

Proposed: 11/20/2023

ORDINANCE NO. 187-2023(PD), *First Reading*

By Mayor Seren

An Ordinance introducing amendments to various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to update the City's mixed-use regulations as contained in the C-2X Multiple Use Zoning District, and transmitting the same to the Planning Commission.

WHEREAS, pursuant to Section 1119.01 of the Codified Ordinances of the City of Cleveland Heights, this Council may by Ordinance and upon its own initiative, introduce amendments to the Zoning Code of the Codified Ordinances of the City of Cleveland Heights; and

WHEREAS, pursuant to Section 1119.03 of the Codified Ordinances of the City of Cleveland Heights, after the introduction of such amending Ordinance by Council, such amending Ordinance shall be transmitted to the Planning Commission for its consideration and recommendation; and

WHEREAS, pursuant to Section 1119.03 of the Codified Ordinances of the City of Cleveland Heights the Planning Commission shall be allowed a reasonable time, not less than thirty (30) days and nor more than sixty (60) days, for its consideration and recommendations; and

WHEREAS, in the context of new investment along South Taylor Road, the desire of the City to see South Taylor Road and the neighborhoods that are adjacent to it thrive, and the overall objective of the City to improve and streamline its zoning and approval processes, the existing zoning along South Taylor Road was reviewed; and

WHEREAS, as part of that review, the City's commercial districts, including the C-2X Multiple-Use District, were examined; and

WHEREAS, it was determined by staff that changes to the C-2X District are warranted to help promote dense, mixed uses along main thoroughfares and to concentrate mixed-use buildings to promote and encourage pedestrian activity; and

WHEREAS, such Zoning Text Amendments are consistent with the adopted 2017 City of Cleveland Heights Master Plan, notably Goal E, Continue to Promote Sustainability Through the City Regulations, Such as the Adopted Sustainable Zoning Code Amendment; and

ORDINANCE NO. 187-2023(PD)

WHEREAS, staff preliminarily and conceptually discussed changes to the C-2X District with key property owners and stakeholders along the South Taylor Road corridor in August, September, and October 2023; and

WHEREAS, staff preliminarily and conceptually presented changes to the C-2X District at the October 11, 2023 Planning Commission meeting as part of the discussion of their Annual Code Review.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, County of Cuyahoga, State of Ohio, that:

SECTION 1. Pursuant to Section 1119.01 of the Codified Ordinances, this Council hereby introduces amendments to Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights, as set forth in **Exhibit A** attached hereto.

SECTION 2. Pursuant to Section 1119.03 of the Codified Ordinances, this proposed amending Ordinance shall be transmitted to the Planning Commission.

SECTION 3. Notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

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MELODY JOY HART  
President of the Council

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ADDIE BALESTER  
Clerk of Council

PASSED:

Presented to Mayor: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

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KAHLIL SEREN  
Mayor

## CHAPTER 1103

### Definitions

- 1103.01 Purpose.
- 1103.02 Principal and conditionally permitted uses.
- 1103.03 Accessory uses.
- 1103.04 Lot area and width regulations.

#### CROSS REFERENCES

**Planned Development (PD) defined - see P. & Z. 1141.02**

**Landscaping and screening definitions - see P. & Z. 1165.05(a)**

**Regional Dwelling House Code definitions - see BLDG. 1301.02 (RDH Ch. 17)**

**Housing Code definitions - see BLDG. Ch. 1341**

**Business Maintenance Code definitions - see BLDG. Ch. 1361**

### 1. USE OF CODE SECTION REFERENCES.

Throughout this Zoning Code, reference to section numbers means the numbered sections of this Zoning Code. Reference to section numbers separated by the word "to" (such as Sections 1101.85 to 1101.87) is to be taken as equivalent to the words "to and including".

### 2. SPECIAL MEANINGS.

Words used in the present tense include the future. The masculine, feminine or neuter gender includes either of the others. The singular number includes the plural and the plural the singular. The word "shall" is mandatory; the word "may" is permissive. The word "lot" includes the word "plot". The word "erected" includes the word "used" and the word "altered". The phrase "used for" includes "occupied for", "intended for", "designed for" or "arranged for". The word "build" includes to "erect", "convert", "enlarge", "reconstruct" or "structurally alter" a building or structure or part thereof.

### 1103.03 DEFINITIONS OF GENERAL TERMS.

Words used in this Zoning Code are used in their ordinary English usage. However, for the purpose of this Zoning Code, certain words used herein are defined and whenever used in this Code shall have the meaning indicated in this section, whether or not capitalized or otherwise highlighted, except where the context clearly indicates a different meaning.

(a) The following are general terms of reference:

- (1) "Board" means the Board of Zoning Appeals of Cleveland Heights, Ohio. (See Chapter 1109.)
- (2) "City" means the City of Cleveland Heights, Ohio.
- (3) "Commission" means the City Planning Commission of Cleveland Heights, Ohio. (See Chapter 1111.)

**EXHIBIT A TO ORDINANCE 187-2023**

- (4) "Commissioner of Building" means the individual designated by the Mayor as being in charge of the Division of Building in the Department of Public Service, and is synonymous with "Building Commissioner".
- (5) "Council" means the City Council of Cleveland Heights, Ohio.
- (6) "Date of passage" means the date upon which this Zoning Code was passed by Council.
- (7) "District" means a part of the City wherein regulations of this Zoning Code are uniform as classified by the provisions of Chapter 1105.
- (8) "Mayor" means the Chief Executive Officer of the City.
- (9) "Municipal" means anything of or pertaining to the City.
- (10) "Public notice" means advance notice of a hearing or proceeding as prescribed in this Zoning Code which states the subject matter to be heard and the time and place of the hearing or proceeding.
- (11) "Zoning Administrator" means the Planning and Development Director or the Director's designee. (See Chapter 1107.)

(b) Certain general terms are hereby defined as follows:

- (1) "Abutting" means having a common border with, or being separated from such a common border by a right of way, alley or easement.
- (2) "Accessory building" means a subordinate building which is incidental to or customarily in connection with the principal building or use and which is detached from the principal building but located on the same lot with such principal building or use.
- (2.5) "Accessory parking space" means an open or enclosed area, accessible from a street, for parking motor vehicles of owners, occupants, employees, customers, or tenants of the main building or use.
- (3) "Accessory use or structure" means a use, object or structure constructed or installed on, above or below grade which is incidental to or customarily in connection with, or subordinate to, the principal building or use and is located on the same lot with such principal building or use.
- (4) "Alley" means a public or private way permanently reserved as a secondary means of access to abutting property.
- (5) "Animal clinic" or "veterinary office" means a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the clinic use, unless longer-term animal day care or overnight boarding of animals has been approved under the terms of Section 1153.05(bb).
- (6) "Animal day-care facility" means a facility that cares for pet animals during the day at the request of the pets' owners. An animal day-care facility shall not include overnight boarding unless explicitly approved by the Planning Commission in the conditional use permit.
- (7) "Automobile service station, major repair" means a building or portion of a building in which structural repair, rebuilding or reconditioning of motor vehicles, or parts thereof, is conducted, including collision service; spray painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of the engine cylinder, head or crankcase pan; repairs to radiators requiring the removal thereof; complete recapping or retreading of tires; or similar activities.
- (8) "Automobile service station, minor repair" (See also "gasoline station") means a building or part of a building, structure or space used for the retail sale of lubricants and motor vehicle accessories, the routine maintenance and service and the making of repairs to motor vehicles, except that repairs described as major repairs in subsection (b)(7) hereof shall not be permitted.
- (9) "Bar, tavern or night club" means any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law for all or part of the time the establishment is open for business, and in which dancing may be permitted.

**EXHIBIT A TO ORDINANCE 187-2023**

- (10) "Basement" means a portion of a building partly or entirely underground whose ceiling or underpart of the floor above is four (4) feet or less above the average finished ground elevation. The "average finished ground elevation" is the mean elevation of the finished grade around all of the exterior of the building.
- (11) "Blockface" means the properties that face the same side of a single street which are located between intersecting streets. A corner lot shall be part of two (2) blockfaces.
- (12) "Boarding house". (See also "lodging house".)
- (13) "Building" means any structure having a roof supported by or suspended from columns or walls and which is completely enclosed to serve as a shelter or enclosure for persons, animals, chattels or property of any kind. The term "building" does not include any vehicle, trailer (with or without wheels) nor any removable device, such as furniture, machinery or equipment.
- (14) "Building height" means the vertical distance from the grade to the highest point of the roof surface if it is a flat roof; to the deck line for a mansard roof; and to the mean height level between eaves and ridge line for gambrel, gable or hip roofs.
- (15) "Building line" means an imaginary linear extension of the building wall parallel to the street right-of-way line ~~defining the limits of the front yard, or in the case of a corner lot, the side yard abutting the street.~~
- (16) "Building, principal" means a building occupied by the main use or activity on the lot on which such building is located.
- (17) "Car wash" means a building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.
- (18) "Cellar". (See also "basement".)
- (19) "Cemetery" means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums and mausoleums, when operated in conjunction with and within the boundaries of such cemetery.
- (20) "Child day-care" means administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any part of the twenty-four (24) hour day in a place or residence other than a child's own home.
- (21) "Child day-care home" means a permanent residence of the provider in which child day-care is provided for one (1) to six (6) children at one (1) time and in which no more than three (3) children may be under two (2) years of age at one (1) time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and who are on the premises of the child day-care home shall be counted.
- (22) "Clinic" means a building where human patients are admitted for examination and treatment by a group of physicians or dentists practicing medicine together, but who are not lodged overnight.
- (23) "Cluster development" means a development design technique that groups buildings on the site, with no increase in overall density, to allow a better arrangement of open space.
- (24) "Community garden" means any piece of land (publicly or privately held) that is cultivated by a group of people rather than a single family or individual.
- (25) "Conditional use" means a use permitted in a district other than a principally permitted use which is allowed only under certain conditions, requiring a conditional use permit as regulated in Title Seven and approval of the City Planning Commission or Zoning Administrator , in accordance with the standards and procedures of Sections 1115.08 and 1115.09.
- (26) "Conditional use permit" means a permit issued by the Zoning Administrator upon approval by the City Planning Commission, when required, to allow a use other than a principally permitted use to be established within the district on a specific parcel.
- (27) "Corner lot". (See also "lot types".)
- (28) "Day-care center" means an establishment in which the operator is provided with compensation

**EXHIBIT A TO ORDINANCE 187-2023**

in return for providing individuals with care for less than twenty-four hours (24) hours at a time. This term includes, but is not limited to, a day nursery, nursery school, pre-school, child or adult day care center and may include incidental facilities for the preparation and consumption of meals, rest and recreation. This term does not include a "child day-care home".

(29) "Density" means the number of dwelling units permitted per acre of land.

(30) "Dormitory" means a building used as group living quarters for a student body, religious order, or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, or other similar use. Dormitories do not include kitchen facilities, except a group kitchen facility to serve all residents.

(31) "Drive-through facility" means any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-through" also includes "drive-up" and "drive-in".

(32) "Dry-cleaning and laundry counter outlets" means a business that provides home-type washing, drying, and/or ironing machines for use by customers on the premises, or serves as a drop-off for dry-cleaning or laundry, but where no dry-cleaning processing is done on the premises.

(33) "Dwelling" means any building or portion thereof which is designed and used exclusively by one (1) or more human occupants for the purpose of residing for an extended time. A dwelling may be comprised of more than one (1) dwelling unit.

(34) "Dwelling, multiple family" means a building or portion thereof designed for occupancy by three (3) or more families living independently of each other in three (3) or more dwelling units where the units are separated by party walls with varying arrangements of entrances.

(35) "Dwelling, single-family" means a building designed or arranged for use by a single family consisting of one (1) dwelling unit only in one of the following forms:

- A. "Dwelling, single-family detached" means a building designed or arranged for use by a single family consisting of one (1) dwelling unit only, separated from other dwelling units by open space; or
- B. "Dwelling, single-family, attached" means a single-family dwelling that is joined by party walls to another single-family dwelling on a separate parcel.

(36) "Dwelling, town house" means a building that has single-family dwelling units erected as a single building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides. The terms "town house dwelling," "townhouse," "terracetownhome," and "row house" shall be considered synonymous.

(37) "Dwelling, two-family" means a dwelling consisting of two (2) dwelling units arranged, intended or designed to be occupied by two (2) families only. The dwelling units may be either attached side by side or one (1) above the other.

(38) "Dwelling unit" means a group of rooms arranged, maintained or designed to be occupied by a single family and consisting of a complete bathroom with toilet, lavatory and tub or shower facilities; one (1) and one (1) only complete kitchen or kitchenette with approved cooking, refrigeration and sink facilities; approved living and sleeping facilities. All of these facilities shall be in contiguous rooms and used exclusively by such family. The terms "dwelling unit", "apartment" and "suite" shall be considered synonymous.

(39) "Enclosed space" means an area that is surrounded on all sides. (See also "building").

(40) "Family" means a group of individuals who function as a single, cohesive household. The Zoning Administrator shall determine whether a specified group of persons constitutes a household by virtue of being the functional equivalent of a family in the manner set forth in Section 1103.04. Notwithstanding the provisions of this definition, no family unit shall exceed in total number those persons permitted under the applicable provisions of the Housing Code describing required habitable floor and bedroom areas for each occupant.

**EXHIBIT A TO ORDINANCE 187-2023**

(41) "Farmers' market" means a market consisting of individual vendors, mostly farmers/producers who sell directly to customers.

(42) "Fence" means any structure composed of wood, iron, steel, masonry, stone or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or enhance all or any part of any premises.

(43) "Floor area, gross" means the total number of square feet of all floor space contained within the outside surface of the exterior walls of a building or from the center line of a common wall separating two (2) buildings but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking. However, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

(44) "Floor area of a dwelling unit" means the sum of the gross horizontal areas of a building devoted to residential use measured from the exterior faces of exterior walls or from the center line of common walls separating two (2) dwelling units. "Floor area of a dwelling unit" shall not include unfinished basement, attached parking garage, attic, terraces, breezeways, open porches and covered steps.

(45) "Floor area ratio" means the ratio between the number of square feet of floor area and the number of square feet of land in the lot.

(46) "Foster child" means a person under eighteen (18) years of age who is placed in a dwelling unit by an institution or agency, licensed or approved by an appropriate State-regulating agency to place foster children.

(46.5) "Frontage" means the area on a lot between the primary or secondary facade of the building and the right-of-way line. Corner lots have two frontages, a primary frontage and a secondary frontage.

- A. "Primary Frontage" means the frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width.
- B. "Secondary Frontage" means any frontage that is not the primary frontage.

(46.6) "Frontage Type" means the specific design and configuration of the building facade, and the associated space between the facade and the public right-of-way and may include space within the public right-of-way.

- A. "Arcade" – A frontage wherein the facade is a colonnade that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage / build-to line. This type is conventional for retail use. The arcade shall be no less than twelve (12) feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.
- B. "Common Yard" – A frontage wherein the facade is set back substantially from the frontage / build-to-line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape.
- C. "Forecourt" – A frontage wherein a portion of the facade is close to the frontage / build-to line and the central portion is set back. the forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.
- D. "Gallery" – A frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than ten (10) feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.
- E. "Light Court" – A frontage wherein the facade is set back from the frontage / build-to line by an elevated terrace or a sunken light court. This type buffers residential use from sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes in commercial uses.
- F. "Porch and Fence" – A frontage wherein the facade is set back from the frontage / build-to line with an attached porch permitted to encroaching. A fence at the build-to line

**EXHIBIT A TO ORDINANCE 187-2023**

(optional) maintains the demarcation of the yard. The porches shall be no less than 8 feet deep.

G. "Stoop" – A frontage wherein the facade is aligned close to the frontage / build-to line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground floor residential use.

H. "Shopfront and Awning" – A frontage wherein the facade is aligned close to the frontage / build-to line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.

A.I. "Terrace" – A frontage wherein the facade is set back from the frontage / build-to line by an elevated terrace or a sunken light court. This type buffers residential use from sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes in commercial uses.

(47) "Funeral home" means a building or part thereof used for human funeral services. Such building may contain space and facilities for:

- A. Embalming and the performance of other services used in preparation of the dead for burial;
- B. The performance of autopsies and other surgical procedures;
- C. The storage of caskets, funeral urns, and other related funeral supplies; and
- D. The storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

(48) "Game rooms" means any premises open to the public other than a residence upon or within which there is located more than seven (7) billiard tables, bowling lanes, or pinball machines, video games, or other similar player-oriented amusement devices, as defined by the Codified Ordinances, or any combination of billiard tables, bowling lanes, and amusement devices in excess of seven (7). For the purposes of this definition, residence shall include any single-family, two-family and multiple-family structure, and a dormitory for college students with a student union operated in conjunction with such dormitory facility, so long as such residence is open to residents and their invited guests only, and is not open to the general public.

(49) "Garage, parking" means a principal or accessory building or an enclosed space within the principal building in which motor vehicles owned by the general public are parked, including facilities operated as a business enterprise with a service charge or fee paid to the owner or operator of such facility, with no facilities for mechanical service or repair of a commercial or public nature. Parking garage may be attached or detached and shall be considered enclosed parking spaces. A "parking deck" shall be considered a parking garage. An "existing carriage house" shall not be considered a parking garage.

(50) "Garage, private parking" means a detached accessory building or an attached portion of the principal building designed to store motor vehicles and other normal household accessories of the residents of the principal building, with no facilities for mechanical service or repair of a commercial or public nature. "Private parking garage" shall be considered enclosed parking spaces.

(51) "Gasoline station" (See also "automobile service station") means an establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant and may include facilities available for the sale of other retail products.

(51.1) "Glazing" means the glass components of a building's façade as part of windows, doors or other fixed openings that have some degree of transparency.

(52) "Grade" means the average level of the finished surface of ground adjacent to the exterior walls of the building, except when any wall of a building approximately parallels and is not more than five (5) feet from a street right-of-way line, then the elevation of the street center line at the

**EXHIBIT A TO ORDINANCE 187-2023**

center of the building wall adjoining the street shall be the grade.

(53) "Greenbelt" means an open area which may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of a developed area.

(54) "Green roof" means a roof of a building that is partially or completely covered with vegetation and a growing medium with the capacity to absorb rainwater and reduce a building's heat island effect.

(55) "Greenway" means a linear park, alternative transportation route, or open space conservation area that provides a passive recreational opportunity, pedestrian and/or bicycle paths and/or conservation of open spaces or natural areas.

(56) "Home occupation" means an occupation for gain which is subordinate and incidental to the use of the premises as a dwelling, carried on by a person in the home in which he or she resides.

(57) "Hotel" means a building in which lodging is provided and offered to the public for compensation on a daily rate and which is open to occupancy for periods of less than one (1) week, in contrast to a lodging house as defined in this section. Motels are not included in this definition.

(58) "Indoor recreation" means an indoor facility for any number of uses such as game courts, exercise equipment, exercise and/or dance floor area, pools, locker rooms, spa, whirlpool or hot tub, and which may include an accessory retail shop for the sale of related equipment.

(59) "Industrial design" means an establishment where the form, usability, physical ergonomics, marketing, brand development and sales of various products are researched and developed. An industrial design establishment may only create prototypes of products, but may not manufacture products for sale and distribution. Outside storage or display is prohibited. All business, servicing, processing and storage uses must be located within the building.

(60) "Junk motor vehicle" means any motor vehicle, licensed or unlicensed, without regard to its age or value, that is parked in any unenclosed area of any portion of a yard or lot, with or without the consent of the owner of the property, for a period of seventy-two hours (72) hours or longer, when such motor vehicle is apparently inoperable, or is in such condition that it could not be legally operated on the public streets, or is in an extensively damaged, dilapidated or disassembled condition. Junk motor vehicle shall include "abandoned junk motor vehicle" as defined by Ohio R.C. 4513.63.

(61) "Junk yard" means any building, open area, or part thereof, used as a place of storage of waste and refuse or of old material which is capable of being used again in some form.

(62) "Landscaped area" means an area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.

(63) "Live/Work Dwelling" means a space used by a single household as a dwelling unit and as a work space. The living space of the live/work dwelling shall contain a kitchen area and sanitary facilities. The work space in a live/work dwelling is designed or equipped exclusively or principally for the conduct of work activities and is to be regularly used for such activities by one (1) or more occupants of the unit.

(64) "Loading space, off-street" means an area located totally outside of any public right-of-way for the temporary parking of vehicles entering the premises for picking up and making delivery.

(65) "Lodging house" means a building occupied for, or arranged, intended or designed to be occupied for rooming, or rooming and boarding for compensation by not less than four (4) persons by prearrangement for definite periods of not less than one (1) week in contrast to a hotel which is open for occupancy for shorter periods. The term "lodging house" includes "boarding house" and "rooming house".

(66) "Lot" means a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. The term "zoning lot" is used synonymously with "lot" in this Zoning Code. Such lot shall have frontage on an improved public street but not include any portion thereof, or on an approved private street, and may consist of:

**EXHIBIT A TO ORDINANCE 187-2023**

- A. A single lot of record;
- B. A portion of a lot of record; or
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

(67) "Lot area" means the area contained within the lot lines exclusive of any portion of the right of way of any public street.

(68) "Lot coverage" means the ratio of total ground floor area of all buildings on a lot to the area of the lot expressed as a percentage.

(69) "Lot line" means the boundary line defining the limits of the lot. "Lot line" is synonymous with "property line".

- A. "Front lot line" means the line separating the lot from the street right of way on which the lot fronts. ~~On a corner lot, the front lot line shall be the shorter lot line abutting a street except that if the lot is square (depth to width dimensions is a ratio of from 3:2 to 3:3) then the front lot line may be either lot line abutting a street.~~
- B. "Rear lot line" means the lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
- C. "Side lot line" means any lot line other than a front or rear lot line.

(70) "Lot of record" means a lot or parcel of land the deed of which has been recorded in the office of the Recorder of Deeds of Cuyahoga County prior to the effective date of this Zoning Code.

(71) "Lot types": Terminology used in this Zoning Code with reference to corner lots, interior lots and through lots is as follows:

- A. "Corner lot" means a lot abutting on two (2) streets at their intersection where the angle of such intersection is not more than 135 degrees.
- B. "Interior lot" means a lot with only one (1) frontage on a street.
- C. "Through lot" means a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

(72) "Lot width" means the distance between the side lot lines measured along a straight line parallel to the front lot line at the required front setback line.

(73) "Mural" means a graphic illustration or presentation other than a sign that is painted or otherwise applied to an outside wall, facade or surface of a building or structure.

(74) "Neighborhood high school" means an educational facility designed to serve residents of the community with educational services for high school aged youth.

(75) "Nonconformity" means a lot, use of land, building, use of buildings, or use of buildings and land in combination lawfully existing at the time of enactment of this Zoning Code or its amendments which do not conform to the regulations of the district or zone in which it is situated, and is therefore incompatible.

- A. "Nonconforming use" means any building or land lawfully occupied by a use on the effective date of this Zoning Code or any amendment thereto which, on such effective date, does not conform with the use regulations of the district in which it is situated.
- B. "Nonconforming site condition" means any lot, building or structure lawfully existing on the effective date of this Zoning Code or any amendment thereto, which, on such effective date, does not conform to the lot area, width or yard regulations, parking requirements, sign regulations, landscaping or screening requirements or other development standards of the district in which it is situated.

(76) "Nursing home" means an extended or intermediate care facility which provides skilled nursing and dietary care for persons who are ill or incapacitated or which provides service for the rehabilitation of the persons who are convalescing from illness or incapacitation.

(77) "Ornamental Pool" means any water pool having less than 100 square feet of water surface containing less than two (2) feet of water at its deepest point, located out-of-doors on private property.

**EXHIBIT A TO ORDINANCE 187-2023**

(78) "Outdoor Play Equipment" or "Recreational Equipment" means play apparatus such as swing sets and slides, sandboxes, poles for nets, trampolines and similar equipment.

(79) "Outdoor storage" means the keeping, in an unroofed area, of any goods, material, merchandise, vehicles, or junk in the same place for more than twenty-four (24) hours.

(80) "Overlay district" means a district described on the zoning map within which, through superimposition of a special designation, further regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

(81) "Overnight boarding of animals" describes an activity that may be conditionally permitted in conjunction with an animal clinic, veterinary office, animal grooming facility, or animal day-care facility in which overnight care is provided for pet animals at the request of the pets' owners.

(82) "Parcel" means a tract of land that is recorded by the Cuyahoga County Auditor as a distinct entity for taxing purposes and which is identified by a single permanent parcel number.

(83) "Parking deck" means a one (1) story unenclosed structure in which and on which motor vehicles may be parked.

(84) "Parking lot" (See also "garage, parking") means an area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

(85) "Parking space, off-street" means an open or enclosed area adequate for parking an automobile with room for opening doors on both sides, with access to a public street. Arrangement of the parking space shall be such as to allow ingress and egress of an automobile without the necessity of moving any other automobile, and shall be located totally outside of any public right of way.

(86) "Personal services" mean any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

(87) "Places of worship" mean a building in a residential district originally designed for and only for, and used primarily for public worship. The word "place of worship" includes the words "church", "chapel", "synagogue", "temple", and "mosque", and their uses and activities which are customarily related. Church, chapel, synagogue, temple, mosque or other place dedicated to worship located in a commercial district shall be treated as a "meeting room" for the purposes of enforcing this Zoning Code.

(88) "Planned Development" shall mean an area of land in which a variety of residential, commercial and/or office uses are accommodated as a conditional use in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under the standard district regulations. The procedure for approval of such development contains requirements in addition to those of permitted uses.

(89) "Portable on-demand storage structure" means any container, storage unit, shed-like container or other portable storage structure with a volume equal to or exceeding fifty cubic feet other than an accessory building or shed complying with Code requirements that can be or is used for the storage of personal property of any kind and which is located for such purpose outside a building.

(90) "Premises" means a lot together with all buildings and structures thereon.

(91) "Public land" means any land owned by the City or by any other governmental entity.

(92) "Public use" means any use of a building or land by the City or by any other governmental entity for any public purpose.

(93) "Recycling collection station" means an accessory use that serves as a neighborhood drop-off point for the collection and temporary storage of small recoverable resources such as glassware, plastic jugs and metal cans, but which does not involve any processing.

(93.5) "Reflectivity" means the degree to which the glass panes of a window act as mirrors. Full reflectivity would be a glass pane that cannot be seen through and instead acts completely like a mirror. Lesser degrees of reflectivity allow visibility through the glass.

(94) "Regional high school" means an educational facility marketed and designed to serve a larger

**EXHIBIT A TO ORDINANCE 187-2023**

area than the community with educational services for high school aged youth.

(95) "Research and development, limited" means an establishment where research and development is conducted in industries that include, but are not limited to, green technology, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication and information technology, electronics and instrumentation, and computer hardware and software. Limited research and development does not involve the manufacture, fabrication, processing or sale of products, except as incidental to the research and development business. Outside storage or display is prohibited. All business, servicing, processing and storage uses must be located within the building.

(96) "Research and testing laboratory" means a building or group of buildings for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

(97) "Restaurant, counter service" means a retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready to consume individual servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed.

(98) "Right-of-way" means a strip of land taken, dedicated or otherwise recorded as an irrevocable right of passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges. "Right-of-way line" also means "street line".

(99) "Row house". (See also "dwelling, town house".)

(100) "Satellite dish receiving antenna" also referred to as a satellite earth station, means a round parabolic antenna designed to receive television broadcasts relayed by microwave signals from communications satellites orbiting the earth.

(101) "School facilities" mean publicly or privately owned facilities providing full-time day instruction and training at the elementary, junior high and high school levels in accordance with the requirements of Ohio R.C. Chapter 3313; or publicly or privately owned facilities providing kindergarten or nursery school training and care whose annual sessions do not exceed the school sessions for full-time day schools and which are operated by a board of education or an established religious organization.

(102) "Senior citizen apartment" mean a building or group of buildings containing independent living units of which no less than eighty percent (80%) are occupied by persons sixty-two (62) years or older or by disabled persons.

(103) "Setback" means the required minimum horizontal distance between a lot line and a structure as established by this Zoning Code.

(104) "Setback line" (See also "yard, required") means a line established by this Zoning Code generally

(105) "Sign" means any identification, description, illustration or device which is affixed to or integrated into a building, structure or land, or otherwise situated on a lot and which is intended to direct or attract attention to, or announce or promote a product, place, activity, person, institution or business by means of letters, words, designs, colors, symbols, flags, banners, fixtures, images or illuminations. Signs shall be further classified by physical design or structure, and function or purpose based on the following:

A. Physical Characteristics.

1. "Advertising device" means any banner affixed on a pole, wire or rope, or streamer, wind operated device, flashing lights or other similar device.
2. "Awning" means a sign located on the face of the awning material.
3. "Freestanding" means a sign which is supported from the ground or a structure,

**EXHIBIT A TO ORDINANCE 187-2023**

other than a building.

4. "Marquee" means a sign affixed to a marquee which marquee is over an entrance to a building and supported from that building. For the purposes of these regulations, a marquee shall be permitted only for an auditorium used for dance, plays, concerts, movies and other similar productions.
5. "Portable" means a sign which is designed to be moved and is not permanently, or intended to be permanently, attached to a building, structure or the ground.
6. "Projecting" means a sign erected on the outside wall of a building and which projects out at an angle therefrom.
7. "Temporary" means a sign which is designed to be used for a period not to exceed forty-five (45) days, and which is either a window sign that is not painted on or otherwise permanently affixed to a window or glass portion of a door, or a yard sign.
8. "Wall sign" means a sign erected parallel to or affixed on the outside wall of any building, and not extending more than twelve (12) inches therefrom, and which does not project above the roof line or beyond the corner of the building.
9. "Window" mean a sign on the inside of a building affixed to, or near, a window for the purposes of being visible to and read from the outside of the building.

B. Functional.

1. "Building marker" means a sign indicating the name of a building and date and incidental information about its construction or historical significance, which sign is cut into a masonry surface or made of bronze or other permanent material, and mounted at the time the building was constructed or affixed subsequent to a structure being designated as an historical landmark.
2. "Commercial identification" means a sign primarily intended to identify the use, activity, service or business on the premises.
3. "Construction" means a sign identifying a building project only during the time of construction, including new construction, additions and renovations.
4. "Directional" means a sign located near the street directing or guiding traffic and parking on private property with no part of any such sign more than four (4) feet above grade.
5. "Institutional identification" means a sign identifying the name and/or address of a place of worship, school, public library, public safety facility, public park or playground, public recreation facility, cemetery, or public parking lot or garage, and which may include a bulletin board, and which contains only messages pertaining to activities on the site.
6. "Instructional" means a sign intended to instruct employees, customers or users as to specific parking requirements; the location or regulations pertaining to specific activities on the site or in the building; specific services offered, or methods of payment accepted.
7. "Name plate" means a sign indicating only the name and address of the person, business, profession or activity occupying the lot, or building(s).
8. "Public purpose/safety" means a sign erected by a public authority, utility, public service organization or private industry upon the public right-of-way or on private property which is required by law or otherwise intended to control traffic, direct, identify or inform the public, or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.
9. "Residential identification" means a sign identifying the name and address of a completed residential subdivision, or the name, address and phone number of a multiple-family development. A residential identification sign for a multiple-family development may also include a removable insert advising of a unit for rent in the building, subject to the provisions of Sections 1163.06(f)(2) and 1163.06(f)(6)

**EXHIBIT A TO ORDINANCE 187-2023**

herein.

- (106) "Story" means that part of a building other than a basement or a half-story between any floor and the floor above, or, in its absence, the ceiling or roof above.
- (107) "Street" means a public way which affords the principal means of access to abutting property.
- (108) "Street center line" means a line halfway between the street right-of-way lines.
- (109) "Structure" means anything constructed or erected, the use of which requires a fixed location on the ground or is attached to something having a fixed location on the ground, and including, but not limited to signs, fences, backstops for sports fields or courts, pergolas, decks, pools, patios, paved areas, sidewalks and gazebos.
- (110) "Structural alteration" means any change that would prolong the life of the supporting members of a building or structure, such as the bearing walls, columns, beams or girders.
- (111) "Swimming Pool" means any water pool having more than 100 square feet of water surface, which is capable of containing in excess of two (2) feet of water at its deepest point, located out-of-doors on private property. All other pools are "ornamental pools."
- (112) "Sustainable" means in a manner which supports healthy, productive environments and minimizes waste and consumption of non-renewable materials.
- (113) "Sustainable Development" means development which: increases the efficiencies with which buildings and their sites use energy, water and materials; and reduces building impacts on human health and environment through better siting, design, construction, operation, and maintenance.
- (113.5) "Transparency" refers to using materials and design strategies that allow for visual access or openness between the interior and exterior of a building. This can include using glass, screens, or other materials that provide clear sightlines between interior and exterior spaces. Transparency can also refer to using materials that allow for the passage of light, creating a luminous and airy atmosphere within a building. In addition to its aesthetic qualities, transparency can also serve functional purposes, such as promoting natural ventilation, enhancing views, and encouraging interaction and communication between occupants.
- (114) "Townhouse". (See also "dwelling, townhouse".)
- (115) "Veterinary office". (See also "animal clinic".)
- (116) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (See 40 CFR 232.2(r)). Wetlands shall be delineated by a site survey approved by the City of Cleveland Heights using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If a conflict exists between the delineation protocols of these two (2) agencies, the delineation protocol that results in the most inclusive area of wetlands shall apply.
- (117) "White roof" means a roof that is white or light in color that reflects light and heat and measurably reduces a building's heat island effect.
- (118) "Yard" means an open space on the same lot with a principal building that lies between the principal building and the nearest lot line, unoccupied and unobstructed by any portion of the structure from the ground upward, except for accessory uses, structures or buildings as expressly permitted in this Zoning Code.
- (119) "Yard, corner side" means on a corner lot, the yard between the principal building and the side lot line adjacent to the street and extending from the front yard to the rear lot line.
- (120) "Yard, front" means a yard across the full width of the lot extending from the front of the principal building to the front lot line. On a residential corner lot in a residential district, the front yard shall face the shorter street dimension of the lot except that if the lot is square or almost square; i.e., has depth to width dimensions in a ratio of from 3:2 to 3:3, then the front yard may

**EXHIBIT A TO ORDINANCE 187-2023**

face either street. On a corner lot of a non-residential use or in a nonresidential district, the front yard shall face the major street.

(121) "Yard line". (See also "building line".)

(122) "Yard, rear" means a yard extending the full width of the lot between the principal building and the rear lot line. On a corner lot, the rear yard shall be the area between the rear lot line and the principal building, extending from the side lot line abutting an interior lot to the side yard abutting a street.

(123) "Yard, required" (See also "setback line") means the open space between a lot line and a setback line that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structure shall be located except as expressly permitted in this Zoning Code.

(124) "Yard, side" means a yard between the principal building and the side lot line and extending from the front yard to the rear yard on an interior lot.

(125) "Yard, width or depth" means the horizontal distance from a lot line to the principal building measured perpendicular to the building.

(126) "Zoning lot". (See also "lot".)

(127) "Accessory parking space" means an open or enclosed area, accessible from a street, for parking motor vehicles of owners, occupants, employees, customers, or tenants of the main building or use.

(128) "Existing carriage house" means an existing, nonconforming accessory residential dwelling unit that was legally constructed or created prior to the adoption of this Zoning Code.

(129) "Façade" means any exterior wall of a structure, including projections from and attachments to the wall that are architecturally integrated into the structure. Projections and attachments shall include, but are not limited to, balconies and porches.

(130) "Primary structure" means a Structure having a roof supported by columns or by walls and intended for the shelter, housing, enclosure, or storage of persons or property. A primary structure shall include, but is not limited to porches, dwellings, principal buildings. A private parking garage, patio, or deck shall not be considered a primary structure.

(131) "Codified Ordinances" means the Codified Ordinances of the City of Cleveland Heights, as amended.

(132) "Meeting room" means a room or space for public assembly or meeting.

(133) "Rain barrel" means a container used to collect and store rainwater runoff, typically from roof tops via rain gutters.

(134) "Rain garden" means an area of land designed to capture stormwater runoff from impervious areas such as roofs, driveways, walkways, parking lots, and compacted lawn areas, and allow it to infiltrate in to the water table.

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## CHAPTER 1131

### Commercial Districts

- 1131.01 Purpose.
- 1131.02 Principal and conditionally permitted uses.
- 1131.03 Accessory uses.
- 1131.04 Lot area and width regulations.
- 1131.05 Minimum lot frontage.
- 1131.06 Minimum yard requirements for principal uses.
- 1131.07 Height regulations.
- 1131.075 Commercial and Mixed Use District Design Standards.
- 1131.076 Window transparency.
- 1131.08 Accessory use regulations.
- **1131.085 Accessory use regulations for publicly accessible outdoor spaces**
- 1131.09 Supplemental regulations for gasoline stations.
- 1131.10 Supplemental regulations for automobile sales/rental.
- 1131.11 Supplemental regulations for outdoor display, sales of goods.
- 1131.12 Supplemental regulations for private parking garages and parking decks that are principal uses.
- 1131.13 Supplementary regulations for live/work dwellings in commercial districts.
- 1131.14 C-2X Multiple Use District.
- **1131.15 Frontage Standards**
- **1131.16 C-2X Side Yard Transition Zone Standards**

#### CROSS REFERENCES

**Establishment of Districts and Maps - see P. & Z.Ch. 1105**  
**Additional regulations governing uses - see P. & Z.Ch. 1165**

#### **1131.01 PURPOSE.**

Commercial District regulations are established to ensure the availability of suitable areas for business and commercial uses and to encourage sustainable development and practices. Desirable and beneficial uses of land are sought through these regulations to preserve and enhance the character of the City and the value of these districts. Four (4) commercial zoning districts have been established to meet the needs of the community.

- (a) The C-1 Office District is for limited application along certain major streets adjacent to higher density residential areas where the integration of offices would be appropriate but where retail and commercial services would not be.
- (b) The C-2 Local Retail District is established to provide standards for the continued operation of small neighborhood commercial establishments and to concentrate new retail businesses in buildings that typically locate side by side in order to promote and encourage pedestrian activity. Parking and driveways are generally located so as not to disrupt the pedestrian activity.
- (c) The C2-X Multiple-Use District is established to provide standards for the continued operation of mixed use neighborhoods and to provide for dense, mixed uses along main thoroughfares and to concentrate mixed-use buildings to promote and encourage pedestrian activity. Parking and driveways are generally located so as not to disrupt the pedestrian activity.

(d) The C-3 General Commercial District is established to provide for higher intensity commercial uses (including automotive uses) along certain major streets where the level of traffic volume warrants such uses and to provide locations for commercial uses which generally require independent, free-standing buildings and larger amounts of parking.

## 1131.02 PRINCIPAL AND CONDITIONALLY PERMITTED USES.

(a) Unless otherwise provided by law or in this Code, buildings, structures or land shall only be used or occupied following the adoption of this Zoning Code for the uses permitted herein. Schedule 1131.02, on the following page, enumerates those uses that may locate in a C-1 Office, C-2 Local Retail, C-2X Multi-Use and C-3 General Commercial District as a matter of right as a principal use, and those uses which may locate in a given district only upon obtaining a conditional use permit.

(1) A use listed in Schedule 1131.02 shall be permitted by right in a district when denoted by the letter P provided that all requirements of other City ordinances and this Zoning Code have been met.

(2) A use listed in Schedule 1131.02 may be permitted as a conditional use in a district when denoted by the letter C, provided that the requirements of Title Seven have been met.

(b) Although a use may be indicated as permitted or conditionally permitted in a particular commercial district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Code applicable to the specific use and parcel in question.

### Schedule 1131.02

#### PERMITTED AND CONDITIONALLY PERMITTED USES IN COMMERCIAL DISTRICTS

<b>Land Use Category</b>		<b>C-1 Office District</b>	<b>C-2 Retail District</b>	<b>C-2X Multi-Use District</b>	<b>C-3 Commercial District</b>
(a)	<u>Residential Uses:</u>				
	(1)	Multiple-family dwelling as a free-standing building	P_C	C	C
	(2)	Multiple-family dwelling units above the first floor in association with permitted commercial use	P	P	P
	(3)	Lodging house and boarding house including convent, home for the aged, residential care facility, and other congregate living facility	C	C	C
	(4)	Nursing home including intermediate and long-term care facility	C	C	C
	(5)	Dormitories, fraternities, sororities	C	C	C
	(6)	Live/Work Dwelling subject to the regulations of <a href="#">Section 1131.13</a>	P	G-P	G-P

	(7)	<u>Townhomes</u>			<u>C</u>	
	(8)	<u>Attached Single Family Dwelling Units</u>			<u>C</u>	
(b)	<u>Office/Professional/Medical Uses:</u>					
	(1)	Offices provided that only samples of merchandise are displayed or stored in the premises	P	P	P	P
	(2)	Financial establishment without drive-through facility	P	P	P	P
	(3)	Financial establishment with drive-through facility	C	C	C	C
	(4)	<u>Financial establishment with Automatic Teller Machine (ATM)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
	(54)	Animal clinics, veterinary offices, animal training, animal grooming facilities, animal day-care facilities, overnight boarding of animals in conjunction with animal clinics, veterinary offices, animal grooming facilities and animal day-care facilities	C	C	C	C
	(65)	Funeral homes and mortuaries	<u>C</u>	<u>C</u>	<u>C</u>	C
	(76)	Hospitals	C	<u>C</u>	<u>C</u>	C
	(87)	Urgent care clinics	<u>GP</u>	<u>GP</u>	<u>GP</u>	P
(c)	<u>Retail/Service Uses:</u>					
	(1)	Retail establishments in wholly enclosed buildings		P	P	P
	(2)	Convenience retail and service establishments in an office building provided such business occupies no more than an area equal to 100% of first floor area	C	P	P	P
	(3)	Personal services including dry cleaning, laundry, beauty salon, tattoo parlor, body piercing		P	P	P
	(4)	<u>Restaurants, bar, tavern, nightclub</u>		P	P	P

	(5)	Catering	P	GP	GP	P
	(6)	Outdoor dining facility		G	G	G
	(76)	Drive-through facility in association with a permitted restaurant, retail or service use		C	C	C
	(87)	Hotels	C	C	C	C
(d)	<u>Automotive Uses:</u>					
	(1)	Automobile sales, new or new and used				C
	(2)	Automobile rental				C
	(3)	Truck, boat sales/rental				C
	(4)	Gasoline station				C
	(5)	Car wash establishment				C
	(6)	Automobile service station - major and minor repair				C
	(7)	Parking lot as a principal use		C	PC	C
	(8)	Parking deck or private parking garage as a principal use	C	C	C	C
(e)	<u>Commercial Entertainment/Recreation Uses:</u>					
	(1)	Indoor commercial entertainment facility including game room, bowling alley, skating rink, and movie theater	P	GP	GP	GP
	(2)	Private indoor and/or outdoor recreation including a health, tennis and racquet club	P	GP	GP	GP
	(3)	Dance studio, exercise class	P	GP	GP	P
	(4)	Meeting room	C	C	C	PC
	(5)	Banquet hall, party center	GP	GP	GP	P
	(6)	Mural	P	P	P	P
	(76)	Satellite dish receiving antenna	C	C	C	C
(f)	General Commercial/Light Industrial Uses					

	(1)	Shops and studios for custom work of making articles to be sold at retail on the premises		P	P	P
	(2)	Printing and publishing		P	P	P
	(3)	Storage and warehousing of goods, self-storage				C
	(4)	Research & Development, Limited	P	P	P	P
	(5)	Industrial Design	P	P	P	P
	(6)	Nursery and garden supply with accessory outdoor storage		C	C	C
	(7)	<u>Retail/Commercial</u> Greenhouse	C	C	C	C
(g)	<u>Educational Facilities</u>					
	(1)	Elementary, junior and senior high school	C	C	C	C
	(2)	College, university, trade and training schools, adult education facilities	C	C	C	C
	(3)	Day care center, preschool, tutoring center	C	C	C	C
(h)	<u>Community Facilities</u>					
	(1)	Public library, museum	C	C	C	C
	(2)	Public safety facilities	C	C	C	C
	(3)	Public service and maintenance facilities	C	C	C	C
	(4)	<u>Public parks, and playgrounds, and recreation facilities accessible to the public</u>	C	C	C	C
	(5)	<u>Outdoor community festival longer than 3 days</u> <u>Farmer's markets</u>	C	C	C	C
	(6)	<u>Community gardens</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
(i)	<u>Institutional Facilities</u>					
	(1)	<u>Places of worship</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

### 1131.03 ACCESSORY USES.

When denoted by the letter A, a use listed in Schedule 1131.03 is an accessory use permitted in association with and subordinate to a permitted or conditionally permitted use in a C-1, C-2, C-2X or C-3 Commercial District subject to the regulations of Sections 1131.08 and 1131.14(c).

## Schedule 1131.03

## PERMITTED ACCESSORY USES

<b>Land Use Category</b>		<b>C-1 Office District</b>	<b>C-2 Retail District</b>	<b>C-2X Multi- Use District</b>	<b>C-3 Commercial District</b>
	(a) Off-street parking and loading facilities as required and regulated in Chapter 1161, including enclosed parking spaces, private parking garages, parking decks and accessory parking spaces	A	A	A	A
	(b) Signs as permitted and regulated in Chapter 1163	A	A	A	A
	(c) Home occupations subject to the regulations of Section 1165.02(b)	A	A	A	A
	(d) Enclosed storage building for incidental storage of goods and supplies sold on the premises		A	A	A
	(e) Employee cafeterias	A	A	A	A
	(f) Recycling collection station or trash receptacle enclosed in a principal building, in an approved structure or screened according to the regulations of Section 1166.10	A	A	A	A
	(g) <u>Swimming pool and associated pool house for multifamily developments</u>			A	
	(g) All accessory uses permitted within a Multiple-Family District in connection with permitted multiple-family dwellings	A	A	A	A
	(h) Retail and service establishments not to exceed an area equal to 50% of the first floor area of a permitted office or multiple-family building	A			
	(i) Greenhouses*	A	A	A	A
	(k) <u>Outdoor Dining Facility</u>	A	A	A	A
	(l) <u>Kiosks**</u>	A	A	A	A
	(m) <u>Jewel Box Retail**</u>	A	A	A	A

	(n)	<u>Open Air Cafes</u>	A	A	A	A
	(o)	<u>Dining Patios</u>	A	A	A	A
	* A Greenhouse is only permitted on the interior side yard or rear yard of a lot. In size, a Greenhouse shall not exceed 25% of the gross floor area of the principal building and shall never exceed 400 square feet.					
	<u>**Kiosk, Jewel Box Retail, Open Air Cafes, and Dining Patios are permitted in privately owned and publicly owned plaza spaces, courtyards, forecourts, and any other publicly accessible outdoor space intended for public gathering and lingering.</u>					

#### 1131.04 LOT AREA AND WIDTH REGULATIONS.

Principal buildings and uses permitted in the C-1 Office, C-2 Local Retail and C-3 General Commercial Districts shall be located only on a lot that complies with the lot area and lot width regulations set forth in Schedule 1131.04, unless otherwise specifically provided for elsewhere in this Zoning Code. Principal buildings and uses permitted in the C2-X Multiple-Use District shall not have a required lot area.

##### Schedule 1131.04

##### LOT AREA AND WIDTH REGULATIONS

<b>Principal Use</b>	<b>Permitted Use District</b>	<b>Minimum Development Area (in sq. ft.)</b>	<b>Minimum Land Area per D.U. (d) (in sq. ft.)</b>	<b>Minimum Lot Width at Building Line (in feet)</b>
(a) Multiple-family dwellings (a)	C-1	20,000	1,740	100
(b) Multiple-family dwelling units above the first floor	C-1; C-2; C-3	10,000	1,740	70
(c) Commercial (c)	C-1;C-2	10,000	NA	70
(d) Commercial (c)	C-3	20,000	NA	100

Notes to Schedule 1131.04:

- (a) Shall be the principal use on the lot.
- (b) The first floor of the building shall be occupied by principal use other than multiple-family residences.
- (c) Shall include all nonresidential permitted uses in the zoning district.
- (d) D.U. means dwelling unit

#### 1131.05 MINIMUM LOT FRONTEAGE.

Every zoning lot within the C-1, C-2, C-2X, and C-3 Districts shall have a width at the front lot line of not less than forty (40) sixty (60) feet, and at no point shall the width be less than forty (40) sixty (60) feet between the front lot line and the building line.

#### 1131.06 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL USES.

In C-1, C-2 and C-3 Commercial Districts, each zoning lot shall maintain the minimum front, side and rear yards specified in Schedule 1131.06, except as otherwise provided for in this chapter. Each yard shall be unobstructed by a principal use, including outdoor storage of goods, supplies and equipment as permitted in

this chapter, or a principal building, except as otherwise provided in this Zoning Code. Such areas, together with all other portions of the zoning lot not covered by permitted structures, shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition so as to assure adequate screening of parking and loading areas, as well as absorption of rainfall.

Schedule 1131.06

MINIMUM YARD REQUIREMENTS FOR PRINCIPAL USES (a)

		<b><i>Minimum Dimensions by District (in feet)</i></b>	
<b><i>Specified Yard</i></b>		<b><i>C-1, C-2 Districts</i></b>	<b><i>C-3 Districts</i></b>
(a)	Front (b)	5(b)	5(b)
(b)	Yards abutting a C Commercial District or S District		
	(1) Side	0(c)	0
	(2) Rear	5	5
	(3) Corner side when rear yard abuts	5	5
(c)	Yard abutting a MF Multiple-Family District		
	(1) Side and rear	15	15
	(2) Corner side when rear yard abuts	10	10
(d)	Yards abutting an AA, A or B Residential District		
	(1) Side and rear	20	20
	(2) Corner side when rear yard abuts	10	10

Notes to Schedule 1131.06:

- (a) New multiple-family residential developments in a C-1 District must comply with the MF-2 regulations.
- (b) See Section 1131.12 for supplemental regulations for private parking garages, parking decks that are principal uses.
- (c) A building not sharing a common wall with an adjacent building shall maintain the minimum separation specified in the Building Code.

## 1131.07 HEIGHT REGULATIONS.

The height of a principal building in the C-1 Office, C-2 Local Retail and C-3 General Commercial Districts shall not exceed forty-five (45) feet. In a C-2X District, the height of a principal building shall not exceed seventy-five (75) feet, and shall use transitional zoning practices to step down and step back in massing when adjacent to AA and A Single Family, B Two Family, MF-1 and MF-2 Residential Districts, per Section 1131.16. Mechanical space for building equipment placed on the building roof may be allowed above the maximum height specified, provided that such mechanical space is set back a minimum of fifteen (15) feet from the building's primary front any exterior wall, does not exceed fifteen (15) feet in height and is adequately screened from view. The height of an accessory building or structure shall not exceed the height of the

primary building twenty (20) feet, unless otherwise specified in this Zoning Code.

## **1131.075 COMMERCIAL AND MIXED USE DISTRICT DESIGN GUIDELINES.**

The following design guidelines are applicable to all commercial buildings in the City:

(a) Windows. All ground floor windows in all buildings shall provide views to allow people to see and be seen for passive security and to encourage pedestrian activity and district viability. The degree of visibility shall be determined by use type. Windows must be constructed of clear or lightly tinted glass. Reflective glass and tinting above twenty percent (20%) is prohibited on ground floors. Higher percentages of reflectivity and tinting is allowed on second floors and above. The percentage of glazing shall be calculated along the façade facing a primary and/or secondary public street between two (2) feet and eight (8) feet above the finished floor. The adequacy and necessity of such visibility shall be subject to approval by the Zoning Administrator.

(i) Commercial Retail Uses on Ground Floors – 25-75% glazing is recommended with less than 20% reflectivity on ground floors.

(ii) Commercial Office and Live/Work on Ground Floors – A minimum of 25% glazing with greater degrees of glazing, depending upon the specific interior use is encouraged and less than 20% reflectivity on ground floors.

(iii) Residential Uses on Ground Floors – Between 15 and 35% glazing with less than 20% reflectivity is recommended on ground floors.

(iv) Residential Uses on Upper Floors – Between 15 and 35% glazing recommended on upper floors. Higher levels of reflectivity are permitted on upper floors.

(v) Institutional Uses – are exempt from glazing requirements, but are encouraged to use glazing as part of an overall design scheme along with exterior frontage treatments to create appropriate relationships between the interior spaces and the public realm. Entrances should be focal points of the façade that celebrate this relationship and highlight the transition from the public realm to the interior. Windows must be constructed of clear or lightly tinted glass. Reflective glass and tinting above twenty percent (20%) is prohibited. A wall facing a public street must provide windows along at least 60% of its lineal frontage at street level such that the windows' dimensions, orientation, and placement. These windows shall provide views sufficient to allow people to see and be seen for passive security and to encourage pedestrian activity and district vitality.

(b) Building Entrances and Siting.

(1) All buildings shall have a public entrance from the sidewalk along the Primary street frontage.

(2) Façades that abut parking areas and contain a public entrance shall make provisions for pedestrian walkways and landscape areas.

(3) If outlet buildings are a part of a large retail development, outlet buildings must define the street frontage by placement near the street with showcase windows and entrances oriented toward the street, as well as to the interior parking lot. Entrances oriented toward the interior parking lot shall make provisions for pedestrian walkways and landscape areas.

(c) Roof Design. Green roof and white roof designs are encouraged.

(d) Parking Structures. Parking structures are encouraged to be “faced” with commercial uses along any façade that is adjacent to a public street. Parking structures are encouraged to include screening

measures designed to reduce the visual effect of headlights emanating from the structure onto and/or toward neighboring and/or adjacent properties.

(e) Surface Parking. Surface parking lots shall be screened from sidewalks and streets with some combination of shrubs, hedges, landscaping and decorative fencing and/or walls and shall be of a height to screen pedestrians from headlights on cars and trucks and shall be in compliance with Section 1166.06.

## **1131.076 INTERIOR FRONTEAGE DESIGN GUIDELINES**

Interior transition zones that include layering of elements such as furniture, window treatments, etc. are encouraged to aid in an appropriate and comfortable relationship between outside public spaces and interior semi-private and interior private spaces.

Four (4) conditions should be taken into consideration in designing appropriate relationships between interior and exterior spaces that allow people to see and be seen for passive security and to encourage pedestrian activity and district viability.

- (a) The Vertical Relationship – It is recommended that Commercial spaces be located at grade with the sidewalk. It is recommended that Residential spaces include a greater degree of vertical separation in direct relationship to their proximity to the public right of way such that the closer they residential space is to the public right-of-way, the greater the degree of vertical separation.
- (b) The Horizontal Dimension – It is recommended that Commercial spaces be located at or close to the right-of-way. When they are pushed back from the public right of way and appropriate frontage zone should be employed to encourage district connectivity and viability.
- (c) Window Treatments – In addition to the glazing and transparency considerations of Section 1131.076, additional tools should be employed such as interior frontage zones that push more private spaces away from the facade and use that space for semi-private uses. In addition, drapery, furniture and other layering elements should be used. Blinds are not encouraged and should be regulated. The goal is to maintain a degree of openness and visibility.
- (d) Uses – It is recommended that Commercial uses have a greater degree of connectivity to the public realm whereas residential uses should have lesser degrees of connections to the public realm.

## **1131.08 ACCESSORY USE REGULATIONS.**

Accessory uses, buildings and structures permitted in rows (a) through (i) in the Permitted Accessory Uses Table a C Commercial District shall conform to the regulations of this section, and shall be landscaped and screened from view in accordance with Chapter 1166, as applicable. See Section 1131.085 for Accessory uses, buildings and structures permitted in rows (j), (k), (l), and (m).

- (a) Off-Street Parking Lots. Off-street parking spaces in a parking lot may be located on the same lot as the principal use served, or may be located on a separate lot, in accordance with Section 1161.11, provided:
  - (1) Landscaping shall be accordance with Sections 1166.06 and 1166.07.
  - (2) Parking shall not be permitted in front or corner-side yards or between a principal building and a public right-of-way. Drive aisles shall not be permitted between a principal building and a public right-of-way.
  - (3) Surface parking lots that exclusively serve a specific principal use or uses to the exclusion of other

principal uses on a lot are limited to a maximum of 62 feet in width. Width shall be measured along the edge of the parking lot that is closest to and parallel or roughly parallel to the street.

(b) **Yard Requirements for Accessory Uses.****Location of Accessory Buildings/Structures.** Accessory buildings and structures shall be located in a side or rear yard in compliance with the yard regulations for principal uses set forth in Schedule 1131.06. **Accessory uses defined as Kiosks, Jewel Box Retail, Open-Air Cafes and Dining Patios may be located in a front yard or side yard that is dedicated as public or semi-public spaces to activate the public realm.**

(c) **Fences.** Fences may be erected in any commercial district provided they comply with the following regulations:

- (1) A fence located in a front yard shall have a maximum height of four (4) feet above ground level.
- (2) In a rear or interior side yard, a fence shall have a maximum height of ~~seven~~~~six~~(76) feet above ground level.
- (3) In a corner side yard, a fence shall have a maximum height of ~~four (4) feet above ground when separating residential and commercial uses~~~~six (6) feet above ground~~, except as required by Section 1166.07 for lots adjacent to a residential district, ~~or unless set back 15 or more feet from the public right of way, in which case a fence shall have a maximum height of six (6) feet above ground level.~~
- (4) Any fence within 25 feet of a public right of way and parallel or approximately parallel to such street shall be approved by the Architectural Board of Review. No chain-link fencing shall be permitted in front or corner side yard.
- (5) No barbed wire fence shall be constructed or erected on any lot. Any nonconforming barbed wire fence shall be removed following five (5) years from the adoption of the amendment to this Zoning Code which made such fence nonconforming.
- (6) A fence which has the sole purpose of enclosing a seasonal outdoor activity shall be removed during the times of the year when the seasonal activity is not in operation if it causes a nuisance or limits safe travel along public sidewalks.
- (7) A pergola or other freestanding structure may be permitted in front of a building ~~but not within the required front yard~~, subject to Architectural Board of Review approval.

## **1131.085 ACCESSORY USE REGULATIONS FOR PUBLICLY ACCESSIBLE OUTDOOR SPACES.**

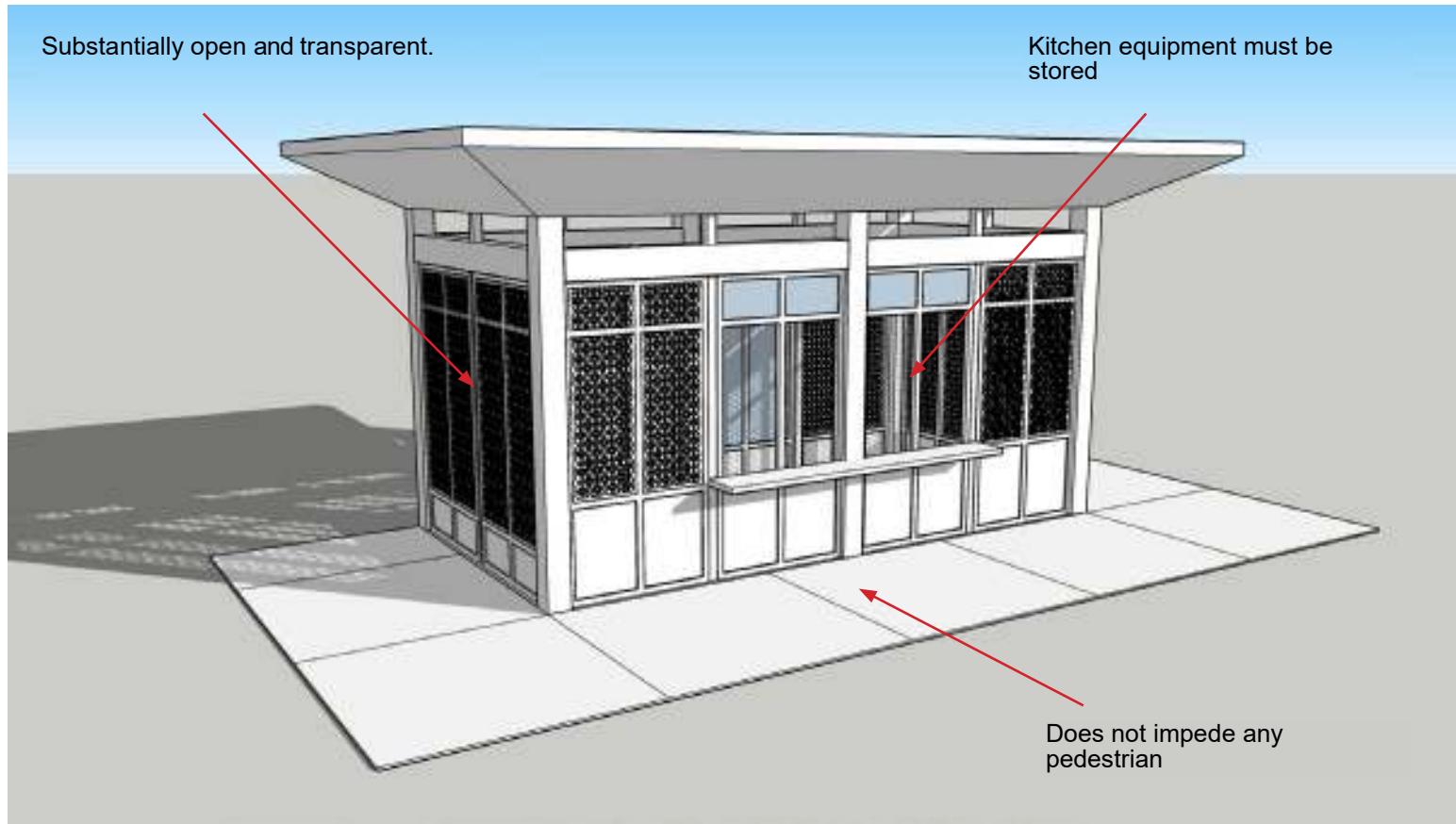
<b>Building Type</b>	<b>Permitted Districts</b>
	<b>Kiosk</b> A one-story temporary or permanent structure intended to facilitate food, retail, commercial or civic services having any kitchen equipment stored completely within the kiosk. They are a maximum of 100 square feet and their placement does not impede within any pedestrian circulation path. The interior of a kiosk is not intended for the public to enter.  <b>C-1 C-2 C-2X C-3</b>
	<b>Jewel Box</b> A one-story temporary or permanent structure intended to facilitate food, retail, commercial and/or civic services having any kitchen equipment stored completely within the jewel box. They are a maximum of 400 square feet and may have open air rooftop occupiable space. Their placement should not impede within any pedestrian circulation path and are operational and provide service year-round. Jewel box interiors are intended for the use of service personal and the public.  <b>C-1 C-2 C-2X C-3</b>
	<b>Open-Air Cafe</b> A permanently unenclosed areas for dining with food and drink services provided from a kiosk or jewel box having kitchen equipment contained within the structure with permitted shade applications. Open-Air Cafes are accessible from all sides that do not abut a building façade.  <b>C-1 C-2 C-2X C-3</b>
	<b>Dining Patio</b> A permanently unenclosed areas for dining with food and drink service provided from a restaurant in an adjacent building with permitted shade applications. Dining patios in a public, outdoor space are accessible from all sides that do not abut a building façade but are adjacent to additional public, outdoor spaces.  <b>C-1 C-2 C-2X C-3</b>

## **1131.085 ACCESSORY USE REGULATIONS FOR PUBLICLY ACCESSIBLE OUTDOOR SPACES.**

### **Kiosks, Jewel Box Retail, Open-Air Cafes, and Outdoor Dining Spaces**

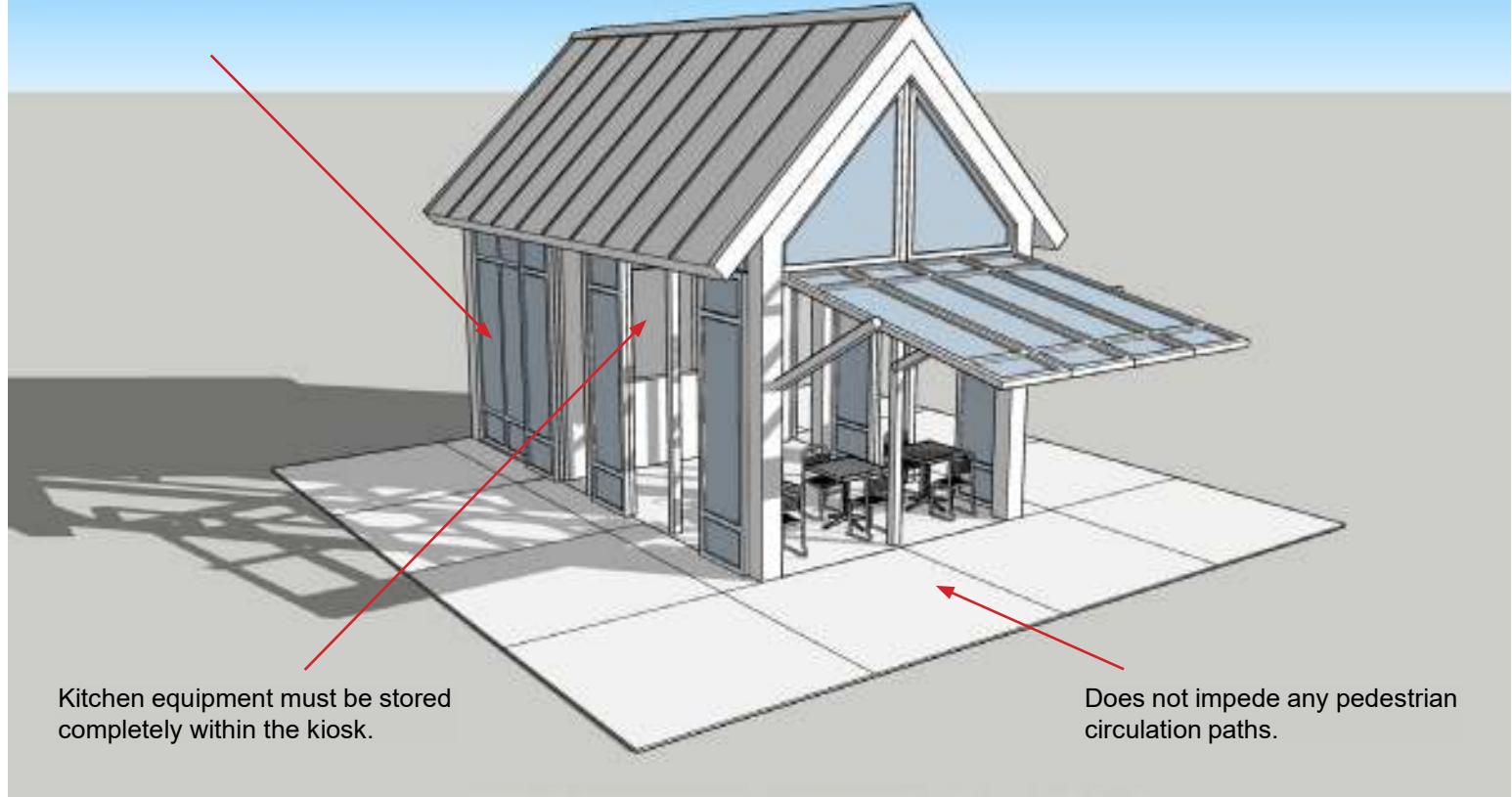
Kiosks, Jewel Box Retail, Open-Air Cafes, and Outdoor Dining Spaces are permitted in privately owned and publicly owned plaza spaces, courtyards, forecourts, and any other publicly accessible outdoor spaces. Such features shall be treated as permitted accessory uses and shall be designed to a high standard, be aesthetically pleasing and meet all applicable building codes.

#### **(a) KIOSKS AND JEWEL BOX STRUCTURES**



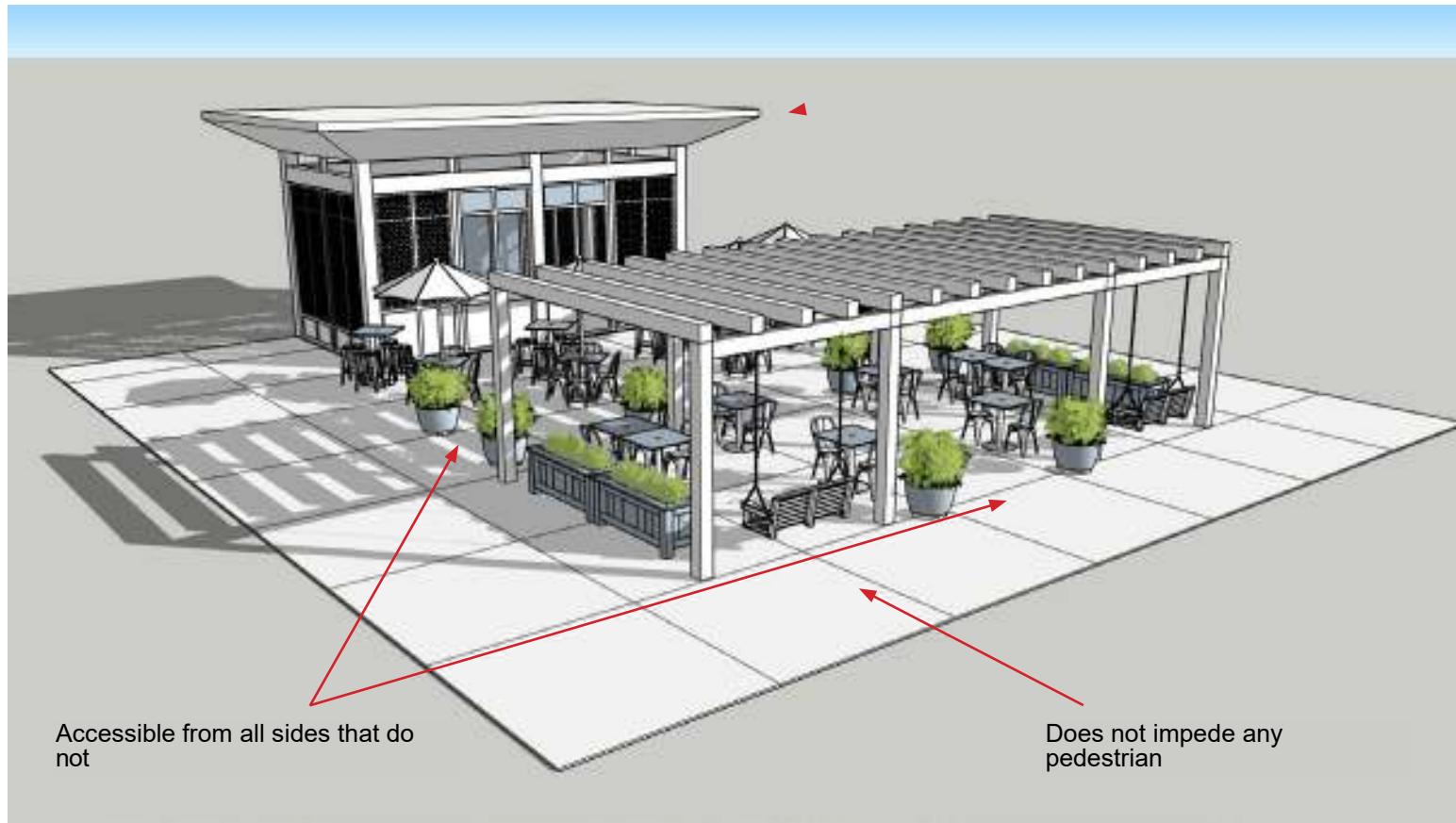
(1) Kiosks shall be a one-story temporary or permanent structure that is substantially open and transparent not obstruct views across the plaza space. Kiosks may be a maximum of 100 square feet. Kiosk placement shall not impede or be located within any pedestrian circulation path. Kiosks may be occupied by commercial and retail uses permitted in the applicable zoning district such as food or drink service, flower stands, information booths, or other activities that promote the public use and enjoyment of the publicly accessible outdoor spaces. Any kitchen equipment must be stored completely within the kiosk.

Substantially open and transparent.

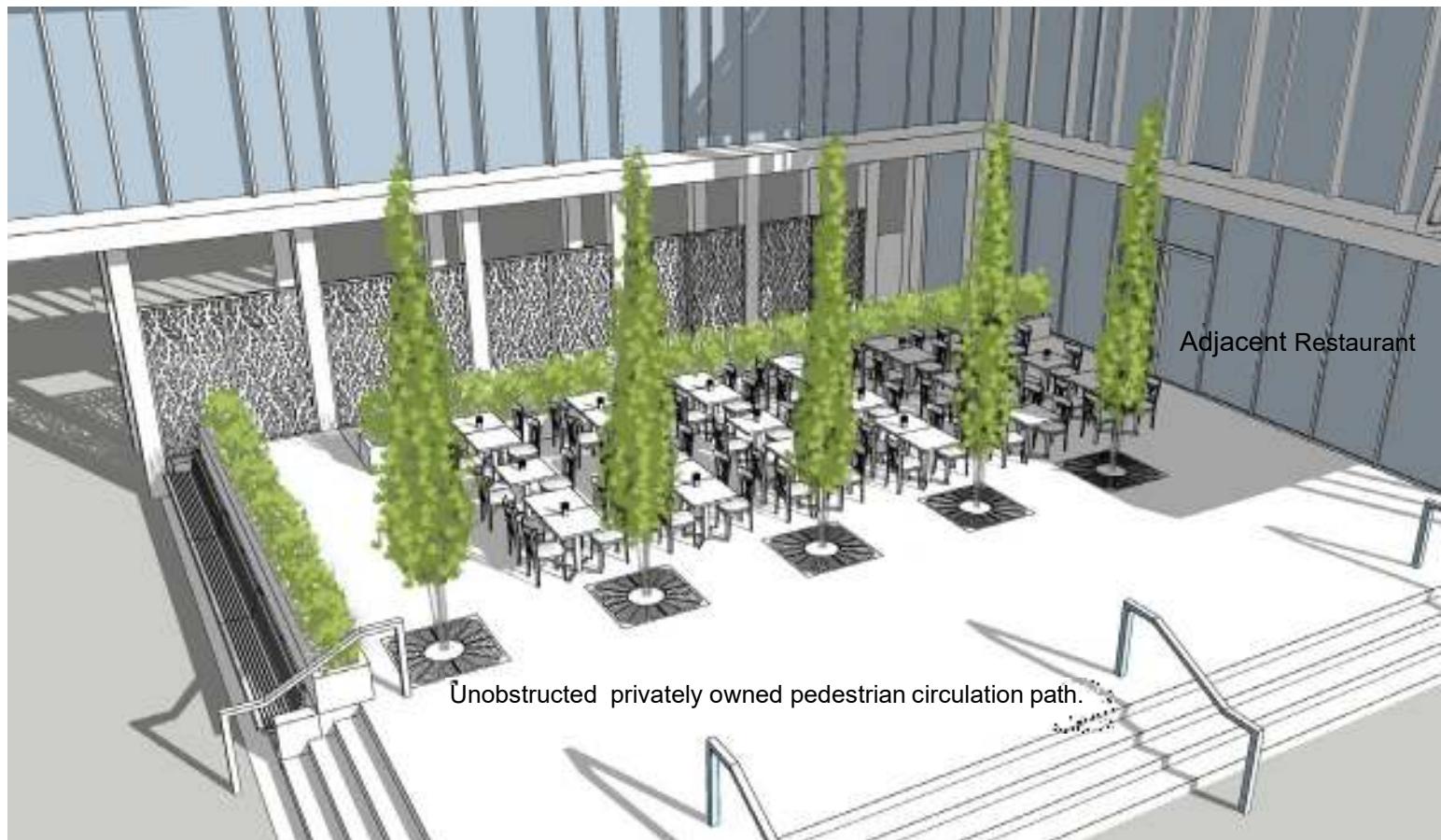


(2) Jewel Box Retail shall be a one to two story temporary or permanent structure that is substantially open and transparent so that it does not obstruct views across the plaza space. Jewel Boxes may be a maximum of 400 square feet. If the structure is more than one story, this area requirement shall apply to ground floor space only. Jewel Boxes may have open air rooftop occupiable space. Jewel Box placement shall not impede or be located within any pedestrian circulation path. Jewel Boxes may be occupied by uses that promote the public use and enjoyment of the publicly accessible outdoor spaces and adjacent retail, commercial, institutional, or personal service uses. Any kitchen equipment must be stored completely within the jewel box.

(b) OPEN-AIR CAFES AND OUTDOOR DINING



(1) Open-Air Cafes shall be areas for dining that are open to the public but not associated with a restaurant and thus do not include service. Umbrellas, shade trees in planters, temporary fabric structures, and pergolas are permitted. Open-Air Cafes shall not line more than one third of a publicly accessible outdoor space adjacent to a public sidewalk. No circulation paths meant for general pedestrian travel may move through an Open-Air Café. Open-Air Cafes must be accessible from all sides that do not abut a building façade but are adjacent to publicly accessible outdoor space. Planters, decorative low walls no taller than 42", and other decorative features intended to define space will be permitted on the edges of Open-Air Cafes so long as they occupy no more than 60% of the perimeter and are not permanent. All furniture, fixtures and accessories of an Open-Air Cafe shall be completely removed when the café is not in service unless they are intended for use by the public when the café is not open.



(2) Outdoor Dining Spaces shall be areas for dining by restaurant patrons with food and drink service provided from that restaurant which is located in an adjacent building as allowed by applicable zoning codes. Outdoor Dining Spaces shall not line more than one third of a publicly accessible outdoor space adjacent to a public sidewalk. No circulation paths meant for general pedestrian travel may move through an Outdoor Dining Space. Planters, decorative low walls no taller than 42", and other decorative features intended to define the Outdoor Dining Space will be permitted, so long as they are not permanent. Umbrellas, shade trees in planters, and pergolas are permitted.



### (3) Requirements for Open-Air Cafes & Outdoor Dining Patio Spaces

- (i) Open-Air Cafes and Outdoor Dining Spaces shall occupy no more than 20 percent of a publicly accessible outdoor space. This shall be calculated using all areas intended for open-air dining within the plaza even if they are not connected. Kiosks and Jewel Box structures that serve Open-Air Cafés and Outdoor Dining Spaces shall not be included in the area measurement.

## **1131.09 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS.**

In addition to the above regulations, gasoline stations permitted in a C-3 General Commercial District shall comply with the following standards:

- (a) Gasoline stations located on a corner lot shall have not less than 100 feet frontage on each of the two (2) intersecting streets.
- (b) Fuel pumps may be erected in a front yard but not less than twenty-five (25) feet from the public right of way.
- (c) Pavement to provide access to a gasoline pump shall be located no less than fifteen (15) feet from the public right-of-way. The resulting open space shall be landscaped and maintained in satisfactory condition and, except for entrance and exit drives and permitted signs, shall not be used for any other purpose.
- (d) A canopy may be constructed over the pump island provided the canopy shall be no closer than fifteen (15) feet to the right of way.
- (e) The only services permitted to be performed on a vehicle shall be the dispensing of fuel, oil, air and windshield wiper fluid.
- (f) The location, display or storage of rental trailers, automobiles, trucks or other rental equipment on the premises is not permitted.
- (g) No merchandise, except fuel and oil, may be stored or displayed outside the building.
- (h) Except while being serviced at a pump island, no vehicles shall be parked between the pump setback line and the front property line; nor on a corner lot shall any vehicles be parked between the pump setback line and the property line on either of the intersecting streets. A vehicle parked in violation hereof during the time such station is open for business shall be presumed to have been so parked with the knowledge and consent of the operator of that station.
- (i) No junk, inoperative or unlicensed motor vehicles will be permitted to remain on gasoline station property for more than forty-eight (48) hours.
- (j) All refuse shall be kept or stored within the building, or be screened from view as required by Section 1166.10.
- (k) All outdoor wiring, including electrical and telephone wiring, shall be installed underground.
- (l) A landscaped area at least fifteen (15) feet wide shall be provided on private property adjacent to the public sidewalk areas, except where interrupted by driveways.
- (m) Locations where such use abuts a residential district or use shall also provide a buffer zone along the entire length of the common boundary between the commercial use and the residential use which shall be maintained not less than ten (10) feet in depth. This buffer zone shall be landscaped with grass, standard shrubs and standard trees, pursuant to Section 1166.07.

## **1131.10 SUPPLEMENTAL REGULATIONS FOR AUTOMOBILE SALES/RENTAL.**

In addition to the above regulations, business establishments for automobile sales, new or new and used, or automobile rental permitted in a C-3 General Commercial District shall comply with the following standards:

- (a) Sale of new automobiles means a building and land used by a franchised automobile dealer principally for the sale of new automobiles. The sale of used automobiles may be permitted as an accessory use provided the inventory of used automobiles does not exceed fifty percent (50%) of the overall inventory at any one (1) time.
- (b) Service garage, leasing department and other activities customarily incidental to a full-service franchised automobile dealer shall be permitted as accessory to the sale of automobiles provided these activities are conducted in a wholly enclosed building.
- (c) Only repair of automobiles customarily associated with automobile sales shall be permitted, and shall be conducted inside a suitable building.
- (d) No junk, inoperative or unlicensed vehicle will be permitted to remain outside on the property for more than forty-eight (48) hours.
- (e) All outdoor wiring, including electrical and telephone wiring, shall be installed underground.
- (f) Locations where such use abuts a residential district or dwelling shall also provide a buffer zone along the entire length of the common boundary between the commercial use and the residential use which shall be maintained not less than ten (10) feet in depth. This buffer zone shall be landscaped with grass, standard shrubs and standard trees, pursuant to Sections 1166.06 and 1166.07.

## **1131.11 SUPPLEMENTAL REGULATIONS FOR OUTDOOR DISPLAY, SALES OF GOODS.**

The sale or service of food outside of a building; or the display or sale outside of a building of house furnishings, merchandise or vehicles, shall only be permitted as specified below:

- (a) The display of liquid fuel and oil at a gasoline station or automobile service station;
- (b) The display of automobiles and other rental vehicles as permitted in the C-3 District or for which a conditional use permit has been obtained pursuant to Chapter 1153.
- (c) The sale or display of flowers, plants, shrubs and trees in the open in connection with a nursery flower mart, landscape business for which a conditional use permit has been obtained pursuant to Chapter 1153.
- (d) An outdoor dining facility for which a conditional use permit has been obtained pursuant to Chapter 1153.
- (e) An outdoor dining facility or outdoor sales of goods in conjunction with a duly authorized festival.

## **1131.12 SUPPLEMENTAL REGULATIONS FOR ~~OFF-STREET PARKING DECKS AND PARKING GARAGES~~ ~~PRIVATE PARKING GARAGES, AND PARKING DECKS THAT ARE PRINCIPAL USES.~~**

Off-street parking decks and parking garages may be located on the same lot as the principal use, or may be located on a separate lot in accordance with Section 1161.06, and shall comply with the following standards  
Private parking garages and parking decks that are principal uses shall comply with the following standards:

- (a) All parking decks and parking garages shall be approved by the Architectural Board of Review.
- (b) A parking deck or private parking garage shall comply with the yard requirements for a principal use specified in Schedule 1131.06 except that open parking decks and open private parking garages in which vehicles are visible from the street shall be located not less than fifteen (15) feet from a public right of way.
- (c) Open parking decks and open private parking garages shall be landscaped according to the requirements established in Section 1166.06.

## **1131.13 SUPPLEMENTARY REGULATIONS FOR LIVE/WORK DWELLINGS IN COMMERCIAL DISTRICTS.**

In all Commercial Districts (C1, C2, C-2X and C3), the Planning Commission may conditionally permit a live/ work dwelling subject to the following standards:

- (a) The following uses are permitted in a live/work dwelling. Only one (1) such use is permitted per dwelling:
  - (1) Arts Studio
  - (2) Medical/Dental Clinic – One of the licensed practitioners in the business must be the owner and resident in the dwelling.
  - (3) Office
  - (4) Other uses possessing characteristics similar to the above-mentioned uses with respect to the absence of noise, vibration, fire hazards, explosion hazards, smoke, or other health or environmental conditions that would be incompatible with habitation.
- (a) Conversion is subject to the following design and performance standards and approval by the Architectural Board of Review.
  - (1) Windows shall provide views into the work portion of the unit to allow people to see and be seen for passive security and to encourage pedestrian activity and district vitality.
  - (2) All conversions shall be designed to be visually compatible with nearby commercial buildings.
  - (3) The principal entrance for the non-residential use must be a direct entry from the primary abutting street.
  - (4) The owner of the business must be the owner and resident of the dwelling  
reside in the dwelling  
and have a legal right to do so as either the owner or tenant/lessee.

(5) Parking requirements shall only be calculated for the non-residential part of the dwelling. No additional off-street parking is required for the residential use.

## 1131.14 C-2X MULTIPLE USE DISTRICT.

The C-2X Multiple Use District shall be governed by the following regulations:

- (a) ~~Permitted Uses: All uses currently permitted in the C-2 Zoning District.~~
- (b) ~~Conditional Uses: All uses currently permitted as conditional uses in the C-2 Zoning District.~~
- (c) ~~Permitted Accessory Uses: All uses which are currently permitted as accessory uses in C-2 Zoning Districts.~~
- (d) ~~Conditionally Permitted Accessory Uses: All uses which are currently conditionally permitted accessory uses in C-2 Zoning Districts.~~

(e)(a) Lot Area and Width Regulations: There shall be no minimum area or width requirements for lots in C-2X Districts.

(f)(b) Yard Requirements: Yard requirement shall be as set forth in the following table:

<b><i>Yard (Illustrations 1-4)</i></b>	<b><i>C-2X District Minimum</i></b>	<b><i>C-2X District Maximum</i></b>
<u>Primary</u> Front*	0	<u>10-12</u> (b)
<b>Yards abutting a C or S District</b>		
<u>Interior</u> Side	0	No max. depth
Rear	5	No max. depth
<u>Secondary Front (a) Corner Side*</u>	0	<u>No max. depth 15</u> (b)
<b>Yards abutting an MF-1 District</b>		
<u>Interior side</u> Side and rear	15	No max. depth
<b>Yards abutting an MF2 &amp; MF3 District</b>		
<u>Side</u>	<u>0</u>	<u>No max. depth</u>
<u>Rear</u>	<u>10</u>	<u>No max. depth</u>
<u>Secondary Front (a) Corner Side*</u>	<u>05</u>	<u>No max. depth 15</u> (b)(c)
<b><u>Mixed Use and Multifamily C-2X Use</u></b>		
<b><u>Yards abutting an AA, A or B District</u></b>		

<u>Side</u>	<u>See section 1131.16 Transition Zone Standards</u>	
<u>Rear</u>	<u>10</u>	
<u>Townhouse C-2X Use Yards abutting an AA, A or B District</u>		
<u>Interior side</u> <u>Side</u> and rear	<u>10 if habitable structure within 15 feet on adjacent parcel</u> <u>15</u>  <u>0 if no habitable structure within 15 feet on adjacent parcel</u>	No max. depth
<u>Secondary Front Corner side</u> (a)	<u>510</u>	No max. depth
<u>Yards abutting a Park District</u>		
<u>Side</u>	<u>0</u>	<u>No max. depth</u>
<u>Rear</u>	<u>0</u>	<u>No max. depth</u>

Notes

- (a) For the purposes of measuring front and secondary frontcorner side yards in C-2X Districts, the yard shall be measured from the “built-to” line, which shall be a line running along the inner edge of the existing public sidewalk.
- (b) The Planning Commission may conditionally approve a front or secondary frontcorner side yard use, other than parking, that would result in a building being set back more than the maximum distance permitted from the “built-to” line. See Section 1131.15 for examples of appropriate conditions for frontage zones that join the building to the public right-of-way. Proper frontage zone conditions shall be part of all designs whether they occur within the right-of-way or on private property.
- (c) Secondary Frontages shall be treated as front facades on secondary streets and should include architectural frontage treatments appropriate to the street they face. These frontages shall relate and transition well to the existing context on the secondary street. Where secondary frontages meet a side yard of an adjacent property, side yard transition zones shall be designed in accordance with Section 1131.16 Side Yard Transition Zones Standards.
- (c) Frontage Zone Requirements: Frontage zone requirements shall be as set forth in Section 1131.15 C2-X Frontage Standards.

(g) Height Regulations. Height regulations shall be as follows:

- (1) Buildings in C-2X Districts shall not exceed 65-75 feet in height. Mechanical space for building equipment placed on the building roof may be allowed above the maximum height specified, provided that such mechanical space is set back a minimum of 15 feet from any exterior wall, does not exceed 15 feet in height and is adequately screened from view.
- (2) The portion of a building in a C-2X District which is within 30 feet of a residential district may not exceed 45 feet in height (Illustration 5).
- (3) A building in a C-2X District that exceeds 45 feet in height shall have transparent glazing covering at least 15% of the face area of each wall that exceeds 50 feet in width, unless prohibited by the Building Code or other applicable regulations.

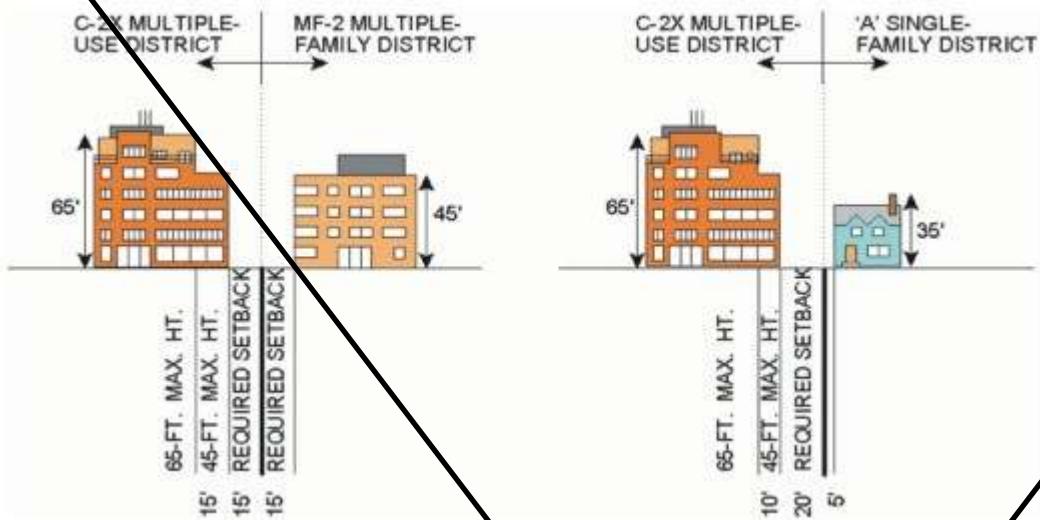
~~(4) When a building exceeds 45 feet in height, at least one half of each building face on the building's top floor shall be set back at least 8 feet from the building's setback at street level.~~

(h)(d) District Boundaries: All properties within a C-2X District shall be within convenient walking distance of a system of public parking facilities, and the District shall contain one or more businesses which habitually draw a substantial number of customers from the region outside of Cleveland Heights as well as from Cleveland Heights residents.

(i)(e) Other Regulations: All other regulations in the Zoning Code pertaining to commercial properties shall be applicable to properties within the C-2X Zoning District unless inconsistent with the above regulations in which case the above regulations shall govern.

~~The illustrations below depict the commercial district yard definitions (front, corner side, interior side, and rear.)~~

The illustration below depicts the height limitation that would apply to C-2X properties bordering residential zoning districts.



## **1131.15 C-2X FRONTAGE STANDARDS**

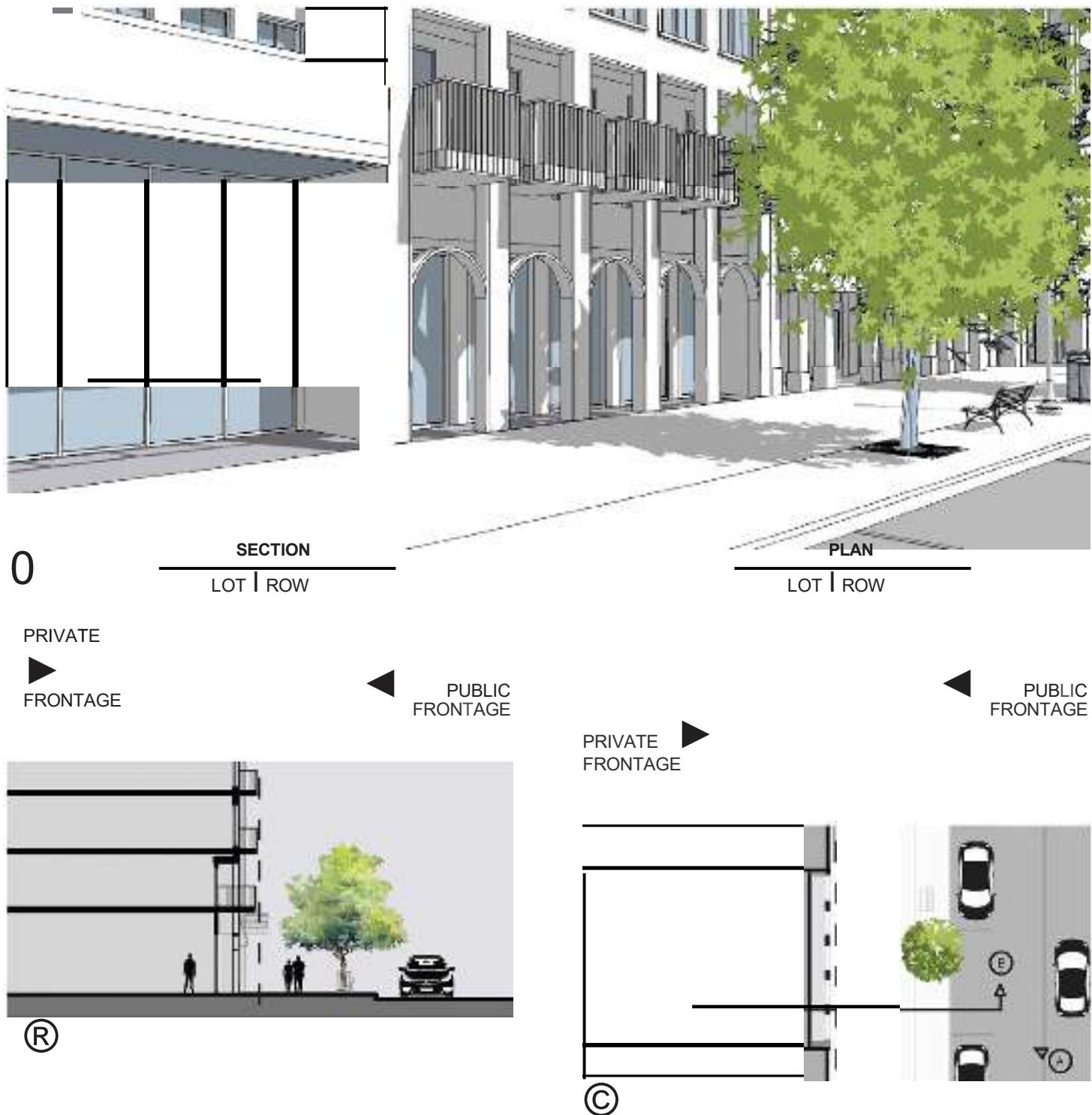
All buildings in C-2X Districts shall have architectural frontages and frontage zones in front of the building that connect buildings to the public realm and mediate the transition from private interior spaces to public spaces on the sidewalk.

The permitted frontage types within the C2-X District are:

- (a) Arcade – A frontage wherein the facade is a colonnade that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage / build-to line. This type is conventional for retail use. The arcade shall be no less than twelve (12) feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.
- (b) Common Yard – A frontage wherein the facade is set back substantially from the frontage / build-to-line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape.
- (c) Forecourt – A frontage wherein a portion of the facade is close to the frontage / build-to line and the central portion is set back. the forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.
- (d) Gallery – A frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than ten (10) feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.
- (e) Light Court – A frontage wherein the facade is set back from the frontage / build-to line by an elevated terrace or a sunken light court. This type buffers residential use from sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes in commercial uses.
- (f) Porch and Fence – A frontage wherein the facade is set back from the frontage / build-to line with an attached porch permitted to encroaching. A fence at the build-to line (optional) maintains the demarcation of the yard. The porches shall be no less than 8 feet deep.
- (g) Stoop – A frontage wherein the facade is aligned close to the frontage / build-to line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground floor residential use.
- (h) Shopfront and Awning – A frontage wherein the facade is aligned close to the frontage / build-to line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.
- (a)(i) Terrace – A frontage wherein the facade is set back from the frontage / build-to line by an elevated terrace or a sunken light court. This type buffers residential use from sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes in commercial uses.

## Schedule 1131.15a ARCADE (a)

A frontage wherein the facade is a colonnade that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage / build-to line. This type is conventional for retail use. The arcade shall be no less than twelve (12) feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.



1 Parolek, Daniel G., and Karen Parolek. Form-based Codes A Guide for Planners, Urban Designers, Municipalities, and Developers. Hoboken, NJ: John Wiley & Sons, 2015. Print.

## Schedule 1131.15b COMMON YARD (b)

A frontage wherein the facade is set back substantially from the frontage / build-to line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape.



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PLAN

LOT IROW

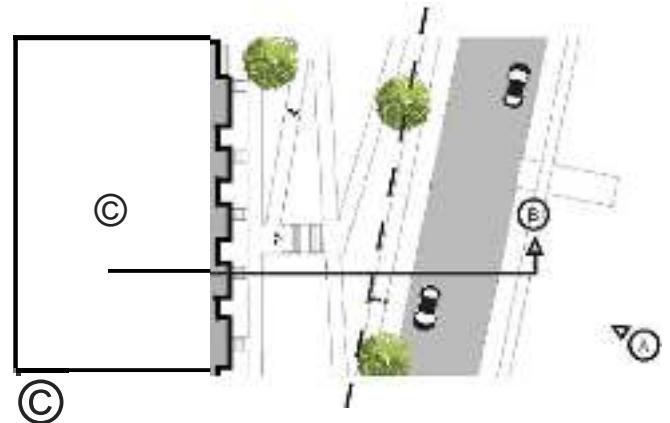
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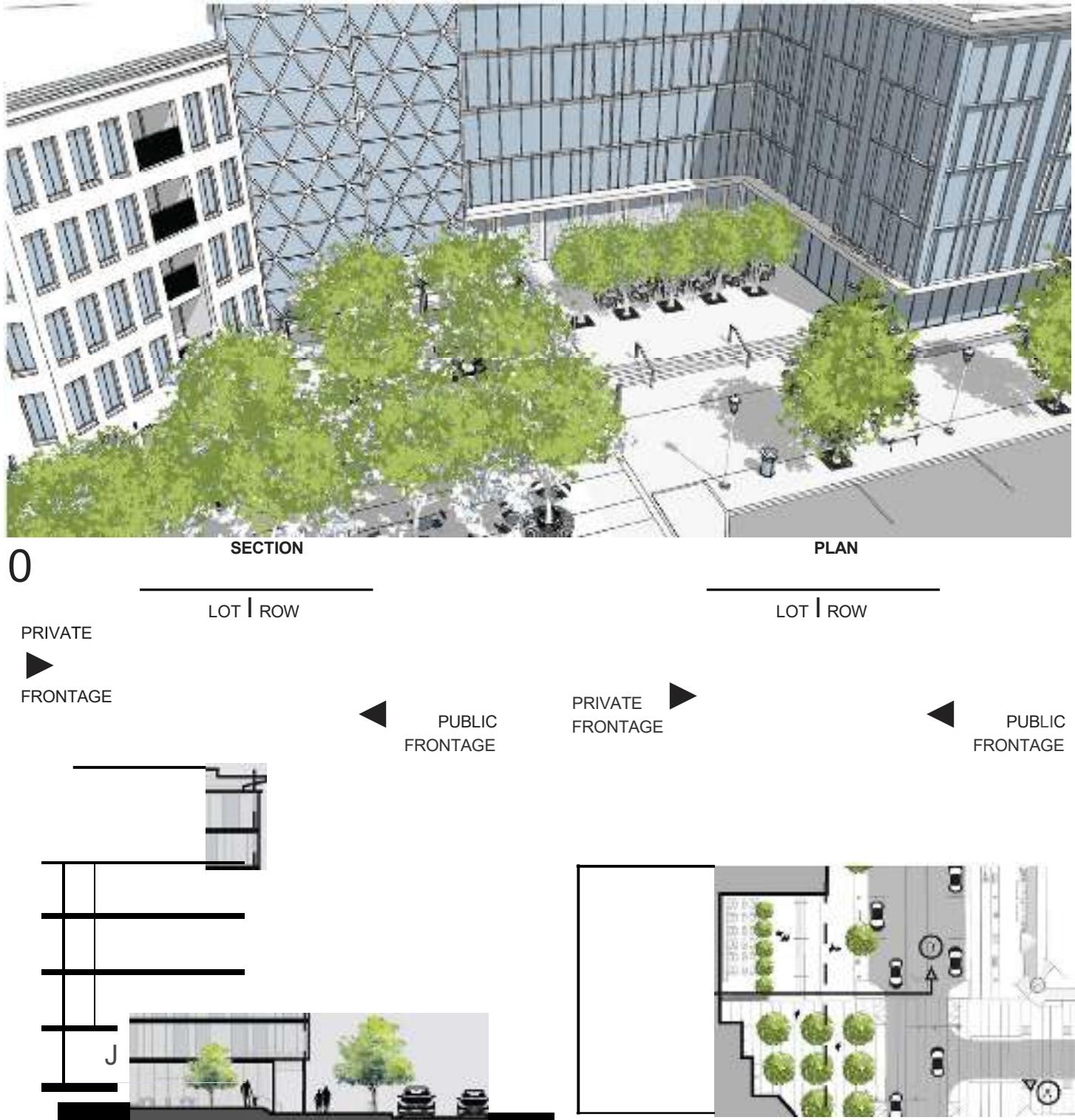
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Parolek, Daniel G., and Karen Parolek. Form-based Codes A Guide for Planners, Urban Designers, Municipalities, and Developers. Hoboken, NJ: John Wiley & Sons, 2015. Print.

## Schedule 1131.15c FORECOURT (c)

A frontage wherein a portion of the facade is close to the frontage / build-to line and the central portion is set back. the forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.



Parolek, Daniel G., and Karen Parolek. Form-based Codes A Guide for Planners, Urban Designers, Municipalities, and Developers. Hoboken, NJ: John Wiley & Sons, 2015. Print.

## Schedule 1131.15d GALLERY (d)

A frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than ten (10) feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.



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SECTION

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PLAN

LOT | ROW

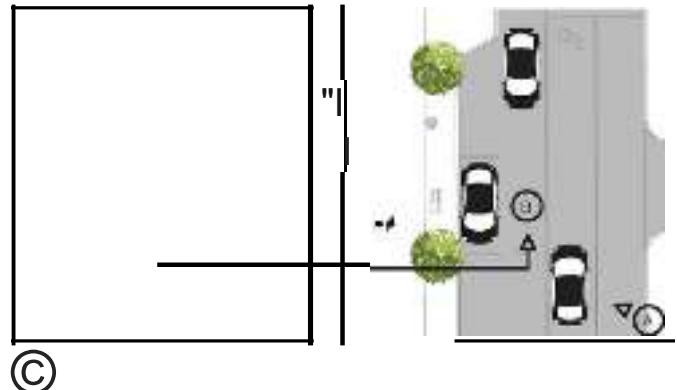
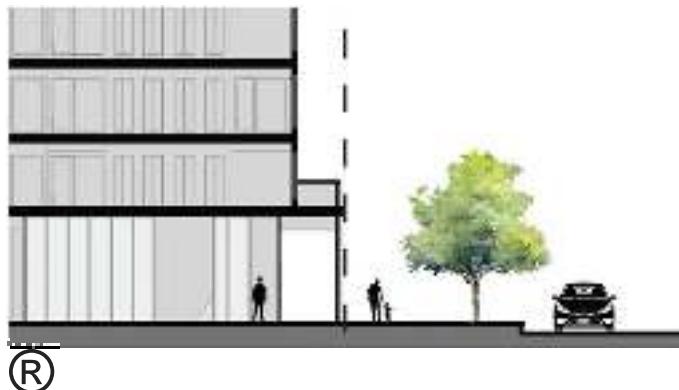
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Parolek, Daniel G., and Karen Parolek. Form-based Codes A Guide for Planners, Urban Designers, Municipalities, and Developers. Hoboken, NJ: John Wiley & Sons, 2015. Print.

## Schedule 1131.15e LIGHT COURT (e)

A frontage wherein the facade is set back from the frontage / build-to line by an elevated terrace or a sunken light court. This type buffers residential use from sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes in commercial uses.



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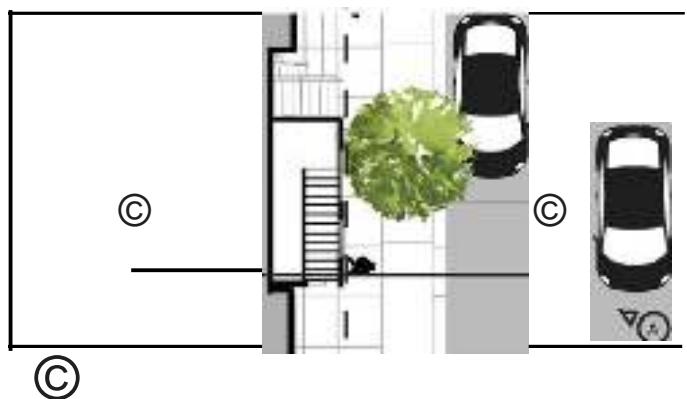
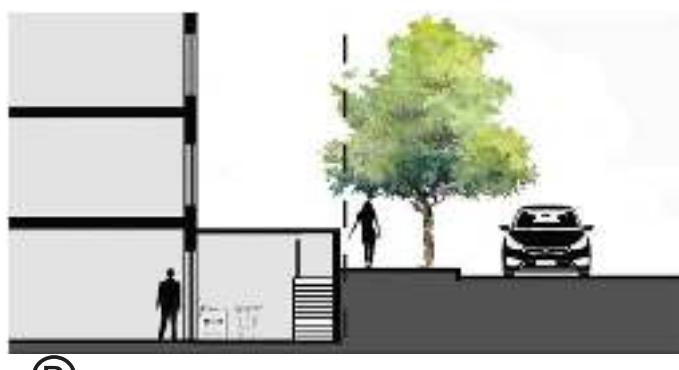
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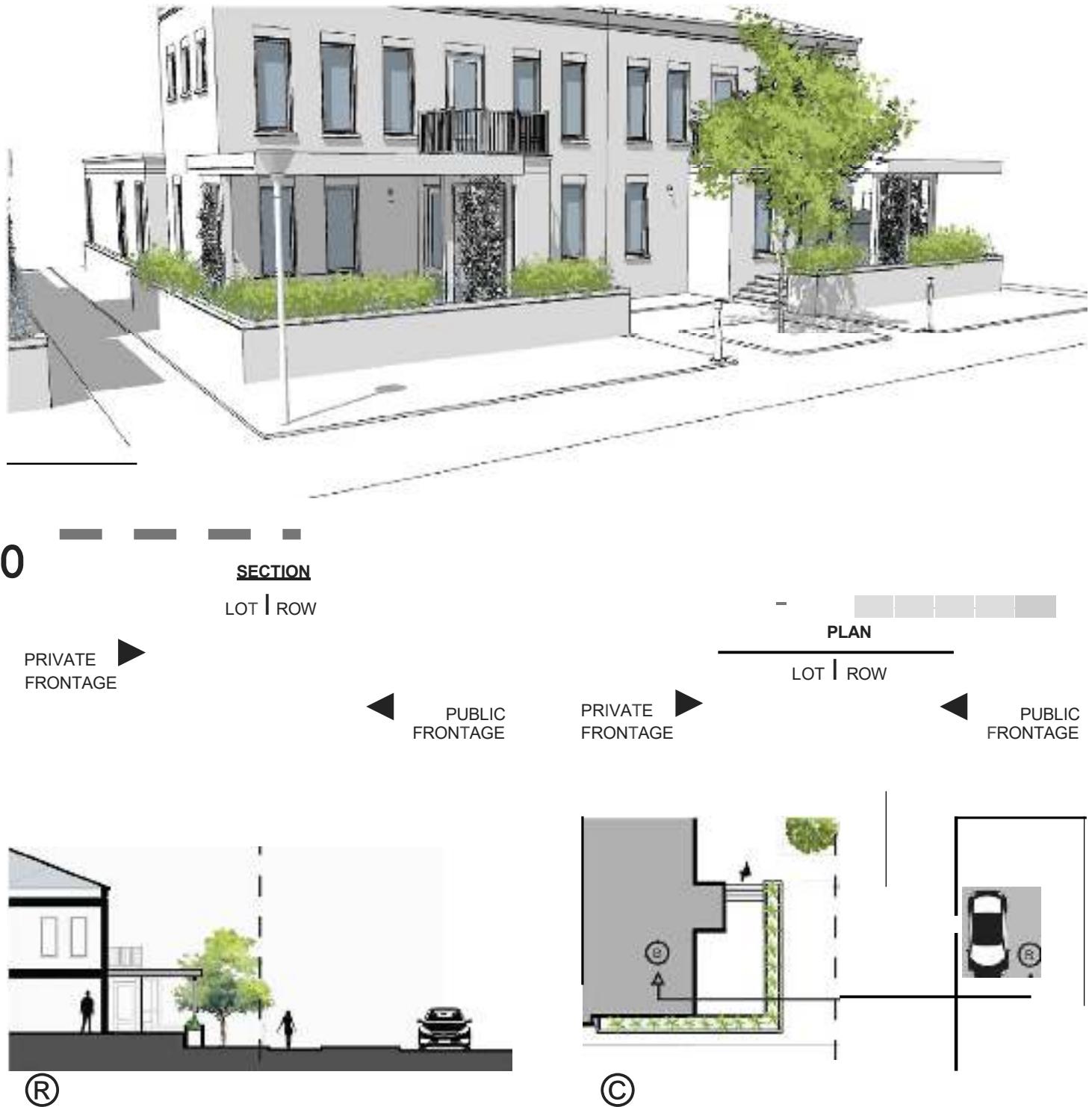
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## Schedule 1131.15f PORCH AND FENCE (f)

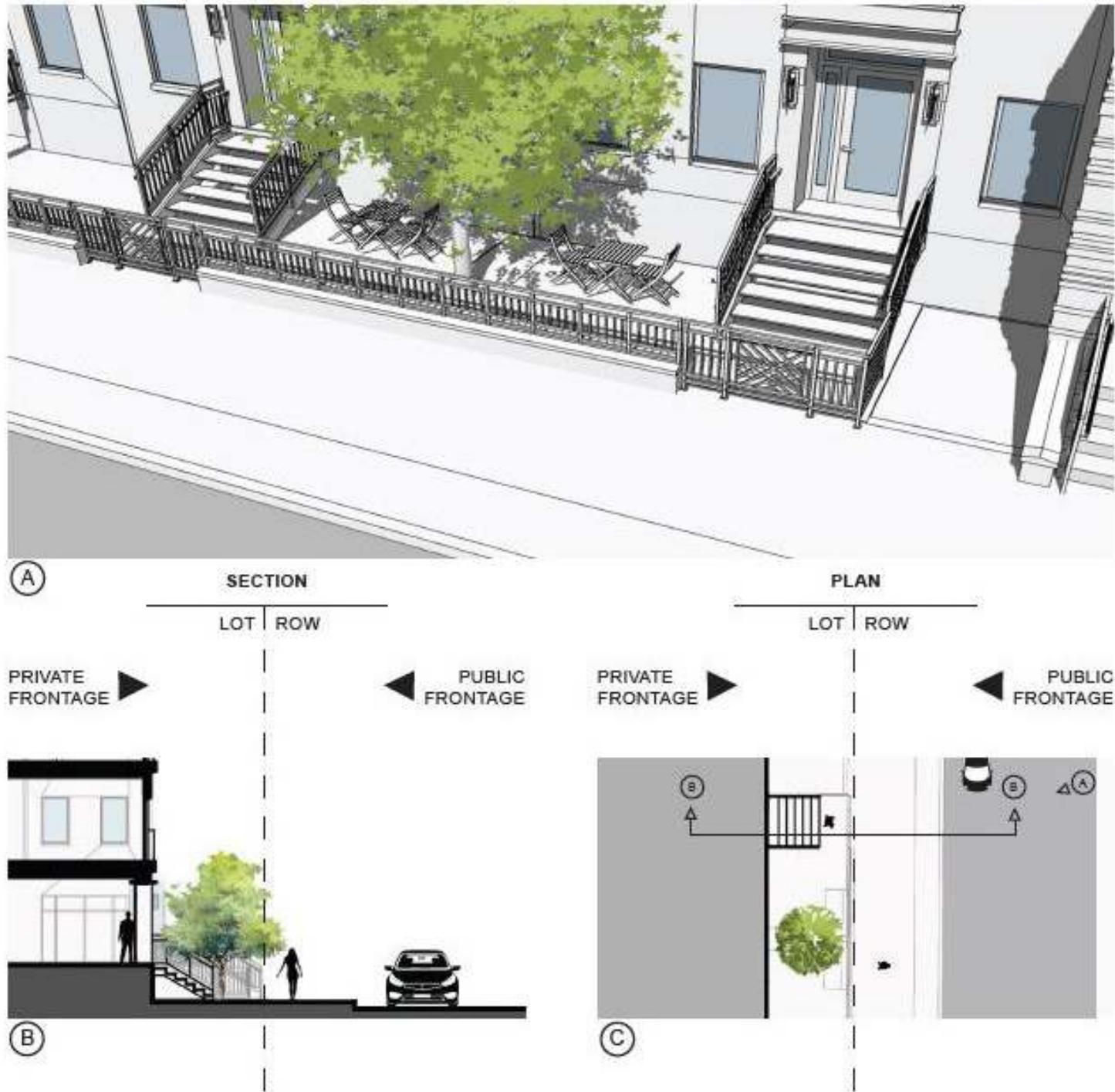
A frontage wherein the facade is set back from the frontage/ build-to line with an attached porch permitted to encroaching. A fence at the build-to line (optional) maintains the demarcation of the yard. The porches shall be no less than 8 feet deep.



Parolek, Daniel G., and Karen Parolek. Form-based Codes A Guide for Planners, Urban Designers, Municipalities, and Developers. Hoboken, NJ: John Wiley & Sons, 2015. Print.

## Schedule 1131.15g STOOP (g)

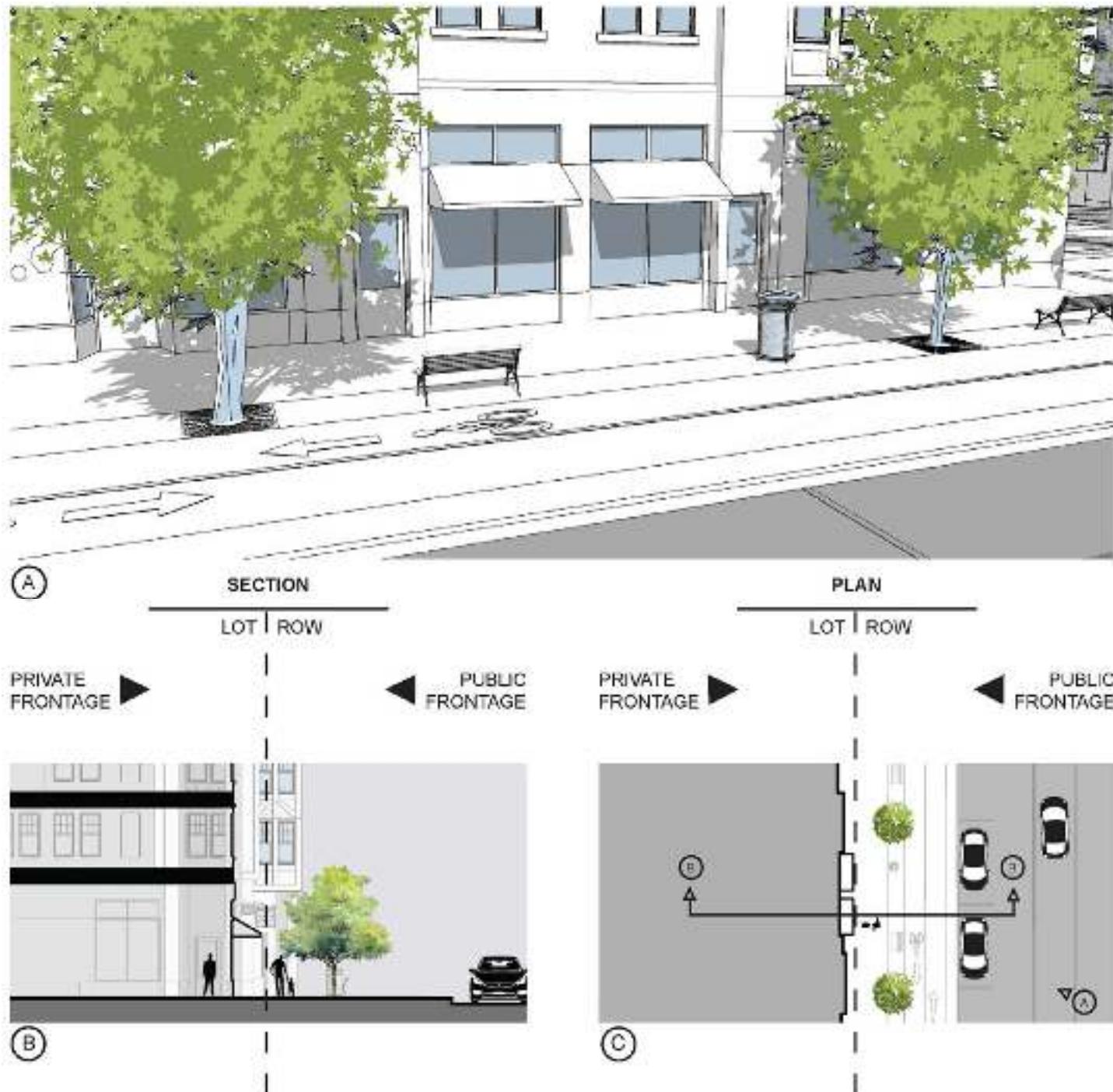
A frontage wherein the face is aligned close to the frontage / build-to line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground floor residential use.



1 Parolek, Daniel G., and Karen Parolek. *Form-based Codes A Guide for Planners, Urban Designers, Municipalities, and Developers*. Hoboken, NJ: John Wiley & Sons, 2015. Print.

### Schedule 1131.15h SHOPFRONT AND AWNING (h)

A frontage wherein the façade is aligned close to the frontage / build-to line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.



<sup>1</sup> Parolek, Daniel G., and Karen Parolek. *Form-based Codes A Guide for Planners, Urban Designers, Municipalities, and Developers*. Hoboken, NJ: John Wiley & Sons, 2015. Print.

## Schedule 1131.15i TERRACE (i)

A frontage wherein the facade is set back from the frontage / build-to line by an elevated terrace or a sunken light court. This type buffers residential use from sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes in commercial uses.



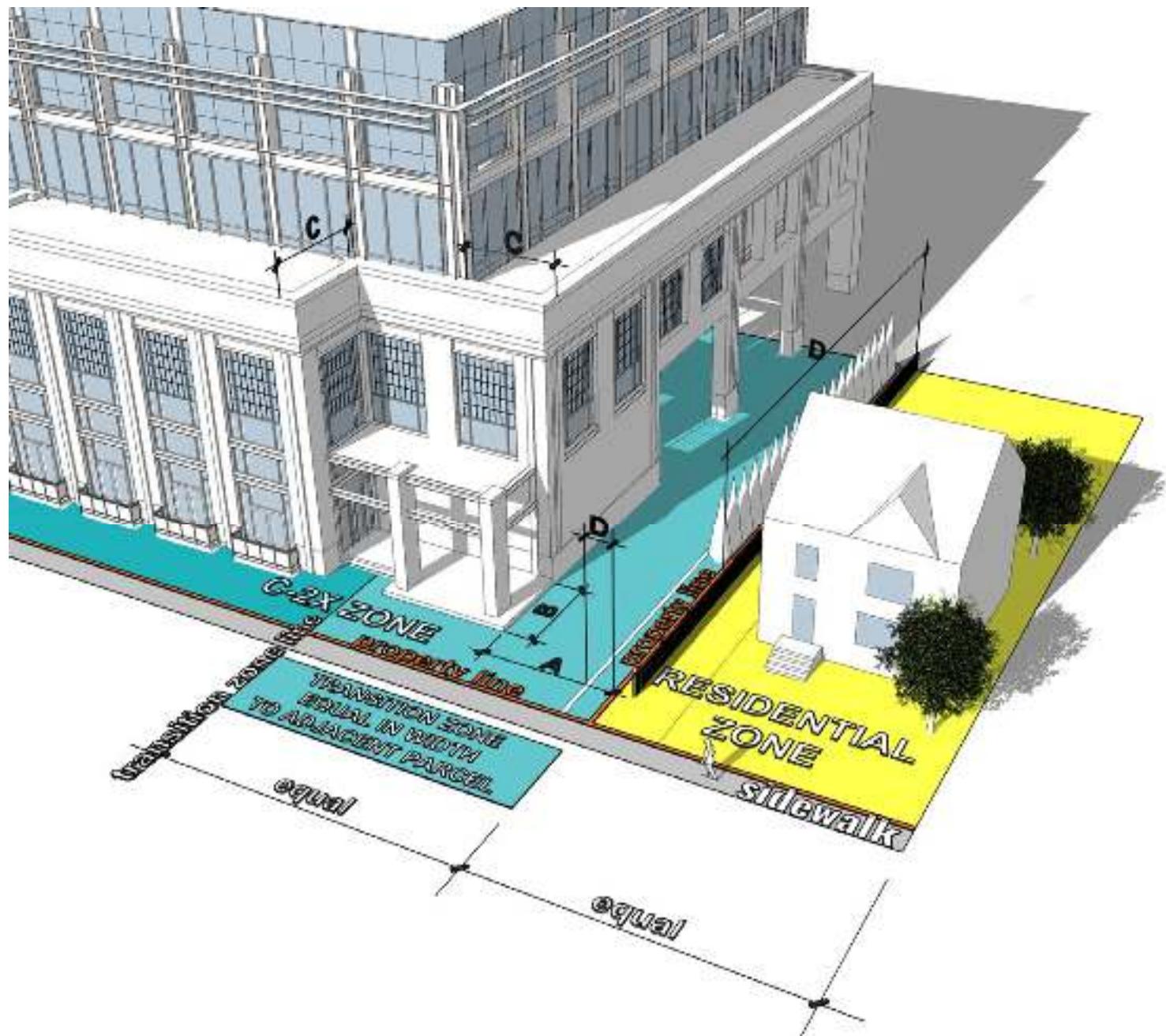
## **1131.16 C-2X SIDE YARD TRANSITION ZONE STANDARDS**

When possible, transitional zoning techniques shall be used to manage transitions from high density and intense land uses to low density and less intense land uses. All buildings in C-2X Districts shall utilize transition zones of widths determined by the use of the adjacent zone. Transition zones in a C-2X parcel shall be equal to the width of the adjacent residential parcel when it is an AA, A, B, and MF-1 District. When a C-2X District is immediately adjacent to a low density residential use (AA, A, B, and MF-1 Districts), design elements shall be used to create a reasonable buffer that protects the quality of life for those on residential parcels. The following design tools shall be employed in this effort.

Transition zone elements are as follows:

- (a) Sideyard Setback Distance – In general, the more different the adjacent zone is in intensity of use and density to the C-2X Zone, the greater the side yard setback distance. See the chart in Section 1131.14.
- (b) Front Setback – As the building approaches the adjacent parcel, it shall setback to more closely approach the setback of the building on the adjacent parcel. This setback must be a minimum of 40% of the setback of the adjacent parcel's building. The setback as measured is the distance from the back side of the sidewalk to the facade of the building. The setback for the building in the C-2X District shall begin at the point where the transition zone starts. The utilization of frontage zone techniques and transitional setbacks of the building's massing are encouraged to develop a reasonable architectural transition. Where the entire building facade is already setback and utilizes appropriate frontage design techniques, no additional setback is required.
- (c) Upper Floor Stepbacks – As the building approaches the adjacent parcel, its height shall use floor setbacks to allow for appropriate transitions from high density, intense land uses to lower density and less intense land uses. Buildings on C-2X parcels shall stepback on floors above 45 feet. Stepbacks shall be a minimum of 6 feet. When possible, greater stepbacks are encouraged when they create useable terrace or rooftop space that looks out to the street or the rear yard, but is not encouraged to look out to the adjacent parcel for privacy purposes.
- (d) Landscaping and Fencing – Where a C-2X District abuts an AA, A, B, or MF-1 District, a combination of landscaping and fencing shall be used to develop a reasonable buffer that protects the privacy of the residential neighbor.

## 1131.16 C-2X SIDE YARD TRANSITION ZONE STANDARDS



A - Sideyard Setback Distance

B - Front Setback

C - Upper Floor Stepbacks

D - Landscaping and Fencing