



3500 South Boulevard Street, Suite 4-B  
Edmond, OK 73013  
800-787-8390

*Bock & Clark Zoning Report*  
**1032 SPRINGSIDE BOULEVARD  
MENTOR, OHIO 44060**

*Site #65*

*Date of Report Completion:  
February 21, 2006*

**This report was prepared for:  
Jones Property, Inc. Project**

**Site Information**

**Property Name:** *Jones Property, Inc. Project*  
**Property Address:** *1032 Springside Boulevard*  
**Property Jurisdiction:** *Mentor, Ohio*  
**Property Size:** *1.080 Acres or Square Feet 47,044.8 +/-*  
**Existing Use:** *Bank/Office*

**Jurisdiction Information**

**Current Zoning of Property:**  
*(B-2) General Business, see attached letter.*

**Is the existing property a permitted use in this district?**  
*Yes, see the attached documents.*

**Current Zoning Ordinance Attached:**  
*Yes, see the attached documents.*

**Certificate of Occupancy Attached:**  
*Yes, see the attached document.*

**Outstanding Building and/or Code Compliance Violations:**  
*No, currently there are no Building and/or Code Compliance Violations on file.*

**Outstanding Fire and/or Safety Code Violations:**  
*No, currently there are no Fire and/or Safety Code Violations on file.*

**Property Condemnation:**  
*No, currently there are no Condemnation Proceedings scheduled at this time.*

**Site Plan Approval:**  
*Yes, see attached letter.*

### Zoning Code Requirements

Minimum Lot Size:

**1 Acre.**

Minimum Lot Frontage:

**100 Feet.**

Maximum Density:

**None.**

Maximum Building Height:

**35 Feet or higher with C.U.P.**

Setbacks:

**Required:**

Front:

**40 Feet.**

Side:

**Per Site Plan Review.**

Rear:

**Per Site Plan Review.**

Is the site in compliance with all applicable zoning code requirements?

**Yes, the Lot Area is 1.080 Acres, Lot Frontage is 142 Feet, Building Height is 18 Feet, and all the Setbacks are compliant.**

### Parking Requirements

Minimum Parking Required:

**4 Parking Spaces per 1,000 Square Feet:** (3,964 Building Square Feet ÷ 1,000 Square Feet = 3.964 Square Feet X 4 Parking Spaces = 15.856 Parking Spaces)

**1 Handicap Parking Space per 30 Parking Spaces:** (45 parking Spaces ÷ 30 Parking Spaces = 1.5 Handicap Parking Spaces)

Total Parking Spaces Required:

**16 Total Parking Spaces.**

**2 Total Handicap Parking Spaces.**

Total Parking Spaces Existing:

**45 Total Parking Spaces including 3 Handicap Parking Spaces.**

Does the existing parking meet the required parking formula?

**Yes.**

**Conformance Statement**

*Is the existing Use and Property in conformance with current ordinance regulations?*

**Yes, the Use is Legal Conforming.**

**No, the Property is Legal Nonconforming due to changes in the zoning code. Parking Setbacks were added after the development of 1032 Springside Boulevard. The Right of Way encroachment of 0.8 Feet of asphalt is inconsequential as per Jack Pringle, Mentor, OH Assistant Planner.**

*The Following Deficiencies coincides with the Conformance Statement above:*

**1 Parking Space on the Northeast portion of the parking lot encroaches into the required Parking Setback Line. 18 Parking Spaces on the South parking lot encroach into the required Parking Setback Line.**

**The East side parking lot asphalt encroaches over the Right of Way of Sideways Drive a maximum distance of 0.8 Feet.**

*Jurisdiction Rebuildability Clause:*

If a non-conforming structure or portion of a structure, or a structure or portion thereof containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, rebuilt, or used except in conformity with the regulations of the district in which it is located.

**Zoning Report Information was provided by the following:**

*Jurisdiction Contact Information:*

*Surveyor:*

<b>Jack Pringle</b>	<b>Simon Lockhart</b>
<b>Assistant Planner</b>	<b>Bock &amp; Clark Survey Network</b>
<b>The City of Mentor, OH</b>	<b>Phone: 800-787-8397</b>
<b>Phone: 555-555-1234</b>	<b>Survey Date: 02-20-2006</b>



**THE CITY OF MENTOR  
8500 CIVIC CENTER BLVD, MENTOR, OH 44060**

B&C Zoning  
3855 South Boulevard Street  
Suite 500  
Edmond, OK 73013

January 7, 2006

Re: 20060000/Site 65

To Whom It May Concern:

In regards to the address of 1032 Springside Boulevard, we show this property to be zoned B-2 General Business with Site Plan approval.

Zoning Code changes were made (Parking Setbacks) after the construction of 1032 Springside Boulevard. A slight asphalt encroachment into the Right of Way is deemed inconsequential.

On all other matters we sayeth not.

Jack Pringle, Assistant Planner  
The City of Mentor Zoning Department



**THE CITY OF MENTOR  
8500 CIVIC CENTER BLVD, MENTOR, OH 44060**

Certificate of Occupancy

This Certificate is issued to certify that the property described below and any building thereon complies with the requirements of the Mentor, OH Zoning Ordinance and all conditions imposed hereunder, and is to be used and occupied by the owner listed below in conformance with all provisions of the Mentor, OH Zoning Ordinance.

**Jones Property**

(Permit holder)

**1032 Springside Blvd.**

(Construction Site Address)

**Mentor, OH 44060**

(City, state, zip code)

**Bank/Office**

PROPERTY DESCRIPTION

PARCEL DATA PROCESS (tax) NUMBER **16A-27-37**

Jack Pringle, Assistant Planner  
The City of Mentor Zoning Department



**THE CITY OF MENTOR  
8500 CIVIC CENTER BLVD, MENTOR, OH 44060**

B&C Zoning  
3855 South Boulevard Street  
Suite 500  
Edmond, OK 73013

January 7, 2006

Re: 20060000/Site 65

To Whom It May Concern:

In regards to the address of 1032 Springside Boulevard, we show no record of building violations in our files.

Rhonda Jones, Inspector  
The City of Mentor Building Department



**THE CITY OF MENTOR  
8500 CIVIC CENTER BLVD, MENTOR, OH 44060**

B&C Zoning  
3855 South Boulevard Street  
Suite 500  
Edmond, OK 73013

January 7, 2006

Re: 20060000/Site 65

To Whom It May Concern:

In regards to the address of 1032 Springside Boulevard, we show no record of Zoning Violations in our files.

Jack Pringle, Assistant Planner  
The City of Mentor Zoning Department



**THE CITY OF MENTOR FIRE DEPARTMENT  
8467 CIVIC CENTER BLVD, MENTOR, OH 44060**

B&C Zoning  
3855 South Boulevard Street  
Suite 500  
Edmond, OK 73013

January 7, 2006

Re: 20060000/Site 65

To Whom It May Concern:

No fire code violations were found at 1032 Springside Boulevard.

Tony Wilkerson, Inspector  
The City of Mentor Fire Department



**THE CITY OF MENTOR FIRE DEPARTMENT  
8467 CIVIC CENTER BLVD, MENTOR, OH 44060**

B&C Zoning  
3855 South Boulevard Street  
Suite 500  
Edmond, OK 73013

January 7, 2006

Re: 20060000/Site 65

To Whom It May Concern:

No safety code violations were found at 1032 Springside Boulevard.

Tony Wilkerson, Inspector  
The City of Mentor Fire Department



**THE CITY OF MENTOR  
8500 CIVIC CENTER BLVD, MENTOR, OH 44060**

B&C Zoning  
3855 South Boulevard Street  
Suite 500  
Edmond, OK 73013

January 7, 2006

Re: 20060000/Site 65

To Whom It May Concern:

An inquiry was submitted to the City of Mentor Engineer's Office concerning road construction or intersection improvements involving the taking of right of way or private property in the area of 1032 Springside Boulevard, Mentor, OH 44060.

The area in question is fully developed; we have no plans for construction. County and State roads are located in this area, I would check with them for any additional road construction improvements.

Gail Sneed, Engineering Department Assistant  
The City of Mentor Engineering Department



**Lake County Engineer's Office  
550 Blackbrook Road  
Painesville, Ohio 44077**

B&C Zoning  
3855 South Boulevard Street  
Suite 500  
Edmond, OK 73013

January 7, 2006

Re: 20060000/Site 65

To Whom It May Concern:

An inquiry was submitted to the Lake County Engineer's Office concerning road construction or intersection improvements involving the taking of right of way or private property in the area of 1032 Springside Boulevard, Mentor, OH 44060.

We have no improvements or construction scheduled for this area. However, I don't know if the city or state has improvement projects scheduled for this area.

Tim Reese  
Lake County Road Construction Engineer



5500 Transportation Blvd, Garfield Heights OH 44125  
216-581-2100, Toll Free: 1-866-737-8112

Bob Taft, Governor      Gordon Proctor, Director      Dave Coyle, Deputy Director



Ohio Department of Transportation District 12

Road Construction Information.

B&C Zoning  
3855 South Boulevard Street  
Suite 500  
Edmond, OK 73013

January 7, 2006

Re: 20060000/Site 65

To Whom It May Concern:

An inquiry was submitted to the Ohio Department of Transportation concerning road construction or intersection improvements involving the taking of right of way or private property in the area of 1032 Springside Boulevard, Mentor, OH 44060.

At this time the 20 year plan shows no improvements for this area.

All questions should be directed to the Ohio Department of Transportation inquiry line.

Jack Green  
ODOT District 12 Field inspector



# Zoning Title Page

## GENERAL PROVISIONS

### 150.001 Purpose and intent

This ordinance shall be known, cited and referred to as the “Mentor Zoning Code”. The purpose of this ordinance is to promote and protect the public health, safety, convenience, comfort, prosperity, and general welfare by regulating and limiting the use of land and buildings and the erection, restoration, and alteration of buildings and additions thereto, and the use thereof for agricultural, residential, business, and industrial purposes; to regulate the area and dimensions of land, yards and open spaces so as to secure adequate light, pure air, and safety from fire and other dangers; to conserve the taxable value of land and buildings throughout the City of Mentor; to lessen or avoid congestion in the public streets; to regulate and restrict the bulk, height, design, percent of lot occupancy and the location of buildings; to protect the character and values of the agricultural, residential, business, industrial, institutional, and public areas and to assure their orderly and beneficial development; to provide an orderly plan for the economical and best use of public facilities such as recreation areas, schools, municipal buildings and hospitals; to provide for the most advantageous use of public utilities, such as water production and transmission, sewerage collection and disposal and storm drainage, and to provide for the orderly growth and development of lands and for said purposes to divide the city into various districts.



# 150.105 SCHEDULE OF DISTRICT REGULATIONS MENTOR CODE OF ORDINANCES

DISTRICT AND STATEMENT OF PURPOSE	PERMITTED USES	MINIMUM AREA AND WIDTH**	MINIMUM SET BACKS**	MAXIMUM HEIGHT	MINIMUM FLOOR AREA
<p>GENERAL BUSINESS – B-2</p> <p>The purpose of this district shall be:</p> <p>(1) to provide sufficient space for a variety of business, commercial and service activities in locations adequately served by highways and other facilities, and</p> <p>(2) to provide such locations in a manner which minimizes negative impacts on other districts.</p>	<p>(1) Offices</p> <p>(2) Financial Institutions</p> <p>(3) Restaurants</p> <p>(4) Private Clubs</p> <p>(5) Dry Cleaners</p> <p>(6) Furniture Reupholstering</p> <p>(7) Auction Houses</p> <p>(8) Mortuaries</p> <p>(9) Motels</p> <p>(10) Nurseries for flowers, plants, shrubs</p> <p>(11) Health Spas</p> <p>(12) Theaters</p> <p>(13) Barber and Beauty Shops</p> <p>(14) Assisted Living Facility</p> <p>The following uses may be permitted with a Conditional Use Permit:</p> <p>(1) Vehicles, the sales, service and leasing of vehicles, including but not limited to automobiles, trucks, mobile homes, boats, recreational vehicles, airplanes and motorcycles, except rental truck facilities, but subject to the provisions of Section 150.225</p> <p>(2) Bars, cocktail lounges and night clubs</p> <p>(3) Drive-in or drive-thru facilities</p> <p>(4) Service Stations</p> <p>(5) Pet shops</p> <p>(6) Commercial recreational facilities</p> <p>(7) Contractors shops</p>	<p>1 Acre</p> <p>100 Feet</p>	<p>40 Feet</p> <p>Side Setback per</p> <p>Site Plan Review</p> <p>Rear Setback per</p> <p>Site Plan Review</p>	<p>35' or higher with</p> <p>C.U.P.</p>	<p>None</p>

\*\* Corner lots and accessory building see supplemental regulations (Ord. 82-O-78,5/18/82)(Amended, Ord.84-O-33, 3/6/84)(Amend, Ord. 84-O-117, 11/20/84) Amended, Ord. 03-O-129, 10/7/03



# Required Parking

## MENTOR CODE OF ORDINANCES

### 150.244 Parking

#### A. Regulations Established

There shall be provided at the time of the erection of any building or structure or the establishment of any use, or at the time any building, structure, or use is altered or enlarged, or increased in capacity, minimum off-street parking facilities as required by this section.

#### B. Parking Space

The minimum dimensions of parking spaces intended for private passenger automobiles shall be 9' x 18'. Planned shopping centers requiring 150 parking spaces or more may be permitted to have 10% of the total parking to be designated as "compact car spaces" (9' x 16'). In permitting compact spaces, landscaped islands shall be installed adjoining the compact spaces. (Amended, Ord. 96-O-105, 10/16/96)

#### C. Spaces Required

Off-street parking spaces shall be provided according to the following schedule:

Single family or duplex dwellings	2 per unit
Multi-family dwellings	2.5 per unit
Church or other public place of worship, theaters, private clubs, other similar places of assembly	1 per 5 seating capacity
Offices, banks	4 per 1,000 square feet
Clinics, hospitals, medical and dental buildings	7 per 1,000 square feet
Motel/Hotel	1.25 per guest room
Bowling Alley (not including restaurant/bar area)	4 per alley
Daycare facilities	3 per 1,000 square feet
Nursing Homes	1 per 5 beds plus 1 per staff/employee
Gas/Service stations and automobile repair shops	1 per service bay plus 1 per employee
Gas Station with mini-mart	4 per 1,000 square feet
New car sales	2 per 1,000 square feet of inside display floor area
Retail stores, garden centers, outside storage or display areas	4 per 1,000 square feet
Shopping centers	5 per 1,000 square feet

## MENTOR CODE OF ORDINANCES

### 150.244 Parking (continued)

#### Restaurants

Take-out only, no tables	1 per 100 square feet minimum 10 spaces
Small sit-down (2,000 s.f. and less)	1 per 75 square feet
Large sit-down incl. bars, taverns (greater than 2,000 s.f.)	1 per 75 square feet plus 15 spaces
Fast food with drive-thru	1 per 75 square feet plus 10 spaces

\* Restaurants located within "Shopping Centers" per 150.005 and conforming to the required parking ratios do not require separate parking calculation.

Single occupant industrial buildings	1 per 700 square feet minimum 8 spaces
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Multi-tenant industrial buildings	3 per 1,000 square feet minimum 10 spaces
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\* Industrial parking requirements may be decreased or landbanked at the discretion of the Planning Commission when evidence is provided that the proposed use of the site does not warrant the required parking.

\* Parking requirements based on building size shall be calculated using gross square footage of building floor area.

\* Any use not specifically set forth herein shall have such parking facilities as the Planning Commission may require, consistent with the facilities permitted for similar uses. It shall be the intent of this code to provide spaces at least sufficient for the vehicles of the employees and patrons of any business. (Ord. 87-O-45, 5/19/87) (Section (C) amended per Ord. 96-O-105, 10/16/96)

#### D. Collective Parking

Spaces shall be located on the same lot with the building or use they are intended to serve, except that easements or restrictive covenants may be made for parking on adjacent lots or for the collective provision of parking facilities with the approval of the Administrator. Collective parking facilities shall provide at least the minimum total number of spaces required for all of the buildings or uses sharing the facilities.

## MENTOR CODE OF ORDINANCES

### 150.244 Parking (continued)

#### E. Access Drives and Parking Aisles

##### General:

Adequate and safe access to parking areas shall be constructed as approved by the Administrator. Access drives shall be surfaced as required for parking areas. Curb cuts/access drives shall be onto improved public streets and shall be located on the same lot with the building or use they are intended to serve. Access drives shall not be extended beyond the lot, except that an access drive easement may be granted to be shared with an adjoining lot fronting on the public street. Curb cuts/access drives shall be permitted only as approved by the city. Individual properties shall be limited to one curb cut/access drive to an improved public street. Additional curb cut(s)/access drive(s) may be approved as part of a development plan. (Amended, Ord. 98-O-132, 12/15/98)(Amended, Ord. 00-O-75, 8/15/00)

##### Residential:

Access drives shall be located such that they are a maximum distance possible from street intersections. Residential drive apron access shall be onto improved public streets and limited to a maximum width of 20' as measured at the public right-of-way. Driveway apron turnouts shall be 3 feet wide (minimum) or as approved by the City Engineer and shall not encroach on an extension of the property line at the curb unless approved as part of a development plan. All drive aprons shall be paved to conform to Section 152.052(I). (Amended, Ord. 98-O-132, 12/15/98) (Amended, Ord. 03-O-52, 5/6/03)

##### Commercial/Industrial:

1. Drive apron design geometrics including width shall be approved per development plan. Drive apron access shall be improved to conform to O.D.O.T. Location and Design Manual. All drive aprons shall be paved to conform with Section 152.052(I).

2. Shared access drives may be permitted as approved by the city.

MENTOR CODE OF ORDINANCES

150.244 Parking (continued)

3. Required widths for access drives and parking aisles for off-street parking areas are as follows. Access drive widths may be modified as part of a development plan approval.

Type	Required Width
Two-way access drives	24'
One-way access drives	20'
Two-way parking aisles	22'
One-way parking aisles (Parking angle)	
90 deg.	22'
60 deg.	20'
45 deg.	18'
30 deg.	18'

Ord. 82-O-78, 5/18/82, Ord. 84-O-31, 3/13/84  
Section (E) amended per Ord. 96-O-105, 10/16/96

F. Parking Surfaces

1. Commercial/Industrial Zones:

All parking surfaces including access drives and parking aisles shall be improved with an asphalt or concrete surface. Parking areas shall be graded to drain and minimize standing water, provide positive drainage away from buildings, and to prevent runoff onto public roadways and adjacent properties. Every parking lot designed for storage of vehicles shall have pavement markings to delineate the spaces. Additional traffic control as necessary shall be designed and maintained in conformance with the current edition of The Ohio Manual of Uniform Traffic Control Devices.

2. Residential Zones:

Driveways and parking surfaces for one and two family homes shall be improved with a 4 inch (minimum) depth of asphalt, concrete or crushed stone. Asphalt and concrete driveways and parking surfaces shall have a 4 inch (minimum) aggregate base or an existing clean sand base as approved. Driveways and parking surfaces for multi-family developments shall be surfaced with a 4 inch (minimum) depth of asphalt or concrete with a 4 inch (minimum) aggregate base or an existing clean sand base as approved. Concrete driveways and parking surfaces shall be constructed of portland cement concrete in conformance with O.D.O.T. specifications, Section 499, Class C with 5% to 7% air entrainment. Driveways and parking surfaces shall be graded to drain and minimize standing water, provide positive drainage away from buildings, and to prevent runoff onto adjacent properties. (Amended, 96-O-105, 10/16/96)(Amended, 97-O-124, 9/2/97) (Amended, Ord. 03-O-52, 5/6/03)

## MENTOR CODE OF ORDINANCES

### 150.244 Parking (continued)

#### G. Parking Setback From Right-of-Way

In all districts, sufficient space shall be provided in parking areas so that vehicles do not overhang onto a sidewalk unless additional width is so provided or extend into the public right-of-way. In commercial districts, a minimum setback of ten (10) feet shall be maintained between the right-of-way and parking area, including parking aisles. Car stops or curbs shall be provided on spaces facing the right-of-way. Landscaping shall be provided within the setback area. Areas located within the right-of-way (between the edge of pavement and the sidewalk) shall be kept free of obstructions and/or debris. Landscape treatment such as stones, boulders or fences shall not be permitted. (Amended 96-O-105, 10/16/96)

Parking areas in industrial districts shall not be located between the right-of-way and the setback line provided, however, that the Planning Commission may permit limited parking in the setback provided that such parking has a minimum setback of 30' and is mounded and landscaped in conformance with a detailed plan approved by the Commission. (Ord. 82-O-78, 5/18/82)(Amended Ord. 84-O-31, 3/13/84)

#### H. Loading Spaces and Docks

Loading spaces or docks having a minimum width of 12 feet shall be provided on all sites having loading facilities. Loading spaces or docks shall be located and designed to not interfere with traffic movement on site and within the public right-of-way and to allow sufficient area for maneuvering within the site. Loading spaces or docks or drives or approaches thereto shall not be designed or located so as to require the backing of vehicles from or the maneuvering of vehicles on the public right-of-way. Vehicles whether loading or unloading or parked shall not extend into or overhang the public right-of-way. (Amended, Ord. 98-O-89, 9/1/98)

#### I. Illumination

Any parking lot intended to be used during non-daylight hours shall be illuminated. Illumination of parking lots shall be so arranged as to reflect light away from adjacent properties.

#### J. Vehicles in Residential Districts

1. Vehicles or trailers of any kind without current license plates or current validation sticker on the rear license thereof shall not be stored on residentially zoned property except in a completely enclosed garage or other completely enclosed permanent structure. (Amended, Ord. 87-O-46, 5/19/87)

## MENTOR CODE OF ORDINANCES

### 150.244 Parking (continued)

2.
  - A. All motor and recreational vehicles including trailers shall be parked on an improved surface and shall have an improved access drive from the public street to the vehicle. Improved surfaces shall be constructed of concrete, asphalt or crushed stone and shall be maintained free of excessive weeds and grass intrusion. (Amended, 97-O-124, 9/2/97) (Amended, 03-O-01, 1/7/03)
  - B. Recreational vehicles shall not be parked between the right-of-way and the setback of the main structure including side streets on corner lots. A minimum of 3 feet shall be maintained from the side line of interior lots.
3. Inoperable vehicles (i.e., vehicles unable to move under their own power) shall be stored within a fully enclosed building. No more than one inoperable vehicle per dwelling unit shall be permitted.
4. No more than one commercial vehicle per dwelling unit may be parked on a residential property. No commercial vehicle having a net total weight of greater than 5,050 pounds shall be parked on a residential property. No construction equipment/vehicle (including but not limited to backhoes, bulldozers, trenchers) shall be parked in residential districts for more than 30 days.
5. Any display of vehicles for sale shall be located outside of the legal right-of-way and on an improved parking surface in accordance with Section 150.244 (F)(2) Vehicles in Residential Districts and Section 75.08 Parking Prohibitions. (Amended, 92-O-104, 9/1/92)

Section (J) amended per Ord. 96-O-105, 10/16/96

#### K. Garages Required

1. For all single family dwellings of 1,100 square feet or greater and for each unit of all duplexes at least one of the required parking spaces shall be in a completely enclosed garage.
2. For multi-family dwellings, at least one space shall be provided in a completely enclosed garage for each dwelling unit provided, however, that carports may be provided in lieu of completely enclosed garages with the approval of the Planning Commission

Subsection (L) eliminated per Ord. No. 92-O-105, 10/20/92



# Nonconforming

## NON-CONFORMING USES, LOTS AND STRUCTURES

### 150.301 Intent

Within the districts established by this ordinance or amendments that may later be adopted there exist:

- a) lots
- b) structures
- c) uses of land and/or structures

which were lawful before this ordinance was passed or amended but which do not conform to regulations and restrictions under the terms of this ordinance or future amendments thereto. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

### 150.302 Non-conforming lots of record

In any district, permitted structures may be erected or enlarged on any single lot of record, notwithstanding limitation imposed by other provisions of this ordinance. Such lot of record must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that set back dimensions and requirements other than those applying to area or width, or both, shall conform to the regulations for the district in which such lot is located and provided further that the width of such lot shall be at least 40 feet. Variance of set back requirements shall be obtained only through action of the Board of Building and Zoning Appeals.

Any non-conforming lot less than 40 feet in width may be used as a building site only upon written application to the Board of Building and Zoning Appeals. The Board may permit the use of such premises provided the applicant demonstrates to the satisfaction of the Board that the proposed use is the only reasonable use of said lot. In making the determination the Board may require evidence that an attempt to comply with the code has been made by means of bona fide offers to either acquire or dispose of land.

No lot or parcel or portion thereof shall be used or sold in a manner diminishing compliance with lot width and area requirements established by this ordinance, nor shall any division be made which creates a lot width or area below the requirements stated in this ordinance except as provided in Section 150.247. (Ord. 82-O-78, 5/18/2)(Amended, Ord. 83-O-104, 10/18/83)

### 150.303 Non-conforming uses of land and/or structures

Where at the time of passage of this ordinance or any amendments thereto lawful use of land and/or structures exists which would not be permitted by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A.No such non-conforming use and/or structure shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date or adoption or amendment of this ordinance unless said enlargement does not result in an increase in non-conformity or results in a change to a use permitted in the district;
- B.No such non-conforming use and/or structure shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use and/or structure at the effective date of adoption or amendment of this ordinance unless said move results in decreasing the degree of non-conformity or results in conformity with the requirement for the district.
- C.No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land. No additional uses of a nature which would be prohibited generally in the district involved shall be permitted.
- D.Any non-conforming use may be extended throughout any parts of a building which were arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;

- E.If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Planning Commission, either by general rule or by making findings in the specific area, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
- F.When any non-conforming use, or structure and use in combination, is superceded by a permitted use and/or structure, the use shall thereafter conform to the regulations for the district, and no non-conforming use and/or structure shall thereafter be resumed;
- G.Where non-conforming status applies to a use and/or structure, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at a time of destruction. No non-conforming use shall be established after said destruction;
- H.If any such non-conforming use and/or structure of land ceases for any reason for a period of more than one year (except when government action impedes access to the premises) any subsequent use of such land and/or structure shall conform to the regulations specified by this ordinance for the district in which such land is located.

#### 150.304 Repairs and maintenance

On any non-conforming structure or portion of a structure containing a non-onforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost to the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure, or a structure or portion thereof containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, rebuilt, or used except in conformity with the regulations of the district in which it is located.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### 150.305 Rear set backs

On non-conforming lots which have less area than required and where the lot is less than 200 feet in depth, the rear set back may be reduced in proportion to the ratio of the depth of the lot to 200 feet provided, however, that in no instance shall the rear set back be less than 20 feet.

#### 150.306 Set backs

On existing streets where 50% of any block has been developed with dwelling having front set backs less than that required by this chapter, the average of the existing set backs shall determine the minimum set back for the remainder of the block.

#### 150.307 Exceptions

Duplex structures which lawfully existed within a duplex zoning classification prior to adoption of this ordinance and which would become non-conforming uses by reason of its adoption shall not be considered to be non-conforming.



# Definitions

## 150.005 Definitions

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Administrator, or Zoning Administrator – the official charged with the enforcement of the provisions of this chapter. Unless otherwise specified by City Council, the Director of Community Development shall be the administrator.

Adult Entertainment Business – an adult bookstore, adult movie theater or adult only entertainment establishment, any activities within which are obscene as defined by Sec. 135.01F of the Mentor Code of Ordinances, 1969, as amended. Ord. 96-O-31, 4/2/96

Adult Family Home – a residence or facility licensed by the State of Ohio and further identified at 3722.01(A)(7) of the Ohio Revised Code that provides accommodations to three to five unrelated adults and supervision and personal care services to at least three of those adults. All adults to whom the residence or facility provides accommodations shall be considered in determining the total number of adults, unless exception is provided to O.R.C. 3722.021(B). Added per Ord. 02-O-82, 9/3/02.

Adult Group Home – a residence or facility licensed by the State of Ohio and further identified at 3722.01(A)(8) of the Ohio Revised Code that provides accommodations to six to sixteen unrelated adults and provides supervision and personal care services to at least three of those adults. All adults to whom the residence or facility provides accommodations shall be considered in determining the total number of adults, unless exception is provided pursuant to O.R.C. 3722.021(B). Added per Ord. 02-O-82, 9/3/02.

Agricultural and Horticultural Uses – the production, keeping or maintenance for sale of plants and ornamental products. Ord. 02-O-13, 3/19/02

Architect – an architect registered with the State of Ohio.

Assisted Living Facility – a residential community with services that provides meals, laundry, housekeeping, medication reminders and assistance with Activities of Daily Living (ADL's), such as walking and moving, bathing, grooming, toileting, oral hygiene, hair care, dressing, eating and nail care to a minimum of 50% of the residents, or such percentage as determined by the Planning Commission. Added per Ord. 03-O-129, 10/7/03

Auto Wrecking Yard – land used to dismantle or store two or more inoperable motor vehicles or trailers, or land used to store, sell or dump partly dismantled, obsolete, or wrecked vehicles or their parts.

Building – any structure enclosed within exterior walls used or intended for supporting or sheltering any use or occupancy.

Building, accessory – a building or structure detached from a subordinate to a main building and used for purposes customarily incidental to those of the main building. Amended, Ord. 94-O-142, 11/15/94

Building, height of – the vertical distance from the finish grade to the roof line measured at the front wall of a structure. (Amended, Ord. 88-O-142, 12/20/88).

Building, main – a building in which is conducted the principal use of the lot on which it is situated.

Child Day Care Center – any licensed child care facility in which care is provided, with or without compensation, for seven or more children at any one time, but not including nursery schools, kindergartens, or other facilities of which the purpose is primarily education, recreational or medical treatment. Ord. 91-O-92, 7/16/91

City Council or Council – the City Council of the City of Mentor

District, Commercial – the term “commercial district” shall include those zoning districts designated as Community Service, General Business, Interchange Service and Commercial Recreation.

District, Industrial – the term “industrial district” shall include those zoning districts designated as Light Manufacturing, Heavy Manufacturing, Research and Development and Industrial Park.

District, Residential – the term “residential district” shall include those zoning districts designated as single family residential, multi-family residential, village green, mobile home and conservation.

Dwelling – any structure designed for use for residential purposes but not including hotels, boarding houses, tourist cabins, motels or trailers.

Dwelling, multi-family – a building consisting of three or more dwelling units.

Dwelling, single family – a building consisting of one dwelling unit.

Dwelling unit – one or more rooms intended to be occupied by and providing facilities for one family, including rooms and/or facilities for cooking, bathing and toilet facilities. An independent living development, adult family home, adult group home, licensed residential family facility, and licensed residential group facility are not subject to this definition. Amended, Ord. 02-O-82, 9/3/02.

Duplex – a building consisting of two dwelling units.

Engineer – an engineer registered by the State of Ohio.

Family – one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over five persons.

Family Child Care Home – a permanent residence of the provider in which child care or child day care services are provided, by the resident only, for one to six children at a time and in which no more than three children may be under the age of two at one time. In counting children for purposes of this division, any children under six years of age who are related to the provider and who are in the premises shall be counted. Ord. 91-O-92, 7/16/91

Flood Plain – the areas adjoining a watercourse which may be inundated during a flood; especially those areas indicated on the Flood Insurance Rate Map

Floor Area – the sum of the areas of the floors of a building, measured from outside wall to outside wall.

Front Wall – that wall which most nearly parallels the street frontage of a premises or, on a premises that does not face a street, a wall facing a parking lot.

Funeral Home – an establishment for the care, preparation for burial or alternate disposition of dead human bodies and/or where funerals or wakes are held. Added per Ord. 03-O-07, 2/4/03

Game Room – a place of business within a building or any part of a building or any part of a building having more than three (3) mechanical or electronic amusement devices.

Garage, private – an accessory building or part of a main building used for the storage of motor vehicles as an accessory use.

Grade, finished – the average elevation of the surface of the ground adjoining the building after completion of construction.

Home Occupation – an accessory use which is any occupation or business activity that is incidental and subordinate to the principal residential use of the dwelling unit, including the principal use of the home for providing supervision, personal care services and habilitation services to individuals under license issued by the state of Ohio. Said occupation is conducted from property without any adverse effect upon the surrounding neighborhood. Amended, Ord. 95-O-88, 9/5/95; Amended, Ord. 03-O-08, 2/4/03

Independent Living Development – a multi-unit senior housing development that provides supportive services such as a meal (or meals), housekeeping, social activities and transportation to a minimum of 50% of the residents, or such percentage as determined by the Planning Commission. Added per Ord. 02-O-82, 9/3/02. Amended, Ord. 03-O-129, 10/7/03

Junk Yard – land use to store, sell, or dump second hand materials, chattels, junk, waste paper, containers or other salvage.

Kennel – any place in or at which four or more dogs more than four months of age are kept, or where any number of dogs are kept for the purpose of sale or rental or in connection with boarding, care or breeding for which a fee is charged. Kennels shall have pens designed for secure confinement.

Licensed Residential Family Facility – a residence or facility licensed by the State of Ohio and further identified at 5123.19(K) of the O.R.C. that provides room and board, personal care, habilitation services and supervision in a family setting for at least six but not more than eight persons with mental retardation or a developmental disability. Added per Ord. 02-O-82, 9/3/02.

Licensed Residential Group Facility – a residence or facility licensed by the State of Ohio and further identified at 5123.19(L) of the O.R.C. that provides room and board, personal care, habilitation services and supervision in a family setting for at least nine, but not more than sixteen persons with mental retardation or a developmental disability. Added per Ord. 02-O-82, 9/3/02.

Lot – a parcel of land recorded with the County Recorder and listed on the Maps and Tax Lists of the County Auditor in a Permanent Parcel number. (Amended, 00-O-73, 8/15/00)

Lot, corner – a lot abutting on two streets at their intersection, where the angle of intersection is not more than 135 degrees.

Lot depth – the mean horizontal distance between the front and rear lot lines.

Lot, front of – the front of a lot shall be the portion abutting the street.

Lot line – the boundary of a lot separating it from adjoining property.

Lot width – the horizontal distance between the side lot lines measured at the minimum front set back. Amended, Ord. 94-O-20, 3/15/94

Mechanical or Electronic Amusement Device – any machine or device which, upon the insertion of a coin, slug, token, plate or disc, permits a person or operator to use the device as a game, contest of skill or amusement, whether or not registering a score, which may cause a person or operator of the same to secure some amusement, enjoyment, entertainment or relaxation by use of such machine or device.

Mobile Home – an industrialized unit constructed on a permanent chassis for towing to the point of use and designed to be used without a permanent foundation for occupancy as a dwelling and which is designed for removal to and installation or erection on other sites.

Nursing Home – a home licensed by the State of Ohio pursuant to Title 37 of the ORC and used for the reception and care of individuals who, by reason of illness or physical or mental impairment, require skilled nursing care and of individuals who require personal care services, but not skilled nursing care. Added per Ord. 03-O-129, 10/7/03

Personal Care Services – assisting residents with activities of daily living, self-administration of medication and preparing special diets for residents pursuant to the instructions of a physician or licensed dietitian. Added per Ord. 02-O-82, 9/3/02.

Planning Commission or Commission – the Municipal Planning Commission of the City of Mentor.

Public Use – any activity or function carried on by a governmental organization.

Parking Lot – any land area used or intended to be used for the temporary storage of motor vehicles.

Roadside Stand – temporary structure used or intended to be used solely for the sale of agricultural products produced on the premises.

Recreational Vehicles – recreational vehicles shall include travel trailers, pickup campers, motorized homes, folding tent trailers, boats, boat trailers, and similar vehicles.

Rental Truck Facilities – any operation engaged in the rental or lease of trucks and/or trailers used for self-transport of goods, merchandise or possessions, and including any facility for the return and/or storage of such trucks and/or trailers. Amended, Ord. 88-O-137, 11/15/88

Roof Line – the highest point of any structure exclusive of chimneys, belfries, spires, antennas and similar appurtenances.

Service Station – a building or portion thereof and land on which said building or portion thereof is located, used for the sale of gasoline, diesel, or other fuels, lubricants, motor vehicle accessories, or for minor services and repairs to motor vehicles.

Set Back – (Front setback) – the minimum distance between a building or structure and the public right-of-way. (Side setback) – the minimum allowable distance between a building or structure and the side lot line. (Rear setback) – the minimum allowable distance between a building or structure and the rear lot line. Amend, Ord. 93-O-01, 3/2/93.

Shopping Center – A lot or lots under a single ownership, control, or management, on which are located seven (7) or more commercial establishments containing a total of a least 20,000 square feet and having a common parking area and shared driveway entrances. (Ord. 82-O-18, 5/18/82) (Amended, Ord. 84-O-32, 3/13/84).

Sign – an advertisement, announcement, mark or identification or symbol attached to or painted upon any building, structure, or land which display is visible beyond the boundaries of the lot. Such displays attached to moveable trailers or frames shall also be construed to be signs for the purposes of this chapter.

Sign, Area of – the area of a sign shall be determined from its outside measurements, including any wall work incidental to its decoration, but excluding supports unless such supports are used to attract attention. In the case of sign where lettering appears on opposite sides of a sign, the area shall be considered to be that of only one face. In the case of an open sign made up of individual letters, figures, or designs, the area shall be determined as if such display were made on a sign with straight lines or circular sides.

Sign, Free-standing – a sign erected on a free-standing frame, mast or pole and not attached to any building.

Sign, Permanent Window – a sign which is attached inside a window or located within 10' of the inside window surface for purposes of viewing from outside the premises and constructed or installed so as not to be removed or replaced on a routine basis. Ord. 97-O-110, 8/19/97

Sign, Temporary Window – a sign painted or attached inside a window or located within 10' of the inside window surface for purposes of viewing from outside the premises. Ord. 97-O-110, 8/19/97

Sign, Wall – a sign attached to the wall of a building with the face in a plane parallel to the plane of the wall.

Structure – anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on or in the ground. Among other things, the terms includes buildings, mobile homes, walls, fences, signs, swimming pools, tanks and towers.

Surveyor – a surveyor registered by the State of Ohio.

Traffic Impact - amount of delay time to traffic resulting from development of land as determined by the Highway Capacity Manual, Special Report 209, 3<sup>rd</sup> Edition, Washington, D. C.; Transportation Research Board 1994 and amendments or additions thereto. Ord. 97-O-76, 6/17/97

Travel Trailer – a vehicle built on a chassis designed as a temporary dwelling for travel or recreation having a gross weight of less than 4500 pounds or a body length of less than 30 feet.

Trip Generation – traffic resulting from development of land as determined by Trip Generation, 56<sup>th</sup> Edition, Washington D.C.; Institute of Transportation Engineer and amendments or additions thereto. Ord. 97-O-76, 6/17/97

Use – the specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Use, Accessory – a subordinate use customarily incidental to and located upon the same lot occupied by the main use.

Use, Main – the principal activity to be conducted on a single lot. Amended, Ord. 94-O-20, 3/15/94

Vehicle – every device in, upon or by which any person or property may be transported or drawn upon a highway, except devices moved by power collected from overhead electric trolley wires, or used exclusively upon stationary rails or tracks, and except devices other than bicycles moved by human power. New definition added by Ord. 00-O-73, 8/15/00

Wholesale – the sale of commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments for resale, use in the fabrication of a product, or use by a business service.



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