

# Oberlin Zoning (DRAFT Nov '25)



- |   |   |  |
|---|---|--|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #f46d43; border: 1px solid black; margin-right: 5px;"></span> DOWNTOWN               | <span style="display: inline-block; width: 15px; height: 15px; background-color: #76c73a; border: 1px solid black; margin-right: 5px;"></span> PARKS AND OPEN SPACE     | <span style="display: inline-block; width: 15px; height: 15px; background-color: #6a3d9a; border: 1px solid black; margin-right: 5px;"></span> INNOVATION          |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #4a7ebb; border: 1px solid black; margin-right: 5px;"></span> INSTITUTIONAL          | <span style="display: inline-block; width: 15px; height: 15px; background-color: #d4c03e; border: 1px solid black; margin-right: 5px;"></span> SUBURBAN RESIDENTIAL     | <span style="display: inline-block; width: 15px; height: 15px; background-color: #9a4d8a; border: 1px solid black; margin-right: 5px;"></span> GENERAL COMMERCIAL  |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #e67e9a; border: 1px solid black; margin-right: 5px;"></span> NEIGHBORHOOD MIXED-USE | <span style="display: inline-block; width: 15px; height: 15px; background-color: #f4a460; border: 1px solid black; margin-right: 5px;"></span> TRADITIONAL NEIGHBORHOOD | <span style="display: inline-block; width: 15px; height: 15px; background-color: #4db6ac; border: 1px solid black; margin-right: 5px;"></span> PLANNED DEVELOPMENT |



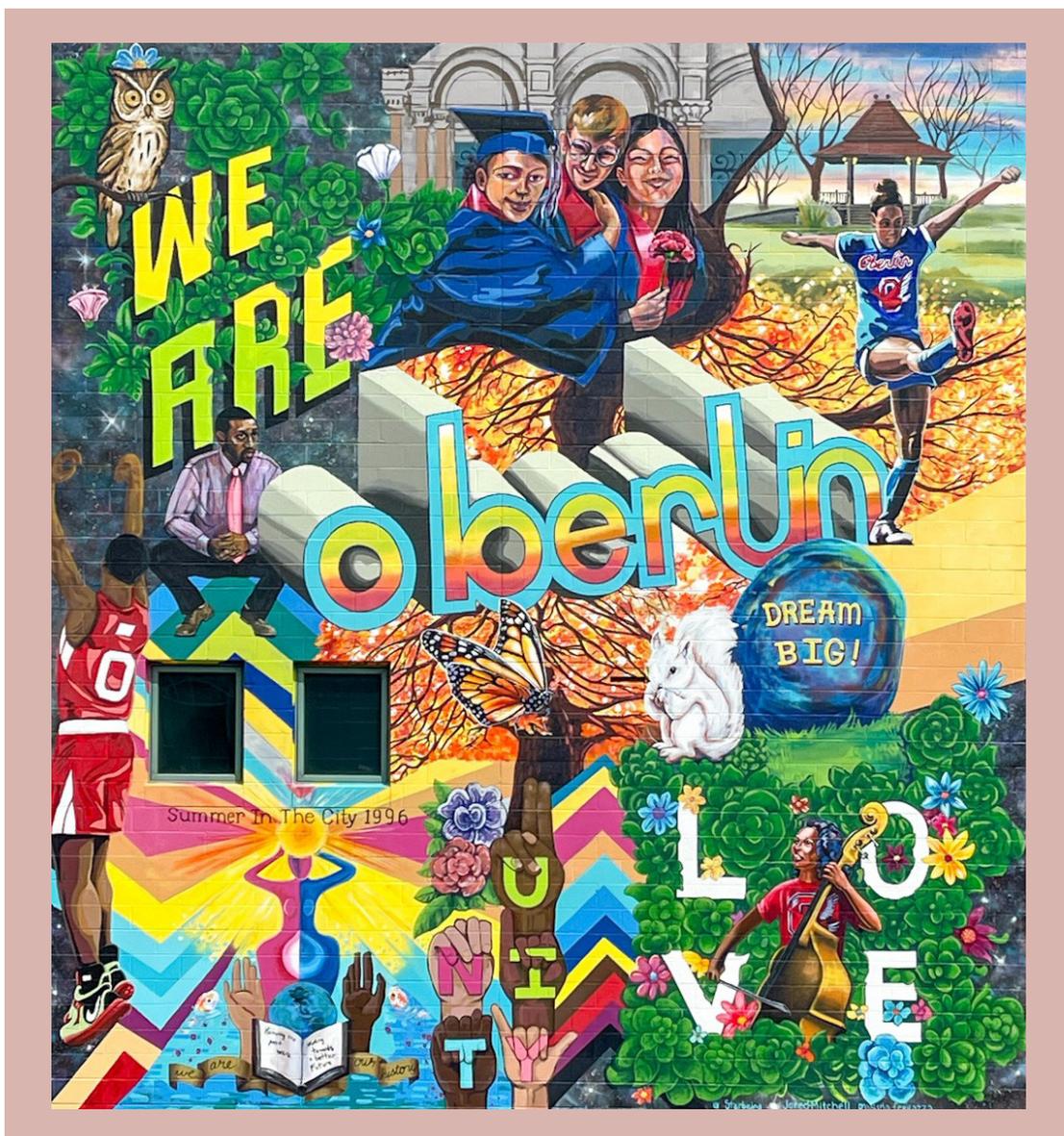
# Planning and Zoning Code



**Oberlin, Ohio**

---

# The Planning and Zoning Code of the City of Oberlin, Ohio



---

# Table of Contents

CHAPTER 1301: INTRODUCTION TO AND USING THIS ORDINANCE.....	7
Section 1301.01 Title and Effective Date; Repealer.....	7
Section 1301.02 Purpose and Intent.....	7
Section 1301.03 Applicability.....	7
Section 1301.04 Savings Provision/Severability.....	7
Section 1301.05 Rules of Interpretation.....	7
Section 1301.06 Rules of Measurement.....	8
Section 1301.07 Code Roadmap.....	11
CHAPTER 1302: DISTRICTS STANDARDS.....	14
Section 1302.01 Establishment of Districts.....	14
Section 1302.02 Establishment of Zoning Map.....	14
Section 1302.03 Maintenance of Zoning Map.....	14
Section 1302.04 Interpretation of Zoning Map Boundaries.....	14
Section 1302.05 Zoning upon Annexation.....	15
CHAPTER 1303: LAND USE STANDARDS.....	47
Section 1303.01 Purpose of Land Use Standards Chapter.....	47
Section 1303.02 Land Uses Restricted By District and By Use Type.....	47
Section 1303.03 Interpretation of Land Uses.....	47
Section 1303.04 Allowed Land Uses.....	47
Section 1303.05 Use-Specific Standards for Principal Uses.....	50
Section 1303.06 Standards Applicable to Accessory Uses and Accessory Structures.....	72
Section 1303.07 Temporary Uses.....	80
Section 1303.08 Cottage Court Standards.....	80
Section 1303.09 Townhouse Standards.....	82

CHAPTER 1304: GENERALLY APPLICABLE STANDARDS.....	85
Section 1304.01 Parking Standards .....	85
Section 1304.02 Trees .....	88
Section 1304.03 Vision Clearance Triangle .....	88
Section 1304.04 PERFORMANCE STANDARDS.....	89
Section 1304.05 Fence Standards .....	95
Section 1304.06 Outdoor Lighting Standards.....	97
Section 1304.07 Dumpsters and Solid Waste Storage Standards .....	98
Section 1304.08 Sign Standards.....	99
CHAPTER 1305: ADMINISTRATION AND PROCEDURES .....	119
Section 1305.01 Purpose .....	119
Section 1305.02 Roles and Responsibilities.....	119
Section 1305.03 Comprehensive Table of Procedures.....	121
Section 1305.04 Zoning Permits .....	122
Section 1305.05 Conditional Use Approval Process.....	128
Section 1305.06 Variance Process .....	129
Section 1305.07 Process for Appeal of Administrative Determinations .....	130
Section 1305.08 Public Hearing Process for Variances, Appeals, or Conditional Use Approvals.....	131
Section 1305.09 Process for Amendments to the Text of this Zoning Code or Amendments to the Official Zoning Map	132
Section 1305.10 Violations.....	134
Section 1305.11 Penalties and Remedies.....	134
Section 1305.12 Fees .....	134
CHAPTER 1306: NONCONFORMITIES .....	137
Section 1306.01 Purpose of Nonconformities Chapter .....	137
Section 1306.02 Savings Provision.....	137
Section 1306.03 Definitions .....	137
Section 1306.04 Nonconforming Lots.....	138
Section 1306.05 Nonconforming Uses .....	138
Section 1306.06 Nonconforming Structures.....	140
Section 1306.07 Burdens of Proof .....	141
Section 1306.08 Specific Applications of Nonconformities .....	141
Section 1306.09 Illegal Uses, Structures, and Lots, Generally.....	142
Section 1306.10 Nonconforming Status Attached to the Land .....	142

CHAPTER 1307: GLOSSARY OF TERMS.....144  
Section 1307.01 Definition of Land Use Terms .....144  
Section 1307.02 Definition of General Terms .....144

Introduction to and Using  
this Ordinance

Chapter

1301

---

# Chapter 1301: Introduction to and Using this Ordinance

## **SECTION 1301.01** TITLE AND EFFECTIVE DATE; REPEALER

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

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

## **SECTION 1301.02** PURPOSE AND INTENT

The zoning regulations and districts as herein established have been made in accordance with the 2024 Comprehensive Plan, to promote, in accordance with present and future needs, the health, safety, morals, order, convenience, prosperity, and general welfare of the citizens of the city, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of access and of traffic and circulation of people and goods, for the appropriate use and occupancy of buildings, for healthful and convenient distribution of population, for protection against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, or loss of life, health, or property from fire, flood, panic or other dangers, to encourage good civic design and arrangement, to facilitate the creation of a convenient, attractive and harmonious community, to protect against destruction of or encroachment upon historic resources, and to facilitate the provision of adequate public utilities, public services and other public facilities, by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces, and the type and density of use.

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

## **SECTION 1301.03** APPLICABILITY

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

## **SECTION 1301.04** SAVINGS PROVISION/SEVERABILITY

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

## **SECTION 1301.05** RULES OF INTERPRETATION

(a) Whenever a defined word appears in this Zoning Code, its meaning is as defined in this Zoning Code.

Words not defined in this Zoning Code are interpreted in accord with their dictionary meaning and customary usage.

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

## **SECTION 1301.06 RULES OF MEASUREMENT**

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

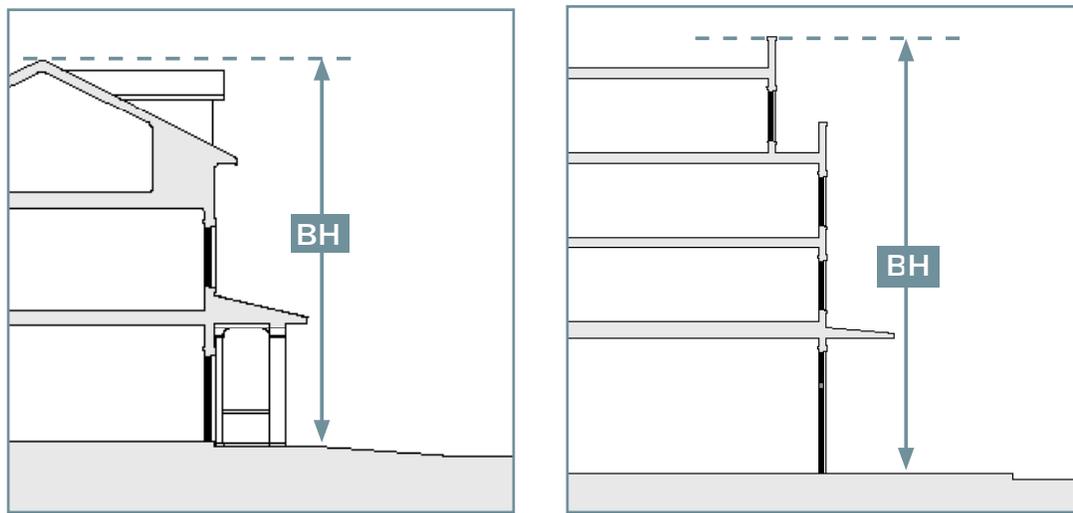


Figure 1: Graphic showing how to measure the building height (BH) of a pitched-roof building (left) and a flat-roofed building (right).

- (2) Exceptions to Height Maximums. Elevator shafts and similar structural elements which are not intended as places of occupancy or storage; water and fire towers, cooling towers, ornamental towers, or spires; cupulas; smokestacks or chimneys; conveyors; bell towers or steeples; heating, ventilation, and air conditioning equipment and similar building mechanicals; and communication and radio transmission devices may extend above the structure height limit established by the district standards if they conform to the following requirements:
- (i) For those structures that are mounted on a building's roof, no more than one-third of the roof area may be used for such fixtures.
  - (ii) For those fixtures affixed to the principal structure's roof and providing at least the minimum setbacks established by the district in which it is located, no height-exceptioned fixture shall exceed the height limit of the district in which it is located by more than 15 vertical feet, except by a variance approved by the Board of Zoning Appeals. For information on variances, please refer to Article XXXX "Administration and Procedures."
  - (iii) For solar panels and wind turbines, such structures shall conform to height maximums as described in Section XXXX.XX "Standards for Accessory Solar Energy Systems or Wind Energy Systems."
  - (iv) Note that, for accessory structures that are within the minimum setback area (for example, a child's playhouse, which is an accessory structure, within 5 feet of the side lot line, where that district requires a side setback of at least 10 feet), no accessory structure shall exceed the maximum height described by Section XXXX.XX "Height Maximums for Accessory Structures."



Figure 2: Graphic showing examples of exceptions to maximum height restrictions, including water towers (left), building mechanics (center), and cellphone & radio towers (right).

(b) Determining Lot Lines and Building Setbacks

(1) Lot Lines

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

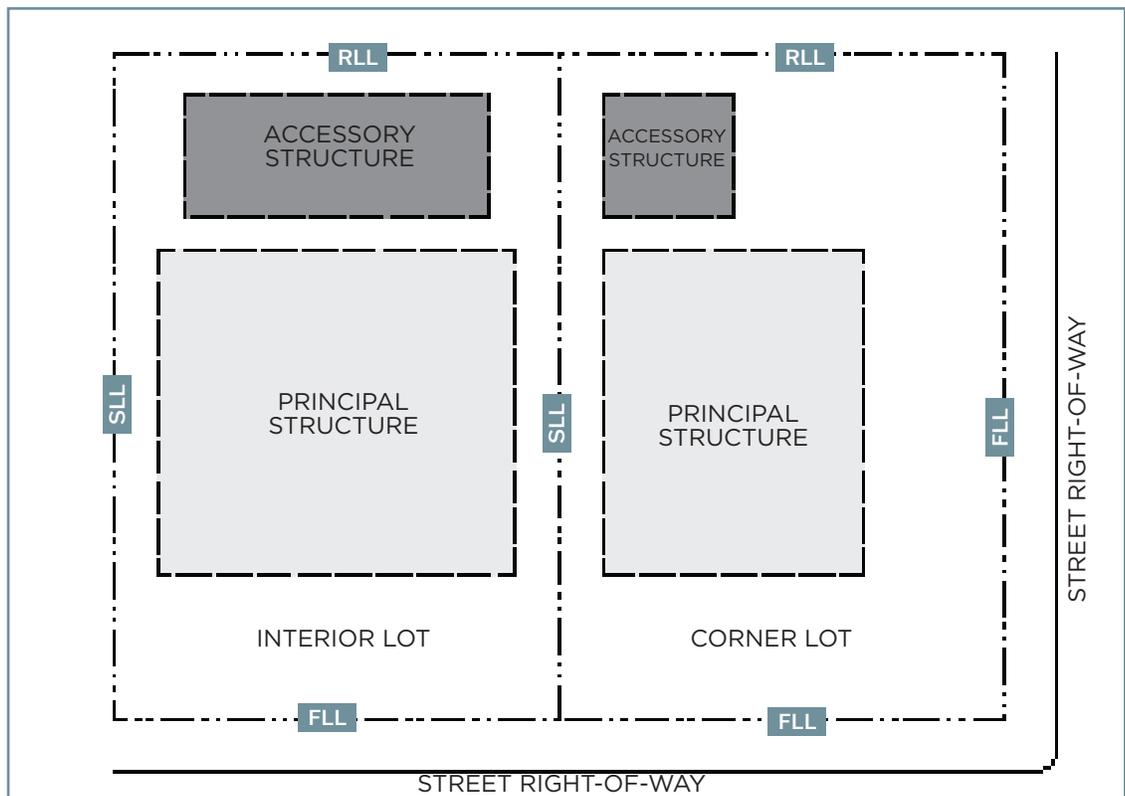


Figure 3: Graphic showing lot lines, including front lot lines (FLL), side lot lines (SLL), and rear lot lines (RLL) on an interior lot (left) and a corner lot (right).

(2) Setbacks

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

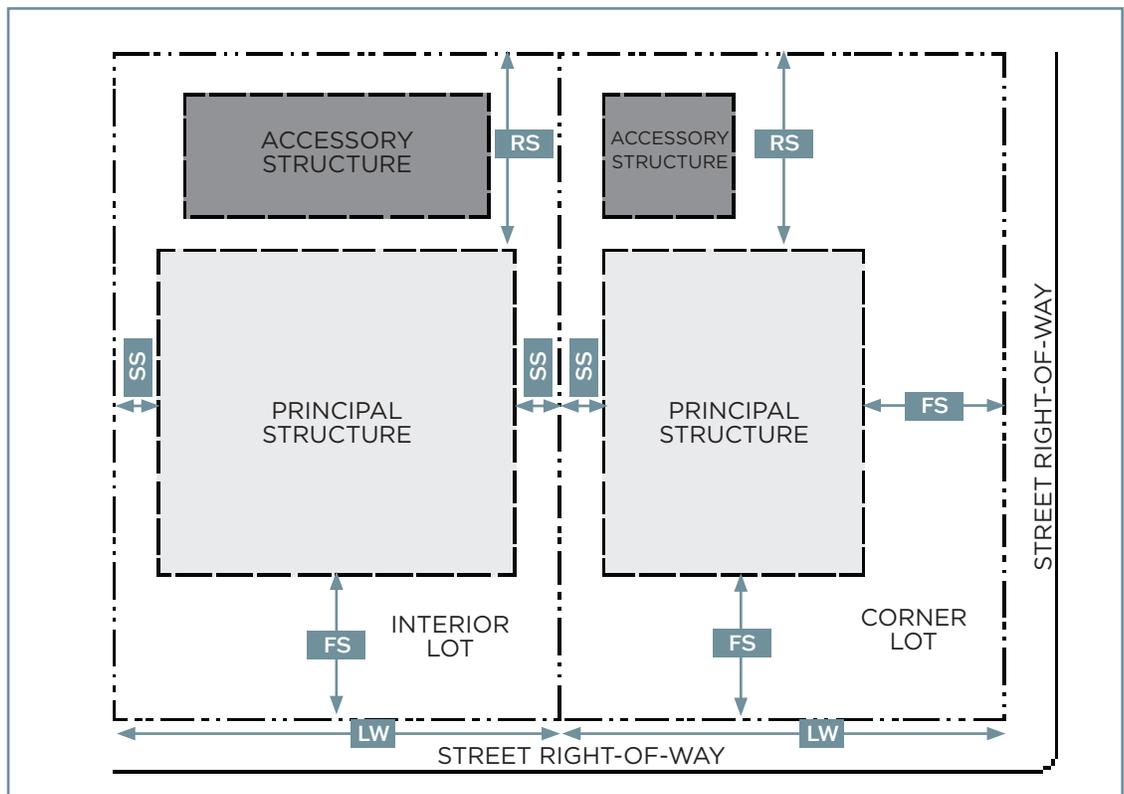


Figure 4: Graphic showing different setbacks, including front yard setbacks (FS), side yard setbacks (SS), and rear yard setbacks (RS). This graphic also shows lot widths (LW) for an interior lot (left) and corner lot (right).

(c) Defining Lot Width. The lot width is the length of a lot's shortest front lot line.

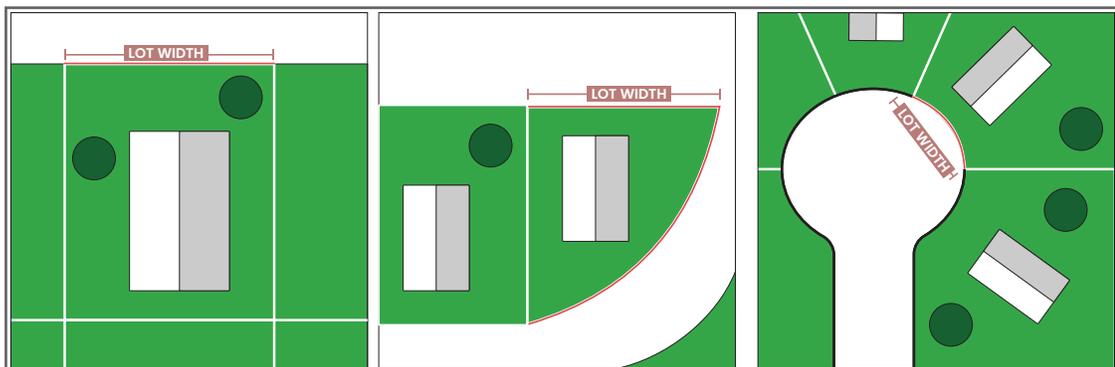


Figure 5: Graphic showing different lot widths, including on a rectangular, triangular, and pentagonal lot.

(d) Defining Lot Depth. The lot depth is the length between a point on the front lot line, running perpendicular to that point on the front lot line, to the rear-most point of the lot.

(e) Defining Lot Area. The lot area is the area of a horizontal plane bounded by vertical planes extending from the lot lines of a single lot, and not including any area within the right-of-way.

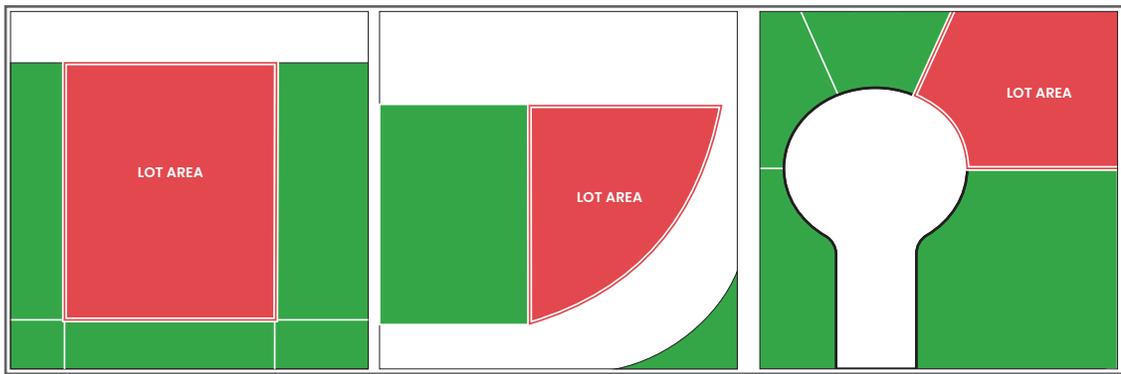


Figure 6: Graphic showing lot area of a rectangular, triangular, and pentagonal lot.

- (f) Defining Building Footprint. Building footprint is the area of an individual building (as viewed from a plan view, where topography of the land is irrelevant). When measuring building footprint, the area only considers the extent of the exterior of building walls but shall not take into consideration roof overhangs, eaves, awnings, or canopies. It shall, however, include those areas of the building with walls that represent a larger area than the area of the footprint of the foundation, such as cantilevered sections of the building. Building footprint shall also include areas of the building with half-height walls or knee-walls, such as porches, and shall include attached, above-ground structures, such as cisterns.

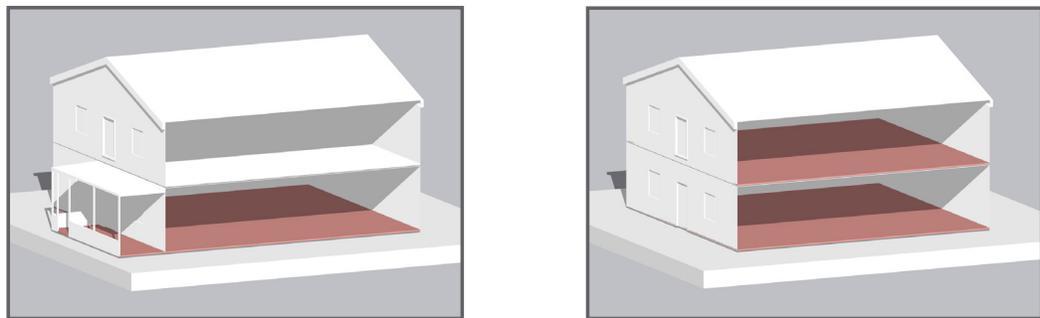


Figure 7: Graphic showing Building Footprint (left) as the area of the ground floor of the building and showing Gross Floor Area (right) as the total square footage of all stories of the building.

- (g) Defining Building Coverage. Building coverage is the percentage of the lot area that is covered in buildings (as viewed from a plan view, where topography of the land is irrelevant). Building coverage differs from building footprint in that building coverage considers the percentage of the lot's land area that is covered by all buildings, whereas building footprint is the square footage measure of one building's area of its base floor. For example, a building coverage of 50% would mean that, on a lot with an area of 8,000 square feet, 4,000 square feet of the lot is occupied by buildings such as a house, a shed, and a garage. Please note that, when considering building coverage, one shall consider buildings only, such as houses, sheds, gazebos, porches, carports, garages, and barns, but not non-building structures, such as driveways, patios, swimming pools, and playsets.

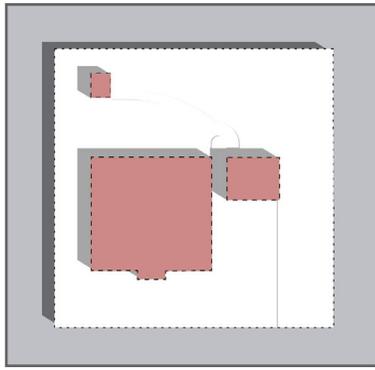


Figure 8: Graphic showing Building Coverage as the percent of the total lot area covered in buildings (shown in pink).

### SECTION 1301.07 CODE ROADMAP

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

## Districts Standards

### Chapter

# 1102

---

# Chapter 1302: Districts Standards

## **SECTION 1302.01 ESTABLISHMENT OF DISTRICTS**

The districts described in this article are hereby established.

## **SECTION 1302.02 ESTABLISHMENT OF ZONING MAP**

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

## **SECTION 1302.03 MAINTENANCE OF ZONING MAP**

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

## **SECTION 1302.04 INTERPRETATION OF ZONING MAP BOUNDARIES**

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- (d) Boundaries indicated as following rail lines shall be construed to be midway between the main tracks.
- (e) Boundaries indicated as parallel to or extensions of features listed above shall be so construed.
- (f) Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- (g) Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered herein, the Director of Planning and Development or their designee shall interpret the district boundaries.
- (h) Where the street or lot layout actually on the ground or as recorded differs from the street or lot layout on the district map, the Board of Zoning Appeals shall, after notice to property owners affected, and after public hearing, interpret the map in such a way as to carry out the intent and purpose of this Code.
- (i) Where a district boundary line divides a lot which was in single ownership at the time of passage of this Zoning Code, the Board of Zoning Appeals may permit, as a conditional use, the extension of the

regulations for either portion of the lot, but not to exceed fifty (50) feet beyond the zoning district line as drawn, into the remaining portion of the lot.

- (j) Whenever any street, alley, or other public way is vacated by official action of City Council, the boundary line(s) of any adjacent zone or district shall extend to the centerline of the vacated street, alley, or public way.

## **SECTION 1302.05 ZONING UPON ANNEXATION**

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

- (a) Where the annexed land appears on a Council-adopted comprehensive plan or other plan, the land shall assume a district designation that aligns with the plan, as determined by the Director of Planning and Development. Director of Planning and Development determinations and interpretations can be appealed to the Board of Zoning Appeals. The district designation of a parcel of land can be proposed to be changed via the Map Amendment procedure found in Article XXXX “Administration and Procedures.”
- (b) Where the annexed land does not appear on a Council-adopted comprehensive plan or other plan, the land shall assume a district designation of Suburban Residential. Following the annexation and initial district designation, the district designation of a parcel of land can be proposed to be changed via the Map Amendment procedure found in Article XXXX “Administration and Procedures.”

## 1302.06 Planned Development District

### (A) PURPOSE OF THE PLANNED DEVELOPMENT DISTRICT

The Planned Development District intended to provide relief from the strict zoning regulations of zoning districts of earlier planning and zoning codes.

### (B) EXPANSION OF THE PLANNED DEVELOPMENT DISTRICT NOT DESIRED

It is the intent of this Planning and Zoning Code that no lot or tract of land be converted from any other zoning district to a Planned Development zoning designation.

### (C) USES ALLOWED IN THE PLANNED DEVELOPMENT DISTRICT

- (1) No building or land within this district shall be used for any purpose other than for a purpose explicitly permitted by the final development plan as approved by the Planning Commission and City Council.
- (2) Note to the Reader: To find the final development plan approved by the Planning Commission and City Council, please contact the Planning and Development Department.

### (D) DEVELOPMENT STANDARDS IN THE PLANNED DEVELOPMENT DISTRICT

- (1) No lot may be created which does not conform to the final development plan that created the Planned Development district, as approved by the Planning Commission and City Council.
- (2) No building shall be erected or modified unless such building or the modified portion of such building conforms to the final development plan that created the Planned Development district, as approved by the Planning Commission and City Council.
- (3) Note to the Reader: To find the final development plan approved by the Planning Commission and City Council, please contact the Planning and Development Department.

### (E) HOW TO AMEND THE DEVELOPMENT PLAN WITHIN A PLANNED DEVELOPMENT DISTRICT

- (1) The applicant for a Planned Development may submit plans for amendment of the approved final development plan. The Planning Commission shall review such amended plan and may approve the amendment if it determines that the amendment is substantially in conformance with the form, nature, and intent of the final development plan as approved by City Council. If the Commission determines that the amendment is not substantially in conformance with the form, nature, or intent of the Final Development Plan as approved by City Council, then it shall make a recommendation to City Council regarding the disapproval of the amendment.
- (2) Effect of Disapproval and Council Action. If the Planning Commission makes a recommendation to City Council that the proposed amendment be disapproved, then Council may, by motion passed by at least five of its members, either disapprove the amendment or, on its own initiative, approve the amendment or approve the amendment with modifications and/or conditions.

### (F) MAINTENANCE OF SHARED RESOURCES WITHIN A PLANNED DEVELOPMENT DISTRICT

- (1) In the event the legal entity established to own and maintain the common areas or open space or any successor entity shall at any time after the completion of the Planned Development fail to

fulfill any obligation imposed as a condition of the approval of the Planned Development, the City may serve written notice upon such entity or upon the residents and owners of the Planned Development, setting forth the manner in which the entity has failed to fulfill its obligation. The notice shall include a demand that such deficiencies be cured within the time specified in the notice. If such deficiencies are not cured within the specified time, the City may, in order to preserve the taxable values of the properties within the Planned Development and to prevent the open space from becoming a public nuisance, enter upon the open space and maintain the same and perform the other duties of the agency until such agency shall cure its default. All costs incurred by the City in carrying out the obligations of the agency shall be assessed as a lien against the properties within the specific Planned Development and shall, upon the direction of City Council, be certified by the City Law Director to the County Auditor for collection in the same manner as taxes and other assessments.

# 1302.07 Suburban Residential District

## (A) PURPOSE OF THE SUBURBAN RESIDENTIAL DISTRICT

The Suburban Residential District intends to maintain the fabric and character of existing suburban Oberlin residential neighborhoods and subdivisions.

## (B) USES ALLOWED IN THE SUBURBAN RESIDENTIAL DISTRICT

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

Land Uses Allowed	Required Approval Process	Applicable Use-Specific Regulations
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	Section XXXX.XX
Two-Unit Residential	Administrative Review	Section XXXX.XX
3-8-Unit Residential	Conditional Use Review	Section XXXX.XX
Townhouse Residential	Administrative Review	Section XXXX.XX
Mobile Home Park	Conditional Use Review	Section XXXX.XX
COMMERCIAL USES		
Child Day Care Center	Conditional Use Review	Section XXXX.XX
Small Telecommunications	Administrative Review	Section XXXX.XX
COMMUNITY USES		
Religious Assembly	Administrative Review	Section XXXX.XX
Schools	Conditional Use Review	Section XXXX.XX
OPEN SPACE USES		
Community Gardening	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Conditional Use Review	Section XXXX.XX
Urban Farm/Market Garden	Conditional Use Review	Section XXXX.XX

**(C) DEVELOPMENT STANDARDS IN THE SUBURBAN RESIDENTIAL DISTRICT**

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

Development Standards		
LOT DIMENSION STANDARDS		
Lot Area	6,000 sq. ft. min.*	
Lot Width	60 ft. min.*	
Lot Depth	100 ft. min.*	
BUILDING SETBACK STANDARDS		
Front Yard Setback	30 ft. min.*	
Side Yard Setback	6 ft. min.*	
Rear Yard Setback	25 ft. min.*	
BUILDING SCALE STANDARDS		
Building Height	40 ft. max.	
NOTES		
* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in Section XXXX-XX.		

**(D) OTHER STANDARDS APPLICABLE TO THE SUBURBAN RESIDENTIAL DISTRICT**

- (1) **Parking and Driveway Regulations.** Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX “Parking and Driveway Regulations.”
- (2) **Performance Standards.** Performance standards, such as those related to the potential production of noise, vibrations, odors, smoke, and electrical disturbances, can be found in this Planning and Zoning Code Section XXXX.XX “Performance Standards.”

- (3) Fence Standards. Fence Standards can be found in this Planning and Zoning Code Chapter XXXX “Fence Standards.”
- (4) Outdoor Lighting Regulations. Outdoor lighting regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Lighting Regulations.”
- (5) Outdoor Storage Regulations. Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Storage Regulations.”
- (6) Noise Regulations. Noise levels are regulated by Section 509.10 “Noise Control” of the City of Oberlin Codified Ordinances and is not included in this Planning and Zoning Code; please contact the City of Oberlin for details on noise regulations.
- (7) Building Code Regulations. All new buildings and modifications to buildings must adhere to the building code(s) adopted by reference as found in Part Eleven of the City of Oberlin Codified Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Oberlin Planning and Development Department for details on conforming to the building code.

# 1302.08 Traditional Neighborhood District

## (A) PURPOSE OF THE TRADITIONAL NEIGHBORHOOD DISTRICT

The Traditional Neighborhood District intends to promote residential communities with a range of housing, from small, detached or attached single-family homes to multi-family options.

## (B) USES ALLOWED IN THE TRADITIONAL NEIGHBORHOOD DISTRICT

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

Land Uses Allowed	Required Approval Process	Applicable Use-Specific Regulations
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	Section XXXX.XX
Two-Unit Residential	Administrative Review	Section XXXX.XX
3-8-Unit Residential	Administrative Review	Section XXXX.XX
9-Plus-Unit Residential	Administrative Review	Section XXXX.XX
Townhouse Residential	Administrative Review	Section XXXX.XX
Cottage Court Residential	Administrative Review	Section XXXX.XX
Residential Care Housing	Conditional Use Review	Section XXXX.XX
COMMERCIAL USES		
Child Day Care Center	Conditional Use Review	Section XXXX.XX
Indoor Sales and Services	Conditional Use Review	Section XXXX.XX
Small Indoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Small Telecommunications	Administrative Review	Section XXXX.XX
COMMUNITY USES		
Religious Assembly	Administrative Review	Section XXXX.XX
Schools	Conditional Use Review	Section XXXX.XX
OPEN SPACE USES		
Community Gardening	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Conditional Use Review	Section XXXX.XX
Urban Farm/Market Garden	Conditional Use Review	Section XXXX.XX

**(C) DEVELOPMENT STANDARDS IN THE TRADITIONAL NEIGHBORHOOD DISTRICT**

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

Development Standards		
LOT DIMENSION STANDARDS		
Lot Area	4,000 sq. ft. min.*	
Lot Width	40 ft. min.*	
Lot Depth	100 ft. min.*	
BUILDING SETBACK STANDARDS		
Front Yard Setback	30 ft. min.*	
Side Yard Setback	5 ft. min.* and **	
Rear Yard Setback	25 ft. min.*	
BUILDING SCALE STANDARDS		
Building Height	40 ft. max.	
NOTES		
<p>* (single asterisk) indicates that special requirements may apply for townhouse or cottage court development; please see townhouse provisions in Section XXXX-XX and cottage court provisions in Section XXXX.XX..</p> <p>** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.</p>		

**(D) OTHER STANDARDS APPLICABLE TO THE TRADITIONAL NEIGHBORHOOD DISTRICT**

- (1) **Parking and Driveway Regulations.** Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX “Parking and Driveway Regulations.”
- (2) **Performance Standards.** Performance standards, such as those related to the potential production of noise, vibrations, odors, smoke, and electrical disturbances, can be found in this Planning and Zoning Code Section XXXX.XX “Performance Standards.”

- (3) Fence Standards. Fence Standards can be found in this Planning and Zoning Code Chapter XXXX “Fence Standards.”
- (4) Outdoor Lighting Regulations. Outdoor lighting regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Lighting Regulations.”
- (5) Outdoor Storage Regulations. Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Storage Regulations.”
- (6) Noise Regulations. Noise levels are regulated by Section 509.10 “Noise Control” of the City of Oberlin Codified Ordinances and is not included in this Planning and Zoning Code; please contact the City of Oberlin for details on noise regulations.
- (7) Building Code Regulations. All new buildings and modifications to buildings must adhere to the building code(s) adopted by reference as found in Part Eleven of the City of Oberlin Codified Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Oberlin Building Department for details on conforming to the building code.

# 1302.09 Neighborhood Mixed-Use District

## (A) PURPOSE OF THE NEIGHBORHOOD MIXED-USE DISTRICT

The Neighborhood Mixed-Use District intends to promote a mixture of uses, public spaces, and walkability near downtown and along major corridors, characterized by small-scale structures.

## (B) USES ALLOWED IN THE NEIGHBORHOOD MIXED-USE DISTRICT

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

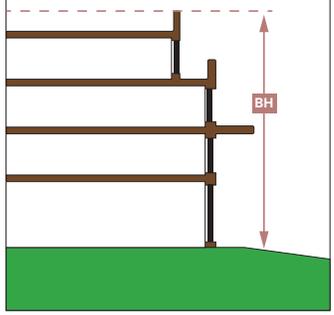
Land Uses Allowed	Required Approval Process	Applicable Use-Specific Regulations
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	Section XXXX.XX
Two-Unit Residential	Administrative Review	Section XXXX.XX
3-8-Unit Residential	Administrative Review	Section XXXX.XX
9-Plus-Unit Residential	Conditional Use Review	Section XXXX.XX
Townhouse Residential	Administrative Review	Section XXXX.XX
Cottage Court Residential	Administrative Review	Section XXXX.XX
Residential Care Housing	Conditional Use Review	Section XXXX.XX
COMMERCIAL USES		
Adult Day Care Center	Administrative Review	Section XXXX.XX
Child Day Care Center	Administrative Review	Section XXXX.XX
Indoor Sales and Services	Administrative Review	Section XXXX.XX
Large Indoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Large Lodging	Conditional Use Review	Section XXXX.XX
Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Small Indoor Dining, Drinking, and Entertainment	Administrative Review	Section XXXX.XX
Small-Scale Utility Transmission and Substation Uses	Conditional Use Review	Section XXXX.XX
Small Telecommunications	Conditional Use Review	Section XXXX.XX
COMMUNITY USES		
Libraries, Museums, and Theaters	Administrative Review	Section XXXX.XX
Physical Recreation Centers	Administrative Review	Section XXXX.XX

Religious Assembly	Administrative Review	Section XXXX.XX
Schools	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Community Gardening	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Conditional Use Review	Section XXXX.XX
Urban Farm/Market Garden	Conditional Use Review	Section XXXX.XX

**(C) DEVELOPMENT STANDARDS IN THE NEIGHBORHOOD MIXED-USE DISTRICT**

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

Development Standards		
LOT DIMENSION STANDARDS		
Lot Area	2,000 sq. ft. min.*	
Lot Width	15 ft. min.*	
Lot Depth	80 ft. min.*	
BUILDING SETBACK STANDARDS		
Front Yard Setback	15 ft. min.; 30 ft. max.	
Side Yard Setback	0 ft. min. per side** where abutting another lot in the Neighborhood Mixed-Use District; 10 ft. min. per side where abutting any other district	
Rear Yard Setback	5 ft. min.* where abutting another lot in the Neighborhood Mixed-Use District; 20 ft. min. where abutting any other district	
BUILDING SCALE STANDARDS		

	Building Height	40 ft. max.	
	Building Footprint	30,000 sq. ft. max.	
NOTES			
<p>* (single asterisk) indicates that special requirements may apply for townhouse or cottage court development; please see townhouse provisions in Section XXXX-XX and cottage court provisions in Section XXXX.XX.</p> <p>** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.</p>			

**(D) OTHER STANDARDS APPLICABLE TO THE NEIGHBORHOOD MIXED-USE DISTRICT**

- (1) **Parking and Driveway Regulations.** Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX “Parking and Driveway Regulations.”
- (2) **Performance Standards.** Performance standards, such as those related to the potential production of noise, vibrations, odors, smoke, and electrical disturbances, can be found in this Planning and Zoning Code Section XXXX.XX “Performance Standards.”
- (3) **Fence Standards.** Fence Standards can be found in this Planning and Zoning Code Chapter XXXX “Fence Standards.”
- (4) **Outdoor Lighting Regulations.** Outdoor lighting regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Lighting Regulations.”
- (5) **Outdoor Storage Regulations.** Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Storage Regulations.”
- (6) **Noise Regulations.** Noise levels are regulated by Section 509.10 “Noise Control” of the City of Oberlin Codified Ordinances and is not included in this Planning and Zoning Code; please contact the City of Oberlin for details on noise regulations.
- (7) **Building Code Regulations.** All new buildings and modifications to buildings must adhere to the building code(s) adopted by reference as found in Part Eleven of the City of Oberlin Codified Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Oberlin Building Department for details on conforming to the building code.

# 1302.10 Downtown District

## (A) PURPOSE OF THE DOWNTOWN DISTRICT

The Downtown District intends to promote the historic fabric of Downtown Oberlin with a focus on walkability, a mixture of uses, and quality public spaces.

## (B) USES ALLOWED IN THE DOWNTOWN DISTRICT

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

Land Uses Allowed	Required Approval Process	Applicable Use-Specific Regulations
RESIDENTIAL USES		
One-Unit Residential	Administrative Review	Section XXXX.XX
Two-Unit Residential	Administrative Review	Section XXXX.XX
3-8-Unit Residential	Administrative Review	Section XXXX.XX
9-Plus-Unit Residential	Administrative Review	Section XXXX.XX
Townhouse Residential	Administrative Review	Section XXXX.XX
Residential Care Housing	Administrative Review	Section XXXX.XX
Permanent Shelter	Administrative Review	Section XXXX.XX
Seasonal Shelter	Administrative Review	Section XXXX.XX
COMMERCIAL USES		
Cannabis-Dispensing	Conditional Use Review	Section XXXX.XX
Child Day Care Center	Administrative Review	Section XXXX.XX
Indoor Sales and Services	Administrative Review	Section XXXX.XX
Large Indoor Dining, Drinking, and Entertainment	Administrative Review	Section XXXX.XX
Large Indoor Events Center	Administrative Review	Section XXXX.XX
Large Lodging	Administrative Review	Section XXXX.XX
Large Telecommunications	Conditional Use Review	Section XXXX.XX
Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Outdoor Special Events Venue	Conditional Use Review	Section XXXX.XX
Small Indoor Dining, Drinking, and Entertainment	Administrative Review	Section XXXX.XX
Small-Scale Utility Transmission and Substation Uses	Conditional Use Review	Section XXXX.XX
Small Telecommunications	Administrative Review	Section XXXX.XX
COMMUNITY USES		

Libraries, Museums, and Theaters	Administrative Review	Section XXXX.XX
Physical Recreation Centers	Administrative Review	Section XXXX.XX
Religious Assembly	Administrative Review	Section XXXX.XX
Schools	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Community Gardening	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	Section XXXX.XX
Urban Farm/Market Garden	Conditional Use Review	Section XXXX.XX

**(C) DEVELOPMENT STANDARDS IN THE DOWNTOWN DISTRICT**

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

Development Standards		
LOT DIMENSION STANDARDS		
Lot Area	2,000 sq. ft. min.*	
Lot Width	15 ft. min.*	
Lot Depth	80 ft. min.*	
BUILDING SETBACK STANDARDS		
Front Yard Setback	0 ft. min.; 30 ft. max.	
Side Yard Setback	0 ft. min. per side** where abutting another lot in the Downtown District; 5 ft. min. per side where immediately abutting any other district	
Rear Yard Setback	20 ft. min.	
BUILDING SCALE STANDARDS		
Building Height	50 ft. max.	
Building Footprint	40,000 sq. ft. max.	

#### NOTES

\* (single asterisk) indicates that special requirements may apply for townhouse development; please see townhouse provisions in Section XXXX-XX.

\*\* (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.

### **(D) DESIGN STANDARDS APPLICABLE TO THE DOWNTOWN DISTRICT**

- (1) Exceptions to These Design Standards. The Planning Commission is authorized to grant exceptions to these design guidelines. Exceptions must be supported by findings of fact which demonstrate that the exception meets the purpose and intent of these guidelines.
- (2) Design Standards. The following design standards shall be implemented in any new development or redevelopment within the Downtown District:
  - (i) Roof Types. All roofs shall be of a flat roof type with a pitch of no greater than 1:12.
  - (ii) Activated Fronts. For any ground-floor portion of a building facing Main Street or College Street, such portion of the building, for a depth of at least 50 feet, shall be of an “activated space.” For the purposes of this provision, an “activated space” shall be interpreted as a public or quasi-public space, including atria, lobbies, office or retail space, dining or entertainment uses and including commercial kitchens and bakeries, recreational features such as pools or gyms, meeting rooms, and museums and galleries and the like. Private residences, stairwells, utility closets and spaces, and hallways less than 10 feet in width shall not be considered “activated spaces.”
  - (iii) Recessed Front Doors. For any primary public entrance door that opens onto a public sidewalk, such door shall have a point of hinge or a sliding track that is set back at least three feet from such sidewalk, as to avoid collisions between pedestrians travelling down the sidewalk and pedestrians exiting an establishment.

### **(E) OTHER STANDARDS APPLICABLE TO THE DOWNTOWN DISTRICT**

- (1) Parking and Driveway Regulations. Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX “Parking and Driveway Regulations.”
- (2) Performance Standards. Performance standards, such as those related to the potential production of noise, vibrations, odors, smoke, and electrical disturbances, can be found in this Planning and Zoning Code Section XXXX.XX “Performance Standards.”
- (3) Fence Standards. Fence Standards can be found in this Planning and Zoning Code Chapter XXXX “Fence Standards.”
- (4) Outdoor Lighting Regulations. Outdoor lighting regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Lighting Regulations.”
- (5) Outdoor Storage Regulations. Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Storage Regulations.”
- (6) Noise Regulations. Noise levels are regulated by Section 509.10 “Noise Control” of the City of Oberlin Codified Ordinances and is not included in this Planning and Zoning Code; please contact the City of Oberlin for details on noise regulations.
- (7) Building Code Regulations. All new buildings and modifications to buildings must adhere to the building code(s) adopted by reference as found in Part Eleven of the City of Oberlin Codified

Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Oberlin Building Department for details on conforming to the building code.

## 1302.11 Institutional District

### (A) PURPOSE OF THE INSTITUTIONAL DISTRICT

The Institutional District intends to promote public and semi-public uses by the government departments, educational institutions, including Oberlin College, and places of worship.

### (B) ASSIGNING LAND TO THE INSTITUTIONAL DISTRICT

No land may be assigned to the Institutional District except where the Planning Commission finds that the intended use of the property is of a public or semi-public nature and finds that the use of the property is intended to be operated by an organization or institution with a public mission to provide an educational, religious, artistic, literary, environmental, public health, or philanthropic service. Where a property in the Institutional District ceases to be used in a public or semi-public nature by such an organization or institution, the property shall remain in the Institutional District and subject to its standards until such time as the Planning Commission and the City Council re-assign the property to a more appropriate zoning district designation; instructions for re-assigning the zoning district designation of a property may be found in this Planning and Zoning Code in Chapter XXXX “Administration and Procedures.”

### (C) USES ALLOWED IN THE INSTITUTIONAL DISTRICT

- (1) Number of Uses per Lot. More than one principal use is permitted per lot in the Institutional District.
- (2) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter XXXX.
- (3) Uses Restricted. No building or land within this district shall be used for any purpose other than for a purpose included in the below list of land uses allowed. Additional use regulations of Chapter XXXX shall apply. All use terms are defined in this Planning and Zoning Code’s Glossary in Chapter XXXX.
  - (i) Colleges, universities and theological schools, including their buildings owned or leased for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, performing arts or concert halls, student or faculty art studios, lecture halls, libraries, student and faculty centers including dining, drinking or eating and snack facilities, dormitories and other living quarters including student apartments, book stores, museums, recreational facilities, playgrounds, athletic fields, outdoor performance and concert venues, other forms of open space, ice arenas, stadia or other spectator seating facilities, gymnasiums and swimming pools, laundry and heating/cooling plants or facilities and other uses required to fulfill an institution’s mission with the exception of agricultural uses. Colleges or trade schools operated for profit are not permitted.
  - (ii) Hospitals and clinics, including dormitories for hospital staff.
  - (iii) Public school or private school having a curriculum the same as ordinarily given in a public elementary school or public high school and having no rooms regularly used for housing or sleeping purposes.
  - (iv) Religious facilities such as churches, temples, and other places of worship; parochial schools; rectories or convents; and related uses.
  - (v) Other institutions providing social, cultural, educational, and health services to member agencies, organizations and individuals or to the general public. Examples include: libraries,

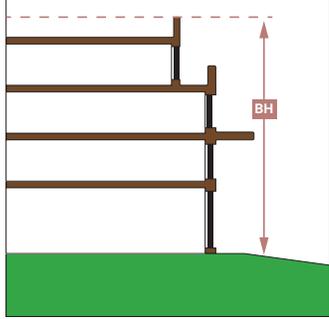
museums, schools and educational services and community services providers not elsewhere classified.

- (vi) Offices or facilities owned and operated by a local, state, or federal government, including special district authorities, such as soil and water conservation districts or fire districts, but excluding jails, prisons, correctional or justice centers, and public dog shelters.
- (vii) Recreational facilities, playgrounds, athletic fields, ice arenas, stadia, gymnasia, swimming pools, etc., or by a college, university or school.
- (viii) Parking garages and surface parking areas associated with a permitted use.
- (ix) Similar uses: any other use not listed above and determined as a “similar use” by recommendation of the Planning Commission and approved by City Council.
- (x) Agriculture, as defined by this Planning and Zoning Code, shall be permitted as a conditional use.

**(D) DEVELOPMENT STANDARDS IN THE INSTITUTIONAL DISTRICT**

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

Development Standards			
LOT DIMENSION STANDARDS			
Lot Area	2,000 sq. ft. min.		<p>A diagram showing a rectangular lot. The top horizontal dimension is labeled 'Lot Width' with a double-headed arrow. The left vertical dimension is labeled 'Lot Depth' with a double-headed arrow. The central area of the lot is shaded red and labeled 'Lot Area'.</p>
Lot Width	15 ft. min.		
Lot Depth	80 ft. min.		
BUILDING SETBACK STANDARDS			
Front Yard Setback	30 ft. min., except that, on streets where uniform front yards have been maintained by buildings erected on 1/2 or more of the frontage of the block, new construction shall continue such setback of the existing structures. On corner lots, the required front yard shall be provided on each street.		<p>A diagram showing a building footprint (a white rectangle) on a lot (a green rectangle). Red arrows indicate setbacks: 'Front Setback' from the top of the building to the top of the lot, 'Side Setback' from the left and right sides of the building to the left and right sides of the lot, and 'Rear Setback' from the bottom of the building to the bottom of the lot.</p>
Side Yard Setback	Where 2 or more contiguous lots under one ownership abut, a side yard setback from the “common” or “internal” side lot line(s) shall not be required provided that the owner submits documentation confirming that the lots will not be conveyed individually in the future. In all other cases, there shall be side and rear yards provided as described in the table in the subsection below.		
Rear Yard Setback	10 ft. min. where abutting another lot in the Institutional District; 20 ft. min. where abutting any other district		

BUILDING SCALE STANDARDS		
Building Height	120 ft. max., including all components, such as penthouses, water tanks, antennae, and other mechanical appurtenances of principal structures; open parking structures are limited to 60 ft. in height, with stair towers, penthouses, or limited architectural features not exceeding 10 ft. above the parking structure	
Building Coverage	No more than 50% of a lot may be covered by buildings; however, stadia and other open-seating structures or facilities, as well as parking structures, shall not be included in this calculation. Surface parking areas, parking structures, driveways and walkways shall not exceed (25% of the total land area. Remaining area shall be landscaped, and not more than 50% of that remaining area shall be used for outside recreational purposes.	
NOTES		
None.		

**(E) SIDE AND REAR SETBACKS APPLICABLE TO THE INSTITUTIONAL DISTRICT**

Land Use	Required Setback Within the Institutional District	Required Setback Adjoining a Lot in the Suburban Residential District or the Traditional Neighborhood District
College buildings, offices, classrooms, dorms, student occupied apartments, libraries, hospitals or clinics, public/private/parochial schools, churches, temples government buildings	30 ft. min.	50 ft. min.
Laundry, heat/cooling plants	50 ft. min.	100 ft. min.
Stadia, arenas, pools	100 ft. min.	150 ft. min.
Recreational areas	40 ft. min.	80 ft. min.
Open parking areas	20 ft. min.	25 ft. min.
Open parking structures or garages	25 ft. min.	50 ft. min.
Other uses	As determined by the Planning Commission	

**(G) OTHER STANDARDS APPLICABLE TO THE INSTITUTIONAL DISTRICT**

- (1) Parking and Driveway Regulations. Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX “Parking and Driveway Regulations.”
- (2) Performance Standards. Performance standards, such as those related to the potential production of noise, vibrations, odors, smoke, and electrical disturbances, can be found in this Planning and Zoning Code Section XXXX.XX “Performance Standards.”

- (3) Fence Standards. Fence Standards can be found in this Planning and Zoning Code Chapter XXXX “Fence Standards.”
- (4) Outdoor Lighting Regulations. Outdoor lighting regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Lighting Regulations.”
- (5) Outdoor Storage Regulations. Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Storage Regulations.”
- (6) Noise Regulations. Noise levels are regulated by Section 509.10 “Noise Control” of the City of Oberlin Codified Ordinances and is not included in this Planning and Zoning Code; please contact the City of Oberlin for details on noise regulations.
- (7) Building Code Regulations. All new buildings and modifications to buildings must adhere to the building code(s) adopted by reference as found in Part Eleven of the City of Oberlin Codified Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Oberlin Building Department for details on conforming to the building code.

# 1302.12 General Commercial District

## (A) PURPOSE OF THE GENERAL COMMERCIAL DISTRICT

The General Commercial District intends to promote large-scale commercial uses that serve the regional community, including big-box retail and entertainment.

## (B) USES ALLOWED IN THE GENERAL COMMERCIAL DISTRICT

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

Land Uses Allowed	Required Approval Process	Applicable Use-Specific Regulations
RESIDENTIAL USES		
9-Plus-Unit Residential	Conditional Use Review	Section XXXX.XX
Residential Care Housing	Conditional Use Review	Section XXXX.XX
Permanent Shelter	Conditional Use Review	Section XXXX.XX
Seasonal Shelter	Conditional Use Review	Section XXXX.XX
COMMERCIAL USES		
Adult Day Care Center	Administrative Review	Section XXXX.XX
Animal Boarding or Shelter	Administrative Review	Section XXXX.XX
Cannabis-Dispensing	Conditional Use Review	Section XXXX.XX
Child Day Care Center	Administrative Review	Section XXXX.XX
Emergency and In-Patient Medical Services	Administrative Review	Section XXXX.XX
Indoor Sales and Services	Administrative Review	Section XXXX.XX
Large Indoor Dining, Drinking, and Entertainment	Administrative Review	Section XXXX.XX
Large Indoor Events Center	Administrative Review	Section XXXX.XX
Large Lodging	Conditional Use Review	Section XXXX.XX
Large Telecommunications	Conditional Use Review	Section XXXX.XX
Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Outdoor Sales	Administrative Review	Section XXXX.XX
Outdoor Special Events Venue	Administrative Review	Section XXXX.XX
Outdoor Storage of Commercial Equipment or Vehicles	Administrative Review	Section XXXX.XX
Principal Solar Energy System	Administrative Review	Section XXXX.XX
Principal Wind Energy System	Conditional Use Review	Section XXXX.XX

Small Indoor Dining, Drinking, and Entertainment	Administrative Review	Section XXXX.XX
Small-Scale Utility Transmission and Substation Uses	Conditional Use Review	Section XXXX.XX
Small Telecommunications	Conditionl Use Review	Section XXXX.XX
Weapons-Oriented Uses	Conditional Use Review	Section XXXX.XX
TRANSPORTATION USES		
Bus Station or Train Station	Administrative Review	Section XXXX.XX
Taxi, Rideshare, or Limousine Service Hub	Administrative Review	Section XXXX.XX
Vehicle Refueling	Administrative Review	Section XXXX.XX
Vehicle Sales, Rental, Repair, and Servicing	Administrative Review	Section XXXX.XX
AVIATION USES		
Drone, Remote-Control Plane, and Remote-Control Helicopter Launch or Landing Area	Administrative Review	Section XXXX.XX
COMMUNITY USES		
Libraries, Museums, and Theaters	Administrative Review	Section XXXX.XX
Physical Recreation Centers	Administrative Review	Section XXXX.XX
Religious Assembly	Administrative Review	Section XXXX.XX
Schools	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Community Gardening	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	Section XXXX.XX
Urban Farm/Market Garden	Conditional Use Review	Section XXXX.XX

**(C) DEVELOPMENT STANDARDS IN THE GENERAL COMMERCIAL DISTRICT**

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

Development Standards		
LOT DIMENSION STANDARDS		
Lot Area	10,000 sq. ft. min.	
Lot Width	100 ft. min.	
Lot Depth	100 ft. min.	
BUILDING SETBACK STANDARDS		

Front Yard Setback	20 ft. min.	
Side Yard Setback	100 ft. min. where abutting a lot within the Suburban Residential or Traditoinal Neighborhood District; 30 ft. min. where abutting any other district, except 0 ft. min.** where building is part of a contiguous, unified commercial development	
Rear Yard Setback	100 ft. min. where abutting a lot within the Suburban Residential or Traditoinal Neighborhood District; 30 ft. min. where abutting any other district	
BUILDING SCALE STANDARDS		
Building Height	50 ft. max.	
NOTES		
<p>** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.</p>		

#### (D) DESIGN STANDARDS APPLICABLE TO THE GENERAL COMMERCIAL DISTRICT

- (1) Exceptions to These Design Standards. The Planning Commission is authorized to grant exceptions to these design standards. Exceptions must be supported by findings of fact which demonstrate that the exception meets the purpose and intent of these standards.
- (2) Design Standards. The following design standards shall be implemented in any new development or redevelopment within the General Commercial District or the Innovation District:
  - (i) Buildings and Outdoor Uses
    - (a) Building Facade Design: All facades of a building shall be designed with consistent architectural treatment of style, detail, trim features, and roof treatments. [\*PLANNING COMMISSION, PLEASE EVALUATE IF YOU WANT TO KEEP THIS PROVISION.]
    - (b) Building Facade Materials: Only high quality, durable building materials shall be used, including such materials as brick, wood, sandstone, other native stone, tinted/textured concrete masonry units. Smooth faced block, concrete panels, pre-fab metal panels are prohibited as predominant building materials. [\*PLANNING COMMISSION, PLEASE EVALUATE IF YOU WANT TO KEEP THIS PROVISION.]
    - (c) Building Facade Colors: Facade colors shall be subtle, neutral or earth tone, and of low reflectance. Brighter colors may be used on building trim. High-intensity colors, metallic colors, black, or fluorescent colors are prohibited on facades. Repeating patterns of color, texture, and materials should be encouraged. [\*PLANNING COMMISSION, PLEASE EVALUATE IF YOU WANT TO KEEP THIS PROVISION.]

- (d) Windows: (1.) Facades facing lot lines collinear with public or private streets shall contain not less than 25% transparent glass windows; (2.) Required window areas shall not be obstructed by shelves or displays or otherwise covered over from the inside or outside, except by approved window treatments; (3.) The lowest part of windows shall be not more than 3 feet above grade; (4.) Facades greater than 100 feet in horizontal length shall incorporate wall plane projections or recesses having a depth equal to at least 3% of the length of the facade and extending at least 20% of the length of the facade; no part of a facade shall extend unbroken by such projection or recess for a distance of more than 100 feet; (5.) Flat roofs shall only be permitted for structures 2 stories or greater, except that a flat roof may be permitted on a structure containing 10,000 square feet or more on a single floor and if the roof is concealed by a parapet extending at least 3 but not more than 10 feet above the roof, capped with a three dimensional cornice treatment; (6.) Service docks and loading areas shall not be located on facades facing or otherwise visible from public roads, except where approved with screening using materials consistent with and integral to the architecture of the building; (7.) Mechanical equipment shall be screened from view from the public streets. Any material used to screen equipment, whether roof-mounted or ground-mounted, shall be designed to be compatible with the design of the building; (8.) Outdoor display, sales, or storage, including waste storage, shall only be permitted in locations approved in the site plan; such outdoor uses must be screened from view by a solid wall or fence which shall be a minimum five feet in height and designed integral with the architecture and materials of the main building.
- (ii) Public Street System. Where proposed public streets are indicated on any thoroughfare plan adopted by the Planning Commission, or any comprehensive or land use plan adopted by City Council, or otherwise indicated by the Planning Commission to be in the public interest for the purposes of creating a safe, complete and functional public street system, property owners shall be required to dedicate and develop public rights-of-way. The Planning Commission may approve alternative means for satisfying the public interest.
- (iii) Parking Maximums. Parking shall not exceed 5 spaces per 1000 square feet of net floor area; joint use of parking lots shall be encouraged.
- (iv) Parking Lot Access
  - (a) Parking lots shall only be accessed from approved public or private streets.
  - (b) All parking lots shall be established with approved easements providing for cross traffic from abutting properties.
  - (c) Joint curb cuts shall be utilized to reduce points of traffic conflict on public and private streets. Where a landowner wishes to install a curb cut within 100 feet of another curb cut on the same side of the street or within 100 feet of a street intersection, the developer must demonstrate justification to the City as to why a joint curb cut is not a viable option.
  - (d) Where access to a major thoroughfare or high traffic street or roadway is the only feasible access at the time of construction, such access may be approved as temporary access provided that the parking and drives are designed for adaptation to a planned future street or common drive, and that the property is deed restricted (or guaranteed by bond) to require that the temporary access will be removed when the planned access becomes available.
  - (e) Access drives and service drives may be located in the front setbacks, provided they

do not exceed 16 feet in width and are not closer than 20 feet to the right-of-way. Any access or service drive located in the front setback shall be screened with a continuous double hedge (shrubs arranged in triangular spacing) maintained at a height of 3-4 feet. Loading areas, storage areas, service windows, and similar facilities must be located on the side or rear of the building.

- (f) All paved vehicular areas, including but not limited to access drives and parking areas, shall be edged with concrete curbs.

(v) Parking Lot Landscaping

- (a) Parking lot visible to the public street: 1 tree per 30 feet of exposed side; 1 evergreen shrub (minimum three feet in height at time of planting) per 3 feet of exposed side. The Planning Commission may approve an alternative perimeter landscape plan which incorporates a combination of trees, shrubs, earth mounds, fences, or walls.
- (b) Interior parking lot landscaping shall be required as follows:
- (c) Minimum 1 tree per 10 parking space. (This does not include the trees required for the landscape strips below)
- (d) A landscaped strip not less than 30 feet in width (which may include required bike routes or sidewalks) shall separate each 4 bays (rows) of parking and drives. The landscape strip may include required pedestrian/bike facilities eight feet wide if required by the Planning Commission and shall include a minimum of 1 shade tree per 1500 square feet.

(vi) Pedestrian Facilities

- (a) On-site pedestrian facilities shall be provided as approved in the site plan, designed with the purpose of encouraging pedestrian access between the main use and the highways and between sites.
- (b) Sidewalks shall be constructed along all public street frontages as required by City ordinance.
- (c) On each lot, a sidewalk shall be constructed from every street frontage to the main entrance of the building. Where the street frontage of a lot exceeds 400 feet, one additional sidewalk shall be provided for each additional 200 feet of frontage or part thereof.
- (d) There shall be a sidewalk along the full length of each façade at least eight (8) feet wide having a customer entrance or along which customers must walk to access the entrance from a parking area.
- (e) A pedestrian walkway shall be provided from any area of parking located further than 200 feet from the main entry of the building it serves.
- (f) A landscaped seating area shall be provided for each sidewalk (outside of the public right-of-way) having a length of 200 feet or more.
- (g) As directed by the Planning Commission, where a pedestrian walkway crosses a main drive or private road, pedestrian crossing signs shall be installed and the walkway shall be raised and paved in a manner which clearly distinguishes the walkway from the vehicle

way.



Figure 9: Graphic showing raised pedestrian walkway corssing vehicular right-of-way

- (h) All sidewalks shall be a minimum five feet in width.
- (vii) Bicycle Facilities
  - (a) Sites shall be designed to encourage bicycle access and connection to nearby bicycle facilities.
  - (b) A minimum of one bicycle space is required for every 2,500 sq. ft. of gross floor area for retail and restaurant use; one bicycle space is required for every 5,000 sq. ft. of gross floor area for office space over 10,000 sq. ft. of gross floor area; one bicycle space is required for every 5,000 sq. ft. of gross floor area for places of entertainment, places of worship, hospitals, community facilities and institutional uses including colleges; and one bicycle space is required for 4 dormitory beds at a college.
  - (c) Bike route signs shall be installed as directed by the Planning Commission.
  - (d) All storm water inlet grates shall be of approved bike-safe design (example below).



Figure 10: Graphic showing a storm drain incompatible with bike-safe design, as bike tires could fall into slots of storm drain, causing injury.

- (e) Location of Bicycle Parking shall be: (a) convenient, near entrances to the building, have street access, and not interfere with normal pedestrian and motor vehicle traffic; (b) reasonably illuminated and clearly visible from the street; (c) designed so that bicyclists do not need to travel over stairs or other obstacles to access bicycle parking; (d) on the

same lot as the use or within 50 feet of the lot as the use or within 50 feet of the lot if on other private property; (d) a minimum width of two feet, length, of six feet, and a minimum overhead clearance of seven feet. An aisle width of five feet between each row of bicycle parking is required. Each space is to be accessible without moving another bicycle.

- (f) Special Bicycle Facility Requirements for Large Buildings. Structures exceeding 100,000 square feet in floor area shall provide the following: (A.) a bikeway or bike lanes connecting the main entrance of the building to the public street frontage(s) of the lot and (B.) a public transit access route and transit shelter near the main entrance when required by Lorain County Transit System.

(viii) Storm Water Management

- (a) Each development shall provide on-site or off-site storm water management facilities as required by City ordinance.
- (b) Underground storage, and the use of “best management practices” such as rain gardens, infiltration trenches, and similar methods are preferred.
- (c) Dry basins are prohibited. Wet basins shall be professionally designed and landscaped to provide an attractive appearance and shall be aerated as necessary to prevent stagnation.

(ix) Utilities. All utilities shall be installed below ground.

(x) Lighting

- (a) Lighting shall be limited to the amount necessary to support the uses on the site and to promote safety and security.
- (b) Only approved down lights and cutoff fixtures shall be permitted.
- (c) All lighting under canopies shall be designed as full cut off or down lights designed to light the canopy area only and to prevent external glare.
- (d) No light fixture shall be installed at a height exceeding 16 feet if located nearer than 200 feet to a state highway. In other areas, light fixtures shall not exceed a height of 25 feet.
- (e) All exterior lighting shall be indicated on a site lighting plan submitted for approval. The site lighting plan shall indicate the location of each fixture, the fixture type, the height of the fixture, and a numeric grid of lighting levels, in footcandles, that the fixtures will produce on the ground (photometric report). The lighting plan shall indicate those fixtures which will be operated for security purposes during non-business hours and shall indicate the non-business hours.
- (f) Exterior lighting (except public street lighting) shall comply with the following standards: (A.) for parking areas: max. of 2.0 footcandles; (B.) for all other areas: max. of 1.0 footcandles.



Figure 11: Graphic showing desired downlighting fixtures (left) and undesirable lighting fixtures (right two)

(xi) Landscaping

- (a) Landscape trees shall only be those listed on the City of Oberlin street tree list or approved alternatives. Trees shall be minimum 2” caliper and eight feet in height at time of planting.
- (b) Evergreen shrubs shall be minimum 24” in height at time of planting.
- (c) Earth berms shall be varied in setback, height, width, and depth. Unless supported by a wall, rocks, or other approved support, slopes shall not exceed 3:1
- (d) Landscaped areas wider than 10 feet shall be cut or filled to provide variations in topography.
- (e) Foundation landscaping shall be required for at least fifty percent (50%) of the façade length having customer entry and 30% of all other facades.
- (f) Foundation landscaping shall be installed in planter beds extending a minimum of six feet from the wall.
- (g) Screened equipment and storage areas shall be landscaped as approved by the Planning Commission.

(xii) Buffers for Abutting Residential Areas

- (a) Buffers shall be provided to mitigate the impacts of non- residential districts upon abutting residential districts.
- (b) No building, parking, or other outdoor use shall be permitted in the buffer yard. A minimum of one tree shall be planted for every 50 feet of the side or rear yard line abutting the residential district.
- (c) A buffer shall be one of the following yards arranged and landscaped as approved by the Planning Commission. Buffer #1, #2, or #3 shall be provided on commercial properties.
- (d) Buffer #1: A yard, at least 100 feet in width to include approved landscape materials.
- (e) Buffer #2: A yard, at least 50 feet in width, with a solid fence, six feet in height, installed abutting the property line or within the yard, and including approved landscape materials.
- (f) Buffer #3: A yard, at least 25 feet in width, with a solid masonry wall, six feet in height, installed abutting the property line or within the yard, and including approved landscape materials.

## **(E) OTHER STANDARDS APPLICABLE TO THE GENERAL COMMERCIAL DISTRICT**

- (1) **Parking and Driveway Regulations.** Parking and General driveway regulations can be found in this Planning and Zoning Code Chapter XXXX “Parking and Driveway Regulations.”
- (2) **Performance Standards.** Performance standards, such as those related to the potential production of noise, vibrations, odors, smoke, and electrical disturbances, can be found in this Planning and Zoning Code Section XXXX.XX “Performance Standards.”
- (3) **Fence Standards.** Fence Standards can be found in this Planning and Zoning Code Chapter XXXX “Fence Standards.”
- (4) **Outdoor Lighting Regulations.** Outdoor lighting regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Lighting Regulations.”
- (5) **Outdoor Storage Regulations.** Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Storage Regulations.”
- (6) **Noise Regulations.** Noise levels are regulated by Section 509.10 “Noise Control” of the City of Oberlin Codified Ordinances and is not included in this Planning and Zoning Code; please contact the City of Oberlin for details on noise regulations.
- (7) **Building Code Regulations.** All new buildings and modifications to buildings must adhere to the building code(s) adopted by reference as found in Part Eleven of the City of Oberlin Codified Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Oberlin Building Department for details on conforming to the building code.

# 1302.13 Innovation District

## (A) PURPOSE OF THE INNOVATION DISTRICT

The Innovation District intends to promote large-scale industrial, research, and office uses that demand proximity to local, regional, and national transportation networks.

## (B) USES ALLOWED IN THE INNOVATION DISTRICT

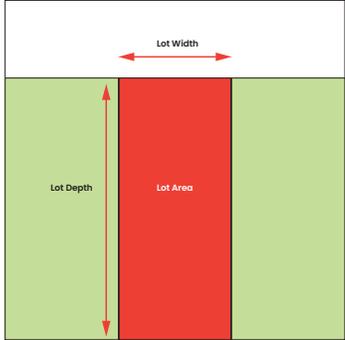
- (1) Number of Uses per Lot. More than one principal use is permitted per lot in the Innovation District.
- (2) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter XXXX.
- (3) Uses Restricted. No building or land within this district shall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

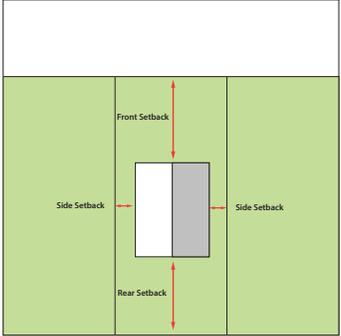
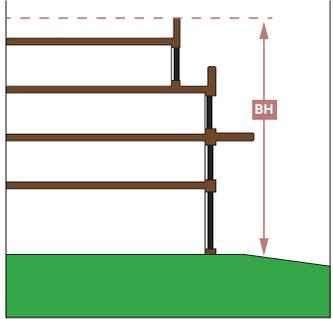
Land Uses Allowed	Required Approval Process	Applicable Use-Specific Regulations
COMMERCIAL USES		
Adult-Oriented Uses	Conditional Use Review	Section XXXX.XX
Heavy Industrial	Conditional Use Review	Section XXXX.XX
Indoor Sales and Services	Conditional Use Review	Section XXXX.XX
Large-Scale Utility Transmission and Substation Uses	Conditional Use Review	Section XXXX.XX
Large Telecommunications	Conditional Use Review	Section XXXX.XX
Light Industrial	Administrative Review	Section XXXX.XX
Outdoor Storage of Commercial Equipment or Vehicles	Administrative Review	Section XXXX.XX
Principal Solar Energy System	Administrative Review	Section XXXX.XX
Principal Wind Energy System	Administrative Review	Section XXXX.XX
Small-Scale Utility Transmission and Substation	Conditional Use Review	Section XXXX.XX
Small Telecommunications	Administrative Review	Section XXXX.XX
TRANSPORTATION USES		
Taxi, Rideshare, or Limousine Service Hub	Administrative Review	Section XXXX.XX
Vehicle Refueling (*Only permitted as an accessory use)	Administrative Review	Section XXXX.XX
Vehicle Sales, Rental, Repair, and Servicing (*Only permitted as an accessory use)	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Agriculture	Administrative Review	Section XXXX.XX
Community Gardening	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX

Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	Section XXXX.XX
Urban Farm/Market Garden	Conditional Use Review	Section XXXX.XX

**(C) DEVELOPMENT STANDARDS IN THE INNOVATION DISTRICT**

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

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

	Front Yard Setback	30 ft. min.	
	Side Yard Setback	Where all or part of a side lot line is immediately abutting a lot within the Suburban Residential or Traditoinal Neighborhood District: 100 ft. min. on that side. Where none of a side lot line is abutting a lot within the Suburban Residential or Traditoinal Neighborhood District: 30 ft. min. on that side, except 0 ft. min.** where building is part of a contiguous, unified commercial development	
	Rear Yard Setback	Where all or part of the rear lot line is immediately abutting a lot(s) within the Suburban Residential or Traditoinal Neighborhood District: 100 ft. min. Where none of the rear lot line is abutting a lot within the Suburban Residential or Traditoinal Neighborhood District: 30 ft. min.	
BUILDING SCALE STANDARDS			
	Building Height	50 ft. max.	
NOTES			
<p>** (double asterisk) indicates that special building code requirements may apply for adjacent structures; please see the City's building code regulations.</p>			

#### (D) DESIGN STANDARDS APPLICABLE TO THE INNOVATION DISTRICT

Any new development or redevelopment within the Innovation District shall conform to the design standards applicable to the General Commercial District; refer to those standards, found in Section XXXX.XX “Design Standards Applicable to the General Commercial District.”

#### (E) OTHER STANDARDS APPLICABLE TO THE INNOVATION DISTRICT

- (1) **Parking and Driveway Regulations.** Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX “Parking and Driveway Regulations.”
- (2) **Performance Standards.** Performance standards, such as those related to the potential production of noise, vibrations, odors, smoke, and electrical disturbances, can be found in this Planning and Zoning Code Section XXXX.XX “Performance Standards.”
- (3) **Fence Standards.** Fence Standards can be found in this Planning and Zoning Code Chapter XXXX “Fence Standards.”
- (4) **Outdoor Lighting Regulations.** Outdoor lighting regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Lighting Regulations.”

- (5) Outdoor Storage Regulations. Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Storage Regulations.”
- (6) Noise Regulations. Noise levels are regulated by Section 509.10 “Noise Control” of the City of Oberlin Codified Ordinances and is not included in this Planning and Zoning Code; please contact the City of Oberlin for details on noise regulations.
- (7) Building Code Regulations. All new buildings and modifications to buildings must adhere to the building code(s) adopted by reference as found in Part Eleven of the City of Oberlin Codified Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Oberlin Building Department for details on conforming to the building code.

# 1302.14 Parks and Open Space District

## (A) PURPOSE OF THE PARKS AND OPEN SPACE DISTRICT

The Parks and Open Space District intends to accommodate parks and open spaces that promote public health and environmental quality.

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

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

Land Uses Allowed	Required Approval Process	Applicable Use-Specific Regulations
COMMERCIAL USES		
Indoor Sales and Services	Conditional Use Review	Section XXXX.XX
Large Indoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Outdoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Small Indoor Dining, Drinking, and Entertainment	Conditional Use Review	Section XXXX.XX
Small Telecommunications	Administrative Review	Section XXXX.XX
COMMUNITY USES		
Physical Recreation Centers	Conditional Use Review	Section XXXX.XX
Religious Assembly	Administrative Review	Section XXXX.XX
OPEN SPACE USES		
Agriculture	Administrative Review	Section XXXX.XX
Agritourism	Administrative Review	Section XXXX.XX
Camping, Nature Retreat Center, or Summer Camp	Administrative Review	Section XXXX.XX
Cemetery	Administrative Review	Section XXXX.XX
Community Gardening	Administrative Review	Section XXXX.XX
Playground or Park	Administrative Review	Section XXXX.XX
Preserves	Administrative Review	Section XXXX.XX
Sports Fields, Courts, Golf Courses, and Pools	Administrative Review	Section XXXX.XX
Urban Farm/Market Garden	Conditional Use Review	Section XXXX.XX

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

- (1) No lot may be created which does not conform with the lot dimension standards listed below.

- (2) No building shall be erected or modified unless such building or the modified portion of such building conforms with the building setback and building scale standards listed below.

Development Standards		
LOT DIMENSION STANDARDS		
	Lot Area	N/A
	Lot Width	N/A
	Lot Depth	N/A
BUILDING SETBACK STANDARDS		
	Front Yard Setback	30 ft. min.
	Side Yard Setback	15 ft. min.
	Rear Yard Setback	15 ft. min.
BUILDING SCALE STANDARDS		
	Building Height	35 ft. max.
NOTES		
None		

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

- (1) **Parking and Driveway Regulations.** Parking and driveway regulations can be found in this Planning and Zoning Code Chapter XXXX “Parking and Driveway Regulations.”
- (2) **Performance Standards.** Performance standards, such as those related to the potential production of noise, vibrations, odors, smoke, and electrical disturbances, can be found in this Planning and Zoning Code Section XXXX.XX “Performance Standards.”
- (3) **Fence Standards.** Fence Standards can be found in this Planning and Zoning Code Chapter XXXX “Fence Standards.”
- (4) **Outdoor Lighting Regulations.** Outdoor lighting regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Lighting Regulations.”
- (5) **Outdoor Storage Regulations.** Outdoor storage regulations can be found in this Planning and Zoning Code Chapter XXXX “Outdoor Storage Regulations.”
- (6) **Noise Regulations.** Noise levels are regulated by Section 509.10 “Noise Control” of the City of Oberlin Codified Ordinances and is not included in this Planning and Zoning Code; please contact the City of Oberlin for details on noise regulations.
- (7) **Building Code Regulations.** All new buildings and modifications to buildings must adhere to the building code(s) adopted by reference as found in Part Eleven of the City of Oberlin Codified Ordinances. The building code is not included in this Planning and Zoning Code; please contact the City of Oberlin Building Department for details on conforming to the building code.

# Land Use Standards

## Chapter

# 1103

---

# Chapter 1303: Land Use Standards

## SECTION 1303.01 PURPOSE OF LAND USE STANDARDS CHAPTER

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

## SECTION 1303.02 LAND USES RESTRICTED BY DISTRICT AND BY USE TYPE

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

## SECTION 1303.03 INTERPRETATION OF LAND USES

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

## SECTION 1303.04 ALLOWED LAND USES

- (a) Unlisted Land Uses Prohibited. No lot, structure, or portion thereof may be used for any purpose, except as expressly allowed in that district by this section.
- (b) Specific Land Uses Prohibited. The following land uses shall be prohibited in all districts within the city:
  - (1) Self-storage centers or mini-storage;
  - (2) Data server centers;

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

Land Uses	Applicable Use-Specific Regulations	Suburban Residential	Traditional Neighborhood	Neighborhood Mixed-Use	Downtown	Institutional	General Commercial	Innovation	Parks and Open Space
RESIDENTIAL USES									
One-Unit Residential	Section XXXX.XX	A	A	A	A	*			
Two-Unit Residential	Section XXXX.XX	A	A	A	A	*			
3-8-Unit Residential	Section XXXX.XX	C	A	A	A	*			
9-Plus-Unit Residential	Section XXXX.XX		A	C	A	*	C		
Townhouse Residential	Section XXXX.XX	A	A	A	A	*			
Cottage Court Residential	Section XXXX.XX		A	A	A	*			
Residential Care Housing	Section XXXX.XX		C	C	A	*	C		
Mobile Home Park	Section XXXX.XX	C				*			
Permanent Shelter	Section XXXX.XX				A	*	C		
Seasonal Shelter	Section XXXX.XX				A	*	C		
COMMERCIAL USES									
Adult Day Care Center	Section XXXX.XX			A		*	A		
Adult-Oriented Uses	Section XXXX.XX					*		C	
Animal Boarding or Shelter	Section XXXX.XX					*	A		
Cannabis-Dispensing	Section XXXX.XX				C	*	C		
Child Day Care Center	Section XXXX.XX	C	C	A	A	*	A		
Emergency and In-Patient Medical Services	Section XXXX.XX					*	A		
Heavy Industrial	Section XXXX.XX					*		C	

Land Uses	Applicable Use-Specific Regulations	Suburban Residential	Traditional Neighborhood	Neighborhood Mixed-Use	Downtown	Institutional	General Commercial	Innovation	Parks and Open Space
Large Indoor Dining, Drinking, and Entertainment	Section XXXX.XX				A	*			
Indoor Sales and Services	Section XXXX.XX		C	A	A	*	A	C	C
Large Indoor Dining, Drinking, and Entertainment	Section XXXX.XX			C	A	*	A		C
Large Indoor Events Center	Section XXXX.XX				A	*	A		
Large Lodging	Section XXXX.XX			C	A	*	A		
Large-Scale Utility Transmission and Substation Uses	Section XXXX.XX					*		C	
Large Telecommunications	Section XXXX.XX				C	*	C	C	
Light Industrial	Section XXXX.XX					*		A	
Outdoor Dining, Drinking, and Entertainment	Section XXXX.XX			C	C	*	C		C
Outdoor Sales	Section XXXX.XX					*	A		
Outdoor Special Events Venue	Section XXXX.XX				C	*	A		
Outdoor Storage of Commercial Equipment or Vehicles	Section XXXX.XX					*	A	A	
Principal Solar Energy System	Section XXXX.XX					*	A	A	
Principal Wind Energy System	Section XXXX.XX					*	C	A	
Small Indoor Dining, Drinking, and Entertainment	Section XXXX.XX		C	A	A	*	A		C
Small-Scale Utility Transmission and Substation	Section XXXX.XX			C	C	*	C	C	
Small Telecommunications	Section XXXX.XX	A	A	C	A	*	C	A	A
Weapons-Oriented Uses	Section XXXX.XX					*	C		
TRANSPORTATION USES									
Bus Station or Train Station	Section XXXX.XX					*	A		
Taxi, Rideshare, and Limousine Service Hub	Section XXXX.XX					*	A	A	
Vehicle Refueling	Section XXXX.XX					*	A	A	
Vehicle Sales, Rental, Repair, and Servicing	Section XXXX.XX					*	A	A	
AVIATION USES									
Drone, Remote-Control Plane, and Remote-Control Helicopter Launch or Landing Area	Section XXXX.XX					*	A		
COMMUNITY USES									
Libraries, Museums, and Theaters	Section XXXX.XX			A	A	*	A		
Physical Recreation Centers	Section XXXX.XX			A	A	*	A		C
Religious Assembly	Section XXXX.XX	A	A	A	A	*	A		A
Schools	Section XXXX.XX	C	C	A	A	*	A		
OPEN SPACE USES									
Agriculture	Section XXXX.XX					*		A	A

Land Uses	Applicable Use-Specific Regulations	Suburban Residential	Traditional Neighborhood	Neighborhood Mixed-Use	Downtown	Institutional	General Commercial	Innovation	Parks and Open Space
Agritourism	Section XXXX.XX					*			A
Camping, Nature Retreat Center, or Summer Camp	Section XXXX.XX					*			A
Cemetery	Section XXXX.XX					*			A
Community Gardening	Section XXXX.XX	A	A	A	A	*	A	A	A
Outdoor Arena	Section XXXX.XX					*			
Playground or Park	Section XXXX.XX	A	A	A	A	*	A	A	A
Preserves	Section XXXX.XX	A	A	A		*	A	A	A
Sports Fields, Courts, Golf Courses, and Pools	Section XXXX.XX	C	C	C	A	*	A	A	A
Urban Farm or Market Garden	Section XXXX.XX	C	C	C	C	*	C	C	C
MISCELLANEOUS USES									
Temporary Uses	Section XXXX.XX	A	A	A	A	*	A	A	A
NOTES									
Asterisk (*) means: Refer to uses allowed in the Institutional District by going to Section XXXX "Institutional District."									

## SECTION 1303.05 USE-SPECIFIC STANDARDS FOR PRINCIPAL USES

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

### (a) Residential Uses

#### (1) One-Unit Residential

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

#### (2) Two-Unit Residential

- (i) **Definition.** A residential use consisting of exactly two principal dwelling units per lot, where both of the units are located within one contiguous structure. This term includes uses generally recognized as duplexes. This term differs from a Townhouse Residential use as Townhouse Residential uses often contain more than two dwelling units in a contiguous structure; however, some Townhouse Residential uses may contain only two dwelling units in

a row-oriented contiguous structure: Where a duplex is split over a lot line and where each of the dwelling units of the duplex has a separate primary entrance to the out-of-doors, it shall be considered a two-unit Townhouse Residential use. This term shall not include any use considered a Mobile Home Residential use.

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

(3) **3-8-Unit Residential**

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

(4) **9-Plus-Unit Residential**

- (i) Definition. A residential use consisting of 9 or more dwelling units per lot, where all of such units are located within one contiguous structure. This term includes apartment buildings with 9 or more units and school- or college-related dormitories. This term differs from Townhouse Residential uses in that each unit of a townhouse has a separate primary entrance to the out-of-doors, whereas a 9-Plus-Unit Residential use may require the use of a stairwell or hallway shared by the occupants of multiple dwelling units. This term does not include any uses defined as Residential Care Housing uses. This term shall not include any use considered a Mobile Home Residential use.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific

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

- (iii) Accessory Use Standards. For details on accessory uses associated with this land use, such as home occupations, please refer to Section XXXX “Accessory Use Standards.”
- (iv) Cottage Court Standards. For details on the development of cottage courts, which, for the purposes of this Code are considered Cottage Court Residential uses and not 9-Plus-Unit Residential uses, please refer to Section XXXX “Cottage Court Standards.”

**(5) Townhouse Residential**

- (i) Definition. A residential use consisting of two to eight dwelling units arranged in a row, comprising one contiguous structure, and where each dwelling unit in the row-oriented contiguous structure is separated from adjacent dwelling units in the same contiguous structure by vertical party walls that extends from the ground to the roof and from the front of the structure to the rear, thereby creating individual dwelling units that extend from ground floor to the upper-most floor and from the front of the structure to the rear of the structure, and where each dwelling unit has a separate primary entrance to the out-of-doors that does not require a stairwell or hallway shared by the occupants of multiple dwelling units. For townhouses, each dwelling unit in the row-oriented contiguous structure may be situated on a separate lot, as a “landominium” or a fee-simple lot, or each dwelling unit in the row-oriented contiguous structure may be located on the same lot, as a condominium scenario. Where a townhouse consists only of two units in a contiguous structure, and where both of those units are located on the same lot, such structure shall be considered a Two-Unit Residential use, not a Townhouse Use, by this code. This term differs from 3-8-Unit Residential uses and 9-Plus-Unit Residential uses in that each unit of a townhouse has a separate primary entrance to the out-of-doors, whereas a 3-8-Unit Residential use or a 9-Plus-Unit Residential use may require the use of a stairwell or hallway shared by the occupants of multiple dwelling units. This term shall not include any use considered a Mobile Home Residential use.
- (ii) Use-Specific Standards. This Planning and Zoning Code contains use-specific standards for Townhouse Residential land uses; please refer to Section XXXX “Townhouse Standards.” Please note that this Planning and Zoning Code’s district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.
- (iii) Accessory Use Standards. For details on accessory uses associated with this land use, such as home occupations, please refer to Section XXXX “Accessory Use Standards.”
- (iv) Cottage Court Standards. For details on the development of cottage courts, please refer to Section XXXX “Cottage Courts Standards.”

**(6) Cottage Court Residential**

- (i) Definition. A clustered group of 4-12 separated dwellings oriented around a common open space, where all of the dwellings and the common open space comprise one lot, or where each of the dwellings is located on a “landominium” lot and where all of such lots are completely contained within one common lot. Each dwelling of a Cottage Court shall be affixed to a permanent poured concrete foundation or a permanent concrete block foundation. This term shall not include any use considered a Mobile Home Residential use. This term differs from 3-8-Unit Residential uses and from 9-Plus-Unit Residential uses in that those terms include 3-8 residential units or 9 or more residential units within one contiguous building on a lot, whereas a Cottage Court Residential use comprises 4-12

residential units, with each residential unit in its own, separated structure.

- (ii) **Use-Specific Standards.** This Planning and Zoning Code contains use-specific standards for Cottage Court Residential land uses; please refer to Section XXXX “Cottage Court Standards.” Please note that this Planning and Zoning Code’s district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.
- (iii) **Accessory Use Standards.** For details on accessory uses associated with this land use, such as home occupations, please refer to Section XXXX “Accessory Use Standards.”



Figure 12: Graphic showing multiple residences oriented around a common courtyard.

#### (7) **Residential Care Housing**

- (i) **Definition.** A residential-medical hybrid use where permanent residents of the property receive on-site care from non-resident therapists, nurses, counselors, or other healthcare providers on a recurring, regular basis. However, this use does not include such situations where there are fewer than 8 residents receiving on-site care or fewer than 3 healthcare providers providing on-site care at any time as regularly occurring per lot; in such case, such use shall be considered a dwelling use.  
This use differs from Emergency or In-Patient Medical Services in that the residents of the Residential Care Housing use are considered permanent residents; the patients of an Emergency or In-Patient Medical Services use are being housed only for the limited duration of their treatment or rehabilitation of a disease or procedure.
- (ii) **Use-Specific Standards.** This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code’s district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.
- (iii) **Accessory Use Standards.** For details on accessory uses associated with this land use, such as home occupations, please refer to Section XXXX “Accessory Use Standards.”

#### (8) **Mobile Home Park**

- (i) **Definition.** A residential use consisting of multiple mobile home residential units arranged according to an approved development plan.
- (ii) **Use-Specific Standards**
  - (a) **Plan Required.** No Mobile Home Park shall be permitted except where an application for such use contains a to-scale plan illustrating (1) the location of each Mobile Home Residential site, (2) interior circulation, (3) access to public rights-of-way, (4) screening,

(5) solid waste storage and removal areas, and (6) emergency fire-response fire lanes and fire hydrant locations.

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

**(9) Mobile Home Residential Unit**

- (i) **Definition.** A residential use consisting of a single-unit dwelling that (1) is not secured to a permanent poured foundation or permanent concrete block foundation and that (2) is mounted on a mobile trailer chassis and that (3) is built to accommodate permanent, year-round residency. This use consists of one dwelling unit per lot, except in the case of a Mobile Home Park, which may have clusters of multiple dwelling units on one lot. A recreational vehicle, such as a camper van or a camping trailer, shall not be considered a mobile home residential unit.
- (ii) **Use-Specific Standards.** Mobile Home Residential uses shall be permitted within an approved Mobile Home Park use, even if the use table in the district section does not list Mobile Home Residential separately from Mobile Home Park.

**(10) Permanent Shelter**

- (i) **Definition.** A use consisting of the year-round provision of shelter for multiple individuals who do not pay rent or lodging fees as compensation for their stay.

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

(11) **Seasonal Shelter**

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

(b) Commercial Uses

(1) **Adult Day Care Center**

- (i) Definition. An establishment that provides care to three or more adults who require supervision due to physical or mental impairment during any part of a day, but less than 24-hour care.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(2) **Adult-Oriented Uses**

- (i) Definition. An establishment where a substantial portion of the use is distinguished or characterized by its emphasis on sexually oriented materials. Adult-Oriented Uses include sexually oriented cabarets/theatres, sexually oriented media stores, sexually oriented motels, nude model studios, sexual encounter centers, sexually oriented escort agencies, sexually oriented spas, and sexually oriented viewing booth or arcade booth facilities. Where a use may be defined by multiple terms, and one of such terms is Adult-Oriented Use, the use shall be interpreted to be an Adult-Oriented Use; for example, a shop selling sexually oriented media as a substantial portion of its sales could fit the definition of an Indoor Sales and Services use and an Adult-Oriented Use; in such case, it shall be considered an Adult-Oriented Use.
- (ii) Use-Specific Standards. No adult-oriented uses may be established except where and when in compliance with Chapter 791 of the Oberlin Ohio Code of Ordinances. No person shall operate an adult-oriented use without a valid sexually oriented business license issued by the City (see Chapter 791 of the Code of Ordinances).

(3) **Animal Boarding or Shelter**

- (i) Definition. A use consisting of the breeding, boarding, grooming, sale, or training of 5 or more adult domestic animals (excluding farm animals) for which a fee is charged to the animals' owners, or which is operated by a governmental or non-profit organization. This use term shall not include an animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine; such use shall be considered an Indoor Sales and Services use.

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

**(4) Cannabis-Dispensing**

- (i) Definition. A use consisting of the sale or dispensation of recreational or medical cannabis or the sale of consumable products containing marijuana-derived psychoactive compounds that are subject to State licensure.  
This use may be found in conjunction with the sale of other products or packaged foods, in which case the use shall also be considered an Indoor Sales and Services use.
- (ii) Use-Specific Standards. No Cannabis-Dispensing use shall operate except in conformity with State standards as administered by the Ohio Department of Commerce, Division of Cannabis Control.

**(5) Child Day Care Center**

- (i) Definition. As defined in the Ohio Revised Code, any place that provides day care or publicly funded day care to 13 or more children at one time or any place that is not the residence of the licensee or administrator where child day care is provided to seven to 12 children at one time. This use differs from a Type A Family Day-Care Home and a Type B Family Day-Care Home, which shall be considered accessory uses rather than principal uses. This term shall not include any use that can be considered an Emergency and In-Patient Medical Services use.
- (ii) Use-Specific Standards. No Child Day Care Center shall be conducted in the Suburban Residential District or the Traditional Neighborhood District except in conformity with all of the following standards:
  - (a) The applicant shall provide evidence of peak traffic demand and the sufficiency and safety of on-site drop-off/loading facilities;
  - (b) There shall be at least 100 feet separation between fenced outdoor play areas and adjacent lots in residential districts;
  - (c) The applicant shall provide evidence satisfactory to the Planning Commission that the proposed use is accessory to or secondary to the main use of the structure; the applicant shall provide evidence satisfactory to the Planning Commission that the proposed use will be located in an existing structure owned, operated, and used by an educational, religious, or similar non-profit entity and that the center will be conducted by the property-owning entity in a manner accessory to or secondary to the main use of the structure; and
  - (d) The use shall be subject to site plan review and approval.

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

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

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

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

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

## (7) **Heavy Industrial**

- (i) Definition. Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using, flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. This use term shall also mean those uses engaged in the heavy industrial operation, such as the parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, public works yards, and container storage. This term also includes any of the following uses: acid manufacturing, asbestos manufacturing, chemical and biological incineration (except cremation), concrete products manufacturing, concrete mixing, disinfectant manufacturing, insecticide or poison manufacturing, explosives manufacturing or storage, flour or grain milling, gas manufacturing or storage, glue or gelatin manufacturing, grain drying, poultry feed manufacturing from refuse or mash or grain, hazardous manufacturing, hazardous materials storage, lime or lime products manufacturing, livestock feeding yard (i.e., concentrated animal feeding operation), paper and pulp manufacturing, petroleum or flammable liquids production or refining, rock or stone crushing or milling or quarrying, sawmill or manufacture of wood fiber products, stockyards or slaughterhouse, smelting of metals or ores, stone and monument works employing pneumatic hammers, tar distillation and manufacturing, fertilizer mixing plants, alcoholic production facilities, asphalt/concrete plants, scrap material yards, landfills, salvage yards, and junkyards, recycling plants, chemical processing and refining, and automotive wrecking. This use includes the outdoor storage and sale of materials used at industrial scales, such as the sale of lime, sand, gravel, coal, or other like material. This use includes water treatment and sewage treatment facilities, as well as waste transfer stations, landfills, and waste incineration

facilities. This use includes any use considered industrial-scale production of food products where the majority of ingredients are sourced from off-site. This use term shall include any use considered a slaughterhouse and meat packing use, or a sawmill. This use term may include the large-scale production of beer and spirits, where such beer and spirits are canned or bottled for wholesale distribution; where the beer and spirits are served only on-site or into individually ordered growlers or other legal to-go containers but are not canned or bottled for wholesale distribution, such use shall be considered a Large Indoor Dining, Drinking, and Entertainment use.

Any laboratory rated as a Biosafety Level 3 or 4 shall be considered a Heavy Industrial use. This use term does not include truck terminals; truck terminals are not permitted anywhere within the city.

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

#### (8) **Indoor Sales and Services**

- (i) Definition. A use consisting of the sale of goods or provision of services to household consumers or commercial consumers in an indoor setting. This use may include common commercial uses, such as convenience stores, hair salons, doctor's or dentist's offices, insurance or tax accounting services, professional offices, art galleries, liquor stores, plant shops, hardware stores, physical therapy and chiropractor offices, print shops, sports shops, toy shops and hobby shops, and dry cleaners without emissions. This use term does not include any sales or services, including offices uses, under the direction or authority of a higher education institution; such uses shall be described as permitted (or not) within the use list of the Institutional District. This use term does not include any services venting noxious fumes, such as dry cleaners using certain volatile solvents; however, a bakery of less than 1,000 square feet venting bread, cake, cookie, pie, or pastry baking fumes shall be considered a Indoor Sales and Services use. This use term does not include bio-medical laboratories with a bio-safety level (BSL) of 3 or 4; such uses shall be considered Heavy Industrial uses. Medical laboratories with a bio-safety level (BSL) of 1 or 2 shall be considered Light Industrial uses. This use term does not include the sale, rental, refueling, repair, or storage of motor vehicles, including cars, trucks, boats, airplanes, farm equipment, or construction equipment. This use term does not include the sale of materials used at industrial scales, such as the sale of sand or gravel, but may include the sale of materials on a consumer scale, such as 50-lb bags of sand. The indoor sale of materials used at industrial scales shall be considered a Light Industrial use. This use term does not include in-patient medical services; however, the Indoor Sales and Services use term shall include urgent care clinics without emergency rooms. This use term does not include child care services; such uses shall be considered Child Day Care Center uses or Day Care Home uses.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

#### (9) **Large Indoor Dining, Drinking, and Entertainment**

- (i) Definition. A land use consisting of the supply of prepared food and/or beverages to consumers, for dine-in or carry-out consumption, or the hosting of entertainment uses, such as music, dancing, or poetry readings, in an indoor setting, where the indoor facility has a fire

occupancy of greater than 49 persons but less than 300 persons. This use may commonly look like coffee shops, bars, restaurants, bakeries, and smoothie cafes.

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

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

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

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

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

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

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

#### (10) **Large Indoor Events Center**

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

#### (11) **Large Lodging**

- (i) Definition. A building or group of buildings containing guest rooms where, for compensation, lodging is provided for transient visitors, such as a hotel, motel, or inn, and is available for stays of less than 30 consecutive days. This term shall not include nature retreat centers or campgrounds that provide a nature or camp-style bunking experience; however, some state or regional parks may include lodges that resemble hotels, and such lodges shall be considered Large Lodging uses. Where a Large Lodging use is within the same building as an

event space, such as a wedding or conference venue or a meeting hall with a capacity for 300 or more attendees, such building shall be considered both a Large Lodging use and a Large Indoor Events Center. Where a Large Lodging use is within the same building as a restaurant or bar, such combination of uses shall be considered both a Large Lodging use and a (Large or Small) Indoor Dining, Drinking, and Entertainment use.

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

**(12) Large-Scale Utility Transmission and Substation Uses**

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

**(13) Large Telecommunications**

- (i) Definition. Any structure greater than 50 feet in height that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes. This use term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, antenna tower alternative structures, and the like. This use term also includes antenna tower accessory storage sheds. This term does not include office towers or residential towers that support telecommunications antennae on their roofs or spires, except where such antennae, from

base to tip, exceed the height of the building, itself.

(ii) Use-Specific Standards

- (a) No Large Telecommunications-associated structure shall be erected except in a location that maintains a setback from any lot line that meets or exceeds the height of the structure or tower. For instance, if a telecommunications tower is 200 feet in height, the exterior of its base must be positioned at least 200 feet from all lot lines of the lot in which it is located.
- (b) No Large Telecommunications-associated structure shall be erected except where such structure is completely surrounded by a security fence of at least 8 feet in height; please note that, where this use is conducted in a district that does not generally permit an 8-foot-high fence, this provision shall be interpreted as overriding such district-specific limits on fence height.

(14) **Light Industrial**

- (i) **Definition.** Uses consisting of the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semifinished products from previously prepared materials, which activities are conducted wholly within an enclosed building and do not produce fumes, odors, vibrations, dust, or other effects that pose a threat to the safety and health of adjacent land users. Finished or semi-finished products may be temporarily stored outdoors pending shipment.  
This use shall include warehouses.  
This use shall not include data server centers. Data server centers are not permitted anywhere within the city.  
This use shall not include self-storage centers, also known as mini-storage. Self-storage centers and mini-storage are not permitted anywhere within the city.  
This use term does not include any services venting noxious fumes, such as dry cleaners using certain volatile solvents or bio-medical laboratories with a bio-safety level (BSL) of 3 or 4; such uses shall be considered Heavy Industrial uses.  
This use shall include the indoor sale of materials used at industrial scales, provided such materials are not volatile and do not pose a threat to the safety and health of adjacent land users or groundwater supplies.

(ii) Use-Specific Standards

- (a) No Light Industrial use shall emit fumes, odors, vibrations, dust, or other effects that may pose a threat to the safety or health of land users on adjacent lots, or that may damage the integrity of structures on adjacent lots.
- (b) Biohazardous waste and biomedical waste shall be appropriately isolated from the general solid waste stream, appropriately stored, and hauled off site by a company licensed to handle biohazardous waste.

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

- (i) **Definition.** A land use consisting of the supply of prepared food and/or beverages to consumers, for dine-in or carry-out consumption, or the hosting of entertainment uses, such as music, dancing, or poetry readings, in an outdoor setting. This use may commonly look like outdoor areas of bars and outdoor seating at restaurants.  
This use does not include drive-thru windows; such uses shall be considered Drive-Thru accessory uses.  
This use does not include members of a household dining outdoors at their residence or as

guests of another residence.

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

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

(ii) Use-Specific Standards

(a) Outdoor Dining, Drinking, and Entertainment uses shall apply to outdoor dining, drinking, and entertainment activities conducted on private land. Please see Chapter 795 of the Codified Ordinances for more details.

(b) No Outdoor Dining, Drinking, and Entertainment use shall be conducted during hours prohibited by the conditional use approval granted by the Planning Commission. Please see Chapter 795 of the Codified Ordinances for more details.

(16) **Outdoor Sales**

(i) Definition. The sale of goods in an outdoor setting. This use may include lumber yards, the sale of mulch or plants outdoors, or a regularly occurring outdoor flea market/rummage sale. This use term does not include the sale of agricultural products included within the definition of an Agriculture use.

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

This use term does not include the sale of motor vehicles such as cars and trucks; such uses shall be considered Vehicle Sales, Rental, Repair, and Servicing uses.

(ii) Use-Specific Standards. The outdoor display of commercial equipment, materials, or products for sale or rent is prohibited, unless the outdoor display is set back from the front lot line(s) a distance equal to the minimum front yard setback required for that district. Any sign that is part of an outdoor display shall comply with Section XXXX.XX “Sign Standards.”



Figure 13: Graphic showing examples of acceptable outdoor sale uses, including flea market (left) and plant nursery (right)

(17) **Outdoor Special Events Venue**

(i) Definition. A use consisting of any outdoor space hosting special events, such as weddings, receptions, galas, or parties, for 300 or more guests, where the space is reserved for invited guests only or where guests are required to purchase tickets in advance.

This use may often be found in conjunction with a Large Indoor Events Center, such as a wedding venue that includes an indoor and outdoor event space.

This use does not include any use considered an Outdoor Arena use or a Sports Fields, Courts, Golf Courses, and Pools use.

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

**(18) Outdoor Storage of Commercial Equipment or Vehicles**

- (i) Definition. A use consisting of the parking of two or more commercial light trucks, heavy trucks, or other commercial equipment in an outdoor setting.  
This use term includes the storage of commercial vehicles or equipment at an equipment rental enterprise, such as a crane rental.  
This use term does not include car rentals, car lots, boat rentals, and the like; such uses shall be considered Vehicle Sales, Rental, Repair, and Servicing uses.  
This use term does not include the storage of farm equipment on a lot conducting an Agriculture use; such use shall be considered an Agriculture use.  
This use term does not include self-storage centers, also known as mini-storage. Self-storage centers and mini-storage are not permitted anywhere within the city.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.
- (iii) The outdoor storage of recreational vehicles (RVs) shall be governed by Section XXXX.XX.

**(19) Principal Solar Energy System**

- (i) Definition. Any solar electricity or solar hot water generation system that, according to projected generation, delivers more than 20,000 kWh per year to the grid or that occupies more than 5 acres. For the purposes of this definition, a solar energy system shall be measured as any one contiguous solar array or as the combination of multiple distinct arrays that are coupled together to perform as one generation system.
- (ii) Use-Specific Standards. No Principal Solar Energy System shall be conducted except where all of the following conditions are satisfied:
  - (a) The Principal Solar Energy System shall not cause glare that impairs the safety or health of adjacent land users. No Principal Solar Energy System shall cause glare that impairs the safe operation of aircraft, as determined by the Federal Aviation Administration.
  - (b) Any application for conditional use permit shall include: a plot plan and elevation illustrations indicating the locations of all structures and site utilities, drainage, and landscaping; maintenance plan; and decommissioning plan.
  - (c) The Principal Solar Energy System shall be enclosed by perimeter fencing to restrict unauthorized access.
  - (d) Signs shall be installed warning of hazards and identifying the entity responsible in case of emergency.
  - (e) Power lines shall be installed underground to the greatest extent practicable.

- (f) A landscape plan designed to screen views of a photovoltaic system shall be provided with the intent of mitigating visual impacts on abutting property in residential districts.
- (g) In the Innovation District, the following conditions shall apply: (i) a building-mounted principal solar energy system shall be mounted on a principal building or accessory building in locations complying with the height and setback regulations for principal buildings in the Innovation District; (ii) a ground-mounted principal solar energy system shall be installed in any location, dimension, and height conforming with the provisions applicable to principal buildings in the Innovation District but not closer than 50 feet to a district in which dwellings are a permitted principal use by administrative review, and the height and area of a moving/tracking solar panel shall be interpreted as the maximum height and maximum horizontal area of the panel; (iii) no signage or graphic content may be displayed on the system except the manufacturer’s badge, safety information, and equipment specification information; the total area of display shall not exceed the size and information required by the National Electrical Code; such sign shall not be subject to this Code’s Section XXXX.XX “Sign Standards”; and (iv) the principal solar energy system shall conform to applicable building and safety codes and manufacturer’s instructions.



Figure 14: Graphic showing a principal solar energy generation system

**(20) Principal Wind Energy System**

- (i) Definition. Any wind-powered electricity generation system that, according to projected generation, delivers more than 20,000 kWh per year to the grid or that consists of more than one wind turbine of greater than 100 feet in height. For the purposes of this definition, a wind-powered electricity generation system’s projected generation shall be measured as the combination of all wind turbines that are coupled together to perform as one generation system.
- (ii) Use-Specific Standards
  - (a) No wind turbine shall be erected except where its base is set back from all lot lines by a distance equal to its height, where the height of a wind turbine shall be measured from the ground elevation to the highest reach of any of its blades.
  - (b) No wind turbine shall impair the safe operation of aircraft, as determined by the Federal Aviation Administration.
  - (c) In the Innovation District, the following conditions shall apply: (i) a building-mounted principal wind energy system shall be mounted on a principal building or accessory building in locations complying with the height and setback regulations for principal buildings in the Innovation District; (ii) a ground-mounted principal wind energy system

shall be installed in any location, dimension, and height conforming with the provisions applicable to principal buildings in the Innovation District but not closer than 50 feet to a district in which dwellings are a permitted principal use by administrative review; (iii) no signage or graphic content may be displayed on the system except the manufacturer's badge, safety information, and equipment specification information; the total area of display shall not exceed the size and information required by the National Electrical Code; such sign shall not be subject to this Code's Section XXXX.XX "Sign Standards"; and (iv) the principal wind energy system shall conform to applicable building and safety codes and manufacturer's instructions.

**(21) Small Indoor Dining, Drinking, and Entertainment**

- (i) **Definition.** A land use consisting of the supply of prepared food and/or beverages to consumers, for dine-in or carry-out consumption, or the hosting of entertainment uses, such as music, dancing, or poetry readings, in an indoor setting, but in no case where the indoor space has a fire occupancy of more than 49 persons. This use may commonly look like coffee shops, bars, restaurants, bakeries, and smoothie cafes.

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

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

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

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

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

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

- (a) No Small Indoor Dining, Drinking, and Entertainment use shall include outdoor dining or gathering areas; such areas, even where located on the same lot as the Small Indoor Dining, Drinking, and Entertainment use, shall be considered Outdoor Dining, Drinking, and Entertainment uses, which may be permitted in the same district through administrative review or conditional use review (please refer to the table of allowable uses in each district section).

- (b) No Small Indoor Dining, Drinking, and Entertainment use shall emit amplified music audible by a person inside a structure on an adjacent lot.

- (c) No Small Indoor Dining, Drinking, and Entertainment use shall emit fumes from fryers, ovens, or stoves that violate regulations of the State or County Department of Health.

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

- (i) **Definition.** Any utility facility needed to provide a basic service such as water, sewer, natural gas, telephone, broadband, fiber-optics, and cable television to individual users, including

substations, where such utility facilities do not occupy 10,000 square feet or greater of building and/or outdoor land area per lot or exceed a height of 60 feet.

This use term includes sewer and/or water pump houses not occupying 10,000 square feet or greater per lot or exceeding a height of 60 feet. However, this use term does not include water treatment or sewage treatment plants; such uses shall be considered Heavy Industrial uses.

This use term does not include electric vehicle charging stations and their associated converters/inverters; such uses are considered Electric Vehicle Charging (accessory use).

(ii) Use-Specific Standards

(a) Small-scale utility transmission and substation uses shall be completely surrounded by an opaque fence of at least 8 feet in height; please note that, where this use is conducted in a district that does not generally permit an 8-foot-high fence, this provision shall be interpreted as overriding such district-specific limits on fence height.

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

(23) **Small Telecommunications**

(i) Definition. Any telecommunications antenna, such as an amateur (HAM) radio station licensed by the Federal Communications Commission, including equipment such as but not limited to a tower or alternative tower structure supporting a single, radiating antenna platform and other equipment, not exceeding 50 feet in height, and designed to be used by no more than 1 household.

(ii) Use-Specific Standards. No Small Telecommunications-associated structure shall be erected except in a location that maintains a setback from any lot line that meets or exceeds the height of the structure or tower. For instance, if a telecommunications tower is 50 feet in height, the exterior of its base must be positioned at least 50 feet from all lot lines of the lot in which it is located.

(24) **Weapons-Oriented Uses**

(i) Definition. A use consisting of the firing or sale of guns, rifles, or other explosive weapons. This use may include indoor rifle and pistol ranges, skeet shooting ranges, war games, and other recreational activities using explosive weapons.

This use shall also include air-powered pistol uses, such as paint-ball gun ranges and game courses.

This use does not include school-administered sports programs involving javelin or discus projectiles; such use shall be considered a Sports Fields, Golf Courses, and Pools use.

This use shall not include archery target uses; such uses shall be considered Sports Fields, Courts, Golf Courses, and Pools uses.

(ii) Use-Specific Standards. No Weapons-Oriented use shall be conducted except where distanced at least 500 feet from any residential use.

(c) Transportation Uses

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

(i) Definition. A use consisting of the transient housing or parking, servicing, and/or refueling

of motor-driven buses and/or passenger trains and may include the waiting, loading, and unloading of passengers.

- (ii) Use-Specific Standards. Please note that idling an engine may be prohibited by another chapter of the City of Oberlin's Codified Ordinances.

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

- (i) Definition. A use consisting of the facilities for servicing, storing, repairing, and refueling the taxicabs, rideshare vehicles, limousines, small buses, or vans that offer transportation to persons, including those who are handicapped, in return for remuneration.  
This use term does not include a bus depot for intercity or public transit agencies; such uses shall be considered Bus Station or Train Station uses.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(3) **Vehicle Refueling**

- (i) Definition. Any use consisting of storing or dispensing flammable liquids, combustible liquids, liquified flammable gas, or flammable gas into the fuel tanks of passenger motor vehicles.  
This use does not include the refueling of passenger buses only in exclusion of other vehicles in the public realm; such use shall be considered a Bus Station or Train Station use.  
This use does not include the charging of electric vehicles; such uses shall be considered an Electric Vehicle Charging accessory use.  
This use does not include truck terminals; truck terminals and similar uses, such as truck stops, are not permitted within the city.  
This use is commonly accompanied by a convenience store; in such cases, the lot shall be considered both a Vehicle Refueling use and an Indoor Sales and Services use. If such a lot with a gas station and convenience store also hosts a restaurant use, the lot shall be considered a Vehicle Refueling use, an Indoor Sales and Services use, and an Indoor Dining, Drinking, and Entertainment use.
- (ii) Use-Specific Standards
  - (a) No Vehicle Refueling use shall supply amplified, pre-recorded sound, music, or voices from fuel pumps.
  - (b) Electric vehicle charging may be included as a component of a Vehicle Refueling use, but electric vehicle charging shall be considered an accessory use of a parking space serving any principal use and shall not, on its own, constitute a Vehicle Refueling principal use.
  - (c) Any canopy associated with a Vehicle Refueling use shall comply with the following standards: (1.) the canopy shall have a pitched roof compatible in design with the roof of the building to which it is accessory; (2.) the canopy shall not exceed 25 feet in height; (3.) the canopy shall be set back at least 60 feet from the right-of-way; (4.) the canopy's lighting shall be designed and installed in a manner which provides illumination for the area under the canopy and which prevents glare outside of the canopy; and (5.) the fuel pumps and the fueling area shall be screened from view of the public right-of-way by construction of brick or stone walls not less than five feet in height and landscape material is to be installed to soften the appearance of the wall.

(4) **Vehicle Sales, Rental, Repair, and Servicing**

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

(d) Aviation Uses

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

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

(e) Community Uses

(1) **Libraries, Museums, and Theaters**

- (i) Definition. A use in which literary, musical, artistic, or reference materials, such as, but not limited to, books, manuscripts, computers, recordings, or films, are kept for use by or loaning to patrons of the facility, but are not normally offered for sale; or the exhibition or collection of books or artistic, historical, or scientific objects; or a fully enclosed center for the performance of art, dance, theater, films, or other similar performance. This term includes botanical gardens and greenhouse conservatories.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(2) **Physical Recreation Centers**

- (i) Definition. The indoor provision of active physical recreational facilities, such as indoor weight-lifting gyms, indoor exercise course studios, indoor sports courts, and indoor pools. This use may also be conducted in a facility with other uses defined under separate use terms, such as sales of gym supplies, concessions or meal services, personal physical trainer services, cosmetology consulting and services, and medical-oriented physical therapy services. An accessory gym in association with a hotel, office building, or apartment building and which is accessible only to staff, residents, or guests of the hotel, office building, or apartment building shall not be considered a principal Physical Recreation Center use.
- (ii) Use-Specific Standards. This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and

please note that the Building Code standards shall apply to this land use.

(3) **Religious Assembly**

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

(4) **Schools**

- (i) **Definition.** The teaching of children or adults including primary and secondary schools, professional schools, dance schools, business schools, trade schools, art schools, religious schools, and similar facilities.
- (ii) **Use-Specific Standards.** This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

(f) **Open Space Uses**

(1) **Agriculture**

- (i) **Commercial crop production** (raising and harvesting tree crops, row crops, field crops and horticulture crops such as flowers, shrubs, trees intended for ornamental or landscaping purposes); indoor crop production (greenhouse, hoop house, high tunnel, aquaculture of crops or fish); commercial animal production.  
Agriculture shall not mean any of the following: (1) agritourism uses, such as pick-your-own berries, goat yoga, or on-farm event venues; such uses shall be considered Agritourism uses; (2) camping uses; such uses shall be considered Camping, Nature Retreat Center, or Summer Camp uses or Accessory Camping uses; (3) retreat uses; such uses shall be considered Camping, Nature Retreat Center, or Summer Camp uses; (4) any use considered industrial-scale production of food products where the majority of ingredients are sourced from off-site; such uses shall be considered Heavy Industrial uses; (5) slaughterhouse uses; such uses shall be considered Heavy Industrial uses; (6) the processing of hunted game, such as deer; such uses shall be considered Light Industrial uses.
- (ii) **Use-Specific Standards.** No Agriculture use shall be conducted except where it satisfies all of the following conditions:
  - (a) The Agriculture use conforms to the Oberlin Codified Ordinances Section 505.08 "Nuisance Conditions Prohibited."
  - (b) The Agriculture use is located on a lot of greater than one acre and on a lot that is not part of a platted subdivision.
  - (c) Tilled or planted crop areas or areas where animals are contained shall be set back at least 50 feet from abutting residential and at least 50 feet from any public right-of-way.

- (d) Structures shall only be permitted on lots of five acres or greater and shall be limited to
  - (i) one building for storage of equipment and materials used in the agricultural activity and/or for the keeping of animals set back at least 100 feet from side and rear lot lines, with a maximum building floor area of 4,000 square feet;
  - (ii) one farm stand set back at least 50 feet from the public right-of-way and set back at least 100 feet from side and rear lot lines and occupying a maximum of 200 square feet; and
  - (iii) greenhouses, hoop houses, and/or high tunnels that are set back at least 100 feet from the public right-of-way and at least 100 feet from side and rear lot lines.
- (e) On-site sales shall be limited to products grown entirely on the lot and may only be conducted in a farm stand or within other permitted structures.

**(2) Agritourism**

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

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

- (i) **Definition.** The temporary lodging of guests in a natural, park or park-like setting, in fabric tents, camper trailers, recreational vehicles, cabins, or dormitories for durations that may range from single-day-use to overnight stays for full seasons. This term may include the use of property for outdoor activities, such as canoeing, swimming, hiking, or fishing, or indoor activities, such as laundry, showering, meetings, purchasing camping-related sundries, or dining, as conventionally associated with camps or nature retreat centers. This term may also include year-round lodging for caretakers of the property.  
This term shall not include uses defined by Sports Fields, Courts, Golf Courses, and Pools uses; however, such uses may occur on the same lot or adjacent lots to the Camping, Nature Retreat Center, or Summer Camp use.
- (ii) **Use-Specific Standards.** This Planning and Zoning Code does not contain standards specific to this land use; however, please note that this Planning and Zoning Code's district-specific standards, sign standards, and generally applicable standards shall apply to this land use, and please note that the Building Code standards shall apply to this land use.

**(4) Cemetery**

- (i) **Definition.** A place for the interment of the remains of the deceased, including mausoleums and the storage of cremated remains. This use may also include burial services, tours of the property, and passive recreation by guests.  
This term does not include the act of cremation; cremation shall be considered a Heavy Industrial use. This term does not include funeral services; funeral services may occur as part of a Religious Assembly use or an Indoor Special Events Venue use.

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

**(5) Community Gardening**

- (i) Definition. The preparation of the soil, cultivation of vegetables, fruits, and/or flowers, weeding, and harvesting of garden produce by members of multiple households using mainly hand implements for non-commercial purposes. This term may include the use of potable water for the irrigation of the gardens. This term may include the storage of garden implements and supplies within or outside of a garden shed, and the erection of seasonal hoop houses.
- (ii) Use-Specific Standards. No Community Gardening use shall be conducted except where all of the following conditions are satisfied:
  - (a) Only the following accessory uses and structures are permitted for a community garden:
    - (i) low hoop houses and similar low structures used to extend the growing season; (ii) benches, bike racks, raised/accessible planting beds, compost bins, (iii) picnic tables, garden art, rainwater catchment system, water tank; (iv) tool sheds 100 sq. ft or less; or (v) other uses and structures directly related to the operation of the community garden and approved by the Director of Planning and Development or their designee.
  - (b) Gardens shall be run by a nonprofit entity, community group, or neighborhood group acting as a garden coordinator responsible for maintenance and operations.

**(6) Outdoor Arena**

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

**(7) Playground or Park**

- (i) Definition. An open-space use designed for passive recreational activities, such as walking, sitting, jogging, or nature-watching, and may include play areas and play structures for children, gardens, naturalized areas, fields for open play, splashpads, fountains, walkways, bike paths, benches, and bathrooms.  
This use shall not include arboreta, which shall be considered a Libraries, Museums, and Theaters use. This use shall not include active recreational activity areas, such as swimming pools, sports fields, golf courses, or dog parks; such uses shall be considered Sports Fields, Courts, Golf Courses, and Pools. This use shall not include areas defined as Preserves uses;

however, this use may be conventionally conducted in conjunction with or on the same property as a Preserves use.

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

**(8) Preserves**

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

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

- (i) Definition. A land use intended and developed for outdoor active play and recreation, such as swimming pools, dog parks, skate parks, pickleball and tennis courts, basketball courts, baseball fields, soccer fields, football fields, foot-racing tracks, driving ranges, and golf courses. This use differs from Outdoor Arena in that it is less intense in noise generation and traffic generation; this use does not include stadiums or open-air arenas, although it may include low-rise bleachers in association with sports fields. This use does not include indoor active recreation, such as indoor pools, gyms, or tennis courts; such uses shall be considered Physical Recreation Center uses. This use may commonly be located on the same property as a Camping, Nature Retreat Center, or Summer Camp use.
- (ii) Use-Specific Standards. No Sports Fields, Courts, Golf Courses, and Pools use shall illuminate outdoor lighting from poles or stantions higher than 50 feet during the following times of night: between 11:00pm and 7:00am Sunday night/Monday morning through Thursday night/Friday morning, or between 11:59pm Friday night/Saturday morning through Saturday night/Sunday morning, except by conditional use approval.

**(10) Urban Farm or Market Garden**

- (i) Definition. Urban farm or market garden means land used for the cultivation and sale of fruits, vegetables, plants, flowers or herbs by an individual, organization or business.
- (ii) Use-Specific Standards. No Urban Farm/Market Garden use shall be conducted except where all of the following conditions are satisfied:
  - (a) An urban farm/market garden shall only be permitted subject to an approved conditional use permit and site plan.

- (b) The use of large-scale commercial agricultural equipment such as tractors, tillers, or other machinery equal to or exceeding the size of an automobile is prohibited.
- (c) Structures shall comply with the requirements for accessory structures in the applicable zoning district.

## **SECTION 1303.06 STANDARDS APPLICABLE TO ACCESSORY USES AND ACCESSORY STRUCTURES**

- (a) **Definition.** An accessory use is a land use that is incidental and customarily found in connection with the principal use of a property. Accessory uses are often described by their associated structures. For example, parking of private passenger vehicles is an accessory use of a principal residential use; the associated structure for such parking--a detached garage for a one-unit detached residence or a parking garage for an apartment building--would be considered an accessory structure. Accessory uses and their structures may include, but are not limited to the following: accessory dwelling units, carports, decks, garages, gazebos, patios, open porches, balconies, stoops, pergolas or trellises, rain gardens, sheds, accessory solar panels or wind turbines, swimming pools, hot tubs, recreational ponds, and stormwater retention ponds, swing sets, play houses, household tennis or sports areas, tree houses, electric vehicle chargers, family day care homes, home occupations, and cottage industries. Accessory uses shall not include a use otherwise described in this code as a principal use; for example, for a church that contains a parochial school, the school is not an accessory use of the Religious Assembly principal use, as it is included in the definition of the Schools principal use; the parochial school shall be considered a principal use of the lot, equivalent to the church use.
- (b) **Permissibility of Accessory Uses and Structures.** Accessory uses and accessory structures are permitted in any district unless otherwise specified by this Section, this Code, or other City provision.
- (c) **Permit Required for Accessory Structures.** A zoning permit is required for any accessory structure that occupies more than 10 square feet and less than 200 square feet. Fences, regulated in Section XXXX.XX, shall require a zoning permit.
- (d) **Signs.** Outdoor advertising or signs may be considered accessory uses and structures, but such uses and structures are not regulated by this Section; signs are regulated in Section XXXX.XX "Sign Standards."
- (e) **Location of Accessory Structures**
  - (1) An accessory use and any accessory structure in or on which it is conducted must be located on the same lot as or an abutting lot to the principal use with which it is associated; this provision may be waived through a variance granted by the Board of Zoning of Appeals.
  - (2) No accessory structure may be located in the front yard, except for accessory structures that are customarily found in the front yard area of the principal use, whether it is a commercial principal use or a residential principal use, such as a garden, planter, bird bath, or other garden accessory, a driveway-associated basketball hoop, a mailbox, a Little Free Library, a flag pole, a sculpture, or a fountain. For the purposes of this provision, the front yard shall be interpreted as any area of the lot closer to the front lot line than the front elevation of the principal structure.
- (f) **Required Setbacks for Accessory Structures**
  - (1) With the exception of certain accessory structures detailed in this subsection, all portions of an accessory structure shall be set back from any lot line by at least four horizontal feet.
  - (2) **Exceptions to Accessory Structure Setback Requirements**
    - (i) Ground-level uses and structures, such as asphalt or concrete paving, pavers, mulching,

sod, artificial turf, gardens and landscaping, and wood or faux-wood decking entirely within 8 inches of ground level, shall not be subject to the setback requirements that are generally applicable to accessory structures found in this subsection. Raised garden beds shall constitute ground-level structures if the tops of their sidewalls are within 12 inches of ground level.

- (ii) Within districts with minimum front setbacks for principal structures of 10 feet or less: front porches, balconies, elevated terraces, and stoops, where such accessory structures are not enclosed by windows and are open to the outdoors--except for railings, waist-level walls, or insect screens--shall not be subject to the front setback requirement that are generally applicable to accessory structures found in this subsection; instead, such accessory structures may extend up to six feet from the front of the principal structure. Such accessory structures shall not be permitted to extend beyond the front lot line into the public right-of-way unless granted an encroachment permit by the City.
- (iii) Fences shall be considered accessory structures but shall not be subject to the setback requirements that are generally applicable to accessory structures found in this subsection; fences are regulated by Section XXXX.XX “Fence Standards.”
- (iv) Signs shall not be subject to the setback requirements that are generally applicable to accessory structures found in this subsection; signs are regulated by Section XXXX.XX “Sign Standards.”
- (v) With the exception of wind turbines mounted to the roof of the principal structure, no wind turbine shall be erected except where its base is set back from all lot lines by a distance equal to its height, where the height of a wind turbine shall be measured from the ground elevation to the highest reach of any of its blades.
- (vi) Add-on accessibility ramps and add-on accessibility elevators designed to allow access to the premises for persons with disabilities or with ambulatory challenges shall not be required to conform to the setback requirements that are generally applicable to accessory structures found in this subsection; instead, such accessibility ramps and accessibility elevators shall be permitted to be installed up to the edge of any lot line. This provision shall not apply to permanent accessibility ramps, such as those constructed with concrete as part of a new commercial structure, and shall not apply to permanent, integrated elevators, such as those installed in permanent elevator shafts in a new commercial or multi-unit residential building



Figure 15: Graphic showing setback requirements for accessory structures: (from left to right) an accessibility ramp, a front porch, and a paved patio

- (g) Height Maximums for Accessory Structures. No accessory structure shall be erected except where such accessory structure satisfies all of the following conditions:
  - (1) On any portion of the lot where a principal structure would be permitted to be built, such as any area of the lot far enough from a lot line to meet the required minimum setback requirements for principal structures, no portion of an accessory structure may exceed the maximum height allowed

for a principal structure in the district in which it is located; such height allowances can be found within the applicable district section of Article XXXX “District Standards.” Please note, however, that this Code allows for exceptions to height allowances for specified features, such as steeples, chimneys, solar panels, wind turbines, and the like; for such exceptions, please refer to Section XXXX.XX “Exceptions to Height Maximums.”

- (2) On any portion of the lot where a principal structure would not be permitted to be built, such as any area of the lot closer to a lot line than required by the minimum setback requirements for principal structures, no portion of an accessory structure may exceed 18 feet in height; this provision shall not apply to signs, which are regulated by Section XXXX.XX “Sign Standards.” Please note, however, that this Code allows for exceptions to height allowances for specified features, such as steeples, chimneys, solar panels, wind turbines, and the like; for such exceptions, please refer to Section XXXX.XX “Exceptions to Height Maximums.”
- (3) No accessory structure, including an accessory wind energy system, shall impair the safe operation of aircraft, as determined by the Federal Aviation Administration.
- (h) **Swimming Pool and Hot Tub Fences.** Swimming pools and hot tubs shall be required to install a fence to prevent the accidental entrance and drowning of children; such regulations can be found in Section XXXX.XX “Fence Standards.”
- (i) **Specific Accessory Use and Accessory Structure Standards.** Specific accessory use and accessory structure standards are included for accessory dwelling units, home occupations, cottage industries, and family day-care homes. These standards can be found in the following subsections.

**(j) STANDARDS APPLICABLE TO ACCESSORY DWELLING UNITS**

- (1) **Definition.** An accessory dwelling unit is a dwelling unit that facilitates a dwelling use secondary to a principal one-unit dwelling. Accessory dwelling units are sometimes referred to as granny flats, in-law suites, and carriage houses. If a lot contains a principal dwelling and an accessory dwelling, and if such accessory dwelling is detached from the principal dwelling, the accessory dwelling shall be the dwelling with the greater setback from the front lot line.
- (2) **Eligibility.** No accessory dwelling unit may be erected except where all of the following conditions are satisfied:
  - (i) The accessory dwelling unit is located within a district that permits one-unit dwellings via administrative review;
  - (ii) The accessory dwelling unit is located on a lot that contains a one-unit dwelling;
  - (iii) The accessory dwelling unit is located on a lot that conforms to the minimum lot area, minimum lot width, and minimum lot depth standards of the district in which it is located.
- (3) **Creation.** An accessory dwelling unit may be created through new construction, the conversion of an existing structure, as an addition to an existing structure, or as a conversion of a qualifying existing one-unit dwelling during the construction of a new principal dwelling unit on the site.
- (4) **Arrangement.** An accessory dwelling unit may be arranged as a detached structure, such as a garage conversion, or as attached to the principal one-unit dwelling, such as a basement unit or an attic unit.



Figure 16: Graphic showing three variations of acceptable accessory dwelling unit types, including detached dwelling (left), attic unit (center), and detached above-garage unit (right).

- (5) Amenities Required. An accessory dwelling unit shall, at a minimum, contain all of the following amenities:
  - (i) A sleeping area or a bedroom area as defined by the applicable building code and provides light, air, ingress, and egress as required by the applicable building code;
  - (ii) A toilet and bathing facility;
  - (iii) A “junior kitchen” area that includes a kitchen sink and allows for the installation of plug-in kitchen appliances, such as a microwave, a single-burner, a toaster oven, and similar devices, meeting plumbing, electrical, and fire prevention requirements of the applicable building code; and
  - (iv) Utility separation from the principal one-unit dwelling where required by the applicable building code.
- (6) Quantity. No lot may contain more than one accessory dwelling unit.
- (7) Occupancy and Use
  - (i) An accessory dwelling unit must conform to all building code and health code standards applicable to all dwellings.
  - (ii) Occupancy of an accessory dwelling unit shall be limited to two adults per bedroom, as bedroom is defined by the building code; children shall not be counted for the purposes of this provision.
- (8) Size and Height
  - (i) No accessory dwelling unit may exceed 1,200 square feet of gross floor area.
  - (ii) Accessory dwelling units shall conform to the height maximums generally applicable to accessory structures.
- (9) Location. If an accessory dwelling unit is detached from the principal structure, no portion of such accessory dwelling unit shall be closer to the front lot line than the forward-most portion of the principal structure.
- (10) Screening. If an accessory dwelling unit is detached from the principal structure and is within six feet of a rear lot line or side lot line, such lot lines shall be screened with (1) six-foot-high opaque fencing or (2) a six-foot-high evergreen hedgerow; such fencing or hedgerow shall be required only along the portion of the lot lines within six feet of the accessory dwelling unit. Such screening shall not be required where the lot line abuts a public alleyway. Such screening shall not

be required where the side of the accessory dwelling unit within six feet of the lot line does not include any windows or other transparent material; glass blocks and frosted glass shall be treated as non-transparent materials.

- (11) Parking. An accessory dwelling unit shall not require off-street parking.

**(k) STANDARDS APPLICABLE TO HOME OCCUPATIONS**

- (1) Definition. A home occupation is an occupation, profession, or other business activity carried on by a person residing on the premises and accessory to the residential dwelling use (the principal dwelling use may be a one-unit dwelling, a two-unit dwelling, a 3-8-unit dwelling, or a 9-plus-unit dwelling). A home occupation conventionally includes the following: telework or remote office work performed by a resident of the dwelling, hair cutting services performed by a resident of the dwelling, or massage therapy services performed by a resident of the dwelling. Specific uses otherwise defined and regulated by this Code shall not be deemed home occupations (e.g., day-care homes).
- (2) Permitting A home occupation shall be permitted by right in the Suburban Residential District, the Traditional Neighborhood District, the Neighborhood Mixed-Use District, and the Downtown District. No application or zoning permit shall be required to conduct a home occupation.
- (3) Home Occupation Standards. All home occupations shall conform to all of the following standards:
  - (i) The use shall be clearly incidental and subordinate to the principal residential use.
  - (ii) The home occupation shall be owned, operated, and conducted by a person for whom the dwelling is the person's principal residence; however, up to two non-resident persons may be employed in the home occupation. More than two but not more than four non-resident persons may be employed in the home occupation with approval of the Planning Commission after consideration of written application from the business owner detailing factors including but not limited to parking demand and availability, days and hours of employment, location and amount of work space, nature of work, noise generation, and proximity to other dwellings. Persons employed off-site by the home occupation and who do not regularly enter onto the property as part of their employment are not considered employees for purposes of these regulations.
  - (iii) The home occupation shall be conducted wholly within the dwelling, except that activities associated with the home occupation may be conducted in the rear yard or in an existing accessory building if meeting the following minimum standards:
    - (a) The floor area of any accessory building(s) used for the home occupation shall not exceed 500 square feet. Enclosed parking required for the dwelling use shall be maintained in addition to any floor area used for the home occupation.
    - (b) Outdoor storage of materials, products, waste, equipment, vehicles, trailers, or other items associated with the home occupation may be permitted only in an area of the rear yard not greater than 400 square feet and screened by solid fencing on all sides.
    - (c) Activities associated with the home occupation shall only be conducted in the rear yard or in an accessory building between the hours of 7 a.m. and 7 p.m.
  - (iv) The floor area used for the home occupation (or in total for all home occupations if more than one home occupation is conducted in a dwelling unit) shall not exceed 50 percent of the floor area of the dwelling unit.

- (v) Signs shall comply with the regulations applicable to the zoning district.
- (vi) Site or building features of a nonresidential nature shall not be permitted in association with the home occupation; however, the home occupation may, where prudent or required, employ a commercial refuse service or a backflow prevention device on its water supply line.
- (vii) No heavy truck associated with the home occupation shall be stored at the residence, except within a fully enclosed garage.
- (viii) On-site sales of merchandise shall not be conducted as a primary activity or regularly scheduled activity of the home occupation.
- (ix) The home occupation shall not generate traffic in greater volume than normal for a dwelling. Regular shipping or delivery shall only occur in single rear axle straight trucks or smaller vehicles normally serving residential areas.
- (x) Customers. No more than two clients or customers shall be permitted to visit the dwelling at one time. No home occupation shall allow any in-person customer to occupy a street-parking spot. A home occupation may not serve in-person customers between the hours of 8:00 PM and 7:00 AM.
- (xi) No equipment or process shall be permitted which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot or, if in a multiple dwelling, outside of the dwelling unit.
- (xii) The home occupation shall not create any increased service demand upon City services normally provided to the dwelling, including but not limited to volume or type of waste collection.
- (xiii) Outdoor Storage of Home Occupation-Related Materials. No home occupation shall result in the storage of materials outdoors and visible from the right-of-way, including lawn care equipment associated with a home occupation, vehicles or tires associated with a home occupation, and fuels or fluids associated with a home occupation.
- (xiv) Dog-Related Home Occupations. No home occupation shall comprise the raising and sale of more than one litter of puppies at any time per lot; for the purposes of this provision, a litter of puppies shall be defined as any grouping of dogs born of the same pregnancy and under the age of 6 months. On any lot of less than 3 acres or on any lot containing more than one dwelling unit, no home occupation shall comprise the boarding of more than 4 dogs; on any other lot, no home occupation shall comprise the boarding of more than 6 dogs; the number of dogs permitted shall be reduced by one for each dog that resides on the premises; the boarding of more dogs shall constitute a principal Animal Boarding or Shelter use.

## (I) STANDARDS APPLICABLE TO DAY-CARE HOMES

- (1) Definition. Any Family Day Care Home Type A or Family Day Care Home Type B, as defined by the Ohio Revised Code. At the time of the drafting of this chapter, the Ohio Revised Code defined a Family Day Care Home Type A as 7 to 12 children (or 4 to 12 children if 4 children are under 2 years of age) cared for in the provider's home, where the provider's own children under 6 years of age must be included in the total count; and the Ohio Revised Code defined Family Day Care Home Type B as 1 to 6 children cared for in the provider's personal home, where no more than 3 children may be under the age of 2, and where the provider's own children under 6 years of age must be included in the total count.

- (2) Permitting. A Family Day Care Home Type A is allowed as an accessory to any lawful residential use but shall be permitted only through a conditional use approval granted by the Zoning Board of Appeals. A Family Day Care Home Type B is allowed as an accessory use to any lawful residential use and shall be permitted through an administrative review.
- (3) Use-Specific Standards. No day-care home services use shall be conducted except where all of the following conditions are satisfied:
  - (i) The minimum lot area satisfies the minimum lot area requirement for one-unit detached dwellings in the same district;
  - (ii) The minimum lot width satisfies the minimum lot width requirement for one-unit detached dwellings in the same district;
  - (iii) The minimum building setbacks satisfy the minimum building setback requirements for one-unit detached dwellings in the same district;
  - (iv) The play area is fenced in, so as to provide a safe and secure environment for the children;
  - (v) The drop-off/pick-up is located so as not to impede traffic safety; and
  - (vi) Parking should be located to avoid the necessity for the parent and/or children to cross streets or access driveways.
- (4) No Family Day Care Home Type A shall be conducted in the Suburban Residential District or the Traditional Neighborhood District except in conformity with all of the following standards:
  - (i) the applicant shall provide evidence of peak traffic demand and the sufficiency and safety of on-site drop-off/loading facilities;
  - (ii) There shall be at least 100 feet separation between fenced outdoor play areas and adjacent lots in residential districts; and
  - (iii) The use shall be subject to site plan review and approval.

**(m) STANDARDS APPLICABLE TO DRIVE-THRU SERVICES**

- (1) Definition. An accessory use of a restaurant, bank, pharmacy, or other commercial establishment that allows customers to communicate with an establishment's staff, place orders, receive services or goods, or make payments without exiting their private automobiles. This service is typically provided through a window or a series of windows where transactions can be completed.
- (2) Use-Specific Standards
  - (i) No Drive-Thru Services use shall cause the blocking of a fire lane, and no vehicle stacking area of a Drive-Thru Services use shall cause the blocking of handicap accessible parking spaces or use areas.
  - (ii) No Drive-Thru Services use shall have a drive-thru vehicle stacking lane that "traps" vehicles in the lane using curbs or other methods; all portions of a drive-thru lane shall allow vehicles to exit the lane at any point, except for the ordering portion of a two-lane drive-thru.
  - (iii) All Drive-Thru Services uses shall include at least five vehicle stacking spaces, where each stacking space equates to 20 linear feet of stacking lane. These spaces may be included in the area ahead of the ordering area, within the ordering area, before the pick-up area, and the pick-up area itself.

- (iv) No Drive-Thru Services use shall amplify sound to a volume audible by the users of adjacent lots.

**(n) STANDARDS APPLICABLE TO ELECTRIC VEHICLE CHARGING**

- (1) Definition. The charging of an electric vehicle as an accessory use of other vehicle parking or storage uses, and including charging cables, plugs, and their associated converters/inverters.
- (2) Use-Specific Standards
  - (i) Electric Vehicle Charging shall be considered an accessory use of any vehicle parking space.
  - (ii) No electric vehicle charger may be located within three feet of a lot line.
  - (iii) No electric transformer box associated with nine or more electric vehicle charging stations may be situated on a lot except when screened with a fully opaque fence or wall.

**(o) STANDARDS APPLICABLE TO HOME ANIMAL HUSBANDRY**

- (1) Definition. A use consisting of the non-commercial raising and care of chickens, ducks, peafowl, guinea fowl, pheasants, quail, turkey, geese, rabbits, guinea pigs, goats, sheep, mule, donkeys, horses, pigs, cattle, alpaca, llamas, ostriches, and/or emus as an accessory use to a principal one-unit residential dwelling use. This term does not include Agritourism or “farm tours.” This term does not include the raising of pets, such as dogs, cats, indoor tropical fish, indoor pet parrots and other non-farm-type pet birds, indoor pet reptiles, and indoor pet amphibians. The Director of Planning and Development shall determine whether an animal not listed in the above definition is similar to a listed animal and whether it shall be permitted.
- (2) Use-Specific Standards
  - (i) No Home Animal Husbandry use shall be permitted in any multi-unit residential use (i.e., two-unit dwelling, 3-8-unit dwelling, 9-plus-unit dwelling, townhouse dwelling, cottage court dwelling, or mobile home park).
  - (ii) No Home Animal Husbandry use may store or dispose of animal wastes within 15 feet of a property line.
  - (iii) No Home Animal Husbandry accessory use shall consist of the slaughtering of animals.
  - (iv) Living areas or grazing areas shall be appropriately defined and protected; for example, an enclosure for cattle, horses, or bison shall utilize adequately fortified fencing to prevent break-outs.
  - (v) Any electric fencing shall be clearly marked with signs as posing a shock danger using both words and visuals. No electrified fence shall be installed within three feet of a lot line.

**(p) STANDARDS FOR ACCESSORY SOLAR ENERGY SYSTEMS OR WIND ENERGY SYSTEMS**

- (1) Definitions
  - (i) Accessory Solar Energy System. A photovoltaic system or solar hot-water system installed as an accessory use or accessory structure on the lot where a dwelling, business, or other principal use is located for the purpose of generating electricity or hot water for that principal use. This term does not include a commercial facility that converts sunlight into electricity for the principal purpose of retail or wholesale sales of generated electricity; such use shall be considered a Principal Solar Energy System.

- (ii) Accessory Wind Energy System. A wind-powered electricity generation system installed as an accessory use or accessory structure on the lot where a dwelling, business, or other principal use is located for the purpose of generating electricity for that principal use. This term does not include a commercial facility that converts wind into electricity for the principal purpose of retail or wholesale sales of generated electricity; such use shall be considered a Principal Wind Energy System.
- (2) Use-Specific Standards. Accessory solar energy systems and accessory wind energy systems are permitted by right as accessory uses with principal uses in all zoning districts; such systems shall only be constructed, erected, maintained, extended, or removed in conformance with the provisions of this Code and this Section, detailed below.
- (i) Locations
    - (a) Building-mounted systems may be mounted on a principal building or accessory building in the following locations: (i) On a roof, but not higher than five feet above the roof surface and not higher than five feet above the maximum height permitted by this Code for that portion of the lot; (ii) on any wall, where in compliance with applicable setbacks for accessory structures (see Section XXXX.XX “Required Setbacks for Accessory Structures”); or on the front or corner side building façade, with approval of the Planning Commission. Please note that, where roof-mounted, the accessory solar or wind energy system may exceed the maximum height permitted for an accessory structure on that portion of the lot; if it is on a portion of the lot where a principal structure is typically permitted, that maximum height shall be the maximum height permitted for principal structures plus five feet; if it is on a portion of the lot where only an accessory structure is typically permitted, that maximum height shall be the maximum height typically permitted for an accessory structure, such as a detached garage, plus five feet; however, height exceptions do not compound--for instance, where an elevator shaft is already permitted to exceed the maximum height for a principal structure, a solar panel shall not be mounted on the roof of the elevator shaft in further excess of the typical height maximum for the structure upon which it is mounted.
    - (b) Ground-mounted systems may be installed in any location, dimension, and height conforming with the provisions applicable to accessory structures (see Section XXXX.XX “Height Maximums for Accessory Structures.” The height and area of a tracking-type solar array shall be interpreted as the maximum height reached and maximum horizontal area of the panel.
    - (c) In the Innovation District, a ground mounted accessory solar or wind energy system may be installed in any location, dimension, and height conforming with the provisions applicable to principal use structures, provided that the installation shall be subject to a conditional use permit.
  - (ii) Transmission Underground. Power transmission lines from a ground-mounted accessory solar or wind energy system shall be located underground.
  - (iii) No signage or graphic content may be displayed on the accessory solar or wind energy system except the manufacturer’s badge, safety information, and equipment specification information. The total area of such display shall not exceed the size and information required by the National Electrical Code. This display shall not be interpreted as a sign and shall not be subject to this Code’s Section XXXX.XX “Sign Standards.”
  - (iv) Abandonment and Removal. If the accessory solar or wind energy system is nonfunctional or inoperative for a continuous period of one year, the system shall be deemed abandoned

and shall constitute a public nuisance. The owner shall remove the abandoned system and all appurtenances. [PLEASE HAVE YOUR CITY'S LEGAL COUNSEL REVIEW THIS FOR CONFORMITY WITH ABANDONMENT INTERPRETATIONS.]

- (v) Installation shall conform to applicable building and safety codes and manufacturer's instructions.

## SECTION 1303.07 TEMPORARY USES

- (1) Definition. A use established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, that does not involve the construction or alteration of any permanent structure. This term may include a seasonal pop-up store, such as a Halloween costume store. This term may include a food truck operating as a one-time use; see the City's food truck ordinance for more details.



Figure 17: An example of a temporary use: a vacant retail center being used as a pop-up Halloween costume store.

- (2) Permitting. No temporary use shall be permitted except with a valid Temporary Use permit, issued by the Director of Planning and Development. For certain proposals, the Director of Planning and Development may require review by the Police Department and/or the Fire Department to ensure that adequate fire egress is provided. Each temporary use permit shall indicate the date at which the use is proposed to begin and the date of expiration of the permit; a Temporary Use permit may be extended by the Director of Planning and Development; where the temporary use is conducted after the date of expiration of the Temporary Use permit, the use shall be considered to be conducted in violation of this Code.

## SECTION 1303.08 COTTAGE COURT STANDARDS

- (1) Applicability. These cottage court standards shall apply to any development that fits the definition of Cottage Court Residential, as defined by this Code.
- (2) Ownership Model of Cottage Courts. Cottage courts may be organized in one of the following ownership models:
  - (i) All Units on One Lot. In this ownership model, all of the housing units, all common area, and all parking is located on one lot and has one owner. Typically, this ownership model is employed where the units of the cottage court are renter-occupied. In this case, any code violations can be directed to the landlord.
  - (ii) Condominium. In this ownership model, the housing units themselves are condominiums

and are individually owned. However, all of the land, including the land under the condominiums, is communally owned by a condominium association. The owners of the individual condominiums are members of the condominium association and make decisions according to their bylaws. In this case, any code violations for building maintenance of individual units can be directed to the unit's owner, and any code violations for landscaping or other land-related regulations can be directed to the condominium association.

- (iii) **Landominium.** In this ownership model, the housing units themselves and the land under the housing units—and sometimes additional buffer of land around each of the units—are individually owned. Other land, including a common green space, buffer area, utility or garbage storage areas, etc., are owned by a condominium association. The owners of the individual housing units are members of the condominium association and make decisions according to their bylaws. In this case, any code violations for building maintenance of individual units or the land owned by the owners of such individual units can be directed to the unit's owner, and any code violations for landscaping or other land-related regulations on communal land can be directed to the condominium association.
- (iv) **Private Land with Access Easements.** In this ownership model, there is no communally owned land. Each housing unit is individually owned, and each housing unit owner also owns the land under the unit and surrounding the unit. One landowner's property extends all the way to the neighbor's property. The lot lines extend all the way to the center of the communal foot path, and an access easement is granted along the portion of each lot that contains the communal footpath. Any code violation can be directed to the owner of land on which the violation has occurred.

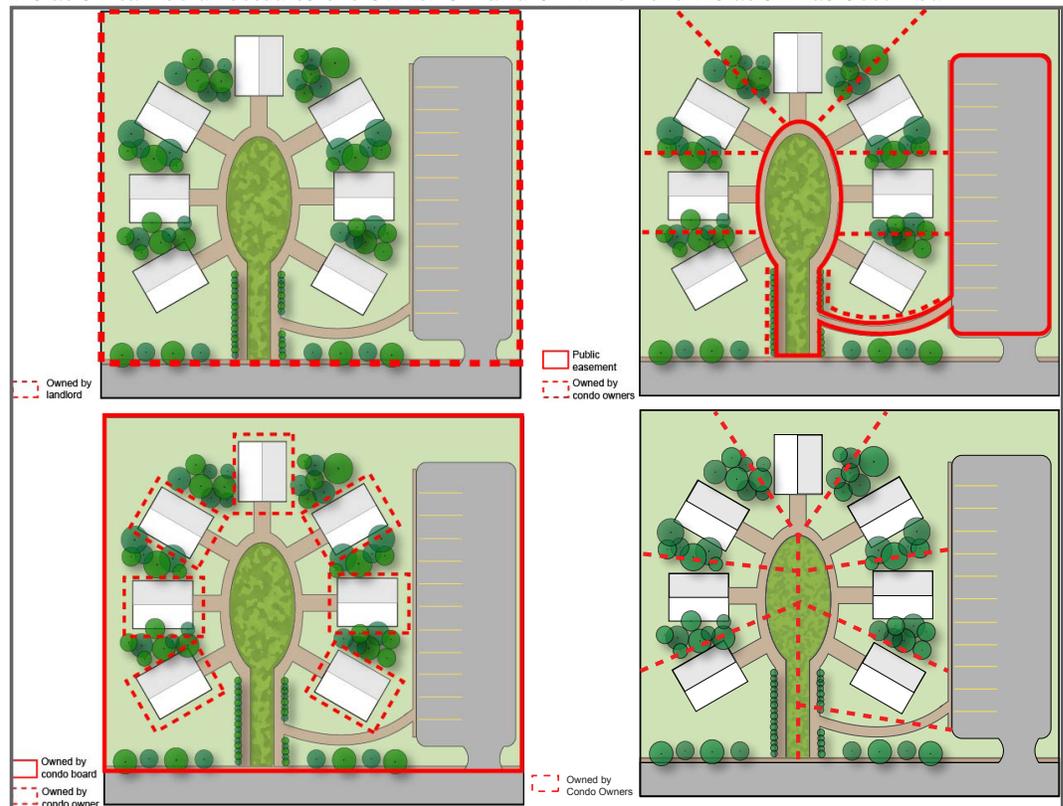


Figure 18: Graphic showing cottage court ownership models

- (3) **Cottage Standards.** No dwelling unit within the cottage court shall be developed except where such dwelling unit satisfies all of the following conditions:

- (i) The dwelling unit is contained within a detached structure and is not considered a duplex or other multi-family structure;
  - (ii) The dwelling unit contains a front porch of at least 80 square feet; the front porch shall be oriented towards the common open space;
  - (iii) The dwelling unit does not exceed 850 square feet; the open front porch shall not contribute to the total square footage of the dwelling unit; and
  - (iv) The dwelling unit's exterior walls shall maintain a separation from the external walls of all other dwelling units within the cottage court of at least twice the required side setback in the district in which it is located. For example, if, in the Suburban Residential District, the side yard setback is 6 feet minimum, no cottage court in the Suburban Residential District shall have dwelling units that have a separation of less than 12 feet.
- (4) Plan Required. No cottage court shall be permitted except where an application for such use contains a to-scale plan illustrating (1) the location of each cottage site, (2) interior circulation, (3) access to public rights-of-way, (4) screening, (5) solid waste storage and removal areas, and (6) emergency fire-response fire lanes and fire hydrant locations.
- (5) Emergency Response for Cottage Courts. No cottage court shall be permitted except where each dwelling unit within the cottage court is adequately accessible to public emergency response, including fire response, medical response, and law enforcement response.

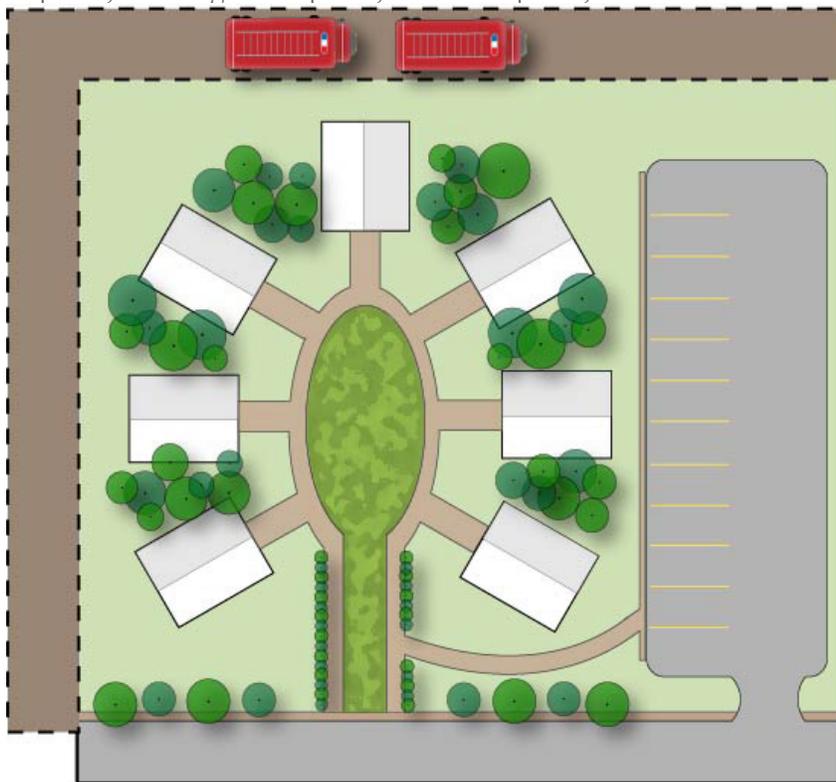


Figure 19: Graphic showing fire access via a fire lane (an option but not required) for a cottage court

- (6) Water and Sewerage. No cottage court shall be permitted except where each dwelling unit within the cottage court is connected to a public water supply. No cottage court shall be permitted except where each dwelling unit within the cottage court is connected to public sewerage.

## SECTION 1303.09 TOWNHOUSE STANDARDS

- (1) **Applicability.** These townhouse standards shall apply to any development that fits the definition of Townhouse Residential land use, as defined by this Code.
- (2) **Side Setbacks for Townhouses.** Townhouses are exempt from the side setbacks of the district in which they are located where they abut another townhouse in the contiguous townhouse structure. However, where two townhouse structures are next to one another, they shall maintain a separation of at least twice the required side setback for that district. In the case that a townhouse structure in one district is placed next to a townhouse structure of another district, the townhouse structures shall be separated by at least the required side setback of the first district plus the required side setback of the other district.
- (3) **Lot Widths for Townhouses.** Townhouses with a landownership model are exempt from the lot width requirements of the district in which they are located. Townhouse lots with a landownership model must be at least 15 feet wide.
- (4) **Ownership Model of Townhouse Residential Developments.** Townhouses have four main ownership models, as described and illustrated below:
  - (i) **Rentals.** In this ownership model, all of the housing units, all common area, and all parking is located on one lot and has one owner. Typically, this ownership model is employed where the units of the townhouse complex are renter-occupied. In this case, any code violations can be directed to the landlord.
  - (ii) **Condominium.** In this ownership model, the housing units themselves are condominiums and are individually owned. However, all of the land, including the land under the condominiums, is communally owned by a condominium association. The owners of the individual condominiums are members of the condominium association and make decisions according to their bylaws. In this case, any code violations for building maintenance of individual units can be directed to the unit's owner, and any code violations for landscaping or other land-related regulations can be directed to the condominium association.
  - (iii) **Landownership.** In this ownership model, the housing units themselves and the land under the housing units—and sometimes additional land adjacent to the units—are individually owned. Other land, including a common green space, buffer area, utility areas, etc., are owned by a condominium association. The owners of the individual housing units are members of the condominium association and make decisions according to their bylaws. In this case, any code violations for building maintenance of individual units or the land owned by the owners of such individual units can be directed to the unit's owner, and any code violations for landscaping or other land-related regulations on communal land can be directed to the condominium association.
  - (iv) **Fee-Simple.** In this ownership model, there is no communally owned land. Each housing unit is individually owned, and each housing unit owner also owns the land under the unit and surrounding the unit. One landowner's property extends all the way to the neighbor's property. Generally, these types of townhouse lots extend from the public street in the front to the public alley in the rear. Any code violation can be directed to the owner of land on which the violation has occurred.
- (5) **Permitting.** Townhome developments may be administratively approved where allowed by administrative review; see the use permissions in the district regulations of Article XXXX.
- (6) **Plan Required.** No townhouse shall be permitted except where an application for such use contains a to-scale plan illustrating (1) the location of each townhouse, (2) interior circulation, if

applicable, (3) access to public rights-of-way, (4) screening, (5) solid waste storage and removal areas, and (6) emergency fire-response fire lanes and fire hydrant locations.

- (7) Emergency Response for Townhouses. No townhouse shall be permitted except where each townhouse unit within the complex is adequately accessible to public emergency response, including fire response, medical response, and law enforcement response.

# Generally Applicable Standards

## Chapter

# 1104

---

# Chapter 1304: Generally Applicable Standards

## SECTION 1304.01 PARKING STANDARDS

- (a) Purpose of Parking and Loading Standards. These parking and loading standards are intended to mitigate the negative impacts of motor vehicle parking on government interests, including impacts on neighborhood aesthetics, pedestrian safety, and stormwater management.
- (b) Required Parking Space Count. This Code does not include minimum off-street parking supply requirements. However, where a landowner chooses to supply off-street parking, such parking shall conform to all requirements of this Section.
- (c) Parking Limited to Parking Areas. No parking of any motor vehicle or of any accessory to a motor vehicle, such as a trailer or camper, shall occur except on a parking area or on a driveway as defined by this Section.
- (d) Location of Parking Areas
  - (1) Parking Areas Limited in Actual Front Yards
    - (i) In the Downtown District, no motor vehicle parking area shall be located in the actual front yard, which is defined as the space between the front lot line and the front building line extended to the side lot lines.
    - (ii) In the Neighborhood Mixed-Use District, no more than 1 motor vehicle parking space per 20 feet of lot frontage may be permitted in the actual front yard.
    - (iii) In the Suburban Residential District and the Traditional Neighborhood District, no parking area shall be located in an actual front yard except on a driveway as regulated in this section.
    - (iv) In other districts, this Section does not limit parking areas in the actual front yard.
- (e) Parking Areas to Maintain Setbacks. The setbacks associated with ground-level structures, such as paving of parking lots, parking lot access drives, and driveways, are regulated in Section XXXX.XX “Exceptions to Accessory Structure Setback Requirements.”
- (f) Driveway and Parking Area Accessway Standards
  - (1) Curb Cuts. No more than one curb cut may be provided per one-unit dwelling or two-unit dwelling.
  - (2) Driveway Regulations. A driveway is an improved vehicle pathway that leads from a right-of-way to a one-unit dwelling, a two-unit dwelling, a three-unit dwelling, or a four-unit dwelling. A driveway may lead to a side yard or a rear yard, or may lead to the entrance of a garage of a one-unit dwelling, a two-unit dwelling, a three-unit dwelling, or a four-unit dwelling. No driveway may exceed 20 feet in width, measured at the curb-cut. No greater than 35% of the area of any front yard may be paved with a driveway; this provision does not apply to Townhouse Residential uses, 3-8-Unit Residential uses, or 9-Plus-Unit Residential uses.

- (3) Parking on a Driveway. Parking on a driveway is permitted, even if the driveway is located in the actual front yard.
- (4) Parking Area Accessways Regulations. Parking area accessways are improved vehicle pathways connecting a right-of-way and a parking area, where such parking area is not intended for a one-unit dwelling, a two-unit dwelling, a three-unit dwelling, or a four-unit dwelling. No parking area accessway may exceed 30 feet in width along its main pathway or 40 feet at its delta with the right-of-way. No parking area accessway may be located within two feet of a side lot line, except where a parking area accessway is shared between two adjacent lots or where a parking area accessway connects a parking area of one lot to a parking area of an adjacent lot.
- (g) Landscaping of Parking Areas. Any new parking lot, an expansion of an existing parking lot over 20 percent of the current square footage, an expansion of an existing building by more than 20 percent of the GFA, or any new construction more than 3,000 square feet in total interior space shall be landscaped in accordance with the Parking Lot Landscaping Table.

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

Table 1: Parking Lot Landscaping Table

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

include voids, such as in the image below.



*Figure 20: An image of a driveway paver system that may be more stormwater-friendly than traditional paving.*

- (j) **Micro-Vehicle Parking.** Micro-vehicles are any small vehicles that (1) do not use internal combustion engines, that (2) weigh less than 300 pounds, that (3) do not have the capacity to generate 20 horsepower or greater, and shall include bicycles, unicycles, push scooters, electric scooters, electric bicycles, motorized wheelchairs, mobility scooters, skateboards, electric skateboards, roller blades, and the like. Micro-vehicle parking is permitted as an accessory to any use and may be located in any location on any lot in any district, provided it does not cause an obstruction to ingress, egress, or the safe passage of pedestrians.
- (k) **Parking of Commercial Vehicles.** The parking of a commercial vehicle or fleet vehicle is treated similarly to the parking of any personal vehicle, except that no lot containing a residential use shall permit the parking of more than one commercial vehicle per dwelling unit.
- (l) **Stormwater Discharge from Parking Areas.** Stormwater management plans for parking areas must be approved by the City prior to the development of a parking area, except for parking areas serving only one-unit dwellings, two-unit dwellings, or three-unit dwellings.
- (m) **Parking Space Marking.** Designated parking spaces shall be marked on the surface of the parking area with paint or permanent marking materials and maintained in a clearly visible condition.
- (n) **Wheel Stops.** Any parking space that (1) is associated with any use other than a one-unit or two-unit dwelling and that (2) has a front or a rear end that abuts the perimeter of the parking area (or perimeter landscaping strip) must be equipped with a wheel stop. Each wheel stop shall be a singular block of durable material with a maximum height of six inches and a maximum length of eight feet. Wheel stops are to be securely fastened to the ground and located no less than two feet from the perimeter of the parking area and no less than four feet from any structures, buildings, walls, or plant material, excluding ground cover.
- (o) **ADA-Compliant Parking.** For every use, except one-unit dwellings and two-unit dwellings, accessible parking spaces shall be provided as required in the Americans with Disabilities Act Section 208 and Section 502. The Americans with Disabilities Act can be reviewed at the United States Access Board website.
- (p) **Parking Area Maintenance.** All required landscaping shall be maintained in a healthy condition, replacing

landscaping when necessary and keeping it free of refuse and debris. Parking areas shall be kept in good repair, including necessary replacement of the improved surface, curbing, wheel stops and fencing, where applicable.

## SECTION 1304.02 TREES

- (a) General Tree Standards. Please refer to Chapter 907 of the City of Oberlin Codified Ordinances for regulations on tree planting and care.
- (b) Required Street Tree Planting for Infill Residential Lots. For any new structure intended to be used for a residential use or for a mix of residential and non-residential uses, where such structure is not a part of an existing approved Street Tree Planting Plan, street trees shall be required to be planted as described below:
  - (1) For new residential or mixed-use structures on lots of less than 5,000 square feet, one tree shall be planted and perpetually maintained in the abutting street right-of-way or within the front yard of the subject lot. The street tree, at the time of planting, shall be at least four inches in diameter at breast height. As an alternative to a new tree being planted, an existing tree may be preserved and perpetually maintained on the lot, provided that such tree is within the street right-of-way of an abutting street or within the front yard of the subject lot.
  - (2) For new residential or mixed-use structures on lots of 5,000 square feet or greater, two trees shall be planted and perpetually maintained in the abutting street right-of-way or within the front yard of the subject lot. The street trees, at the time of planting, shall be at least four inches in diameter at breast height. As an alternative to each new tree being planted, an existing tree may be preserved and perpetually maintained on the lot, provided that such tree is within the street right-of-way of an abutting street or within the front yard of the subject lot.

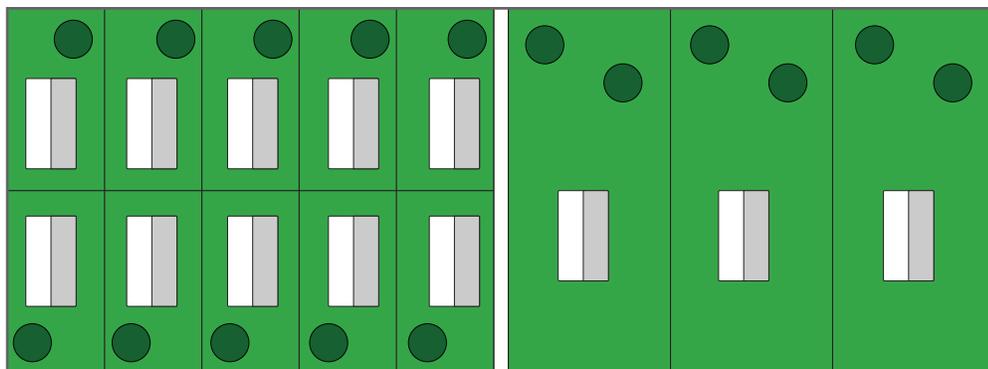


Figure 21: Graphic showing lots of 2000 sqft with one tree each (left) and lots of over 5000 sqft with two trees each (right).

- (3) Trees must be of a species native to northern Ohio. The City of Oberlin may be consulted for recommendations on tree species appropriate for the specific site; the City of Oberlin maintains a list of acceptable street tree species in the “Street Tree Planting Plan,” which is accessible online.
- (4) The Planning and Development Director may waive the planting or preservation requirement if it is determined that the size and configuration of the property and the house do not afford sufficient space for the planting or preservation of even one tree.

### SECTION 1304.03 VISION CLEARANCE TRIANGLE

- (a) Purpose of Vision Clearance Triangle. These vision clearance triangle standards are intended to reduce visual obstructions and mitigate the dangers associated with motor vehicles turning onto streets and to advance the government's interests in public health and safety.
- (b) Applicability. These vision triangle clearance standards shall apply at any street-and-street intersection and any street-and-driveway intersection, including the entrance and exit to drive-throughs.
- (c) Vision Clearance Triangle Defined. For any street-and-street intersection, the vision triangle shall be defined as the area bounded by the street property lines of corner lots and a line joining points along said street lines 25 feet from their point of intersection. For any street-and-driveway intersection, the vision triangle shall be defined as the area bounded by the street property line and the edge of the driveway and a line joining points along said street and driveway 10 feet from their point of intersection.
- (d) Vision Triangle to Remain Clear. No structure, vegetation, sign, or other visual obstruction shall be placed within the vision triangle except where the structure, vegetation, or sign fulfills one of the following conditions:
  - (1) The structure, vegetation, or sign does not exceed three feet of height above the crest of the driveway or the street with a more minor classification at a street-and-street intersection;
  - (2) The structure, vegetation, or sign presents a visual obstruction of a pole-type nature, such as a support beam or a tree trunk, where the pole-type visual obstruction is less than one foot in diameter, with no greater visual obstruction between three and eight feet of height above the crest of the driveway or the street with a more minor classification at a street-and-street intersection.
- (e) No vision clearance triangle is required for unimproved or unpaved alleys.

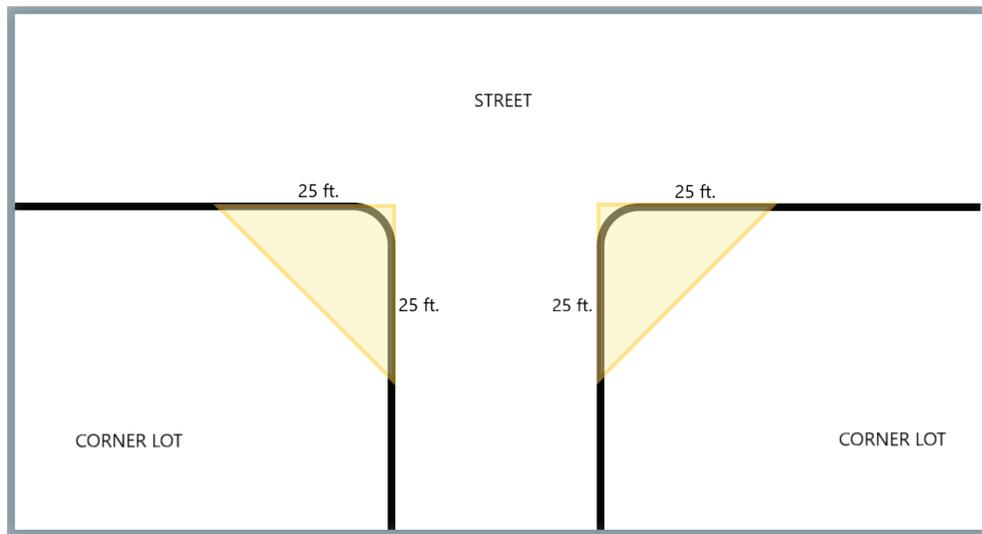


Figure 22: Diagram showing the Vision Clearance Triangle for corner lots.

### SECTION 1304.04 PERFORMANCE STANDARDS

- (a) Applicability of Performance Standards. Every use conducted within the city shall conform to the performance standards in this section and to the laws and regulations of the State of Ohio and of the federal government.

- (b) Purpose of Performance Standards. The purposes of these performance standards are: to prohibit the establishment of uses which engage in activities or use materials which are excessively hazardous or have significant negative impacts on surrounding properties; to ensure that all uses in the district will provide methods to protect the community from hazards and other negative impacts and effects which can be prevented by processes of control and nuisance elimination; and to protect uses from arbitrary exclusion or persecution based solely on the impacts and effects produced by any particular type of industry or activity in the past.
- (c) Compliance Required. Compliance with these standards shall be required during all times of operation of the approved activity or use.
- (d) Applicability to Existing Uses. An existing use that does not conform with these performance standards shall not be enlarged or remodeled if the enlargement or remodeling will cause greater noncompliance with the performance standards than exist at the time the use becomes nonconforming.
- (e) Performance Standards. This Planning and Zoning Code requires the following performance standards:
  - (1) Air Pollution
    - (i) Odor. No use shall be permitted to produce any odor which is discernible beyond any lot line of the lot upon which the use is located.
    - (ii) Smoke. No activity, operation, or use shall, during normal operations, emit smoke of a visible density to the exterior of the building in which the use is located.
    - (iii) Heat and Humidity. No use, operation, or activity shall produce intense heat or excessive humidity in the form of steam or moist air which has a perceptible, objectionable impact beyond the lot lines of the property.
    - (iv) Dust and Particulate Matter. No use, operation, or activity shall exhaust or discharge into the air, outside of the building in which the use, operation, or activity is contained, any quantity of fly ash, dust, dirt, or other particulate matter except in conformance with the current air pollution standards of the Ohio Environmental Protection Agency (OEPA) and pursuant to a valid discharge permit issued by OEPA.
  - (2) Erosion. No erosion, either by wind or water or other natural forces, shall be permitted which will carry objectionable substances onto neighboring properties.
  - (3) Water Pollution. No use, operation, or activity shall emit solids, liquids, or other matter into or onto any body of water, streams, or the ground except in conformance with the water pollution control standards established by OEPA and pursuant to a valid discharge permit issued by OEPA.
  - (4) Disposal of Waste in Sanitary Sewers. No use, operation, or activity shall dispose of any solid or liquid waste or other matter into the sanitary sewer of the City of Oberlin unless such disposal is approved by the Director of Public Works and is conducted in conformance with the rules and regulations established by the City and by OEPA for such disposal.
  - (5) Vibration. No use, activity or operation shall cause or create earthborne vibrations perceptible beyond the property line of the lot on which the use is located, especially to a degree of frequency, duration, or displacement which is objectionable or destructive to health or property. Vibrations from temporary construction and vehicles which leave the lot (such as trucks) are excluded from compliance with this standard.
  - (6) Electric or Electronic Disturbance. Production of electrical or electronic disturbances perceptible beyond the property line of the establishment, especially in such manner as to endanger

human health or to interfere with the normal operation of equipment or instruments, shall not be permitted.

- (7) Noise. Proposed uses shall be so designed and operated as to minimize the creation of noise, especially noise which may be periodically or constantly perceptible outside of the building in which the use is located and which is perceptible in residential areas. The sound pressure level resulting from any use, operation, or activity shall not exceed the following maximum permitted sound levels at or beyond any lot line of the property on which the use is located:

Center Frequency (Cycles per Second)	Maximum Permitted Sound Pressure Level (in Decibels)
31.5	74
63	72
125	66
250	60
500	54
1200	50
2000	43
4000	35
8000	26

- (8) Glare and Exterior Lighting. Any operation producing intense glare shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare completely imperceptible from any point along the property line of the lot on which the use is located. Exterior lighting shall be so constructed and directed as to shield residential properties from direct glare.
- (9) Enclosure of Operations and Stored Materials, Outdoor Storage, Waste Disposal. Except as authorized by a Conditional Use Permit:
- (i) All operations shall be conducted within an enclosed building; and
  - (ii) All materials and equipment shall be used and stored within an enclosed building. The temporary storage of waste materials in conformance with these regulations and the daily parking of the personal vehicles of employees shall be permitted.
  - (iii) No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by natural causes or forces such as wind, water, or evaporation, cause fumes or dust, constitute a fire hazard, be edible by or otherwise attractive to rodents or insects.
- (10) Radiation Hazards. The use of radioactive materials shall not be permitted except as specifically permitted in the zoning certificate and subsequent to approval by the Planning Commission. It is the general intent of this ordinance to not permit activities which require the use of significant amounts of radioactive materials, frequent transport of such materials into or through the community, or use in a manner with potential to cause harm to human health or to the environment. It is the general intent of this ordinance to permit the use of the amounts and types of radioactive materials required for certain types of low level equipment testing, laboratory research, medical testing and research, and similar uses.

- (11) Fire and Explosion Hazards. The storage, use or manufacture of materials in the Innovation District shall be regulated with the intent of protecting human life, protecting the natural environment, and protecting property while recognizing that certain fire and explosion hazards may be inherent in activities permitted in this district. Provisions for proper storage, use, and disposal of materials having fire hazard or explosive characteristics, as determined by the Fire Chief, shall conform to the standards and requirements for such materials as established by the Codified Ordinances of the City of Oberlin and shall be implemented in consultation with the Oberlin Fire Chief.
- (i) The storage, use, and/or manufacture of solid materials or products ranging from free or active burning to moderate burning is permitted only with approval of the Planning Commission and the Fire Chief of the City of Oberlin and subject to such conditions as they shall require for such activity and provided that such storage or use is required for the primary product, service, or activity of the permitted use.
  - (ii) The storage, use, and/or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted only with approval of the Planning Commission and the Fire Chief of the City of Oberlin and subject to such conditions as they shall require for such activity and provided that such storage or use is required for the primary product, service, or activity of the permitted use and provided that such material is stored, used, or manufactured within a completely enclosed building having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
  - (iii) The storage or use of pyrophoric or explosive powders or dusts is permitted with approval of the Planning Commission and the Fire Chief of the City of Oberlin and subject to such conditions as they shall require for such activity and provided that such storage or use is required for the primary product, service, or activity of the permitted use. The manufacture of such materials, as either a byproduct or waste product is not permitted unless approved by the Planning Commission and the Fire Chief of the City of Oberlin and subject to such conditions as they shall require for such activity. The manufacture of such materials as a primary or secondary product of the use or activity is not permitted.
  - (iv) The storage or use of flammable liquids or materials which produce flammable or explosive vapors or gases is permitted with approval of the Planning Commission and the Fire Chief of the City of Oberlin and subject to such conditions as they shall require for such activity and provided that such storage or use is required for the primary product, service, or activity of the permitted use. The manufacture of such materials, as either a byproduct or waste product is not permitted unless approved by the Planning Commission and the Fire Chief of the City of Oberlin and subject to such conditions as they shall require for such activity. The manufacture of such materials as a primary or secondary product of the use or activity is not permitted.
- (12) Toxic or Noxious Matter. No use, operation, or activity shall emit or discharge toxic or noxious matter in any form, particularly as identified on the USEPA Extremely Hazardous Substances List, which may be detrimental to the public health, safety, or general welfare or which may endanger the natural environment. Provisions for proper storage, use, and disposal of hazardous and/or toxic materials shall conform to the standards and requirements for such materials as established by the USEPA and OEPA and shall be implemented in consultation with the Oberlin Fire Chief.
- (13) Other Hazards or Impacts. Other hazards or potential hazards, potential nuisances, or other off-site effects of the proposed activity or use which are not common to uses permitted in the Innovation District or are not specifically addressed by the foregoing sections, (a) through (k) inclusive, shall be made known to the Planning and Development Director by the owner of the property proposing to establish the activity or use.

(f) Procedures for Performance Standards Compliance

- (1) The Planning Commission shall be responsible for approving the land use and the site plan. The Planning and Development Director shall be responsible for administering and enforcing the provisions of this Section.
- (2) Every applicant desiring to establish an activity or use, or to significantly change or expand an existing activity or use, shall submit to the Planning and Development Director, with the application for a zoning permit, statements, information, and evidence describing the proposed use and compliance with each of the performance standards. Such submittal shall be in a form as required by the Planning and Development Director and shall be reviewed and approved by the Planning and Development Director prior to issuance of a zoning certificate.
- (3) The owner of the property shall submit a written statement with the application for a site plan review describing any activity which has the potential to produce any of the following and a written statement showing evidence that such activity will comply with the performance standards described in this Section:
  - (i) Heat or humidity which is discernible at any lot line of the property;
  - (ii) Smoke which is discernible at any lot line of the property;
  - (iii) Odor which is discernible at any lot line of the property;
  - (iv) Dust or other particulate matter, either created within or outside of the building in which the use is located, the nature of such materials, and the means by which such materials will be collected, stored, and disposed; if dust or particulate matter will be created, the applicant shall state if a discharge permit is required from OEPA and shall explain the status of such permit;
  - (v) Objectionable substances which may be eroded and carried by natural forces onto neighboring properties;
  - (vi) Solids, liquids, or other matter emitted into or onto any body of water, streams or onto the ground;
  - (vii) Vibrations, either within or outside of the building in which the use will be located, and shall submit evidence that such vibrations will not be perceptible beyond any property line;
  - (viii) Electrical or electronic disturbances outside of the building in which the use will be located;
  - (ix) Noise which will be or has the potential to be perceptible outside of the building (including during such times as loading bay doors, windows, or other openings in the building may be open);
  - (x) Glare, whether inside of or outside of the building and shall submit an exterior lighting plan which identifies all proposed exterior lights
  - (xi) Disposal into the sanitary sewer system;
  - (xii) Operations or activities which will or may be conducted outside of the building or buildings, describing the manner of storage of all materials (including those brought to the site for use, those stored for distribution or delivery off site, and all waste materials), and describing the manner of storage of all equipment and vehicles;
  - (xiii) Waste and the nature of such waste or which requires outside storage of any materials, vehicles, or equipment and the nature of such items, in which case the owner shall also

- submit a plan which identifies the locations of all such storage and waste disposal, including any construction intended to screen such storage from view from outside of the property;
- (xiv) Radioactive materials, the nature and amounts of such materials, the methods and routes of transporting such materials, and the planned safety facilities and procedures related to the use, storage, and disposal of such materials;
  - (xv) Flammable or explosive materials which may be stored, used, or manufactured on the property, describing the materials, the amounts which will be present on the site, the nature of their use, the manner of storage, any safety hazards inherent in their use, and any other information required by the Planning and Development Director, the Fire Chief, or the Planning Commission;
  - (xvi) Toxic or noxious materials (that is, any solid, liquid, or gaseous matter, including but not limited to gases, vapors, dusts, fumes, and mists containing properties which by chemical means are inherently harmful and likely to destroy life or impair health or are capable of causing injury to the well-being of persons or damage to property and any matter identified on the USEPA Extremely Hazardous Substances List) that may be stored, used, or manufactured on the property, describing the materials, the amounts which will be present on the site, the nature of their use, the manner of storage, any safety hazards inherent in their use, and any other information required by the Planning and Development Director, the Fire Chief, or the Planning Commission; and
  - (xvii) Other potential hazards or other off-site effects of the proposed activity or use.
- (4) When, in the professional opinion of the Planning and Development Director, the proposed activity or use may likely fail to satisfy the performance standards, the Planning and Development Director shall refer the application to the Planning Commission and shall request that the Planning Commission make a determination of compliance. In making such determination, the Planning Commission may require that the applicant provide additional information regarding the nature of the proposed use, the design of the site, the nature of materials and processes, the effect of such designs, materials and processes on human health and the environment, and other information as the Commission deems necessary to make a determination. In making a determination of compliance, the Commission may establish conditions for issuance of the zoning certificate which will promote or ensure compliance. The determination of the Planning Commission shall be final.
- (5) The Planning Commission may authorize a proposed use which causes impacts or effects in excess of these performance standards. Such authorization may be granted upon making findings that:
- (i) The location or configuration of the proposed use is such that its effects or impacts in excess of the performance standards will be compatible with and acceptable to surrounding existing or planned uses which will be impacted; and
  - (ii) The nature of the anticipated impacts is such that the performance standards are inapplicable or inappropriate and the anticipated impacts can be appropriately controlled by conditions of the zoning certificate or other means.
- (6) The Planning and Development Director or designee may, from time to time, undertake tests, evaluations, or investigations to determine if an approved use or activity complies or does not comply with these standards. The Planning and Development Director or designee shall have the authority to investigate complaints alleging non-compliance with these standards. The Planning and Development Director may take appropriate action as deemed necessary to protect the public health, safety, and general welfare and to compel compliance with these standards.

- (7) Methods and procedures for the determination of the existence of any violation of these performance standards shall conform to either applicable methodologies prescribed by this ordinance or to applicable standard measurement procedures published by the American Standards Association, Inc., the Chemical Manufacturers Association, Inc., the United States Bureau of Mines, the National Fire Protection Association, the Ohio Environmental Protection Agency, and other recognized organizations whose standards are acceptable to the Planning and Development Director.
- (8) When the Planning and Development Director or the Planning Commission determines that (a) the information provided by the owner of a property is not sufficient to determine compliance with the performance standards without providing additional studies or expert advice or (b) that the information provided by the owner is of such nature, complexity, or quantity that the Planning and Development Director or Planning Commission is not able to make a determination of compliance without additional studies or expert advice, the Planning and Development Director shall advise the owner that such studies or advice are required. The Planning and Development Director and the Planning Commission may accept the required studies prepared by qualified professionals engaged by the owner or the owner shall deposit funds with the City as required to pay for such studies or expert advice.

**SECTION 1304.05 FENCE STANDARDS**

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

- (a) Fence Height and Materials in the Suburban Residential and the Traditional Neighborhood Districts. Except when fences are required by this Code for screening, no fence, wall, or hedge in the Suburban Residential District or the Traditional Neighborhood District shall exceed heights indicated in the Residential Fence Height and Material Table.

Fence Location	Fence Height and Material
Within Front Setback	Height Above Grade: 4 ft. max.; except that fences and hedges shall be permitted to be up to six feet in height in the front yard along a side lot line which adjoins a business or industrial district, where approved by the Planning Commission  Materials: wood, vinyl, or metal (but not chain-link or wire)
Outside of Front Setback	Height Above Grade: 6 ft. max.
Notes: Fences for animal enclosures may be permitted via a variance; see Chapter XXXX "Administration and Procedures."	

*Table 2: Residential Fence Height and Material Table, applicable to the Suburban Residential District and the Traditional Neighborhood District.*

- (b) Fence Height and Materials in All Districts Other than the Suburban Residential and the Traditional Neighborhood Districts. Except when fences are required by this Code for screening, no fence, wall, or hedge in any district other than the Suburban Residential District or the Traditional Neighborhood District shall exceed heights indicated in the Non-Residential Fence Height and Material Table.

Fence Location	Fence Height and Material
Within Front Setback	Fences and walls: not permitted in front yards, except by a variance granted by the Zoning Board of Appeals. Hedges: 4 ft. max. above finished grade

Outside of Front Setback	Fences and walls: 8 ft. max. above finished grade, except that any fence, wall, or hedge which restricts the visibility along a traveled right-of-way, shall be located subject to the approval of the Planning Commission
Notes: Fences for animal enclosures may be permitted via a variance; see Chapter XXXX "Administration and Procedures."	

*Table 3: Non-Residential Fence Height and Material Table, applicable to the Downtown District, Neighborhood Mixed-Use District, Institutional District, General Commercial District, Innovation District, and Parks and Open Space District.*

- (c) Fence height at a given location along a fence line shall be the difference in elevation between the grade at the base of the fence and the top of the fence at that location. The grade at the base of the fence shall be the elevation of the ground surface before mounding or building-up of the ground surface, if any, occurred. If a fence occurs along a terraced portion of earth, such as a retaining wall, its height is measured from the higher ground elevation.
- (d) Where due to the configuration of lots adjacent property lines have different applicable provisions regulating the construction of fences, the most restrictive provisions shall apply.
- (e) Setbacks for Fences. Fences shall be exempt from setback requirements applicable to principal structures. Fences shall be permitted to be located directly on a lot line.
- (f) Waterways. Fences shall not impede, inhibit or obstruct culverts, drains, natural watercourses or storm water drainage.
- (g) Fences in the Vision Clearance Triangle. No fences shall be installed such that they violate the provisions of the Vision Clearance Triangle standards. See the Vision Clearance Triangle standards in Section XXXX.XX.
- (h) Fence Maintenance. All fences shall be maintained and in a safe and upright condition and shall not be permitted to become dilapidated.
- (i) Permit Required. The installation of a fence shall require a zoning permit from the Director of Planning and Development; however, any replacement of less than 50% of the length of an existing fence shall not require a fence permit. The property owner shall be responsible for the accurate determination of any property line relative to the location of a proposed fence; the issuance of a zoning certificate for a fence does not indicate City review or approval of the property line location.
- (j) Good Side of Fence Provision. All fences shall be installed so that, when a fence has a "finished," "clean," or "good" side, that side faces outward, toward adjacent lots; and the "unfinished" or "bad" side faces the interior of the lot. When a fence is installed on the property boundary between two lots, the "unfinished" or "bad" side shall face the lot of the landowner who is installing the fence.
- (k) Swimming Pool and Hot Tub Fences. Please refer to Chapter 1189 of the City of Oberlin Codified Ordinances for regulations on fences for swimming pools.
- (l) Temporary Construction Fence. A temporary fence required to secure a construction site shall only be installed subject to written approval by the City Manager or their designee. An application for approval shall be in the form of a letter and attached exhibits describing the proposed fence location, materials, height, and means of installation; contact information for persons responsible for installation, maintenance, and removal; and such other information as the City Manager may require. Approval may be issued for up to 180 days in connection with a current building permit and may be extended for an additional 180 days.
- (m) Electric Fences. Above-ground electrified wire fencing may be installed for agricultural purposes and as approved by the Planning Commission. Applicant shall transmit a site plan indicating proposed location

of electrified fencing (setback at least three feet from property line required), location of protective fencing at property line, access gate configurations, and locations of warning signs.

- (n) Prohibited Fences. The following types of fences are prohibited: (1) Fences constructed of any materials or in any manner which presents a hazard to persons and (2) guard rails. Barbed-wire fences are prohibited, except that, in the Innovation District, the placement of not more than three strands of barbed wire shall be permitted on top of a fence, provided such strands are not less than 78 inches from the ground and the Planning Commission finds that the use of barbed wire is necessary for protection of the subject property.

## **SECTION 1304.06 OUTDOOR LIGHTING STANDARDS**

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

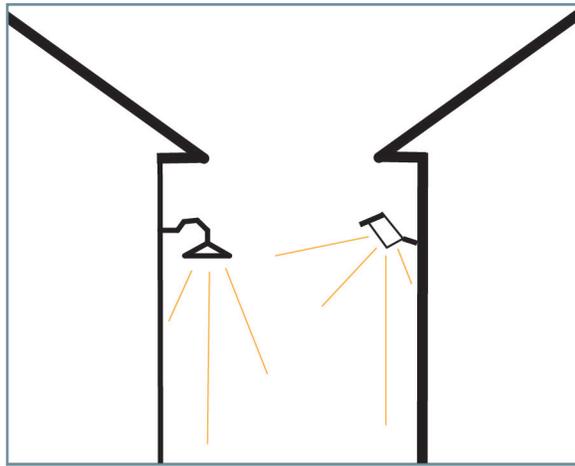


Figure 23: Outdoor Lighting. The lamp on the left of the above graphic is an example of outdoor lighting that is aimed plumbly downward and completely shielded. The lamp on the right, while shielded, is not aimed plumbly downward, and it therefore may only be approved through obtaining a variance.

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

### SECTION 1304.07 DUMPSTERS AND SOLID WASTE STORAGE STANDARDS

Dumpsters, except for temporary rental dumpsters, shall be completely screened with an opaque, 6-foot-high fence or wall and shall be located no closer to the front lot line than the front facade of the principal structure.

## SECTION 1304.08 SIGN STANDARDS

- (a) Purpose of Sign Standards. These sign standards are intended to regulate the time, place, and manner of signs in order to advance the governmental interests of neighborhood aesthetics and safety of pedestrians and drivers.
- (b) Sign Definition. For the purposes of these regulations, a sign shall be interpreted as any visual or graphic device that is designed and/or used to communicate--primarily through use of words, numbers, characters, and/or proprietary symbols, as defined herein--a verbal and/or visual message. Such a device shall be considered a sign whether or not a message is currently displayed thereupon. Sign shells, embellishments, and support structures shall be considered part of the sign. Flags shall be considered signs per this definition. Murals and wall paintings shall be considered signs per this definition.
- (c) Applicability of Sign Standards. These sign standards shall apply to all signs in the city that have content that is visibly discernable from the public right-of-way. However, these sign standards shall not apply to the following signs, provided that such signs do not cause glare, safety, or health concerns for the users of nearby private properties:
  - (1) Signs that have content that is visibly discernable only from private premises;
  - (2) Signs of less than two square foot each in sign area, where such signs are not used together to effectively constitute a larger sign (also known as “incidental signs” by this Code);
  - (3) Signs etched into cornerstones or masonry of buildings;
  - (4) Signs etched into cemetery headstones in a cemetery or in a cemetery headstone sales lot;
  - (5) Signs upon vending machines totaling less than 20 square feet per lot;
  - (6) Signs upon umbrellas in outdoor dining areas; and
  - (7) Signs comprising the exterior paint of a vehicle, where such a vehicle is currently registered and in operable condition and where such signs are not illuminated.
- (d) Sign Permitting Process
  - (1) Sign Types Requiring a Zoning Permit. No sign shall be erected, relocated, expanded, made higher, or replaced or changed in illumination type, without a valid zoning permit issued by the City. This requirement shall not apply to the maintenance of an existing sign where such maintenance does not require its relocation, expansion, or replacement. This requirement shall not apply to temporary signs, as described as not requiring a zoning permit in the subsection below; and this requirement shall not apply to those signs under which these sign standards do not apply, as described in Section XXXX.X.C “Applicability of Sign Standards.”
  - (2) Sign Types Not Requiring a Zoning Permit
    - (i) Temporary signs, as defined in this code, shall not require a zoning permit in order to be erected, provided that they conform to the sign standards of this section, including maximum sign size, maximum sign height, and specific sign material and location regulations, and provided that they do not occupy the public right-of-way.
    - (ii) Incidental signs shall not require zoning permits; for the purposes of this code, an incidental sign shall be defined as a sign of less than two square feet, with or without illumination, that is not part of a larger array of signs that, when combined, form one cohesive sign; an address number, a “handicapped parking” sign, a “no trespassing” sign, and an “open” sign are examples of an incidental sign. An incidental sign may not include illumination that

blinks or twinkles; an incidental sign may not include scrolling text or a screen or similar device that has movement effects.

- (3) **Application Requirements for Zoning Permits.** Applicants wishing to erect, relocate, expand, or replace a sign, except for a sign type not requiring a zoning permit per this section, or wishing to change a sign's illumination type shall submit a zoning permit application to the City. Such zoning permit application shall include the zoning permit application fee, as indicated on a fee schedule as approved by the City. Such zoning permit application shall indicate the following:
  - (i) The exact location and orientation of the sign, including a to-scale map of the lot with detailed description of the proposed sign's setbacks from the public right-of-way, the side lot lines, and any existing structures on the lot, and including clarification as to whether the sign will project into or occupy parts of the public right-of-way;
  - (ii) The sign area, as measured according to the sign area measurement instructions in this code, Section XXXX.X;
  - (iii) The sign height, as measured according to the sign height measurement instructions in this code, Section XXXX.X;
  - (iv) The sign material;
  - (v) The sign illumination type and intensity of illumination, if any;
  - (vi) The sign's mounting structure.
- (4) **Sign Zoning Permit Application Decisions.** Within 30 calendar days of the submission of a zoning permit application, the City shall grant a zoning permit to the applicant for the proposed sign or shall deny a zoning permit with indication, in writing, the reason(s) why the permit application was denied. If a zoning permit is granted, the applicant may proceed with the permitted erection, relocation, expansion, heightening, or replacement of a sign or the permitted change in the sign's illumination type.
- (e) **Prohibited Signs.** The following sign types shall be prohibited as both permanent signs and temporary signs for all land uses in all districts:
  - (1) Air-activated signs or cold-air inflatable balloon signs;
  - (2) Festoons, as defined herein, except during recognized holiday periods or seasonal festivals or special community events during which the outdoor display of decorations is encouraged or is customary
  - (3) Flashing signs, as defined herein, or signs containing strobe lights;
  - (4) Search-light or spot-light signs;
  - (5) Moving signs, as defined herein, other than flags;
  - (6) Signs in the public right-of-way, except as described in the subsection XXXX below "Signs in the Public Right-of-Way"; and
  - (7) Signs that violate any City regulation on emission of noise, odor, or particulate or gaseous matter.
- (f) **Measuring Sign Area.** The sign area shall mean the total exposed surface on the largest single sign face of a sign, including sign background, but excluding purely decorative embellishments and any supporting structure that does not form part of the sign proper. The area of a "light box"-illuminated sign shall be the area enclosed within the cabinet. The area of a sign consisting solely of individual letters or symbols

presented with no added background or decoration against a building wall or other surface that does not serve solely or principally as a sign, such as an awning or canopy, shall be the sum of the areas within rectangular envelopes completely enclosing each separate letter or symbol, excluding punctuation, or each attached group thereof. The sign area of a sign that displays messages on more than two faces or on a single continuous surface that wraps around the sign (such as a spherical sign or balloon) shall include only such sign area as may be visible at any one time from a point on the ground within 200 feet of the sign.



Figure 24: Graphic showing sign area of a lightbox sign, an individual letter awning sign, and a balloon sign

- (g) Measuring Sign Height. Sign height shall be measured as the vertical distance from the highest part of a sign, including support structures and embellishments, to:
- (1) The mean average grade of the land--or level of the roof in the case of a roof sign--abutting the base of or directly beneath the sign, for facade signs; awning and canopy signs; roof signs; projecting signs; and ground signs more than 50 feet from the edge of a public street pavement; or
  - (2) The curb level, as defined herein, of the street from which the sign is intended to be viewed, for all other ground signs; or, in the case of a lot abutting more than one street, the mean average of the curb levels of such streets.



Figure 25: Graphic showing sign height reaching from average grade of the ground up to the top of the decorative part of the sign (white line). In this image, the sign is a type of Projecting Sign.

- (h) Signs in the Vision Clearance Triangle. Both permanent and temporary freestanding and projecting signs

shall be set back from the street pavement as necessary to comply with the restrictions on obstructions within vision clearance triangles, as described in Section XXXX.X “Vision Clearance Triangle Standards.”

(i) Sign Illumination Standards.

(1) Sign Illumination Defined. Sign illumination shall be any lighting source, other than the sun, that illuminates the surface or interior of a sign. Lighting around the border of a sign, such as in the case of perimeter lighting around a window displaying a window sign or in the case of a border of lights around a marquee sign, shall be considered part of the sign illumination. Sign illumination shall not be construed as referring to any illumination of signs provided by light sources intended to generally illuminate an area in which a sign is located--such as street lights, facade lighting, or parking lot lighting--rather than specifically to illuminate the sign.

(2) Prohibited Sign Illumination Types. The following sign illumination types shall be prohibited in all districts:

- (i) Sign illumination that causes glare to neighboring properties, vehicles, or pedestrians, such as bare-bulb illumination that is not properly shielded or diffused; and
- (ii) Sign illumination that blinks, shudders, or twinkles, or in any way is not constant and even in intensity and direction.

(3) Permitted Sign Illumination Types. The following sign illumination types shall be allowed in specific districts (see district-specific sign regulations in Sections XXXX.X.N. through XXXX.X.X), provided that a zoning permit is attained for the given sign illumination type:

(i) Internal illumination, which includes the following types:

- (a) Channel-letters: a type of internal illumination where each letter or symbol has a light source integrated within it, where such light shines out through a semi-translucent diffusing material on the surface of the letter or symbol; neon lighting and imitation neon lighting are included as examples of channel-letters;



Figure 26: Graphic showing business sign using channel letters illumination. In this case, the channel letters are produced by neon tubes, but this is not always the case.

- (b) Light-box: a type of internal illumination where a light source is integrated within a sign, rather than following the course of each letter or symbol, where such light shines out through a semi-translucent diffusing material on the surface of the sign;



Figure 27: Graphic showing business sign using lightbox illumination.

- (c) Halo-letters: a type of internal illumination where a light source is routed within each letter or symbol and shines towards the backdrop of the sign, creating the effect of a lit halo around each silhouetted letter or symbol; and



Figure 28: Graphic showing business sign using halo-letters illumination.

- (ii) External illumination, which includes the following types:
  - (a) Gooseneck lighting: a type of lighting involving a rigid arm extending horizontally away from the sign with a shielded lamp aiming light back towards the sign surface; and



Figure 29: Graphic showing business sign using gooseneck lighting.

- (b) Ground lighting: a type of lighting involving a ground-mounted lamp projecting light at the sign surface. [PLACEHOLDER FOR A GRAPHIC SHOWING A GROUND-MOUNTED LIGHT]
- (j) Changeable Copy Sign Standards. Changeable copy signs shall be permitted on any sign type, provided that the copy of a sign is not changed more than once every 10 seconds and provided that the changing

of the copy does not create a swiping, flying, blinking, swirling, or other visual effect.

- (k) **Electronic Message Display Sign Standards.** An electronic message display may be permitted with approval of the Planning Commission and shall be subject to the following:
- (1) **Number of Electronic Message Displays**
    - (i) In the Suburban Residential District or the Traditional Neighborhood District, in association with a use other than a dwelling or dwellings, one sign which may include a changeable message sign is permitted per lot, with a surface area not exceeding 20 square feet; however, if the non-residential use is on a corner lot, two such signs are permitted. One additional sign, with a surface area not exceeding 20 square feet, may be located on the front wall of the building.
    - (ii) In the Neighborhood Mixed-Use District, the Downtown District, or the Institutional District, one electronic message center sign is permitted per lot but only as part of the permitted window sign area and shall not exceed ten square feet.
    - (iii) In the Innovation District or the General Commercial District, one electronic message center sign may be incorporated into a permitted wall or freestanding sign, provided it does not exceed 40% of the allowable sign area for each sign face.
  - (2) **Hours of Operation.** A sign located within 100 feet of a residentially zoned district shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.
  - (3) Displays shall contain static messages only and shall not have movement or the appearance of movement, flashing, scintillating, fading, dissolving, travelling, scrolling, or varying of light intensity or color.
  - (4) Each message on the sign shall be displayed for a minimum of eight seconds.
  - (5) Changes to messages, copy, or images shall be accomplished in not more than three seconds.
  - (6) No sign shall be of such intensity as to create a distraction or nuisance for motorists.
  - (7) Displays shall not emulate traffic control devices.
  - (8) Signs shall contain a default design function that will freeze the display in one position or cause it to go dark if a malfunction occurs.
  - (9) All electronic message centers shall be equipped with sensors or other devices that automatically determine the ambient illumination and are programmed to automatically dim according to ambient light conditions.
  - (l) **Signs in the Public Right-of-Way.** No sign may occupy the public right-of-way, including above the public right-of-way, except as permitted by Chapter 798 of the City of Oberlin Codified Ordinances, or except for a projecting sign expressly permitted to overhang the public right-of-way on its zoning permit.
  - (m) **Sign Maintenance.** Nothing in this section shall prohibit the maintenance of an existing sign, including the rewiring, repainting, change of copy, or reinforcement of structural elements, where such maintenance does not constitute a relocation, change in height, or enlargement of the sign and where such maintenance does not constitute a change of sign illumination type. Signs shall be maintained in a safe, working, and clean condition by the landowner. Signs which are deemed by the City to be dangerous to public health and safety shall be ordered by the City to be removed immediately at the landowner's expense.
  - (n) **Sign Replacement.** The replacement of an existing permitted or legal nonconforming sign shall be permitted where the replacement constitutes no change in sign type, sign area, sign location and height,

or sign illumination type.

(o) Nonconforming Signs

- (1) Existing signs which were erected legally prior to the enactment of this code but which do not conform to the sign standards of this code shall be deemed legal nonconforming signs. Likewise, signs deemed nonconforming by the previously enforced development code shall be considered legal nonconforming signs by this code. However, a sign which is nonconforming for its use of nonconforming changeable copy animations, for its use of illumination that causes unhealthful glare on adjacent properties or passersby, or for its lack of maintenance in a safe, working, and clean condition shall not be considered a legal nonconforming sign and shall be made to conform to those standards or be deemed a violation.
- (2) A legal nonconforming sign shall be allowed to continue to exist—including the changing of copy; the maintenance of the sign face, wiring, and structure; and the replacement of the sign—provided that no change is made to the sign type, sign area, sign height, sign location, and sign illumination type. However, where the City determines that the sign poses a danger to public health or safety, it may order that the sign be removed or reinforced in order to mitigate such danger.
- (3) Where a legal nonconforming sign is removed by order of the City due to it being a danger to public health or safety or where a legal nonconforming sign is destroyed by calamity, a sign of exact area, location, height, type, and illumination type may be erected within 12 months of the date of removal or destruction, regardless of whether it meets this code's sign standards, provided that the new sign does not present a danger to public health or safety, as determined by the City. The replacement sign shall be deemed a legal nonconforming sign by this code. Where the sign is not replaced within 12 months of the date of removal or destruction, the sign shall be considered to be abandoned by intent, and the legal nonconforming status shall be stripped from the sign.

(p) Sign Types and Tables of Permissions. In the following subsections, sign types are defined and permitted by district.

**(q) TEMPORARY SIGN STANDARDS**

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



Figure 30: An illustration of a temporary sign--in this case, a yard sign in front of a residence.

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

Temporary Sign Standards	Zoning Districts							
	Suburban Residential	Traditional Neighborhood	Downtown	Neighborhood Mixed-Use	Institutional	General Commercial	Innovation	Parks and Open Space
No. of Signs per Lot	4	4	4	4	4	4	4	4
In Association with Which Land Uses?	All	All	All	All	All	All	All	All
Sign Illumination Types	None	None	None	None	None	None	None	None
Sign Area per Sign	15 sq. ft. max.	15 sq. ft. max.	15 sq. ft. max.	15 sq. ft. max.	15 sq. ft. max.	15 sq. ft. max.	15 sq. ft. max.	15 sq. ft. max.
Front Setback of Sign	2 ft. min.	2 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.
Side and Rear Setback of Sign	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.	2 ft. min.

Sign Height	6 ft. max.	6 ft. max.	10 ft. max.	6 ft. max.				
-------------	---------------	---------------	----------------	----------------	----------------	----------------	----------------	---------------

(r) **PROJECTING SIGN STANDARDS**

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



Figure 31: Projecting signs--an illustration (left) and a real-world example from Athens, GA (right).

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

Projecting Sign Standards	District					
	Downtown	Neighborhood Mixed-Use	Institutional	General Commercial	Innovation	Suburban Residential, Traditional Neighborhood, Parks and Open Space
No. of Signs per Lot	1*	1*	1*	1*	1*	Not Permitted
In Association with Which Land Uses?	All	All	All	All	All	N/A
Sign Illumination Types	Internal or External	Internal or External	Internal or External	Internal or External	Internal or External	N/A

Sign Area per Sign	20 sq. ft. max.	N/A				
Front Setback of Sign	0 ft. min.	0 ft. min.	0 ft. min.	5 ft. min.	5 ft. min.	N/A
Side and Rear Setback of Sign	2 ft. min.	N/A				
Sign Height	15 ft. max.	N/A				
<p>Notes. Asterisk (*) indicates that, for a lot on a corner or multiple corners, such number of signs per lot per sign type shall be interpreted as per street frontage; therefore, a lot on the corner of two streets shall be permitted twice the normal number of that sign type, provided that half of the permitted signs are installed on one frontage and the other half of the permitted signs are installed on the other frontage.</p>						

(s) **FREESTANDING SIGN STANDARDS**

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



Figure 32: Freestanding signs--an illustration (left) and a real-world example from Colorado (right).

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

Freestanding Sign Standards	District					
	Downtown	Neighborhood Mixed-Use	Institutional	General Commercial	Innovation	Suburban Residential, Traditional Neighborhood, Parks and Open Space
No. of Signs per Lot	1*	1*	1*	1*	1*	Not Permitted
In Association with Which Land Uses?	Non-Residential					N/A
Sign Illumination Types	Internal or External					N/A
Sign Area per Sign	24 sq. ft. max.	24 sq. ft. max.	24 sq. ft. max.	60 sq. ft. max.	60 sq. ft. max.	N/A
Front Setback of Sign	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.	N/A
Side and Rear Setback of Sign	2 ft. min.	2 ft. min.	2 ft. min.	6 ft. min.	6 ft. min.	N/A
Sign Height	8 ft. max.	8 ft. max.	8 ft. max.	12 ft. max.	12 ft. max.	N/A

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

(t) **WALL SIGN STANDARDS**

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



Figure 33: Wall signs--an illustration (left) and a real-world example from Columbus, Ohio (right).

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

Wall Sign Standards	District					
	Downtown	Neighborhood Mixed-Use	Institutional	General Commercial	Innovation	Suburban Residential, Traditional Neighborhood, Parks and Open Space
No. of Signs per Lot	1*	1*	1*	1*	1*	1*
In Association with Which Land Uses?	Non-Residential					Non-Residential and 9-Plus-Unit Dwelling
Sign Illumination Types	Internal or External					
Sign Area per Sign	40 sq. ft. max.	40 sq. ft. max.	40 sq. ft. max.	150 sq. ft. max.	150 sq. ft. max.	40 sq. ft. max.
Sign Height	25 ft. max.	25 ft. max.	25 ft. max.	30 ft. max.	30 ft. max.	16 ft. max.
Notes. Asterisk (*) indicates that, for a lot on a corner or multiple corners, such number of signs per lot per sign type shall be interpreted as per street frontage; therefore, a lot on the corner of two streets shall be permitted twice the normal number of that sign type, provided that half of the permitted signs are installed on one frontage and the other half of the permitted signs are installed on the other frontage.						

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

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



Figure 34: Canopy or awning signs--an illustration (left) and a real-world example from Colorado (right).

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

Canopy or Awning Sign Standards	District					
	Downtown	Neighborhood Mixed-Use	Institutional	General Commercial	Innovation	Suburban Residential, Traditional Neighborhood, Parks and Open Space
No. of Signs per Lot	1*	1*	1*	1*	1*	Not Permitted
In Association with Which Land Uses?	Non-Residential					N/A
Sign Illumination Types	External--Gooseneck only					N/A
Sign Area per Sign	24 sq. ft. max.	24 sq. ft. max.	24 sq. ft. max.	24 sq. ft. max.	24 sq. ft. max.	N/A
Front Setback of Sign	0 ft. min.	0 ft. min.	0 ft. min.	5 ft. min.	5 ft. min.	N/A

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

(V) WINDOW SIGN STANDARDS

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

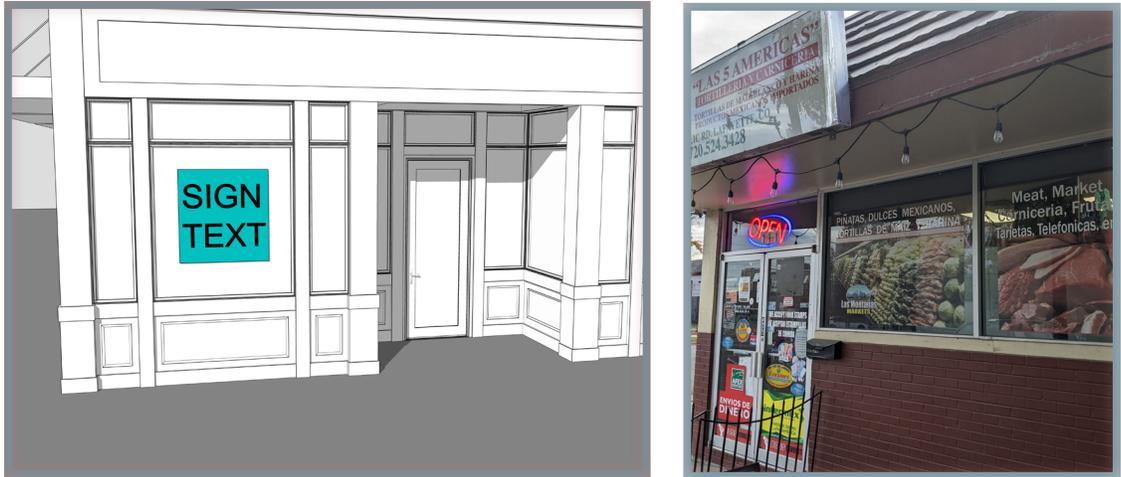


Figure 35: Window signs. The image on the left is an illustration (left) of a window sign on a commercial storefront. The image on the right shows window signs located on the windows and the glass doors, plus a wall sign located above the door. While the front door has dozens of small signs, each door shall be considered one window sign, each of approximately 2.5 feet by 5 feet. The illuminated “open” sign shall be considered an incidental sign.

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

Window Sign Standards	District					
	Downtown	Neighborhood Mixed-Use	Institutional	General Commercial	Innovation	Suburban Residential, Traditional Neighborhood, Parks and Open Space
No. of Signs per Lot	4*	4*	4*	4*	4*	Not Permitted
In Association with Which Land Uses?	Non-Residential					N/A
Sign Illumination Types	None Allowed					N/A

Sign Area per Sign	32 sq. ft. max.	N/A				
Front Setback of Sign	0 ft. min.	0 ft. min.	0 ft. min.	5 ft. min.	5 ft. min.	N/A
Side and Rear Setback of Sign	2 ft. min.	N/A				
Sign Height	20 ft. max.	N/A				
<p>Notes. Asterisk (*) indicates that, for a lot on a corner or multiple corners, such number of signs per lot per sign type shall be interpreted as per street frontage; therefore, a lot on the corner of two streets shall be permitted twice the normal number of that sign type, provided that half of the permitted signs are installed on one frontage and the other half of the permitted signs are installed on the other frontage.</p>						

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

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



Figure 36: An example of a mural on the surface of a building.

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

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

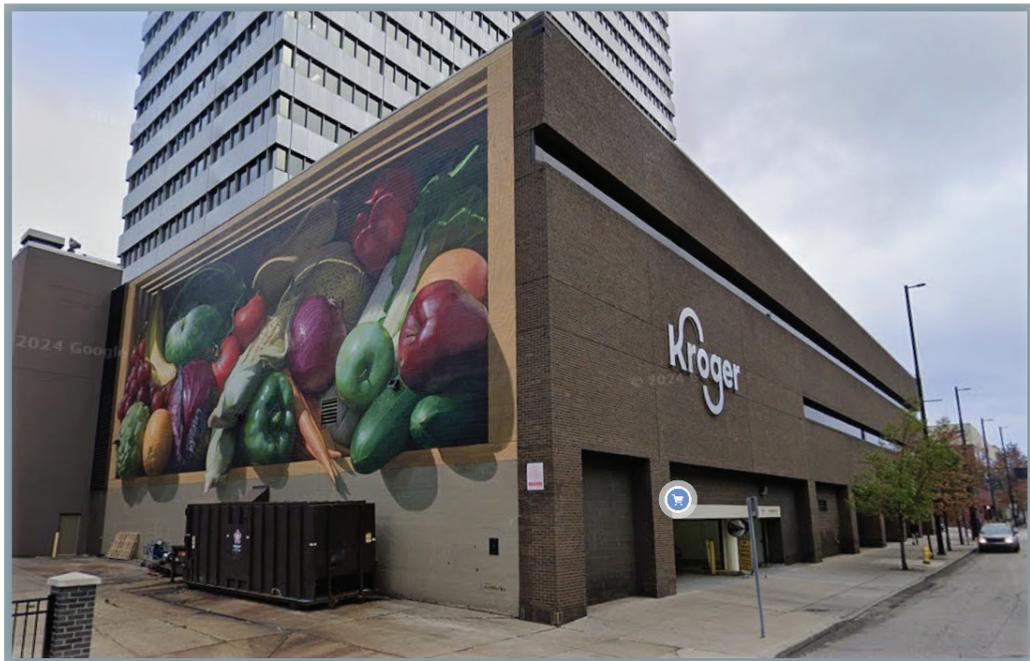


Figure 37: An image of the Kroger Headquarters in Cincinnati, Ohio. A painting on the side of the structure is considered a mural--while Kroger vends fruits and vegetables, the mural does not include logos or names associated with Kroger or of any brands sold or serviced by Kroger.

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

may permit the illumination of a mural.

(4) Approval Process

- (i) Murals may be approved by submitting a zoning permit application to the Director of Planning and Development, indicating that the application is for a mural.
- (ii) Once a mural is approved for a particular building face, a new approval is not needed for touch-ups of the paint or for a change in mural content, provided that the location and the size of the mural is not changed.

(x) Historic Signs Provisions

- (1) **Historic Signs Definition.** Historic signs shall be any signs that, as determined by the Planning Commission, have historic qualities in their materials, technology, or craftsmanship that, when displayed, contribute to the community's sense of identity or aesthetic value. Examples of historic signs include old movie theater or showhouse marquee signs, historical hand-painted wall advertisements, classic neon signage, or signs that have a unique sculptural quality, such as a sign in the shape of an ice cream cone from a local ice cream parlor.
- (2) **Historic Sign Designation Determined by Planning Commission.** The Planning Commission shall be responsible for determining whether a sign shall be considered a historic sign under these provisions.
- (3) **Historic Signs Permitted.** Where a historic sign is operating in its original location, such historic sign shall be exempt from sign standards otherwise imposed by this sign code, including maximum height, minimum setbacks, illumination restrictions, and restrictions on animation or simulated movement, and such historic sign shall not contribute to the overall maximum sign area permitted for that lot. Where a historic sign is operating outside of its original location, such historic sign shall be exempt from sign standards otherwise imposed by this sign code only where specifically described by the Planning Commission.



Figure 38: An example of a historic wall sign, a hand-painted advertisement for a tobacco product.

- (4) **Historic Sign Maintenance.** Historic signs shall be permitted to be maintained without a permit, including re-painting, repairing, replacing bulbs, re-wiring, and re-anchoring, provided that the sign is not maintained in a way that alters its historic identity.

# Administration and Procedures

## Chapter

# 1106

---

# Chapter 1305: Administration and Procedures

## SECTION 1305.01 PURPOSE

This chapter sets forth the administrative processes required for development and change of use applications in the city. Further, it outlines the powers and duties of the various City officials, departments, appointment bodies, and the City Council in consideration of the applications outlined in this Chapter.

## SECTION 1305.02 ROLES AND RESPONSIBILITIES

- (a) Authority. The following City officials and bodies have responsibility for implementing and administering this Code:
  - (1) Director of Planning and Development
  - (2) Planning Commission
  - (3) Zoning Board of Appeals
  - (4) City Council
  - (5) City Manager
- (b) Director of Planning and Development
  - (1) Roles and Powers. The responsibilities of the Director of Planning and Development--or any person approved by the City to perform such a task--are to:
    - (i) Administer the Zoning Code, including the maintenance of all records.
    - (ii) Determine compliance with the Zoning Code and issue Zoning Permits.
    - (iii) Conduct inspections of buildings and uses of land to determine compliance or noncompliance with the Zoning Code.
    - (iv) Revoke permits or approvals based on a false statement, misrepresentation, or inaccurate information in the application of the Zoning Code or where a provision of the Zoning Code has been violated.
    - (v) Forward applications for any zoning appeals to the Zoning Board of Appeals, forward applications for conditional use approvals, site plan review, and zoning or map amendments to the Planning Commission.
    - (vi) Render interpretations of the provisions of this Code, including use interpretations, pursuant to Section XXXX of the Zoning Code.
    - (vii) Enforce the Zoning Code.

- (viii) Conduct preapplication conferences with applicants regarding potential requests for text and map amendments.
  - (ix) Review text and map amendments for completeness and forward to the Planning Commission Secretary to set a public hearing date.
  - (x) Prepare a written staff report regarding the content of site plan approval applications and of text or map amendments including compliance with the Zoning Code and consistency with any City Council adopted plan.
- (2) Appeals of Decisions. Any decision of the Director of Planning and Development related to the administration of this Code may be appealed to the Zoning Board of Appeals.
- (c) Planning Commission
- (1) Roles and Powers. The Planning Commission shall have the following responsibilities:
    - (i) To hear and make recommendations to City Council on proposed map and text amendments.
    - (ii) Initiate amendments to the zoning map or text of this Code where the amendments will promote the best interest of the public.
    - (iii) To hear and make decisions regarding the granting of conditional use approvals.
    - (iv) To hear and make decisions regarding Design Review.
    - (v) To approve site plans for new development, additions, and major modifications.
  - (2) Voting. The Planning Commission shall only take action on applications when three members are present and concur, and every decision shall be accompanied by written findings specifying the reason for granting or denying the application or making its recommendation.
  - (3) Appeal of Decisions. Final decisions of the Planning Commission may be appealed to the Court of Common Pleas.
- (d) Zoning Board of Appeals
- (1) Roles and Powers. The Zoning Board of Appeals shall have the following responsibilities:
    - (i) To hear and decide Variance requests.
    - (ii) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Director of Planning and Development in the enforcement of the provisions of this Code.
    - (iii) To interpret the provisions of this Zoning Code or the Zoning Map where there is doubt as to meaning or application. The Board shall have the specific power to:
      - (a) Interpret the precise location of the boundary lines between zoning districts.
      - (b) Interpret the classification of a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted use in accordance with the intent and purpose of each district.
  - (2) Appeal of Decisions. Decisions of the Zoning Board of Appeals may be appealed to the Court of Common Pleas.
- (e) City Council

- (1) Roles and Powers. The City Council shall have the following responsibilities:
  - (i) To approve or disapprove applications for Amendments to the Zoning Code and Zoning Map.
  - (ii) To take such other actions not delegated to other bodies that may be desirable and necessary to implement the provisions of this Code.
- (2) Voting. Decisions of the City Council overturning or modifying the recommendation of the Planning Commission requires five affirmative votes and shall be accompanied by written findings specifying the reason for granting or denying the application.
- (3) Appeal of Decisions. Decisions of the City Council may be appealed to the Court of Common Pleas.

### **SECTION 1305.03** COMPREHENSIVE TABLE OF PROCEDURES

The following table summarizes the applications and role of each of the administrative, quasi-judicial, and legislative reviews set forth in this Chapter and the responsible reviewing party:

Application Type	Director of Planning and Development	Zoning Board of Appeals	Planning Commission	City Council	County Courts
<b>Zoning Permit</b>					
Application Submitted to:	X				
Decision by:	General Review		Site Plan Review and Design Review		
Appeal to:		QJ			
<b>Variance</b>					
Application Submitted to:	X				
Decision by:		QJ			
Appeal to:					J
<b>Conditional Use Approval</b>					
Application Submitted to:	X				
Decision by:			QL		
Appeal to:					J
<b>Administrative Appeal</b>					
Application Submitted to:	X				
Decision by:		QJ			
Appeal to:					J
<b>Map or Text Amendment to Code</b>					
Application Submitted to:	X				
Decision by:			QL	L	
Appeal to:					J
<b>Zoning Code Enforcement</b>					
Decision by:	A				
Appeal to:		QJ			
Notes: X = Responsible for Application Intake/Determination of Completeness A = Administrative Decision QJ = Quasi-Judicial Decision J = Judicial Decision QL = Quasi-Legislative Decision L = Legislative Decision					

## SECTION 1305.04 ZONING PERMITS

- (a) Applicability. A Zoning Permit is required to be obtained prior to effecting any of the following:
- (1) New construction of any building or structure, including accessory buildings;
  - (2) Expansion, demolition, or structural alteration of any building or structure, including accessory buildings;
  - (3) A new land use of a lot, building, accessory building, or portion thereof;
  - (4) Any change in the land use of a lot, building, accessory building, or portion thereof, to a different land use term or classification;
  - (5) Any change in the use of a nonconforming use.
- (b) Who May Apply for Zoning Permits? The person or entity having legal authority to take action in

accordance with the approval sought may file an application for a zoning permit. This person or entity shall be the record owner or the duly authorized agent of the record owner and may be required to provide proof of such authority at the time of application.

- (c) Zoning Permit Exceptions. The following buildings, structures, and activities shall not require a Zoning Permit and may be located in any yard except where explicitly restricted:
  - (1) Basketball hoops set back at least 10 feet from any street right-of-way;
  - (2) Bird baths;
  - (3) Compost piles or bins;
  - (4) Flag poles;
  - (5) Fountains;
  - (6) Gardens;
  - (7) Unenclosed patios;
  - (8) Solar panels;
  - (9) Statues;
  - (10) Swing sets and playgrounds;
  - (11) Temporary fences up to 3 feet tall;
  - (12) Woodpiles not exceeding 6 feet in height; and
  - (13) Other similar structures as determined by the Planning and Development Director.
- (d) Detailed Process for Obtaining a Zoning Permit
  - (1) To Whom Should a Zoning Permit Application Be Submitted? An applicant shall submit a zoning permit application to the Director of Planning and Development.
  - (2) What Are the Required Components of a Zoning Permit Application? A zoning permit application shall consist of the following components:
    - (i) Site Plan. Details on site plans are contained below in Section XXXX.XX “Site Plan Requirements.”
    - (ii) Plan Details that Show Compliance with District-Specific Design Standards. This requirement shall apply only to projects in zoning districts that include design standards in their zoning district section (see Chapter XXXX of this Planning and Zoning Code).
    - (iii) Statement of Compliance with Performance Standards. Any zoning permit application shall include a statement declaring any potential performance standards violations, as described in Section XXXX.XX “Procedures for Performance Standards Compliance.”
  - (3) What is the Process for Zoning Permit Application Review?
    - (i) Within 14 calendar days after receipt of an application for a Zoning Permit, the Director of Planning and Development or their designee shall determine whether the application is complete. If determined to be incomplete, the applicant will be notified in writing, specifying the deficiencies of the application. No further action will be taken by the City until the deficiencies are corrected. If the applicant fails to correct the specified deficiencies within 180

calendar days of the notification of deficiency, the City shall deem the application withdrawn.

- (ii) Within 4 calendar days of the Director of Planning and Development determining that the application is complete, the Director of Planning and Development shall forward the application to the Planning Commission for site plan review where site plan review is required, and, for certain zoning districts where design standards are in effect, for design review.
  - (a) Where site plan review is not required (see cases in “Site Plan Review” below), the Director of Planning and Development shall evaluate whether the proposed project conforms to the requirements of this Planning and Zoning Code and shall proceed to the step “Issuance of a Zoning Permit.”
  - (b) In some cases, as described below, the Director of Planning and Development may need to forward the application to other parties for review: Where an application pertains to a project that needs other staff reviews, such as by the Fire Department, Police Department, Public Works Department, Electric Department, or other County or State agencies, the Director of Planning and Development may forward the application for review by such departments.

(e) Site Plan Review

(1) When Is Site Plan Review Required? A site plan review is required for the following projects:

- (i) In commercial and industrial districts, including mixed-use districts, any new construction, substantial renovation, or expansion of a building, parking lot, loading facility, or the establishment of any use; provided that the Director of Planning and Development may waive the requirement for site plan review in the following circumstances: (1) The establishment of a new use or change of use otherwise conforming to the provisions of this Zoning Code does not require or result in exterior changes to an existing building and does not result in exterior impacts such as additional parking or significant new paved areas, exterior noise or lighting impacts that do not conform to applicable regulations; (2) Substantial renovation of all or part of an existing building does not result in significant exterior impacts; (3) Additions to an existing building which do not exceed the greater of 1,000 square feet or 10% of the existing floor area; or
- (ii) In residential districts, any new construction, substantial renovation, or expansion of a commercial, multifamily, public, or institutional building, bed and breakfast inn, hospital, nursing home, office, parking lot, loading facility, or any new subdivision which creates more than five new lots; or
- (iii) Any substantial change, as determined by the Director of Planning and Development, to a previously approved site plan application; or
- (iv) Any change in use of an existing building or accessory building or of a site to a different use, including but not limited to the change of: an existing residential use to a commercial, industrial, multifamily use; an existing non-residential use to a residential use; an industrial to a commercial use; a commercial to an industrial use; a public, semi-public, or institutional use to any other use; or
- (v) A conditionally permitted use.

(2) Site Plan Submittal, Review, and Approval

It is recommended that every applicant request informal preliminary discussion with the Director of Planning and Development in order to review the requirements of this ordinance prior to submitting

an application for site plan review.

(i) Site Plan Review Procedures

(a) Submittal. The applicant for site plan review shall submit the site plan application, which shall include the items required by this ordinance. The application shall be submitted at least 14 days prior to the meeting at which the plans will be reviewed by the Planning Commission. Copies shall be in form and number required by written policy of the Director of Planning and Development. An applicant may submit and request review of a preliminary application.

(b) Staff Review. Site plan applications shall be reviewed by the Director of Planning and Development and other city officials as directed by the City Manager for compliance with all applicable regulations.

(c) Planning Commission Review. The Planning Commission shall review a site plan application at the regularly scheduled meeting occurring at least 12 days after submittal of the application. The Commission may review an application in less than 12 days after submittal if it determines that it is in the interest of the City.

If an applicant has submitted and requested review of a preliminary site plan application, then the Planning Commission may review and comment upon the application but shall not take formal action upon such application. The Planning Commission may advise the applicant of the information which shall be required for review of a complete site plan application. Review of a preliminary site plan application shall not cause or imply any commitments, authorizations, or rights for the applicant.

If an applicant has submitted a complete site plan application, the Planning Commission shall approve, approve with conditions, or disapprove the site plan application within a reasonable time.

Approval or disapproval shall be based on findings of fact consistent with the purposes of these regulations. The Planning Commission may attach conditions to the approval of the site plan application as may be reasonably required to promote the public health, safety and welfare.

Written approval of the site plan application shall be indicated by signature of the Chair of the Planning Commission on one or more copies of the site plan, notated with such amendments and conditions as the Planning Commission may require, and shall constitute authorization to proceed with issuance of required permits and construction in compliance with the approved site plan, provided that all conditions are satisfied and the site plan complies with all other requirements of law.

(d) Conditions Prior to Approval. Prior to the approval of the site plan, the developer shall post any bonds or other guarantees, present any dedication or easement plats, and comply with any other legally required conditions to the satisfaction of the Law Director. The Planning Commission may establish a condition that the developer shall execute a written development agreement to ensure compliance with this Chapter and with all other laws and regulations of the City. The form and content of the development agreement shall be as determined and approved by the Law Director.

(e) Expiration of Approval. Approval of a site plan by the Planning Commission shall expire 12 months from the date of such approval unless construction has commenced according to the approved site plan. A single extension of site plan approval not to exceed six months, may be given by the Planning Commission after written request by the applicant.

(f) Resubmittal. Subsequent to disapproval of a site plan, no applicant shall resubmit within

a period of six months from the date of disapproval, a site plan which the Planning Commission deems substantially similar to the previously disapproved site plan.

(3) Site Plan Application Requirements

Site plans shall be prepared by persons professionally qualified to do such work. Site plans shall be certified by an architect, engineer, landscape architect, or land surveyor duly registered by the State of Ohio. Site plans for parking lot and loading facility additions, minor structural additions or alterations, and rooming houses may be prepared by persons other than those stated above, except that the Planning Commission shall not be required to review or take action upon plans which are not sufficient to clearly and completely document compliance with this ordinance. The site plan application shall include the following information unless the Director of Planning and Development determines that certain information is not necessary for review of the particular site plan, or if the applicant requests review of a preliminary site plan.

- (i) An application form (as provided by the Director of Planning and Development), completed by the applicant with all required information.
- (ii) A fee as required by ordinance, except that such additional fees as may be required for design review may be submitted at the time the applicant is notified by the Director of Planning and Development.
- (iii) Name of the development and the name, address, and phone number of the owner and developer.
- (iv) Numeric and graphic scales, north arrow, and date of preparation.
- (v) A boundary survey (or a location survey when sufficient to provide the locational information required to comply with this ordinance).
- (vi) Existing topography, proposed topography, and proposed finished grades, at a maximum two feet contour interval.
- (vii) Locations, acreage, and floor areas of proposed uses, boundaries of the development, and of each phase thereof, dimensions of lot lines, areas of lots, easements, and encroachments on the property. Location of all minimum setback lines.
- (viii) Proposed building locations, dimensions, net floor area, locations of entrances and exits, height and number of stories, finished grade elevations. Locations, dimensions, and complete description or illustration of all other structures including fences and signs. For multifamily residential developments, the number, type, and minimum floor area of dwelling units.
- (ix) Locations, names, and dimensions of proposed and existing streets and easements, the intended purpose and the terms and conditions of use and enforcement thereof. Any additional information as required to comply with the Subdivision Regulations.
- (x) Drainage plan, including all open and enclosed drainage structures and surface drainage, and calculations of off-site impacts in a manner recommended by the City Manager or designee. Provisions for the control of erosion and sedimentation, including proposed temporary and permanent control practices and measures which will be implemented during clearing, grading, and construction.
- (xi) Existing and proposed sanitary sewer facilities, including pipe sizes, types, grades, invert elevations, and locations of manholes.
- (xii) Existing and proposed water facilities, including all water mains, sizes, valves, and fire hydrant

locations.

- (xiii) Locations of existing and proposed refuse and recycling disposal facilities, including evidence of the sufficiency of such facilities to contain the anticipated volumes and types of waste, and plans for screening such facilities from view of surrounding properties.
- (xiv) Vehicular, bicycle, and pedestrian circulation plan, that is, a plan showing the planned route of vehicles, bicycles, and pedestrians onto, through, and out of the site, including any safety considerations. Proposed location, layout, dimensions, and area for all parking, loading, drives, and walkways, curbs, and curb cuts. Surface types of all paved areas. Number of parking spaces provided and the number of spaces required by this Zoning Ordinance.
- (xv) Planting and landscape plan including: botanic names, common names, location, quantity, diameter, and height at installation and at maturity of all proposed living and non-living landscape materials and existing materials to be preserved; types and locations of proposed groundcovers and mulches; dimensions, materials, colors, and appearance of all sides of fences, walls, ornamental lighting and other landscape and screening features (including location and contours of proposed berm at one-foot intervals); measures to be taken to protect new and preserve existing trees during construction; identification of existing trees, large shrubs, formal planting areas, and hedges to be removed.
- (xvi) Locations and plans for recreation and open space areas.
- (xvii) Elevation drawings or renderings, with scale clearly shown, of all sides of the proposed structures, illustrating the proposed designs of the elevations of the buildings, signs, fences, and other structures and identifying materials and colors thereof. Locations and dimensions of all wall openings, including windows and doors, vents, etc. Locations and dimensions, finish and colors of all roof and wall-mounted fixtures, equipment, poles, including locations of utility service installations, electrical and phone meters or service boxes. Material samples and/or paint chips of roofing, exterior wall surfacing, and other prominent features and surfaces.
- (xviii) A lighting plan, including all exterior lighting of the buildings, signs, or other elements of the plan.
- (xix) Such other relevant data as the Planning Commission may require to ascertain the compliance of the proposed development with the plans and laws of the City of Oberlin.

#### (4) Required Improvements

All on-site and off-site improvements indicated on the site plan application or required by the Planning Commission or required by other local ordinance shall be installed at the expense of the owner of the property which is the subject of the site development application consistent with the provisions of the Subdivision Ordinance. The need for alteration of existing public improvements, the potential for repair of damage resulting from the site development, or costs resulting from temporary or permanent disruption of existing improvements shall be determined in the process of site plan review. Conditions addressing the foregoing shall be established in approval of the site plan. All required improvements shall be installed in accordance with construction standards adopted by the City including the Subdivision Ordinance and the Public Works Standards.

- (i) Development Agreement and Construction Bond. Prior to approval of any final site plan, there shall be executed by the owner or developer an agreement, in form and substance as approved by the Law Director, to construct such required physical improvements as are located within public rights-of-way or easements or as are connected to any public facility.

Such agreement shall be submitted with a bond with surety, escrow account or other form of guarantee acceptable to the City in the amount of the estimated cost of the required improvements as determined by the City Manager or designee . The aforesaid agreement and bond or condition shall be provided for completion of all work covered thereby within the time to be determined by the City Manager or designee, which time may be extended upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement.

- (ii) Restoration Bond. The City Manager or designee may require a restoration bond. Said bond shall be to insure repair of any damage done to existing curb, gutter, sidewalk, street pavement, landscaping, or other items within the right- of-way adjacent to a project. The amount of said bond shall be as determined by the City Manager or designee based on his/ her estimate of potential damage.
- (5) Standards for Site Plans. Site plans shall conform to the following standards which shall be utilized in the review of site plan applications.
- (i) Site plans shall be prepared in a manner which ensures that the proposed development will be in compliance with all applicable plans, laws and ordinances, including those of the City of Oberlin, the County of Lorain, the State of Ohio, and the federal government.
  - (ii) Consideration shall be given to providing uses of land and structures consistent with recommendations of plans adopted by the City in the area addressed by the site plan. Consideration shall also be given to providing suitable areas for parks, schools, open space, and other areas of public recreational use and other public facilities, especially when such facilities are proposed in plans adopted by the City in the area addressed by the site plan.
  - (iii) All development features, including principal buildings, open spaces, service roads, driveways, and parking areas shall be so located and related as to minimize the possibility of adverse effects upon adjacent development. Maximum possible visual and auditory privacy for surrounding properties and occupants shall be provided through good design and the use of proper building materials and landscaping. Where necessary to promote harmony with adjacent developments, screening of parking areas and service areas from surrounding properties shall be provided through landscaping, ornamental walls, fences, or other means.
  - (iv) To ensure the protection of property values and to promote effective land use in the transition from one district to another, the Planning Commission shall have the power to determine the need for, location, and the amount of planting materials, walls, walks, or fences or any combination thereof.
  - (v) Thoroughfares, service roads, driveways, and parking and loading areas shall be designed to promote safe and efficient pedestrian and vehicular traffic safety on both private and public lands. On-site traffic circulation shall be designed to permit adequate fire and police protection.
  - (vi) The design and installation of high quality, attractive landscape planting, screening, fences, and other site improvements is encouraged. Such improvements shall be designed as integral elements of the overall site plan, selected to complement the site and surrounding sites, and designed to provide visually and spatially attractive areas in all parts of the site.
  - (vii) The locations and designs of buildings and other site improvements shall be developed with consideration given to minimizing the removal of trees and natural native vegetation and changes of topography.
  - (viii) In large parking areas, visual relief and traffic channelization shall be provided through the

use of tree-planted and landscaped dividers, islands, and walkways. Provision shall be made for sidewalks and pedestrian walkways which will enable pedestrians to walk safely and conveniently from distant areas of parking to the buildings, from one building to another within the site, and to and from public walkways.

- (ix) Provision shall be made for the disposal of wastes generated by the proposed use. Screening of temporary storage areas and containers shall be provided to minimize visual impacts on abutting properties, especially adjacent residential uses.
- (x) Grading, surface drainage, and erosion provisions shall be designed to minimize adverse effects on abutting properties, streams, and public streets, during as well as after construction. Adequate drainage for the disposition of storm and natural waters both on and off-site shall be provided. The extent of both on-site and off-site drainage facilities and the requirements for on-site storm water detention shall be based on the requirements of the Subdivision Ordinance and the Public Works Standards and as approved by the City Manager or designee.
- (xi) Lighting shall be directed away from adjacent streets to prevent effects on traffic safety. Lighting shall not shine directly onto adjacent properties.
- (xii) The design of buildings, signs, and other structures illustrated on the site plan shall be according to the following standards and guidelines:
  - (a) Materials shall be appropriate for the use of the proposed structures, weathering, and the relationship to other materials, including those used on adjacent structures.
  - (b) Colors and textures shall be appropriate for the size and scale of proposed structures, weathering, and the relationship to other colors and textures, including those used on adjacent structures.
  - (c) Architectural details and ornamentation shall be meaningful to the overall design and appropriate for the size and scale of proposed structures, weathering, and the relationship to other architectural details and ornamentation, including those used on adjacent structures. Detailing such as trim, moldings, bands of contrasting siding or brick, and varying textures of concrete or stone are encouraged as part of an overall design which is in scale with the building and carefully related to other elements.
  - (d) Mechanical equipment shall be of appropriate size and scale in relation to rooftop appearance, sidewall openings, sound levels, smoke and other nuisances. The location, color, size, type, and screening of mechanical equipment, whether on the roof, walls, or ground, shall be designed to be concealed, and/or to be compatible with or attractively complement the other elements of the structures and site improvements.
  - (e) Windows, doors, and other openings shall be so located on the facades and be of such dimensions as are appropriate for the style, scale, and orientation of the building and in a pattern which contributes to a balanced facade appearance. Customer entrances should be accentuated. Decorative elements, caps, brickwork, and trim are encouraged around windows and doors to add interest to the overall design.
  - (f) Architectural styles similar to or compatible with existing historical buildings of similar use adjacent to or across the street from the site shall be encouraged. Compatibility and complementarity among existing and proposed new structures shall be encouraged in all locations.
  - (g) Scale of new construction similar to that of the majority of surrounding buildings is encouraged.

- (h) Varied roof lines, roof details and features such as dormers, turrets, eave breaks, and overhangs are encouraged in new construction as a means to break up the mass of large buildings and to provide visual interest.
  - (i) Wall-mounted signs shall be designed to fit within and complement the architectural forms, colors, and textures of the building, shall fit within any architectural space specifically designed for signs, and shall not cover architectural features. Signs located as part of a series of signs (as in a shopping center), shall be designed with compatibility of location, size, shape, style, material, illumination, and color with other signs in the series. Sign colors shall complement the color of the building facade on which the sign is mounted, letters and symbols shall be in scale with the building and its features. Excessive information and clutter is discouraged.
  - (j) Freestanding signs shall be designed to fit within and complement the characteristics of the site, building, and wall signs in terms of color, materials, texture, scale.
  - (k) Alterations and additions to existing buildings shall be compatible in scale, material, color, placement, and character with the existing buildings.
  - (l) Distinctive architectural features of existing buildings should not be altered or removed unless replaced with features of similar composition. texture, color, design, and other characteristics. Restoration of historic features and building characteristics shall be encouraged.
  - (m) Side and rear walls shall be so designed as to relate to and be compatible with the front or main entry wall and overall design of the building, although they may be less detailed and articulated.
  - (n) Site features such as fences, walls, and signs compatible in color, texture, scale, materials and other characteristics with the main building shall be encouraged.
  - (xiii) New residences constructed in a subdivision shall be so designed and located to ensure that they are (1) not excessively similar in footprint, color, roofline, and other features in a manner which results in a lack of visual and spatial interest and diversity on any street frontage; or, (2) if substantially similar, designed as an element of a comprehensive visual or spatial scheme which results in an attractive residential environment on each frontage.
- (6) Site Plan Administration and Enforcement
- (i) Any site plan may be revised. Such revision shall be accomplished in the same manner as the original approval, provided, however, that minor technical changes which do not substantially alter the original site plan may be authorized by approval of the Director of Planning and Development.
  - (ii) Any requirement of this section may be waived by the Planning Commission when it finds: that unusual topographical or exceptional physical conditions exist; that strict compliance with these requirements would create an extraordinary hardship in the face of the exceptional conditions; that such waiver is only to the extent necessary to remove the extraordinary hardship; and that such waiver is not adverse to the purpose and intent of this article.
  - (iii) Upon satisfactory completion of the required improvements, the City Manager or designee shall release any remaining bonds.
  - (iv) The procedures proscribed by this chapter are not intended to be a substitute for, or to have any bearing upon, any procedures required by the Subdivision Ordinance.

- (v) If a proposed site plan application also requires the granting of a variance from the requirements of the Zoning Ordinance, the Planning Commission may review the site plan in advance of the variance proceedings and may make findings on the assumption that the variance will be granted. Such findings shall not constitute a position by the Planning Commission in support of the petitioner's application for variance and shall not be received in evidence in any proceedings before the Zoning Board of Appeals.
- (7) Site Plan Review Fees. Fees, in amounts as required by ordinance of the City, shall be submitted with applications for site plan reviews.
- (8) Violation of Approved Site Plan. Where development on a property does not conform to the approved site plan, such development or use shall be considered a violation of this Planning and Zoning Code.
- (f) Issuance of a Zoning Permit. After the application has been reviewed by the Director of Planning and Development and by, if applicable, other departments and the Planning Commission, the Director of Planning and Development shall notify the applicant of the application's status and shall issue a zoning permit or, in cases where the permit is being denied, shall notify the applicant, in writing, of the rationale for the denial.
  - (1) A landowner shall note that several permits may be required for a given land use—please consult with the Director of Planning and Development, the Chief Building Official, or other City staff to determine if your project requires additional approvals. Furthermore, a landowner shall note that any deviation from the proposed land use and/or structural changes to the property, as described and/or drawn on the application, may constitute a violation of the provisions of this Zoning Code.
- (g) Expiration of Zoning Permit. A Zoning Permit shall allow the development or modification of a structure or the commencement of a new land use or modification of an existing use; such action shall be commenced within six months of the issuance of the Zoning Permit. Where such action is not commenced within six months of the issuance of the Zoning Permit, the Zoning Permit shall be considered expired; upon expiration of a Zoning Permit, a new application, including all applicable fees, shall be required. The landowner may apply for an extension of the Zoning Permit prior to the six-month expiration point.

## **SECTION 1305.05** CONDITIONAL USE APPROVAL PROCESS

The following provisions outline the process for reviewing and granting conditional use approvals:

- (a) Conditional Use Review Application Received. The Planning Commission shall receive a conditional use review application from the Director of Planning and Development. The Planning Commission may request that the Director of Planning and Development provide a staff report to summarize the situation involving the conditional use approval request.
- (b) Conditional Use Review Public Hearing. Within 45 calendar days of receipt of such application, the Planning Commission shall conduct a quasi-judicial public hearing regarding the application; see Section XXXX for details on such hearings. If the same project also requires a variance, the same quasi-judicial public hearing can be used to make determinations on both the variance and the conditional use review; holding two separate public hearings is not necessary. Following the public hearing, decisions will be transmitted back to the Director of Planning and Development, and, if the conditional use was approved by the Planning Commission, the Director of Planning and Development will grant a zoning permit per the timeline detailed in Section XXXX.
- (c) Conditional Use Review Criteria. In consideration of requests for Conditional Uses, the Planning

Commission shall grant approval only when the use is consistent with the following standards:

- (1) The use is listed as requiring Conditional Use Review in the district where the subject land use is proposed to be conducted;
- (2) The use is consistent with the objectives of the Comprehensive Plan and the purpose and intent of the Zoning Code;
- (3) The Conditional Use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare; and
- (4) The use will not create excessive requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community.

(d) Conditions and Specificity of Conditional Use Approvals

- (1) The Planning Commission may impose such conditions and restrictions upon the Conditional Use as the Planning Commission may deem necessary to comply with the standards set forth in this Section to reduce or minimize the impact of such use upon other property in the neighborhood and to further the purpose and intent of this Zoning Code.
- (2) Note to the Planning Commission: It may be advantageous to be intentional about the specificity or broadness of the Conditional Use Approval. For example, the Planning Commission may wish to--instead of granting a Conditional Use Approval for a Heavy Industrial land use, in general, on a property, which may allow any of thousands of possible uses--grant a Conditional Use Approval for “the storage of diesel fuels in containers not to exceed 60,000 gallons each and the associated receiving and distribution of such diesel fuels to and from a lot not receiving more than 100 heavy truck visits per day and not employing more than 20 employees during any standard shift, where such lot is securely fenced with 8-foot-high, fully opaque security fencing.”

## SECTION 1305.06 VARIANCE PROCESS

A variance permits the land owner to deviate from a specific standard of this Zoning Code. Variances may, for example, allow for deviation from the Zoning Code’s height maximums, setback minimums, floor area minimums or maximums, fenestration/transparency requirements, or fence standards; however, variance cannot be used to allow a landowner to conduct a land use not explicitly permitted on the Comprehensive Use Table (see Section XXXX [cite the Comprehensive Use Table]).

The following subsections outline the process for reviewing and granting variances:

- (a) Variance Review Application Received. The Zoning Board of Appeals shall receive a variance request from the Director of Planning and Development. The Zoning Board of Appeals may request that the Director of Planning and Development provide a staff report to summarize the situation involving the variance request.
- (b) Variance Review Public Hearing. Within 45 calendar days of receipt of such application, the Zoning Board of Appeals shall conduct a quasi-judicial public hearing regarding the application; see Section XXXX [CITE THE QUASI-JUDICIAL HEARINGS SECTION] for details on such hearings. If the same project also requires a conditional use review, the same quasi-judicial public hearing can be used to make determinations on both the variance and the conditional use review; holding two separate public hearings is not necessary. Following the public hearing, decisions will be transmitted back to the Director of Planning and Development, and, if the variance was approved by the Zoning Board of Appeals, the Director of Planning and Development will grant a zoning permit per the timeline detailed in Section XXXX [CITE THE QUASI-JUDICIAL HEARINGS SECTION].

- (c) Variance Review Criteria. In consideration of requests for Variances, the Zoning Board of Appeals shall grant approval only when the use is consistent with the following standards:
- (1) The Zoning Board of Appeals shall not be authorized to grant variances for the following:
    - (i) Uses that are expressly prohibited by this Code.
    - (ii) Signage that is expressly prohibited by this Code.
  - (2) The Zoning Board of Appeals may authorize a variance when such variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Code will result in unnecessary hardship, and so that the spirit of the Code shall be observed, and substantial justice done.
  - (3) In its determination, the Zoning Board of Appeals shall consider the following factors for Area and Size variance requests. (*Duncan v. Middlefield* (1986) , 23 Ohio St. 3d 83)
    - (i) Whether the property in question will yield a reasonable return or whether there can be beneficial use of the property without the variance;
    - (ii) Whether the variance is substantial;
    - (iii) 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;
    - (iv) Whether the variance would adversely affect the delivery of governmental services;
    - (v) Whether the property owner purchased the property with the knowledge of the zoning restriction;
    - (vi) Whether the property owner’s predicament feasibly can be obviated through some method other than a variance; and
    - (vii) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- (d) Conditions and Specificity of Variances
- (1) The Zoning Board of Appeals may impose such conditions and restrictions upon the Variance as the Zoning Board of Appeals may deem necessary to comply with the standards set forth in this Section to reduce or minimize the impact of such use upon other property in the neighborhood and to further the purpose and intent of this Zoning Code.
  - (2) Note to the Zoning Board of Appeals: It may be advantageous to be intentional about the specificity or broadness of the Variance. For example, the Zoning Board of Appeals may wish to-- instead of granting a Variance for the maximum height of a building, in general, on a property, which may allow the structure to be any height above the Zoning Code’s maximum height standard for that district--grant a Variance such as: “On the subject lot (Property Identification Number \_\_\_\_), a variance is granted to grant relief from the Zoning Code’s maximum structure height standard, provided all of the following conditions are satisfied: (1) no portion of a structure on the subject lot shall exceed 40 feet in height, and (2) no portion of a structure on the subject lot within 10 feet of a lot line shall exceed the Zoning Code’s maximum structure height standard for that district.”

## **SECTION 1305.07** PROCESS FOR APPEAL OF ADMINISTRATIVE DETERMINATIONS

In the case of an alleged error in any order, requirement, decision, or determination made by an administrative office of the City in the administration, interpretation, or enforcement of this Zoning Code, the Zoning Board of Appeals shall hear the request as stipulated below.

- (a) **Who May Appeal an Administrative Determination?** Any person or entity aggrieved by an order, requirement, decision, or determination made by an administrative office of the City in the administration, interpretation, or enforcement of this Zoning Code may appeal such order, requirement, decision, or determination. In cases where an entity has been denied an appeal by the Zoning Board of Appeals in the previous six-month period, applications for appeals may be rejected by the Director of Planning and Development; only where the request is substantially different than the previously reviewed appeal can the Director of Planning and Development accept the application.
- (b) **Who Receives the Appeal?** Appeals shall be filed with the Director of Planning and Development no later than 30 calendar days following the alleged error in the order, requirement, decision, or determination made by an administrative office of the City in the administration, interpretation, or enforcement of the Zoning Code. The appeal shall state the grounds of the alleged error. The appeal shall include the required fee as established by the Oberlin City Council. The Director of Planning and Development shall, upon receipt of an appeal, transmit the appeal to the Zoning Board of Appeals; for applications for appeal of administrative decisions, the Director of Planning and Development shall also transmit to the Zoning Board of Appeals all the documentation constituting the record upon which the appeal was taken.
- (c) **Effect of Filing an Appeal.** The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Inspector Director of Planning and Development certifies to the Zoning Board of Appeals, after the notice of appeal has been filed, that by reason of facts stated in the Zoning Permit, a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed except by a restraining order that may be granted by the Zoning Board of Appeals or by a court of record.
- (d) **Public Hearing for an Appeal Case.** Within 45 calendar days of receipt of such appeal, the Zoning Board of Appeals shall conduct a quasi-judicial public hearing regarding the appeal; see Section XXXX [CITE THE QUASI-JUDICIAL HEARINGS SECTION] for details on such hearings. Following the public hearing, decisions will be transmitted back to the Director of Planning and Development, and the Director of Planning and Development will communicate the decision to the appellant.
- (e) **Review Criteria of an Appeal.** The following criteria shall be used to review all appeals of administrative decision or for interpretation of this Zoning Code:
  - (1) An order, decision, determination, or interpretation shall not be reversed or modified unless the Zoning Board of Appeals finds competent material and substantial evidence in the record that the order, decision, determination, or interpretation failed to comply with either the procedural or substantive requirements of the Zoning Code, state law, or the federal or state constitutions.
  - (2) The Zoning Board of Appeals may impose conditions upon an affirmative decision to ensure that the requirements and purposes of this Zoning Code are followed.

## **SECTION 1305.08** PUBLIC HEARING PROCESS FOR VARIANCES, APPEALS, OR CONDITIONAL USE APPROVALS

The following process and steps shall apply to all quasi-judicial reviews including Conditional Uses, Variances, and Appeals.

(a) Step 1: Public Hearing

- (1) The Zoning Board of Appeals (or, in the case of a conditional use approval, the Planning Commission) shall fix a reasonable time for a hearing any application or appeal, give public notice, and give at least 14 calendar days' notice to parties in interest, and decide upon the appeal within a reasonable time after it is submitted.
- (2) Public notice shall consist of the following:
  - (i) Personalized Notices. Written notice of the hearing shall be mailed to the owner of the property for which the conditional use approval, variance approval, or appeal is proposed and to all owners of property located within 200 feet of the lot lines of the property on which the conditional use approval, variance approval, or appeal is proposed. Notice shall be sent by first class mail not less than 15 calendar days prior to the date of the hearing.
  - (ii) General Notices. Notice of the hearing shall also be published on the City's website not less than ten days prior to the hearing.
- (3) Any party may appear in person or by attorney at a hearing for an appeal or application.
- (4) Upon the day for hearing any application or appeal, the Zoning Board of Appeals (or, in the case of a conditional use approval, the Planning Commission) may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper to be substantially interested in said application or appeal. In the case of an adjourned hearing, persons previously notified, and persons already heard need not be notified of the time of resumption of said hearing unless the Zoning Board of Appeals (or, in the case of a conditional use approval, the Planning Commission) decides so.

(b) Step 2: Decision

- (1) Within 30 calendar days after the hearing concludes (see Step 1), the Zoning Board of Appeals (or, in the case of a conditional use approval, the Planning Commission) shall make a decision on the application or appeal based on all applicable criteria provided within this Code.
- (2) A copy of the Zoning Board of Appeals' decision (or, in the case of a conditional use approval, the Planning Commission's decision) shall be transmitted to all parties of interest, including the Director of Planning and Development. Such a decision shall be binding upon the Director of Planning and Development and observed by them. If the Zoning Board of Appeals (or, in the case of a conditional use approval, the Planning Commission) grants a variance or a conditional use approval, the Director of Planning and Development shall incorporate the terms and conditions and other specifics imposed by the Zoning Board of Appeals (or, in the case of a conditional use approval, the Planning Commission) in the Zoning Permit and supply the Zoning Permit to the applicant within 14 calendar days of the Zoning Board of Appeals' decision (or, in the case of a conditional use approval, the Planning Commission's decision).
- (3) A decision of the Zoning Board of Appeals (or, in the case of a conditional use approval, the Planning Commission) shall not become final until the expiration of 30 calendar days from the date such decision is made, unless the Zoning Board of Appeals (or, in the case of a conditional use approval, the Planning Commission) finds that it is necessary for the preservation of property or personal rights that the decision be given immediate effect. Such a determination shall be stated in the record of the Zoning Board of Appeals (or, in the case of a conditional use approval, the Planning Commission).

- (4) For Administrative Appeals, the Zoning Board of Appeals may, in conformity with the provisions of this Section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination.
- (5) Failure to comply with the conditions of a decision shall be deemed a violation of this Zoning Code.
- (6) Decisions of the Zoning Board of Appeals are final unless appealed through the Court of Common Pleas per statutes of the Ohio Revised Code Chapter 2506.

## **SECTION 1305.09** PROCESS FOR AMENDMENTS TO THE TEXT OF THIS ZONING CODE OR AMENDMENTS TO THE OFFICIAL ZONING MAP

The below text outlines the process for amending the text of this Zoning Code and for amending the Official Zoning Map.

- (a) Who May Initiate Amendments? Amendments or supplements to the Zoning Code or the Official Zoning Map may be initiated by:
  - (1) Motion of the City Council or Planning Commission;
  - (2) Passage of a resolution by the City Council, who shall then certify such resolution to the Planning Commission; or
  - (3) By the filing of an application by 1 or more of the owners of property within the area proposed to be changed or affected by a proposed amendment.
- (b) Step 1 – Pre-Application Conference. Where the applicant is not the City Council or the Planning Commission, the applicant is required to meet with the Director of Community Development or Director of Planning and Development to discuss the initial concepts of a zoning map amendment and general compliance with applicable provisions of this Code prior to the submission of the application.
- (c) Step 2 – Application
  - (1) Applications for any change of district boundaries, classifications of property as shown on the Official Zoning Map, or an amendment to the Zoning Code text shall be submitted to the Director of Planning and Development.
  - (2) The application shall include all such forms, maps, and information, as may be prescribed to ensure the fullest practicable presentation of the facts for the permanent record. A list of minimum submittal requirements are as follows:
    - (i) The petitioner’s name, address, and interest in the petition and the name, address, and interest of every person, firm, corporation, or governmental agency represented by the petitioner in the petition;
    - (ii) The precise wording of the proposed amendment, together with concise explanation of its presumed effect;
    - (iii) A statement containing all the circumstances, factors, and arguments that the petitioner offers in support of the proposed amendment, including an explanation of how the petition satisfies each of the standards set forth in Section XXXX [insert No. for Text and Map Amendment Review Criteria]; and
    - (iv) In the event that the proposed amendment would result in the reclassification of any property:

- (v) A statement specifying the names of the owners of the land proposed to be reclassified (the owners of a majority of the land must be parties to the petition);
  - (vi) The street address of the land proposed to be reclassified;
  - (vii) A legal description of the land proposed to be reclassified;
  - (viii) The present zoning classification and use of the land proposed to be reclassified; and
  - (ix) A list of property owners within a 200-foot radius of the subject property, inclusive of public roads, streets, alleys and other public ways from the area proposed to be redistricted or rezoned whose addresses appear on the current County Auditor's records.
- (3) Each application shall be signed by at least one of the owners, or the owner's authorized agent of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
  - (4) Applications for amendments initiated by the Planning Commission shall be accompanied by the Planning Commission's motion pertaining to such proposed amendment.
  - (5) All applications shall be submitted to the Director of Planning and Development with the required fees as established by the City Council fee schedule.
- (d) Step 3 – Planning Commission Hearing
- (1) Upon adoption of a motion, certification of a resolution, or the filing of an application for an amendment (Step 2), the Planning Commission shall set a date for a public hearing regarding the proposed amendment.
  - (2) Text and Map Amendment Review criteria. No amendment to the text of the Zoning Code or the boundaries of districts contained in the Official Zoning Map shall be recommended to be approved by the Planning Commission except where the amendment is in accordance with the Comprehensive Plan or other adopted plans or policies of the City, and this Code, as adopted by the City Council.
- (e) Step 4 – Planning Commission Recommendation. Within 30 calendar days after the close of the Planning Commission public hearing (Step 3), the Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and submit such recommendation together with such application or resolution, the text, and map pertaining thereto to the City Council.
- (f) Step 5 – City Council Hearing
- (1) Upon receipt of the recommendation from the Planning Commission (Step 4), the City Council shall set a time for a public hearing on such proposed amendment.
  - (2) The date of the public hearing shall not be more than 30 calendar days after the date of the receipt of such recommendation from the Planning Commission.
  - (3) Notification shall be given in accordance with Section XXXX [insert Section No for the notification requirements].
- (g) Step 6 – Decision
- (1) Within 30 calendar days after its public hearing (Step 5), the City Council shall either adopt or deny the recommendations of the Planning Commission or adopt some modification thereof. In the event the City Council denies or modifies the recommendation of the Planning Commission, five votes of the City Council shall be required.

- (2) Any amendment adopted by the City Council shall become effective 30 calendar days after the date of such adoption unless approved as an emergency measure.

### **SECTION 1305.10 VIOLATIONS**

No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used, in violation of this Planning and Zoning Code. Each day's continuation of a violation of this Code may be deemed a separate offense.

### **SECTION 1305.11 PENALTIES AND REMEDIES**

- (a) Failure to acquire a Zoning Permit. An amount equal to double the normal scheduled fees shall be assessed to the property owner for failure to acquire a Zoning Permit as required by this Planning and Zoning Code.
- (b) Penalties. Any person, firm, or corporation violating any regulation, provision, amendment, or supplement to this Zoning Code, or failing to obey any lawful order of the Director of Planning and Development issued pursuant thereto, shall be deemed guilty of a minor misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 or the maximum amount allowed by the Ohio Revised Code. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.
- (c) Remedies. 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, the Director of Planning and Development, the Building Inspector, Oberlin Law Director, 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 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.

### **SECTION 1305.12 FEES**

- (a) Fees established. The City shall charge appropriate fees for the review or issuance of Zoning Permits, Conditional Uses, Appeals, Variances, Zoning Amendments, Nonconforming Use Certificates, and other applicable certificates to cover the costs of inspection, investigation, legal notices, and other expenses incidental to the enforcement and administration of this Code. Such fees shall be paid to the City of Oberlin and shall be paid in accordance with the fee schedule established by the City Council.
- (b) Refund of Fee. Application or review fees are not refundable except where the Director of Planning and Development determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of overpayment will be refunded to the applicant.

# Nonconformities

## Chapter

# 1107

---

# Chapter 1306: Nonconformities

## SECTION 1306.01 PURPOSE OF NONCONFORMITIES CHAPTER

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

## SECTION 1306.02 SAVINGS PROVISION

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

## SECTION 1306.03 DEFINITIONS

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

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

structure that:

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

#### **SECTION 1306.04 NONCONFORMING LOTS**

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

#### **SECTION 1306.05 NONCONFORMING USES**

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

as described in Chapter XXXX “Administration and Procedures.”

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

THE CITY'S COUNSEL AGREE WITH THIS LANGUAGE?] and such abandonment has been conclusive for a period of at least 6 months, the nonconforming use shall not be re-established, and any future use of the lot, portion of the lot, or structure where such use had occurred may only occur in conformity with the provisions of this Code.

## **SECTION 1306.06 NONCONFORMING STRUCTURES**

### (a) Nonconforming Structures Continuance

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

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

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

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

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

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

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

- (1) To assist the reader in interpreting this regulation, the following example is provided: a structure that is nonconforming due to its inadequate front setback may be expanded, provided that the expansion does not increase the area or volume of the structure within the required front yard setback and does not violate any other structure-related provision, including height limits, building footprint limits, impervious coverage limits, minimum setbacks from lot lines, or design standards.
  - (2) Note to the reader: a building permit may be required by the building code in order to lawfully conduct certain construction activities; to determine the need for a building permit, contact the Chief Building Official for the City of Oberlin. Please note that a zoning permit needed for this expansion or reduction; see Section XXXX.XX “Zoning Permits.”
- (e) Evidence of Previous Conditions of Nonconforming Structures. Where this Chapter limits the maintenance, repair, replacement, reconstruction, or expansion of a nonconforming structure based on the previous location of the nonconformity, the City may determine the location or extent of such nonconformity using as-built drawings, building permits, zoning permits, or historical aerial photography, such as that available by Google Earth.
  - (f) Nuisances. Nothing herein shall limit the City’s ability to remedy nuisances by ordering demolitions of structures that are deemed immediate risks to public safety.

#### **SECTION 1306.07 BURDENS OF PROOF**

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

- (a) Proof of Establishment of a Land Use or Structure. The landowner bears the burden of demonstrating that the use was lawfully commenced or the structure was lawfully erected, as evidenced by affirmative proof that: (1) the use was commenced or the structure was erected before the change in land use regulations that rendered the use or structure nonconforming; and (2) the use or structure was lawful at the time of commencement or erection.
- (b) Proof of Abandonment of a Land Use. The City bears the burden of demonstrating the abandonment of a land use, as evidenced by affirmative proof that the landowner intended to abandon the use.

#### **SECTION 1306.08 SPECIFIC APPLICATIONS OF NONCONFORMITIES**

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

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

## **SECTION 1306.09 ILLEGAL USES, STRUCTURES, AND LOTS, GENERALLY**

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

## **SECTION 1306.10 NONCONFORMING STATUS ATTACHED TO THE LAND**

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

## Glossary of Terms

### Chapter

# 1107

---

# Chapter 1307: Glossary of Terms

## SECTION 1307.01 DEFINITION OF LAND USE TERMS

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

## SECTION 1307.02 DEFINITION OF GENERAL TERMS

- (1) Abandonment. Refer to the definition in Article XXXX “Nonconformities.”
- (2) Building Footprint. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (3) Building Height or Structure Height. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (4) Canopy or Awning Sign. Refer to the definition and illustrations in Section XXXX.XX “Sign Standards.”
- (5) City. The administrative body of the City of Oberlin, Ohio.
- (6) Code. This Planning and Zoning Code of the City of Oberlin, Ohio.
- (7) Director of Planning and Development. The director of the City of Oberlin, Ohio, Department of Planning and Development.
- (8) Fence. An artificially constructed barrier typically constructed of wood, vinyl, wire or masonry erected to enclose, screen or decorate areas of land. The meaning of the word “fence” includes a freestanding wall which is not part of a building.
- (9) Freestanding Sign. Refer to the definition and illustrations in Section XXXX.XX “Sign Standards.”
- (10) Front Lot Line. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (11) Front Yard Setback. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (12) Hedge. An evergreen or deciduous landscape barrier consisting of a continuous, dense planting of shrubs which have several small stems from the ground or small branches near the ground.
- (13) Incidental Sign. A sign of less than two square feet, with or without illumination, that is not part of a larger array of signs that, when combined, form one cohesive sign; an address number, a “handicapped parking” sign, a “no trespassing” sign, and an “open” sign are examples of an incidental sign.

- (14) Lot Area. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (15) Lot Depth. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (16) Lot Line. A lot line is a line dividing one lot from another lot or from a street or any public place.
- (17) Lot Width. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (18) Nonconforming Lot. Refer to the definition in Article XXXX “Nonconformities.”
- (19) Nonconforming Structure. Refer to the definition in Article XXXX “Nonconformities.”
- (20) Nonconforming Use. Refer to the definition in Article XXXX “Nonconformities.”
- (21) Projecting Sign. Refer to the definition and illustrations in Section XXXX.XX “Sign Standards.”
- (22) Rear Lot Line. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (23) Rear Yard Setback. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (24) Side Lot Line. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (25) Side Yard Setback. Refer to the definition and illustrations in Section XXXX.XX “Rules of Measurement.”
- (26) Sign. Refer to the definition and illustrations in Section XXXX.XX “Sign Standards.”
- (27) Sign Area. Refer to the definition and illustrations in Section XXXX.XX “Sign Standards.”
- (28) Sign Height. Refer to the definition and illustrations in Section XXXX.XX “Sign Standards.”
- (29) Specific Nature. Refer to the definition in Article XXXX “Nonconformities.”
- (30) Temporary Sign. Refer to the definition and illustrations in Section XXXX.XX “Sign Standards.”
- (31) Wall Sign. Refer to the definition and illustrations in Section XXXX.XX “Sign Standards.”
- (32) Window Sign. Refer to the definition and illustrations in Section XXXX.XX “Sign Standards.”

