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Cross-reference:

General Retail Business District defined, CO 343.11

Height limit defined, CO 353.01

Housing Code definitions, CO Ch. 363

Local Retail Business District defined, CO 343.01

Residence and Dwelling House Districts defined, CO 335.02

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§ 325.01 Meaning of Words and Phrases

For the purposes of this Zoning Code, the following terms, phrases, words and their derivatives shall have the meaning given in the succeeding sections. Words used in the singular include the plural.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.02 Accessory Use or Building

"Accessory use" or "building" means a subordinate use or building customarily incident to and located on the same lot with the main use or building.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.03 Accessory Parking Space

"Accessory parking space" means an area open or enclosed, of not less than one hundred eighty (180) square feet accessible from a street, exclusive of drives or access area and to be used solely for the storage or parking of motor vehicles for use by the owner, tenants, visitors, patients, clients, customers or employees of the main building, structure or land use. Off-street loading requirements shall not be considered as accessory off-street parking spaces.

(Ord. No. 1205-58. Passed 6-30-58, eff. 8-10-58)

§ 325.04 Alley

"Alley" means any public space or thoroughfare twenty (20) feet or less in width, but not less than ten (10) feet in width, which has been dedicated or deeded to the public for public travel and affords access to abutting property.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.05 Apartment Hotel

"Apartment hotel" means a building or part of a building used for permanent occupancy containing living, sleeping or eating facilities, provided not more than ten percent (10%) of the dwelling units shall be designed for transient accommodations. Such eating facilities may include a dining room and private bar room accessible only from the interior of the building, and such eating facilities shall not have any exterior advertising.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.06 Apartment House

"Apartment house" means a Class A multiple dwelling containing three (3) or more dwelling units.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.07 Automobile Laundry - Repealed

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.08 Auto Sales Lot - Repealed

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.09 Auto Wrecking Yard

"Auto wrecking yard" means any land, building or other structure used primarily for the dismantling of motor vehicles for the purpose of converting such dismantled motor vehicles into scrap metal or salvageable parts.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.092 Berm

A raised landscaped mound of earth used for screening, noise reduction, or beautification.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 325.10 Building

"Building" means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property. "Building" shall be construed under this Zoning Code as if followed by the words "or parts thereof" and shall include tents, lunch wagons, dining cars, camp cars, trailers and other roofed structures on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional assembly, educational or recreational purposes. For the purposes of this definition "roof" includes an awning or other similar covering, whether or not permanent in nature.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.11 Building Line

"Building line" means the line between which and the street line or lot line, no building or other structure or portion thereof, except as provided in this Zoning Code, may be erected above the grade level. The building line is considered a vertical surface intersecting the ground on such line.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.111 Car Wash

"Car wash" means a building or other structure or premises, or part thereof, used for the washing of automobiles and other motor vehicles with a gross vehicle weight of no more than 5,000 pounds.

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.12 Central Business District

"Central Business District" means the area bounded as follows: Beginning at the intersection of the center lines of West 10 Street and Cleveland Memorial Shoreway; thence northeasterly along said center line of said Cleveland Memorial Shoreway to the center line of West 8 Street; thence northwesterly along said center line of West 8 Street to the Harbor line of Lake Erie; thence northeasterly along said Harbor line of Lake Erie to its intersection with the northwesterly prolongation of the center line of East 12 Street; thence southeasterly along said northwesterly prolongation and along said center line of East 12 Street to its intersection with said center line of said Cleveland Memorial Shoreway; thence northeasterly along said center line of said Cleveland Memorial Shoreway to its intersection with the center line of the Inner Belt Freeway as established by Ordinance 1845-47, effective October 22, 1947; thence southerly and southwesterly along said center line of said Inner Belt Freeway to the center line of Broadway; thence northwesterly along said center line of Broadway to the center line of Carnegie Avenue, S.E.; thence southwesterly along said center line of Carnegie Avenue S.E. to the center line of Huron Road, S.E.; thence northwesterly along said center line of Huron Road, S.E. to the center line of Superior Avenue N.W.; thence westerly along said center line of Superior Avenue, N.W.; thence westerly along said center line of Superior Avenue, N.W. to the center line of West 10 Street; thence northerly along said center line of West 10 Street to the place of beginning, and as outlined in red on the map hereto attached be and the same is now defined as the Central Business District.

(Ord. No. 1333-97. Passed 8-13-97, eff. 8-20-97)

§ 325.121 Correctional Halfway House

"Correctional halfway house" means a premises which provides room and board and correctional oversight, pursuant to a contract to provide those services for the Federal Bureau of Prisons or the Ohio Department of Rehabilitation and Corrections or the Cuyahoga County Court of Common Pleas Department of Probation or any other governmental entity with jurisdiction to provide correctional services, to adults who have been assigned to such facility by either a governmental authority or a court of law. Such premises may be one (1) building or a grouping of buildings located on contiguous properties.

(Ord. No. 2215-96. Passed 4-7-97, eff. 4-7-97; Reprinted 7-2-97 CR)

§ 325.13 Court

"Court" means an open, unoccupied space, other than a yard, bounded on two (2) or more sides by the exterior walls of a building, or by exterior walls and lot lines.

(Ord. No. 1105-57. Passed 4-14-58. eff. 4-15-58)

§ 325.14 Court, Height

"Height" as applied to a court, means the vertical distance from the lowest level of the court as actually constructed, or from the

grade level, whichever is higher, to the top of the walls bounding the court, or to the level under consideration. In case the tops of such walls are at different elevations, the measurement shall be taken to the average elevation of the two (2) highest walls that are opposite.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.15 Court, Inner

"Inner court" means a court enclosed on all sides by exterior walls of a building, or by exterior walls and lot lines other than street or alley lines.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.16 Court, Length

"Length", as applied to an outer court, means the mean horizontal distance between the open and closed ends of the court.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.17 Court, Outer

"Outer court" means a court enclosed on not more than three (3) sides by exterior walls of a building, or by exterior walls and lot lines, with one (1) side or end open to a street or yard, or to an alley or other permanent open public space not less than twenty (20) feet wide.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.18 Court, Width

"Width," as applied to an inner court, means its least horizontal dimension. Width, as applied to an outer court, is the shortest horizontal dimension measured in a direction substantially parallel with the principal open end of such court.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.181 Drip Line

The perimeter formed by the points furthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 325.19 Dwelling House

"Dwelling house" means a detached house designed for and occupied exclusively as the residence of not more than two (2) families, each living as an independent housekeeping unit.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.191 Dwelling, Single-Family Attached

A single-family dwelling attached to one (1) or more other single-family dwellings by one (1) or more common vertical walls with each dwelling located on a separate lot.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 325.20 Dwelling Unit

"Dwelling unit" means one (1) or more rooms providing complete living facilities for one (1) family, including equipment for cooking or provisions for the same, and including rooms for living, sleeping and eating.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.21 Exception, Special

"Special exception" means an exception to the provisions of this Zoning Code, specifically mentioned in this Zoning Code as one (1) which may be granted by and at the discretion of the Board of Zoning Appeals.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.22 Family

"Family" means one (1) or more persons related by blood, adoption or marriage, or a family foster home, living and cooking together as a single housekeeping unit, exclusive of house-hold servants. A number of persons, but not exceeding three (3) living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a family. A "family foster home" means a family related by blood, adoption or marriage as defined above with no more than five (5) foster children.

(Ord. No. 919-88. Passed 6-20-88, eff. 6-24-88)

§ 325.221 Fence - Repealed

(Ord. No. 1811-2000. Passed 2-12-01, eff. 2-20-01)

§ 325.222 Fence Height - Repealed

(Ord. No. 1811-2000. Passed 2-12-01, eff. 2-20-01)

§ 325.223 Fence Open - Repealed

(Ord. No. 1811-2000. Passed 2-12-01, eff. 2-20-01)

§ 325.23 Floor Area

"Floor area" means a floor space enclosed by exterior walls or fire walls or by a combination of them.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.24 Floor Area, Gross

For the purpose of determining the ratio of the floor area of a building to the area of the lot, the "gross floor area" means the sum of the gross horizontal areas of the several floors of the building excluding areas used for accessory garage purposes and such basement and cellar areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures of enclosed porches. In computing the gross floor areas of

buildings in residence districts, areas of floors with story heights greater than ten (10) feet shall be considered as H/10 times the gross area of the floor, where "H" is the height of the story in feet measured from the floor level to one (1) foot above the ceiling level for top stories, and from floor level to floor level for other stories.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.25 Front Yard

"Front yard" means a yard across the full width of the lot, extending from the setback or specific building line or front yard line to the street line.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.26 Front Yard Line

"Front yard line" means a line on or back of the street line between which and the street line no building or other structure or portion thereof, except as provided in this Zoning Code, may be erected above grade level. The front yard line shall be the building line for the front of a building.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.27 Garage, Community - Repealed

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.28 Garage, Private - Repealed

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.29 Garage, Public or Storage - Repealed

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.30 Garage, Repair - Repealed

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.31 Garage, Service - Repealed

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.32 Grade Level

"Grade level" means the mean elevation of the curb level opposite those walls of the main building that are located on or within five (5) feet of the street line; where all the walls of the main building are more than five (5) feet back from the street line, the grade level is the mean elevation of the ground adjoining the building on all sides.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.33 Hand Laundry

"Hand laundry" means a laundry which occupies not more than one thousand two hundred (1,200) square feet of floor space and within which not more than five (5) persons are engaged in laundry activities.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.34 Height, Building

"Building height" means the vertical distance measured from the grade level to the average height of the coping of the street or outside wall for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, gambrel or hip roofs.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.35 Hotel

"Hotel" means a building or part thereof operated as a public inn and containing ten (10) or more guest rooms for hire.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.36 Institutional H Occupancy Classification

"Institutional H Occupancy Classification" means a building classification based on occupancy which includes all buildings in which people suffering from physical limitation because of health or age are harbored for medical, charitable or other care or treatment, and includes, among others:

Hospitals;

Sanitariums and sanatoriums;

Infirmaries;

Nursing homes;

Convalescent homes;

Old folks homes;

Homes for the aged;

Rest homes;

Orphanages;

Nurseries for children under five (5) years of age.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.37 Interior Side Yard

"Interior side yard" means a side yard which is not a side street yard.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.38 Junk

"Junk" means any worn out, cast-off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.39 Junk Car

"Junk car" means a used car not placed in a safe operating condition for use on the highway within thirty (30) days after it has become unsafe for use on the highway.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.40 Junk Yard

"Junk yard" means any land or building or other structure used for the storage, collection, processing or conversion of any worn out, cast-off or discarded metal, paper, glass or other material which is ready for destruction, or has been collected or stored for salvage or conversion to some use.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.401 Kennels

"Kennel" means a place where dogs are bred for hunting, or for sale, or for any gain.

(Ord. No. 1900-06. Passed 6-4-07, eff. 6-7-07)

Note: Former Section 325.401 was renumbered to 325.402 by Ord. No. 1900-06, § 2, passed 6-4-07, eff. 6-7-07.

§ 325.402 Light Assembly

The assembly of premanufactured parts into finished products by use of small power tools and/or hand tools and such jigs and fixtures as are necessary, but specifically excluding any forging, metal stamping, shearing or casting operations.

(Ord. No. 656-05. Passed 6-6-05, eff. 6-15-05)

Note: Section 325.402 is former Section 325.401, renumbered by Ord. No. 1900-06, § 2, passed 6-4-07, eff. 6-7-07.

§ 325.41 Lot

"Lot" (plot) means a portion or parcel of land considered as a unit, devoted or to be devoted to a certain use or occupied by a building or group of buildings and accessory uses that are united by a common interest or use, and the open spaces belonging to the same. A lot may or may not be a platted lot.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.42 Lot, Corner

"Corner lot" means a lot at the point of intersection of and abutting on two (2) intersecting streets, each more than twenty (20) feet in width, the angle of the intersection being not more than one hundred thirty-five (135) degrees. It is the land occupied or to be occupied by the corner building and its accessory buildings. For the purposes of this Zoning Code, in computing the area of a corner lot or in applying the yard regulations, the width shall be considered as extending not more than fifty (50) feet from the side street line measured at right angles thereto, or to the actual lot line, whichever distance is less, and the depth shall be considered as one hundred fifty (150) feet, or the actual depth, whichever is less.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.43 Lot Depth

"Lot depth" means the mean distance from the street line of the lot to its rear line measured in the mean direction of the side lines of the lot.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.44 Lot Line

"Lot line" means the boundary of a lot separating it from adjoining land, public or private. It may or may not be the boundary line of a lot in a recorded subdivision.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.45 Lot, Side Line

"Lot, side line" means any lot line not a front line or a rear line. The side line of a corner lot is the line along the narrower or less important street, unless the lot is a subplot in a recorded subdivision and is clearly intended to front on the narrower street.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.46 Lot Width

"Lot width" means the mean width measured at right angles to its depth.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.47 Main Building

"Main building" means the building or space occupied by the chief use or activity on the premises.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.471 Mental Health Center

An institution providing in-patient or out-patient care or therapy for individuals affected by mental illness, developmental disabilities, alcoholism or substance abuse and others needing psychological therapy but which does not serve as a residence for such individuals.

(Ord. No. 656-05. Passed 6-6-05, eff. 6-15-05)

§ 325.48 Motor Freight Depot or Trucking Terminal

"Motor freight depot" or "trucking terminal" means a place, building or part thereof where merchandise, property or freight transported by motor vehicles, including trailers, to or from outside the limits of Cuyahoga County is received, stored, transferred, loaded, unloaded, delivered or dispatched, and includes any parking space, gasoline filling station, service or repair shop or other accessory service operated in conjunction therewith.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.481 Motor Vehicle

Any self-propelled wheeled vehicle designed primarily for transportation of persons or goods on public streets. Motor vehicles include automobiles, buses, trucks, self-propelled recreational vehicles except boats, self-propelled farm and construction implements, and both the tractor and trailer portions of tractor-trailers. Motor vehicles exclude train and train cars, aircraft, boats, trailers and manufactured homes.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 325.482 Motor Vehicle Maintenance

"Motor vehicle maintenance" means routine maintenance services to motor vehicles of a gross vehicle weight of no more than five thousand (5,000) pounds, limited to such activities as the following:

- (a) Car washing and vacuuming;
- (b) Addition of fluids;
- (c) Wiper blade replacement;
- (d) Flat tire repair and replacement;
- (e) Electrical charging; and
- (f) Similar activities that produce minimal noise, vibration or fumes and that exclude activities listed only under the definitions of "motor vehicle minor repair" or "motor vehicle major repair."

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.483 Motor Vehicle Minor Repair

"Motor vehicle minor repair" means repairs and servicing that produce relatively low levels of noise, vibration and fumes and, more specifically, include the following types of repairs to motor vehicles of a gross vehicle weight of no more than six thousand (6,000) pounds:

- (a) "Motor vehicle maintenance" as defined in 325.482;
- (b) Air conditioning, starting and charging service;
- (c) Brake repair and replacement;
- (d) Engine oil changes, fluids replacement;
- (e) Exhaust system repair and replacement;
- (f) Automotive electrical work other than audio sound system installation;
- (g) Shock absorber, spring, and strut replacement;
- (h) Upholstery work;
- (i) Tire balancing, tire installation; wheel alignment;
- (j) Windshield and glass installation;
- (k) Tune-ups, diagnostics; spark plug replacement, emission control service; and
- (l) Other repairs of a similar nature with respect to impacts on nearby properties.

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.484 Motor Vehicle Major Repair

"Motor vehicle major repair" means repairs that produce relatively high levels of noise, vibration and fumes and, more specifically, include the following types of repairs to motor vehicles and repairs of a similar nature with respect to impacts on nearby properties:

- (a) Audio sound system installation;
- (b) Auto body customizing; sun roof installation;
- (c) Auto body sheet metal, fiberglass or plastic repair, replacement, prepping or painting;
- (d) Auto body or frame media blasting;
- (e) Chassis and frame cleaning, fabrication, straightening or welding;
- (f) Transmission repair and replacement;
- (g) Any other types of automotive work not included in the definition of "motor vehicle minor repair" except for automotive engine machine rebuilding and machining, as permitted in 345.03(c)(31); and
- (h) Any "minor repair" of motor vehicles of greater than six thousand (6,000) pounds gross vehicle weight.

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.485 Motor Vehicle Sales Facility

"Motor vehicle sales facility" means any land or buildings used primarily for the sale of new or used motor vehicles fit for transportation, which may include as an accessory use "minor repair" of motor vehicles sold from the facility or, in the case of a new car sales facility, "minor repair" of vehicles of the make sold in the facility.

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.486 Motor Vehicle Service Station

"Motor vehicle service station" means a use of premises primarily for the retail sale of gasoline or other motor vehicle fuels and oil for delivery into automotive vehicles, and may include the retail sale of lubricants, tires, batteries and automotive accessories; and may include the rendering of services and repairs limited to "minor repair" of motor vehicles, as defined in Section 325.483.

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.487 Motor Vehicle Service Garage

"Motor vehicle service garage" means a building or part thereof in which the motor vehicle servicing and repairs performed are limited to "minor repair" of motor vehicles as defined in Section 325.483.

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.488 Motor Vehicle Repair Garage

"Motor vehicle repair garage" means a building or part thereof in which the motor vehicle servicing and repairs performed may include both "minor repair" as defined in Section 325.483 and "major repair" as defined in Section 325.484.

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.49 Multiple Dwelling

"Multiple dwelling" means a building other than a dwelling house, row house or institution occupied in whole or in part as a residence. It includes apartment houses, rooming houses and other buildings classified as Class A or Class B multiple dwellings.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.50 Multiple Dwelling, Class A

"Multiple dwelling, Class A," means a multiple dwelling occupied more or less permanently for residence purposes by more than two (2) families and in which the rooms are occupied in apartments, suites or groups, each comprising a dwelling unit. Class A multiple dwellings include, among others:

- Apartment houses;
- Apartment hotels;
- Studio apartments;
- Tenement houses;
- Bachelor apartments;
- Duplex apartments;
- Kitchenette apartments;
- Garden-type apartments.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.51 Multiple Dwelling, Class B

"Multiple dwelling, Class B," means a multiple dwelling occupied, as a rule transiently, as the more or less temporary abode of individuals or families with or without meals, and in which, as a rule, the rooms are occupied singly and not as dwelling units. Class B multiple dwellings include, among others:

- Lodge houses;
- Rooming houses;
- Boarding houses;
- Furnished room houses;
- Tourist homes;
- Club houses with sleeping accommodations;
- Fraternity houses;
- Sorority houses;
- Dormitories;
- Convents;
- Monasteries;
- School and college buildings containing sleeping accommodations.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.52 Nonconforming Use

"Nonconforming use" means a use of a building or premises that does not conform to the regulations of the use district in which it is located.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.53 Nonconformity

"Nonconformity" means any feature, such as location, size, bulk, height or use of a building or premises, that does not conform to the regulations of the district in which it is located.

(Ord. No. 1105-57. Passed 4-14-58, eff. 4-15-58)

§ 325.532 Opacity

The percentage of vision-obscuring solid materials visible when screening is viewed horizontally from grade level - or from the level of the roof at the base of the screening in the case of roof-mounted screening - to the top of the screening upon installation, or, in the case of landscape screening, starting no later than twelve (12) months after installation.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 325.533 Open Sales Lot

Open land that is used or occupied for the purpose of buying, selling, or storing prior to sale passenger cars, trucks, motor scooters, motorcycles, boats, trailers, recreational vehicles, manufactured homes, cemetery monuments, nursery plants or supplies, or other merchandise.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 325.534 Parking Garage, Community

"Community parking garage" means a building or part thereof for the storage of automobiles of residents of an apartment building or other residents in the vicinity and in which "motor vehicle maintenance" services, as defined in Section 325.482 may be provided for vehicles stored in the garage.

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.535 Parking Garage, Private

"Private parking garage" means a building or part thereof accessory to a main building and providing for the storage of automobiles and electrical charging of such vehicles and in which no occupation or business for profit is conducted.

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.536 Parking Garage, Public

"Public parking garage" means a building or part thereof for the storage of motor vehicles, other than a private parking garage or a community parking garage, and in which "motor vehicle maintenance" services, as defined in Section 325.482 may be provided for vehicles stored in the garage.

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.54 Parkway

"Parkway" means an arterial highway with full or partial control of access located within a park or a ribbon of park-like development.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.55 Public Notice

Except as provided in Section 329.01(k), "public notice" of a hearing or procedure means notice of the time and place thereof published in one (1) issue of the *City Record* at least seven (7) days previous to the hearing.

(Ord. No. 2145-82. Passed 11-5-84, eff. 11-8-84)

§ 325.56 Rear Yard

"Rear yard" means a yard immediately in the rear of the main building on the lot and across the full width of the lot. It may or may not be on the opposite side of the building from the front yard.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.57 Required Yard Lines

"Required yard lines" means the lines whose location with respect to lot lines provides required yard spaces.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.570 Research Laboratory

A facility for scientific research, testing, experimentation, or product development but not primarily for manufacture, sale or storage of products.

(Ord. No. 656-05. Passed 6-6-05, eff. 6-15-05)

§ 325.571 Residential Facility

"Residential facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one (1) or two (2) unrelated persons with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.

(Ord. No. 586-16. Passed 7-13-16, eff. 7-17-16)

§ 325.572 Rock Crushing

"Rock Crushing" means any activity that uses mechanical processes to break down rock into gravel or other small particulate matter. Rock means any man-made or naturally formed consolidated or coherent and relatively hard mass of material including but not limited to stone, concrete, cement, asphalt, conglomerate or any similar material.

(Ord. No. 586-16. Passed 7-13-16, eff. 7-17-16)

§ 325.58 Rooming House

"Rooming house" or "furnished room house" means a building or part thereof not a hotel or inn in which sleeping rooms are available

for hire as lodging with or without meals. Where equipment for cooking or provisions for the same are included in a sleeping room, such room shall be deemed to be a dwelling unit.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.59 Row House

"Row House" has the same meaning as "townhouse unit" as defined in division (b) of Section 337.031.

(Ord. No. 552-96. Passed 6-10-96, eff. 6-19-96)

§ 325.60 Service Station - Repealed

(Ord. No. 729-09. Passed 7-1-09, eff. 7-8-09)

§ 325.61 Setback Building Line

"Setback building line" means a building line back of the street line.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.62 Side Yard

"Side yard" means a yard along the side line of a lot and extending from the front building line to the rear yard line or, in the case of a side street yard, to the rear lot line.

(Ord. No. 1891-68. Passed 11-4-68, eff. 11-6-68)

§ 325.63 Side Street Yard

"Side street yard" means a side yard along the side street the width of which extends from a setback building line to a street line.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.64 Reserved

§ 325.65 Specific Building Line

"Specific building line" means a setback building line indicated and located on the Building Zone Map.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.66 Street

"Street" means a public thoroughfare more than twenty (20) feet wide which has been dedicated or deeded to the public for public use.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.67 Street or Alley Line

"Street or alley line" means the lot line dividing the lot from, respectively, a street or an alley.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.68 Street, Residence

"Residence street" means that portion of a street between its intersections with two (2) other streets where the majority of the frontage is within a residence district.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.69 Street, Side

"Side street" means the street along the side lines of a corner lot.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.70 Street, Width

"Street width" means the width of a street in any block between the intersecting streets, and means the average distance between street lines on opposite sides of the street.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.71 Structure

"Structure" means anything built or erected including, among other things, outdoor pay telephones, buildings, stadia, reviewing stands, bandstands, bleachers, booths, swimming pools, platforms, towers, bridges, trestles, bins, fences, barriers, poles, tanks above or below ground and signs, and also means the supporting framework or supporting parts of a building. "Structure" shall be construed as if followed by "or parts thereof."

(Ord. No. 1989-01. Passed 10-22-01, eff. 11-1-01 without the signature of the Mayor)

§ 325.72 Tourist Home

"Tourist home" means a rooming house in which transients are lodged for hire.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.721 Use, Accessory

A subordinate land use located on the same lot or parcel as a Principal Use (except as may be specifically permitted hereunder to be located on a separate lot) and serving a purpose customarily incidental to that of the Principal Use.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 325.723 Use, Principal

The main use of a lot or parcel as distinguished from an Accessory Use.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 325.73 Used Car

"Used car" means a motor vehicle which, notwithstanding age or condition, is such that it can be placed in a safe operating condition for use on the highway.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.731 Valet Parking Area

An off-street parking area in which attendants in the employ of the parking facility either park or direct the parking of all vehicles.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 325.732 Wrecking Yard

Any place other than a motor vehicle repair establishment where there are stored in the open three (3) or more motor vehicles, as defined herein, or trailers, boats, or similar vehicles, that are not in operating condition and have not been restored to operation within thirty (30) days of their arrival, or where parts of such items are stored in the open.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 325.74 Variance

"Variance" means a deviation from requirements of this Zoning Code granted by the Board of Zoning Appeals in cases of practical difficulty or unnecessary hardship under the provisions of and as limited in Sections 329.03 and 329.04.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.741 Xeriscape

Landscaping using native or adapted plantings characterized by low water usage.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 325.75 Yard

"Yard" means an open space on the same lot with a main building or structure, extending between the lot line and the extreme front, rear or side wall of the main building or structure.

(Ord. No. 845-62. Passed 4-27-64, eff. 4-27-64)

§ 325.76 Skate Board Facility

"Skate board facility" means any structure which is erected for private or public skate board use.

(Ord. No. 235-88. Passed 6-13-88, eff. 6-15-88)

§ 325.77 Temporary Use

"Temporary use" means any main or accessory use in any Use District involving the erection or occupancy of temporary structures.

(Ord. No. 2228-A-88. Passed 2-27-89, eff. 3-7-89)

- 331.01 Adoption and Incorporation
- 331.02 Amendments
- 331.03 Boundary Lines; Compliance
- 331.04 Measurement

Cross-reference:

Zoning map amendment, CO 333.02

§ 331.01 Adoption and Incorporation

For the purposes of this Zoning Code, the City is hereby divided into use, height and area districts. The boundaries of the use, height and area districts are hereby established as shown on the Building Zone Maps of the City of Cleveland, which are filed herewith with the Clerk of Council. These maps shall be deemed to accompany and are hereby made part of this Zoning Code.

(Ord. No. 533-56. Passed 6-25-56, eff. 6-28-56)

§ 331.02 Amendments

Within ten (10) days after the effective date of an ordinance to amend the building zone maps, the Planning Commission shall deliver to the Clerk of Council the sheets of the building zone maps affected by the amendment, showing thereon the maps as they existed immediately prior to the passage of the amendments and the maps as amended by the ordinance. These sheets of the building zone maps, when received by the Clerk, shall be filed with Council.

(Ord. No. 533-56. Passed 6-25-56, eff. 6-28-56)

§ 331.03 Boundary Lines; Compliance

(a) The district boundary lines are intended to follow the center lines of the streets or alleys or their extensions or lot lines or their extensions. Where a boundary line obviously does not coincide with any of the aforesaid lines, and where it is not located by dimensions shown on the map, it shall be deemed to be one hundred twenty-five (125) feet from the nearest street line parallel to which it is drawn.

(b) Any areas shown on the building zone maps as park, playground, school, cemetery, water, street or right-of-way, shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulations of the most restricted adjoining district shall govern.

(c) Except as otherwise provided in this Zoning Code, no building or premises shall hereafter be used, and no building or part thereof shall hereafter be erected, raised, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations established for the district in which it is located.

(Ord. No. 533-56. Passed 6-25-56, eff. 6-28-56)

§ 331.04 Measurement

In all instances where this Zoning Code requires a separation of use districts, lots, buildings or uses by a specified distance, such distance shall be measured in a geometrically straight line using a scaled map, or a survey if deemed necessary. Unless otherwise specified in this Zoning Code, such line shall be measured to run from the nearest point on the nearest lot line of the lot or lots upon which the regulated use and any accessory parking are located to either the nearest point on the nearest lot line of the lot or lots upon which a use and any accessory parking are located from which the regulated use is required to be separated or the nearest point on the nearest boundary of the district from which the regulated use is required to be separated, whichever terminal point is applicable.

Such measurement shall be made without regard to intervening structures, objects, uses, the street grid, landforms, waterways, or any other topographic feature. The calculation and application of distance requirements for separation of uses shall consider uses across the City's boundary in the application of divisions (c)(3) and (4) of Section 347.07, division (b) and division (c) of Section 347.12, and division (d)(2) of Section 347.15. The calculation shall consider uses and districts across the City's boundary in all other circumstances only if the City and bordering jurisdiction have entered into an agreement whereby each will consider uses and districts across the common boundary. The Director of City Planning shall have authority to enter into such an agreement upon notification of the councilpersons whose ward is affected.

(Ord. No. 1462-97. Passed 12-15-97, eff. 12-24-97)

CHAPTER 333 - CHANGES AND AMENDMENTS

333.01 Referral to Planning Commission; Public Hearing by Council

333.02 Zoning Map Amendments; Building Permit Issuance

Statutory reference:

Council may amend districting or zoning, RC 713.10

§ 333.01 Referral to Planning Commission; Public Hearing by Council

Council may on motion of any member, or on petition, amend or change the maps, districts, setback building lines or regulations of this Zoning Code, provided that before such action is taken the matter shall first be submitted to the Planning Commission for its opinion and recommendations. The Commission shall be allowed a reasonable time, not less than thirty (30) days, for consideration and report thereon, and a public hearing shall be held before the appropriate committee of Council. ten (10) days' notice of such public hearing and of the intention to amend or change the maps, districts, setback building lines or regulations shall be given by publication in the *City Record*.

(Ord. No. 598-A-72. Passed 6-26-72, eff. 6-29-72)

§ 333.02 Zoning Map Amendments; Building Permit Issuance

(a) In the case of a proposed amendment to the zoning map, the developer may be required to submit a site development plan showing the use of the land, the location and size of each proposed building, the height and number of stories of each proposed building, the number of square feet of lot area, the ratio of floor area to site area, the location of driveways and open space, the location and number of proposed parking spaces and the location and identification of any screening or fencing. The Planning Commission and/or Council may require that such plan be modified, and may qualify its approval of the zoning map amendment in such case by labeling the plan "Approved Site Development Plan." A copy of the approved site development plan shall be filed with the Division of Building and the Planning Commission.

(b) Within a period of six (6) months from the effective date of the zoning map amendment conditioned on the site development plan, no building permit or use permit shall be issued for any such property, except in accordance with the site development plan as approved, which shall contain all conditions and limitations placed thereon by Council or in accordance with the zoning classification applicable prior to the zoning map amendment. Unless a building permit for such development is issued within six (6) months from the effective date of approval or within such extension of the period as may be approved by the Planning Commission and/or Council, the zoning map amendment approval shall be void and the zoning shall revert to the classification that existed prior to the approval of the zoning map amendment. (Ordinance No. 598-A-72. Passed June 26, 1972. Effective June 29, 1972.)

(c) If in the opinion of the Council, because of special characteristics of a site for which a zoning map amendment has been conditioned on a site development plan, future design and site planning controls are necessary, the City Council may, as a condition of the zoning map amendment, require that any future Building Permits for original exterior construction of buildings or structures within the approved site development plan area be subject to approval by the City Planning Commission. The City Planning Commission shall review the factors listed in division (a) above as well as the architectural design and exterior surface treatment of proposed structures. This review shall endeavor to assure that any development on the conditionally rezoned site enhances and protects the health, safety and welfare of the area.

CHAPTER 334 - PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

- 334.01 Definitions
- 334.02 Purpose
- 334.03 Applicability
- 334.04 Approval Process
- 334.05 Optional Two-Stage Approval
- 334.06 Submission of Covenants and Sureties
- 334.07 Recording of Approved Site Plan
- 334.08 Expiration of Approval; Site Restoration
- 334.09 Amendments to Approved Site Plan
- 334.10 Amendment Approval Process
- 334.11 Approval of Minor Amendments
- 334.12 Issuance and Revocation of Permit
- 334.13 Permits for Developed Lots
- 334.14 Incentives
- 334.15 Quality of Planning
- 334.16 Specific Development Standards
- 334.17 Site Plan Approval Criteria
- 334.18 Architectural Design Review
- 334.19 Contents of Submissions
- 334.20 Contents of Site Plan

§ 334.01 Definitions

(a) "Planned Unit Development (PUD) Overlay District" means a special zoning district established to permit a more flexible approach to land use control where such an approach is necessary to achieve a higher quality of development and to facilitate development that is sensitive to special site constraints.

(b) "Planned Unit Development (PUD) project" means a development proposal voluntarily submitted for Site Plan approval as provided in this chapter within a PUD Overlay District.

(c) "Director" means the Director of the City Planning Commission.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.02 Purpose

A Planned Unit Development Overlay District is intended for special situations in which adequate space, light, air, and other objectives of City land use regulations can be achieved without the literal application of such regulations. Approval for such a district

may be obtained if a PUD area is planned as an integral unit and if its planning is subject to more detailed review and approval by the City than is normally required. Provisions of this chapter may be employed where:

- (a) Special amenities and benefits to the physical environment of the City, beyond those normally required by City regulations, can be achieved by allowing more flexible planning than is permitted by such regulations; or
- (b) Properties with special constraints, such as infill parcels, call for a more flexible approach to land use control in order to facilitate development that is sensitive to such constraints.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.03 Applicability

The provisions of this chapter shall apply to projects in which the developer proposes to achieve a quality of integrated site planning not possible under the constraints of normal zoning requirements. Such projects are voluntarily submitted for Site Plan approval as an alternative to approval under normal requirements. A developer may use provisions of this chapter only for property under his or her ownership or control as evidenced through an option or another written agreement with the property owner. Developments approved as PUD's shall be regulated by:

- (a) The specific provisions of an approved Site Plan; and
- (b) Any requirements of City land use regulations from which an exception has not been provided on the approved Site Plan.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.04 Approval Process

(a) *Application.* An application for mapping of a Planned Unit Development (PUD) Overlay District and for approval of the corresponding Planned Unit Development (PUD) project shall be submitted to the Director of the City Planning Commission. Application for approval of PUD project may be made concurrently with application for designation of a PUD Overlay District; or, alternately, a PUD Overlay District may be approved and designated prior to submission of an application for approval of a PUD project. The application for PUD project approval shall contain eight (8) copies of the narrative items required in Section 334.19 and eight (8) copies of the Site Plan required in Sections 334.17 and 334.20. A more generalized application may be submitted if the applicant selects the Optional Two-Stage Review as provided in Section 334.05.

(b) *Acceptance of Application.* The City Planning Director shall accept an application as provided in division (a), if the Director determines that such application includes all required items. The Director may waive any item, if he or she determines the item is not necessary for a decision on the application or would impose unreasonable expense or delay in relation to the nature of the action proposed. The Director shall advise the City Planning Commission and the City Planning Committee of Council of the items so waived prior to their action on the application. Either of the bodies may rescind the waiver and require the waived item to be submitted before taking action.

(c) *Referral to City Council.* Within three (3) working days after acceptance of the application, the Director shall provide written notification of the acceptance of the application to the member or members of Council in whose ward(s) the project district or project area is located. Provided said member or members of Council do not object, legislation shall be introduced to amend the Zoning Map and to approve the proposed development.

(d) *Interdepartmental Review.* Within three (3) working days after acceptance of the application for approval of a PUD project, the Director shall also transmit the application for review and comment to the Departments of Public Service, Public Safety, Public Utilities, and Community Development, in addition to any other department of City government as the Director deems appropriate. Each such department shall return written comments to the City Planning Director within ten (10) working days of receipt of the application.

(e) *City Planning Commission Meeting.* City Council shall refer the Planned Unit Development legislation to the City Planning Commission for review and recommendation. The City Planning Commission shall make its determination in accordance with the provisions of this chapter and shall also seek advice from the applicable design review advisory committee. The Commission shall recommend either approval, approval with conditions, or disapproval within thirty (30) calendar days of receipt of the legislation from City Council, unless the applicant has requested an extension of this time period.

(f) *City Council Public Hearing.* Within thirty (30) calendar days of action by the City Planning Commission, the City Planning Committee of City Council shall hold a Public Hearing to consider mapping of the PUD Overlay District and/or approval of the proposed PUD project. The Public Hearing shall be advertised and conducted in accordance with Chapter 333 of this Zoning Code. Within ten (10) working days of the conclusion of the Public Hearing, City Council shall take action on the application. A vote of three-fourths (3/4) of the membership of City Council shall be required to take any action different from the advisory action of the City Planning Commission.

(g) *Transmittal to Commissioner of Building and Housing.* Within three (3) working days after approval of legislation for a PUD project by City Council, the City Planning Director shall transmit a copy of the approved Site Plan and any applicable conditions to the Commissioner of Building and Housing for use in reviewing permit applications for development within the Planned Unit Development Overlay District.

(h) *Rehearing.* Except as otherwise provided herein, no application that has been finally disapproved by City Council shall be resubmitted within one (1) year of the date of disapproval or of the expiration of any applicable negotiation period except on the grounds of new factual evidence or a change in conditions found to be valid by the City Planning Commission Director. A tie vote shall not be considered a disapproval for purposes of this paragraph. Revision of an application that removes characteristics on which its disapproval was based may be considered such a change in conditions.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.05 Optional Two-Stage Approval

In lieu of following the approval process as provided in Section 334.04, an applicant for mapping of a PUD Overlay District and for approval of the corresponding PUD project may request a Two-Stage Approval, which is conducted in the following manner.

(a) *Stage 1 Approval.* The applicant may submit a more generalized application than otherwise required under Section 334.04. The Director, however, may refuse to accept any Stage 1 application that he or she deems to contain insufficient information for meaningful review. Stage 1 approval shall constitute approval of only the level of detail and completeness presented in the Stage 1 application. No permits shall be issued until after Stage 2 approval.

(b) *Stage 2 Approval.* The City Planning Commission and City Council may take final action to approve, conditionally approve, or disapprove an application, or any phase thereof, for which it has given Stage 1 approval. The general terms, conditions, and requirements set forth in a Stage 1 approval shall not be modified, revoked, or otherwise impaired by final Stage 2 action of the City except on the basis of relevant new or changed information submitted with the Stage 2 application. The City Council, however, may rescind Stage 1 approval, and thereby revoke such terms and conditions, if the applicant has failed to file, within three hundred sixty (360) days of the date of initial Stage 1 approval or of approval of an amendment thereto, either an application for Stage 2 approval or an application for an amendment to the previous Stage 1 approval. City Council may grant an extension of this time period upon showing of good cause by the applicant.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.06 Submission of Covenants and Sureties

(a) *Covenants.* Before issuance of any permit or certificate, the applicant shall submit deed restrictions or covenants of a homeowners' or condominium association which shall provide for:

(1) The improvement, preservation, regular maintenance, and public liability insurance required for any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the City or to another public body; and

(2) Such control over the use and exterior design of individual structures, if any, as is necessary for continuing conformance to a Site Plan approved under Section 334.04, which provision shall be binding on all future ownerships.

(b) *Sureties.* Before issuance of any permit or certificate, any financial sureties required by City regulations or by action hereunder of the City Planning Commission or City Council shall be filed with the City.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.07 Recording of Approved Site Plan

(a) *Filing with County Recorder.* The applicant shall file with the County Recorder any Site Plan or Site Plan Amendment, except in the case of a Stage 1 approval, as approved in final action under Section 334.04 or division (b) of Section 334.05 as a plat for the development under the provisions of Chapter 309, whether or not the Site Plan development involves any subdivision of land. The applicant shall submit evidence of such filing to the Division of Engineering and Construction. A Building Permit shall not be issued until the Site Plan is recorded. The applicant shall pay all recording costs.

(b) *Filing with City Engineer.* One (1) reproducible mylar copy of an approved Site Plan or Site Plan Amendment shall be filed with the Division of Engineering and Construction.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.08 Expiration of Approval; Site Restoration

(a) *Expiration of Site Plan Approval.* Site Plan approval, as granted for PUD projects under Section 334.04 or division (b) of Section 334.05, shall be automatically revoked if construction on the development has not begun within two (2) years of the date of final approval or conditional approval thereof, or if the project has not been completed within four (4) years of the date of final approval or conditional approval. City Council may approve one (1) or more extensions of either time period and may establish an initial completion period exceeding four (4) years for projects deemed to be large or complex.

(b) *Site Restoration.* If construction on a property is permanently discontinued as a result of permit expiration, revocation, or for any other reason, the permittee shall repair any excavation, rough grading, or other earth work and restore the site to a safe condition and slightly appearance, as approved by the Commissioner of Engineering and Construction and the Commissioner of Building and Housing.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.09 Amendments to Approved Site Plan

(a) *Requirement for Amendment.* Approval of an amendment to a Site Plan is required for any material change, deletion, or addition made to such Site Plan after Stage 1, Stage 2, or any other approval, or for a Stage 2 Site Plan that does not conform to the Stage 1 Site Plan approved by City Council. The decision for such approval shall be made, pursuant to Section 334.10, by the City Planning Commission and the City Council upon submission of the amendment pursuant to division (b) of this section.

(b) *Submission of Amendment.* An applicant seeking approval of an amendment shall file an application therefor with the Commissioner of Building and Housing. The application shall describe the amendment sought and provide such other information as the City Planning Commission or City Council may require. It shall be accompanied by the number of copies of the proposed amendment required by the Commissioner of Building and Housing and a filing fee determined by the City Council.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.10 Amendment Approval Process

(a) *Minor Amendments.* The Commissioner of Building and Housing shall refer any request for amendment of an approved Site Plan to the Director of the City Planning Commission. The Director shall determine whether the amendment sought is a Minor Amendment as defined in Section 334.11. No public hearing shall be required for a Minor Amendment. An applicant may appeal a decision of the Planning Commission on a Minor Amendment to the Board of Zoning Appeals. The City Planning Commission shall approve Minor Amendments in accordance with the criteria and standards established in this chapter for approval of PUD projects.

(b) *Other Amendments.* For amendments other than Minor Amendments, the full Approval Process set forth in Section 334.04 shall be followed.

(c) *Approval and Recording.* The Planning Commission or City Council shall approve, conditionally approve, or disapprove an amendment. An amended Site Plan shall be recorded in accordance with Section 334.07.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.11 Approval of Minor Amendments

A Minor Amendment to a Site Plan shall be any change from the previously approved Site Plan, other than changes required by the City, that does not involve any of the items listed in divisions (a)-(e) below.

(a) *Land Use Change.* Any change in land use type or housing type resulting in the addition or removal of a land use or housing type from that shown on the approved plan.

(b) *Location Change.* Any change in the location of a structure, parking or loading area, common or public open space, or any area or right-of-way to be conveyed to or reserved for a public body, by more than twenty (20) feet in any direction, nor a reduction in the spacing between any structures by more than twenty percent (20%).

(c) *Standards Change.* Any change of more than twenty percent (20%) in any nonlocational quantitative specification of the previously approved Site Plan, having the effect of increasing density or reducing open space or landscaping, including:

- (1) The number or any dimension of lots, yards, structures, pedestrian ways, or vehicular thoroughfares;
- (2) Any single or two (2) family residential density;
- (3) Coverage of the site by structures;
- (4) Amount of common open space acreage;
- (5) Utility line capacity reduction;
- (6) Amount of floor area of development other than single and two (2) family residential dwellings;
- (7) Amount of land to be conveyed to or reserved for a public body;
- (8) Size or capacity of any parking or loading area;
- (9) Amount or dimensions of proposed tree or ground cover, landscaping, or screening.

(d) *Greater Variation Change.* Any other change that causes the development to fall short of meeting the requirements of any normally applicable regulation to any greater degree than provided on the previously approved Site Plan.

(e) *Multiple Amendments.* Any change which, when considered together with Minor Amendments previously approved for the same development, fails to meet the foregoing criteria.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.12 Issuance and Revocation of Permit

(a) *Issuance.* Subsequent to approval of all necessary plans and submissions, the Commissioner of Building and Housing shall issue any required permit or certificate, specifying any conditions or restrictions upon which City Council subjected its approval.

(b) *Revocation.* The Commissioner of Building and Housing may at any time revoke any permit or certificate issued pursuant to division (a) if:

- (1) The action taken after issuance is not consistent with plans and information submitted as part of the approved application; or
- (2) The resulting development fails to comply with any applicable provisions of City regulations or any conditions of the approved application; or
- (3) Compliance with such conditions is not maintained at any time; or
- (4) Approval has expired, as provided in Section 334.08.

(c) *Notice of Revocation.* The Commissioner of Building and Housing shall give the permittee or Certificate holder fifteen (15) business days notice of any intended revocation and the reasons therefor and an opportunity within that period to answer any charges of noncompliance or to propose measures to bring the permitted action into compliance within a reasonable time.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.13 Permits for Developed Lots

After completion of initial construction, no Building Permit or Certificate of Occupancy shall be issued for any lot within a development or any phase thereof for which a Site Plan has been approved under Section 334.04 or division (b) of Section 334.05 unless one (1) of the following applies:

- (a) The application for a Building Permit or Certificate of Occupancy conforms to the approved Final Site Plan; or
- (b) The application conforms to all regulations applicable to properties for which a Site Plan has not been approved and is also generally consistent, in the judgment of the Director, with the approved Site Plan; or
- (c) An amendment to the approved Site Plan is approved under Section 334.10 to allow the action for which the Permit or Certificate is sought; or
- (d) For Permits or Certificates affecting a single lot of less than one-fourth (1/4) acre containing less than five thousand (5,000) square feet of gross floor area, a Variance from the Site Plan or the regulations of this Code has been approved by the Board of Zoning Appeals.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.14 Incentives

The following incentives, in the form of relief from normal regulatory requirements, are offered for developments which meet the standards and criteria established in this chapter for approval of PUD projects. Such incentives shall not be considered Variances and shall not be required to conform to the approval criteria for Variances.

- (a) *Variable Zoning Standards.* Except as provided by Section 334.16, standards for lot area, lot width, building height, yard dimensions, off-street parking and loading, landscaping and screening, and signs, may vary from those established in applicable sections of the Zoning Code.
- (b) *Buildings Per Lot.* In an approved Site Plan, more than one (1) principal building may be located on a lot.
- (c) *Variable Subdivision Standards.* Dimensional and design standards for subdivisions and subdivision improvements, such as for streets, blocks, and sidewalks, may vary from standards established in Chapter 309 and any other relevant City ordinances. Specifications for such construction elements as materials, thicknesses and tolerances, however, may not be varied.
- (d) *Mixed Land Uses.* In residential zoning districts, a maximum of thirty percent (30%) of the gross floor area of all residential uses in the PUD project may be devoted to residential uses which are not otherwise permitted; whereas a maximum of ten percent (10%) of the project's gross floor may be devoted to non-residential uses. In non-residential zoning districts, a maximum of twenty percent (20%) of the PUD project's gross floor area may be devoted to uses which are not otherwise permitted.

(Ord. No. 1011-94. Passed 6-13-94, eff. 6-22-94)

§ 334.15 Quality of Planning

In order to be granted the flexibility permitted under the provisions of this chapter, a Site Plan submitted hereunder shall evidence a level of integrated planning and amenity exceeding the level that may be achieved under otherwise applicable regulations. Features contributing to this higher level of planning and amenity include, but are not limited to, the following:

- (a) Siting of buildings and other facilities in greater harmony with the existing man-made and natural environments on the site and in its surroundings;
- (b) Buffering of uses from incompatible nearby uses that is superior to that routinely required by City regulations;
- (c) An amount or quality of landscaping superior to that normally required by City regulations;
- (d) The amount, quality, and interconnectedness of public or common open space or of areas of public access to the lakefront, riverfront, and other areas of special amenity;
- (e) Special accommodations for bus or rapid transit, such as weather-protected access from buildings to rapid transit or bus stations

or stops:

- (f) Unusually sensitive adaption of a by-passed infill parcel to the character of its environs;
- (g) Enclosed, underground, depressed, or outstandingly landscaped parking areas;
- (h) Varied building setbacks or other measures to reduce monotony in external appearance in multi- building developments;
- (i) Superior provision in the planning of the site for public security and crime prevention;
- (j) Architectural design meeting exceptionally high standards of quality and character; and
- (k) Other features relating to the physical development planning of the property as determined by the City Planning Commission or City Council.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.16 Specific Development Standards

A PUD development project granted relief from normal regulatory requirements through this chapter shall meet the following specific standards regarding density, yards, and zero lot line development.

(a) *Maximum Density.* Neither the aggregate number of single and two (2) family dwellings, the total floor area, nor the total land coverage by buildings in the development as a whole, or any phase thereof, shall exceed the maximums allowed in the applicable sections of the Zoning Code (i.e., underlying zoning district) by an amount greater than ten percent (10%).

(1) For residential uses, land area devoted to new permanent common or public open space provided as part of a development within its residential areas may be included as part of lot or site area for purposes of these calculations.

(2) For purposes of division (a)(1), there shall not be counted as open space any land covered by buildings or devoted to streets, parking, loading, service, refuse disposal, storage, vehicular maneuvering or circulation, or fifty percent (50%) of wet and twenty five percent (25%) of dry stormwater retention or detention basins.

(b) *Yard Obstructions.* Where the normal definitions of yards do not apply, the Site Plan shall either:

(1) Designate which open spaces on the property are to be treated as front, corner side, interior side, or rear yards for purposes of conformance to Chapter 357; or

(2) Be accompanied by homeowners' or condominium association covenants or other legal instruments governing such obstructions.

(c) *Zero Lot Line Development.* Subject to the restrictions of this division, the otherwise required width or depth of certain yards may be reduced to zero (0) in subdivisions of detached principal residential or non-residential buildings on individual lots. This provision is intended to allow more usable and more easily maintained open spaces on smaller lots, while also protecting privacy and assuring light, air, and safety. Zero (0) lot line developments shall be approved only under the provisions of this chapter except where reduction of a yard to zero qualifies as a variance.

(1) *Minimum Size.* No zero (0) lot line development shall include fewer than six (6) existing or newly subdivided lots. Zero lot line plans shall not apply to isolated individual lots in areas of conventionally sited buildings.

(2) *Yards.*

A. The following yards shall not be reduced to zero (0):

1. Front and corner side yards;

2. Yards that abut an alley;

3. Yards that abut a lot not included in a zero lot line development;

4. Yards that, if reduced to zero, would result in principal buildings on adjoining lots being separated by less than five (5) feet at any point, except for residential units designed as townhouse or attached single-family units.

B. If an interior side yard is reduced to zero (0), the remaining interior or corner side yard shall have a minimum width equal to

the sum of the normally required widths of both side yards, except in the case of attached residential units.

(3) *Required Easement.*

A. A perpetual easement shall be provided in every yard that abuts a yard reduced to zero (0) on an abutting lot. The easement shall be in favor of the owner of the abutting building wall.

B. The easement shall be no less than four (4) feet in width extending along that portion of the lot line that abuts a building on the other lot and including a point of access to the easement from either a building exit or yard or other open space on the adjoining lot.

C. The easement shall be shown on the recorded plat and incorporated into each deed transferring title to the property. Proof of recording of such easement shall be submitted to the Commissioner of Building and Housing prior to issuance of a Building Permit.

D. Within the easement, there shall be no obstruction otherwise permitted in the applicable yard if it impedes access to the wall on the adjacent lot for painting, cleaning, maintenance, and repair.

E. Roof overhangs shall not project more than two (2) feet into the easement on the abutting lot. The roof shall be so designed that water runoff onto the lot is confined to the easement area.

(4) *Wall Openings.* No window, door, air conditioning unit, or other opening shall be located on a building wall that abuts a yard reduced to zero.

(Ord. No. 1011-94. Passed 6-13-94, eff. 6-22-94)

§ 334.17 Site Plan Approval Criteria

A Site Plan submitted for approval as a PUD project shall be reviewed in accordance with the following approval criteria, in addition to other standards established in this chapter.

(a) *Site Plan Requirements.* The Site Plan shall meet all requirements for PUD projects set forth in this chapter. No modifications to any applicable Code regulations are allowed, other than those permitted herein.

(b) *Consistency with City Plan.* The Site Plan shall be generally consistent with Cleveland's Comprehensive Plan as adopted by the City Planning Commission.

(c) *Public Welfare.* The Site Plan shall not jeopardize the public health, safety, or welfare.

(d) *Compatibility with Surroundings.* Neither the Site Plan nor any portion thereof shall be unduly injurious to the use and enjoyment of properties within the Plan or in its vicinity; nor shall the Site Plan, or any portion of it, seriously impair property values or environmental quality or significantly impede the development, redevelopment, or conservation of properties within the surrounding area.

(e) *Circulation and Parking.* The Site Plan shall provide for safe and efficient circulation of motor vehicles, pedestrians, and, where applicable, marine or bicycle traffic into, within, and out of the property. The Site Plan shall also provide for adequate access by service and emergency vehicles. It shall provide off- street parking and loading areas appropriate in size and location to planned land uses and to the location of the site. Circulation, parking, and loading facilities shall be adequate in location, size, capacity, and design to ensure safe and efficient circulation of automobiles, trucks, buses, bicycles, pedestrians, fire trucks, garbage trucks, boats, and snow plows, as appropriate, without creating unnecessary traffic hazards, blocking traffic, attracting congestion, creating excessive pedestrian- vehicular conflict, generating unnecessary through- traffic within the site, or unduly interfering with the safety or capacity of adjacent streets, sidewalks, or waterways.

(f) *Open Spaces and Buffering.* Open space between all buildings shall be adequate to allow for light and air, access by fire-fighting equipment, and privacy where walls have windows, terraces, or adjoining patios. Open space or buffering through landscaping or screening along the perimeter of the Site Plan shall be sufficient to reasonably protect existing and permitted future uses of adjacent property from adverse effects. The size, shape, and location of a substantial portion of any public or common open space provided in residential areas shall be useable for recreation purposes.

(g) *Public Services.* The land uses, intensities, and phasing of the Site Plan shall be consistent with the anticipated ability of the City, the school system, and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools, and other public facilities and services required by the development, without placing undue burden on existing residents and businesses. The Site Plan shall not unnecessarily require excessive public investment in installation or maintenance of

facilities or services to serve the property but shall be reasonably efficient in its use of public services.

(h) *Environment.* The Site Plan shall not create, or fail to adequately mitigate, adverse environmental effects, such as harmful blockage of light and air, excessive street-level wind currents, glare, noise, or vibration. The Site Plan shall provide for effective storm drainage with minimum ponding, erosion, sedimentation, and discharge of runoff onto abutting lots.

(i) *Security.* The Site Plan shall minimize physical features that provide opportunities for anti-social or criminal behavior or that unduly threaten personal safety either on the site or on adjacent streets or abutting lots.

(j) *Phasing.* Each development phase shown in the Site Plan may, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein, even if no subsequent phase is ever completed.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.18 Architectural Design Review

(a) *Applicability.* Within a PUD Overlay District which includes within its boundaries an approved PUD project site plan, no Building Permit shall be issued for any exterior construction or exterior alteration, except as provided in division (b) of this section, without issuance of a Certificate of Appropriateness by the City Planning Commission. In reviewing an application for a Certificate of Appropriateness, the Commission shall be guided by the general architectural standards presented in Section 341.05 of the Zoning Code and by any design guidelines approved by the City Planning Commission for the subject site. The applicant may seek approval of the Certificate of Appropriateness concurrently with or subsequent to approval of the Site Plan for the PUD project.

(b) *Exemptions.* No Certificate of Appropriateness shall be required for the following:

(1) Routine maintenance and repair activities resulting in no change in external appearance;

(2) Alterations to buildings and properties which are exclusively residential in use; and

(3) Alterations or demolition mandated by the Commissioner of Building and Housing to address an immediate danger to human life or health and, therefore, requiring prompt repair or removal, in accordance with the provisions of division (i) of Section 3103.09 of the Cleveland Building Code.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

§ 334.19 Contents of Submissions

The following information shall be submitted for all PUD project applications, except for those submissions made for Stage 1 Approvals pursuant to division (a) of Section 334.05.

(a) *Names and Addresses.* The name, address, and weekday daytime phone number of:

(1) The applicant;

(2) His or her attorney or agent, if any; and

(3) Any developer, site planner, architect, or engineer involved in project plans.

(b) *Name of Project.* The name of the development project, if any.

(c) *Legal Description.* Legal descriptions, using metes and bounds or subdivision block and lot number, of the subject property as a whole and of each phase of the proposed development thereof.

(d) *Location.* The street address of the subject property.

(e) *Filing Fee.* The applicable fees for the Division of Building and Housing and the City Planning Commission.

(f) *Authorization.* Written authorization for the filing by the ownership or management of the property, if different from the applicant. Authorization by a manager shall be accompanied by evidence satisfactory to the Commissioner of Building and Housing of his or her authority to act on behalf of the owner.

- (g) *Use.* Descriptions of present and proposed uses of the subject property.
- (h) *Criteria Statement.* Statement of reasons why applicant believes action requested conforms to applicable Approval Criteria.
- (i) *Common Area Maintenance.* Deeds of easement agreements conveying ownership interests in any parcel required or proposed to be conveyed to any public body. In projects with common areas not to be dedicated to a public body, organizational details of all proposed property owners or condominium associations to be responsible for maintenance of common areas. Proposed protective covenants or deed restrictions to govern common open space or other areas. Other documents, if any, governing maintenance of common open space and other common areas. (If the required documents are not available at the time of submission, approval may be made conditional upon satisfactory submission prior to issuance of permits.)
- (j) *Deed Location.* Volume and page number of location of recorded deed to subject property in county map records.
- (k) *Zoning.* The zoning district classifications of the subject property and all other properties within two hundred (200) feet thereof.
- (l) *Structure Heights.* Building heights or fence heights, as applicable, of proposed structures and existing structures to be retained.
- (m) *Dwelling Units.* Numbers of dwelling units in proposed buildings and existing buildings proposed to be retained, by number of bedrooms and by any special populations to which occupancy is to be restricted (e.g., elderly, students, or low-income households).
- (n) *Floor Area.* Gross and net floor area, as defined herein, of proposed buildings and existing buildings proposed to be retained, by type of use.
- (o) *Number of Employees.* Proposed number of permanent employees to be accommodated on the property, including existing employment proposed to be retained, by shift and by full- or part-time status; hours of shifts or other working hours.
- (p) *Lot Coverage.* Square footage of the lot to be covered by principal buildings, accessory structures, and paved surfaces.
- (q) *Plat of Survey.* A current plat of survey.
- (r) *Site Plan.* A Site Plan, in a number of copies specified by the Commissioner of Building and Housing, meeting the requirements of Section 334.19. No site plan shall be required for rezonings initiated by the City.
- (s) *Renderings.* Architectural renderings showing substantial design intent for proposed structures, but not necessarily final design detail, unless the applicant seeks final design approval, in which case detailed, colored elevations drawings shall be submitted.
- (t) *Phasing.* Chronological schedule of expected beginning and ending dates for proposed stages of construction and improvement of all structures; common or public areas; circulation ways; parking, loading, and service areas; and utilities, showing the interim use and maintenance of areas not under construction in each phase.
- (u) *Open Space.* A written statement of the advantages any proposed common or public open space offers at each location for such use and ways such spaces might be used.
- (v) *Traffic Analysis.* If deemed necessary by the Director, professional analysis of estimated vehicular trip generated by each phase of the completed development per day and during AM and PM peak hours - including the number of pass-by trips and for mixed use developments, internal trips; the hours of expected AM and PM peak volumes; the assignment of traffic volumes to each driveway or access road into the site; the impact on existing traffic loads in the area; and road construction or traffic control measures needed to accommodate the new traffic.
- (w) *Utility Capacity.* If deemed necessary by the Director, evidence concerning the ability of available treatment and distribution capacities of sewer and water supply systems to handle the loads likely to be generated by the development.
- (x) *Final Plat.* A Plat of Subdivision and final engineering plans and specifications as required by Chapter 309 of the Codified Ordinances.
- (y) *Hazardous Materials.* Descriptions of any known hazardous materials contamination of the site, including buried storage tanks. Description of any hazardous wastes to be generated by the proposed project and of plans for disposal thereof.
- (z) *Other Information.* Any other information required by applicable Code regulations, and any information that is deemed necessary by the Director to determine conformance with all applicable Code regulations.

§ 334.20 Contents of Site Plan

The following information shall be included on site plans for all PUD project applications, except for those submitted for Stage 1 Approval pursuant to division (a) of Section 334.05.

(a) *Scale*. Number and graphic scales, north arrow, and date of preparation. Scale used shall be such as the City Planning Commission Director may require.

(b) *Boundaries*. Boundaries of the development and of each phase thereof.

(c) *Dimensions*. Lot lines and dimensions and areas of lots.

(d) *Easements*. Easements and encroachments on the subject property and easements on abutting property in favor of the subject property.

(e) *Project Data*. Data indicating for each development phase:

(1) The number of dwelling units broken down by number of bedrooms;

(2) The gross floor area, as defined herein, by use type;

(3) The number of lots;

(4) The gross and net site area, as defined herein; and

(5) The land area devoted to streets, off- street parking, off-street loading, recreation space, and each housing and land use type.

(f) *Drainage*. Existing and proposed drainage patterns and appurtenances for collecting storm water.

(g) *Landscaping*.

(1) *Existing*: Existing wooded areas and isolated trees four (4) inches or more in diameter at one (1) foot above natural grade at the base of the tree.

(2) *Proposed*:

A. Location, quantity, diameter, installation height, maturity height, caliper at one (1) foot above proposed grade, botanic name, and common name, of all proposed living and non-living landscaping materials and existing materials to be preserved;

B. Types and boundaries of proposed ground cover and identification of grass areas to be sodded, plugged or sprigged, and seeded;

C. Location and contours at one (1) foot intervals of all proposed berming;

D. Dimensions and descriptions, renderings, elevations, or photographs indicating the external appearance, including materials and colors, of all sides of proposed fences, walls, ornamental lighting, and screening treatments; and

E. Measures to be taken to protect new and preserved existing trees during construction.

(h) *Structures*. Location, type, shape, dimensions, gross and net floor areas as defined herein, orientation, height in feet, finished grade elevations at all entrances and corners, and number of stories of all existing and proposed structures, including buildings, sign structures, fences, walls, retaining walls, screening, street furniture, bridges, culverts, exterior lighting fixtures, and entrance features. Also, roof lines and roof overhangs in relation to all lot lines and easements.

(i) *Parking*. Location, type, shape, dimensions, surface type, area in square feet, and capacity in number of vehicles of off-street parking and loading spaces and areas, including aisles, curbing, wheel stops, islands, guard rails, driveways, and curb cuts. Number and locations of spaces open to the public, restricted to tenants or customers, and reserved spaces. Number and locations of spaces that are free, available for hourly or daily rental, or leased long-term.

(j) *Open Uses*. Location, dimensions, area in square feet, and surface type for open storage, refuse disposal and service areas.

(k) *Topography*. Map showing existing contours at two (2) foot intervals and proposed grading and contours. Description of amounts and methods of any excavation, dredging or filling proposed, including use of blasting and pile driving and of potential for ground movement and settlement during excavation and impact on adjacent buildings and utility lines.

(l) *Boundaries*. Current school district and municipal boundary lines on or adjacent to site.

(m) *Circulation*. Existing and proposed number, location, alignment, dimensions, design, and construction standards of all public and private thoroughfares, sidewalks, pedestrian and bicycle paths, fire lanes, railroad rights-of-way, curb cuts, and driveways. Existing and proposed streets, intersections, and curb cuts adjacent to the site.

Information for all curb cuts shall include:

(1) Anticipated users (i.e., employees, patrons, delivery trucks, or other uses);

(2) Curb cut width, number of lanes, radii of curb returns or angles of flares, dimensions of medians or islands, if any, and all other geometrics; and

(3) Distance to property lines, to other curb cuts, existing or proposed, on the subject or adjacent lots, and to street intersections.

(n) *Common Areas*. The number, location, acreage, dimensions, proposed ownership, and provisions for maintenance of any proposed recreational and non-recreational public or common open spaces.

(o) *Water Areas*. Dimensions and locations of existing and proposed natural or artificial bodies of water, flood plains, marsh areas, drainage ditches, wet or dry stormwater detention or retention areas, and any proposed modifications to existing water courses or water bodies, including impact on ground water levels.

(p) *Subsurface Data*. If deemed necessary by the Director, data on subsurface soil, rock, and groundwater conditions.

(q) *Utilities*. Size, purpose, and location of existing and proposed public and private utilities, utility easements, and drainage facilities and proposed connections thereto on or within one hundred (100) feet of the property. Locations of existing and proposed hydrants, catch basins, manholes, and valves.

(r) *Other Information*. Any other information required by applicable Code regulations, or that is deemed necessary by the Director to determine conformance to the regulations of this chapter and all other applicable Code regulations.

(Ord. No. 2093-93. Passed 11-29-93, eff. 12-7-93)

CHAPTER 335 - USE DISTRICTS

335.01 Designation of Use Districts

335.02 Residence and Dwelling House Districts Defined

Cross-reference:

Area districts established, CO 355.01

Business Districts: prohibited and permitted uses, regulations, CO Ch. 343

Design review, CO Ch. 341

Height districts established, CO 353.01

Industrial Districts: permitted and prohibited uses, regulations, CO Ch. 345

Location of amusement parks, CO 687.05

Location of Karting parks, CO 691.13

Residential Districts; prohibited and permitted uses, regulations, CO Ch. 337

Residential parking districts, CO Ch. 339

Zoning definitions, CO Ch. 325

Statutory reference:

Division into districts, RC 713.06, 713.10

§ 335.01 Designation of Use Districts

The City is hereby divided into the Public Land Protective District and into seventeen (17) use districts which shall be known, in order of restrictiveness, beginning with the most restrictive as:

Limited One-Family Districts;

One-Family Districts;

Two-Family Districts;

Townhouse (RA) Districts;

Limited Multi-Family Districts;

Multi-Family Districts;

Downtown Residential (DR) Districts;

Residence-Office Districts;

Parking Districts;

Local Retail Business Districts;

Shopping Center Districts;

University (College) Retail Districts;

General Retail Business Districts;

Residence-Industry Districts;

Semi-Industry Districts;

General Industry Districts;

Unrestricted Industry Districts.

(Ord. No. 338-97. Passed 3-26-01, eff. 4-2-01)

§ 335.02 Residence and Dwelling House Districts Defined

(a) As used in this Zoning Code, "Residence Districts" mean any one (1) or all of the first eight (8) use districts enumerated in Section 335.01.

(b) As used in this Zoning Code. "Dwelling House District" mean any or all Residence Districts other than Multi-Family Districts.

(c) Except as otherwise provided in this Zoning Code, no building or other structure or premises in a Dwelling House District shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part for other than a dwelling house.

(Ord. No. 338-97. Passed 3-26-01, eff. 4-2-01)

CHAPTER 337 - RESIDENTIAL DISTRICTS

337.01 Limited One-Family Districts

337.02 One-Family Districts

337.03 Two-Family District

337.031 Townhouse (RA) Districts

- 337.04 Purpose and Development of Limited Multi-Family Districts
- 337.05 Permitted Buildings and Uses in Limited Multi-Family District
- 337.06 Area, Yard and Height Requirements for Apartment Houses
- 337.07 Reserved
- 337.08 Multi-Family District
- 337.081 Downtown Residential (DR) District
- 337.09 Purpose of Residence-Office Districts
- 337.10 Permitted Buildings and Uses in Residence-Office Districts
- 337.11 Residence-Office District Off-Street Parking
- 337.12 Parking Plan to Accompany Building Permit Application
- 337.13 Required Parking Spaces
- 337.14 Location of Required Off-Street Parking Space
- 337.15 Joint Off-Street Parking Facilities
- 337.16 Sale of Fuel and Repairs
- 337.17 Size of Off-Street Parking Space
- 337.18 Access and Maintenance to Off-Street Parking Spaces
- 337.19 Reserved
- 337.20 Lighting for Off-Street Parking Spaces
- 337.21 Height, Area, Yard and Court Requirements for Residence-Office Districts
- 337.22 Performance Bond and Enforcement; Residence-Office Districts
- 337.23 Accessory Uses in Residence Districts
- 337.231 Portable Storage Containers
- 337.24 Nursing Homes, Convalescent Homes, Old Folks Homes, Homes for the Aged and Rest Homes
- 337.25 Agricultural Uses in Residential Districts
- 337.251 Limited Lodging in Residence Districts

Cross-reference:

Area regulations for Residence Districts, CO 355.04

Front yard regulations, CO 357.04

Landscaping and screening, CO Ch. 352

Lighting for off-street parking spaces, CO 349.09

Maximum height of accessory buildings in Residence Districts, CO 353.05

Off-street parking and loading requirements, CO Ch. 349

Residence District defined, CO 335.02

Residence-Industry District defined; uses, CO 345.01, 345.02

Residential Parking District; purpose, permitted uses, maintenance, CO Ch. 339

Screening of off-street parking spaces adjacent to Residence Districts, CO 349.08

Variance from use regulations, CO 329.03

Yard requirements for large-scale housing developments, CO 357.10

Yards for mixed occupancy buildings used in part for Residential or Institutional H, CO 357.03

Statutory reference:

Off-street parking facilities, RC 717.05 et seq.

§ 337.01 Limited One-Family Districts

(a) *Permitted Buildings and Uses.* In a Limited One-Family District the following buildings and uses are permitted:

(1) One-family dwelling houses and their accessory buildings and uses. Except as otherwise provided in this Zoning Code, no main building or premises in a Limited One-Family District shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part for other than a dwelling house occupied by not more than one (1) family;

(2) Schools, dormitories constructed or operated by an existing permitted school, libraries or museums and police protective facilities therefor, providing they are not conducted as a gainful business, places of worship, if permitted by the Board of Zoning Appeals after public notice and public hearing under appropriate safeguards and such special conditions as the Board deems necessary, and if in the judgment of the Board such uses and buildings are appropriately located and designed and will meet a community need without adversely affecting the neighborhood.

(b) *Proximity to Other Buildings.* Every dwelling house hereafter erected in a Limited One-Family District shall be not less than twenty (20) feet from any other main building in the District.

(Ord. No. 918-59. Passed 6-1-59, eff. 7-12-59)

§ 337.02 One-Family Districts

In a One-Family District, the following buildings and uses and their accessory buildings and uses are permitted:

(a) Dwelling houses, each occupied by not more than one (1) family and not more than two (2) roomers or boarders;

(b) Playgrounds, parks;

(c) The extension of existing cemeteries;

(d) Railroad rights-of-way, not including switching, storage or freight yards or industrial sidings;

(e) Agricultural uses, subject to the regulations of Section 337.25 and Section 347.02;

(f) The following buildings and uses, if located not less than fifteen (15) feet from any adjoining premises in a Residence District not used for a similar purpose:

(1) Churches and other places of worship, but not including funeral chapels or mortuary chapels;

(2) Telephone exchanges and static transformer stations, provided there is no public business office or any storage yard or storage building operated in connection therewith;

(3) Bus turn-around and layover areas operated by a public transit agency provided that no buildings other than a passenger shelter and restroom are located at each site, and provided, further, that any layover space accommodates no more than two (2) buses.

(g) The following buildings and uses, if approved by the Board of Zoning Appeals after public notice and public hearing, and if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if in the judgment of the Board such buildings and uses are appropriately located and designed and will meet a community need without adversely affecting the neighborhood:

(1) A temporary or permanent use of a building by a nonprofit organization for a dormitory, fraternity or sorority house, for the

accommodation of those enrolled in or employed by an educational institution permitted in the District;

(2) Fire stations, police stations;

(3) The following buildings and uses, if located not less than thirty (30) feet from any adjoining premises in a Residence District not used for a similar purpose, and subject to the review and approval of the Board of Zoning Appeals as stated above:

A. Public libraries or museums, and public or private schools or colleges including accessory laboratories, provided such private schools or colleges are not conducted as a gainful business;

B. Recreation or community center buildings, parish houses and grounds for games and sports, except those of which a chief activity is one customarily carried on primarily for gain;

C. Day nurseries, kindergartens;

D. Hospitals, sanitariums, nursing, rest or convalescent homes, not primarily for contagious diseases nor for the care of drug or liquor patients, nor for the care of the insane or developmentally disabled;

E. Orphanages;

F. Homes for the aged or similar homes;

G. Charitable institutions not for correctional purposes.

(4) The following buildings and uses, if located not less than fifty (50) feet from adjoining premises in a Residence District not used for a similar purpose, and subject to the review and approval of the Board of Zoning Appeals as stated above.

A. Municipal recreation buildings;

B. Municipal swimming pools;

(5) Crematories in existing cemeteries, provided they are not less than three hundred (300) feet from any boundary that abuts a Residence District, and subject to the review and approval of the Board of Zoning Appeals as stated above.

(h) A residential facility, as defined in Chapter 325 of this Zoning Code, for one (1) to five (5) unrelated persons, provided it is located not less than one thousand (1,000) feet from another residential facility. Residential facilities shall comply with area, height, yard and architectural compatibility requirements of this Zoning Code applicable to residences in One-Family Districts.

(Ord. No. 586-16. Passed 7-13-16, eff. 7-17-16)

§ 337.03 Two-Family District

In a Two-Family District the following buildings and uses are permitted:

(a) Dwelling houses, each occupied by not more than two (2) families and not more than two (2) roomers or boarders.

(b) All other uses permitted and as regulated in a One-Family District.

(c) The Board of Zoning Appeals, after public notice and public hearing, and upon prescribing proper safeguards to preserve the character of the neighborhood, may grant special permits for the remodeling of existing dwelling houses or the erection of row houses to provide for more than two (2) dwelling units but not more than six dwelling units in each building, provided that:

(1) The square feet of lot area to be allotted to each dwelling unit is in accordance with the area regulations included in Chapter 355;

(2) The dwelling units to be created will be not smaller than two (2) rooms and a bathroom;

(3) There will be no exterior evidence that a remodeled dwelling house is occupied by more than two (2) families, except such as may be permitted by the Board;

(4) The building when altered or erected and when occupied will conform to all the applicable provisions of the Building and Housing Codes and as the Commissioner of Building and the Commissioner of Housing so certify;

(5) Garage space or hard surfaced and drained parking space will be provided upon the premises for the cars of the families to

be accommodated on the premises at the rate of not less than one (1) car per family.

(Ord. No. 740-67. Passed 5-22-67, eff. 5-23-67)

§ 337.031 Townhouse (RA) Districts

(a) *Purpose.* Townhouse Districts (i.e., Residential Attached districts) are established to provide sites for low-rise development of attached residential units at medium to high densities. Such developments are intended to serve as a transition between areas of detached residences and areas of higher intensity development or to serve as a means of clustering housing units on sites which can be developed most appropriately through such clustering.

(b) *Definitions.* A "townhouse unit" is a single dwelling unit, situated at ground level, served by its own exclusive exterior entrance, and attached to one (1) or more other such units by fire walls or fire separation walls. A "townhouse building" is a building composed of two (2) or more townhouse units. The terms "townhouse" and "row house" shall have the same meaning unless otherwise indicated.

(c) *Permitted Uses.* In a Townhouse District, permitted uses are limited to townhouse buildings and all main and accessory uses permitted and as regulated in Two-Family Districts. However, notwithstanding the provisions of Section 355.05 regarding existing lots of record, lots established for development of attached residences shall not be developed or redeveloped for detached residences unless such lots meet all prevailing regulations applicable to the development of detached residences.

(d) *Ownership.* Townhouse units may be in condominium ownership, where two (2) or more units are located on a single lot, or in a type of ownership where each unit is located on a separate lot. Each townhouse development shall conform to the regulations applicable to its form of ownership.

(e) *District Establishment.* The following Townhouse Districts are hereby established: RA-1, RA-2, and RA-3 (with the abbreviation "RA" indicating "Residential, Attached" and the numerals indicating that the districts are listed in order of "density," from lowest to highest).

(f) *Site Planning and Design.* No Building Permit shall be issued for the original construction of a townhouse unit or townhouse building without approval of the City Planning Commission, which shall seek to ensure that the development meets the following standards of site planning and architectural design.

(1) *Compatibility.* The development shall be visually compatible with nearby properties with respect to such design elements as scale, height, setback, orientation to existing streets, open spaces, roof lines, architectural style, materials, colors, and proportions of architectural features. Furthermore, the development shall not adversely affect the use of nearby properties with respect to such factors as pedestrian and vehicular access, privacy, safety, and obstructions to light and air.

(2) *Site Layout.* Buildings, structures and landscape features shall be arranged so as to create visual interest, avoid monotony, maximize privacy, conserve natural features, minimize the need for grading, provide for usable areas of common and private open space, facilitate efficient vehicular and pedestrian circulation, and promote security and personal safety.

(3) *Building Design.* Townhouse units shall be designed so as to create visual interest and differentiate individual units through variations in roof lines, wall setbacks and building materials or through use of porches, bay windows, and other projecting elements. Garages shall be placed to the rear of the residential units or, if located in the front of units, shall be designed and placed in a manner which reduces their visual prominence.

(4) *Circulation and Parking.* Circulation and parking shall be designed in a manner which provides proper access for service and safety vehicles, minimizes conflicts between pedestrians and vehicles, minimizes the number of curb cuts onto major streets, avoids placing excessive traffic on local residential streets, avoids unenclosed parking in front yards, and avoids placement of garage doors so close to sidewalks as to impair pedestrian safety.

(g) *Area and Yard Regulations.* The following yard and area regulations shall apply to townhouse developments in RA-1, RA-2, and RA-3 Districts and in other zoning districts which permit townhouse development. All figures are minimum requirements unless otherwise stated. The City Planning Commission may require greater restrictions as necessary to meet the standards of division (f). For main buildings other than townhouses and for accessory uses and structures, regulations of the Two-Family District shall apply.

	RA-1 District	RA-2 District	RA-3 District
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Lot Area per Townhouse Unit (sq. ft.)	1,750	1,250	550
Lot Width (ft.)	22	18	14
Townhouse Unit Width (ft.)	22	18	14
Townhouse Units per Building (max.)	8	8	not restricted
Townhouse Units per Building (min.) (except that 2-unit bldgs. shall be permitted if at least one bldg. of 3 or more units is included as part of a single development on one or more contiguous lots)	3	3	3
Side Street Yard Depth (ft.)	7	5	0
Interior Side Yard Depth (ft.) ¹			
Adjoining 1- or 2-Fam District	15	10	10
Adjoining Other District	7	5	0
Front Yard Depth (ft.)	20	20	0
Rear Yard Depth (ft.)			
Adjoining 1- or 2-Fam District	20	20	20
Adjoining Other District	20	10	0
Distance Between Bldgs. on Same Lot (ft.) ²			
Window Wall to Window Wall	20	20	20
Window Wall to Non-Window Wall	15	12	10
Non-Window Wall to Non-Window Wall	10	7	5
Building Coverage (max.) (% of lot covered by buildings)	60%	70%	100%
Common Open Space (sq. ft. per unit) (applies only to condominium developments)	250	150	0
Private Open Space (sq. ft. per unit) ³	150	100	0
Residential Floor Area (sq. ft. per unit)	950	950	950

¹ Does not apply to lot lines separating attached dwellings as a non-condominium townhouse development

² "Window wall" is a building wall with a window opening onto a living space; "non-window wall" is a building wall with no window opening onto a living space

³ Garden, deck, patio, balcony, solarium or similar open space adjacent to the residence, for the private use of the resident household

(h) *Common Open Space*. Common open space required by regulations of this section shall consist of land or a combination of land and water of such condition, size, shape and location as to be usable for active recreation and/or scenic enjoyment by the

residents of the townhouse development, as determined by the City Planning Commission. Common open space shall not include driveways, parking areas or structures other than those structures devoted to recreational use. The applicant shall provide, to the Commissioner of Building and Housing, evidence of legally enforceable mechanisms to ensure perpetual preservation of such land as common open space and to ensure proper maintenance.

(i) *Easements for Zero (0) Lot Line Buildings.* Where the City Planning Commission determines that provision of an easement is necessary to ensure proper access, light and air to a building placed directly on a lot line, the Commission may require provision of such easement as a condition of the issuance of a Building Permit for construction of the zero(0) lot-line building. The easement shall be shown on the recorded plat and incorporated into each deed transferring title to the property.

(j) *Variations from Area and Yard Regulations.* The Board of Zoning Appeals may approve variations from area and yard regulations applicable to townhouse developments if the Board determines that such variations are necessary to achieve an appropriate development of the site and that such variations will not result in safety or health hazards and will not be injurious to the use or value of nearby properties. In making such a determination, the Board shall consider a recommendation made by the City Planning Commission on the basis of the site plan and design review conducted in accordance with the provisions of division (f) of this section.

(k) *Homeowners Association.* Any townhouse development of three (3) or more units, even those not located in Townhouse Districts, consisting of individual townhouse units situated on separate parcels of land shall establish a homeowners association to ensure coordination of exterior alterations and maintenance. The homeowners association shall, at a minimum, have authority to review and approve all exterior alterations to the buildings and the property comprising the townhouse development. The homeowner's association may determine the scope of the exterior alterations that must be reviewed. A draft of the homeowners association declaration of restrictions shall be submitted to the Director of the City Planning Commission for review and approval at the time of application for a building permit. The Director of the City Planning Commission shall review the declaration of restrictions of the homeowners association to ensure that the minimum requirements of this section are met. A declaration of restrictions of the homeowners association shall be filed and recorded with the Cuyahoga County Recorder's Office and evidence of such filing and recording shall be submitted to the Director of Building and Housing prior to the issuance of an initial Certificate of Occupancy by the City.

(Ord. No. 1844-02. Passed 5-12-03, eff. 5-21-03)

§ 337.04 Purpose and Development of Limited Multi-Family Districts

A limited Multi-Family District is established in order to provide a zoning use district within which one (1), two (2) and multi-family buildings may locate as compatible land uses. This is a district of low population density equivalent to the population densities of a Two-Family District. The yard and lot area requirements are such as will afford maximum protection to the various permitted uses. To secure these ends, a building permit for the construction of an apartment house or group of apartment houses shall not be issued until the Planning Commission has approved the plans for the proposed development. Such plans shall include a site plan showing the location and size of the buildings and their relationship to other buildings on adjoining lots. The plan shall also show the design of that area to be devoted to off-street parking, the number of off-street parking spaces, a system of vehicular traffic circulation and points of access from adjoining streets. The plan shall also show landscape treatment at the boundaries of the proposed development indicating the type, size and location of trees, shrubs and other landscaping. In making its determination the Planning Commission shall require conformance to the provisions of this section, and shall be satisfied that the proposed development plans will provide the maximum residential amenities as applied to the adjoining lots as well as the proposed development itself.

(Ord. No. 2222-58. Passed 2-16-59, eff. 3-29-59)

§ 337.05 Permitted Buildings and Uses in Limited Multi-Family District

The following are permitted buildings and uses in a Limited Multi-Family District:

- (a) All uses permitted and as regulated in a One- Family District;
- (b) Row Houses;
- (c) Apartment houses provided that they conform to the requirements of Section 337.06.

(Ord. No. 2222-58. Passed 2-16-59, eff. 3-29-59)

§ 337.06 Area, Yard and Height Requirements for Apartment Houses

- (a) *Maximum Gross Floor Area.* The maximum gross floor area for all buildings shall not exceed one-half (1/2) the lot area.
- (b) *Minimum Lot Area.* The minimum lot area for each dwelling unit shall be two thousand four hundred (2,400) square feet.
- (c) *Required Side Yards.* Two (2) side yards shall be required with a minimum width for each side yard of twenty (20) feet, notwithstanding the provisions of Section 357.09.
- (d) *Required Rear Yard.* A rear yard shall be provided with a minimum depth of fifty (50) feet except that where the rear lot line adjoins the boundary of a less restricted area district, the provisions of Section 357.08 shall apply.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 337.07 Reserved

§ 337.08 Multi-Family District

Except as otherwise specifically provided in this Zoning Code, no building or premises in a Multi-Family District shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part for other than one (1) or more of the following specified uses:

- (a) All uses permitted and as regulated in a Two-Family District;
- (b) Row houses, apartment houses;
- (c) Rooming houses, boarding houses, tourist homes;
- (d) The following buildings or uses, if located not less than ten (10) feet from any adjoining premises in a Residence District not used for a similar purpose:
 - (1) Dormitories;
 - (2) Reserved;
 - (3) Lodges or social buildings and their grounds, except those a chief activity of which is one customarily carried on primarily for gain;
 - (4) Police stations, fire stations;
 - (5) Other public buildings or properties of a character not customarily conducted as a gainful business.
- (e) The following buildings and uses if located not less than fifteen (15) feet from any adjoining premises in a Residence District not used for a similar purpose:
 - (1) Public libraries, public museums;
 - (2) Public or private schools or colleges, including accessory laboratories, not conducted as a gainful business;
 - (3) Kindergartens, day nurseries, children's boarding homes;
 - (4) Fraternity houses, sorority houses;
 - (5) Hospitals, sanitariums, nursing, rest or convalescent homes, not primarily for contagious diseases nor for the care of epileptics or drug or liquor patients, nor for the care of the insane or feeble-minded;
 - (6) Orphanages;
 - (7) Homes for the aged and similar homes;
 - (8) Charitable institutions not for correctional purposes.
- (f) Accessory uses permitted in a Multi-Family District.

(g) A residential facility, as defined in Chapter 325 of this Zoning Code, for six (6) to sixteen (16) persons may be permitted as a conditional use. The City Planning Commission shall approve a residential facility as a conditional use in a Multi-Family District only when the residential facility is located not less than one thousand (1,000) feet from another residential facility and only if the City Planning Commission determines that the conditional use meets the following zoning and architectural criteria:

(1) the architectural design and site layout of the home and the location, nature and height of any walls, screens, and fences are compatible with adjoining land uses and the residential character of the neighborhood, as may be specified in applicable Zoning Code regulations for Multi-Family Districts; and

(2) the use complies with all applicable yard, parking and sign regulations in this Zoning Code for Multi-Family Districts.

(Ord. No. 586-16. Passed 7-13-16, eff. 7-17-16)

§ 337.081 Downtown Residential (DR) District

(a) *Purpose.* A Downtown Residential (DR) District is established to reserve suitably-located sites for development or retention of residential uses, supplemented by compatible retail or office uses, within the downtown area of the City of Cleveland. Reservation of such sites for residential use is intended to strengthen the economy of the City's central business district by supplementing the demand for retail and entertainment uses, particularly during evening and weekend hours. Establishment of a downtown residential zoning district is also intended to protect residential uses in the downtown area from detrimental effects of incompatible uses.

(b) *Definition of Residential Use.* For purposes of this section, the term "residential use" shall refer to dwelling units, hotel rooms, dormitory rooms, live/work space, and all hallways and other common areas serving such units or rooms.

(c) *Permitted Uses.* In a Downtown Residential (DR) District, permitted uses shall be limited to the following, provided that at least fifty-one percent (51%) of all floor area devoted to main uses in each main building or complex of main and accessory buildings shall be in residential use, as defined in division (b) of this section:

(1) Residential uses: including "Class A" multiple dwellings, townhouse buildings and dormitories;

(2) Professional, business, governmental, institutional and medical offices;

(3) Restaurants, taverns and other eating establishments;

(4) Retail stores and retail services, except as prohibited in division (d) of this section;

(5) Theaters, nightclubs, dance halls, bowling alleys, skating rinks and other places of entertainment and recreation, except as prohibited in division (d) of this section;

(6) Banks and other financial service establishments, copying and printing services, employment agencies, and other business service establishments, except as prohibited in division (d) of this section;

(7) Museums, libraries, galleries, schools, places of worship, daycare centers, and other cultural and institutional uses, not for correctional purposes;

(8) Parking and other accessory uses permitted in Multi-Family and General Retail Districts, and rooftop antennae and associated equipment for transmission or reception;

(9) Uses similar to those permitted with respect to the type of goods sold, the type of services offered, hours of operation, and effects on nearby residential uses.

(d) *Prohibited Uses.* All uses not listed as permitted nor determined to be a similar use are prohibited. In addition, the following uses are specifically prohibited in Downtown Residential (DR) Districts:

(1) Uses permitted only in an Industrial District;

(2) Service stations, service garages, and car washes ("automobile laundries"), except as an accessory use to a multiple dwelling, where such services are available exclusively to residents to the multiple dwelling and for which no exterior signs are displayed;

(3) Adult entertainment uses, as defined in Section 347.07 of this Code;

(4) Animal kennels and establishments in which animal slaughtering is conducted.

(e) *Limitation on Parking.* In Downtown Residential (DR) Districts, parking shall be permitted as an accessory use but shall be limited to a maximum of two (2) parking spaces per dwelling unit plus the minimum number of parking spaces that would be required for any non-residential floor area, if such property were subject to the parking requirements of this zoning code.

(f) *Limitation on Location of Non-Residential Main Uses.* In Downtown Residential (DR) Districts, no building shall be devoted exclusively to retail, office, or other permitted non-residential main uses. Such uses shall be located only in buildings which are devoted principally to residential use or to garages providing parking for the residential uses.

(g) *Exceptions to Yard Regulations.* Requirements for interior side yards and rear yards may be waived by the Board of Zoning Appeals in Downtown Residential (DR) Districts if the Board determines that one (1) of the following factors applies:

(1) The subject property owner has obtained a legal interest from an adjoining property owner to provide yard areas which are equivalent to those required - such legal interest to be properly recorded, to be of appropriate duration and to be filed with the Division of Building and Housing prior to issuance of a Building Permit;

(2) No windows for residential uses are located in any side of the building where the required yard area is not provided; or

(3) Development of a structure on an adjoining property, so as to block adequate light and air to windows for residential uses, is made infeasible by topography, natural features or other factors identified by the Board.

(h) *Area Regulations.* Regulations of Section 355.04 regarding "minimum lot area per dwelling unit" and the ratio of "maximum gross floor area to lot area" shall not apply in Downtown Residential (DR) Districts.

(i) *Nonconforming Uses and Buildings.* Legally established nonconforming uses located in a Downtown Residential (DR) District may be continued in accordance with the regulations of Chapter 359 of the Zoning Code. In addition, within a DR District, any building which does not meet the minimum requirement for proportion of floor area in residential use shall be governed by the following regulations with regard to changes in use:

(1) Any existing non-residential use may be replaced by any use permitted in the DR District, without action by the Board of Zoning Appeals.

(2) Any vacant space in which the immediate prior use was non-residential may be occupied by any use permitted in the DR District, without action by the Board of Zoning Appeals.

(j) *Signs.* In a Downtown Residential District, signs shall be permitted as in a General Retail District.

(Ord. No. 338-97. Passed 3-26-01, eff. 4-2-01)

§ 337.09 Purpose of Residence-Office Districts

A Residence-Office District is established in order to provide a zoning use district where apartment houses and administrative and professional office buildings and similar uses may be located as compatible land uses. The height, area, yard and court regulations of this Zoning Code are the same for residential and nonresidential uses. Off-street parking is required of all uses permitted in the district. Thus, a district is provided within which the related uses can function effectively and at the same time protecting the residential amenities of adjoining Residence Districts.

(Ord. No. 1903-59. Passed 12-14-59, eff. 12-16-59)

§ 337.10 Permitted Buildings and Uses in Residence-Office Districts

In a Residence-office District the following buildings and uses are permitted, provided that no sales, display or warehousing of merchandise shall be permitted on the premises:

(a) Apartment houses;

(b) Apartment hotels;

(c) The following, if located at least fifteen (15) feet from the lot lines where the adjoining premises are not used for similar purposes:

(1) Administrative and professional office buildings;

- (2) Hospitals, sanitariums, nursing, rest or convalescent homes, homes for the aged and clinics provided that none of these uses are operated primarily for abortions, the care of contagious diseases, the insane or feeble-minded, epileptics, drug or liquor patients;
- (3) Junior or senior high schools, colleges and universities that are nonprofit;
- (4) Dormitories, fraternity or sorority houses when related to an existing nonprofit public or private school, college or university located within the same Residence-Office District;
- (5) Police and fire stations and other administrative governmental buildings;
- (6) Nonprofit libraries and museums;
- (7) Kindergartens, day nurseries, children's boarding homes, orphanages and other child care centers;
- (8) Public utility buildings, provided that no storage yard or building shall be operated in connection therewith;
- (9) Research laboratories not involving the manufacture, fabrication, processing or sale of products on or off the premises, provided that such does not create or emit offensive or noxious odors, fumes, dust, smoke, gas, noise or other similar air pollutants;
- (10) An accessory ethical pharmacy used in connection with and for the exclusive use of the patients in a medical office building or any other permitted use devoted to medical care, provided that there shall be no display or advertising sign visible from the exterior of the building, and further that access to such pharmacy shall be had from within the main building only;
- (11) Nonprofit lodges;
- (12) Charitable institutions not for correctional purposes;
- (d) Accessory uses as permitted and as regulated by divisions (a)(8), (a)(9) and (11) of Section 337.23.

(Ord. No. 2215-96. Passed 4-7-97, eff. 4-7-97; Reprinted 7-2-97 CR)

§ 337.11 Residence-Office District Off-Street Parking

In a Residence-Office District, every building or structure erected, altered or remodeled and every use of land occupied on or after December 16, 1959, shall provide the total number of accessory off-street parking spaces as required by this Zoning Code.

(Ord. No. 1903-59. Passed 12-14-59, eff. 12-16-59)

§ 337.12 Parking Plan to Accompany Building Permit Application

An application for a building permit shall not be approved unless a parking plan is submitted with it that shows the location, dimensions and grades of all required parking spaces and approaches thereto in accordance with the provisions of Sections 337.11 to 337.21.

(Ord. No. 1903-59. Passed 12-14-59, eff. 12-16-59)

§ 337.13 Required Parking Spaces

Accessory off-street parking spaces shall be provided and maintained in accordance with the requirements set forth in the following table:

Uses	Required Accessory Off-Street Parking Spaces
Apartment houses	1 for each dwelling unit.
Apartment hotels	1 for each dwelling unit, plus 1 for each 2 rented sleeping rooms, plus 1 for each 2 employees

	expected on the premises during the largest work shift period.
Medical or dental offices	5 for each doctor or dentist, plus 1 for each 2 employees expected on the premises during the largest work shift period; or 1 for each 150 square feet of gross floor area, whichever is greater.
Other professional and administrative offices	1 for each 300 square feet of gross floor area.
Hospitals and sanitariums	1 for each bed, plus 1 for each staff doctor, plus 1 for each 3 other employees expected on the premises during the largest work shift period.
Accessory ethical pharmacy	1 for each employee or operator expected on the premises during the largest work shift period.
Clinics	1 for each 200 square feet of gross floor area.
Homes for the aged, convalescent, rest and nursing homes and orphanages	1 for each staff member, including doctors and nurses, plus 1 for each 3 other employees expected on the premises during the largest work shift period, plus 1 for each 6 beds.
Schools:	(See also requirements for auditoriums, gymnasiums and stadiums.)
Junior High	1 for each 2 staff members and other employees expected on the premises during the largest work shift period.
Senior High	1 for each 2 staff members and other employees expected on the premises during the largest work shift period, plus 1 for each 12 seats in a classroom, based on planned classroom activity.
Colleges and Universities	1 for each 2 staff members and other employees expected on the premises during the largest work shift period, plus 1 for each 10 seats in a classroom based on planned classroom activity.
Dormitories, fraternity and sorority houses	1 for each 4 beds, plus 1 for the operator or manager living on the premises, plus 1 for each other employee expected on the premises during the largest work shift period.
Police and fire stations and other governmental administrative buildings and public utility buildings	2 for each 3 employees expected on the premises during the largest work shift period.
Libraries and museums	1 for each employee expected on the premises during the largest work shift period, plus 1 for each 200 square feet of gross floor area.

Kindergartens, day nurseries, children's boarding homes and other child care centers	1 for each 2 staff members and other employees expected on the premises during the largest work shift period.
Auditoriums, gymnasiums and stadiums	1 for each 6 seats or total parking area equal to 3 times the gross floor area, whichever is greater. Where there are no fixed seats, each 24 inches of bench space shall be considered 1 seat. Where there are no seats or benches, each 20 square feet of floor area usable for seating shall be considered 1 seat.
Research laboratories	1 for each employee expected on the premises during the largest work shift period, or total parking space equal to 25% of the gross floor area, whichever is greater.
Lodges	Total parking space equal to 1/2 of gross floor area.

For the purpose of determining the amount of accessory off-street spaces required, "gross floor area" means the total area of all the floors in a building or structure, excluding basement space used for storage or utilities, measured from the exterior faces of exterior walls.

(Ord. No. 1903-59. Passed 12-14-59, eff. 12-16-59)

§ 337.14 Location of Required Off-Street Parking Space

Except as provided by this section, the required accessory off-street parking space shall be located on the same lot as the use for which it is provided. All such parking spaces shall be located behind the setback building line. No such parking space shall be located within ten (10) feet of any wall of a building or structure if such wall contains ground floor openings designed to provide light or ventilation for such building structure.

The Board of Zoning Appeals may permit as a special exception the location of required accessory off-street parking spaces on a separate lot if the Board finds all of the following:

- (a) That there is no way to provide such parking spaces on the same lot as the use;
- (b) That for a permitted apartment house, such parking spaces are within two hundred (200) feet of or for any other permitted use, within four hundred (400) feet of the nearest boundary of the lot upon which the use is located measured by a straight line between the two (2) points;
- (c) That the separate lot upon which such parking spaces are provided is in the same ownership as the permitted use, and is subject to deed restrictions recorded in the office of the County Recorder binding the owner, his or her heirs and assigns to maintain and provide for the required number of such parking spaces throughout the life of such use in accordance with the provisions of this Zoning Code; and
- (d) That the Commissioner of Traffic Engineering and Parking has caused a study to be made of the proposed location and finds that safe and adequate access can be provided and that the potential traffic will not be injurious or detrimental to the adjoining streets.

(Ord. No. 1903-59. Passed 12-14-59, eff. 12-16-59)

§ 337.15 Joint Off-Street Parking Facilities

Accessory off-street parking spaces required of two (2) or more uses located on the same lot or parcel may be combined and used jointly by such uses, provided that the parking spaces provided shall be equal to the total number of accessory off-street parking spaces required by all such uses.

(Ord. No. 1903-59. Passed 12-14-59, eff. 12-16-59)

§ 337.16 Sale of Fuel and Repairs

The sale of automotive fuels and accessories and the furnishing of repairs or service of any kind for motor vehicles shall not be permitted.

(Ord. No. 1903-59. Passed 12-14-59, eff. 12-16-59)

§ 337.17 Size of Off-Street Parking Space

Each accessory off-street parking space shall have a minimum unobstructed area of three hundred (300) square feet. Where driveways are required to provide accessibility to the parking spaces, they shall have an unobstructed width of at least twenty (20) feet.

(Ord. No. 1903-59. Passed 12-14-59, eff. 12-16-59)

§ 337.18 Access and Maintenance to Off-Street Parking Spaces

(a) Accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash.

(b) Accessory off-street parking spaces shall be provided with wheel or bumper guards that are so located that no part of a parked vehicle will extend beyond such parking space.

(c) The driveway used to provide accessibility to accessory off-street parking spaces shall be so located and arranged to minimize traffic congestion.

Therefore:

(1) Only one (1) such driveway shall be permitted for each one hundred (100) feet of frontage of the use providing such parking spaces.

(2) The center line of such driveway shall be at least thirty (30) feet from the right-of-way line of any intersecting street where the driveways and intersecting street are on the same side of a street.

(3) The maximum width of such driveway shall be thirty (30) feet measured at right angles to the angle of the driveway entrance. Such driveway shall have an apron of six (6) feet radius at the curb, and provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic.

(Ord. No. 1903-59. Passed 12-14-59, eff. 12-16-59)

§ 337.19 Reserved

§ 337.20 Lighting for Off-Street Parking Spaces

Where lighting is provided for accessory off-street parking spaces, it shall be constructed and arranged so as to prevent the direct emission of light upon adjoining lots or the public streets.

(Ord. No. 1903-59. Passed 12-14-59, eff. 12-16-59)

§ 337.21 Height, Area, Yard and Court Requirements for Residence-Office Districts

Except as provided in Section 337.10, every building or structure hereafter erected or altered in any way, in a Residence-Office District, shall comply with the height, area, yard and court regulations applicable to Class A Multiple Dwellings and Multi-Family District.

(Ord. No. 1903-59. Passed 12-14-59, eff. 12-16-59)

§ 337.22 Performance Bond and Enforcement; Residence-Office Districts

(a) When application for a building permit is made to erect or alter a building or structure within a Residence-Office District, the applicant shall deposit with the Commissioner of Building a performance bond or a sum of money sufficient to cover the cost of providing the required off-street parking in accordance with the provisions of Sections 337.11 to 337.21. The performance bond shall be approved as to form and sufficiency by the Director of Law and shall be in effect until a certificate of compliance is issued by the Commissioner.

(b) If construction is not carried out in accordance with the provisions of Sections 337.11 to 337.21, the applicant shall within thirty (30) days after notice by the Commissioner comply with the sections. If the applicant does not comply, the Commissioner shall proceed to have the work done and charge all cost and expense for the work against the performance bond or the deposit filed by the applicant as herein set forth.

(Ord. No. 1903-59. Passed 12-14-59, eff. 12-16-59)

§ 337.23 Accessory Uses in Residence Districts

(a) *Permitted Accessory Uses.* The following accessory uses and buildings are permitted in a Residence District. Such permitted accessory buildings shall be located on the rear half of the lot, a minimum of eighteen (18) inches from all property lines and at least ten (10) feet from any main building on an adjoining lot in a Residence District. Accessory buildings shall not occupy more than forty percent (40%) of the area of the required rear yard and, in the case of a corner lot, shall be located back of any required setback or specific building line. For side street yard regulations consult Sections 357.05 to 357.07.

(1) Within a main building, the office of a surgeon, physician, clergyman, architect, engineer, attorney or similar professional person residing in such main building and employing in the office not more than one (1) nonresident office or laboratory assistant.

(2) Customary home occupation for gain carried on in the main building or in a rear building accessory thereto and requiring only customary home equipment; provided that no nonresident help is employed for that purpose, no trading in merchandise is carried on and no personal physical service is performed and, in a Limited One-Family District or in a One-Family District, no sign or other outward evidence of the occupation is displayed on the premises.

(3) Agricultural uses, subject to the regulations of Section 337.25 and Section 347.02 regarding the keeping of farm animals.

(4) Private incinerators for the burning of refuse and garbage produced on the same premises, provided that the construction is such as to assure immediate and complete combustion and freedom from offensive smoke, ash, unburned particles and odors, and a permit therefor is granted by the Commissioner of Environment.

(5) Fences and walls, as regulated in Chapter 358.

(6) Garages and parking spaces for the occupants of the premises and, when the premises are used for other than residence purposes, for their employees, patrons and guests.

A. In a Dwelling House District the floor area of a private garage erected as an accessory building shall not exceed six hundred fifty (650) square feet unless the lot area exceeds four thousand eight hundred (4,800) square feet in which event the floor area may be increased in the ratio of one (1) square foot for each twelve (12) square feet of additional lot area.

B. In Multi-Family Districts, garages and parking spaces erected or established as accessory uses shall be subject to the restrictions specified in Sections 343.19 to 343.21 and Chapter 349.

(7) Garage Sale or other Residential Property Sales, as defined in Section 676B.01(a), as long as they conform to the provisions in Chapter 676B.

(8) Signs permitted in accordance with the requirements of Chapter 350.

(9) Any other accessory use customarily incident to a use authorized in a Residence District except that no use prohibited in a Local Retail Business District shall be permitted as an accessory use.

(b) *Accessory Building Erected Prior to Erection of Main Building.* An accessory building may be erected prior to the construction of the main building only if:

- (1) The accessory building is erected on the rear half of the lot;
- (2) The accessory building is so placed as not to prevent the practicable and conforming location of the main building;
- (3) The main building is completed within two (2) years from the date of issuance of the permit for the accessory building.

(Ord. No. 814-10. Passed 10-4-10, eff. 11-3-10)

§ 337.231 Portable Storage Containers

(a) For purposes of this section, a "portable storage container" means a container, unit, shed-like structure, or other receptacle that is capable of being moved and is, or can be, used for the temporary storage of personal property or building materials of any kind, and is located on residential property.

(b) No person shall place a portable storage container on residential property without first obtaining a permit issued by the Director of Building and Housing, and displaying the permit on the front of the container most visible from the street. The Board of Control shall determine the permit fee and the Director of Building and Housing shall determine the permit application contents.

(c) All portable storage containers and their use on residential premises shall meet the following requirements:

(1) A portable storage container may not be located at a residential property for more than thirty (30) consecutive days of any calendar year; and

(2) No more than one (1) portable storage container shall be placed on a residential property at any given time without the express permission of the Director of Building and Housing; and

(3) All portable storage containers during the term of shall be in good condition free from rust, peeling paint and other visible forms of deterioration; and

(4) No portable storage container shall be placed where it obstructs traffic vision or on any public sidewalk or street, nor placed within any required front yard set-back; and a portable storage container shall be placed at least ten (10) feet away from any side-street property line and from any main building on an adjoining lot; and

(5) Portable storage containers may be kept on a property during the term of a valid building permit issued by the Director of Building and Housing for construction work on the property, and must be removed within fifteen (15) days of final cessation of construction or any thirty (30) day stop of construction; and

(6) No portable storage container shall exceed twenty (20) feet in length, ten (10) feet in width, or ten (10) feet in height.

(Ord. No. 440-16. Passed 8-10-16, eff. 8-11-16)

§ 337.24 Nursing Homes, Convalescent Homes, Old Folks Homes, Homes for the Aged and Rest Homes

(a) Except as provided in Sections 329.01 and 329.04, no nursing home, convalescent home, old folks home, home for the aged, rest home or similar use shall hereafter be erected nor shall any such existing structure, building or use be hereafter altered or remodeled to provide for any increase in occupancy, or to affect a change in occupancy classification, in a one (1) and two (2) family use district without complying with the following requirements:

(1) Each such use shall have a minimum lot size of twenty thousand (20,000) square feet, and no less than eight hundred (800) square feet of lot area per patient.

(2) Each such use shall have a minimum frontage of two hundred (200) feet in single-family and two (2) family residential districts.

(3) Each such use shall have a side yard of no less than thirty (30) feet on each side.

(4) Each such use shall have a landscaped front yard of no less than thirty-five (35) feet, and where no off-street parking may be maintained.

(5) Each such structure or building shall be no more than a maximum of two (2) stories in height.

(6) Each such use shall provide space on the premises to the rear of the structure or building for the parking or garaging of motor vehicles so that there shall be one (1) such space for each professional staff member, including doctors and nurses, one (1) space for each three (3) other employees and one (1) space for each six (6) beds.

(7) Each such use shall provide permitted compact evergreen planting or a permitted masonry wall or fence to a height of five (5) feet above grade level along both side lot lines and the rear lot line.

(b) The provisions herein shall apply, notwithstanding any other provisions of this Zoning Code.

(Ord. No. 1242-65. Passed 7-12-65, eff. 7-15-65)

§ 337.25 Agricultural Uses in Residential Districts

Agricultural uses in Residential Districts shall be subject to the following regulations and the regulations of Sections 347.02 and 205.02 regarding the keeping of farm animals.

(a) *Permitted Accessory Structures.* In addition to fences, as regulated in division (b) of this section, a permitted agricultural use may be served by the following accessory structures: sheds, greenhouses, coops, cages, beehives, hoopouses, cold frames, barns, rain barrels, composting, farm stands as regulated in division (d) of this section, and similar structures not exceeding fifteen (15) feet in height.

(b) *Fences.* Fences for agricultural uses shall be permitted in accordance with the regulations applicable to fences in Residential Districts, except that the following regulations shall apply where an agricultural use is the principal use in a Residential District.

(1) *Front Yard and Other Street Yard.* A fence located in a required front yard, side street yard or other street yard, shall not exceed four (4) feet in height and shall be either ornamental or black or dark green, vinyl-coated chain link.

(2) *Other Locations.* A fence located at or behind the setback line of a required front yard or other street yard shall not exceed six (6) feet in height and shall be either ornamental or chain link. Any open lot area between a fence and a street line shall be planted with grass or other vegetation.

(c) *Setbacks for Structures.* No permitted accessory structures to an agricultural use, other than fences and farm stands, shall be located in a required front yard or side street yard area line or within eighteen (18) inches of an interior side or rear lot line.

(d) *Farm Stands and Sale of Produce.* The sale of produce and the placement of farm stands shall be permitted only in accordance with the following regulations.

(1) *Sale of Produce.* Where such sales have been permitted by the Board of Zoning Appeals, agricultural products, plants, eggs and honey grown or produced on a property or within one thousand (1,000) feet of the subject property may be sold on the premises of an agricultural use in a Residential District if the agricultural use is the only use of the subject property or occupies at least seventy-five percent (75%) of the property or at least four thousand (4,000) square feet. In addition, foods prepared on site or off site may be sold if the principal ingredients are grown or produced on the subject property or within one thousand (1,000) feet of the subject property. No sales shall be made before 8:00 a.m. or after dusk. Food sales shall be licensed by the Cleveland Department of Public Health if such licensing is required in the City's Codified Ordinances.

(2) *Farm Stands.* Where a farm stand has been permitted by the Board of Zoning Appeals, any such farm stand located in a required front yard area in a One-Family or Two-Family District shall be removed from the front yard or stored inside a building on the premises during that time of the year when the garden or farm is not open for public use. Farm stands shall not occupy more than two percent (2%) of the subject property's land area and, in One-Family and Two-Family Districts, farm stands also shall not exceed two hundred (200) square feet in area on the subject property. A farm stand shall be set back at least eighteen (18) inches from any lot line.

(3) *Board of Zoning Appeals Approval.* No agricultural produce or related products may be sold from the property of an agricultural use and no farm stand for the sale of such products may be located on the property unless the Board of Zoning Appeals

determines, after public notice and public hearing, that the farm stand and sales will meet a community need without adversely affecting the neighborhood. In making this determination, the Board shall consider, among others, the following factors:

- A. The nature of nearby uses of land with respect to their sensitivity to the activity associated with farm stand sales;
- B. The proximity of the farm stand to one (1) family and two (2) family houses;
- C. Traffic volumes on the street on which the subject property is located;
- D. The availability of off-street or on-street parking to serve the farm stand use;
- E. The proximity of other farm stands serving the immediate area; and

F. The maintenance of a substantially unobstructed view in the set back area which shall include a clear view through the farm stand above a height of three (3) feet.

(e) *Signs.* Where an agricultural use is the principal use in a Residential District or occupies at least seventy-five percent (75%) of the property or at least four thousand (4,000) square feet, one (1) sign shall be permitted on each street frontage identifying the agricultural use and listing hours of operations for market sales and contact information. Such sign shall not exceed four (4) square feet in area and, if freestanding, shall not exceed three (3) feet in height and shall be set back at least five (5) feet from all property lines unless the sign is placed on a permitted farm stand. No signs shall be permitted for an agricultural use that is an accessory use in a Residential District.

(f) *Composting.* Composting may be conducted on the premises of an agricultural use if limited to use on the subject property and if stored in a manner that controls odor, prevents infestation and minimizes runoff into waterways and onto adjacent properties.

(g) *Maintenance.* Any land devoted to agricultural use shall be well-maintained and shall be free of excessively tall weeds or grass. All accessory structures to an agricultural use shall also be well maintained.

(h) *Building Permits.* No Building Permit or Certificate of Occupancy shall be required for establishment of an agricultural use. A Building Permit shall be required for installation of a fence or for construction of a barn or other structure routinely requiring such permit, except that no Building Permit shall be required for cages, coops, beehives or similar structures that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor eight (8) feet in height. No farm stand shall be installed without issuance of a Building Permit. The application for such Permit shall include the name, address and phone number of the operator of the farm stand; the length, width and height of the farm stand; a description of the type of produce to be sold from the farm stand; and the name of the property owner. If the applicant is not the property owner, the applicant shall include with the Permit application a written statement from the property owner authorizing the applicant to install and operate the farm stand.

(i) *Definitions.* As used in this section:

(1) "Farm stand" means a temporary structure used for display or sale of produce as described in division (d)(1) of this section and that meets the requirements of this section.

(2) "Subject property" refers to a parcel of land or two (2) or more adjacent parcels of land in agricultural use.

(Ord. No. 814-10. Passed 10-4-10, eff. 11-3-10)

§ 337.251 Limited Lodging in Residence Districts

(a) *Definitions.* As used in this section:

(1) "Accessory use" shall have the same meaning as defined in Section 325.02.

(2) "Booking agent" means any person or entity that facilitates reservations or collects payment for limited lodging accommodations on behalf of or for an owner or primary resident. Merely publishing an advertisement for accommodation in a dwelling unit for limited lodging does not make the publisher a booking agent.

(3) "Dwelling unit" shall have the same meaning as defined in Section 325.20.

(4) "Limited lodging" means the accessory use of all or part of a dwelling unit by rental for temporary occupancy for dwelling, sleeping, or lodging. Limited lodging includes the arrangement of such rental by the owner through a booking agent.

(5) "Lodgers" means a person who is a renter of all or part a dwelling unit and has mere use without actual or exclusive

possession of the dwelling unit.

(6) "Owner" means a titled-owner or a tenant/renter of a property who is in possession and control of the dwelling unit and who lives in the dwelling unit more than fifty-one percent (51%) of the calendar year. Any tenant or renter of the property must be authorized by the titled-owner of the property to provide limited lodging.

(7) "Primary residence" means the use of a dwelling unit for residential household living purposes of more than fifty-one percent (51%) of the calendar year by the owner, tenant/renter, or person in possession and control of the dwelling unit.

(8) "Temporary occupancy" means the accommodation of lodgers conducted in a dwelling unit, the primary use of which is for household living, and where the total accommodations of lodgers provided is for fewer than ninety-one (91) days per calendar year but where the provision of lodging to any particular lodger is for no more than thirty (30) consecutive days.

(b) *General Provisions.*

(1) Limited lodging is permitted in a Residence District, provided that limited lodging in a particular dwelling unit may be provided for no more than ninety-one (91) days per calendar year.

(2) Notwithstanding Chapter 365, limited lodging is not required to have a certificate of rental registration provided the dwelling unit remains owner-occupied as a primary residence.

(3) The standards set forth in division (c) of this section are intended to ensure that limited lodging will not be a detriment to the character and livability of the surrounding residential neighborhood.

(c) *Standards.* A dwelling unit may be used for limited lodging subject to compliance with all of the following minimum requirements:

(1) The dwelling unit shall remain as a household living unit with housekeeping facilities in common.

(2) Limited lodging must be accessory and incidental to the use of a dwelling unit for residential household living purposes as a primary residence.

(3) Smoke detectors shall be provided and maintained adjacent to each sleeping area in each dwelling unit as required in Chapter 392.

(4) One or more carbon monoxide detection devices shall be installed and maintained as close to the center of the dwelling unit and within close proximity to the living and sleeping areas of the dwelling unit.

(5) Lodgers shall be notified of the trash and recycle collection days for the property and any applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property. The owner shall provide proper trash and recycling containers for the lodgers.

(6) The owner or primary resident offering the dwelling unit for limited lodging shall provide to any lodger the contact information, including a telephone phone number, of a person with responsibility to take action to resolve any complaints regarding the condition, operation or maintenance of the dwelling unit.

(7) Compliance with all other applicable provisions of the Cleveland Codified Ordinances related to residential dwelling units.

(Ord. No. 30-16. Passed 6-6-16, eff. 7-1-16)

Note: Pursuant to Section 7 of Ord. No. 30-16, this section shall be of no force and effect as of February 1, 2017.

CHAPTER 352 - LANDSCAPING AND SCREENING

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§ 352.01 Purpose

The purpose of the requirements in this chapter is to provide for appropriate landscaping and screening that will:

- (a) Protect residential and all other environments from adverse effects, such as noise, odors and dust, of more intensive adjacent uses;
- (b) Protect users of parking areas from excessive wind, glare, and temperature extremes;
- (c) Mitigate the adverse effects on public streets and adjacent properties of noise, blowing dust and debris, water runoff, and glare from motor vehicle headlights and parking area lighting;
- (d) Discourage unsafe access to and circulation within off-street parking areas;
- (e) Contribute to improved community appearance and property values and preserve and enhance the mature "established" character of City neighborhoods;
- (f) Preserve privacy in residential areas next to non-residential uses and discourage trespass thereupon;
- (g) Provide trees that improve the urban environment by cooling the air and land, reducing carbon dioxide in the air, and producing oxygen; and
- (h) Compensate for the inability in an older, densely developed city like Cleveland to buffer incompatible uses by use of wide yards and open spaces.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 352.02 Types

- (a) *Transition Strip*. A Transition Strip is a landscaped screening strip of an intensity specified in the table contained in Section 352.09 located along the length of all lot lines that abut an adjacent lot having zoning of a different intensity.
- (b) *Frontage Strip*. A Frontage Strip is a landscaped screening strip located along the length of front and corner side lot lines in actual front or corner side yards that accommodate parking or other areas specified in the table contained in Section 352.10 requiring screening from public streets.
- (c) *Island Strip*. An Island Strip is a landscaped area located within an off-street parking area as required by the table contained in Section 352.10 to guide traffic circulation, reduce glare and temperature extremes, and improve the appearance of the parking area.
- (d) *Screen Barrier*. A Screen Barrier is a fence, wall, or evergreen landscape screening concealing uses specified in the table contained in Section 352.10 from view from the ground floor level adjoining properties and from the street.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 352.03 Where Required

- (a) *Transition Strips*. Any use located on a lot having a rear or interior side lot line abutting or across a court or alley right-of-way

from a zoning district with a lower index number as provided in the table contained in Section 352.08 shall install a Transition Strip along such lot line as required by the table contained in Section 352.09.

(b) *Other.* Frontage Strips, Island Strips, and Screen Barriers shall be required as provided in the table contained in Section 352.10.

(c) *Uses Approved by Board of Zoning Appeals.* Because certain uses require approval by the Board of Zoning Appeals under this chapter because of their potential to create land use conflicts, in order to reduce such conflicts such uses may be required by the Board to provide landscaping or screening that exceeds the requirements herein.

(d) *Exceptions.*

(1) *Screening on Abutting Lot.* No screening shall be required along a lot line if screening meeting all other requirements therefor exists along such lot line on the abutting lot or lots. If such existing screening is lawfully discontinued, screening on the subject lot meeting the requirements herein shall be installed within sixty (60) days of the discontinuation.

(2) *Below-Grade Areas.* The height of a Frontage Strip or Screen Barrier along a lot line which adjoins a below-grade parking or loading area may be reduced by an amount which reflects the difference in grade between the parking or loading area and the area along the lot line. Specifically, such difference in grade shall be determined by comparing the highest point of the finished grade of the parking or loading area and the average grade of the strip of lot area within four (4) feet of the lot line.

(3) *Shared Driveway.* No screening shall be required along that portion of a lot line along which there is a driveway or vehicular circulation aisle that is shared with an abutting lot.

(4) *Building Walls.* A building wall meeting the requirements herein shall qualify as wall screening under the table contained in Section 352.11 if its location along the lot line is legally nonconforming or is permitted under yard and setback requirements of this chapter.

(5) *Temporary Uses.* A temporary use shall not be subject to the provisions of this chapter if it has been issued a permit by the Commissioner of Building and Housing limiting its duration to two hundred seventy (270) days or less, or such a permit and no more than one (1) renewal thereof for no more than ninety (90) additional days. Temporary "for hire" parking lots, however, shall be subject to the applicable requirements contained in Chapter 457 of the Codified Ordinances.

(6) *Downtown.* No Transition Strip or Screen Barrier shall be required in the Central Business District as defined in Section 325.12 except as a condition to a use requiring either approval under this chapter by the Board of Zoning Appeals or design review approval under Chapter 341 (the Public Land Protective District) or under Chapter 161 (the Landmarks District). Frontage Strips and Island Strips shall be required in the Central Business District, except as otherwise provided herein.

(7) *Built-up Lots.* The Commissioner of Building and Housing shall waive the requirement for installation of any Strip or Screen Barrier, or reduce any of the required dimensions thereof, for a new use on any developed lot where it has been determined by the Director of the City Planning Commission that:

A. There is insufficient space to allow its installation; or

B. The Strip or Barrier could not be installed without creating either a violation of any provision of this chapter or a greater degree of nonconformity therewith; or

C. Installation would impede essential access onto or within the lot.

No waiver shall be granted if a reduction in dimensions of the Strip or Barrier would allow its installation, and any such reduction shall be the minimum needed to permit the installation, as determined by the Director of the City Planning Commission.

(8) *Access Ways.* Transition Strips and Frontage Strips shall not be required along the width of access ways. Width of access ways shall not be counted for purposes of spacing requirements in the table contained in Section 352.11.

(9) *Lots Without Water Supply.* On any lot on which access to City water for irrigation required for landscaping is unavailable or impractical in the judgment of the Director of the City Planning Commission (such as may be the case with a parking lot not associated with a building), the Director may approve exceptions as provided herein.

A. In lieu of the trees and shrubs required by the table contained in Section 352.11:

1. Where feasible in his or her judgment, the Director may approve installation on the lot of drought-resistant xeriscape varieties generally equivalent in number and dimensions to the installations required by the table;

2. Otherwise, the Director may approve waiving the requirement for shrubs and in lieu of the requirement for trees may

approve installation of street trees in the public right-of-way abutting the lot. Such street trees shall meet the requirements of the table for trees and shall be approved by the Division of Urban Forestry of the Department of Parks, Recreation and Properties.

B. In lieu of living ground cover in a landscaped strip required as set forth in the table contained in Section 352.11 and division (c) of Section 352.05, the Director may approve exclusive use of non- living materials, such as barks, stones or sand, in an ornamental arrangement but not artificial plants or artificial turf. If in his or her judgment use of non- living materials is impractical, the Director may approve waiving the requirement for the landscaped strip.

(10) *Alleys*. No Frontage Strip shall be required abutting any alley or court, as defined in Section 309.09, except as may be required in Chapter 457 of the Codified Ordinances.

(11) *Vision Clearance Triangle*. Notwithstanding any other provision herein, no part of any wall, fence, hedge, berm, or other opaque landscaping or screening obstruction, except for tree trunks and open fences (as defined herein), shall project between two and one-half (2-1/2) feet and eight (8) feet above grade within any vision clearance triangle.

The vision clearance triangle shall be the area formed by the right-of-way lines of two streets or a street and a railroad, or the right-of-way line of a street and the edge of the pavement of a driveway, between their at-grade intersection and points twenty-five (25) feet therefrom along each line, or ten (10) feet in the case of a driveway, and a straight line connecting those two (2) points. The restrictions for vision clearance triangles shall not apply with regard to driveways on lots in one (1) family or two (2) family zoning districts.

(12) *Parking Districts*. No Transition Strip shall be required abutting a Parking District, as defined by the provisions of Chapter 339 of the Codified Ordinances. On a lot used for accessory parking in a Parking District, abutting any Residence District a Medium Intensity Transition Strip shall be required. On a lot in a Parking District developed in another use, the required Transition Strip shall be as determined by the table contained in Section 352.09.

(13) *Other*. Other exceptions may be approved by the Board of Zoning Appeals under provisions for variances in Chapter 329. (Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 352.04 Landscape Plan

(a) For any use required to provide any Transition Strip, Frontage Strip, or Island Strip, a Landscape Plan shall be filed with an application for:

- (1) Rezoning (map amendment); or
- (2) Any use requiring approval by the Board of Zoning Appeals; or
- (3) Any variance from landscaping or screening requirements; or
- (4) Building Permit or Certificate of Occupancy.

The requirement for submission of a landscape plan shall be deferred in any instance in which the specific use of the premises, and therefore the parking, loading, or other requirements on which the requirements herein are based, are not yet determined, such as in the case of an industrial subdivision the future uses within which are not yet known.

(b) The Landscape Plan shall conform to the requirements of the table contained in Section 352.12.

(c) No Landscape Plan shall be required for uses required to provide only a Screen Barrier as provided in the table contained in Section 352.10. The application shall, however, describe the dimensions, materials, color, and location of the Screen Barrier.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 352.05 Requirements for All Landscaped Areas

(a) *Permitted Forms of Screening*. Screening required in item 2 of the table contained in Section 352.11 and the Screen Barrier required in the table contained in Section 352.10 may take the form of:

- (1) A landscaped earthen berm;

(2) A concrete or masonry wall;

(3) A wood, wrought iron, tubular steel, or similar decorative fence as approved by the Director of the City Planning Commission as compatible with the character of the area in which the fence is to be placed;

(4) A compact hedge or other live evergreen vegetative barrier; or

(5) A combination thereof.

Fences and walls used to meet screening requirements shall display a finished face toward adjacent streets and properties.

(b) *Types of Landscaping Materials.* As determined by the Commissioner of Parks and Urban Forestry or in accordance with standards promulgated by said Commissioner, all varieties of living landscape materials used shall be:

(1) Healthy, hardy, and drought-resistant consistent with the availability of water for artificial irrigation; and

(2) Suitable for the climate and environmental influences on the site, such as exposure to sun, wind, water, heat, automobile exhaust fumes, and road salt; and

(3) Compatible with the slope of the site, with existing vegetation to be preserved and with utility lines above or below ground level; and

(4) Not prone to cause a nuisance within the public right-of-way as a result of dropping fruit or debris other than leaves. Where vulnerable to damage, materials shall be protected from pedestrian or vehicular traffic by grates, pavers or other measures.

(c) *Ground Cover In Landscaped Strips.* Grass or other ground cover shall be planted over all landscaped strips including earthen faces of berms, except in areas planted in flowers, shrubs, or trees, so as to present a finished appearance and reasonably complete coverage within three (3) months after planting.

Non-living landscaping materials such as sand, stones, rocks, or barks may be substituted for living cover over a maximum of thirty percent (30%) of the landscaped area. No artificial plants or turf shall be used.

(d) *Preservation of Landscaping.*

(1) *Credit Toward Requirements.* The Commissioner of Building and Housing shall credit healthy trees or shrubs existing on a site prior to development and proposed to be preserved toward the requirements of the table contained in Section 352.11.

Except as provided herein for bonus credits, each preserved tree or shrub meeting the applicable requirements of the table contained in Section 352.11 shall reduce by one (1) the number of new trees or shrubs required.

(2) *Bonus Credit for Larger Trees.* Larger preserved trees shall reduce the number of new trees required in the table contained in Section 352.11 as follows:

Trunk Caliper of Existing Tree to be Preserved*	Reduction in Number of New Trees Required
8 - 16 inches	2 trees
Over 16 inches	3 trees
* Measured 4.5 feet above grade at base.	

(e) *Tree Protection During Construction.* An applicant claiming a credit for preservation of existing trees and shrubs under division (d) of Section 352.05 shall file with the Commissioner of Parks and Urban Forestry a written statement certifying that all trees and shrubs are currently healthy and that the requirements of division (e) of Section 352.05 will be adhered to with respect to the trees for which the credit is claimed.

(1) *Mechanical and Chemical Injury.* Because mechanical injuries to trees intended to be preserved can be caused by soil compaction, unnecessary cutting of roots, fire, collisions with heavy equipment, carelessness with tools, and girdling with guy wires, and chemical injury caused by solvents, thinners, paints, oils, and other materials, protective barriers are required as described herein.

A. *Enclosure of Drip Line Area.* A fence, roping, flagging, or other protective barrier shall enclose the area within the drip

line or lines, and any exposed roots outside of such line or lines, of each tree or group of trees proposed for preservation. Such barrier shall be visible enough to be seen easily by equipment operators.

Removal of brush and weeds within this barrier shall be performed with hand tools only. To avoid chemical damage to trees, equipment shall not be cleaned within the barrier.

No equipment materials, fill, or debris shall be stored within the barrier except as may be necessary for a reasonable time if no other storage area is available.

B. *Bark Protection.* Trunks of trees to be preserved that surround the immediate building site and border access roads shall be wrapped with sections of snow fence or boards wired together.

No nails or spikes shall be driven into trees to be preserved, nor shall such trees be used for signs, fencing, roping, or cables.

(2) *Grade Changes.* Because changing the grade of the land surrounding a tree can impair the ability of its roots to obtain necessary amounts of air, water, and land minerals, protective measures shall be taken as specified in this division.

A. *Raising of Grade.* Before the grade of the land around a tree to be preserved is raised by land filling, the party undertaking the grading shall:

1. Install an aeration system consisting of a dry well around the trunk together with a layer of gravel and stone and a system of drain tiles over the root system at the level of the original grade. Such system shall be configured to provide, in the judgment of the Commissioner of Parks and Urban Forestry, adequate air and water circulation and drainage of water away from the trunk; or

2. If an aeration system is impractical or financially infeasible, take other measures approved by the Commissioner of Parks and Urban Forestry to protect the tree.

B. *Exemption.* Fills are exempt from the requirements of this division if they:

1. Are six (6) inches or less in depth; and
2. Consist only of porous, loamy, or gravelly soil high in organic matter; and
3. Do not contain clay, marl, or other heavy, impervious fills of any depth.

C. *Lowering of Grade.* To protect trees intended to be preserved from removal of or damage to feeder roots or changes to the water table, the area within the drip line shall be separated from the lowered grade by either terracing or, for grade differences of less than two (2) feet, construction of a dry retaining wall.

(3) *Excavations.*

A. *Location.* Excavations for utility pipelines shall be routed within the drip line of a tree to be preserved only if in the judgment of the Commissioner of Parks and Urban Forestry:

1. No other route for the lines bypassing the root area is practical; and
2. Tunneling under the roots with a power-driven soil auger is impractical or financially infeasible in relation to the value of the tree.

B. *Root Protection.* Parties excavating within the root area shall:

1. Minimize the number of roots cut, especially of large main roots; and
2. Cleanly cut with proper tools such roots as must be cut and retrim them after excavation; and
3. Paint cuts of roots of one-fourth (1/4) inch diameter or larger with a wound dressing like orange shellac or asphalt-based paint; and
4. Backfill the trench as soon after excavation as possible to minimize the time roots are exposed to the air; and
5. Leave no pockets of air when back filling; and
6. Mix peat moss with fill soil to promote new growth.

(4) *Damage Mitigation.* Where, despite the foregoing provisions, significant damage has been done to the roots, the tree shall be fertilized and excess branches that cannot be supported by the remaining undamaged roots shall be pruned.

Tree limbs damaged during construction shall be sawed off flush to the trunk.

(5) *Removal of Barriers.* Protective fences and barriers around trees shall be removed only as the final stage of post-construction cleanup.

(f) *Berming.* Berms used for screening shall be a minimum of two (2) feet high at all points. The interior face of a berm may be retained by a wall, terrace, or other means acceptable to the Commissioner of Building and Housing in lieu of taking the form of an earthen slope.

All earthen berm faces on which ground cover is not yet completely established shall be protected from erosion by a mulch and/or an erosion control net.

Slopes for earthen faces shall not exceed thirty- three percent (33%) if covered with grass and fifty percent (50%) if covered with other vegetative cover.

(g) *Curbing.* All landscaped strips located in or abutting parking areas shall be separated on all sides from the parking surface by curbing consisting of concrete, stone, brick, asphalt, or other material approved by the Commissioner of Building and Housing as having comparable appearance and durability. Curbing shall be in good condition upon installation.

(h) *Other.* Other requirements shall be as specified in the table contained in Section 352.11.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 352.06 Installation and Maintenance

(a) *Assurance of Installation.* Before issuing any Certificate of Occupancy for any application to which the provisions of this chapter apply, the Commissioner of Building and Housing shall determine that either:

(1) Landscaping and screening required hereunder have been fully installed; or

(2) If seasonal or weather conditions or other factors preclude such installation at the time of application, that financial sureties have been submitted to guarantee installation within nine (9) months of the date of issuance of the certificate.

Financial sureties shall be in the form of a performance bond, letter of credit, cash or property escrow, or other form approved by the Commissioner of Building and Housing. They shall be in the amount of one hundred ten percent (110%) of the estimated cost of the materials and their installation based on figures approved by the Commissioner of Urban Forestry.

(b) *Installation Procedures.* All living landscaping materials shall be installed in conformance with the most current procedures established by the American Association of Nurserymen or its successor organization. A permanently-installed underground irrigation system shall be provided for a required landscape area if it is determined by the Commissioner of Parks and Urban Forestry that such irrigation is required for proper maintenance of the type of landscape materials proposed for installation.

(c) *Maintenance and Replacement.* The owner, occupant, tenant, and agent of each, if any, shall be jointly and severally responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required under this chapter so as to preserve at least the same quantity, quality, and screening effectiveness as initially installed.

A preserved existing tree to which a bonus credit was applied that dies or is destroyed shall be replaced by either:

(1) A replacement tree of equal or greater caliper; or

(2) The trees required by the table contained in Section 352.11 without the bonus credit.

All living and non-living landscaping, including fences, walls, and ornamental lighting, shall be maintained in a good condition at all times so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris.

Any unhealthy or dead vegetation shall be replaced with healthy living plantings no later than the end of the next applicable planting season.

(d) *Removal.* Installed landscaping and screening may not be removed except temporarily for replacement or maintenance unless the zoning of an abutting parcel is changed to a district that does not require a Transition Strip or unless any other condition that mandates landscaping or screening hereunder no longer applies to the property.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 352.07 Other Provisions

No other portion of this Code, and no other ordinance, regulation, or redevelopment agreement, is intended to be repealed or abrogated by this chapter.

(a) *More Restrictive Requirement Applies.* If any other part of this or any other City ordinance, or any other law, regulation, Community Development Plan approved pursuant to Section 317.02, redevelopment agreement, or any kind of private agreement, covenant, or easement applying within the City, establishes a requirement different from that established in this chapter, the provision that is the more restrictive or that imposes the higher standard shall govern.

(b) *Nonconformities.*

(1) *Nonconformities May Continue.* A use lawfully existing immediately before the effective date of this chapter or any amendment thereto that does not conform to all applicable requirements hereof, may continue without such conformance without time limit except as provided herein.

(2) *When Board Determination Required.* Notwithstanding the provisions of Chapter 359, on or after such effective date a determination by the Board of Zoning Appeals as provided herein shall be required prior to the issuance of a Building Permit or Certificate of Occupancy for any such use, or any alteration thereof, for either of the following:

A. *Change of Use.* Any change from one use to another, as determined by the Commissioner of Building and Housing, whether or not a period of vacancy has intervened.

Such determination shall be guided by factors such as whether uses are named separately in the Use District regulations of Chapter 335 and 345, whether uses are subject to different requirements for parking under the Off-Street Parking and Loading chapter thereof, or other reasonable factors judged appropriate by the Commissioner.

B. *Expansion of Use.* An expansion of any use required to provide landscaping or screening under the tables contained in Sections 352.09 and 352.10, respectively, exceeds both:

1. Fifteen percent (15%) of the land area or floor area the use occupies; and
2. One thousand (1,000) square feet of such area.

(3) *Criteria for Determination.* The Board shall determine whether and to what degree the use shall comply with the requirements of this chapter as a condition of such Permit or Certificate.

The Board shall require full or partial compliance therewith if such compliance would not require:

- A. Acquisition of additional land; or
- B. Full or partial removal or relocation of a sound major structure or structures; or
- C. Creation of other circumstances that would produce undue hardship or practical difficulties.

Issuance of a Certificate of Occupancy for construction pursuant to an unexpired Building Permit issued before the effective date of this chapter shall not require action by the Board.

(4) *Nonconforming Refuse Disposal Areas.* Notwithstanding other provisions of this section, an accessory refuse disposal area which is a legal nonconforming use with respect to the screening requirements of this chapter shall be screened to meet all such requirements prior to issuance of a Certificate of Occupancy for any exterior construction of alterations to structures or pavement area on the subject property.

(c) *Approval by the Director of the City Planning Commission.* Where approval is required by the Director of the City Planning Commission, the Director may refer such decision for action by the City Planning Commission, if, in the opinion of the Director, the circumstances of a particular application do not provide sufficient guidance for an administrative decision.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 352.08 Table Containing Zoning District Compatibility Index Numbers

Index Number	Zoning District Type
0	Limited One-, One- and Two-Family
2	Limited Multi-Family and Multi-Family
3	Institutional ^a
4	Residence-Office
5	Local Retail and University (College) Retail
6	Shopping Center Retail and General Retail
7	Residence-Industry and Semi-Industry
8	General Industry
10	Unrestricted Industry
^a Applies only to lots in Residence Districts accommodating an institutional use.	

Index numbers are for use with the table contained in Section 352.09. See division (d)(12) of Section 352.03 for Parking Districts.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 352.09 Table Containing Uses Requiring Transition Strip

Difference Between Index Numbers [*]	Screening Intensity Required In Transition Strip
0	No Strip Required
2	Light
3	Medium
4-5	Heavy
6 or more	Maximum ^{**}
<p>[*] Difference obtained by taking: The Compatibility Index Number of the most restrictive district as provided in Section 335.01 that allows the principal use on the subject lot; And subtracting from it: The Compatibility Index Number for the zoning district of the abutting lot.</p> <p>^{**} Except only heavy intensity shall be required abutting an actual front yard of a lot in a residential district.</p>	

Compatibility Index Numbers are as provided in the table contained in Section 352.08. See also the tables contained in Sections 352.10 and 352.11, respectively.

§ 352.10 Table Containing Uses Requiring Other Screening or Landscaping ^a

Use	Frontage Strip	Island Strip ^e	Screen Barrier
1. Open off-street parking spaces:			
Over 10 spaces ^{c, d}	Medium ^j	-	-
Over 100 spaces ^c	Medium ^j	Light	-
2. Open sales lots and service stations	Light	-	-
3. Outdoor storage	-	-	b
4. Open service and refuse disposal areas	-	-	b
5. Electrical and mechanical equipment ^f	-	-	b
6. Utility stations ^g	-	-	b
7. Any open off-street loading space ^h	-	-	b
8. Junk yard and auto wrecking yards	-	-	b
9. Residential side yards abutting arterials ⁱ	heavy	-	-

- : No requirement

Light: Installation of Light intensity (see table in Section 352.11) is required.

Medium: Installation of Medium intensity (see table in Section 352.11) is required.

^a Requirements herein shall not apply to single-family detached or attached, 2-family, or townhouse dwellings except where parking, refuse disposal, or other uses are provided collectively for more than 2 dwellings.

^b Installation is required of screening with 75% or greater opacity of sufficient height to conceal uses specified herein from view from the ground floor level on adjoining properties and from the street.

^c Minimum Parking Lot Landscaping. Except in the Central Business District as defined in Section 325.12, a minimum of 5% of the parking area shall consist of landscaping. Any required Strip may be credited toward this requirement.

d Or a lot of any number of spaces with parking along over 50 feet of street frontage.

e Island Strips shall have a minimum area of 100 square feet each and shall be separated by no more than 20 parking spaces. Island Strips shall not be required for valet parking areas, as defined herein.

f Equipment such as transformers or air conditioners in the open on the ground but protruding above grade, or on a roof and protruding above a roof or parapet line.

g Electric substations, telephone exchanges, telephone terminal boxes over 20 cubic feet, and similar utility uses, except in Industrial Districts.

h Any open off-street loading space shall have a minimum screen barrier height of 6 feet.

i Residential Side Yards Abutting Arterials. Required on lots in Single- and Two-Family and Attached Residential Districts having a corner side lot line abutting an arterial street prior to issuance of a Certificate of Zoning Compliance for construction of any new principal building thereupon.

j "For hire" parking lots shall comply with the visual screening requirements of Chapter 457 of the Codified Ordinances, where such requirements are more restrictive than the requirements of this chapter.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 352.11 Table Containing Screening Intensity

	Screening Intensity			
	Light	Medium	Heavy	Maximum
1. Landscaped Strip				
Width in ft. ^b	4	6	8	10
2. Screening ^h				
a. Height in feet ^{d, e}	-	2.5	4	6
b. Year-round Opacity ^f	-	50%	75%	75%
3. Trees				
a. Spacing in feet ^a	50	40	30	20
b. Evergreens: ^g				
Height in feet	6	6	8	8
c. Deciduous: ^g				
Caliper in inches ^{c, d}	1.5	2.0	2.5	3.0

4. Shrubs				
a. Spacing in feet ^a	20	16	12	10
b. Height in feet ^{c, d}	1.5	2.0	2.5	3.0

All requirements 1 through 4 are mandatory; all figures are minimums.

^a In linear feet of landscaped area. Spacing is mean average spacing: trees and shrubs are not required to be spaced uniformly. At least 1 tree shall be installed in each separate landscaped area.

^b Except minimum width shall be 4 feet in the Central Business District, as defined in Section 325.12.

^c At 1 foot above grade at base.

^d At time of installation.

^e Fence height as defined herein.

^f By the end of the second growing season after installation, if a screen composed of landscaping is used.

^g This requirement applies only if this type of tree is used.

^h May be a fence, wall, berm, or landscape screening as provided in division (a) of Section 352.05.

(Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

§ 352.12 Table Containing Required Contents of Landscaping Plan

In addition to other plans required under this chapter, three (3) copies of a plan at a scale of ten (10) to thirty (30) feet to the inch containing:

(a) *Basic Information.*

- (1) Numeric and graphic scale, north arrow, and date of preparation;
- (2) Name, address, and phone number of applicant and of preparer of the plan;
- (3) Boundaries of the development and of each phase thereof;
- (4) Lot lines and dimensions and areas of lots;
- (5) A photograph taken within thirty (30) days of the date of application of the site on which the landscaping is to be installed.

(b) *Existing Landscaping.*

- (1) Existing wooded areas; and
- (2) Existing isolated trees four (4) inches or more in diameter at one (1) foot above natural grade at the base of the tree.

(c) *Proposed Landscaping.*

- (1) The following information about all proposed living and non-living landscaping materials, including materials to be preserved:
 - A. Botanic and common names;
 - B. Quantity and location;

- C. Height at installation and at maturity;
 - D. Caliper at one (1) foot above proposed grade.
- (2) Proposed ground cover; types and boundaries.
 - (3) Proposed berming locations and contours at one (1) foot intervals.
 - (4) Dimensions and descriptions, renderings, elevations, or photographs indicating the external appearance of proposed fences, walls, ornamental lighting and other non-landscaping elements.
 - (5) Measures to be taken to protect new and preserved trees during construction.
 - (6) Any other information the Commissioner of Building and Housing requires to determine compliance with this chapter.
- (Ord. No. 3077-A-89. Passed 6-17-91, eff. 7-27-91)

CHAPTER 353 - HEIGHT REGULATIONS

- 353.01 Height Districts Established; Definition
- 353.02 Setback Regulations and Maximum Height
- 353.03 Height of Corner Building along Side Street
- 353.04 Height of Buildings Fronting on Public Spaces
- 353.05 Maximum Height of Accessory Buildings in Residence Districts
- 353.06 Exceptions to Height Regulations

Cross-reference:

- Area districts established, CO 355.01*
- Building height defined, CO 325.34*
- Height of junk restricted, CO 347.06*
- Height requirements for apartment houses, CO 337.06*
- Height requirements for Residence-Office Districts, CO 337.21*
- Use districts designated, CO 335.01*
- Variances, CO 329.03*

§ 353.01 Height Districts Established; Definition

- (a) The City is hereby divided into nine (9) height districts which shall be known as Height Districts Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9, respectively, and so designated on the Building Zone Maps.
- (b) As used in this Zoning Code, "height limit" means the height to which a building located on a building line or required yard line may be erected without setback from such building line or yard line. The height limit in the various height districts shall be:

	Height Limit - Above Grade Level
Height District Number	(Height Limit = HL)
	(Distance to Center Line of Street =

	D)
1 HL =	D, but not to exceed 35 ft.
2 HL =	2D, but not to exceed 60 ft.
3 HL =	3D, but not to exceed 115 ft.
4 HL =	4D, but not to exceed 175 ft.
5 HL =	5D, but not to exceed 250 ft.
6 HL =	20D, but not to exceed 600 ft.
7 HL =	22D, but not to exceed 700 ft.
8 HL =	24D, but not to exceed 800 ft.
9 HL =	26D, but not to exceed 900 ft.

(Ord. No. 2669-81. Passed 12-6-82, eff. 12-8-82)

§ 353.02 Setback Regulations and Maximum Height

Any portion of a building may be erected to exceed the height limit specified in Section 353.01(b), provided that such portion is set back from all building lines or required yard lines the distance specified in the following table, and provided further that such portion does not exceed the maximum height specified in that table.

Height District Number	Above Height Limit: Setback for Each Foot of Additional Height (Feet)	Maximum Height Above Grade Level* (Feet)
1	1	50
2	1/2	90
3	1/3	175
4	1/4	260
5	1/5	375

* Except as provided in Section 353.06

(Ord. No. 2204-A-48. Passed 12-19-49, eff. 1-29-50)

§ 353.03 Height of Corner Building along Side Street

In a Number 3, 4 or 5 Height District the front building line height of a corner building may extend back along the side street for a distance of twice the width of the side street, but not farther at that height than one hundred fifty (150) feet from the front street line, or to the boundary of a district of lesser height limit, whichever is less.

(Ord. No. 2204-A-48. Passed 12-19-49, eff. 1-29-50)

§ 353.04 Height of Buildings Fronting on Public Spaces

Where a building fronts on a square, park or other permanent open space across which the distance to the opposite property line, measured from the building line of the building under consideration, is not less than one hundred (100) feet, the building height at the building line may be extended to the height limit of the district in which it is located. The height of the building back of the building line shall be governed by the height limitations and setback regulations of the height district in which it is located.

(Ord. No. 2204-A-48. Passed 12-19-49, eff. 1-29-50)

§ 353.05 Maximum Height of Accessory Buildings in Residence Districts

In Residence Districts an accessory building shall not exceed fifteen (15) feet in height, or the distance from the accessory building to a main building or potential location of a main building on adjoining premises in a Residence District, whichever is less.

(Ord. No. 2204-A-48. Passed 12-19-49, eff. 1-29-50)

§ 353.06 Exceptions to Height Regulations

(a) *Towers.* For towers attached to the ground or mounted on a building, except for roof structures as defined in the Ohio Basic Building Code and as regulated in division (b) of this section, the maximum height specified in Section 353.02 may be exceeded, provided that:

(1) The area of the tower's horizontal cross section above the height limit does not exceed twenty-five percent (25%) of the lot area excluding all required yard area;

(2) The tower is not nearer to any lot lines at the height limit than twenty-five (25) feet;

(3) The tower is located no closer to a public airport or landing field than one (1) mile, unless closer proximity is specifically permitted by the Board of Zoning Appeals, based on recommendations provided by the Department of Port Control.

(b) *Roof Structures.* In any height district, stairway and elevator or ventilating equipment penthouses, and penthouses for similar purposes; water tanks, cooling towers, ornamental towers, scenery lofts, poles, chimneys or other necessary appurtenances, when erected upon and as an integral part of the building, may be erected or extended above the maximum height specified in Section 353.02 if such building is more than one (1) mile from a public airport or landing field, or if closer proximity to such airport or landing field is specifically permitted by the Board of Zoning Appeals.

(c) *Exemptions.* No provision of this section shall apply to any tower regulated by Chapter 354.

(Ord. No. 2306-2000. Passed 1-22-01, eff. 1-23-01)