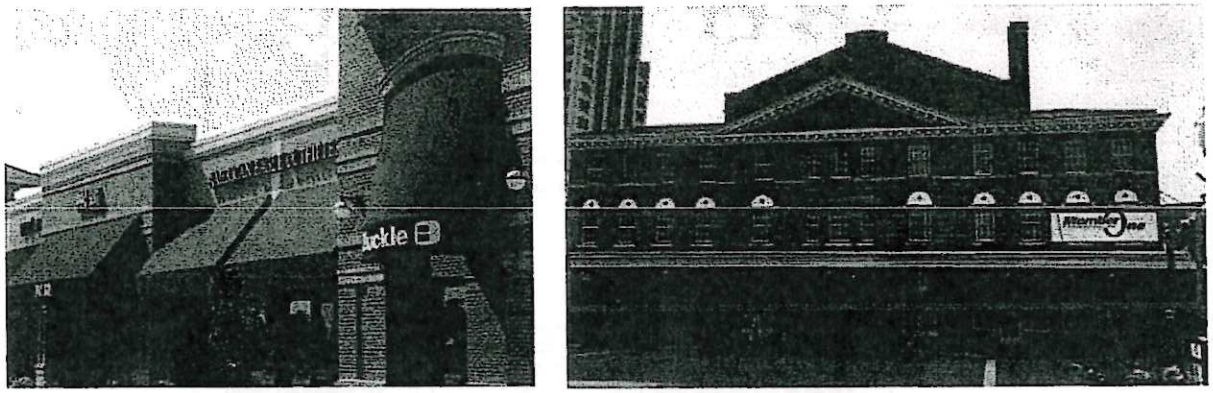

Figure 1115-E: Example of an awning (left image) and canopy (right image - highlighted in a red rectangle).

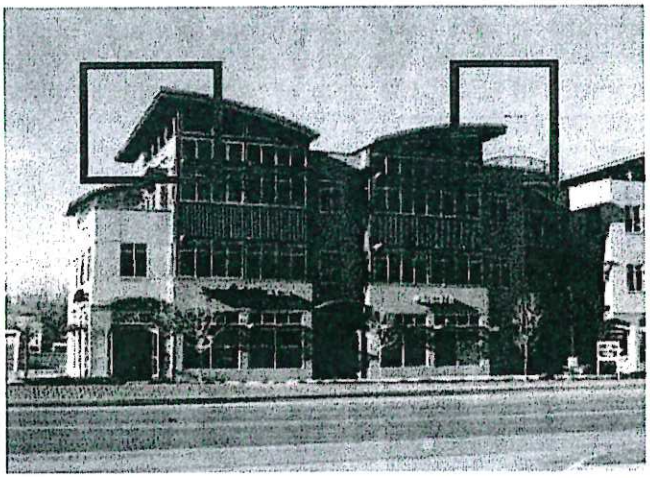

Figure 1115-F: Example of the use of eaves, highlighted in red rectangles.

(6) The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.

(7) This section shall not be construed to prohibit metal roofs, flashing, aluminum framing associated with windows, or high-quality metal siding applications such as copper, bronze, or other decorative metal.

(8) Architectural elevations for all new buildings shall include design, massing, materials, shape, and scale that create a unified design on the premises.

(e) Facade Massing.

(1) Offset Required. Front facades sixty (60) feet wide or wider shall incorporate wall offsets of at least two (2) feet in depth (projections or recesses), a minimum of every forty (40) feet. Each required offset shall have a minimum width of twenty (20) feet. See Figure 1115-G.

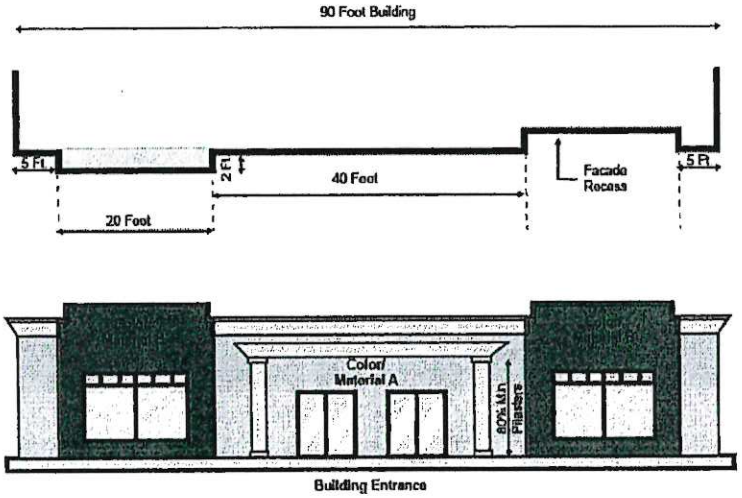

Figure 1115-G: Illustration of how the facade offset provisions may be applied.

(2) Offset Alternative. The following alternatives can be used in place of the required front facade offsets, as shown in Figure 1115-H:

A. Facade color or material changes following the same dimensional standards as the offset requirements;

B. Pilasters having a minimum depth of one (1) foot, a minimum width of one (1) foot, and a minimum height of eighty percent (80%) of the facade's height; and/or

C. Roofline changes when coupled with correspondingly aligned facade material changes.

Figure 1115-H: The above image illustrates material changes, pilasters, and other architectural features that break up the appearance of a single facade.

(f) Roof Styles.

(1) The height of any pitched roof shall not exceed one-half (½) of the overall building height.

(2) Roof Line Changes.

A. Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.

B. When roofline changes are included on a facade that incorporates wall offsets or material or color changes, roofline changes shall be vertically aligned with the corresponding wall offset or material or color changes. See Figure 1115-I.

Figure 1115-I: Roofline changes shall be aligned with corresponding wall offsets and/or material or color changes.

(3) Flat Roofs.

A. When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a minimum of eight (8) inches from the parapet facade plane.

B. Thin parapets that extend more than two (2) feet above the roof and have a depth of less than two (2) feet from the facade surface are prohibited.

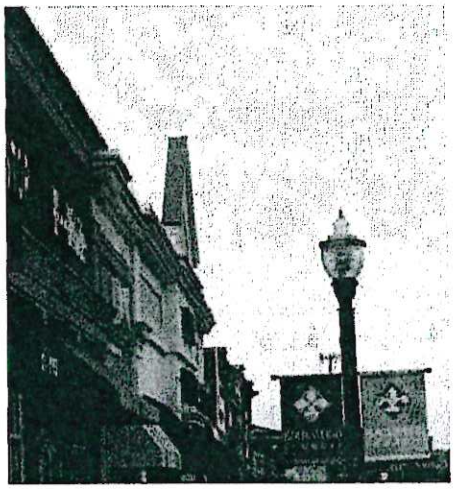

Figure 1115-J: Parapet walls with cornice treatments are used to disguise flat roofs. The image on the right illustrates a tall, thin parapet wall that is prohibited.

(4) Asymmetric or Dynamic Roofs.

A. Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings.

B. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings, provided the criteria for flat roofs in Section 1115.04(f)(3) are met.

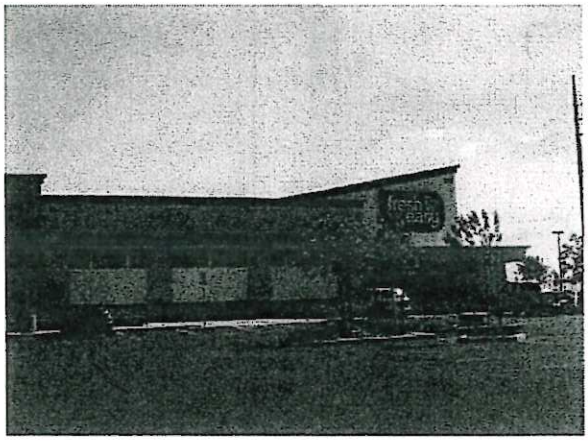

Figure 1115-K: Examples of dynamic or asymmetric roof lines

(g) Refuse Facilities. Refuse facilities shall be enclosed by fences or walls that are compatible with the architectural materials and patterns of the principal building or may be screened in a manner allowed in Section 1117.06.

(h) Mechanical Equipment.

(1) Wall-mounted mechanical, electrical, communication equipment, downspouts, gutters, service doors, and other building-mounted utility fixtures shall be painted and maintained to match the building or be screened from view. All rooftop mechanical equipment, unless screened from view, should match the color of the structure or be visually compatible with the structure.

(2) Mechanical equipment such as transformers and HVAC units should not be located in front yards unless appropriately screened from view.

(3) All mechanical equipment, including both ground-mounted and roof-mounted equipment, shall be screened from view from adjacent public rights-of-way, as well as from all property zoned or used for residential purposes.

(4) Screening elements may include walls (same material and color as principal structure), landscaping, mounds, parapets, or enclosures constructed of the same materials used on the majority of the principal structure or any combination or as otherwise approved or required during site plan review. See Figure 1115-L.

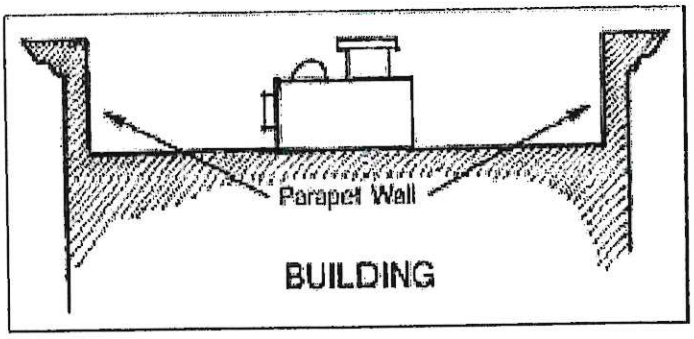

Figure *1115-L: Illustration of the use of walls for the screening of mechanical equipment.*

(Ord. 2879. Passed 10-23-23.)

CHAPTER 1117
Landscaping and Screening

1117.01 Purpose.
1117.02 Applicability.
1117.03 Minimum materials and standards.
1117.04 Landscaping requirements for vehicular use areas.
1117.05 Lot landscaping.
1117.06 Screening.
1117.07 Maintenance.

1117.01 PURPOSE.

The purpose of landscaping and screening regulations is to:

(a) Promote attractive development and preserve the appearance and character of the surrounding area through the use of effective landscaping;

(b) Promote the preservation and replacement of major trees;

(c) Eliminate or minimize conflicts between potentially incompatible but otherwise permitted land uses on adjoining lots using a suitable combination of setbacks, visual buffers, and physical barriers;

(d) Provide interest and lessen the monotony of the streetscape;

(e) Prescribe standards for the installation and maintenance of trees, plantings, walls, and fences;

(f) Provide protection from soil erosion; and

(g) Encourage the enhancement of the visual environment, ensure public safety, and moderate the micro-climate.

(Ord. 2879. Passed 10-23-23.)

1117.02 APPLICABILITY.

(a) Additions and Enlargement.

(1) The requirements of this chapter shall apply to new development and any collective, substantial expansion or change in land use, except for single-family dwellings. Substantial expansion or modification of the existing structures shall be defined based on the criteria established in Table 1117-1.

TABLE 1117-1: LANDSCAPING AND SCREENING APPLICABILITY	
When the Existing Structure or Vehicular Use Area is:	**A Substantial Expansion is:**
0-2,500 sq. ft.	50% or greater
2,501-10,000 sq. ft.	40% or greater
10,001-25,000 sq. ft.	30% or greater
25,001-100,000 sq. ft.	20% or greater
100,001 sq. ft. and larger	10% or greater

(2) Any collective expansion of 500 square feet or less shall be exempt from the applicability section of this chapter. Collective expansion shall include the sum of all expansions of the original structure or building as existed on the effective date of this code, regardless of when they occur.

(3) If a building or structure covers the entire lot, landscaping and screening alternatives must be proposed to the Village Administrator for review and approval that meet the purpose and intent of this chapter.

(b) Expansion of Vehicular Use Areas.

(1) When a vehicular use area is expanded, the landscaping requirements of Section 1117.04: Landscaping Requirements for Vehicular Use Areas shall apply to the expanded vehicular use area.

(2) If a vehicular use area is demolished and replaced or redesigned, the landscaping requirements of Section 1117.04: Landscaping Requirements for Vehicular Use Areas shall apply to the entire vehicular use area. (Ord. 2879. Passed 10-23-23.)

1117.03 MINIMUM MATERIALS AND STANDARDS.

The following identifies the minimum landscape and screening standard requirements for all developments.

(a) Installation Timing. All plantings and landscaping shall be required to be installed prior to occupancy of the principal building or use. The Village Administrator shall have the authority to provide for an extension of six (6) months to plant any landscaping after occupancy due to weather conditions being prohibitive for the planting of plant materials. Failure to install by such timeline shall be considered a violation of this code.

(b) Plant Materials.

(1) All plant material shall be sound, healthy, live plants installed and maintained in accordance with acceptable nursery industry procedures.

(2) Shrubs shall be installed at a minimum height of two (2) feet.

(3) Trees.

A. Evergreen trees shall be installed at a minimum height of six (6) feet.

B. Shade (deciduous or canopy) trees shall be installed at a minimum caliper of two (2) inches as measured at the diameter at breast height (DBH).

C. Ornamental trees shall be installed at a minimum caliper of one and one-half (1½) inches at DBH.

D. Trees that drop fruits, berries, or seeds shall be prohibited from use as part of any landscaping requirement where the tree or its canopy will hang over vehicular use areas, sidewalks, or other paved areas.

E. Invasive species identified in OAC 901:5-30-01 shall be prohibited.

F. Trees should be pollution resistant.

G. For developments that require over twenty (20) trees, there shall be diversity in plant choices to help curtail the spread of disease or insect infestation in a plant species.

(4) Any trees, shrubs, or landscaping materials used to meet the standards of this chapter shall be required to meet the height and size standards of this section. Any trees, shrubs, or landscaping materials incorporated onto a site that exceeds the amount required by this chapter may be of any size.

(c) Accessways. Necessary accessways shall be permitted to traverse required landscaping and screening areas. The width of such accessways shall not be subtracted from the linear dimensions used to determine the minimum number of trees and shrubs required in this chapter.

(d) Fencing and Walls.

(1) All fencing or walls used for screening purposes shall not exceed the height of fences and walls allowed in Section 1113.05 and shall be 100 percent in opacity.

(2) The placement of fencing and walls shall comply with Section 1113.05.

(3) All fences used to meet the landscaping requirements of this chapter shall extend two (2) inches above the ground grade.

(4) Materials and colors used for walls shall be similar or complementary to the principal building on the lot.

(e) Location.

(1) No trees shall be planted directly over any storm or sanitary sewers.

(2) All required landscaping and screening materials shall be installed on the subject property requiring the landscaping and screening.

(3) Perimeter landscaping and/or landscaped areas used for screening shall have a minimum width of five (5) feet.

(Ord. 2879. Passed 10-23-23.)

1117.04 LANDSCAPING REQUIREMENTS FOR VEHICULAR USE AREAS.

(a) This section establishes the minimum standards by which vehicular use areas will be landscaped and screened from adjacent public streets or from adjacent properties. In addition, this section delineates standards for landscaping within the interior of parking areas.

(b) Whenever required landscaping is adjacent to vehicular use areas, such screening shall be protected by bollards, wheel blocks, or curbing to avoid damage by vehicles.

(c) Interior Landscaping.

(1) Any vehicular use area that contains twenty (20) or more parking spaces shall provide interior landscaping in addition to any other required perimeter landscaping. See Section 1117.04(d).

(2) Parking lots with more than six (6) spaces in any zoning district shall provide landscaping within each vehicular use area at a minimum ratio of five percent (5%) of the gross area of the vehicular use area (including all drive and parking aisles).

(3) A minimum of five percent (5%) of the gross area of the total vehicular use area (including all parking spaces, waiting spaces or lanes, loading spaces, and driveways) shall be landscaped in accordance with this section. See Figure 1117-A.

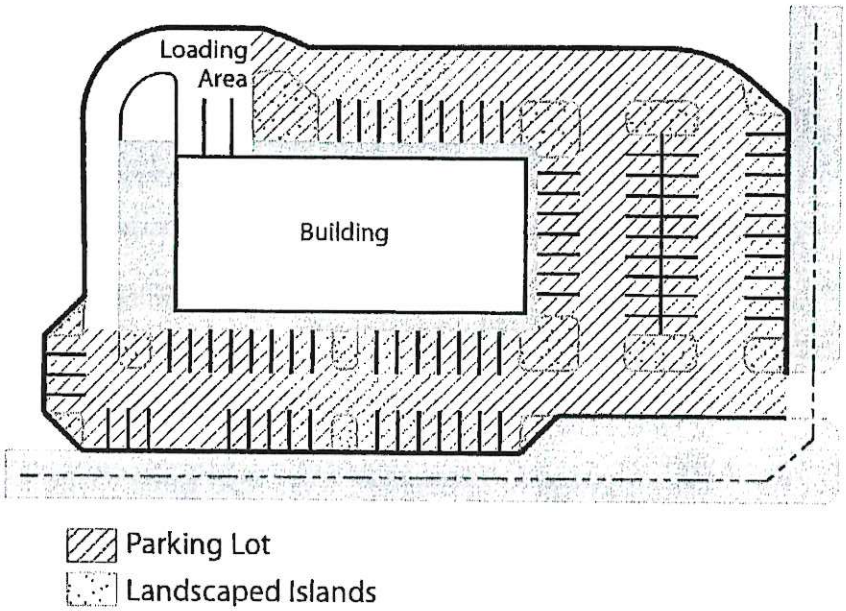

Figure 1117-A: Illustration of landscaped island calculations

(4) The use of depressed landscaping island, bioswales, and rain gardens are encouraged as a method of complying with these standards.

(5) No more than twenty (20) spaces shall be located in a continuous row without being interrupted by a landscaped island unless the island is used for stormwater infiltration.

(6) Landscaped islands or peninsulas shall have a minimum area of 100 square feet.

(7) Landscaped islands or peninsulas shall be vegetated with grass, shrubs, or similar plant material not to exceed three (3) feet in height. Each landscaped island shall be planted with a deciduous tree that shall have a clear trunk of at least five (5) feet above the ground.

(d) Perimeter Landscaping.

(1) When a vehicular use area is located within 100 feet of a side or rear lot line that is adjacent to a residential zoning district, a perimeter screening shall be installed that effectively conceals the vehicular use area from the adjoining land in a residential zoning district.

(2) The screening may use earth mounds, a planting strip, hedge, fence material, or any combination thereof to provide for a one hundred percent (100%) opaque screen of the vehicular use area within two (2) years of installation or planting.
(Ord. 2879. Passed 10-23-23.)

1117.05 LOT LANDSCAPING.

(a) For all lots that contain a single-family dwelling, any lot landscaping, grading, or seeding of the property must be completed prior to occupancy of the dwelling. The Village Administrator shall have the authority to provide for an extension of six (6) months to plant any landscaping after occupancy due to weather conditions being prohibitive for the planting of plant materials. Failure to install by such timeline shall be considered a violation of this code.

(b) For all other lots in the village, all 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. At a minimum, at least twenty-five percent (25%) of the lot shall be landscaped. (Ord. 2879. Passed 10-23-23.)

1117.06 SCREENING.

(a) Screening of Service Areas. In addition to the other forms of required landscaping, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from adjacent, less intensive uses and from views from public rights-of-way. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

(1) The following areas shall be screened in accordance with this section:

A. Large waste receptacles (e.g., dumpsters and cardboard recycling containers) and refuse collection areas;

B. Accessory outdoor storage and bulk sales;

C. Pipes, conduit, and cables associated with the building or use;

D. Outdoor service areas that are necessary to support common business operations (e.g., outdoor freezer or refrigeration units, storage units, etc.);

E. Ground-level or facade-mounted mechanical equipment; and

F. Rooftop equipment that is not otherwise hidden by the roofline, parapet wall, or other similar features.

(2) Screening shall not be required if any of the above items are not visible from adjacent rights-of-way or from adjacent lots in residential zoning districts.

(3) All sides of the item shall be screened with the exception that one side of the item may be screened with a gate or other similar feature to allow access while screening the item when access is not necessary.

(4) Screening Methods.

A. The following items are permitted for use as screening materials, and more than one method may be used on a lot or site.

i. Vegetative materials that provide a fully opaque screen to the minimum height necessary to fully screen the facility from off-site views (See Figure 1117-B.); or

ii. An opaque fence or wall consistent with the standards of Section 1113.05; or

iii. Integration into the building design (e.g., false walls or other architectural screening) that utilizes the same building materials and colors as the principal building.

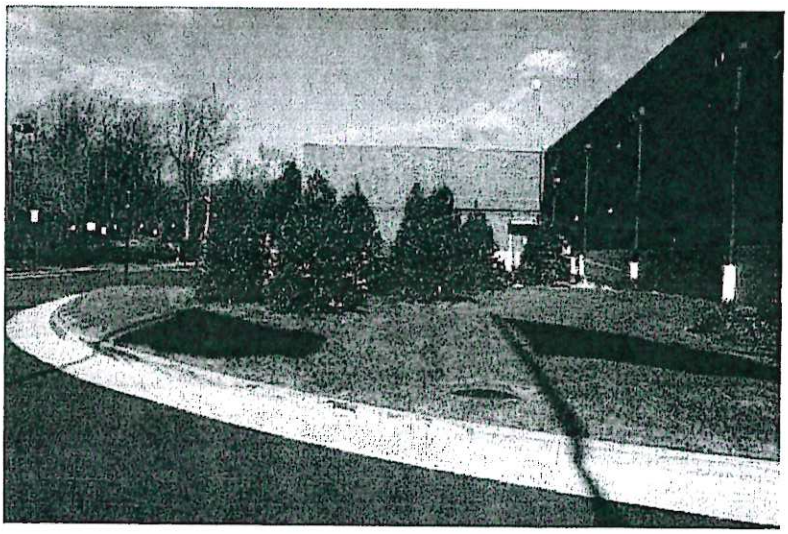

Figure 1117-B: The above image illustrates a vegetative screen that hides HVAC equipment and a dumpster.

B. The required screening shall have a height sufficient enough to screen the applicable item(s), provided it is in accordance with any other applicable sections of this code.

C. To the maximum extent feasible, pipes, conduit, and cables should be located along the rear facade of buildings if conditions do not allow for them to be enclosed within the building itself. Pipes, conduit, and cables shall be located as far away from public view as practical and shall be painted a similar color as the building facade to further reduce visibility.

D. In all cases, fences and walls are limited to the heights allowed by Section 1113.05 unless the wall used for screening is an extension of the principal building, in which case, the wall may be the same height as the principal building wall from which it is extended. See Figure 1117-C.

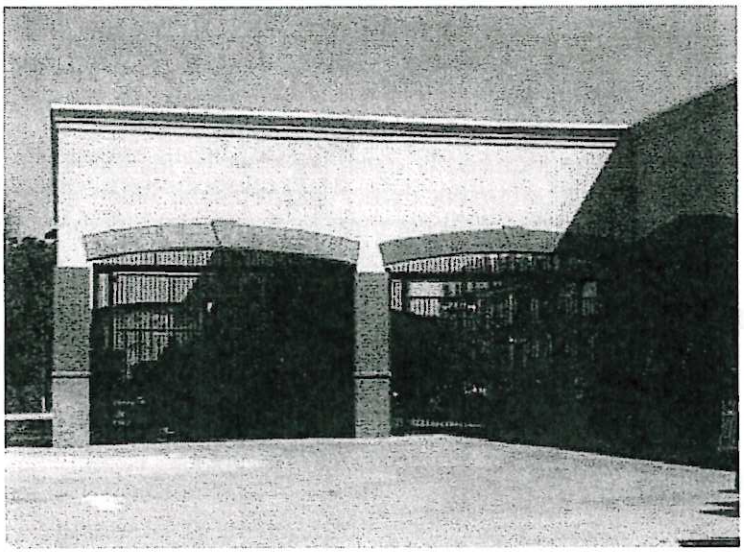

Figure 1117-C: The above image illustrates a wall and fence that is an extension of the principal building that is designed to screen outdoor storage areas.

(b) Street Frontage Screening. Within the front yard area required in the M-1, C-2, C-3, C-4, I-1, and P-I Districts, the following minimum plant material shall be provided to provide a decorative screening along any street frontage:

(1) One (1) tree with a caliper of at least two (2) inches for every fifty (50) lineal feet of street frontage or a fraction thereof, not including access driveways; or

(2) One (1) shrub, at least thirty (30) inches in height, for every ten (10) lineal feet of lot frontage or a fraction thereof, not including access driveways.

(3) The planted material required 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.

(c) Screening between Land Uses. Where a development on a lot in the M-1, C-2, C-3, C-4, I-1, and P-I Districts has a rear or side lot line that is adjacent to a residential zoning district, the following screening shall be required along such front or side lot line adjacent to the residential district:

(1) The screening material shall include one or a combination of the following:

A. Dense vegetative planting incorporating trees and/or shrubs of a variety that will 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 decorative masonry wall, solidly constructed decorated fence, or louvered fence; or

C. Landscaped mound or berm.

(2) The height of screening required in paragraphs 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 (6) 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. (Ord. 2879. Passed 10-23-23.)

1117.07 MAINTENANCE.

(a) The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance, free from refuse, debris, and weeds at all times.

(b) All unhealthy or dead plant material shall be replaced within one (1) year or by the next planting period, whichever comes first.

(c) No plant material required by this code shall be removed for any reason unless replaced with like kind and size at the time of removal. If replaced with a like kind and size of material, no approvals shall be required.

(d) Any changes to an approved landscaping plan shall require approval in the same manner as the landscaping plan was originally approved.

(e) Violation of these provisions shall be subject to the enforcement provisions of Chapter 1127: Enforcement and Penalties.
(Ord. 2879. Passed 10-23-23.)

CHAPTER 1119
Parking, Access, and Connectivity

1119.01 Purpose.
1119.02 Applicability.
1119.03 General requirements.
1119.04 Off-street parking standards.

1119.01 PURPOSE.

The purpose of this chapter is to protect the public health, safety, and general welfare and to:

(a) Regulate the appropriate amount of land for parking, loading, stacking, and maneuvering;

(b) Relieve the congestion so the streets can be utilized more fully for the movement of vehicular traffic;

(c) Promote the safety and convenience of pedestrians and shoppers by locating parking areas so as to lessen car movements in the vicinity of intensive pedestrian traffic;

(d) Encourage alternative modes of transportation by providing facilities for pedestrians and bicyclists;

(e) Protect the light, air, visual amenities, and property values of residential areas by limiting the parking and storage of recreational vehicles, boats, trailers, and trucks in residential areas;

(f) Reduce surface water run-off by considering the use of pervious surfaces, where applicable;

(g) Promote the general convenience, welfare, and prosperity of business, service, research, production, manufacturing, and distribution developments which depend upon off-street parking facilities; and

(h) Provide regulations and standards for the development of accessory off-street parking and loading facilities in accordance with the objectives of plans adopted by the Village. (Ord. 2879. Passed 10-23-23.)

1119.02 APPLICABILITY.

(a) Compliance with this section shall be reviewed as part of an application for a site plan review or zoning compliance, whichever is reviewed first, unless otherwise stated in this chapter.

(b) Unless otherwise stated, the requirements of this chapter shall apply to all new development where there is the construction of a new structure or establishment of a new use.

(c) Where a change in use based on Table 1107-3 occurs, an increase in square footage or seating, or an increase in the number of dwelling units occurs, the number of parking spaces, loading spaces, or vehicle waiting spaces shall comply with the requirements of this chapter and as identified in this subsection.

(d) Accessory and temporary uses shall be exempt from the requirements of this chapter unless specifically required in Chapter 1111: Accessory and Temporary Uses.

(e) All development in a PUD District shall be subject to the standards of this chapter unless otherwise modified through the PUD review and approval process.
(Ord. 2879. Passed 10-23-23.)

1119.03 GENERAL REQUIREMENTS.

The following requirements shall apply to all vehicular use areas, including off-street parking, stacking, and loading spaces.

(a) Location. Parking, loading and unloading, and waiting spaces shall be provided on the same lot as the principal use they are intended to serve unless otherwise regulated in this chapter.

(b) Modification to Existing Vehicular Use Areas. The modification of any existing off-street vehicular use area, including, but not limited to, reduction, enlargement, restriping, or remarking of any vehicular use area in a manner that differs from the existing site plan, shall require a review of the modification in accordance with the following:

(1) Minor modifications related to maintenance and upkeep, including, but not limited to, repaving of the existing paved area, restriping, remarking, or other similar maintenance work, are permitted without zoning compliance review.

(2) All other modifications shall be reviewed through the zoning compliance review process, including, but not limited to, the removal or expansion of existing paved areas.

(c) Setback Requirements. Table 1119-1 establishes the minimum setback for all vehicular use areas based on the project zoning and adjacent zoning districts. These setbacks shall not apply to driveways where they intersect with a street in the front yard.

TABLE 1119-1: VEHICULAR USE AREA SETBACKS

District	Front Yard Setback from All Rights-of-Way (Feet) [1]	Side and Rear Yard Setbacks from Adjacent R and M-1 Districts (Feet)	Side and Rear Yard Setbacks from Adjacent C-2, C-3, C-4, I-1, and P-I Districts (Feet)
R and M-1	15	5	5
C-2, C-3, C-4, and P-I	20	25	5
I-1	20	25	15

NOTE:
[1] The setback for front yards shall not include any driveway or driveway aprons used to access the lot.

(d) Driveways and Access Management.

(1) For one-family and two-family dwellings, a maximum of one driveway shall be permitted for any lot. Such driveway shall have a minimum width of eight feet and a maximum width of twenty-four (24) feet within the front yard. Driveways that extend past the front facade of the principal building may be expanded into the side yard with a width that exceeds twenty-four (24) feet.

(2) For all uses except one-family and two-family dwellings, each lot shall be permitted one, two-way access drive or driveways on each street frontage, or, upon review of the site plan, the Planning Commission may permit a pair of one-way drives on each street frontage. The width of the access drives or driveways shall be not less than ten (10) feet per exit lane and fifteen (15) feet per entrance lane. An access drive or driveway shall have a maximum total width of not more than thirty-nine (39) feet, measured at the front lot line across the drive or driveway.

(3) Access drives and driveways on corner lots shall be located as far from the street intersection as practicable. No access drive shall be located within fifty (50) feet of street intersections as measured from the intersection of the street right-of-way lines.

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

A. 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.

B. Access points should either line up with driveways across the road or be offset to permit convenient and safe turning movements in both directions.

C. Marginal access roads and shared drives with adjacent property owners should be encouraged. Deceleration and acceleration lands and right-turn-only lanes (in and out) should be considered to facilitate traffic flow and safety.

(e) Striping, Marking, and Maintenance.

(1) All parking spaces shall be striped and maintained in good condition.

(2) Each parking space and aisle shall be clearly designated and marked to ensure approved utilization of the space, the direction of traffic flow, and general safety.

(3) When a parking space is designated for handicapped accessibility or small car use, it shall be clearly marked as such.

(4) The owner of a property used for parking shall maintain such area in good condition without holes and free of all trash, abandoned or junk vehicles, and other rubbish.

(f) Surface, Grading, and Drainage.

(1) All required vehicular use areas, together with driveways and other circulation aisles, shall be surfaced either with asphalt or concrete. The base of the surface for these areas shall consist of a minimum of four (4) inches of compacted crushed stone. The surface shall be comprised of a minimum of four (4) inches of asphalt or concrete for areas serving residential uses and six (6) inches of asphalt or concrete for areas serving nonresidential uses.

(2) All required vehicular use areas, together with driveways and other circulation aisles, shall have adequate provision for drainage and for the disposal of stormwater so that water shall not flow onto an adjoining property or adjacent sidewalks in a quantity or manner that would be detrimental thereto, or inconvenient to persons using the sidewalk.

(3) Alternative surface preparations, including pervious pavement, low impact design (LID), and any additional design options that limit the discharge of stormwater offsite, may be considered. These design considerations must be approved by the applicable Village department. The applicant shall be required to submit a maintenance plan for the upkeep of any permitted porous or pervious concrete. Failure to adhere to the maintenance plan shall be considered a violation of this code.

(g) Wheel Stops and Curbing.

(1) Wheel stop devices consisting of parking blocks, permanent curbs, or other suitable barriers shall be installed to prevent any part of a parked motor vehicle from extending beyond the required parking space area, overhanging a pedestrian circulation way or sidewalk, or damaging any structure or landscaping.

(2) The minimum height of a wheel stop device shall be six (6) inches, and the minimum distance from a wheel stop device to a property line or protected area shall be two and one-half (2 ½) feet.

(3) Wheel stops shall be adequately anchored to the ground to prevent any movement.

(4) If curbing is used, it should be cut curbing or scissor curbing to allow for the passage of stormwater. See Figure 1119-A.

Figure 1119-A: Cuts in the continuous curb allow for stormwater to be directed into landscaped areas.

(h) Lighting. Any lighting of vehicle use areas shall be subject to Section 1113.03.

(i) Landscaping and Screening. Landscape and screening shall be pursuant to Chapter 1117: Landscaping and Screening.

(j) Prohibited Activities.

(1) The display, sales, or storage of any goods, wares, or merchandise shall not be permitted within any areas designated for required off-street parking, circulation, and loading unless approved as part of an accessory or temporary use, or if approved as part of a site plan.

(2) No part of any building, structure, or related improvements shall be temporarily or permanently located or stored in areas designated for off-street parking, circulation, and loading unless as part of an approved accessory or temporary use, or if approved as part of a site plan.

(k) Bicycle and e-Scooter Parking. When bicycle or e-Scooter parking accommodations are provided on a site, they shall be located in an area adjacent to the primary building and separate from vehicular circulation to prevent unnecessary conflicts and safety hazards between vehicles, people, bicycles, and e-Scooters. (Ord. 2897. Passed 10-23-23.)

1119.04 OFF-STREET PARKING STANDARDS.

(a) Number of Parking Spaces Required.

(1) Computation. In computing the number of parking spaces required by this code, the following shall apply:

A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be as defined by this code but is not intended to mean gross floor area.

B. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed, or where individual seats are not provided (bench, pew, etc.), one seat shall be provided for every twenty-four (24) lineal inches of seating facilities.

C. Fractional numbers shall be increased to the next highest whole number.

D. Parking spaces shall be provided according to the schedule of uses in this subsection. In residential use areas, garages or carports may be counted as a part of the required parking.

(2) Mixed Use Occupancy. In the case of mixed or multiple uses in one building or on one property, the total requirements for off-street parking shall be equal to the total number of spaces required for each use.

(b) Number of Parking Spaces Required. The number of off-street parking spaces required shall be based on the requirements of Section 1119.04(b)(1) below, or an alternative parking space plan may be provided in accordance with Section 1119.04(b)(2).

(1) Minimum Parking Spaces Table.

A. Table 1119-2 establishes the minimum number of parking spaces required for individual uses. For uses that are not specifically stated, the Village Administrator may identify a parking requirement that most closely reflects the land use and intensity of the proposed use or may require an alternative parking space plan as established in Section 1119.04(b)(2).

B. In order to prevent excessive lot coverage, the artificial increase in ambient air temperature, and an unnecessary increase in surface water run-off, no application shall propose more than twenty-five percent (25%) of the spaces required in Table 1119 2 unless good cause can be shown by the applicant and approved by the BZA through the variance process. Residential uses shall be exempt from this provision.

C. An alternative parking space plan is not permitted for uses marked with an asterisk (*) in Table 1119-2. An alternative parking space plan shall only be permitted when the applicant wants to propose less than the number required by Table 1119-2.

TABLE 1119-2: MINIMUM NUMBER OF OFF-STREET PARKING SPACES

Use	Parking Spaces Required
Agricultural Uses	
Commercial Greenhouse or Nursery	1.0 space per 500 square feet of floor area, including both permanent and temporary greenhouses
Residential Uses	
Single-Family Dwelling*	2.0 spaces per dwelling unit (both enclosed)
Multi-Family Dwellings*	1.5 spaces per dwelling unit
Residential Facilities	2.0 spaces per facility if located in a single-family dwelling or four spaces for all other residential facilities
Skilled Nursing or Personal Care Facilities	1.0 space per four beds at maximum capacity
Public and Institutional Uses	
Active Recreational Facilities	1.0 space per 5,000 square feet of usable outdoor area or one space per five seats if stadium/arena seating provided
Cemeteries	1.0 space per four seats in a chapel or place of assembly at maximum building capacity
Churches and Places of Worship	1.0 space per four fixed seats in the main assembly room or one space per four persons at maximum capacity, whichever is greater
Educational Institutions (Higher Education)	1.0 space for every four seats in the largest auditorium, stadium, or assembly room, whichever is greater, plus one space per five seats for every classroom
Educational Institutions (Preschool and K-12)	1.0 space for every four seats in the largest auditorium, stadium, or assembly room, whichever is greater, plus six spaces per classroom

TABLE 1119-2: MINIMUM NUMBER OF OFF-STREET PARKING SPACES (CONT.)	
Use	**Parking Spaces Required**
Government Offices and Buildings	1.0 space per 500 square feet of floor area
Hospitals	1.0 space for every two patient beds plus one space for every 300 square feet of outpatient clinics, laboratories, pharmacies, and other similar uses
All Other Public and Institutional Uses	1.0 space per 500 square feet of floor area or one space per five permanent seats at maximum capacity, whichever is greater
Commercial and Offices Uses	
Administrative, Business, or Professional Offices	1.0 space per 400 square feet of floor area
Animal Boarding Facilities	1.0 space per 400 square feet of floor area
Assembly Halls and Conference Centers	1.0 space for every four persons at maximum building capacity
Automotive Repair and Service	1.0 space per service bay plus one space per 400 square feet of retail space
Commercial Recreational Facilities (Indoors)	1.0 space per 400 square feet of floor area; or 1.0 space per five seats if stadium/arena seating provided
Commercial Recreational Facilities (Outdoors)	1.0 space per 5,000 square feet of usable outdoor area or 1.0 space per five seats if stadium/arena seating provided
Financial Institutions	1.0 space per 300 square feet of floor area
Funeral Homes or Mortuaries	6.0 spaces for each parlor plus one space for each fleet vehicle or 1.0 space for every 50 square feet of floor area in assembly rooms used for services, whichever is greater
Hotels and Motels	1.0 space per guest room
Medical/Dental Clinics and Health Urgent Care Centers	1.0 space per 300 square feet of floor area
Restaurant, Microbrewery, Microdistillery, or Microwinery	1.0 space per 150 square feet of floor area
Theaters	1.0 space for every four persons at maximum building capacity

TABLE 1119-2: MINIMUM NUMBER OF OFF-STREET PARKING SPACES (CONT.)		
Use		**Parking Spaces Required**
All Other Commercial and Office Uses	Building footprint of less than 5,000 square feet of floor area	1.0 space per 300 square feet of floor area
	Building footprint of 5,001 to 50,000 square feet of floor area	1.0 space per 350 square feet of floor area
	Building footprint of 50,001 square feet or more of floor area	1.0 space per 400 square feet of floor area
Industrial Uses: The total number of required spaces for uses in the industrial use classification shall be cumulative based on the variety of different functions present in a single use as established below		
Offices or Administrative Areas		1.0 space per 400 square feet of floor area
Indoor Sales Area and Displays of Goods Manufactured on Site		1.0 space per 400 square feet of indoor floor area
Indoor Areas Used for Storage, Warehousing, Assembly, Vehicular Service, or General Manufacturing Activities	1-3,000 square feet of floor area	1.0 space per 300 square feet of floor area
	3,001-5,000 square feet of floor area	1.0 space per 500 square feet of floor area
	5,001-10,000 square feet of floor area	1.0 space per 1,000 square feet of floor area
	10,001 or more square feet of floor area	1.0 space per 1,500 square feet of floor area
Outdoor Storage Area (3,000 square feet or less)		1.0 space per 1,500 square feet of the gross outdoor area
Outdoor Storage Area (more than 3,000 square feet)		1.0 space per 2,500 square feet of the gross outdoor area

(2) Alternative Parking Space Requirements.

A. An applicant may choose to provide an alternative parking space plan based on the proposed uses. The applicant shall be required to demonstrate that the proposed number of off-street parking spaces provided in the alternative plan is sufficient to serve the proposed use or activity through the submission and review of a parking plan. As part of the alternative parking space plan, the applicant shall provide a written analysis of parking requirements based on the following information:

i. Availability of on-street parking near the use and the distances to those spaces;
ii. Building square footage for each specific use to be served by off-street parking;
iii. The intensity of the proposed use;
iv. Hours of operation;
v. Estimated number of patrons/customers at peak hours of operation;
vi. Maximum numbers of employees present on one shift;
vii. Availability of joint parking areas;
viii. Building occupancy loads;
ix. Proposed number of spaces and their locations on the lot; and
x. Any additional information as requested by the Village Administrator.

B. The Planning Commission shall review and make a decision on any application for alternative parking space plans allowed in this section as part of the site plan review process. The Planning Commission shall have the authority to approve or deny the application. The Planning Commission may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI), the Institute of Traffic Engineers (ITE), or similar resources in making their determination. If the Planning Commission denies the alternative parking space plan, the applicant shall be required to meet the minimum number of spaces required by Table 1119-2 above or seek approval of a variance.

(c) Dimensional Requirements for Parking Spaces and Drive Aisles.

(1) Areas for off-street parking facilities shall be designed in accordance with the minimum dimensional requirements established in Table 1119-3 and illustrated in Figure 1119-B.

(2) If parking along a drive aisle shall have parking at two (2) or more different angles, the width of the aisle required shall be the largest width required in Table 1119-3.

(3) An allowance of a two (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.

TABLE 1119-3: PARKING SPACE DIMENSIONS				
Angle	Parking Space Width (Feet)	Parking Space Length (Feet)	Drive Aisle Width (Feet)	
			One-Way	Two-Way
	A	B	C	D
Parallel (0°)	9 feet	22 feet	12 feet	20 feet
30°	9 feet	20 feet	12 feet	24 feet
45°	9 feet	20 feet	12 feet	24 feet
60°	9 feet	19 feet	18 feet	24 feet
Perpendicular (90°)	9 feet	19 feet	20 feet	24 feet

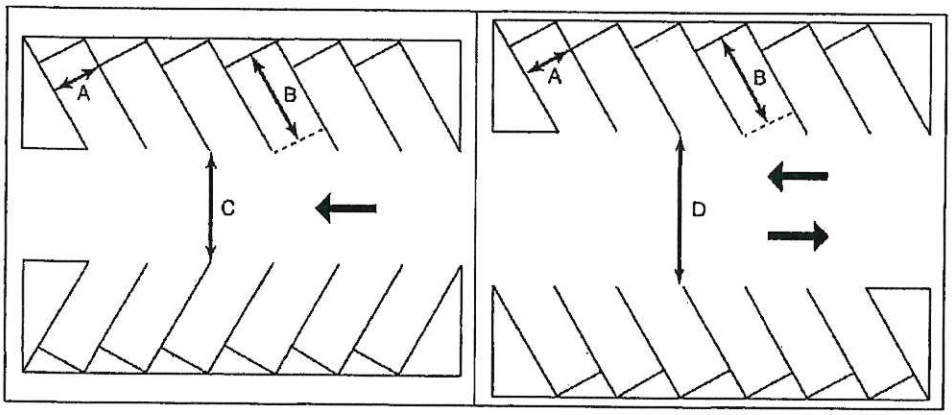

Figure 1119-B: Parking area dimensions

(4) Compact Spaces.

A. All compact car spaces must be a minimum of eight (8) feet wide by sixteen (16) feet long.

B. The design and placement of all compact spaces are subject to the review of the Village Administrator.

C. The location of all compact spaces shall be readily identified and grouped in one or a series of locations.

D. For nonresidential uses, up to fifteen percent (15%) of the total parking spaces may be compact spaces.

(d) Parking for Handicapped Persons.

(1) Parking spaces for handicapped and elderly persons shall meet the requirements of the Accessible Parking Guide published by the Secretary of State of Ohio, which outlines requirements of the most recent ADA Standards for Accessible Design.

(2) Each handicap space may be included in the computation of spaces required by this chapter.

(e) Electric Charging Stations. Electric charging stations are permitted to be located in any approved off-street parking space, in any zoning district.

(f) Alternative Parking Solutions.

(1) Shared Parking. A portion of the required parking spaces may be located on an adjacent or nearby property if the parking area complies with the following standards.

A. Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.

B. Required parking spaces reserved for persons with disabilities shall not be located on adjacent properties.

C. Shared parking shall not be permitted on a vacant lot in a residential zoning district unless permitted by the Planning Commission as part of a conditional use review.

D. Shared parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.

E. In the event that a shared parking area is located on multiple parcels, a written parking agreement shall be required and must be approved by the Village.

F. No shared parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may not include crossing a right-of-way.

G. The applicant shall have the burden of proof for the reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if it complies with the following standards:

i. A sufficient number of spaces shall be provided to meet the highest demand of the participating uses.

ii. Evidence shall be submitted by the parties operating the shared parking area, to the satisfaction of the Village Administrator, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between the users of the parking spaces.

iii. Shared parking shall not account for more than fifty percent (50%) of the required parking spaces as established in Section 1119.04(a).

iv. Any change in use of the activities served by a shared or off-site parking area will be deemed an amendment to the shared or off-site parking area plan and will require Planning Commission review and approval.

v. All shared parking plans and agreements shall be provided to the Village Administrator prior to any application for zoning compliance review. Such plans and agreements continue to apply to the land, regardless of future ownership.

(2) Deferred Construction Parking. Up to fifty percent (50%) of the required parking spaces may remain landscaped and unpaved or paved with pervious pavement, provided that the parking and unpaved areas comply with the following standards and are authorized in accordance with this section. See Figure 1119-C below.

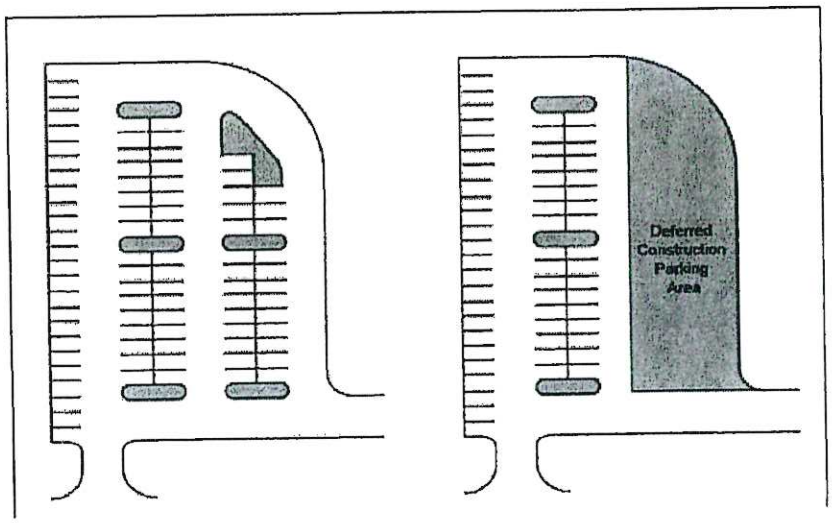

Figure 1119-C: The parking lot shown on the left is a traditional parking lot with interior parking islands, while the parking lot on the right illustrates where an area is unimproved but is designated for future parking spaces if the demand arises.

A. The parking plan submitted with the site plan application shall denote the location and layout of that portion of the parking area that currently is deemed not required. The plan shall indicate that the "deferred" parking spaces will be constructed according to these regulations if the Village Administrator determines at any time that all or any portion of this parking is necessary.

B. The applicant shall be required to design the site for full compliance with the applicable stormwater regulations, lighting regulations, and landscaping regulations, even though a portion of the parking area may not be developed initially.

C. Any conditions required by the Village, and the design for the site as established above, shall be illustrated on a final site plan, approved as part of zoning compliance review, and maintained as part of the Village's official records.

D. At no time shall any portion of the deferred parking area that is designated for future development be used for the construction of any structure or paved surface, with the exception that pervious pavement may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.

E. At no time shall any portion of the deferred parking or loading area that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this code.

F. The owner shall initiate construction of the approved deferred parking area(s), as identified on the approved parking plan, within three months of the receipt of a certified letter or a letter through normal postal service (if the certified letter is not accepted) sent to the owner of record from the Village Administrator, identifying that such parking is determined to be necessary. Such determination may be made when the Village Administrator:

i. Is reviewing an application related to a change of use or activity; or

ii. Documents that vehicles related to the use are consistently parked on the grass, landscaping area, or on the street.

G. Shared parking alternatives shall not be permitted where deferred parking is utilized.

(Ord. 2879. Passed 10-23-23.)

1119.05 PARKING AND STORAGE OF VEHICLES IN RESIDENTIAL DISTRICTS.

(a) A maximum of two (2) recreational vehicles are permitted on a single lot.

(b) Recreational vehicles may be parked and stored in all yards from April 1 to October 31 of each year. Outside of this time, recreational vehicles shall only be permitted to be parked or stored in side or rear yards.

(c) Recreational vehicles shall not be parked or stored in any manner as to encroach into a right-of-way, including sidewalks, or across lot lines.

(d) All recreational vehicles shall be properly registered and shall have displayed a current vehicle license

(e) No temporary or permanent human occupancy shall occur within the vehicle except for loading, unloading, effecting minor repairs or maintenance, or in the process of actual transportation. Temporary occupancy may only occur within a recreational vehicle and may not occur while the vehicle is being stored on a residential lot.

(f) All parked or stored recreational vehicles shall be parked or stored on a solid surface of asphalt or concrete. The base of the surface for these areas shall consist of a minimum of four (4) inches of compacted crushed stone. The surface shall be comprised of a minimum of four (4) inches of asphalt or concrete for these areas.

(g) Alternative surfaces may be used if approved by Planning Commission through a conditional use permit approval. (Ord. 2879. Passed 10-23-23.)

1119.06 OFF-STREET LOADING AND UNLOADING.

A permanently paved and maintained area for the standing, loading, and unloading of delivery vehicles shall be provided for principal uses in the nonresidential districts. These off-street loading facilities shall be in accordance with the following specifications:

(a) Number of Spaces. This code does not require a minimum number of off-street loading spaces. However, uses which receive frequent deliveries are required to provide adequate space built to the standards as identified in this subsection.

(b) Size. Loading spaces shall conform to the following minimum dimensions. Unless otherwise noted, all dimensions are exclusive of any driveway, aisle, or other circulation areas:

(1) Clearance height: fourteen (14) feet

(2) Minimum width: twelve (12) feet

(3) Minimum length: fifty-five (55) feet

(c) Location and Access.

(1) All loading spaces and maneuvering areas shall be located on the same lot as the use they are intended to serve.

(2) A required loading space shall not be located in a front yard unless modified by the Planning Commission.

(3) No loading ramp, dock, door, or space, or any portion thereof, shall be located closer than fifty (50) feet from any lot zoned for any residential use unless located completely within an enclosed building.

(4) An off-street loading space shall not be used for repairing or servicing motor vehicles.

(5) All required off-street loading spaces shall have access to a public street or alley in such a manner that any vehicle entering or exiting the premises shall be traveling in a forward motion onto such street or alley.

(6) Off-street loading spaces shall be so arranged that they may be used without blocking and shall not obstruct or occupy any parking space, circulation or drive aisles, sidewalks, or vehicle waiting spaces for drive-through lanes.

(7) Each required off-street loading space shall be designed for direct vehicular access by means of a driveway, or driveways, to a public street in a manner that shall least interfere with adjacent traffic movements and interior circulation. The access drive of an off-street loading facility shall be located so that the driveway center line shall not be less than fifty (50) feet from the nearest intersecting street right-of-way line.

(d) Improvements. All off-street loading spaces shall be improved as required for all vehicular use areas as set forth in Section 1119.03.

(Ord. 2879. Passed 10-23-23.)

1119.07 OFF-STREET WAITING SPACES.

(a) Drive-through facilities and other 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 this chapter.

(b) The number of required waiting spaces shall be as provided in Table 1119-4. See Figure 1119-D for an illustration of waiting spaces:

TABLE 1119-4: WAITING SPACE REQUIREMENTS		
Activity	**Minimum Waiting spaces (per lane)**	**Measured From:**
Financial Institution or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	6	First Drive-Through Window or Stall
Automatic Vehicle Washing Establishment	5	Outside of Washing Bay
Self-Service Vehicle Washing Establishment	2	Outside of Washing Bay
Fuel Stations	2 per accessible side of the pump island	Fuel Pump
Other	As determined by the Village Administrator	

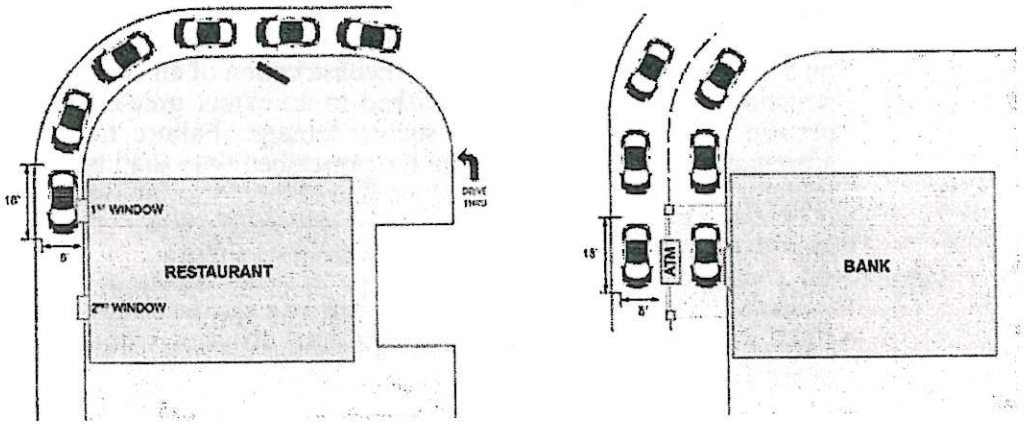

Figure 1119-D: Illustrative example of waiting space requirements for a bank and a restaurant.

(c) Waiting lanes and spaces shall be provided for any use having a drive-through facility and shall comply with the following standards:

(1) Drive-through waiting lanes shall have a minimum width of eight (8) feet and a minimum length of eighteen (18) feet for each space required.

(2) When waiting lanes are separated from other waiting lanes, bypass lanes, or other site areas, the separation shall be by means of a raised concrete median, concrete curb, landscaping, or painted striping.

(3) The number of waiting spaces required by Table 1119-4 shall be required for each separate waiting lane. If two (2) or more waiting lanes converge into one lane (e.g., two (2)-lane separate lanes to order at a restaurant converge to one lane after the drive-through sign), the waiting spaces shall be measured in accordance with Table 1119-4 with the spaces located after the convergence point counting toward both waiting lanes.

(4) Vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.

(d) The Planning Commission may reduce the number of required waiting spaces when the applicant provides credible documentation, such as studies from similar sites, that fewer than the required number of waiting spaces does not impede vehicular traffic flow on the site and ingress/egress to the site. (Ord. 2879. Passed 10-23-23.)

1119.08 PUBLIC SIDEWALKS AND SIDEWALK CONNECTIONS.

(a) Public Sidewalks.

(1) New public sidewalks, constructed to meet the sidewalk construction standards in the Codified Ordinances, shall be required along the street frontage of any lot being developed for any residential use prior to the receipt of a final occupancy permit. The Village Administrator may grant one extension of up to three months for the installation of sidewalks for weather or seasonal conditions. For purposes of this section, "frontage" shall mean all of the property abutting on one side of a street or streets, and "new construction" shall mean the erection of any new residential structure on a vacant lot or the expansion or reconstruction of an existing residential structure which has been demolished to an extent greater than fifty-one percent (51%) of its original square footage. Failure to complete the aforementioned sidewalks within the prescribed time shall be considered a minor misdemeanor punishable by a fine of up to one hundred fifty dollars ($150.00). Each day an owner or other responsible party is in violation of this section shall be considered a new separate offense.

(2) New public sidewalks, constructed to meet the sidewalk constructions standards in the Codified Ordinances, shall be required along both sides of a street in all major subdivisions, in all zoning districts, with the exception of the I-1 District.

(b) Sidewalk Connectos to A Right-of-Way.

(1) Where a sidewalk exists in a public right-of-way adjacent to the site, is required to be constructed as part of a site plan approval, or where a public transit stop is located along any of the applicable site's frontage, a paved pedestrian connection shall be constructed from the sidewalk to the entrance of the building.

(2) The pedestrian connection shall have a minimum width of five (5) feet.

(3) All pedestrian walkways located within a site (internal pedestrian circulation) shall be visually or physically separated from the drive lanes and driveways. Additionally, all sidewalks and crosswalks shall be constructed of an impervious surface and shall be visually distinct from the driving surface by use of pavers, color, bricks, scored concrete, or other material approved by the Village Administrator or Planning Commission, as applicable. See Figure 1119-E.

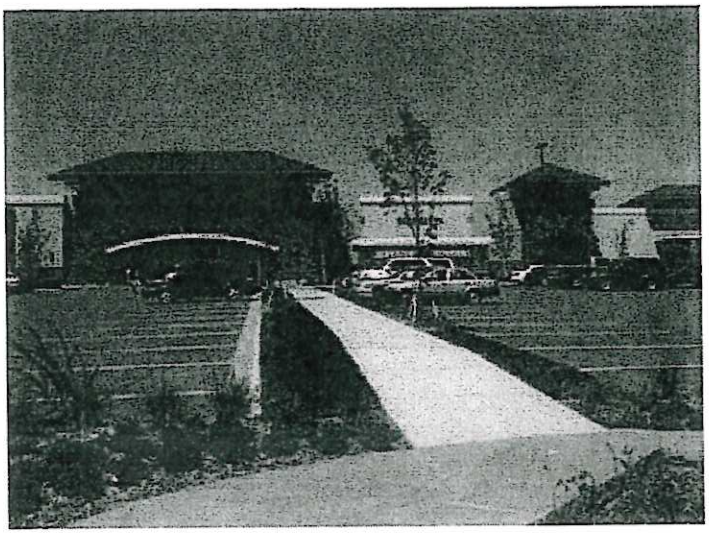

Figure 1119-E: This photograph illustrates how a sidewalk connecting the public sidewalk to the business can be integrated into the required landscaping.

(Ord. 2879. Passed 10-23-23.)

CHAPTER 1121
Sign Regulations

1121.01 Purpose and intent.
1121.02 Applicability.
1121.03 Prohibited sign types.
1121.04 Calculation and measurements.
1121.05 General regulations.
1121.06 Signs permitted in PUD Districts.
1121.07 Permanent on-premise signs in residential districts.
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1121.09 Off-premise electronic message centers.
1121.10 Signs in the I-90 Corridor.
1121.11 Temporary signs.
1121.12 Maintenance.
1121.13 Nonconforming signs.

1121.01 PURPOSE AND INTENT.

It is the purpose and intent of this chapter to establish reasonable regulations which preserve the health, safety, and general welfare of the public while protecting each person's constitutional right to freedom of speech, as indicated by the following objectives:

(a) To provide reasonable and appropriate methods for locating goods, services, and facilities in all zoning districts by relating the size, type, and design of signs to the size, type, and design of the uses and districts;

(b) To control the design of signs so that their appearance shall be aesthetically harmonious with an overall urban design for the area;

(c) To promote and maintain attractive, high-value residential, commercial, and industrial districts;

(d) To limit the visual dominance of signs without unconstitutionally restricting the information conveyed;

(e) To prohibit signs which pose an unreasonable risk to public safety;

(f) To promote traffic safety by preventing obstructions within public rights-of-way, minimizing visual distractions to motorists, ensuring that sign size and height are appropriate to their location, and preventing conflicts with public safety signs and police and fire protection;

(g) To promote well-designed and placed signs that are consistent with the intent, purposes, standards, and criteria of these sign regulations. More specifically, encouraging signs that are designed with the following principles:

(1) Lettering should be large enough to be easily read but not overly large or out of scale with the building or site;

(2) The number of items, letters, symbols, and shapes should be consistent with the amount of information that can be comprehended by the viewer; reflect simplicity; avoid visual clutter; and improve legibility;

(3) The shape of a sign should be simple and not create visual clutter, and the sign should be consolidated into a minimum number of elements;

(4) A ratio between the message and the background should permit easy recognition of the message;

(5) The sign should complement the building and adjacent buildings by being designed and placed to enhance the architecture;

(6) Signs should have an appropriate contrast and be designed with a limited number of colors and harmonious use of such colors;

(7) Signs, if seen in series, should have a continuity of design with the style of sign generally consistent throughout the building or block;

(8) Visible frames or supports for projecting signs should be artistic in nature; and

(9) A sign should be constructed with a minimum of different types of material so as to provide a consistent overall appearance.

(h) To promote the public right to receive religious, political, economic, social, philosophical, and other First Amendment-protected messages.

The Village does not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Chapter I, §11 of the Ohio Constitution. All regulations in this chapter are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of persons to speak freely.
(Ord. 2879. Passed 10-23-23.)

1121.02 APPLICABILITY.

(a) It shall hereafter be unlawful for any person to erect, place, relocate, expand, modify, maintain, or otherwise alter a sign in the Village except in accordance with the provisions of this chapter.

(b) The construction, erection, safety, and maintenance of all signs shall be in accordance with the Ohio Building Code.

(c) Unless otherwise provided, this chapter shall apply to any sign over which the Village has authority to regulate. Additionally, this chapter shall apply to any sign, in any zoning district, that is visible from the public right-of-way or from property other than the property on which the sign is located.

(d) Any sign already established on the effective date of this chapter or future amendment thereto, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section 1121.13.

(e) All signs shall require zoning compliance review unless otherwise exempted below or as specifically stated in other sections of this chapter.

(f) The Mayor shall sign off on all building permits related to any permanent sign that requires a permit pursuant to this chapter.

(g) Zoning Compliance Review Exemptions. The following signs are subject to the requirements of this chapter and are allowed in all districts but do not require any special zoning review but may still be subject to applicable building permits. Additionally, any sign area for these signs do not count toward the sign area allowances specified in this chapter for all other permitted signs.

(1) Signs and/or notices issued by any court, officer, or other person in the performance of a public duty. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;

(2) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, automated teller machines, or similar devices that are not of a size or design as to be visible from a street or by any person other than those using the machine or device;

(3) Any sign that is located completely inside a building that is not visible from the exterior;

(4) Signs that are located within a stadium, open-air theater, park, arena, or other outdoor use that are not intended to be visible from a public right-of-way or adjacent property and can be viewed only by persons within such stadium, open-air theater, park, arena or other outdoor use;

(5) Sign face changes where the sign structure is designed with interchangeable panels and one of the panels is replaced, provided the sign face change does not alter the total sign structure;

(6) Changes of copy on signs with changeable copy, whether manual or digital;

(7) Certain temporary signs, as established in Section 1121.11;

(8) No more than four flags located on flagpoles or on wall-mounted posts provided that the following shall apply:

A. In the R District, the maximum height of a flag pole shall be 35 feet, with a maximum flag size of forty (40) square feet.

B. For all other zoning districts, the maximum height of flag poles shall not exceed the maximum building height for structures in the subject zoning district. The maximum size of an individual flag attached to a flag pole shall be related to the height of the pole, as established in Table 1121-1 below:

TABLE 1121-1: MAXIMUM FLAG SIZE ON FLAG POLES

Flag Pole Height (Feet)	Maximum Sign Area per Flag
Less than 6.0	15 Square Feet
6.1 to 20.0	24 Square Feet
20.1 to 25.0	40 Square Feet
25.1 to 35.0	60 Square Feet
35.1 to 45.0	96 Square Feet

C. The maximum projection for a wall-mounted flag post is six (6) feet, with a maximum sign area of fifteen (15) square feet per flag.
D. There shall be a maximum of one flag pole permitted on each lot.
E. Flag poles may be subject to building permit regulations.

(9) A single wall sign mounted flush on the facade of an individual dwelling unit that is not illuminated and does not exceed two (2) square feet in area;
(10) Signs that are an integral part of the historic character of a structure that has been designated an official landmark or historic structure by any agency or body of the governments of the United States, State of Ohio, or Lorain County;
(11) Any signs located on umbrellas, seating, or similar patio furniture, provided they are located outside of the right-of-way and comply with any other applicable standards of this chapter;
(12) Any sign on a truck, bus, or other vehicles that are used in the normal course of a business (e.g., deliveries or fleet vehicles for contractors) for transportation (See also Section 1121.03.) or signage required by the State or Federal government;
(13) Signs installed or required by a governmental agency, including Sheffield Village, Lorain County, the State of Ohio, and the United States, including local and regional transit agencies;
(14) Any warning signs or traffic safety signs required by public utility providers;
(15) Hand-held signs not set on or affixed to the ground;
(16) Any address numbers required by Sheffield Village or the U.S. Post Office;
(17) Any signs, including illuminated signs or related decorations erected in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material; and
(18) General maintenance, painting, repainting, cleaning, and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.

(Ord. 2897. Passed 10-23-23.)

1121.03 PROHIBITED SIGN TYPES.

The following types of signs are specifically prohibited within the Village:

(a) Unless otherwise specifically allowed, signs that are applied to trees, utility poles, benches, trash receptacles, fences or walls, newspaper vending machines or boxes, or any other unapproved supporting structure or otherwise placed in the public right-of-way;
(b) Any sign or sign structure which, in the opinion of the Village Administrator, after consultation with the Chief Building Official, is structurally unsafe or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
(c) No sign shall be installed, erected, or attached in any shape, manner, or form to block a fire escape or to any door or window that is required ingress and egress for fire safety;
(d) Pennants, streamers, and other similar type devices;

(e) Signs that employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention except for electronic message centers permitted in accordance with this chapter;
(f) Balloon signs and air-activated graphics;
(g) Laser lights, beacons, and searchlights, except for emergency purposes;
(h) Motor vehicles, tractor trailers, or similar vehicles with signs painted on, attached to, supported by, or otherwise affixed to the vehicle shall not be parked or stored for a time period exceeding forty-eight (48) hours;
(i) Any signs that utilize illumination by means of bare bulbs, flames, or both;
(j) Any signs which imitate or resemble official traffic or governmental signs that are designed or used in a manner as to interfere with, mislead, or confuse drivers along streets;
(k) Blade or feather signs;
(l) Roof signs;
(m) Any signs that contain obscenity;
(n) Any sign that violates the intersection visibility requirements of Section 1113.02;
(o) Any sign located in a public right-of-way except as specifically provided for in the chapter; and
(p) Any other sign type that is not specifically allowed by this chapter.
(Ord. 2879. Passed 10-23-23.)

1121.04 CALCULATION AND MEASUREMENTS.

(a) Sign Setback. All required setbacks for signs shall be measured as the distance in feet from the applicable lot line or other stated point of measurement to the closest point on the sign structure.

(b) Sign Height.
(1) The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. The normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of the sign.
(2) The filling of a hole or depression to create an average grade at the same level as that surrounding the hole or depression is permitted, provided such filling is allowed by other ordinances.
(3) In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street. See Figure 1121-A.

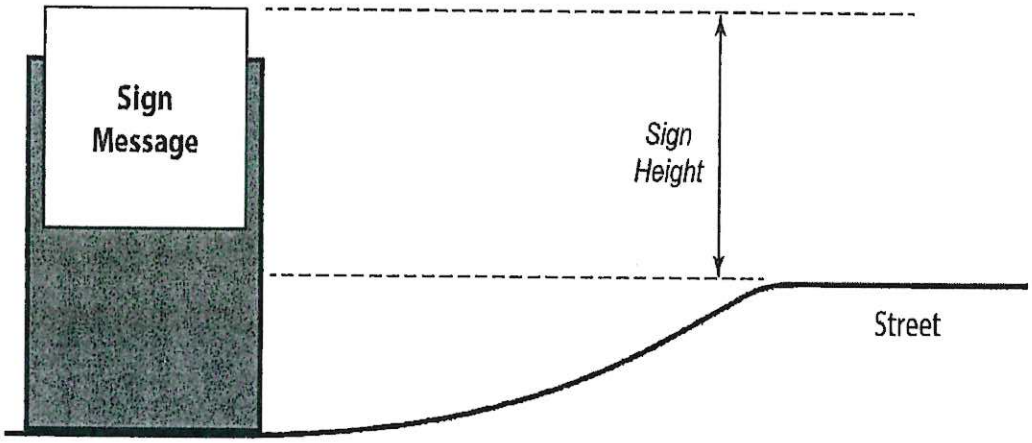

Figure 1121-A: Illustration of the measurement of sign height when the grade at the bottom of the sign is below the grade of the adjacent street.

(c) Sign Area. The surface of a sign to be included when computing the maximum allowable square footage of sign area shall be calculated as established in this section.

(1) The calculation of sign area shall not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other commercial message, as determined by the Village Administrator. See Figure 1121-B.

(2) For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the total area of the sign face that encompasses the extreme limits of the background panel, cabinet, or surface. See Figure 1121-B and Figure 1121-C.

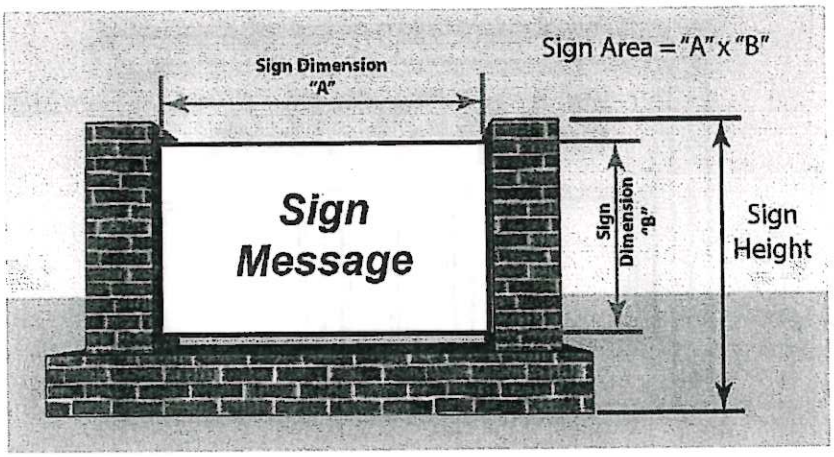

Figure 1121-B: Illustration of sign area calculation for a freestanding sign with a copy on a distinct, rectangular cabinet. The brick structural support is not included in the sign area calculation.

Figure 1121-C: Illustration of computing the sign area for wall signs with a background panel or cabinet.

(3) For sign copy where individual letters or elements are mounted on a building facade or window where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the single smallest regular geometric shape (i.e., circle, ellipse, triangle, square, rectangle, trapezoid, pentagon or hexagon), or combination of regular geometric shapes, that encloses all the letters, elements, and open space associated with the sign. See Figure 1121-D.

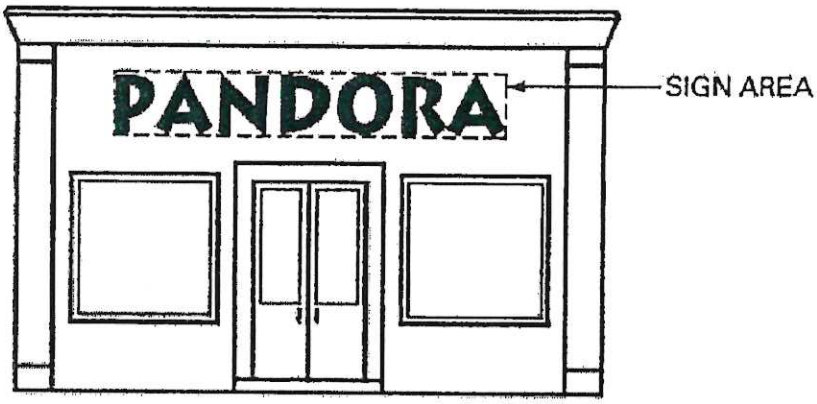

Figure 1121-D: Illustration of sign area calculation for wall signs with individual letters.

(4) In cases where there are multiple signs or elements of sign copy on the same surface, any areas of sign copy that are within two (2) feet of one another shall be calculated as a single sign area that shall be computed by means of the above measurements in Paragraphs (2) and (3). See Figure 1121-E.

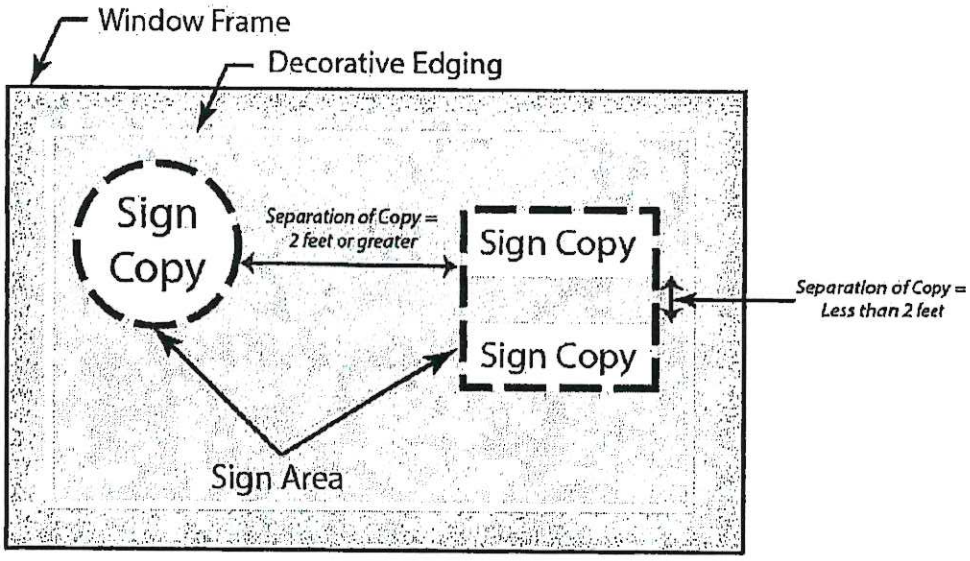

Figure 1121-E: Illustration of sign area calculations for multiple sign areas on a window sign.

(5) When two (2) identically sized, flat sign faces are placed back-to-back with no more than twelve (12) inches in separation so that both faces cannot be viewed from any one point at the same time, the sign area shall be computed by the measurement of one of the sign faces. The twelve (12)-inch separation distance shall not apply in cases where the two (2) faces are part of a single sign cabinet or structure that is fully enclosed. If the two (2) faces are unequal, the sign area shall be calculated based on the larger of the two (2) faces.

(6) Freestanding and projecting signs shall only be permitted to have two (2) sign faces mounted back-to-back.

(7) Facade Measurements.

A. When calculating the permitted sign area based on the width of any facade, such calculation shall be based on viewing the facade from a ninety (90)-degree angle (i.e., straight on) from the adjacent street, regardless of facade insets, offsets, or angles. See Figure 1121-F.

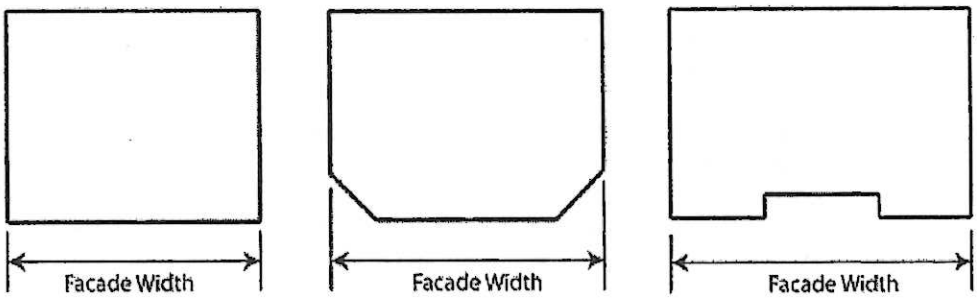

Figure 1121-F: Illustration of facade width measurement on varied facade shapes.

B. For multi-tenant buildings, the portion of a building that is owned or leased by a single occupant or tenant shall be considered a building unit. See Figure 1121-G.

Figure 1121-G: The above image shows independent buildings (1 and 4) as well as a multi-tenant building in between. The multi-tenant building has two building units, as identified as 2 and 3 in the image.

(8) The primary facade shall be the portion of a frontage that serves as the main access point to a building or building unit. A site or building will be considered to have secondary facades when any of the following site/building characteristics are present (See Figure 1121.04 H.):

A. The subject site is a corner lot;

B. The primary parking area is not located adjacent to a public street; or

C. The building or unit has walls with public or customer entrance points that do not face the public street.

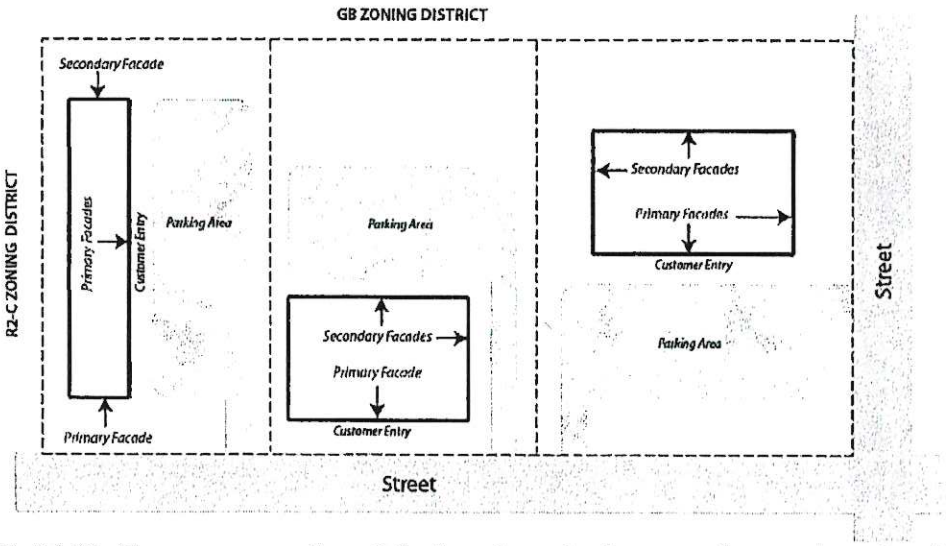

Figure 1121.04-H: Common examples of the location of primary and secondary facades.

(9) When a site has a primary and secondary facade as defined herein, the Village Administrator shall determine which wall shall be the primary building facade and which wall(s) shall be the secondary building facade. Only one outside wall of any business shall be considered its primary facade. (Ord. 2879. Passed 10-23-23.)

1121.05 GENERAL REGULATIONS.

Unless otherwise specifically stated, the following regulations shall apply to all signs within the Village:

(a) No sign or sign structure shall be placed on private or public property without the consent of the owner or agent thereof.

(b) All signs shall be subject to the intersection visibility standards established in Section 1113.02.

(c) Permitted permanent signs should be designed so as to be similar in character with regard to materials, color, and size to signs designed or located on the same building and on adjoining buildings in order to equalize the attention they are meant to attract and to produce an overall unified effect and in accordance with the standards set forth in this section.

(d) The back side of all permanent signs that do not contain a second sign face and structural supports shall be completely enclosed.

(e) Construction Standards.

(1) All signs shall be professionally manufactured or of equivalent quality. Permanent signs shall be fabricated with rigid materials that are of good quality and good durability.

(2) Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.

(3) The construction, erection, safety, and maintenance shall comply with all applicable building and electrical codes. In the event there is a conflict between the provisions of this section and the provisions of any applicable building or electrical codes, the provisions of the more restrictive code shall govern.

(4) The lowest member for all signs, which project or are supported on posts, shall not be less than eight (8) feet above the finished grade of a sidewalk or any other pedestrian way. If located over a pavement used for vehicular traffic or within eighteen (18) inches of the vertical projection of the edges of such pavement, the lowest member of the sign shall not be less than fifteen (15) feet above the finished pavement.

(5) Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

(6) Signs shall be structurally designed to withstand a wind pressure of thirty (30) pounds per square foot in any direction.

(f) Signs in Rights-of-Way.

(1) Signs shall be prohibited in the right-of-way with the exception of the following:

A. Signs installed by Sheffield Village, Lorain County, the State of Ohio, the federal government, or public transit agencies;

B. Any warning signs or traffic safety signs required by public utility providers; or

C. Sidewalk signs as allowed in Section 1121.10(c)(5).

(2) The Village Administrator may remove or cause to be removed any unlawful sign in the public right-of-way.

(g) Illumination. Unless otherwise specifically stated, signs shall be permitted to be illuminated in compliance with the following:

(1) Where illuminated signs are permitted, such illumination may be through internal or external lighting sources.

(2) Light sources shall be shielded from all adjacent buildings and streets and shall be focused exclusively on the sign.

(3) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists or cause reasonable objection from adjacent residential districts.

(4) Not be flashing, moving, or intermittent so that any part of the message changes at a rate of more than once every two (2) minutes.

(5) An illuminated sign or lighting device shall employ only light of constant intensity.

(6) Electronic message centers are a permitted form of illuminated sign for permitted freestanding signs, subject to the following requirements:

A. The sign area of the electronic message center shall not exceed one hundred percent (100%) of the total sign area.

B. All electronic message centers shall be set back a minimum of 300 feet from a residential dwelling unit.

C. Any message changes shall be a static, instant message change.

D. Messages can only change once every eight (8) seconds or longer.

E. The transition time between messages shall be less than one (1) second.

F. All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

G. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.

H. Illumination shall not exceed 0.3 footcandles over ambient lighting conditions when measured at fifty (50) feet in any direction from an electronic message center sign.

I. Audio emissions from electronic message center signs shall be prohibited.

(Ord. 2879. Passed 10-23-23.)

1121.06 SIGNS PERMITTED IN PUD DISTRICTS.

(a) All development in a PUD District shall be subject to the standards of this article unless otherwise modified through the PUD review and approval process. In general:

(1) Single-family residential uses and public and institutional uses in a PUD shall comply with the sign requirements of the R District.

(2) Multi-family residential uses in a PUD shall comply with the sign requirements of the M-1 District.

(3) Commercial and office uses in a PUD shall comply with the sign requirements of the C-3 District.

(4) Industrial uses in a PUD shall comply with the sign requirements of the I-1 District.

(b) This section shall apply to both permanent and temporary signs.

(Ord. 2879. Passed 10-23-23.)

1121.07 PERMANENT ON-PREMISE SIGNS IN RESIDENTIAL DISTRICTS.

The following are permanent signs permitted in the R and M-1 Districts:

(a) Signs at Entrances. Two (1) wall signs or one (1) permanent freestanding monument sign may be permitted for any subdivision or multi-family dwelling development that contains ten units/lots or more, provided that the signs meet the following requirements:

(1) General Standards.

A. Each sign may have a maximum sign area of thirty-two (32) square feet.

B. No such sign or any portion of the structure shall exceed six (6) feet in height.

C. The sign may only be illuminated through an external light source.

D. The sign shall be an on-premise sign.

(2) Monument Sign.

A. A maximum of one freestanding monument sign may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Village Administrator.

B. The sign may be located on private property or within an island of a boulevard entrance. If located in a boulevard entrance, the Village shall be held harmless for any liability related to the existence of such sign.

C. In all cases, the sign shall be set back a minimum of five (5) feet from any right-of-way and twenty-five (25) feet from any adjacent intersection of two (2) streets.

D. The monument sign shall have a maximum of two (2) sign faces, mounted back-to-back.

E. If an applicant proposes to use a monument sign, no wall signs, as allowed in Section 1121.07(a)(3) below, shall be permitted.

(3) Wall Signs on Entry Fences or Walls.

A. A maximum of two (2) wall signs may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Village Administrator.

B. If two (2) signs are utilized, the signs shall be separated by a minimum of fifty (50) feet.

C. The signs shall be mounted to a decorative wall or fence that generally runs parallel to the street.

D. If an applicant proposes to use wall signs, no monument sign, as allowed in Section 1121.07(a)(2) above, shall be permitted.

(b) Signs for Nonresidential Uses in Residential Zoning Districts.

(1) One permanent freestanding monument sign may be permitted on a lot containing a nonresidential use in a residential zoning district, provided the sign meets the following requirements:

A. In all cases, the sign shall be set back a minimum of eight (8) feet from any lot lines or rights-of-way.

B. The maximum sign area shall be fifty (50) square feet.

C. No such sign or any portion of the structure shall exceed eight (8) feet in height.

D. The sign shall be an on-premise sign and shall only be located on private property.

E. The sign may include a manual changeable copy sign as part of the allowed sign area.

F. The sign may be illuminated or may be comprised of an electronic message center that complies with the operational standards of Section 1121.05(g).

(2) Walls signs shall be permitted with a total sign area equal to one square foot for each lineal foot of building frontage, not to exceed a total of 100 square feet. Such wall signs shall be subject to the sign standards of Section 1121.08(b)(10)A.

(Ord. 2879. Passed 10-23-23.)

1121.08 PERMANENT ON-PREMISE SIGNS IN NONRESIDENTIAL DISTRICTS.

The following are permanent signs permitted in the C-2, C-3, C-4, I-1, and P-I Districts:

(a) Window Signs. Window signs do not require zoning compliance review provided they comply with the following standards:

(1) Window signs shall not occupy more than fifty percent (50%) of the window area.

(2) Window signs shall be attached to the interior of the window or door.

(3) Window signs may be temporarily or permanently attached to the window surface.

(4) The sign area of window signs shall not be counted as part of any other sign allowance in this chapter.

(5) Window signs are not permitted in any window of a space used for residential uses or purposes unless allowed as a temporary sign in accordance with Section 1121.11.

(6) Window signs shall not be illuminated except when illuminated by an external lighting source.

(7) Decorative edging or other window treatments that are not an integral part of the sign copy shall not be considered a part of the sign for the purposes of this chapter. See Figure 1121-E.

(8) The sign area is based on the total window area, regardless of the presence of an awning. Window areas separated by piers, architectural elements, or similar features that are not glass or window framing or support, and that are more than four (4) inches in width, shall be considered separate and distinct window areas. See Figure 1121-I.

Figure 1121-I: The window area is illustrated within the dashed line area for the two storefronts in the above image.

(b) Building Signs. Building signs are permitted on all principal buildings or canopy structures in accordance with the following:

(1) The maximum area of all building signs located on the primary facade shall be equal to one and five tenths (1.5) square feet of sign area per lineal foot of building frontage. For buildings where the primary facade is located a minimum of 150 feet back from the right-of-way, the maximum area of building signs located on the primary facade may be increased to two (2.0) square feet of sign area per lineal foot of building frontage.

(2) An applicant may provide additional building signage for all the secondary facades as follows:

A. The maximum total amount of building signs permitted on all of the secondary facades shall be equal to fifty percent (50%) of the amount of signage allowed on the primary facade.

B. The building signage allowed on the secondary facades may not be placed as additional building signs on the primary facade.

C. Buildings signs on secondary facades shall not be illuminated if they are visible from an adjacent lot that is zoned residential or is occupied by a residential use.

(3) See Section 1121.04(c)(7) for the determination of primary and secondary facades.

(4) The building sign area shall include the total amount of all awning, canopy, projecting, or wall signs on the building.

(5) There is no maximum number of building signs, but the total square footage of building signs located on a single façade shall comply with the requirements of this section.

(6) Building signs shall also be subject to any applicable standards for building sign types in Section 1121.08(b)(10).

(7) Building signs shall not extend above the top of the roofline of the building to which it is attached.

(8) Building signs may not be attached to mechanical equipment or roof screening but may be attached to accessory canopy structures (e.g., over fuel pumps).

(9) Building signs shall not include electronic message centers.

(10) Building Sign Standards.

A. Wall Sign Standards. Any wall sign shall comply with the following standards:

i. Wall signs shall be mounted on or flush with a wall and shall not project more than eighteen (18) inches from the wall or face of the building to which it is attached.

ii. A wall sign may be mounted on the facade wall or mounted on a raceway or wireway.

iii. No wall sign shall cover or obscure any wall opening.

B. Awning or Canopy Sign Standards. Any canopy sign shall comply with the following standards:

i. Signage shall not cover more than twenty-four (24) square feet of any individual awning or canopy.

ii. Signage may be mounted above any canopy that extends over a customer entrance, provided that the maximum sign height over the canopy shall be eighteen (18) inches, as measured from the top of the canopy to the top of the sign. Signage may also be mounted below the canopy provided the maximum height of the sign copy shall not exceed twelve (12) inches and the clearance requirements of Section 1121.05 are maintained to the bottom of the sign copy.

iii. Only the area of the sign may be illuminated internally on an awning or canopy. The remainder of any awning canopy shall not be illuminated or may be illuminated by an external source such as gooseneck lighting.

C. Projecting Sign Standards. Any projecting sign shall comply with the following standards:

i. Only one projecting sign shall be permitted for each tenant.

ii. A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four (4) feet from the facade wall to which it is attached.

iii. Projecting signs shall be set back a minimum of three (3) feet from the end of the building or party wall.

iv. Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of sign area allowed; however, in no case shall the supporting structure exceed six (6) square feet in area.

v. The maximum sign area for a projecting sign shall be twenty-four (24) square feet.

vi. Projecting signs shall not be internally illuminated.

vii. Projecting signs shall not encroach into the right-of-way.

(c) Freestanding Signs.

(1) Freestanding signs include pole, ground, and monument signs.

(2) Only one freestanding sign is permitted per street frontage.

(3) The maximum height of a freestanding sign shall be eight feet.

(4) The maximum sign area of any freestanding sign shall be fifty (50) square feet.

(5) All freestanding signs shall be set back a minimum of eight (8) feet from all rights-of-way.

(6) For lots that have a street frontage longer than 300 feet, the total sign area may be increased by one square foot for every three (3) lineal feet of the street frontage that exceeds 300 feet with a maximum sign area of 150 feet. The maximum height and setbacks shall be adjusted in accordance with Table 1121-2 based on the final sign area.

TABLE 1121-2: FREESTANDING SIGNS ON LARGE LOTS

Sign Area (Square Feet)	Maximum Height (Feet)	Minimum Setback from Rights-of-Way (Feet)
50 to 75	8	8
76 to 100	10	8
101 to 125	12	10
126 to 150	16	10

(7) All freestanding signs shall be located in a landscaped area equal to or larger than the total sign area of the applicable sign. Such landscaped area may be an area that fulfills any landscaping requirements of this code. The landscaped area shall include all points where sign structural supports attach to the ground.

(8) Exposed sign foundations shall be constructed with a finished material such as brick, stone, veneer, or wood.

(9) The sign may include a manual changeable copy sign as part of the allowed sign area.

(10) All illumination of signs shall be subject to Section 1121.05(g).

(d) Drive-Through Facility Signs.

(1) Drive-through facility signs are only permitted as an accessory to a permitted drive-through facility.

(2) One drive-through facility sign shall be allowed for each waiting lane in a drive-through facility, provided the total aggregate sign area of all freestanding signs associated with each drive-through facility does not exceed seventy-two (72) square feet. In no case shall a single drive-through facility sign exceed thirty-six (36) square feet in sign area.

(3) Such signs shall be oriented so as to only be visible to occupants of vehicles in the waiting lanes of the drive-through facility.

(4) No drive-through facility sign under this section shall exceed six feet in height measured from the grade of the adjacent driving surface to the top of the sign.

(5) Drive-through facility signs may be internally or externally illuminated. Up to one hundred percent (100%) of each sign may be an electronic message center if they comply with the following standards:
A. Any message change shall be a static, instant message change.
B. Only Light Emitting Diodes (LED) technology or similar quality signs shall be permitted for electronic message centers.
C. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
D. The electronic message center shall be turned off during the hours when the related business is closed.

(6) There shall be no maximum drive-through facility sign area in instances where the signs are fully screened from view of any public street or adjacent residential use.

(7) The sign area of drive-through facility signs shall not be counted as part of any other sign allowance in this chapter.

(8) Drive-through facility signs attached to a wall of a building shall be calculated as part of the building signage allowance in Section 1121.08(b).

(e) Driveway Signs.

(1) A maximum of two (2) signs shall be permitted for any individual driveway.

(2) Driveway signs shall be set back at least five (5) feet from all lot lines, but in no case shall the sign be set back more than twenty-five (25) feet from the edge of the driveway where it intersects with the public street.

(3) Each driveway sign shall not exceed four (4) square feet in area and three (3) feet in height.

(4) Driveway signs may be internally or externally illuminated.

(5) The sign area of driveway signs shall not be counted as part of any other sign allowance in this chapter.

(Ord. 2879. Passed 10-23-23.)

1121.09 OFF-PREMISE ELECTRONIC MESSAGE CENTERS.

(a) For the purposes of this section, the establishment of a permanent off-premise sign with an electronic message center shall be classified as a conditional use in the C-2, C-3, and I-1 Districts along the 1-90 Corridor. In addition, the 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.

(b) Such signs shall comply with the following requirements:

(1) Off-premise electronic message centers may not be erected or constructed within fifty (50) feet of any road or highway intersection or railroad grade crossing;

(2) There shall be a minimum setback of ten (10) feet from all road rights-of-way.

(3) The maximum height shall be fifty (50) feet.

(4) Signs may not be located within 8,000 feet of any other off-premise electronic message centers along the same roadway, regardless if that sign has an electronic message center.

(5) All signs must follow the illumination regulations of Section 1121.05(g).

(6) There shall be no more than two off-premise electronic message centers within the Village at any given time, one of which must be located on property owned by the Village of Sheffield.

(7) Off-premise electronic message centers shall be subject to the same standards as on-premise electronic message centers in Section 1121.05(g).

(8) Provision of emergency messaging and community activity shall be permitted cost-free.

(Ord. 2879. Passed 10-23-23.)

1121.10 SIGNS IN THE I-90 CORRIDOR.

(a) Signs along the US I-90 Corridor are necessary to communicate information for property owners, tenants, and users. Since the corridor is a major gateway along a high-speed interstate, 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 of Section 1121.08 above.

(b) The regulations in this section are applicable to any property that has frontage on US I-90.

(c) Standards.

(1) All signs along the frontage of US I-90 must be setback a minimum of ten (10) feet from the right-of-way

(2) Any lot with frontage along US I-90 may be permitted one pole sign in accordance with this section. An additional freestanding sign may be permitted in accordance with the applicable zoning district, subject to Section 1121.08(c) above, provided that the lot has a second street frontage.

(3) he following shall apply to pole signs allowed in accordance with this section:

A. The maximum height of a freestanding pole sign shall be thirty-five (35) feet.

B. The maximum sign area shall be 150 square feet.

(4) Building signs shall be allowed in accordance with Section 1121.08(b), based on the applicable zoning district.

(5) Electronic message centers are allowed, provided they comply with Section 1121.05(g). (Ord. 2879. Passed 10-23-23.)

1121.11 TEMPORARY SIGNS.

The following are the types of temporary signs allowed in Sheffield Village, including any applicable regulations for each type of sign.

(a) Standards Applicable to All Temporary Signs.

(1) Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured in a manner that will make the sign a permanent sign.

(2) No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roofline of a structure.

(3) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles, or structures.

(4) Unless otherwise specifically stated, temporary signs shall not be illuminated.

(5) No temporary sign shall require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.

(6) Temporary signs shall not be affixed to any permanent sign or permanent structure except when a banner sign is permitted to temporaroly cover a permanent sign in accordance with this section or when such sign is attached to the principal building as permitted in this chapter.

(7) No streamers, spinning, flashing, windblown devices, or similarly moving devices shall be allowed as part of or attachments to temporary signs.

(8) Where a temporary sign is designed to have two sign faces (portable signs or temporary yard signs), such sign faces shall be of the same size and mounted back-to-back. In the cases of an A-frame portable sign, the sign faces shall be mounted back-to-back but may have an angular separation between faces to form the A-frame shape.

(9) For zoning compliance review applications related to the establishment of a new use or change of use within an existing building, where there is an existing permanent sign, a banner sign may be approved for up to 60 consecutive days to cover the existing permanent signs. Such banner sign shall not exceed the sign area of the permanent sign and shall require zoning compliance review.

(10) Temporary signs shall be constructed of a material that is substantial enough to withstand typical winds and weather for the duration of the placement.

(11) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when any individual sign has deteriorated.

(12) Temporary signs shall not be located in the right-of-way. Where the right-of-way is unknown, the temporary sign shall be set back a minimum of ten (10) feet from the edge of any street pavement.

(b) Temporary Signs with No Commercial Speech. Temporary signs that do not contain commercial speech (e.g., political, religious, opinion, etc.) shall be allowed as follows:

(1) Only one large temporary yard, banner, or window sign may be permitted on each lot at any one time. Such sign shall not exceed thirty-two (32) square feet and six (6) feet in height.

(2) Small temporary yard, banner, or window signs are allowed without limit on the number of signs provided such signs do not exceed six (6) square feet in sign area and six (6) feet in height.

(3) Such temporary signs shall not require zoning compliance review.

(4) Such signs shall be subject to the sign-type standards of Section 1121.11(d).

(c) Temporary Sign Allowances for Signs with Commercial Speech.

(1) Table 1121-3 establishes the allowances for temporary signs in all zoning districts where such signs contain commercial speech. All sign types are subject to the general provisions above and the sign-type standards that follow the table.

TABLE 1121-3: TEMPORARY SIGNS WITH COMMERCIAL SPEECH ALLOWANCES			
Zoning Districts	**R and M-1**	**C-2, C-3, C-4, I-I, and P-I**	**C-2, C-3, C-4, I-I, and P-I**
Time Limit	Unrestricted	Unrestricted	21 Days per Quarter [1] [2]
Maximum Number of Signs per Lot	2	2	20% of Permanent Building Signage Allowed or 50 Square Feet, Whichever is Less
Maximum Sign Area per Sign	6 Square Feet	32 Square Feet	
Maximum Height	4 Feet	6 Feet	6 Feet
Permitted Sign Types	Banner, Window, or Yard	Banner, Sidewalk, or Yard	Banner or Yard
Zoning Compliance Review Required	No	No	Yes

NOTES:
[1] In addition to the two signs permitted with an unrestricted time limit in this table, one additional temporary sign is permitted as established in this column of the table.
[2] A quarter shall be defined as an evenly timed quarter of the calendar year (January to March, April to June, July to September, and October to December).

(d) Sign Type Standards.

(1) Banner Signs.

A. Banner signs shall not be subject to the maximum height requirements of this section, provided they are not attached above any roofline.

B. Banner signs can be affixed to a building but not a fence unless such fence is enclosing an outdoor dining area adjacent to the building.

(2) Sidewalk Signs.

A. Only one sidewalk sign is allowed for each building unit.

B. The sign shall only be permitted on private sidewalks or walkways adjacent to the building.

C. The sidewalk sign shall be limited to an A-frame portable sign or a T-frame portable sign.

D. There shall be no time limitation for sidewalk signs, with the exception that the sign shall only be placed outside during the hours of the establishment's operation.

E. Such signs shall not exceed six (6) square feet in area with a maximum height of four (4) feet.

F. The sign shall not be placed on pavement used for vehicles (e.g., driveways and parking lots).

G. When placed on a sidewalk or walkway, the width and placement of the sign shall be such of such a design that there shall be a minimum width of four (4) feet of clear and passable sidewalk or walkway for pedestrians.

H. The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, or other structure.

I. The sign must not obstruct access to parking meters, bicycle racks, and other features legally in the right-of-way.

J. The sign must not interfere with the opening of car doors in legal spaces or with the operation of wheelchair lifts and ramps, cab stands, loading zones, or bus stops.

K. The sign shall be internally weighted so that it is stable and windproof.

L. Sheffield Village shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.

(3) Window Signs. Temporary window signs shall not be affixed permanently to the window.

(4) Yard Signs. Temporary yard signs are prohibited in the right-of-way and shall be set back a minimum of ten (10) feet from adjoining lot lines. (Ord. 2879. Passed 10-23-23.)

1121.12 MAINTENANCE.

(a) All signs shall be maintained in a safe and good condition at all times to avoid becoming a deteriorated sign, including, but not limited to, the replacement of defective bulbs, parts, or materials, painting, repainting, cleaning, and other acts required for the maintenance of said sign and accessory landscaping.

(b) All signs and sign structures shall be maintained in a safe and attractive condition in accordance with the adopted version of the Sheffield Building Code.

(c) It shall be the responsibility of the property owner or other entity having legal control or interest in the property to maintain all signs and sign structures in accordance with this code.

(d) Signs shall be maintained in a manner that prevents the exposure of any internal elements.

(e) 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; and

(3) The sign is accessory to a legally permitted or legally nonconforming use.

(f) Failure to maintain a sign in accordance with this section shall be a violation of this code, subject to Chapter 1127: Enforcement and Penalties.
(Ord. 2879. Passed 10-23-23.)

1121.13 NONCONFORMING SIGNS.

(a) Any sign that was lawfully in existence at the time of the effective date of this code, or amendment thereto, that does not conform to the provisions herein, shall be deemed a legal nonconforming sign and may remain on a lot of record except as qualified in this subsection. No legal nonconforming sign shall be enlarged, extended, structurally altered, or reconstructed in any manner except as allowed for in this section. The nonconforming structure regulations in Chapter 1125: Nonconformities shall not apply.

(b) Legal nonconforming signs shall be maintained in good condition pursuant to Section 1121.12 and may continue until such sign is required to be removed as set forth in this chapter.

(c) A nonconforming sign shall immediately lose its nonconforming designation and must be brought into compliance with these regulations or be removed if:

(1) The sign is structurally altered or replaced, not including the changing of a sign face when the sign is specifically designed for changeable sign faces or when a message is changed on a changeable copy sign or electronic message center;
(2) The nonconforming sign is no longer an on-premise sign for a period of more than ninety (90) consecutive days;
(3) The sign is relocated, except for signs that are required to be moved because of public right-of-way improvements;
(4) The sign is a legally nonconforming temporary sign that is still in place more than one calendar year from the effective date of this code;
(5) The sign is damaged to an extent of greater than fifty percent (50%) of the estimated replacement value;
(6) The sign is not repaired within sixty (60) days after it is damaged or such sooner period as may be required if the damage presents an immediate hazard; or
(7) The sign creates a hazard to vehicular and pedestrian traffic.

(d) Nothing in this section shall relieve the owner or user of a nonconforming sign or the owner of the property on which the nonconforming sign is located from compliance with the provisions of these regulations regarding safety, maintenance, and repair of signs, provided; however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way. All nonconforming signs shall be maintained properly.
(Ord. 2879. Passed 10-23-23.)

CHAPTER 1123
Subdivision Design

1123.01 Purpose.
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1123.01 PURPOSE.

The purpose of this chapter is to:

(a) Establish standard requirements, conditions, and procedures for the design and review of subdivisions;

(b) Provide for the orderly subdivision of land;

(c) Encourage the wise use and management of land and natural resources throughout the Village;

(d) Ensure that adequate public infrastructure, facilities, and services are available concurrent with development;

(e) Encourage a beneficial relationship between the uses of land and circulation of traffic throughout the Village and provide for the proper location and design of streets;

(f) Provide adequate utility systems to support the future needs of residents and the community; and

(g) Promote efficient and logical placement of utility structures so as to promote the public health, safety, and general welfare of the Village.

(Ord. 2879. Passed 10-23-23.)

1123.02 APPLICABILITY.

The developer of a subdivision or any development that requires public improvements shall dedicate all land required for rights-of-way and shall furnish and install all required improvements serving the subdivision or development. All improvements shall be extended to the boundary of the subdivision or development in order to provide a complete and coordinated system of streets and utilities in accordance with adopted plans and any other adopted policies of Sheffield Village. (Ord. 2879. Passed 10-23-23.)

1123.03 CONFORMITY TO DEVELOPMENT PLANS, ZONING, AND ENGINEERING STANDARDS.

(a) The arrangement, character, extent, width, grade, and location of all streets and improvements shall conform to adopted plans and any other adopted policies related to public improvements. These plans shall be considered in their relation to existing and planned streets, topographical conditions, public convenience, and safety, as well as in appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on adopted plans, the arrangement and other design standards of streets shall conform to this chapter.

(b) Any plans or documents submitted for subdivision or development approval shall comply with Sheffield Village Construction Specifications and standard drawings, as may be amended. (Ord. 2879. Passed 10-23-23.)

1123.04 SALE OF LAND IN SUBDIVISIONS, START OF CONSTRUCTION, AND PERMITTING.

(a) No owner, or authorized agent, of any land located within a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, by the exhibition of, or by the use of a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations.

(b) Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

(c) The Village Administrator shall not issue building permits or authorizations to proceed following zoning compliance review for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.

(d) No owner or agent of the owner of any land shall be entitled to a permit for the installation of wells and septic tanks upon any lots in a subdivision for which a plat has not been approved, certified, and recorded in the manner prescribed in this chapter.

(e) No development shall have partial phases approved.

(f) Request for Inspection. Following the complete installation of all improvements, applicants seeking the issuance of building permits or authorizations to proceed following zoning compliance review prior to plat approval shall submit a letter to the Planning Commission Clerk requesting the Village to inspect installed improvements.

(g) Certification by Village Engineer. Upon receipt of the inspection request letter, the Planning Commission Clerk shall forward such letter to the Village Engineer. The Village Engineer, within ten (10) working days. Shall inspect all improvements and notify the applicant as to the status of all improvements. If improvements are satisfactory, the Engineer shall forward a letter to the applicant that certifies the following:

(1) All storm and sanitary sewer and water lines approved in the improvement plans for the proposed subdivision have been completely installed and tested satisfactorily; and

(2) All pavement for the proposed subdivision, as required according to the Subdivision Improvement Standards as approved by the Planning Commissions, which are maintained on file with the Village Engineer, has been completely installed for a minimum of seven (7) days, and all required joints of the same are sealed.

(h) Submission of Applicants and Letter of Certification. Applicants shall submit a zoning compliance review application to the Village Administrator, along with the letter of certification from the Village Engineer stating that all conditions identified in Section 1123.04(g) hereof have been met. After the Village Administrator receives the application and letter of certification, they may issue the building permit or authorizations to proceed following zoning compliance review. (Ord. 2879. Passed 10-23-23.)

1123.05 BOND REQUIRED.

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

(b) Maintenance Bond. No improvements shall be approved or accepted by the Village after construction until the Village is furnished with a maintenance bond in a form acceptable to the Director of Law, in the amount of ten percent (10%) of the construction cost of such improvements and for a term to be determined by Village Council, but not to exceed a period of two (2) years.

(c) Deposit Required. No plat shall be approved until there is deposited with the Village a sum equal to not less than two percent nor more than four percent (4%) of the construction cost of such improvements, as determined by the Village Engineer, to be used to defray the costs of inspection of the installation of such improvements by the Village. Any portion of the deposit which is not so used shall be returned to the persons making the deposit upon the acceptance of the improvements by the Village. (Ord. 2879. Passed 10-23-23.)

1123.06 GENERAL DESIGN REQUIREMENTS.

(a) General Suitability of Land for Development. If the Planning Commission and the Village Council find that the land proposed to be subdivided unsuitable for subdivision development due to flooding, poor drainage, topography or inadequate water supply, wastewater treatment facilities, transportation facilities, or such other conditions as may endanger health, life or property, and if, from investigations conducted by the public agencies concerned, it is determined that, in the best interest of the public, the land should not be developed for the subdivision proposed, the Planning Commission and the Village Council shall not approve the land for the purpose unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land.

(b) Projection of Improvements. Where adjoining areas are not subdivided or developed, the arrangement of streets and utilities in new subdivisions shall make provision for the proper projection of streets (i.e., provide for temporary dead-end streets and utilities where street connections can be made to the adjacent land) as required by the Village Administrator. Such arrangements shall be made to the subdivision boundary or up to the edge of the phase of buildable lots.

(c) Topography, Floodplain Areas, Wetlands, and Natural Areas.

(1) Natural amenities (including views, mature trees, creeks, riparian corridors, rock outcrops, and similar features) shall be preserved and incorporated into the proposed development to the greatest extent feasible.

(2) All subdivisions of land and installation of public improvements involving areas subject to flooding, as defined by National Flood Insurance Program Maps and Data, shall conform to all applicable floodplain regulations and the requirements of adopted regulations involving the Village's participation in the National Flood Insurance Program.

(3) Land which is determined by the Planning Commission to be unsuitable for subdivision or development due to flooding, the presence of Federal Jurisdiction Wetlands, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless methods adequate to resolve the problems are formulated by the developer and approved by Village Council, upon recommendation by the Planning Commission and upon the advice of the Village Administrator.

(4) The natural topography shall be retained wherever possible in order to reduce excessive runoff onto adjoining property and to avoid extensive regrading of the site.

(5) 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 fill 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.

(d) Homeowners' or Property Owners' Associations. See Section 1109.06(b)(9)D for requirements for homeowners' or property owners' associations.

(e) Subdivision Names. The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the Village or Lorain County. The Village shall have final authority to designate the name of the subdivision.

(f) Debris and Waste. No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on any lot or street at the time of the issuance of a building permit or authorizations to proceed following zoning compliance review. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of the dedication of public improvements.

(g) Monuments and Markers.

(1) A monument shall be accurately placed at each corner, at changes in the 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.

(2) The monuments shall be either concrete, six (6) inches by six (6) inches by thirty (30) inches long, with an iron pin in the center, or metal monuments, as approved by the Village Engineer.

(3) The top of the monument shall be set at the finished grade upon the completion of the grading of the streets and the lots.

(4) Property pins shall be set at all lot corners, points of tangency, and points of curvature.

(Ord. 2879. Passed 10-23-23.)

1123.07 LOTS.

(a) The lot arrangement and design shall be such that all lots will provide satisfactory building sites that can accommodate a structure and required setbacks in the applicable zoning district.

(b) Lots shall also be arranged so that all lots will have frontage on a public street or road and will provide building sites properly related to topography and the character of surrounding development.

(c) The lots shall be more or less rectangular in form; triangular, elongated, or other shapes that restrict its use as a building site shall be avoided to the maximum extent feasible unless the applicant can demonstrate special circumstances requiring irregular lots to the Planning Commission.

(d) All side lot lines shall be at right angles to street lines and radial to curved street lines except where the Planning Commission determines that a variation to this rule will provide a better street and sublot layout. 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.

(e) Corner lots shall be of sufficient width to permit the required building set-back line for each street the lot abuts.

(f) Flag (panhandle) lots or double frontage (through) lots shall be discouraged and may only be approved if necessitated by unique features or other special physical conditions as deemed necessary by the Planning Commission. These lots shall meet the requirements established for the applicable lot type in Section 1113.01(d)(3).

(g) 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. (Ord. 2879. Passed 10-23-23.)

1123.08 BLOCKS.

(a) The arrangement of blocks shall be such as to conform to the street planning criteria set forth in Section 1123.11 and shall be arranged to accommodate lots and building sites of the size and character required for the zoning district as set forth in this code. The lines and boundaries of blocks shall be adjusted to conform to the topography and natural features, such as streams and lakes so that rear or side lot lines will coincide with corporation lines.

(b) Block lengths shall be planned to average 1,320 feet unless otherwise approved by the Planning Commission. Block widths shall be generally planned to accommodate two (2) tiers of lots, except that a single tier of lots may be required by the Planning Commission to separate residential development from major streets, adjoining nonresidential land uses, or unusual topographic features.

(c) Where a subdivision adjoins a major thoroughfare, the block shall be oriented so that there will be the fewest points of direct ingress and egress along such major thoroughfare as possible.

(d) Irregularly shaped blocks, those intended for cul-de-sac or loop streets, and those containing interior parks or playgrounds, may be approved if properly designed and located and if the maintenance of interior public spaces is covered by agreements.

(e) Pedestrian ways having a minimum right-of-way of four (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, bus stops, or to other public facilities where convenient pedestrian circulation has not been provided by sidewalks and or streets. (Ord. 2879. Passed 10-23-23.)

1123.09 STREET LIGHTING.

Street lighting for all new subdivisions within the Village shall be provided by the electric company, subject to the following provisions:

(a) The developer's choice of the means and styles of street lighting for any particular new subdivision shall be limited to those styles and systems currently available from the local electric company for such street lighting purposes.

(b) The street lighting system for a new subdivision shall be of a uniform nature and style within that subdivision. (Ord. 2879. Passed 10-23-23.)

1123.10 RAILROADS.

Where railroads are involved, provision for grade separation, buffer strips, and other protective media shall be required to the extent and type as may be practical.
(Ord. 2879. Passed 10-23-23.)

1123.11 STREETS AND THOROUGHFARES.

(a) Street Classification. In order to promote public safety and convenience, streets shall be planned to serve particular functions as follows:

(1) 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.

(2) 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.

(3) Local Streets. Local streets shall be for providing access to abutting properties and circulation of slowly moving traffic and pedestrians within a neighborhood.

(4) Cul-de-Sacs. A street that terminates in a vehicular turnaround.

(b) General Street Design.

(1) 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.

(2) The proposed subdivision 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.

(3) The tract to be subdivided should not be a part of, or encroach upon, an area or areas designated in adopted plans for future public facilities.

(4) 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.

(5) The arrangement, character, width, grade, construction, and location of all streets shall conform to the comprehensive land use plan, or other applicable street plans, for the Village that are in effect at the time of final plat submission.

(6) The street layout shall provide access to all lots and parcels of land within the subdivision.

(7) The subdivider shall provide within the boundaries of the subdivision plat the necessary right-of-way for the widening, continuance, or alignment of such streets in conformity with the comprehensive land use plan or other applicable street plans.

(8) Offset streets shall be avoided whenever possible.

(9) Where practical, the arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas.

(10) Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.

(11) A street that is not constructed to Village standards will not be accepted by the Village for dedication as a public street.

(12) Approval shall not be given for streets within a subdivision that would be subject to flooding. All streets must be located at elevations that will make them flood-free in order that no portion of the subdivision would become isolated by floods.

(13) In the interest of public safety, and as a matter of policy, all points of ingress and egress shall be located as far as possible from the intersection of two (2) or more primary streets or highways.

(c) Traffic Control Devices. The subdivider shall provide all traffic control devices for the proposed development, including, but not limited to, traffic signals, signs, pavement markings, and the like. Refer to the Ohio Manual of Uniform Traffic Control Devices (OMUTC) for details of the devices to be used and, in some cases, warrants for their use.

(d) Street Signage. All new subdivisions shall be required to install street signage within each phase on all public and private streets. The signage shall be installed prior to acceptance by the Village, and the road being open to vehicular traffic. The signage must be shown on the improvement plans/site plans as submitted for review by the Planning Commission.

(e) Street Names and Numbering.

(1) Street names shall be selected that will not duplicate or be confused with the names of existing streets in Sheffield Village and in Lorain County, irrespective of modifying terms such as street, avenue, boulevard, etc. Streets that are or will eventually be continuations of existing or platted streets shall be named the same. Street names shall be included on the preliminary plat and final plat.

(2) When a new street is a direct extension of an existing street, the name shall remain the same.

(3) Address numbers shall be assigned by the Village in accordance with the current numbering system.

(f) General Street and Right-of-Way Design Standards.

(1) The standards of the American Association of State Highway and Transportation Officials (AASHTO), as published in A Policy on Geometric Design of Highways and Streets, 1984; A Policy on Design Standards for Stopping Sight Distances, 1971; and subsequent publications modifying those standards by AASHTO, in effect at the time of final plat submission, shall govern the design of subdivision streets and abutting Village, county and township roads. The "Desirable Sight Distance Values" will govern in all but the most unusual instances and any lesser values must be recommended by the Village Engineer before the preliminary design plan is approved by the Planning Commission.

(2) The pavement design shall be calculated and submitted by a registered engineer with the preliminary plat approval.

(3) The subdivider shall be responsible for all required improvements, including the required pavement width measured from back-to-back of curbs on an undivided street. On a divided street, the subdivider shall be responsible for the sidewalk, if required, one curb, one-half of the required pavement measured to the back of the curb, and storm drainage.

(4) When developing along one side of an existing street or roadway, which is included in any approved street plans, the subdivider shall be responsible for one curb, the pavement widening to the thoroughfare width of their side, all necessary adjustments to existing pavement, and storm drainage for the street in accordance with an agreement with the Village Engineer. Where sight distances or other engineering requirements make it imperative, the pavement adjustment responsibility shall include the replacement of up to the entire existing pavement, also in accordance with an agreement with the Village Engineer.

(5) Vertical Alignment.

A. All changes in grades shall be connected by vertical curves of a minimum length in feet equal to twenty (20) times the algebraic difference in the rate of change of grade expressed in feet per 100 feet. Longer vertical curves shall be used when needed for sight distances as determined by the design engineer and approved by the Village Engineer.

B. No street grade shall be less than four tenths percent (0.4%) and on stop streets, the grade shall not exceed two percent (2%) positive or three percent negative within 100 feet of an intersection with local streets or 150 feet for all other intersections unless otherwise approved by the Village Engineer. The positive is considered going up from the intersection, and the negative is going down from the intersection.

C. Whenever the subdivider changes the grade of an existing street outside the limits of the development, and the grade change requires adjustment to meet existing improvements (streets, driveways, walks, and the like), such adjustments are required will be the responsibility of the subdivider, as approved by the Village Engineer.

(6) Pavement Width Requirements. The minimum widths of pavement required shall be as follows:

A. Concrete with a curb shall have a minimum pavement width of twenty-six (26) feet.

B. Asphalt with a curb shall have a minimum pavement width of twenty-six (26) feet.

(g) Special Street Types and Street Requirements. The following requirements shall apply to special street types or under the specified circumstances:

(1) 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.

(2) 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.

(3) Local Street.

A. Local streets shall have a sixty (60)-foot wide right-of-way, and the layout shall be related to the topography and natural features.

B. 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 L-streets with T-intersections predominating.

(4) 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:

A. The length of cul-de-sacs shall not exceed 1,200 feet.

B. 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.

C. If the cul-de-sac is not open in the direction of schools or playgrounds, a pedestrian-way shall be provided.

D. The minimum pavement width at the end of the cul-de-sac shall be twenty-six (26) feet.

E. A landscaping mound is permitted at the diameter of a cul-de-sac if such plantings contained therein permit an unobstructed view three feet and above across the cul-de-sac.

(5) Temporary Dead-End Streets.

A. Temporary dead-end streets shall be permitted only where there are future plans to continue the street into another phase of the subdivision or into an adjacent, future subdivision. In such cases, a temporary turnaround shall be provided with a design approved by the Village Engineer.

B. Provisions for maintenance and the removal of the temporary dead-end street shall be required for any additional plat approvals.

C. Temporary dead-end streets longer than 600 feet are prohibited.

D. A "T" turnaround (temporary only) may be permitted on a temporary dead-end street that has a length of more than 200 feet in-lieu of a cul-de-sac that is required for permanent dead-end streets. Such turnarounds shall be designed to allow vehicles to turn around with only one backing-up movement. See Figure 1123-A. The turnaround area shall be the same width as the street it abuts and shall be at least seventy-five (75) feet long.

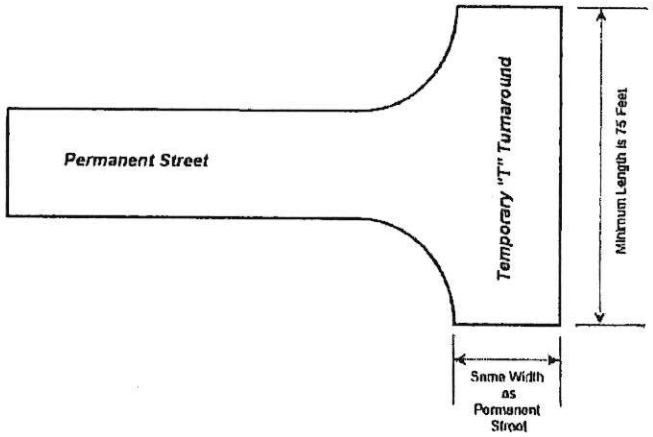

Figure 1123-A: Illustrative example of a temporary "T" turnaround.

E. If a dead-end street extends one lot depth or less past a street intersection, a "T" turnaround will not be required.

(6) Permanent Dead-End Streets.

A. Permanent dead-end streets are prohibited unless they include a turnaround (cul-de-sac) in accordance with the above sections.

B. Permanent dead-end streets shall not exceed 600 feet in length as measured from the centerline of the intersecting street to the center of the turn-around. Permanent dead-end streets may be longer where unique topographic or other physical conditions exist, making a through street impractical.

(7) 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.

(8) Streets for Nonresidential Subdivisions.

A. Streets serving nonresidential developments (e.g., commercial or industrial) and accessory parking areas shall be planned to connect with collector or arterial streets so as not to generate traffic on local residential streets.

B. The Planning Commission may require the dedication and improvement of service roads along major streets.

(9) Half-Streets. The dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted.

(10) Private Streets.

A. Private streets are discouraged.

B. Where constructed, a private street shall be constructed to the minimum standard of a public street in accordance with this code.

C. The Village shall not be responsible for maintenance, snow plowing, cleaning, or provision of similar public street services for private streets.

D. Property owners abutting a private street may request that the Village accept the street as a public street dedication at a later date, but the Village shall not be required to accept such dedication.

E. In no instance shall the Village accept a private street as a public dedication until such street is shown to meet all applicable street design standards required for public streets in this code.

(11) Deceleration Lanes. All subdivisions shall have deceleration lanes accessing the primary street of the Village at the intersection of the subdivision's street and the primary street that shall include all through streets in order to facilitate the ingress and egress of the traffic of the subdivision. All deceleration lanes shall be 150 feet long and twelve (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 the Planning Commission for review. (Ord. 2879. Passed 10-23-23.)

1123.12 OTHER PUBLIC IMPROVEMENTS.

(a) General Requirements for Utilities and Underground Facilities.

(1) All public and common electric, cable, and telephone lines and other utilities shall be located underground in all residential, office, commercial, and industrial subdivisions and districts, and shall be placed in their own easement, shown on the final or record plat. These underground utility requirements shall also apply to any lines required to serve the new development that extends outside the boundary of the development. The conduits or cables shall be located within easements or public rights-of-way in separate trenches in a manner that will not conflict with other underground services.

(2) In industrial subdivisions where the electric power provider advises the Village that the power load requirements are sufficiently large as to make underground service impractical or unfeasible, electric, cable, and telephone lines may be installed overhead along rear lot lines with the approval of the Village Engineer. Should the Village Engineer approve an overhead distribution system, all connections to it shall be made underground. All facilities are to be constructed on one side of the road without overhead crossovers.

(3) Where cable, fiber optic, television, or similar services or conduit is or will be in operation, the applicant shall install cable or conduit for such service simultaneously with and in the same manner as electric and telephone cables are installed, both within the right-of-way and to individual building connections.

(4) All sewer and utility pipelines shall preferably be placed outside the limits of the pavement. All excavations for public utilities made under paved areas shall be properly backfilled with approved granular materials thoroughly compacted in place and subject to approval by the Village Engineer.

(5) All storm drainage grates shall be constructed to allow bicycles to pass over the grate safely and shall have the words "No Dumping, Drains to Stream" or similar cast into the grate.

(b) Sanitary Sewers. The following requirements shall govern sanitary sewer improvements:

(1) Where an adequate existing public wastewater treatment system is reasonably accessible, in the determination of the Village Engineer, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio Environmental Protection Agency and Village standards.

(2) Combinations of sanitary sewers and storm sewers shall be prohibited.

(3) Sanitary sewers shall be extended through all lots and rights-of-way within the approved plat.

(c) Water Supply.

(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 furnishing the water supply.

(2) Water mains shall be extended through all lots and rights-of-way within the approved plat.

(3) 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 its portion of the work, and, if refunds are to be made, the terms for reimbursing the developer for the portion of the work they financed.

(d) 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 of the Code of Ordinances.

(e) Electric, Telephone, Cable, and Fiber Optic.

(1) Electric service and telephone service shall be provided within each subdivision.

(2) Gas service and fiber optics shall be required where reasonably accessible.

(3) All electric, telephone, cable, fiber optic, and similar transmission lines shall be designed and installed in compliance with the applicable standards of these regulations and the authority having jurisdiction.

(4) Any aboveground required poles or lines should be placed at the rear of lots to the maximum extent feasible.

(Ord. 2879. Passed 10-23-23.)

1123.13 SIDEWALKS REQUIRED.

Sidewalks shall be required in accordance with Section 1119.08.
(Ord. 2879. Passed 10-23-23.)

1123.14 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. (Ord. 2879. Passed 10-23-23.)

1123.15 STREET TREES.

(a) All street trees shall be provided and placed outside of the street right-of-way.

(b) The selection and spacing of trees shall be in accordance with a street tree plan if one is adopted or as is approved by the Planning Commission and the Village Council during the subdivision review procedure.

(c) Trees that 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 (25) feet of a public sewer.

(d) 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.
(Ord. 2879. Passed 10-23-23.)

CHAPTER 1125
Nonconformities

1125.01 Purpose.
1125.02 General provisions.
1125.03 Nonconformities and variances.
1125.04 Nonconforming uses.
1125.05 Nonconforming structures and sites.
1125.06 Nonconforming lots of record.
1125.07 Nonconforming signs.
1125.08 Nonconforming fences and walls.

1125.01 PURPOSE.

Within the districts established by this code, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this code but that are prohibited, regulated, or restricted under the terms of this code. The legitimate interests of those who lawfully established these nonconformities, especially when dealing with a person's residence, are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive unless otherwise allowed in this chapter or specifically addressed in this code. This chapter has a further purpose for nonconformities:

(a) To permit their continuance but control nonconformities so as to minimize any adverse effect on the adjoining properties and development;

(b) To regulate their maintenance and repair;

(c) To restrict their rebuilding if substantially destroyed;

(d) To require their permanent discontinuance if not operated for certain periods of time; and

(e) To require conformity if it is discontinued, to bring about eventual conformity in accordance with the objectives of the Comprehensive Land Use Plan and this code. (Ord. 2879. Passed 10-23-23.)

1125.02 GENERAL PROVISIONS.

(a) Any structure, land, or use of land or a structure that existed at the time of the effective date of this code, that was legally established under a previous code amendment or version, may be continued even if such use, building, structure, or use of land does not conform to the provisions of this code.

(b) An applicant for any development review procedure (e.g., zoning compliance review, site plan review, variance, etc.) that deals with a nonconformity shall bear the burden of proof in demonstrating that the use, building, or structure, or combination thereof, was a legal nonconformity after February 10, 1983.

(c) Passage of this code in no way legalizes any illegal uses existing at the time of its adoption.

(d) Repair and Maintenance.

(1) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased unless in accordance with this chapter.

(2) Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, including, but not limited to, the Village Administrator or building inspector, upon order of such official. Where appropriate, a building permit for such activities shall be required.

(3) For the purpose of this code, the words "maintained" and "repaired" include the ordinary maintenance of a building or structure, the replacement of equipment that is required for the safety of operation, and the replacement or substitutions of machinery or equipment.

(e) Existing Use Reclassified as a Conditional Use. In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use in the applicable district due to a zoning text amendment, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval in accordance with Section 1105.04. Such use shall not be considered a nonconforming use, provided it is conditionally permitted in the applicable district. (Ord. 2879. Passed 10-23-23.)

1125.03 NONCONFORMITIES AND VARIANCES.

(a) Whenever any nonconformity has been changed so that the use, structure, or condition conforms to the requirements of this code, such use, structure, or condition shall no longer be defined as a nonconformity, nor shall the property or structure be returned to the former nonconformity.

(b) When a property owner or authorized agent is granted a variance for a nonconformity that addresses the nonconformity, the structure or lot shall no longer be considered a nonconformity. In no case shall the resolved nonconformity be expanded or altered to create further nonconformities.

(c) If a property owner or authorized agent is granted a variance for a nonconformity that addresses some nonconformities, but additional nonconformities continue, the structure or condition that remains a nonconformity shall still be subject to the provisions of this chapter. (Ord. 2879. Passed 10-23-23.)

1125.04 NONCONFORMING USES.

Where, at the time of adoption of this code, lawful uses of land or structures exist that would not be permitted by the regulations of this code, the uses may be continued so long as they remain otherwise lawful and provided:

(a) A nonconforming use of a building, or portion thereof, 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.

(b) 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. Such determination shall be made as part of a public hearing with notice provided in the same manner as a conditional use. See Section 1105.02(j).

(c) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this code.

(d) No additional structures shall be constructed on a lot with a nonconforming use unless such new structure complies with the requirements of this code and the applicable zoning district.

(e) 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 with notice provided in the same manner as a conditional use (See Section 1105.04.). Thereafter, it shall not be changed back to the former nonconforming use.

(f) Termination of Nonconforming Uses.

(1) Termination of Use through Discontinuance.

A. When any nonconforming use is discontinued or abandoned for more than one year, any new use shall conform to the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

B. There may be cases when a structure, or structure and premises in combination, may not be converted to a conforming use because of the original floor plan and design (e.g., townhouses in a single-family residentially zoned area). In these cases, the Planning Commission may determine that the nonconforming use may continue if the nonconforming use is the original use of the structure and/or premises. Appropriate safeguards, conditions, and design standards may be required by the Planning Commission so as to minimize the impact of such continuance on the area.

(2) Termination of Use by Damage or Destruction.

A. If a nonconforming residential use in any district is damaged or destroyed to any extent, such structure and use may be reestablished on the same lot provided it meets the same size in height and footprint, as well as complying with the same setbacks as previously existed.

B. If any building containing a nonconforming use, other than a residential use, is damaged but not to an extent greater than fifty percent (50%) of the principal structure's fair market value, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment of the use shall require the issuance of a building permit, which must be issued within six (6) months of the damage, or the use shall not be re-established.

C. If any building containing a nonconforming use, other than a residential use, is damaged beyond fifty percent (50%) the principal structure's fair market value according, such structure and use may only be reestablished in accordance with this code.

D. Determination of the fair market value shall be made by three 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.

(Ord. 2879. Passed 10-23-23.)

1125.05 NONCONFORMING STRUCTURES AND SITES.

A nonconforming structure or site may continue to be used or occupied by a use permitted in the applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

(a) Any nonconforming structure may be enlarged, maintained, repaired, or altered provided. However, no such enlargement, maintenance, repair, or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site unless otherwise specified in this code.

(b) A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.

(c) The nonconforming use of a vacant lot, or part thereof, shall not be expanded or extended.

(d) The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this code specified for such use, except the regulations to which the building did not conform prior to the change in use.

(e) The governmental acquisition of a portion of a lot for a public purpose that results in a reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.

(f) Damage or Destruction of a Nonconforming Structure Containing a Conforming Use.

(1) If a nonconforming structure is damaged, but not to an extent greater than fifty percent (50%) of the structure's fair market value, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment of the use shall require the issuance of a building permit within one year of the initial damage. If an owner rebuilds a legally nonconforming structure under this provision, they may expand the structure provided any expansion or change does not increase the nonconformity that existed prior to the damage.

(2) If a nonconforming structure is damaged beyond fifty percent (50%) of the structure's fair market value, such structure shall only be rebuilt in compliance with the requirements of this code. Such reconstruction shall require the application and issuance of all necessary zoning and building permits.

(3) If the owner voluntarily removes the structure or reduces the nonconformity that has not been damaged or destroyed, that owner shall not be permitted to rebuild the structure to the original height, size, or setback.

(4) The determination of fair market value shall be made in the same manner as established in Section 1125.04(f)(2).

(g) Nonconforming Parking Facilities.

(1) 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.

(2) 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. (Ord. 2879. Passed 10-23-23.)

1125.06 NONCONFORMING LOTS OF RECORD.

A lot of record which does not comply with the lot or yard regulations of the district in which it is located on the effective date of this code or any amendment thereto which made it nonconforming may be used as follows:

(a) If occupied by a building, such building may be maintained, repaired, or altered. However, the building may not be enlarged in floor area unless the depth of the front yard, the total width of the side yards, and the rear yard regulations are complied with.

(b) If vacant, the lot may be used 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) Not owning adjoining land or other vacant lands cannot be equitably acquired adjoining the lot; and

(3) All other regulations of this code, except the lot area and lot width regulations, shall be complied with, including the use that is to be located on the lot. (Ord. 2879. Passed 10-23-23.)

1125.07 NONCONFORMING SIGNS.

See Section 1121.13 for the regulation of nonconforming signs.
(Ord. 2879. Passed 10-23-23.)

1125.08 NONCONFORMING FENCES AND WALLS.

See Section 1113.05 for the regulation of nonconforming fences and walls.
(Ord. 2879. Passed 10-23-23.)

CHAPTER 1127
Enforcement and Penalties

1127.01 Enforcement by the Zoning Administrator.
1127.02 Records.
1127.03 Construction and use shall be as approved.
1127.04 Violations.
1127.05 Permit revocation.
1127.06 Injunction.
1127.07 Notice of violation.
1127.08 Penalties.
1127.09 Remedies.
1127.10 Affected parties.
1127.11 Other actions.

1127.01 ENFORCEMENT BY THE ZONING ADMINISTRATOR.

(a) The Zoning Administrator is hereby designated as the enforcing officer of this code.

(b) The Zoning Administrator is hereby authorized to enforce as well as issue orders to prevent and stop violations of the provisions of this code.

(c) The Zoning Administrator may request and shall receive, so far as may be necessary for the discharge of their duties, the assistance of the Village Administrator, the Village Engineer in fixing grades, the Chief of Police in enforcing orders, of the Law Director in the prosecution of violations and of other Village officials. In addition, the Zoning Administrator may delegate, at his/her discretion, the administration of this code and the building permit process to other Village officials. (Ord. 2879. Passed 10-23-23.)

1127.02 RECORDS.

The Zoning Administrator shall keep careful and comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered, and notices or orders issued. They shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours but shall not be removed from the office of the Zoning Administrator. (Ord. 2879. Passed 10-23-23.)

1127.03 CONSTRUCTION AND USE SHALL BE AS APPROVED.

(a) Building permits or authorizations to proceed following zoning compliance review issued by the Village 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.

(b) Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this code. (Ord. 2879. Passed 10-23-23.)

1127.04 VIOLATIONS.

(a) It shall be unlawful to:

(1) 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 code;

(2) 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 building permit or authorization to proceed following zoning compliance review, site plan approval, conditional use approval, subdivision plat approval, or other required approvals indicating compliance with the provisions of this code;

(3) Violate or fail to perform any condition, stipulation, or safeguard set forth in any certificate issued pursuant to this code or continue to use or occupy the premises or building as previously authorized by such certificate beyond the duration limit therein stated;

(4) Continue construction, renovation, or improvements contrary to a stop work order or notice of violation;

(5) Knowingly make any materially false statement of fact in an application to the Village Administrator for any approvals required by this code;

(6) Subdivide land in a manner contrary to the standards and regulations contained in this code; or

(7) Sell land that has not been subdivided in accordance with the regulations in this code.

(b) Each day's continuation of a violation of this section may be deemed a separate offense.

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

(d) 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 code.

(e) Order for Discontinuance and Removal of Violation. If the Zoning Administrator finds that any use is 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 ensure 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.
(Ord. 2879. Passed 10-23-23.)

1127.05 PERMIT REVOCATION.

The Zoning Administrator may issue a revocation notice to revoke a permit, certificate, or administrative approval that was issued contrary to this code or based upon false information or misrepresentation in the application. (Ord. 2879. Passed 10-23-23.)

1127.06 INJUNCTION.

No person may erect, construct, alter, repair, use, or maintain any building or structure or use any land in violation of this code or the regulations enacted pursuant thereto. In the event of any such violation or imminent threat thereof, upon the request of the Mayor or Village Council, the Law Director, on behalf of the Village, shall institute a suit for injunction to prevent or terminate such violation. (Ord. 2879. Passed 10-23-23.)

1127.07 NOTICE OF VIOLATION.

Upon finding a violation, the Zoning Administrator shall order, in writing, the owner, agent, occupant, or operator of such building or premises to correct, within a stated reasonable time, all conditions that are found to be in violation of this code. After such a notice is served, no work except to correct the violation or comply with the notice shall proceed on any building or premises included in the violation.
(Ord. 2879. Passed 10-23-23.)

1127.08 PENALTIES.

(a) Whoever violates or fails to comply with, or permits or causes any person in his or her employ to violate or fail to comply with, any of the provisions of this code shall be guilty of an unclassified misdemeanor and shall be fined up to five hundred dollars ($500.00) per day. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) In addition, or in the alternative, a person who violates or fails to comply with or permits or causes any person in their employ to violate or fail to comply with the provisions of this code shall be deemed to be creating a public nuisance, and the creation thereof may be enjoined, and the maintenance thereof may be abated by action filed by any Village official charged with enforcing this code. (Ord. 2879. Passed 10-23-23.)

1127.09 REMEDIES.

(a) In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this code, or any amendment or supplement thereto, Village Council, the Law Director, the Village Administrator, the Zoning Administrator, Chief Building Official, Village Engineer, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

(b) The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law. (Ord. 2879. Passed 10-23-23.)

1127.10 AFFECTED PARTIES.
The owner or tenant of any building, structure, premises, or part thereof, and any architects, engineers, surveyors, builders, contractors, agents, or other people who commit, participate in, assist in, or maintain a violation may be found guilty of a separate offense and suffer the penalties herein provided. (Ord. 2879. Passed 10-23-23.)

1127.11 OTHER ACTIONS.
Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 2879. Passed 10-23-23.)

CHAPTER 1129
Definitions

1129.01 Purpose.
1129.02 General rules for interpreation.
1129.03 Definitions and references.

1129.01 PURPOSE.

It is the purpose of this chapter to define words, terms, and phrases or identify references contained in this code. (Ord. 2879. Passed 10-23-23.)

1129.02 GENERAL RULES FOR INTERPRETATION.

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

(a) Meanings and Intent. All provisions, terms, phrases, and expressions contained in this code shall be interpreted in accordance with the general purposes set forth in Section 1101.01: Purpose and the specific purpose statements set forth throughout this code. When a specific section of this code gives a different meaning than the general definition provided in this chapter, the specific section's meaning and application of the term shall control.

(b) Headings, Illustrations, and Text. In the event of a conflict or inconsistency between the text of this code and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

(c) Lists and Examples. Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language is intended to provide examples and are not exhaustive lists of all possibilities.

(d) References to Other Regulations or Publications. Whenever reference is made to a code, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such code, statute, regulation, or document unless otherwise specifically stated.

(e) Delegation of Authority. Any act authorized by this code to be carried out by a specific official of the Village may be carried out by a designee of such official.

(f) Technical and Nontechnical Terms. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(g) Public Officials and Agencies. All public officials, bodies, and agencies to which references are made are those of Sheffield Village unless otherwise indicated.

(h) Mandatory and Discretionary Terms. The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

(i) Conjunctions. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(1) "And" indicates that all connected items, conditions, provisions, or events apply; and

(2) "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

(j) Tenses and Plurals. Words used in the present tense include the future tense. Words used in the singular number include the plural number, and the plural number includes the singular number unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

(k) Terms Not Defined. If a term used in this code is not defined in this chapter, the Village Administrator shall have the authority to provide a definition based upon the definitions used in accepted sources, including but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association. The Village Administrator may also rely on Webster's Dictionary or a similar source for the definition of terms.

(Ord. 2879. Passed 10-23-23.)

1129.03 DEFINITIONS AND REFERENCES.

Abut, Adjoin, or Adjacent
The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

Access
Any driveway or other point of entry and/or exit onto or from a street, road, or thoroughfare that connects to the general street system.

Accessibility Ramps
Permanent or portable ramps utilized to provide a disabled person with accessibility to a structure.

Active Recreational Facilities
Any park or recreational facility that is owned, managed, or operated by Sheffield Village, a local township, Lorain County, the State of Ohio, or a nonprofit agency. Such park or recreational facility requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, golf courses, and other similar outdoor facilities. Such uses may include accessory retail uses that are customarily incidental recreational uses, including, but not limited to, souvenir or concession stands.

Adjudication Hearing
An adversarial hearing during which evidence is taken for the purpose of determining issues of fact and law that will be used by the applicable decision-making body to prepare the report and recommendation and, ultimately, will be used in preparing final findings and orders. This may also be referenced as a quasi-judicial hearing. Adjudication hearings take place during a public meeting of the applicable decision-making body and require special public notice and an opportunity for the public to be heard.

Administrative, Business, or Professional Offices
A building or portion of a building wherein services are performed involving predominately administrative, professional, or clerical operations that do not have any retail trade and do not maintain any stock of goods for retail sale on the premises.

Adult Arcade
Adult arcade shall mean any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

Adult Bookstore, Adult Novelty Store, or Adult Video Store
A commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

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

A commercial establishment as defined in section 2907.38 of the Ohio Revised Code. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an "adult bookstore," "adult novelty store," or "adult video store." The existence of other principal business purposes does not exempt an establishment from being categorized as an "adult bookstore," "adult novelty store," or "adult video store" so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe "specified sexual activities" or "specified anatomical areas."

Adult Cabaret
A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

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

Adult Entertainment
The sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

Adult Entertainment Business
A restaurant, coffee shop, juice bar, bar, or any business establishment in which employees participate in the conduct of the business in a state of nudity.

Adult Entertainment Establishments
An adult arcade, adult bookstore, adult entertainment business, adult novelty store, adult video store, adult cabaret, adult motion picture theater, sexual device shop, adult theater, nude or seminude model studio, or sexual encounter establishment but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not an "adult entertainment establishment.

Adult Motion Picture Theater
A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

Adult Theater
A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of "specified anatomical areas" or "specified sexual activities."

Agricultural Uses
Cultivated plats or tracts of land or raised beds containing single variety or multiple varieties of vegetables, fruits, berries, or any other edible or otherwise consumable agricultural product or produce. Agricultural uses may also include the raising of livestock.

Air-Activated Graphic
A sign, all or any part of, which is designed to be moved by the action of forced air so as to make the sign appear to be animated or otherwise have motion. See also the definition for "Sign, Balloon."

Alley
A minor, service roadway of not more than twenty (20) feet in width, providing a secondary means of public access to abutting property and not intended for general traffic circulation, but is not a public or private street as defined by this code.

Alteration

- Any change, addition, or modification in construction, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed;" any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure.
- Any change of copy, sign face, color, size, height, shape, illumination, position, location, construction, or supporting structure of any sign.

Alteration of Watercourse
Any action that serves to increase or decrease the carrying capacity of a watercourse.

Alteration, Structural
Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Amateur Radio Antennas
A system of cables, electrical conductors, insulators, metallic or nonmetallic tubing, poles, reflecting discs, rods, wires, or similar objects used for transmission or reception of radio signals or electromagnetic waves for amateur radio service.

Animal Boarding Facilities
Any building, structure, or land, or combination thereof, used, designed, or arranged for the boarding, breeding, or care of domestic animals or pets for profit. Such use may also include training and daycare facilities. Such use shall also include the raising of five (5) or more dogs, regardless if the activity is for personal purposes or for profit.

Animal Hospitals/Clinics and Animal Grooming
A building where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Such uses shall not have any outdoor facilities for the boarding or keeping of animals. Such use may include facilities for animal grooming.

Antenna
Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of radio or electromagnetic waves when such system is either external to or attached to the exterior of a structure.

Antenna, Wireless Telecommunications
Any antenna system designed to transmit and/or receive communications as authorized by Federal Communications Commission (FCC), including amateur radio operators' antennas.

Appeal
A review procedure by which a person may call into question an administrative decision made in accordance with this code. See Section 1105.08.

Applicant
Unless otherwise specified, an owner of a property or an agent for the owner, including a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to Chapter 1105: Review Procedures.

Application
The process by which the applicant submits a request for any type of development review or approval as identified in Chapter 1105: Review Procedures. Applications include all written documentation, verbal statements, and representations in whatever forms and quantities required by the Village.

Architectural Feature
A prominent or significant part or element of a building, structure, or site.

Area of Special Flood Hazard
The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

Assembly Halls or Conference Centers
Facilities or buildings available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

Automatic Teller Machines (ATM)
An automated device that provides bank and financial institutional customers with cash withdrawal and other financial services without the need for a bank teller.

Automobile
Any motor vehicle designed and used for the carrying of people, including a truck. Such motor vehicle shall not exceed seven (7) feet and ten (10) inches in height or twenty-four (24) feet in length, or eight (8) feet in width.

Automotive Repair and Service (Major)
Any general repair, rebuilding, reconditioning, body or fender work, framework, painting, or the replacement of major parts of motor vehicles (e.g., major engine repair). This use type may also include towing services that provide towing or conveyance of a wrecked, inoperable, disabled, or illegally parked motor vehicle but shall not include storage of such vehicles on site.

Automotive Repair and Service (Minor)
Any structure or premises used for the sale of vehicle parts and fluids, excluding fuel sales, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses shall also include establishments that sell parts or tires for vehicles as a retail establishment, regardless if the parts are installed on-site. See also "automotive repair and service (heavy)."

Awning
A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. See also the definition of "canopy."

Figure 1129-A: Examples of traditional awnings

Base Flood
A flood elevation that has a one percent (1%) 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.

Basement or Cellar
That portion of a building where the floor level is more than four (4) feet below the adjoining finished grade.

Berm
An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise. The height of a berm shall be measured from the average natural grade at the base of the berm.

Block
The property lying between the two (2) nearest intersecting streets, crossing or terminating, or between the nearest such street and a railroad right-of-way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development or the corporate lines of the Village.

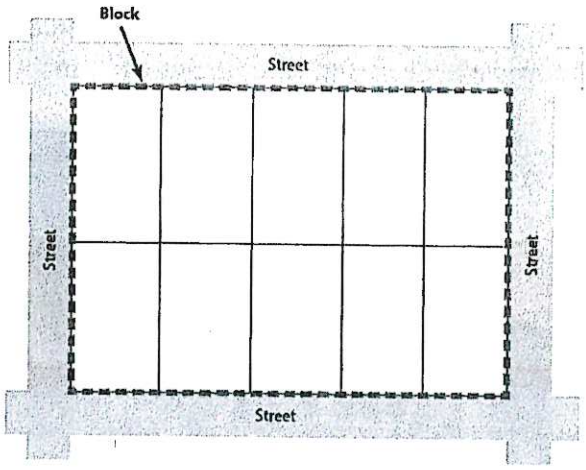

Figure 1129-B: Illustration of block

Block Face
All lots that have frontage on the same street as the subject lot between an intersecting street or other boundaries.

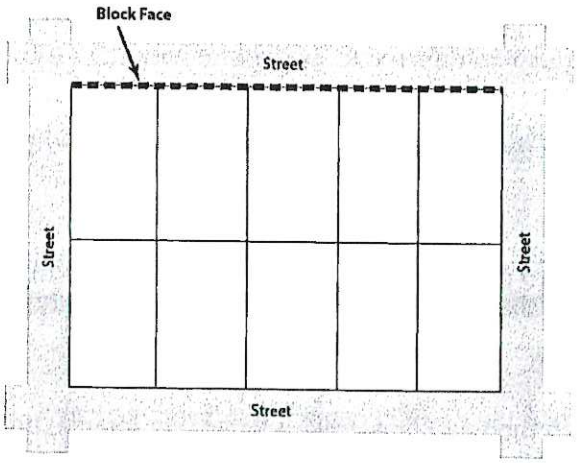

Figure 1129-C: Illustration of a block face

Building
Any structure of a more or less permanent construction, having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals, or property. When separated by party walls, each portion of such building shall be considered a separate structure. The term shall be used synonymously with "structure," unless otherwise noted, and shall be construed as if followed by the words "parts or parts thereof."

Building Code
Part Thirteen of these Sheffield Village Code of Ordinances.

Building Height
The vertical distance of a building as measured in Section 1113.01(e).

Building Lines
The lines along the interior side of any required front, rear, and side yards setbacks.

Building Unit
Any building subdivided into separate units or spaces and any interior space occupying any portion of the ground floor of any building provided that each unit or space has its own exterior entrance and is separated from other such spaces by a party wall or walls.

Building, Accessory
A subordinate building detached from but located on the same lot as the principal or main building, the use of which is incidental and accessory to the principal building or use and that is constructed subsequent to the principal building or main use of the land.

Building, Nonconforming
A building or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and that does not conform to the provisions of the code in the district in which it is located.

Building, Principal or Building, Main
A building occupied by the main use of the lot on which said building is located.

Bulk Sale or Distribution of Fuels and Oils
An establishment that sells or distributes unleaded and diesel gasoline, propane, oils, or any other similar types of fuels or liquids to other businesses but not to the general public.

Caliper
The American Association of Nurserymen standard for trunk measurement of nursery stock. The caliper of the trunk shall be taken six (6) inches above the ground up to and including a four-inch caliper size and twelve (12) inches above the ground for a caliper size greater than four (4) inches.

Canopy
A permanent structure made of cloth, metal, or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building facade (e.g., structural legs, building extensions, etc.). See also the definition of "awning."

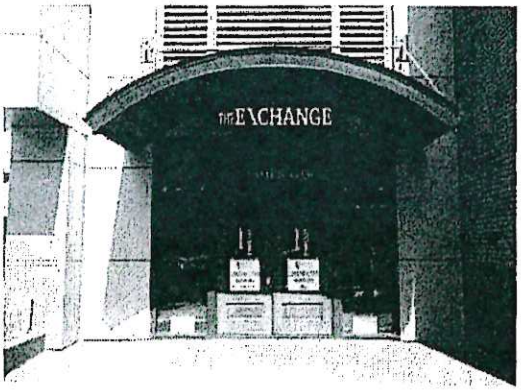

Figure 1129-D: Example of a canopy and related sign

Carport
A roofed shelter, open on at least two (2) sides, which is designed as a shelter for operable automobiles. A carport may be freestanding or may be formed by the extension of a roof from the side of a building.

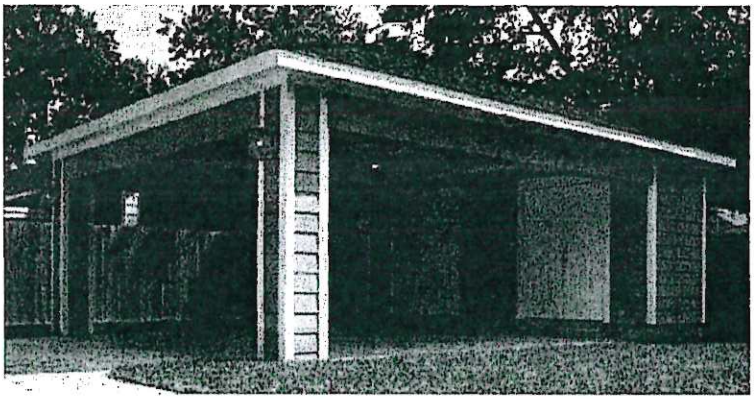

Figure 1129-E: Example image of a detached garage (left) and detached carport (right).

Cellular
Wireless transmission technology that uses a grid of antennas (cell sites) to send and receive signals from mobile telephones. The antenna "hands off" signals as the user travels between cell sites, enabling the same frequency, or channel, to be used by many callers simultaneously.

Cellular Communication Services
Personal communications accessed by means of cellular equipment and services.

Cellular or Wireless Communications Antenna
Any structure or device used to receive transmitted electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services, and ground-wired communications systems, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips and other equipment utilized to serve personal communication services.

Cemeteries
Land used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Change
Any alteration, addition, demolition, removal, or construction involving any property subject to the provisions of this code.

Code of Ordinances
The Code of Ordinances of Sheffield Village, Ohio

Code Text or Map Amendment
An amendment or change to the text of this code or to the zoning map as reviewed and decided upon by the Village Council in accordance with Section 1105.03.

Collocation (Wireless Telecommunications)
The use of a wireless telecommunications facility, comprising a single wireless telecommunications tower, building, or other structure permanently affixed to real property, supporting two (2) or more antennas, disks, pods, or other similar devices used for telecommunications by more than one telecommunications provider, whether public or private. Collocation shall apply to such devices whether readily discernible to the naked eye or camouflaged.

Commercial and Business Support Services
A profit-making activity that renders services to other commercial or industrial businesses such as, but not limited to, courier services, information technology consultants, and internet providers.

Commercial Greenhouse or Nursery
An establishment used for the growing, storage, and sale of legal garden plants, shrubs, trees, or vines for retail or wholesale sales. Greenhouses that are part of a larger agricultural use shall be considered an accessory to the principal agricultural use of the land.

Commercial Message or Speech
Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Commercial Recreational Facilities (Indoors)
A facility for any indoor profit-making activity which is providing participatory and/or spectator activities, such as, but not limited to, live performances, bowling alleys, commercial recreation, video game rooms, billiard halls, indoor skating rinks, bingo parlors, and similar entertainment activities. Commercial recreational facilities shall not include "adult entertainment establishments."

Commercial Recreational Facilities (Outdoors)
Land or facilities for any profit-making activity which is providing outdoor participatory and/or spectator activities such as, but not limited to, privately managed or owned parks, amusement parks, water parks, rollerblade rental, pay-to-play athletic fields, golf courses, miniature golf courses, driving ranges, outdoor ice-skating rinks, batting cages or swimming pools. Commercial recreational facilities shall not include "adult entertainment establishments."

Common Area
Any land area and/or facilities that are held in common ownership by the residents 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.

Community Gardens
A single piece of land that is gardened collectively by a group of people that may include individual garden plots designated for individual gardens.

Completed Application
An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.

Comprehensive Land Use Plan
The currently adopted long-range plan intended to guide the growth and development of the Village, based on study and analysis of the Village's existing conditions, including population and housing, historical and natural features, general land use patterns and zoning regulations, and other development considerations. References to the comprehensive land use plan may include supplemental plans adopted by Sheffield Village, including, but not limited to, a transportation plan, parks and recreation plan, etc.

Condominium
A multi-family dwelling or development containing individual owners' dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of a homeowners' association and/or Ohio law.

Construction
The act of constructing an addition to an existing building or structure or the erection of a new principal or accessory structure on a lot of property.

Contractor Equipment and Storage Yards
An unenclosed area or portion of a lot upon which a construction contractor maintains its principal office or a permanent business office used to store and maintain construction equipment and other materials customarily used in the trade carried on by a construction contractor.

County
Lorain County, Ohio

Cultural Facilities
Public or private facilities used for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites. Such use shall not include "theaters."

Day Care Centers (Adult or Child)
A facility administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any portion of the twenty-four (24)-hour day in a building other than the child's own home. This use may include but is not limited to, after-school programs, office day care centers, and principal structures used for only day care/nursery school programs. This term may also include adult day care centers where persons other than children, family members, or guardians care for an adult for a portion of a twenty-four (24)-hour day in a building other than the adult's home. Adult day care centers shall not include operations that care for adults, including persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require restraint.

Decision
An action a review board takes to take final action on an application. Such action will allow the applicant to move forward with the proposed development or move forward to the next step unless an appeal is made in accordance with state law or this code.

Deck
A flat surface that is not paved, which is capable of supporting weight similar to a floor, constructed outdoors and elevated from the ground that is either freestanding or attached to a building. Decks may also include stairways. Decks are unenclosed by solid or nonsolid walls or a roof. See also Section 1111.01.

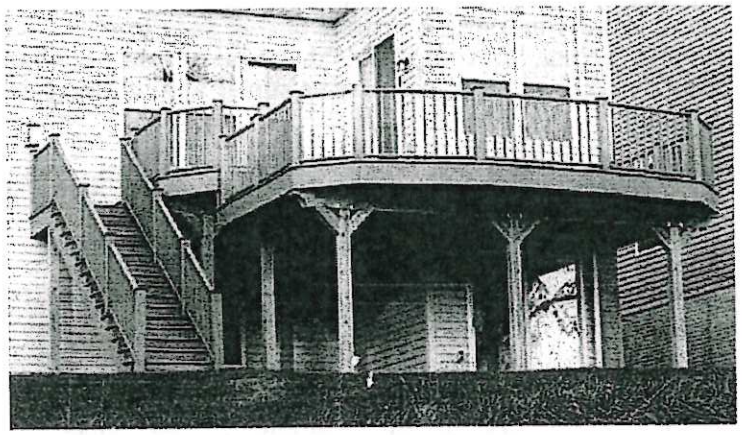

Figure 1129-F: Example of a deck.

Dedication
The intentional and voluntary appropriation or transfer of land from the private owner to the Village or other public agency for the land to be pledged to a proper public use or purpose.

Demolition
Any act or process that destroys in whole or in part any building or structure.

Density
The number of dwelling units permitted or built per acre of total land area.

Detached Accessory Buildings
See the definition of "building, accessory."

Developer
Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or other legal entity commencing proceedings under this code to affect the development of land for himself or herself or for another.

Development
Any building, construction, renovation, mining, extraction, grading, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwellings units in a structure or a change to a commercial or industrial use from a less intense use.

District
See the definition of "zoning district."

Drive-Through Facilities
Any portion of a building 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" but shall not include vehicle washing establishments, automotive fuel sales, or automotive repair and service establishments.

Driveway
A private accessway used by vehicles and pedestrians for access to a parking space, garage, dwelling, structure, or a use of land.

Dwelling
A building designed or used exclusively as the living quarters for one or more families or housekeeping units.

Dwelling Unit
A single unit of one or more rooms providing complete, independent living facilities for one family, or alternatively by one housekeeping unit.

Dwelling, Multi-Family
A building or portion thereof designed with two (2) or more dwelling units.

Dwelling, Single-Family
A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

Easement
A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.

Educational Institutions (Higher Education)
Any private or public secondary educational institution that includes, but is not limited to, secretarial schools, colleges and universities, business schools, cosmetology schools, seminaries, or any other institution providing collegiate-level curriculum and other post-secondary school educational opportunities.

Educational Institutions (Preschool and K-12)
A public or private facility that provides a curriculum of primary, elementary, secondary, or college preparatory academic instruction, including, but not limited to, preschools, kindergartens, elementary schools, junior high schools, and high schools. This definition shall not be deemed to include colleges, trade or business schools, or other post-secondary education facilities. See the definition of "educational institutions (higher education)."

Electronic Message Center
A sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g., electronic or digital signs).

Essential Services
The erection, construction, alteration, or maintenance by public utilities or Village departments, boards, or commissions of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communication, supply, or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such Village utility or Village department, board, or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this code. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations and those of other authorities having jurisdiction.

Establishment (Adult Entertainment Establishments)
Establishment means and includes any of the following:

- The opening or commencement of any adult entertainment establishment as a new business;
- The conversion of an existing business, whether or not an adult entertainment establishment, to an adult entertainment establishment;
- The additions of any adult entertainment establishment to any other existing adult entertainment establishment; or
- The relocation of any adult entertainment establishment.

Exterior Lighting
Any source of light that is installed or mounted outside of an enclosed building or structure, not including streetlights installed or maintained along public streets by a government agency or public utility. See Section 1113.03.

FAA
The Federal Aviation Administration

Facade
The exterior walls of a building or building face exposed to public view; the exterior face of a building that gives it a distinctive character.

Facade, Front
The facade of a building that contains the primary entrance of the building.

Facade, Primary
For the purpose of the sign regulations, a primary facade shall be as defined in Section 1121.04(c)(7).

Facade, Secondary
For the purpose of the sign regulations, a secondary facade shall be as defined in Section 1121.04(c)(7).

Family
One or more persons, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two (2) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit.

FCC
The Federal Communications Commission, which is primarily responsible for the administration of the Telecommunications Act of 1996.

Federal Emergency Management Agency (FEMA)
The agency with the overall responsibility for administering the National Flood Insurance Program.

Fence
Any accessory wall or structure composed of wood, metal, stone, vinyl, or other material erected in such a manner and positioned to enclose, partially enclose, screen, or divide any premises or part of premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers, and other vegetation when erected in such position as to enclose, partially enclose, screen, or divide any premises or any part of any premises shall be included within the definition of a fence.

Financial Guarantee
A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.

Financial Institutions
Any building, property, or activity of which the principal use or purpose of which is for depository purposes and includes the provision of financial services including, but not limited to, banks, credit unions, savings, and loan institutions.

Flag
Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Flood Insurance Rate Map (FIRM)
An official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.

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.

Flood or Flooding
A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters; and/or
- The unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain
Any land susceptible to being inundated by water from the base flood.

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 by more than five tenths (0.5) feet.

Food Services
An establishment whose principal business is the preparation of food and beverages for serving off-site. This includes catering services where there is no on-site restaurant or area for the serving of prepared foods and drinks.

Footcandle
A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle

Fraternal, Charitable, and Service-Oriented Clubs
A building or portion thereof or premises owned or operated by an entity, person, or group of persons for a social, educational, religious, or recreational purpose but not primarily for profit or to render a service that is customarily carried on as a business.

Frontage
All of the property abutting on one side of a street or place (crossing or terminating) or, if the street or place is dead-ended, then all of the property abutting on one side between an intersecting street or place and the dead end of the street or place.

Frontage, Building
The length of an enclosed building facing a public or private street. When a business does not front on a public right-of-way, the Village Administrator shall have the authority to designate the building frontage. In structures with more than one business, the frontage of each business shall be calculated separately in determining its sign area. See Figure 1129-G.

Frontage, Street or Frontage, Lot
The distance between the side lot lines measured along the required front setback line. In the case of a corner lot, frontage shall be measured along the shortest front lot line. Property lines that abut limited access roads shall not be construed to be included within any calculation of frontage. See Figure 1129-G.

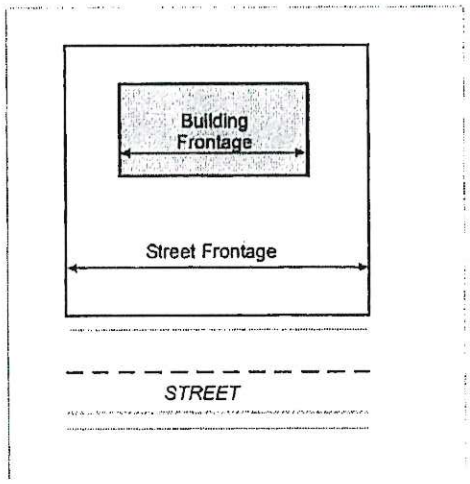

Figure 1129-G: Illustration of building frontage versus street frontage.

Fuel Stations
An establishment that sells unleaded and diesel gasoline or any other fuel used in vehicles as part of a retail activity available to the general public. Such use shall not include electric charging stations that are located in individual parking spaces.

Funeral Homes and Mortuaries
Any dwelling or establishment used and occupied by a professional licensed mortician for human burial preparation and funeral services.

Garage
An accessory building primarily intended for and used for the enclosed storage or shelter of motor vehicles of the owner or occupant of the principal building that is attached or detached from the principal building.

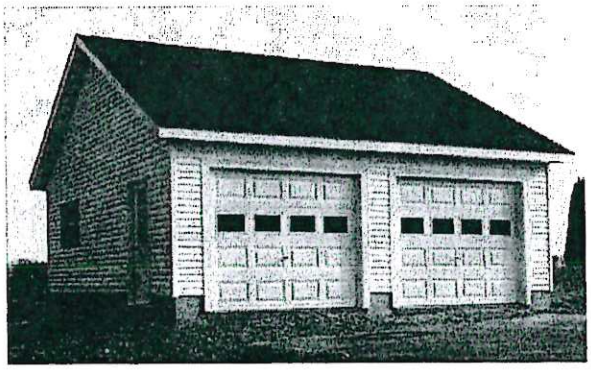

Figure 1129-H: Example image of a detached garage.

Government Offices and Buildings
Buildings or office space utilized for the provision of services by Sheffield Village, Lorain County, the State of Ohio, or the Federal Government that does not include outdoor activities other than parking. Such uses include but are not limited to municipal buildings, fire stations, police stations, government offices, and other similar uses.

Grade

- "Finished grade" means the elevation of the finished surface of the ground adjoining the building after final grading and normal settlement at the front of the building.
- "Natural grade" means the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

Grading
The stripping, cutting, filling, or stockpiling, or any combination thereof of earth-disturbing activity, inclusive of land in its cut or filled conditions

Grass
A species of perennial grass grown as permanent lawns or for landscape purposes.

Gravel Surface Parking Lot
A parking area that is temporarily paved with gravel or loose rock while the related development is under construction.

Ground Cover
A plant growing less than two (2) feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

Hedge
A barrier of natural vegetation usually consisting of evergreen trees, shrubs, or tall grasses that can be used to enclose, screen, or separate areas.

Home Occupations
A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and does not adversely or perceptively affect the character of the lot or surrounding area.

Homeowners' Association
A community association that is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, private roads, or other such facilities.

Hospitals
An institution providing inpatient and outpatient medical and/or surgical care, diagnosis, and treatment for sick or injured persons, including beds for overnight care, laboratories, medical offices, training facilities, and other necessary accessory facilities. Such uses may include ambulance service.

Hotels and Motels
A facility offering fewer than thirty (30) days of consecutive lodging accommodations, in individual rooms or suites, on a daily rate, to the general public and potentially providing additional accessory services such as, but not limited to, restaurants, meeting rooms, and recreational facilities. Such facilities shall provide only internal access to the individual rooms or suites.

Housekeeping Unit
Five or fewer unrelated persons occupying a single dwelling unit, living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a hotel, motel, or other group living arrangement. Such definition shall also include all residential facilities with five or fewer residents and residential facilities, as defined in Chapter 5123 of the ORC, that contain up to eight or fewer unrelated persons.

Improvement Plans
The engineering plans showing the types of materials and construction details for the proposed subdivision improvements.

Improvements
Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, structures, landscaping, and other related matters normally associated with the subdivision of raw land into building sites.

Industrial Service Uses
Establishments primarily engaged in rendering services to office, business, retail, or industrial establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; office equipment rental and leasing; commercial research; development and testing; photo finishing; machine repair, and personal supply services.

Internet Gaming/Sweepstakes Cafe
Any computer, machine, game, or apparatus which, upon the insertion of a coin, token, or similar object, or upon payment of anything of value, where a product or service is provided, and may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which does not in any way, manner or form encourage gambling.

Landscaping
The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects. In no case shall landscaping include the use of artificial plants or flowers as a replacement for living plant material unless such an artificial plant closely resembles its natural counterpart in size, form, and color.

Light Fixture
The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output controls, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Light, Cutoff
An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 1113.03.

Light, Non-Cutoff
An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 1113.03.

Livestock
Any camelid or hooved animal raised for domestic or commercial use or any species of domestic fowl, including, but not limited to, chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl and game birds raised for food production, breeding, exhibition or sale.

Loading Area
An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

Loading Space
An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials that have an appropriate means of access.

Lot
A parcel of land occupied, or to be occupied, by a main building and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required and having the minimum size required for a lot under the provisions of this code. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage required in the zoning district in which the lot is located.

Lot Area
The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication. See Section 1113.01.

Lot Coverage
That portion of a lot, which, when viewed directly above, which would be covered by buildings.

Lot Depth
The mean horizontal distance between the front lot line and the rear lot line as measured in the general direction of the side lot lines.

Lot Line
The boundary line defining the limits of the lot. Lot line is synonymous with "property line."

Lot Line, Front
In the case of an interior lot, the "front lot line" means that line separating such lot from the street. In the case of a corner lot or double frontage lot, the front lot line is that line separating such lot from either street. See Section 1113.03.

Lot Line, Rear
A lot line opposite a front yard. A rear lot line is generally parallel to or less than forty-five (45) degrees to the front street right-of-way line. See Section 1113.03.

Lot Line, Side
A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Section 1113.03.

Lot of Record
A lot that is part of a subdivision, the part of which has been recorded in the office of the Lorain County Recorder or a parcel of land the deed to which was recorded prior to the adoption of this code.

Lot Width
The horizontal distance between the side lot lines, as measured at right angles to the lot depth at the front setback line. See Section 1113.03.

Lot, Corner
A lot that adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines is one 135 degrees or less. See Figure 1129-I.

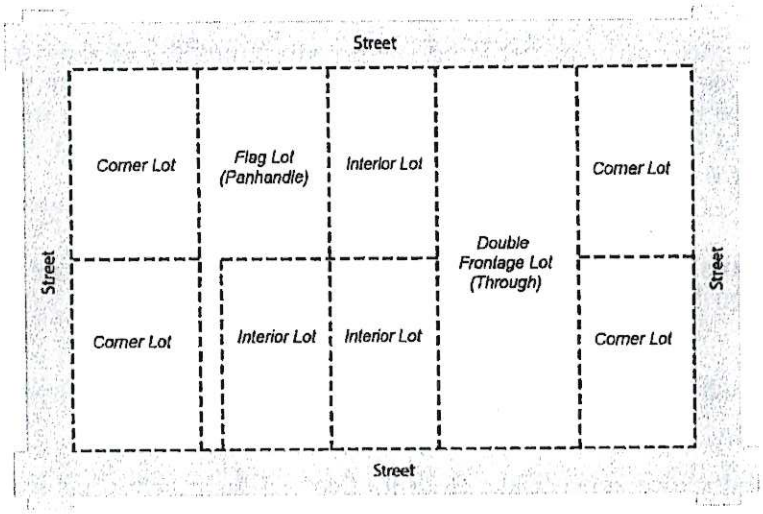

Figure 1129-I: Illustration of typical lot types.

Lot, Curved or Lot, Cul-De-Sac
A lot with frontage along a curved street or cul-de-sac. See Section 1113.03.

Lot, Double Frontage (Through)
A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Section 1113.03.

Lot, Flag (Panhandle)
A lot that does traditionally have a frontage on or abutting a public street but where access is provided through a narrow strip of land that fronts or has access to the street. See Section 1113.03.

Lot, Interior
A lot that has a single street frontage, a rear lot line, and at least two (2) side lot lines. See Section 1113.03.

Lot, Nonconforming
A lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

Luminaire
The complete lighting unit, including the lamp, the fixture, and other parts.

Machinery and Heavy Equipment Sales, Leasing, Storage, and Service
An establishment engaged in the temporary storage for the sale or repair of tractor-trailer trucks and other equipment or vehicles used in commercial, industrial, or construction enterprises such as, but not limited to, bulldozers, cranes, backhoes, rollers, and lifts.

Manufacturing and Production (Heavy or Outdoors)
An establishment engaged in manufacturing, assembly, fabrication, packaging, or other industrial processing of products primarily from extracted or raw materials, or the bulk storage and handling of such products and materials, or an industrial establishment having the potential to produce noise, dust, glare, odors or vibration beyond its lot line. Such use shall also include any manufacturing or assembly facility that requires outdoor storage areas that exceed 500 square feet in area.

Manufacturing and Production (Indoors)
The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties. See also "manufacturing and production (heavy or outdoors)."

Maximum Extent Feasible
That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

Mechanical Equipment
Equipment, devices, and accessories, the use of which relate to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

Medical Marijuana
Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose as defined in Ohio Revised Code Section 3796.01.

Medical Marijuana Business
A business or home occupation use involving, in whole or in part, the cultivation, processing, distribution, and/or wholesale or retail sale of medical marijuana on the premises. This definition shall specifically include, but is not limited to, dispensaries of medical marijuana; facilities for the cultivation, packing, transportation, processing, storage, and/or sale of medical marijuana; and bakeries or kitchens producing edible forms of medical marijuana or products containing the same.

Medical Marijuana Cultivation
The cultivation of medical marijuana by a medical marijuana cultivator licensed by the State of Ohio.

Medical Marijuana Processing
Medical marijuana processing licensed by the State of Ohio.

Medical Marijuana Retail Dispensary
A medical marijuana retail dispensary licensed by the State of Ohio.

Medical/Dental Clinics and Urgent Care Centers
Office or clinic uses concerned with the diagnosis, treatment, and care of human beings. This definition includes twenty-four (24)-hour urgent care centers but does not include "hospitals," "medication maintenance facilities or dispensaries," "skilled nursing facilities," or "personal care facilities." The use shall not include any ambulance service or overnight stays.

Microbrewery, Microdistillery, or Microwinery
An establishment where beer, liquor, wine, or other alcoholic beverage is manufactured on the premises. The manufacturing may be the principal use of the facility or may be subordinate to a restaurant, bar, or tavern as allowed in Section 1107.06(q). A microbrewery, microdistillery, or microwinery may include some off-site distribution of its alcoholic beverages consistent with state law.

Mixed-Use Buildings
A building that contains a commercial or office use and a residential use within a single building as provided for in this code and where the residential uses are located on upper floors only.

Modification
Any change in use, addition, or alteration of a building or structure, or any change in type and/or increase in the quantity of regulated substances used, stored, handled, or produced.

Monument
A box with an iron pin at the intersection of the centerlines of (2) two streets or at a location where the point of tangency meets the point of curvature for curved sections of streets.

Motor Vehicle
Every vehicle propelled or drawn by power other than muscular power, except road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed of twenty-five (25) miles per hour or less, threshing machinery, hay baling machinery, agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural and vegetable products and trailers designed used exclusively to transport a boat between a place of storage and marina, or in and around a marina when drawn or towed on a street or highway for a distance of no more than ten (10) miles and a speed of twenty-five (20) miles per hour or less.

Multi-Tenant Use
A principal building with multiple uses of a similar use classification (e.g., commercial, industrial, etc.) but that has multiple tenant spaces and/or multiple use types. A strip mall or strip center with a mixture of retail uses such as restaurants, retail stores, and personal service establishments is an example of a multi-tenant building. Such use does not include any use within the residential use classification.

Nonconforming Site Condition
A site improvement that was legally established but no longer conforms to the parking, landscaping, architectural, or other design standards for the site exclusive of the lot area, lot width, or other site development standards established in this code. See also "lot, nonconforming."

Nonconformity, Legal
Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this ordinance or its amendments, which do not conform to the regulations of the applicable zoning district, and are therefore incompatible. See also the definitions for "use, nonconforming," "lot, nonconforming," "building, nonconforming," "nonconforming site condition," and "structure, nonconforming."

Nudity, Nude, or State of Nudity
The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

Nursery Schools or Day Care Centers
As a temporary use, this term shall have the same meaning as "Day Care Centers (Adult or Child)."

Occupant
A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.

Outdoor Dining
Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, that are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

Outdoor Display or Sales
The placement of small products or materials for sale outside of a retail or wholesale sales establishment.

Outdoor Drop Boxes
Drop-off boxes are small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

Outdoor Storage and Bulk Sales
A facility or lot used for the outdoor storage of materials and/or vehicles that are to be used for construction or for manufacturing processes and where such uses are the principal use of the lot. Such use may also include the sales of materials related to construction or manufacturing where the sales are direct to contractors or business and not open to the general public for retail sales. This use may also include the outdoor storage of fleet vehicles.

Outdoor Vending Machines
Vending machines are small machines that are capable of accepting money in return for the automatic dispensing of goods (e.g., drink machines, snack machines, video machines).

Owner
Any individual, firm, association, syndicate, co-partnership corporation, trust or any other legal entity, having legal title to or sufficient proprietary interest in the land.

Parking Aisle
The driveway or access drive by which a vehicle enters and departs a parking space.

Parking Area
An area designed for the parking of vehicles that includes parking spaces and any driveways or access drives specifically related to the parking spaces.

Parking Lots
An outdoor area made up of marked parking spaces and associated access drives where motor vehicles may be stored for the purpose of temporary off-street parking. Also known as a parking area.

Parking Space
A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

Passive Parks, Open Space, and Natural Areas
Any park or recreational facility where there is no grading of the land, the construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

Patio
An unenclosed outdoor hard-surfaced area that is no higher than eighteen (18) inches above the ground. If a pergola or other roof structure is attached to the principal building and extends over the patio, then the patio and roofing shall be considered a porch.

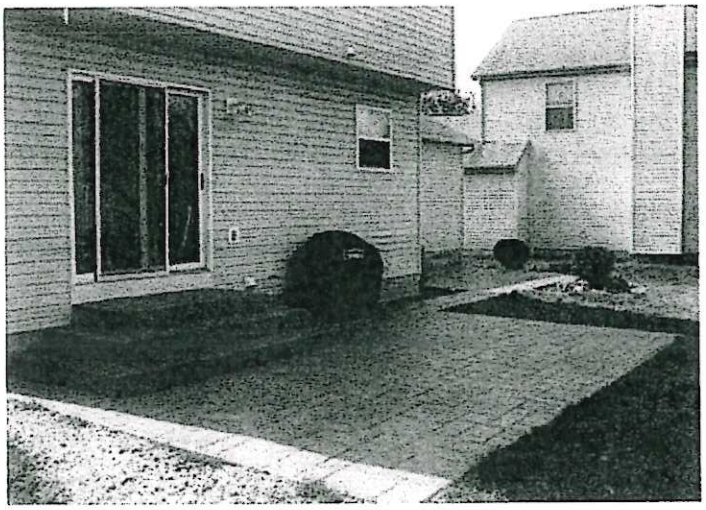

Figure 1129-J: Illustrative example of a patio.

Patios, Porches, and Decks
See separate definitions for "patio," "porch," or "deck."

Pedestrian Way
A public or private right of way solely for pedestrian circulation.

Pennants
A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

Performance Standard
A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings. See Section 1113.04.

Person
Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county or State agency within Ohio, the federal government, or any combination thereof. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district or state community college. Agency does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Personal Care
Personal care means the provision of personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

Personal Services
Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

Personal Wireless Services
Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular services.

Personal Wireless Telecommunications Service
Communications services provided by a commercial mobile service provider. It includes a common carrier wireless exchange access service, cellular services, and unlicensed wireless services.

Pick-Up Window
Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers who walk-up to the window or door during such business transactions. There shall be no direct vehicular access to the pick-up window.

Places of Worship
A religious institution where a congregation of any denomination, regularly participates in or holds religious services, meetings and other activities, including buildings in which the religious services are held and which may include accessory indoor uses such as, but not limited to, day care or educational institution facilities.

Planned Unit Development
A development that is planned for a single use, or to integrate a variety of uses into a comprehensive development, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses. For the purposes of this code, Planned Unit Developments are developments approved prior to the effective date of this amendment. See Chapter 1109: Planned Unit Developments.

Planning Commission
The Village Planning Commission of Sheffield Village, Ohio

Plat
A map graphically indicating a proposed land subdivision or re-subdivision prepared in a form suitable for filing for record, with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots, blocks, streets, alleys, public areas, and other dimensions of land.

Plat, Final
The final map of all or a portion of the subdivision which is presented to the Planning Commission and Village Council for final approvals in accordance with this code, and which, if approved, shall be filed with the proper county recording officer. May also be referred to as the "final subdivision plat."

Plat, Preliminary
A plat of all parts of a subdivision prepared by a professional registered engineer or surveyor, incorporating recommendations and requirements of planning authorities, and showing topography, means of drainage, roadways, grades, sanitary and water service, and other information for preliminary approval by the Planning Commission in accordance with this code. A preliminary plat may also be referred to as the "preliminary subdivision plat."

Playsets, Treehouses and Trampolines
Recreational equipment for children that may include, but is not limited to, swings, slides, monkey bars, and play enclosures.

Porch
An unenclosed area with a roof that is attached to a building but not used for livable space. A porch also includes paved areas without a roof if the surface area is higher than 18 inches above the adjacent grade (e.g., stoops). See Section 1111.01.

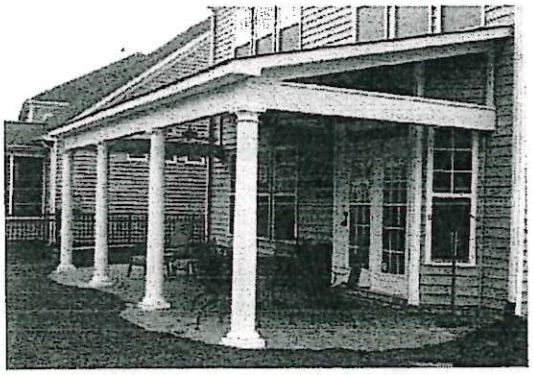

Figure 1129-K: Examples of a front porch (left) and back porch (right).

Portable Storage Unit
A portable enclosed unit of durable construction or material, not to exceed eight feet wide by eight (8) feet tall by sixteen (16) feet long, designed for permanent or temporary storage, which can be transported by vehicle and left on-site.

Public Hearing
A public hearing is where a decision-making board (Village Council, Planning Commission, or BZA) are holding a special review of an application where specific notice is provided to the public and the public is afforded an opportunity to speak and be heard. Public hearings take place during a public meeting of the applicable decision-making body.

Public Improvements
See the definition of "improvements."

Public Meeting
A public meeting is a prearranged gathering of a majority of the members of a public body (Village Council, Planning Commission, or BZA) for the purpose of discussing public business. Public meetings are subject to the Open Meetings Act of Ohio. Both public hearings and adjudication hearings, as defined and addressed in this code, can only take place at a public meeting.

Public Utility Buildings and Facilities
Structures and land used for storage, transmission, or recovery facility for water, sewerage, telephone, electric or gas and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission (PUCO). Such uses may also include salt storage or other outdoor activities necessary for the efficient operations of the local, state, or federal government.

Raceway or Wireway
An elongated metal enclosure used to mount individual channel lettering and to conceal related transformers and wiring.

Raising of Livestock
The noncommercial raising and caring of livestock on a residential lot as an accessory use.

Recommendation
An action a review board takes to recommend a decision to another review board or decision-making authority, typically the Village Council, where the action is not the final decision on the application. A recommendation does not result in any approvals to move forward with development.

Recreational Courts
An area of a yard that is permanently improved and surfaced for the recreational use of the property owner for games such as tennis, basketball, racquetball, and similar sports or games.

Research and Development Facilities
An establishment or facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products. Such establishment shall not include the manufacturing or assembly of products beyond the development of prototype systems or products. All activities shall take place within an enclosed building.

Residential Community Centers
A building used for the meeting, recreation, or social activity designed to accommodate and serve the residents of a subdivision or development with which the use is associated and that may be privately owned or jointly owned by property owners.

Residential Facilities
Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than sixteen (16) persons needing specialized care, counseling, ongoing medical treatment, or supervision to live in the same building or complex of buildings and engage in some congregate living activity in a non-institutional environment as regulated by Chapters 5119, 5120 and 5123 of the Ohio Revised Code.

Restaurants
An establishment whose principal business is the selling of food and beverages to the customer in a ready-to-consume state, in individual servings, to be consumed within the building or as take-a-way. Where allowed, such restaurants may also include drive-through facilities.

Retail Businesses
Any business selling goods, wares, or merchandise directly to the ultimate consumer for direct consumption and not for resale. Retail business uses include but are not limited to supermarkets, stores that sell electronics, hardware, apparel, footwear, appliances, furniture, department stores, and discount stores.

Retail Commercial Uses
For the purposes of accessory uses, this term shall mean "retail businesses" that are accessory to the principal use.

Right-of-Way
A strip or area of land dedicated for use as a public roadway, railroad, or dedicated for other public uses. For streets, the right-of-way typically includes the paved roadway, curbs, lawn strips, sidewalks, lighting, drainage facilities, and utilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Roadway
See the definition of "street."

Roof Line
Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. In regards to sign placement, where a building has several roof levels, the pertinent roofline or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Satellite Dishes
A parabolic dish antenna, including its structural supports, used for the reception of various satellite television programming signals.

Screening
A method of visually shielding or obscuring a structure, parking, mechanical equipment, refuse collection center, or incompatible land use, from another and from public view by fencing, walls, beams, or densely planted vegetation. See Chapter 1117: Landscaping and Screening.

Self-Storage Facilities
A building that contains varying sizes of individual, compartmentalized, or controlled-access stalls, lockers, or buildings for the dead storage of a customer's goods or wares where the access to such stalls or lockers can occur only within the inside of the building and where there is no outdoor storage. Self-storage facilities shall also include buildings used for storage of personal or business items, regardless of commercial purposes, where such storage exceeds forty percent (40%) of the total floor area of the building.

Semi-Nudity or Semi-Nude Condition
A state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

Setback
The required minimum horizontal distance between a lot line or the proposed right-of-way, whichever is more restrictive, and a building, surface parking lot, or structure as established by this code.

Setback Line
A line established by this code that is generally parallel with, and measured from, the lot line or the right-of-way, whichever is more restrictive, defining the minimum distance a building, structure, parking area, or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this code. For example, a front yard setback line is the line formed by applying the minimum front yard setback from any applicable front lot lines.

Setback, Building
The setback required from any right-of-way and the principal or accessory building as established in this code.

Setback, Front
The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property and the front lot line. See Section 1113.03.

Setback, Rear
The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property and the rear lot line. See Section 1113.03.

Setback, Side
The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property and a lot that is shared with another lot where such lot line is defined as a side lot line. See Section 1113.03.

Short-Term Rental
The leasing of any residential property, either the entire dwelling unit or individual rooms, for a period of time less than 30 consecutive days to one additional family or housekeeping unit. This use includes but is not limited to homes or rooms being rented through services such as AirBnB, VRBO, HomeAway, etc.

Shrub
A self-supporting, deciduous, or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.

Sidewalk
That portion of the road right-of-way, easement, or private property that is improved for the use of pedestrian traffic by the general public.

Sign
Any object, device, display or structure, or part thereof situated outdoors or adjacent to the interior of a window or doorway which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign Area
The entire display area of a sign, including the advertising surface located on one or more sign faces and any framing, trim, and molding, but not including the supporting structure as measured pursuant to Section 1121.04.

Sign Copy
Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign.

Sign Face
The surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign Height
The vertical distance of a sign, from top to bottom, as measured in accordance with Section 1121.04(b).

Sign Structure
Any structure that supports, has supported, or is capable of supporting a sign, including a decorative cover.

Sign, A-Frame
A freestanding temporary sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs.

Sign, Awning
A permanent sign painted on, printed on, or attached flat against the surface of an awning.

Sign, Balloon
A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. See also the definition of "Air-Activated Graphic."

Sign, Banner
A temporary sign constructed of canvas, plastic, fabric, or similar lightweight, non-rigid material that can be mounted to a structure with a cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a temporary "yard sign."

Sign, Building
Any permanent sign attached to any part of a building, including an awning, canopy, marquee, projecting, hanging, or wall sign.

Sign, Canopy
A permanent sign attached to the soffit or fascia of a canopy of a covered entrance or walkway, or to a permanent awning or marquee.

Sign, Changeable Copy
A sign designed so that the characters, letters, or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. See also the definition of "sign, manual changeable copy" and "electronic message center."

Sign, Drive-Through Facility
Any permanent signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

Sign, Driveway
A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

Sign, Feather
A temporary sign that is constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

Sign, Freestanding
Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building or other structure.

Sign, Illuminated
Any sign which has characters, letters, figures, designs, or outlines illuminated externally or internally by any light source other than non-reflected natural daylight.

Sign, Manual Changeable Copy
A changeable copy sign designed so that the characters, letters, or illustrations can be changed or rearranged manually. May also be known as readerboards.

Sign, Monument
A permanent freestanding sign, not attached to a building, that is placed upon or supported by the ground independently of any other structure and is limited to a height not to exceed eight feet. Monument signs, unlike pole signs, typically are on a monument or pedestal structure.

Figure 1129-L: The above image provides an example of two monument signs.

Sign, Nonconforming
Any sign which was erected legally prior to the adoption of this code but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

Sign, Permanent
A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground that is constructed of rigid, non-flexible materials.

Sign, Pole
A sign which is supported wholly by a pole or poles and designed so as to permit pedestrian or vehicular traffic to flow underneath the bottom of the sign cabinet or copy.

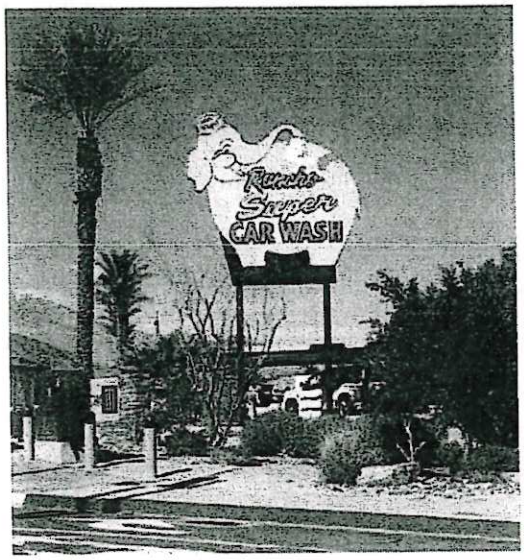

Figure 1129-M: The above image provides an example of a pole sign.

Sign, Projecting
A permanent sign that is affixed perpendicular to a building or wall and extends more than eighteen (18) inches beyond the face of such building or wall.

Sign, Roof
Any sign erected on a roof.

Sign, Sidewalk
A temporary sign that may be placed outside, during business hours, in accordance with this code and all other applicable ordinances and resolutions. See the definition of "sign, T-frame" and "sign, A-frame."

Sign, Temporary
A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

Sign, T-Frame
A temporary portable sign which is ordinarily in the shape of an upside-down "T" or some variation thereof, which is readily moveable and is not permanently attached to the ground or any structure. See also the definition for A-frame signs.

Sign, Wall
A permanent sign attached directly to an exterior wall of a building and which does not extend more than eighteen (18) inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

Sign, Window
Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building.

Sign, Yard
Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles that is not attached to any building.

Site Plan
A plan prepared to scale accurately showing, with complete dimensions, the boundaries of the site, the location of buildings, exterior lighting, landscaping, vehicular use areas, access drives, signs, outdoor storage areas, and any other features that comprise a proposed development that are further defined in Section 1105.05 and that demonstrate a development's compliance with this code.

Site Plan Review
The review of proposed site plans as reviewed and decided upon in accordance with Section 1105.05.

Skilled Nursing
Those nursing services and procedures employed in caring for the sick, which requires training, judgment, technical knowledge, and skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

Skilled Nursing or Personal Care Facilities
A long-term or short-term in-patient care facility that provides skilled nursing services or personal care in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as "hospitals" or "residential facility."

Solar Panels
The equipment and requisite hardware that provides and is used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource. Such systems include passive solar energy systems that capture the sun's energy in building design and construction components, solar thermal energy systems that convert sunlight to heat, as in a hot water tank or swimming pool, and photovoltaic solar energy systems that convert sunlight to electricity.

Specified Anatomical Areas

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

Specified Sexual Activities
Specified sexual activities means any of the following:

- The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
- Excretory functions as part of or in connection with any of the activities set forth in Section 1107.06(k).

Static/Instant Message Change
On electronic message centers, a static or instant message change is when one message changes to another message instantly without scrolling, flashing, or other movement of the message.

Story
That portion of a building included between the surface of any floor and the surface of the floor above it; or, if there is no floor above it, then the space between the floor and the ceiling next above it.

- "First story," as applied to the residential district, means the lowest story or the ground story of any building, the floor of which is less than four (4) feet below the average contact ground level at the exterior walls of the building.
- "Half story," as applied to the residential districts, means a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are less than four (4) feet above the floor of such story.

Streamer
A ribbon-shaped or cord-like rope that may have pennants and/or banners attached and which is stretched or hung between two or more supports.

Street
A right-of-way dedicated or deeded and accepted for public use, which provides for vehicular and pedestrian traffic. A street will typically include:

- The paved area, or cartway, principally for use by motorized vehicles and usually bordered with curbs and gutter;
- A sidewalk between the paved area and right-of-way line principally for use by pedestrians; and
- A landscaped area between the sidewalk and paved area which is often called a "treelawn".

Street Line
The street right-of-way line.

Street, Arterial
A public street that carries vehicular traffic of a State or Federal highway route, excluding Interstate 90, or a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.

Street, Collector
A street that carries or is expected to carry large amounts of vehicular traffic whose origin or destination is not primarily in abutting properties. Collector streets are intended to provide access to neighborhoods or sub-neighborhoods and to carry traffic from local streets to the arterial street system, including the principal entrance and circulation routes within a residential subdivision.

Street, Cul-de-Sac
A short street having one open end to traffic and the other end permanently terminated by a vehicle turnaround.

Street, Dead-End
A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

Street, Local
A street designed primarily for providing access to residential, commercial, or other abutting property through driveways or other access points.

Street, Private
An area set aside to provide access for vehicular traffic within a development that is not dedicated or intended to be dedicated to the Village and that is not maintained by the Village.

Street, Public
A street that has been dedicated or deeded to the public for public use and which affords principal access to abutting property.

Structural Alteration
Any change or rearrangement in the supporting members of a building, such as beams, girders, bearing walls, columns or partitions, or any increase in the area or cubical contents of the building.

Structure
That which is constructed on or under the ground or attached or connected thereto, including but not limited to: buildings, barriers, bridges, bulkheads, chimneys, fences, garages, outdoor seating facilities, parking areas, platforms, pools, poles, streets, tanks, tents, towers, sheds, signs, walls, and walks; and excluding trailers and other vehicles whether on wheels or other supports.

Structure, Accessory
A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Structure, Nonconforming
A structure or portion thereof, lawfully existing on the effective date of this code or amendments thereto, and which does not conform to the provisions of the code in the district in which it is located.

Structure, Temporary
A structure permitted for a limited duration with the intent that such use will terminate or the structure will be removed automatically upon expiration of the fixed time period. A temporary structure is without a foundation or footing.

Subdivider
Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under this code to affect a subdivision of land hereunder for himself or for another.

Subdivision
The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures, not involving the division, combination, alteration, or allocation of land for the opening, widening or extension of any street or streets, and the division or allocation of land as open spaces for common use by owners, occupants or leaseholders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities, shall be exempted.

Subdivision Modification
A modification to any of the public improvement or subdivision design standards of Chapter 1123: Subdivision Design, as authorized by the Planning Commission in accordance with Section 1105.10(f).

Subdivision, Major
A subdivision that is not classified as a minor subdivision.

Subdivision, Minor
A division of a parcel of land along an existing street not involving the opening, widening, or extension of any street or road and involving no more than five lots after the original tract has been completely subdivided. See further distinction in Section 1105.09.

Substantial Improvement
Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either

- Before the improvement or repair is started; or
- 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 parts of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either

- Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions; or
- Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming Pools
Any pool, lake, or open tank primarily used for swimming or wading, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than three (3) feet and as further defined in Section 1111.01.

Taverns, Bars, or Night Clubs
Establishments whose primary purpose is providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors, and that may include entertainment. The sale of food products, including, but not limited to, sandwiches and light snacks, may be a secondary use to the service of the aforementioned drinks.

Telecommunications
All communications services and the use thereof, whether by means of public or private providers, and includes cellular telecommunications, personal wireless services, and amateur radio broadcasting, by any transmission, emission, or reception of signals, writing, images, and sounds, or information of any nature by wire, radio, visual or the electromagnetic system.

Temporary Event with Extensive Impact
A short-term event or activity that may occur for a longer time period; will require broader Village resources; or will have more extensive impacts on the Village or adjacent properties than a temporary use with limited impact.

Temporary Event with Limited Impact
A short-term event or activity with minimal impact on street, public services, or adjacent properties.

Temporary Structures for Construction Purposes
A mobile home, trailer, dumpster, or similar temporary structure that is used as an office, storage, or collection of debris on a temporary basis in conjunction with a construction project.

Theaters
Any building or part of a building used for the showing of motion pictures or for dramatic, dance, musical, live, or pre-recorded performances. Such use may include a lobby area and refreshment stand for the patrons.

Tower (Wireless Telecommunications)
Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Tree
A self-supporting woody, deciduous, or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Lorain County, Ohio.

Tree, Deciduous
Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

Tree, Evergreen
A tree that remains green throughout the year.

Truck Terminals
The use of property or buildings for a business establishment that is primarily related to the distribution of goods and merchandise and/or the temporary parking of motor freight vehicles or trucks during loading and unloading, and between trips. While truck terminals may include necessary warehouse space for storage or transitory freight., such storage shall be short-term (thirty (30) days or less). Truck terminals may include building facades that are occupied entirely or partially by loading docks and garages for access by trucks.

Type-B Day Care Homes
A permanent residence of the provider in which child day care is provided for one to six children at one(1) time and in which no more than three (3) children may be under two (2) years of age at one time. In counting children for the purposes of this definition, any children under six (6) 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.

Use
Any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Use, Accessory
A use located on the same lot as the principal use of a building or land but incidental and subordinate to and constructed subsequent to the principal use of the building or land.

Use, Conditional
A use that may be appropriate or desirable in a specified zoning district but requires special approval through the conditional use approval (See Section 1105.04.) because, if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

Use, Nonconforming
Any building or land lawfully occupied by a use that was in accordance with the zoning regulations, if any, in existence when the use commenced and which, through subsequent enactments or changes of zoning regulations either prior to the passage of this code or by the passage of this code or amendments thereto, does not conform or did not conform thereafter with the use regulations of the district in which it is situated.

Use, Permitted
A use that is permitted in a specified zoning district through either zoning compliance review or site plan review, as may be applicable.

Use, Permitted with Standards
A use that is permitted in a specified zoning district through either zoning compliance review or site plan review, as may be applicable, provided such use meets the additional use-specific standards set forth in this code.

Use, Principal or Main
The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted, permitted with standards, or conditionally permitted.

Use, Temporary
A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure. See Chapter 1111: Accessory and Temporary Uses.

Variance
A modification of the strict terms of these regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these regulations would result in a practical difficulty. See Section 1105.07.

Vehicle
Every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a street or highway, except motorized wheelchairs and devices other than bicycles moved by human power. Where a vehicle type is not specifically defined in this code, such vehicle shall be considered as defined by the Ohio Revised Code.

Vehicle and Equipment Sales and Leasing
Any building or land where new or used passenger cars, pick-up trucks, motorcycles, boats, trailers, and other recreational vehicles, in operational condition, are sold or leased to customers. This use may also include establishments engaged in the temporary storage for the sale or leasing of tractor-trailer trucks and other equipment or vehicles used in commercial, industrial, or construction enterprises such as, but not limited to, bulldozers, cranes, backhoes, rollers, and lifts.

Vehicle Washing Establishments
The use of a site for washing and cleaning passenger vehicles, recreational vehicles, or other light-duty equipment. This shall include establishments that provide car detailing services.

Vehicle, Recreational
A vehicle or a vehicular portable structure designed and constructed to be primarily used for recreational purposes or for the purpose of a temporary dwelling used for travel, recreation, or vacation. Recreational vehicles may include, but are not limited to, trailers, boats, jet skis and other personal watercraft, snowmobiles, and the following uses:

- "Travel trailer" means a non-self-propelled recreational vehicle, including tent type fold-out camping trailer or a fifth wheel.
- "Motor home" means a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food, and sleeping.
- "Truck camper" means a non-self-propelled recreational vehicle without wheels for road use and designed to be placed upon and attached to a pick-up style body. The term "truck camper" does not include truck covers, which consist of walls and roofs but do not have floors and facilities for use as a dwelling.
- "Van with luggage rack" means a van with a luggage rack and/or extended top larger than a permitted residential vehicle.

Vehicular Use Area
The entire paved area encompassing all parking spaces, loading areas, waiting spaces, and the access drives that provide access to those spaces, but that does not include the entry drive or driveway with no direct access to a parking space, waiting space, or loading space. For residential uses, the vehicular use area shall include the driveway, garage, and any other parking areas.

Village
Sheffield Village, Ohio

Village Administrator
The Village Administrator for Sheffield Village, Ohio. The individual designated to oversee the administrator of this code unless otherwise stated.

Village Council
Village Council or Council means the legislative body of Sheffield Village, Ohio

Village Engineer
The Village Engineer for Sheffield Village, Ohio. This may include consultants hired by the Village to serve as the Village Engineer.

Violation
The failure of a structure or other development to be fully compliant with the regulations of this code.

Waiting Space
A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development.

Wall
An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure.

Wall, Retaining
A retaining wall is a structure that holds back soil or rock from a building, structure, or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

Warehouses
A business establishment primarily engaged in the long-term storage (over thirty (30) days) of goods and merchandise within a single building (not individual compartments) that may contain loading and unloading docks. Warehouses shall not include any building facade that contains loading docks or garages that occupy more than forty percent (40%) of the facade width. See also "self-storage facilities" or "truck terminals."

Wholesale Establishments
An establishment or place of business primarily engaged in selling merchandise to retailers, including associated showrooms and warehousing; to industrial, commercial, institutions, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Windblown Devices
Objects and signs designed to inform or attract attention, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical, or any other means and may include, but are not limited to, pennants, ribbons, streamers, spinners, or similar objects.

Wireless Communications Towers and Antenna
A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of personal wireless services.

Yard
An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this code. See Section 1113.03. for rules of measurement and determination for all yard types.

Yard, Front
Unless otherwise stated in Section 1113.03, a front yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

Yard, Rear
Unless otherwise stated in Section 1113.03, a rear yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

Yard, Side
Unless otherwise stated in Section 1113.03, a side yard is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

Zoning Administrator
The Zoning Administrator for Sheffield Village, Ohio. The individual designated to enforce this code, unless otherwise stated.

Zoning Compliance Review
A building permit or authorization to proceed issued by the Village Administrator stating that a proposed development or activity complies with this code as established in Section 1105.06.

Zoning District
An area within the Village limits for which the regulations and requirements governing use are uniform as established by Section 1107.02.

Zoning District, Base
The base zoning district is the zoning district established for each property that includes any of the residential and nonresidential zoning districts established in Section 1107.02.

Zoning District, Nonresidential
The term "nonresidential zoning district" shall include the C-2, C-3, C-4, I-1, and P-I Districts, regardless if residential uses are permitted.

Zoning District, Overlay
A special secondary zoning district that lies over an underlying base zoning district. For this code, such an overlay district provides for the creation of a Planned Unit Development that has a specific development plan approved for the location where the overlay district is applied.

Zoning District, Residential
The term "residential zoning district" shall include the R and M-1 Districts.

Zoning Map
An accurate map depicting Sheffield Village, Ohio, and indicating the official boundaries of the zoning districts established by this code. See Section 1107.03.
(Ord. 2879. Passed 10-23-23.)