

# **ZONING CODE**

## **VILLAGE OF LAKEMORE**

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# **VILLAGE OF LAKEMORE**

## **ZONING ORDINANCE**

An Ordinance to provide for dividing the territory within the Village of Lakemore, Summit County, Ohio, into districts (zones) and in such districts to regulate the location, use, height, bulk, number of stories and size of buildings and other structures, the percentage of lot which may be occupied, setback building line, size of yards, and other open spaces, and to provide for making amendments or supplements to such regulations and boundaries of such districts or zones, to provide for enforcement and to provide for the violation of the provisions of said Ordinance -- all as authorized by the Ohio Revised Code.

## **ARTICLE I - SCOPE AND APPLICATION**

### **CHAPTER 101**

#### **General Purpose of the Lakemore Village Zoning Ordinance**

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##### **SECTION 101.1 PURPOSE**

This Ordinance is adopted to protect residence sections, encourage home ownership, prevent undue concentration, reduce fire, health and traffic hazards, conserve property values, increase business efficiency, direct the building of the Village and the property along orderly and economic lines and thereby promote the public health, safety, comfort, convenience, prosperity and general welfare.

##### **SECTION 101.2 INTERPRETATION AND RELATION TO OTHER REGULATIONS**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare. Whenever the regulations of this Ordinance require a greater width or size of yard or other open spaces or require a lower height of building or less number of stories or require a greater percentage of lot to be left unoccupied or require a lower density population, or require a more restricted use of land, or impose other higher standards than are required in any other ordinance or regulation, private deed restrictions or private covenants, these regulations shall govern, but if the requirements of the other ordinance, regulation, private deed restriction or covenant is more restrictive, then those requirements shall govern.

##### **SECTION 101.3 VALIDITY**

If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

## ARTICLE II - DEFINITIONS

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For the purpose of this Ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular shall include the plural and the plural the singular; and the word "shall" is mandatory and not directory.

See appendix for pictorial description of certain terms.

1. Accessory Building or Use: A subordinate building or use customarily incidental to, and located on the same lot occupied by the main building and use.
2. Alley: A public thoroughfare which affords only a secondary means of access to a lot or abutting property.
3. Basement (Cellar): A story having more than one-half (1/2) of its height below the grade. A basement finished off for use may be counted as meeting required floor area.
4. Building: Any structure which is designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.
5. Building Area: A building area is the aggregate of the maximum horizontal cross section area of a building on a lot, excluding cornice, eaves, gutter, one-story open porch, balconies and terraces.
6. Building Line: The rear line of the front yard along a street frontage synonymous with Setback Line.
7. Building Height: The vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof, or the mean height level between eaves and ridge of a gable, hip, and gambrel roof.
8. Building Frontage: The length of the building or unit or the building which faces the principal street, or the length of the wall of the building or unit which contains the main entrance to the uses therein. In the case of an irregular wall surface, a straight line extended along such wall surface shall be used to measure the length. Only one outside wall of any business shall be considered its frontage.
9. District: A section or sections of the incorporated territory within the Village of Lakemore for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.
10. Drive-In or Drive-Through Facility: Facility providing sales or services to customers in automobiles or other motor vehicles, or sales to customers for consumption in automobiles on the premises.

11. Dwelling: Any building or portion thereof, which is designed or used exclusively for residence purposes. An attached garage for purposes of determining the front, side and rear yards, shall be considered a part of a dwelling.
12. Dwelling Unit: A room or group of rooms which are designed for residential occupancy by a single family and occupied by a single-family unit, plus not more than two (2) lodgers or boarders. there may be one or more "dwelling units" within a single building.
13. Dwelling, Single Family: A building designed for or occupied by one family, separated from other dwelling units by open space.
14. Dwelling, Two-Family: A building designed for or occupied exclusively by two families, in two separate dwelling units, which may be either attached side by side or one above the other.
15. Multiple-Family Dwelling: A building arranged, intended or designed for and consisting of three or more dwelling units.
16. Town House: A single-family dwelling unit which is physically attached side-by-side to another by a common or adjoining vertical wall, and which has an individual entranceway(s) at the ground level, an individual heating and plumbing system, and which may be individually owned, rented or sold as a condominium. Three or more town houses constitute a multiple-family dwelling.
17. Apartment Building: A multiple-family dwelling consisting of dwelling units which share common access to individual units and yards.
18. Family: One or more persons occupying a premises and living as a single housekeeping unit, related to each other by birth, marriage or adoption, or a maximum of 4 unrelated persons living together, as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.
19. Floor Area: The sum of the gross horizontal areas of a building measured from the exterior faces of exterior walls or from the center line of common walls separating two buildings or dwelling units. The "Floor Area" shall not include unfinished basement, attached garage, attic, terraces, breezeways, open porches, and covered steps.
20. Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of a street.
21. Garage, Private: An accessory building housing not more than three (3) automobiles in which no occupancy or business is carried on.
22. Garage, Repair Shop: A building or part thereof in which general repair of any kind is performed on motor vehicles and in which the painting of cars and body and fender work is only incidental.

23. Gasoline Service Station: A building or part of a building or structure or space for the retail sale of gasoline, lubricants, and motor vehicle accessories, and for minor services and repairs not accompanied by objectionable noises, fumes, dust or odors.
24. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the buildings.
25. Home Occupation: Any use or profession customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
26. Hotel: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house or lodging house.
27. Landscaped Area: The area of a lot required to be covered and maintained with a form of natural vegetation such as grass, hedges or ground cover, and in which no structure, including pavement, shall be located except as otherwise permitted in this Ordinance.
28. Lot: A parcel of land occupied or intended to be occupied by a permitted building or use, together with accessory buildings and uses customarily incident thereto, including such open spaces and minimum area provisions as are required by this Ordinance for the district in which such lot is situated and having its principal frontage on a street.
29. Lot Area: The total horizontal area within the lot boundary lines of a zoning lot.
30. Lot, Corner: A lot having two adjacent sides abutting upon two (2) streets, public or private.
31. Lot, Interior: A lot other than a corner lot.
32. Lot Coverage: The portion of lot area covered by any building.
33. Lot, Depth: The mean horizontal distance between the front and rear lot lines.
34. Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
35. Lot Line, Front: The line separating the lot from the street on which the lot fronts. On a corner lot, the owner or the developer may elect either street line as the "front lot line" subject to the approval of the Zoning Inspector.
36. Lot Line, Rear: The lot line opposite and most distant from the front lot line.
37. Lot Line, Side: Any lot line which is not a front lot line or a rear lot line.
38. Lot of Record: A lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of this County; or a parcel of land, the deed of



which was on record on or prior to the effective date of this Ordinance. For the purpose of these regulations, any preliminary plan of a subdivision which has been approved by official action of the Planning Commission prior to the date upon which this Ordinance becomes effective, shall have the same status as if the subdivision plan were officially recorded.

39. Off-Street Loading Space: A space provided outside of the public right-of-way and on the same lot within a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle loading or unloading merchandise and materials.
40. Outdoor Retail Display: The act of positioning goods or merchandise out of doors for the purpose of advertising items for sale, rent or lease from the premises.
41. Outdoor Storage: Goods, merchandise, equipment or supplies for sale or lease on the premises which are stored on the lot not within a fully enclosed building.
42. Pool: A structure which is used as a receptacle for water.
43. Swimming Pool: An artificial body of water or receptacle for water, either permanent or portable, filled or capable of being filled with a water depth of twenty-four (24) inches or more, or with a surface area of 200 square feet at any point therein, used or intended to be used for swimming or recreational bathing.
44. Commercial Swimming Pool: A swimming pool that is maintained for the purpose of profit and in connection with a business operated for profit, or one for which individuals using the pool pay for the privilege of such use.
45. Private Swimming Pool or Wading Pool: A swimming pool that is maintained by an individual for the sole use of his household and guests without charge or the purpose of profit and not in connection with any business operated for profit, located as an accessory use on the same lot as his residence.
46. Wading Pool: An artificial body of water or receptacle for water, either permanent or portable, filled or capable of being filled with water at any point therein to a depth of twelve (12) inches but not more than twenty-four (24) inches, or with a surface area exceeding 100 square feet, or used or intended to be used for wading or other aquatic recreation.
47. Sign: Any object with lettering or symbol thereon which attracts or is intended to attract attention for identification, directional or advertising purposes.
48. Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
49. Street Right-of-Way: All property dedicated or intended for public or private street highway, freeway, or roadway purposes or subject to public easement thereof.

50. Street Line (Right-of-Way Line): A dividing line between a lot, tract or parcel of land and a contiguous street. Where the lot, tract or parcel of land has been conveyed to the center of the street, the street line (right-of-way line) then becomes the line delineating land reserved for street purposes.
51. Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground, including advertising signs, billboards, pergolas, fences, buildings.
52. Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of a building.
53. Use: The specific purpose for which land or building is designed, arranged, or intended, or for which it is or may be occupied or maintained.
54. Water's Edge Lot Line: For any lot which borders on a permanent body of water indicated on the most recent United States Geographical Survey Maps, the lot line for setbacks, yard requirements, and all other purposes shall be the point at which the land meets the water's edge, as indicated on the most recent United States Geographical Survey Maps or as indicated by more recent aerial photography and field observation.. (1206-1994)
55. Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the lot lines and the main building or any projection thereof (including but not limited to: porches, bay/bow windows, chimneys/chimney enclosures, eaves/overhangs, etc.) shall be used.
56. Yard, Front: A yard extending across the front of a lot between side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof..
57. Yard, Rear: A yard extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof. On both corner lots and interior lots, the rear yard shall in all cases be the opposite end of the lot from the front yard.
58. Yard, Side: A yard between the main building or any projection thereof and the side lines of the lot and extending from the front yard to the rear yard.

## ARTICLE III - ESTABLISHMENT OF DISTRICTS

### CHAPTER 301 Districts and Their Boundaries

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#### SECTION 301.1 PURPOSE

In order to classify, regulate and restrict the location of trades, residences, recreation and other uses and the buildings designed for special uses, to regulate and limit the height, bulk, number of stories and size of buildings and other structures, hereinafter erected or altered; to regulate and limit the percentage of lot area which may be occupied, setback building lines, size of yards, courts and open spaces within and surrounding such buildings, the density of population, the territory within the Village of Lakemore, Summit County, Ohio, is hereby divided into districts. All such regulations are uniform for each class or kind of building or structure or use throughout each class of districts.

#### SECTION 301.2 ESTABLISHMENT OF DISTRICTS

The following zoning districts are hereby established for the Village of Lakemore, Summit County, Ohio:

"R-1A"	Residence District
"R-1"	Residence District
"R-2"	Residence District
"R-4"	Multiple-Family Residence District
"PRD-1"	Planned Residential District
"PRD-2"	Planned Residential District (1221-1995)
"CF"	Community Facilities District
"B-1"	Retail Business District
"B-2"	General Business District
"B-R"	Business Recreational District
"I"	Industrial District

#### SECTION 301.3 INCORPORATION OF MAP

The districts and their boundary lines are indicated on the map of the Village of Lakemore, Summit County, Ohio, which said map is made a part of this Ordinance. The District Map, together with all notations, references and other matters shown thereon, and hereby declared a part of this Ordinance.

#### SECTION 301.4 STREET OR PUBLIC WAY VACATED

Whenever any street or public way is vacated by official action of the Village Council, the zoning districts adjoining each side of the street or public way, shall automatically extend to the center of such vacations and all areas included in the vacation shall thereafter be subject to all regulations of the extended districts.