

SEVERANCE ZONING

EXHIBIT A

(December 11, 2025)

PART ELEVEN - ZONING CODE

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- Chap. 1101. Purpose, Interpretation and Validity.
- Chap. 1103. Definitions.
- Chap. 1105. Establishment of Districts and Maps.
- Chap. 1107. Zoning Administrator.
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APPENDIX - Zoning Map Changes

TITLE ONE - Administration

Chap. 1101. Purpose, Interpretation and Validity.
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CHAPTER 1103

Definitions

- 1103.01 Use of code section references.
- 1103.02 Special meanings.
- 1103.03 Definitions of general terms.
- 1103.04 Determination of household status.

CROSS REFERENCES

Housing Code definitions - see BLDG. Ch. 1341
Business Maintenance Code definitions - see BLDG. Ch. 1361

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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.)
 - (4) "Commissioner of Building" is defined in Chapter 1341, Section 1341.05 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) “Access Lane” means the portion of any Traveled Way dedicated for either limited public or private access for any combination of vehicles, services, egress, emergency response, and/or pedestrian movement to a site and/or across a site.

(23) “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.

(2.54) “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.

(35) “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.

(6) “Active Edge” means a combination of doors and glazing designed to stimulate pedestrian activity along a Public Frontage.

(47) “Alley” means a public or private way permanently reserved as a secondary means of access to abutting property.

(58) “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).

(69) “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.

(710) “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.

(811) “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.

(912) “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.

(1013) “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.

(1114) “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 the blockface parallel to the lot’s front lot line.

(1215) “Boarding house”. (See also “lodging house”.)

(16) “Build-to-Line” means a line parallel to the face of curb closest to a street at a distance defined by the Street Type.

(17) “Build-to-Zone” means the space between the established Build-To-Line and a line parallel to the Build-To-Line defined by the Public Frontage Type. The width between these two lines is the zone where the Street Wall and Civic Space is counted towards a given private frontage requirement.

(1318) “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.

(1419) “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.

(1520) “Building line” means an imaginary linear extension of the building wall parallel to the street right-of-way line.

(1621) “Building, principal” means a building occupied by the main use or activity on the lot on which such building is located.

(1722) “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.

(1823) “Cellar”. (See also “basement”).

(1924) “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.

(2025) “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.

(2126) “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.

(2227) “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.

(2328) “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.

(13129) “Codified Ordinances” means the Codified Ordinances of the City of Cleveland Heights, as amended.

(23-130) “Commercial use” means a collective reference to all uses other than Residential, Institutional, or Community uses.

(23-231) “Community use” means public libraries, museums, public safety facilities, public service and maintenance facilities, parks, playgrounds, and recreation facilities accessible to the public, farmer’s markets, community gardens, and similar uses.

(2432) "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.

(2533) "Conditional use" means a use permitted in a district other than a principally permitted use that 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.

(2634) "Conditional use permit" means a permit issued by the Zoning Administrator upon approval by the City Planning Commission, when required, or administratively, to allow a use other than a principally permitted use to be established within the district on a specific parcel.

(2735) "Corner lot". (See also "lot types".)

(36) "Curb Cut" means any point of access along a street where the Face of Curb line is broken in order to permit the passage of vehicles to another street, an access lane, a loading area, parking area, an enclosed parking structure, or open parking lot.

(2837) "Day-care center" means an establishment in which the operator is provided with compensation 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".

(2938) "Density" means the number of dwelling units permitted per acre of land.

(39) "Development Plan" means a conceptual plan for a Planned Development, the components of which are defined in Section 1115.08. For the purposes of the S-1 District, the Severance Preliminary Land Use Plan, as updated and adopted, shall be considered the Development Plan; for the purposes of the Severance Overlay Zone, the SOZ Regulating Plan shall be considered the Development Plan.

(3040) "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.

(41) "Drive Lane" means the portion of a Traveled Way dedicated to the public access and movement of people, goods, and services by vehicle. Vehicles may include personal mobility devices such as mopeds, bicycles, and scooters.

(3142) "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".

(3243) "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.

(3344) "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.

(3445) "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.

(3546) "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.

(3647) "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", "townhome" and "row house" shall be considered synonymous.

(3748) "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.

(3849) "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.

(50) "Edging Elements" means structures, walls, or landscaping within a Private Frontage which define and enclose the private use of a site from an adjacent Public Frontage.

(3951) "Enclosed space" means an area that is surrounded on all sides. (See also "building".)

(42852) "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.

(53) "Expression Line, Horizontal" means architectural elements that define the base, middle and top of a building and unify the Street Wall along a Public Frontage through use of moldings, changes of material and depth, and through the use of cornices.

(42954) "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.

(55) "Face-of-Curb" means the edge (or line) of pavement marking the boundary between the Traveled Way and the Public Frontage. The Face of Curb, while typically a raised feature, may be a flush demarcation instead, depending on Street Type.

(4056) "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.

(4157) "Farmers' market" means a market consisting of individual vendors, mostly farmers/producers who sell directly to customers.

(4258) "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.

(4359) "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.

(4460) "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.

(4561) "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.

(4662) "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.

(46.563) "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.

(64) "Frontage, Private" mean the area between the Build-To-Line and a line parallel to it 16' feet behind the Street Wall. Where there is no Street Wall, the zone of Private Frontage shall start at the Build-To-Zone for regulatory purposes. Alternatively, where the term "Frontage" is used as part of a site plan application under the Severance Overlay Zone, it refers to the area between the Face of Curb and the Street Wall, which are further defined as "Public Frontage" and "Private Frontage".

(65) "Frontage, Public" means the space between the Face of Curb and the Build-To-Line.

(66) "Frontage, Site" means the length of a Site's perimeter abutting an established Build-To-Line, which is used to calculate Frontage Occupancy, measured in feet. The total of a site frontage is the sum of all frontages on a contiguous site.

(67) "Frontage Occupancy" means the percentage of the Site frontage that is occupied by a Street Wall or an approved Civic Space within the Build-To-Zone.

(46.668) "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 two (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, large private gardens, bio-retention areas, or similar uses. 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 two (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. The word "Light Well" shall be considered synonymous.
- F. "Porch and Fence" – A frontage wherein the facade is set back from the frontage / build-to-line 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 eight (8) feet deep. The word "Porch" shall be considered synonymous.
- 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. The word "Storefront" shall be considered synonymous.
- 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.
- J. "Urban" – A frontage wherein the facade is adjacent to the frontage / build-to-line with a less substantial Active Edge and Glazing at the sidewalk level than a Shopfront and Awning frontage type. The Urban frontage does not comply with Storefront Frontage requirements.

(4769) "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.

(70) "Furnishing Zone" means the area of Public Frontage between the Face of Curb and the Pedestrian Clearway where placement of street furniture and landscaping is allowed.

(4871) "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, pinball machines, video games, 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.

(4972) "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.

(5073) "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.

(5174) "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.

(51.175) "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.

(5276) "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 center of the building wall adjoining the street shall be the grade.

(77) "Grade Plane, Building" means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference point shall be established by the lowest points with the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

(5378) "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.

(5479) "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.

(5580) "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.

(5681) "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.

(5782) "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.

(5882) "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.

(5983) "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.

(59.184) "Institutional use" means a use that includes, but is not limited to, a place of worship, school, cemetery, public parking lot or garage, or similar uses.

(6085) "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.

(6186) "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.

(6287) "Landscaped area" means an area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.

(6388) "Live/Work Dwelling" means a dwelling unit that is used both as the primary residential unit and as a work space for the occupant.

(6489) "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,

(6590) "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".

(6691) "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:

- 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.

(6792) "Lot area" means the area contained within the lot lines exclusive of any portion of the right of way of any public street.

(6893) "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.

(6994) "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.

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.

(7095) "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.

(7196) "Lot types": Terminology used in this Zoning Code with reference to corner 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. "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.

(7297) "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.

(43298) "Meeting room" means a room or space for public assembly or meeting.

(99) "Mixed Use" means a building or site designed for and containing more than one use.

(73100) "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.

(74101) "Neighborhood high school" means an educational facility designed to serve residents of the community with educational services for high school aged youth.

(75102) "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.

(76103) "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.

(77104) "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.

(78105) "Outdoor Play Equipment" or "Recreational Equipment" means play apparatus such as swing sets and slides, sandboxes, poles for nets, trampolines and similar equipment.

(79106) "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.

(80107) "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.

(84108) "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.

(82109) "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.

(83110) "Parking deck" means a one (1) story unenclosed structure in which and on which motor vehicles may be parked.

(84111) "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.

(85112) "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.

(113) "Pedestrian Clearway" means the portion of a Public Frontage that is dedicated to the free movement of pedestrians along a sidewalk designed to be clear of any obstructions to the passage of the public.

(114) "Pedestrian Way" means a street type intended for use primarily by pedestrians.

(86115) "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.

(87116) "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.

(88117) "Planned Development" shall mean an area of land in which a variety of residential, commercial and/or other 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. A Planned Development shall require the approval of a Development Plan. Approval of uses within a Planned Development shall be consistent with the approved Development Plan, which may ~~The procedure for approval of such development contains additional requirements in addition to those of permitted uses.~~

(89118) "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.

(90119) "Premises" means a lot together with all buildings and structures thereon.

(130120) "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.

(121) "Principal Entrance" means the main point of access for pedestrians into a unit/building.

(94122) "Public land" means any land owned by the City or by any other governmental entity.

(92123) "Public use" means any use of a building or land by the City or by any other governmental entity for any public purpose.

(124) "Public Utility" means poles, lines, towers, conduit, tunnels and other infrastructure used as part of a system for the transmission of electricity, gas, water, sewer, communications, and similar services and substances.

(433125) "Rain barrel" means a container used to collect and store rainwater runoff, typically from roof tops via rain gutters.

(434126) "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.

(93127) "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.

(93.5128) "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.

(94129) "Regional high school" means an educational facility marketed and designed to serve a larger area than the community with educational services for high school aged youth.

(95130) "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.

(96131) "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.

(97132) "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.

(98133) "Right-of-way" means a strip of land taken, dedicated or otherwise recorded as an irrevocable ~~rightrite~~ 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".

(99134) "Row house". (See also "dwelling, town house".)

(100135) “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.

(101136) “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.

(136) “Senior” means persons 62 years of age and older.

(102137) “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.

(103138) “Setback” means the required minimum horizontal distance between a lot line and a structure as established by this Zoning Code.

(104139) “Setback line” (See also “yard, required”) means a line established by this Zoning Code generally parallel with and measured from the lot line, defining the limits of the required yard in which no building, or structure may be located above ground, except as may be provided in this Zoning Code. The term “setback line” also includes “required setback line”.

(105140) “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, 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) herein.

(141) "Significant Corner" means a location, as demarcated on the regulating plan, as providing a distinguishing vantage point for the display of architectural elements, massing, and composition of building features to signify the importance of the corner. Architectural elements include materials, textures, colors, window, cornices, balconies, and other features which visually distinguish the corner.

(142) "Site" means one or more contiguous lots controlled through an individual owner, contract vendee, or a group of owners acting together under the provisions of state and local laws.

(143) "Stepback" means a portion of a building set back above the Street Wall before the total height of the building is achieved. The position of the stepback is controlled by a specified distance from the required Street Wall.

(106144) "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.

(107145) "Street" means a public way which affords the principal means of access to abutting property.

(108146) "Street center line" means a line halfway between the street right-of-way lines.

(147) "Street Type" means a typology assigned to all streets within the district boundary which denote the standards of permitted Public Frontages and corresponding Private Frontages.

(148) "Street Wall" means the exterior walls of a building located within an established Build-To-Zone facing a Public Frontage.

(109149) "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.

(110150) "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.

(111151) "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."

(112152) "Sustainable" means in a manner which supports healthy, productive environments and minimizes waste and consumption of non-renewable materials.

(113153) "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.

(154) "Technical Advisory Committee or TAC" means the Committee that is established to ensure early coordination between the Applicant and the City under the Severance Overlay Zone.

(155) "Terminating Vista" means a location at the axial conclusion of a street providing a distinguishing architectural element, building massing, or a composition of architectural elements, to signify the importance of such location. Architectural elements may include distinguishing materials, textures, colors, fenestrations, cornices, balconies, or similar elements designed to feature a location.

(1141556) "Townhouse". (See also "dwelling, townhouse".)

(1567) "Traveled Way" means the portion of a Street located between the Face of Curb and an opposing Face of Curb or the edge of Right of Way. The traveled way is typically composed of one or more drive lanes or access lanes and may contain center medians or other features between two or more lanes.

(1151578) "Veterinary office". (See also "animal clinic".)

(1161589) "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.

(11715960) "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~~¹⁶⁰¹) “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~~¹⁶¹) Reserved.

(~~120~~¹⁶²) “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.

(~~120.11~~¹⁶³) “Yard, primary front” means the front yard along the primary frontage on a corner lot.

(~~120.21~~¹⁶⁴) “Yard, secondary front” means the front yard along the secondary frontage on a corner lot.

~~(121)~~ “Yard line”. (See also “building line”.)

(~~122~~¹⁶⁵) “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.

(~~123~~¹⁶⁶) “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~~¹⁶⁷) “Yard, side” means a yard between the principal building and the side lot line.

(~~125~~¹⁶⁸) “Yard, width or depth” means the horizontal distance from a lot line to the principal building measured perpendicular to the building.

(~~126~~¹⁶⁹) “Zoning lot”. (See also “lot”).

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CHAPTER 1105

Establishment of Districts and Map

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1105.02 DISTRICTS ESTABLISHED.

For the purposes of this Zoning Code the City is hereby divided into the following districts of permitted uses as follows:

AA	Single-Family Residential District
A	Single-Family Residential District
B	Two-Family Residential District
MF-1	Multiple-Family Residential District
MF-2	Multiple-Family Residential District
MF-3	Multiple-Family Residential District
C-1	Office District
C-2	Local Retail District
C-2X	Multiple Use District
C-3	General Commercial District
P	Park District
S-1	Mixed Use District
S-2	Mixed Use District
<u>SOZ</u>	<u>Severance Overlay Zone District</u>
PDO	Planned Development Overlay District

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CHAPTER 1107

Zoning Administrator

1107.01 Establishment.

1107.02 Powers and duties.

CROSS REFERENCES

Department of Planning and Development - see ADM. Ch. 127

Zoning Administrator defined - see P. & Z. 1103.03(a)(11)

Record of zoning approval and certificates of compliance - see P. & Z. 1115.05

Enforcement of Zoning Code - see P. & Z. 1117.01

Review of S-1 District proposal - see P. & Z. 1143.10(b)

Review of SOZ District proposal – see P. & Z. 1149

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1107.02 POWERS AND DUTIES.

For the purpose of this Zoning Code, the Zoning Administrator shall have the following duties:

(a) Enforce the provisions of this Zoning Code and interpret the meaning and application of its provisions.

(b) Issue zoning approval as provided by this Zoning Code and keep a record of same with a notation of any special conditions involved.

(c) Accept and review for completeness all applications upon which the Zoning Administrator is authorized to review by the provisions of this Code. The Zoning Administrator shall promptly review each application submitted to determine compliance with applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Administrator shall promptly notify the applicant of necessary changes. If the application is deemed sufficient and the application fee has been paid, the Zoning Administrator shall officially accept the application on that date from consideration of the action(s) requested.

(d) Approve and issue conditional use permits upon which the Zoning Administrator is authorized by the provisions of this Code.

(e) Respond to questions concerning applications for amendments to the Zoning Code text and the official Zoning Map.

(f) Maintain in current status the official Zoning Map.

(g) Maintain permanent and current records required by this Code, including but not limited to zoning approval, inspection documents, and records of all variances, amendments, conditional uses, and similar use determinations.

(h) Make such records available for the use of Council, the Planning Commission, the Board of Zoning Appeals, and the public.

(i) Conduct inspections of buildings and uses of land to determine compliance with this Zoning Code and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.

(j) Determine the existence of any violations of this Zoning Code and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.

(k) Make similar use determinations.

(l) Issue approvals and permits for the Severance Overlay Zone upon which the Zoning Administrator is authorized by the provisions of this Code.

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CHAPTER 1111 **Planning Commission**

- 1111.01 Establishment and duties; rules and regulations.
- 1111.02 Membership; terms of office; chairperson.
- 1111.03 Compensation of members; payment of expenses.
- 1111.04 Secretary; duties and records.
- 1111.05 Meetings and quorum.
- 1111.06 Powers and duties of the Commission.

CROSS REFERENCES

- Establishment and powers - see CHTR. Art. XI
- Conditional use review - see P. & Z. 1115.08(e), (f)
- Determination of similar uses - see P. & Z. 1115.10
- Annual Zoning Code review - see P. & Z. 1119.08
- Review of S-1 District proposed development - see P. & Z. 1143.10(d)
Review SOZ proposed development - see P. & Z. 1149.3
- Preparation of S-2 District Development Plan - see P. & Z. 1145.08

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1111.06 POWERS AND DUTIES OF THE COMMISSION.

For the purpose of this Zoning Code, the Planning Commission has the following powers and duties:

- (a) Pursuant to Article XI, Section 2 of the City Charter, the Planning Commission may make recommendations to Council and the Mayor on all matters affecting the physical development of the City. These may include, without limitation:
 - (1) To make recommendations on plans and maps of the whole or any portion of the City and make recommendations on changes in such plans or maps when it deems it advisable;
 - (2) To investigate and propose on its own initiative recommendations for such amendments to the Zoning Code as it may deem wise and proper;
 - (3) To investigate and prepare on its own initiative recommendations for the location and design of public parks, parkways, playgrounds, recreational facilities and other park areas;
- (b) In addition to the powers conferred by Charter, the Planning Commission shall have the following powers and duties:
 - (1) To review and approve or disapprove an application for a conditional use for a particular zoning lot;
 - (2) To determine that a proposed use that is not listed or provided for in this Zoning Code is substantially similar to a principal or conditionally permitted use that is listed and provided for in this Code;
 - (3) To review development plans and/or conditional uses as required by this Zoning Code;
 - (4) To hear any unresolved complaints concerning any conditional use permits, including those issued by the Zoning Administrator. Planning Commission shall have the power to revoke, modify, or affirm any issued conditional use permits that are the subject of unresolved complaints;
 - (5) To review any substantial changes to public parks.

(6) To review ordinances submitted to it by Council, including ordinances to amend the Zoning Code and Map and to submit to Council the Commission's recommendations with respect to such ordinances;

(7) To review and approve or disapprove plats for the resubdivision of any lots or parcels of land. As used in this Chapter, resubdivision includes either dividing or joining of lots or parcels;

(8) To recommend to the Landmark Commission for its consideration such places, buildings, structures, works of art and other suitable objects as the Planning Commission shall believe may be eligible for a designation as a landmark, in accordance with Chapter 143 of the Codified Ordinances;

(9) At the request of Council to investigate and make recommendations to Council with respect to:

A. The general design and development plan for the location, relocation or removal (elimination or demolition) of, or major alterations in or with respect to, public buildings or other public structures, including landscaping with respect to any new or relocated facility referred to in this subsection.

B. The establishment, location, relocation or vacation of streets, highways or other public places.

C. Any proposed ordinance or regulation proposing or dealing with or related to any feasibility study with respect to the use and/or development of land within the City, including transportation plans or proposals, capital improvements, land acquisitions, land use and any and all other programs for the development and/or improvement of the City or a portion thereof.

(10) To adopt rules and bylaws for the holding of regular and special meetings, for the transaction and disposition of its business and the exercise of its powers.

(11) To otherwise fulfill responsibilities which may be conferred upon the Planning Commission by action of Council.

(12) To impose design review conditions based on the advisory comments from the Architectural Board of Review for projects within the Severance Overlay Zone.

CHAPTER 1113
Board of Control Reserved

~~1113.01 Establishment; powers and duties.~~

~~1113.02 Membership.~~

~~1113.03 Meetings and quorum.~~

CROSS REFERENCES

~~Board of Control review of S-1 District proposal—see P. & Z. 1143.10(e)~~

~~1113.01 ESTABLISHMENT; POWERS AND DUTIES.~~

~~The Board of Control is established to administer the provisions of Chapter 1143 governing the S-1 Mixed Use District. The Board shall have full power and authority to do and perform any and all acts provided for herein and necessary or incident to the successful administration and execution of the powers provided for in this Zoning Code. Such powers so granted are subject to the powers reserved to Council by Section 1143.10.~~

~~1113.02 MEMBERSHIP.~~

~~The Board of Control shall consist of five (5) members: the President of Council; the chairperson of the Planning and Development Committee of Council; the Mayor; the chairperson of the Planning Commission; and the chairperson of the Board of Zoning Appeals; by virtue of their respective offices or positions. All members shall serve without compensation.~~

~~1113.03 MEETINGS AND QUORUM.~~

~~All meetings of the Board of Control shall be follow the provisions of Section 107.01 of the Codified Ordinances. The presence of three (3) or more members shall constitute a quorum for the transaction of all business. The transaction of all business and action by the Board of Control shall be effected by the concurring votes of at least three (3) members.~~

CHAPTER 1115 Procedures

- 1115.01 Purpose.
- 1115.02 Building permit required.
- 1115.03 Building permits contrary to Zoning Code are void.
- 1115.04 Utility uses; exception.
- 1115.05 Record of zoning approval and certificates of compliance.
- 1115.06 Appeals; procedure and hearing.
- 1115.07 Variances; procedures and review criteria.
- 1115.08 Conditional uses; submission requirements and procedures.
- 1115.09 Review of development plans for conditional uses.
- 1115.10 Determination of similar uses.
- 1115.11 ~~Review of development plans for S-1 Mixed Use District Reserved.~~
- 1115.12 Schedule of fees.
- 1115.13 Special exceptions.

CROSS REFERENCES

- Zoning Administrator - see P. & Z. Ch. 1107
- Board of Zoning Appeals - see P. & Z. Ch. 1109
- Planning Commission - see P. & Z. Ch. 1111

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1115.02 BUILDING PERMIT REQUIRED.

No building or other structure shall be erected, constructed, reconstructed, enlarged, moved or structurally altered nor shall any excavation or site improvements be commenced, until a building permit has been applied for and received by the owner of the property involved or a person having an interest in such property and acting under written authority of the owner, and issued by the Building Commissioner. If applicable, no building permit shall be issued until the Zoning Administrator or designated agent has approved the application for the permit for Zoning Code compliance.

- (a) Such approval shall be granted only when:
 - (1) The Zoning Administrator or designated agent finds that all applicable requirements and standards of this Zoning Code have been complied with;
 - (2) A request for a variance has been approved by the Board of Zoning Appeals in accordance with the limitations, procedures and requirements of this Chapter and has been approved by Council, as applicable;
 - (3) The Planning Commission or Zoning Administrator has issued a conditional use permit for the conditional use in accordance with the procedures described in this Chapter;
 - (4) The Planning Commission has made a determination in accordance with the procedures described in this Chapter that a proposed use is substantially similar to a principal or conditionally permitted use in the zoning district in which such use is located;

(5) The ~~Board of Control~~Planning Commission~~Council~~ has approved a ~~detailed~~Development ~~plan~~Plan for a ~~proposal~~Planned Development in the S-1 District, according to the procedures established in Section 1143.10; ~~and/or~~

(6) Council has approved a Development Plan for a Planned Development in the S-2 District, according to the procedures established in Section 1145.05;

(67) ~~The Planning Commission~~Council has approved a ~~d~~Development ~~p~~Plan for a ~~proposal in the~~Planned Development in the Severance Overlay Zone District, according to the procedures established in Section 1149.3: ~~and/or~~

(68) The Architectural Board of Review has approved the application for the proposed use, building or structure as required by the City's Codified Ordinances, including this Zoning Code.

(b) In the event that an application for a building permit requires approval by more than one (1) board or commission, the following order of review should generally be observed:

- (1) Review by the Board of Zoning Appeals, as applicable;
- (2) Review by the Architectural Board of Review, as applicable;
- (3) Review by the Landmarks Commission, as applicable;
- (4) Review by the Planning Commission~~or Board of Control~~, as applicable;
- (5) Review by Council, as applicable.

(c) In the event that an application for a fence permit requires approval by more than one (1) board or commission, the following order of review should generally be observed:

- (1) Review by the Architectural Board of Review, as applicable;
- (2) Review by the Board of Zoning Appeals, as applicable;
- (3) Review by the Planning Commission~~or Board of Control~~, as applicable;
- (4) Review by Council, as applicable.

(d) It is the objective of this Zoning Code to process applications as expeditiously as possible. Therefore, recognizing the interrelationships of the various review components, the Zoning Administrator, prior to Council consideration and with the consent of the applicant, may alter the above order to accomplish the review in an order deemed more timely.

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1115.09 REVIEW OF DEVELOPMENT PLANS~~FOR CONDITIONAL USES~~.

Application for a development ~~plan conditional use permit under the provisions of this Chapter~~within any Special District shall first require the submission and approval of a ~~development~~ Development ~~plan~~Plan for the proposed use or building and approval by the ~~Planning~~ Commission. However, based on the nature of the proposed conditional use, the ~~Zoning~~ Administrator may ~~waive certain submission requirements that are deemed unnecessary for the review and evaluation of such conditional use.~~

(a) Preparation of Development Plan. Development plans shall be prepared by a qualified professional, drawn to an appropriate scale and shall include the following information:

(1) Plat, plot plan. Plat, property lines of the parcel or parcels proposed for development including existing utilities, easements, street rights-of-way, and locations of existing principal buildings and land uses on adjacent parcel and across existing streets. Permanent parcel numbers of the development and adjacent parcels shall be included.

(2) Topography. Topographic maps showing existing and generally proposed grading contours at not greater than two (2) foot intervals including integration into and topography on

adjacent properties, wooded areas and trees of substantial size. The topography may be included on the plot plan.

(3) Principal and accessory buildings. The number, height, location and grouping of proposed dwelling units, nonresidential uses, recreational facilities and public uses, along with notation of the development standards for building spacing, setback from public streets and maximum building height.

(4) Traffic. The proposed system of on-site vehicular circulation, details for access to streets, methods for control of traffic, and an assessment of the impact of the proposed development on the existing circulation system.

(5) Parking areas. The layout, dimensions and estimate of the number of parking spaces, the landscaping and other design features of the parking area and types of pavement.

(6) Outdoor lighting fixtures. The location, type and illumination intensity of any existing or proposed outdoor lighting fixtures.

(7) Signs. Indication of the size, location, color and nature of any existing or proposed signs on the property.

(8) Landscaping and screening plan. A preliminary description of the location and nature of existing and proposed vegetation, landscaping and screening elements.

(9) Outdoor storage. The location and layout of all outdoor storage including storage of waste materials and trash receptacles.

(10) Phasing, sequencing of project. A detailed statement of the phasing and staging of specific elements of the plan, including a proposed construction sequencing schedule.

(11) Utilities. Show proposed location of new utilities and authority to connect these into existing infrastructure. Stormwater shall address requirements of Chapter 1335, Stormwater Management.

(b) Review by Zoning Administrator. Applications for Development Plan approval shall be submitted to the Zoning Administrator. The Zoning Administrator shall determine that the application contains the above information or, when deemed unnecessary, make a written notation of those items specifically waived.

(c) Development Guidelines Prepared by~~Review by~~ Planning Commission. The Development Plan shall be reviewed by the Planning Commission. The Planning Commission shall follow the review procedures for conditional uses contained in Section 1115.08(c), (d), and (e). The Planning Commission shall make a recommendation on approval, disapproval, or approval with conditions to City Council. An applicant or The the Commission on its own may prepare development guidelines for an area in an S-2 District or Special District or for a Planned Residential Development which shall set forth criteria for the development of a particular area. The guidelines shall contain those elements listed in subsection (a) hereof, as necessary, to set forth policy for permitted land use, building envelope, building height, allowable density and parking areas.

(d) Council Approval. ~~Such development guidelines as prepared~~The Development Plan recommended by the Planning Commission shall become the official Development Plan for the project area only upon approval by City Council.

(d) Approval of Conditional Uses in a Development Plan. Subsequent to the approval of such Development Plan by Council a property owner, or agent thereof, may apply for a conditional use permit to develop all or a portion of the land within the area for which the Development Plan has been adopted according to the procedures of Section 1115.08. Conditional uses within the Severance Overlay Zone shall follow the procedures of Chapter 1149. The applicant shall submit

a project plan that contains the elements required in subsection (a) hereof to indicate compliance with the adopted Development Plan.

(de) Modifications to a Conditional Use in a Development Plan. After the issuance of a conditional use permit for a proposed development, the conditions, limitations, and phasing of construction specified in the permit shall only be altered or modified by the approval of a new conditional use permit according to the procedures of Section 1115.08. Conditional uses within the Severance Overlay Zone shall follow the procedures of Chapter 1149.

(ef) Preliminary Plans. The applicant may meet informally with the Planning Commission to review preliminary plans prior to preparing a development Development plan Plan pursuant to subsection (a) hereof. Preliminary plans should be submitted to the Zoning Administrator ten (10) days prior to the Planning Commission meeting at which the review of the preliminary plan is scheduled on its agenda.

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1115.11 REVIEW OF DEVELOPMENT PLANS FOR S-1 MIXED USE DISTRICT. Reserved

(a) Properties that are not included in the Severance Overlay District Application for approval for development within an S-1 Mixed Use District shall require the submission of a development plan as set forth in Chapter 1143, unless such application is opting into the Severance Overlay District. For such properties opting into the Severance Overlay District, refer to Section 1115.115. Development Plan shall address requirements of Chapter 1335, Stormwater Management.

(b) Properties that are included in the Severance Overlay District within the S-1 Mixed Use District or the A Single Family District shall require the application for development to be submitted as set forth in Chapter 1149.

1115.115 REVIEW OF APPLICATIONS FOR SEVERANCE OVERLAY ZONE.

Properties that are opt into the Severance Overlay Zone shall require the application for development to be submitted as set forth in Chapter 1149.

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| ***TITLE FIVE - Special Districts***

Chap. 1141. Planned Development Objectives.
Chap. 1143. S-1 Mixed Use District.
Chap. 1145. S-2 Mixed Use District.
Chap. 1147. Planned Development Overlay District.
Chap. 1149. Severance Overlay District.

CHAPTER 1141

Planned Development Objectives

1141.01 OBJECTIVES OF THE PLANNED DEVELOPMENT REGULATIONS.

The regulations contained in ~~Chapters 1143, 1145, and 1147~~Title Five are provided to address specific situations and unique development issues in Cleveland Heights. Being a predominantly built-up community, it is necessary to permit development flexibility to promote residential, commercial, and ~~mixed~~-mixed-use facilities which are well planned in a manner compatible with the character of the City. Each of the ~~three~~-four(34) special districts is created specifically for the purpose stated in the respective chapters, and generally to accomplish the following objectives:

- (a) To provide an opportunity for new and innovative development in areas of the City where there is vacant land or in areas which have special characteristics or special redevelopment opportunities.
- (b) To protect residential and commercial property values.
- (c) To safeguard the aesthetics of the City's residential and commercial neighborhoods.
- (d) To encourage sustainable development and practices.
- (e) To promote both residential and commercial development and, where appropriate, mixed use development in order to maximize the City's potential tax base and its provision of services.
- (f) To ensure that such creative and flexible development complies with the foregoing objectives by requiring a Development Plan for all Planned Developments and establishing a review process to ensure that all development is consistent with the approved plan.
- (g) To protect residential neighborhoods from commercial encroachment.

...

CHAPTER 1143

S-1 Mixed Use District

- 1143.01 Purpose.
- 1143.02 Permitted uses.
- 1143.03 Required area.
- 1143.04 Development standards.
- 1143.05 Standards of quality.
- 1143.06 Roads and streets.
- 1143.07 Parking areas.
- 1143.08 Signs.
- 1143.09 Lighting.
- 1143.10 Procedures.
- 1143.11 Phasing.
- 1143.12 Bond or escrow agreement.

1143.01 PURPOSE.

The City contains some large parcels of land which have not been developed to their full economic potential. It is desirable that a zoning district be established that will preserve the present charm and beauty of these parcels and the residential character of the City, yet at the same time promote a unique, densely developed environment well set back from the street in a landscaped surrounding. The purpose of the S-1 Mixed Use District is:

- (a) To designate, regulate and restrict the location, design and use of buildings, structures and interior streets;
- (b) To promote high standards of external appearance of buildings and grounds;
- (c) To stabilize and improve property values with the smallest possible burden on City services and facilities and the highest possible return to the City from tax revenues consistent with maintaining and improving the residential character of the City;
- (d) To promote health, safety, comfort, convenience and the general welfare; and thus
- (e) To provide the economic, environmental and social advantages resulting from an orderly planned use of these large parcels of land.
- (f) To ensure that development complies with the adopted preliminary Severance Preliminary Land Use Plan, as may be updated and adopted, Development Plan for the District and these objectives by requiring approval of a detailed development Development plan Plan for any subsequent development under the Land Use Plan. The Severance Preliminary Land Use Plan, as may be updated and adopted, shall be the Development Plan for the S-1 District.
- (g) For any development that is on property that opts into the Severance Overlay Zone, the purpose and standards contained in Chapter 1149 would supersede this Chapter.

1143.02 PERMITTED USES.

Within the S-1 District, the following uses enumerated in this section are either permitted principal uses, conditional uses or accessory uses permitted in association with a principal use. All

~~development shall be subject to the review and approval of the Board of Control as set forth in Section 1143.10.~~

The Severance Preliminary Land Use Plan as amended/updated and adopted creates two (2) sub-districts: 1) inside Severance Circle (the ring road) is the “Core Sub-dDistrict”, and 2) outside of Severance Circle (the ring road) is the “Perimeter Sub-dDistrict”. In addition, the Severance Preliminary Land Use Plan creates a Buffer Zone and a Limited-Build Zone.

(a) Principal Uses within the Core Sub-dDistrict. Any principal use or combination of uses permitted in the MF-3 or C-3 Districts is permitted in the ~~S-1 Core Sub-dDistrict~~~~S-1 District~~ in accordance with the approved Severance Preliminary Land Use Plan for the District.

(b) Accessory Uses with in the Core Sub-dDistrict. Accessory uses shall be permitted in association with a principal use subject to the regulations for such accessory uses in the respective MF or Commercial District.

(c) Principal Uses within the Perimeter Sub-dDistrict. Any principal use or combination of uses permitted in the MF-3 or C-1 Districts is permitted in the ~~S-1 Perimeter Sub-dDistrict~~ in accordance with the approved Severance Preliminary Land Use Plan for the District.

(d) Accessory Uses with in the Perimeter Sub-dDistrict. Accessory uses shall be permitted in association with a principal use subject to the regulations for such accessory uses in the respective MF or Commercial District.

(a) The Severance Preliminary Land Use Plan also permits (1) restaurants with table service as part of a mixed-use development consisting primarily of non-restaurant uses, as well as outdoor dining accessory to such uses; and (2) research and testing laboratories. Convenience retail and service establishments occupying an area equal to no more than 100% of first-floor area may be permitted in multiple-family residential buildings and office buildings.

1143.03 REQUIRED AREA.

The minimum area of an ~~S-1 Mixed Use~~ District shall be not less than fifty (50) acres. The entire area need not be developed at any one (1) time.

1143.04 DEVELOPMENT STANDARDS.

A proposed development as permitted in this district shall comply with the following development standards:

(a) Yard Requirements. Buildings and accessory uses shall be located in accordance with the following:

(1) Buildings shall be located no closer than forty (40) feet to an existing public right of way.

(2) Accessory parking areas shall be located no closer than forty (40) feet to an existing public right-of-way bounding the district and twenty (20) feet to an interior public or private street.

(3) Buildings and parking areas shall be located no closer than 150 feet to an AA or A District.

(4) All portions of the property not covered by buildings, parking areas and other permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material as required by the ~~Board of Control Planning Commission and/or Zoning~~

Administrator, and 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.

(b) Height Regulations. The height of a proposed building shall be limited as follows by its location on the development site in relationship to adjacent properties:

(1) The maximum building height shall not exceed one-half (1/2) the distance from the building to any property line in an AA, A, or B District, provided the yard requirements set forth in subsection (a) hereof are maintained.

(2) The maximum building height shall not exceed the distance from the building to any property line in a MF District, provided the yard requirements set forth in subsection (a) hereof are maintained.

(3) The maximum height of a building as set forth in subsections (b)(1) and (2) hereof shall be measured from the average grade along the property line of the adjacent residential property.

(4) In no case shall buildings exceed 120 feet in height.

(c) Additional Standards. Additional site specific development requirements formulated to achieve the objectives of the S-1 ~~Mixed Use~~ District shall be established during the approval process at the time the detailed development plan is reviewed. Any dimensional specifications adopted with such plan become binding land use requirements for the proposed development.

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1143.06 ROADS AND STREETS.

Access and interior service roads and streets shall be properly related to the public street and highway system in order to promote safety and minimize traffic congestion. Dedication of interior roads for public streets, as the ~~Board of Control~~Planning Commission may deem essential, shall be a condition of approval of the plan.

...

1143.10 PROCEDURES.

If a property opts to not be part of the Severance Overlay Zone, the property shall remain under the S-1 Zoning and shall comply with the most recent Severance Preliminary Land Use Plan enacted in 2001 (Ordinance No. 51-2000, titled "Amended Preliminary Land Use Plan) This Land Use Plan creates two subdistricts. The area within Severance Circle (Ring Road) is known as the Core District and the area outside Severance Circle is the Perimeter District.

(A) Properties in the S-1 Core Subdistrict, not participating in the Severance Overlay Zone are permitted to have any principal use permitted in the MF-3 or C-3 District shall be permitted in the S-1 District in accordance with the respective district standards and in accordance with the 2001 Amended Preliminary Land Use Plan (Ord. No. 51-2000). If a property owner chooses to develop his or her property with a principal use enumerated in the MF-3 or C-3 District, such development is reviewed in the same manner as a permitted use in an MF-3 or C-3 District.

1. Conditional Uses. Any use allowed as a conditional use in the MF-3 or C-3 District. If incorporated as part of a Planned Development, these conditional uses may not be required to comply with the development standards in Chapter 1153.

2. Accessory Uses. Accessory use shall be permitted in association with a principal or conditional use subject to the regulations in the respective MF or Commercial Districts.

(B) Properties in the S1 Perimeter Subdistrict not participating in the Severance Overlay Zone are permitted to have any principal use permitted in the MF 3 Multiple Family District or the C 1 Office District in accordance with the respective district standards and in accordance with the 2001 Amended Preliminary Land Use Plan (Ord. No. 51 2000). If a property owner chooses to develop his or her property with a principal use enumerated in the MF 3 or C 1 District, such development is reviewed in the same manner as a permitted use in an MF 3 or C 1 District.

1. Conditional Uses. Any use allowed as a conditional use in the MF 3 or C 1 Districts. If incorporated as part of a Planned Development, these conditional uses may not be required to comply with the development standards in Chapter 1153.

2. Accessory Uses. Accessory use shall be permitted in association with a principal or conditional use subject to the regulations in the respective MF or C 1 Districts.

(C) Properties that have opted into the Severance Overlay Zone shall follow the regulations and process in Chapter 1149.

The procedures for the approval of a Planned Development in the S-1 District shall comply with the administrative provisions set forth in Sections 1115.08 and 1115.09, including the submission of a Development Plan. It is suggested that the applicant with preliminary sketches confer informally with the Planning Commission regarding basic concepts of the proposed development prior to submitting the formal Development Plan pursuant to Section 1115.09.

Development in the non Severance Overlay District of the S-1 Mixed Use District shall be permitted only after review and approval of a detailed development plan by the Board of Control Planning Commission according to the procedures set forth in this section:

(a) Preparation of a Detailed Development Plan. A proposal for development shall be accompanied by a detailed development plan prepared by a qualified professional, drawn to an appropriate scale. The detailed development plan shall include the following information, provided that the Zoning Administrator may waive certain submission requirements that are deemed unnecessary for the review and evaluation of such proposed development.

(1) Plat, plot plan. Plat, property lines of the parcel or parcels proposed for development including existing utilities, easements, street rights of way, and locations of existing principal buildings and land uses on adjacent parcels and across existing streets. Permanent parcel numbers of the development and adjacent parcels shall be included.

(2) Topography. Topographic maps showing existing and generally proposed grading contours at not greater than two (2) foot intervals, including integration into and topography on adjacent properties, wooded areas and trees of substantial size. The topography may be included on the plot plan.

(3) Principal and accessory buildings. The number, height, location and grouping of proposed dwelling units, nonresidential uses, recreational facilities and public uses, along with notation of the development standards for building spacing, setback from public streets and maximum building height.

(4) Traffic. The proposed system of on site vehicular circulation, details for access to streets, methods for control of traffic, and an assessment of the impact of the proposed development on

~~the existing circulation system; data showing the average and maximum volume of traffic expected to be generated by the development.~~

~~(5) Parking areas. The layout, dimensions and estimate of the number of parking spaces, the landscaping and other design features of the parking area and types of pavement, the loading and unloading areas.~~

~~(6) Outdoor lighting fixtures. The location, type and illumination intensity of any existing or proposed outdoor lighting fixtures.~~

~~(7) Signs. Indication of the size, location, color and nature of any existing or proposed signs on the property.~~

~~(8) Landscaping and screening plan. A preliminary description of the location and nature of existing and proposed vegetation, landscaping and screening elements; a proposed maintenance plan to ensure the upkeep of natural areas.~~

~~(9) Outdoor storage. The location and layout of all outdoor storage including storage of waste materials and trash receptacles.~~

~~(10) Architectural drawings. Complete architectural drawings including floor plans, elevations and specifications for the proposed development.~~

~~(11) Phasing, sequencing of project. A detailed statement of the phasing and staging of specific elements of the plan, including a proposed construction sequencing schedule.~~

~~(12) Utilities. Show proposed location of new utilities and authority to connect these into existing infrastructure. Stormwater must address requirements of Chapter 1335, Stormwater Management.~~

~~(b) Review for Completeness by the Zoning Administrator. Upon receipt of the proposal, the Zoning Administrator shall, within three (3) working days, make a preliminary review of the application to determine whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Zoning Administrator shall so advise the applicant of the deficiencies and shall not further process the application until the deficiency is corrected.~~

~~(c) Review by the Board of Control Planning Commission. The Board of Control Planning Commission shall review the proposal and shall grant approval only after determining that the proposal complies with the preliminary land use plan for the S-1 District and that the proposal is within the intent and purpose of the S-1 District and will not be harmful to surrounding properties. The Board may grant variances from relevant provisions of this Chapter or from any other applicable provisions of the Zoning Code where practical difficulty is demonstrated. However, the Board shall not have the power to grant a use variance.~~

~~(d) Review by Planning Commission. It is intended that any detailed development plan which will substantially change the use(s), building(s), or traffic pattern(s), within the S-1 Districts shall be reviewed by the Planning Commission prior to Board of Control approval or disapproval. Therefore, when a proposed development plan involves the placement of buildings on previously undeveloped land or a change in the circulation of traffic within the District or a change in the basic use to which land or a building is devoted, the Board shall refer the development plan to the Planning Commission for approval, approval with modifications or disapproval. The Commission shall be allowed a reasonable time, not less than thirty (30) days, for its consideration and recommendation. If the Planning Commission disapproves the proposal within such thirty (30) day period or thereafter, but prior to voting by the Board of Control upon the proposal, the Board of Control shall not approve the proposal except by the concurring votes of not less than three-fourths ($\frac{3}{4}$) of the members of the Board of Control. Any proposal may be amended prior to the voting~~

~~thereon by the Board of Control without further notice or postponement, if such amendment to the proposal is in accordance with the recommendation, if any, of the Planning Commission.~~

~~(e) Notice of Planning Commission Review. When such detailed development plan is referred to the Planning Commission, written notice shall be given by the Zoning Administrator to the applicant, the owner of property (if not the applicant), and to the owners of adjacent, abutting and contiguous properties. The notice shall sent at least ten (10) days before the hearing by the Planning Commission on the development. The notice shall be set forth the time and place of the hearing and the nature of the development proposal. The failure of any person to receive such notice shall not affect the right and power of the Planning Commission and/or Board of Control and/or Council to review such application or to take action on the application.~~

~~(f) Council Approval. Approval by the Board of ControlPlanning Commission of a detailed development plan shall not become effective unless and until it has been approved by Council. If Council takes no action in approving or disapproving the plan within thirty (30) days from receipt of certification of approval by the Board of ControlPlanning Commission, the action of the Board of ControlPlanning Commission in approving the proposal shall become in full force and effect.~~

~~(g) Building Permit. No building permit for the improvement of a parcel, or any portion thereof, or for the erection of any building shall be issued unless the detailed development plan has been approved in accordance with the provisions of this section. All construction and development under any building permit shall be in accordance with the approved, detailed development plan. Any departure from the approved plans shall be cause for revocation of the building permit.~~

~~(h) Amendments to Plans. The preliminary land use plan or a detailed development plan may be amended according to the following:~~

~~(1) An amendment to the preliminary land use plan shall be considered an amendment to the zoning map and shall be governed by Chapter 1119 of the Zoning Code.~~

~~(2) An amendment to the detailed development plan shall be governed by the provisions of this Chapter pertaining to the approval of detailed development plans.~~

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1143.12 BOND OR ESCROW AGREEMENT.

As a prerequisite to the issuance of a permit under this Chapter, for any project involving new construction on a two (2) acre parcel or larger, the applicant shall file with the City within ten (10) days after approval of the detailed development plan a surety bond or escrow agreement to insure the construction of the project within the period specified by the ~~Board of ControlPlanning Commission~~. The bond or escrow shall be enforceable by or payable to the City in a sum at least equal to the estimated costs of all of the site improvements (streets, drives, walks, walls, storm and sanitary sewers, landscape planting, ornamental features not on a building, and terraces, but not buildings) for the entire project. The bond or escrow shall be in a form and with surety and conditions approved by the Director of Law. In the event of default under such bond or escrow, the City may use the sum defaulted to construct such site improvements to the extent of the funds available.

CHAPTER 1147 **Planned Development Overlay District**

- 1147.01 Purpose.
- 1147.02 Application of the district.
- 1147.03 PDO District procedures.
- 1147.04 Permitted uses.
- 1147.05 Minimum project area for a Planned Development.
- 1147.06 Development standards for a PDO District.
- 1147.07 Development plan procedures.
- 1147.08 Phasing.
- 1147.09 Bond or escrow agreement.

CROSS REFERENCES
Overlay District defined - see P. & Z. 1103.03(b)([47107](#))

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CHAPTER 1149
Severance Overlay Zone

[See Exhibit B]

TITLE SEVEN - Conditional Use Regulations

Chap. 1151. General Criteria.

Chap. 1153. Supplemental Standards for Conditional Uses.

Chap. 1155. Planned Residential Developments.

CHAPTER 1151

General Criteria

1151.01 Purpose.

1151.02 General standards for all conditional uses.

CROSS REFERENCES

Conditional use defined - see P. & Z. 1103.03(b)([2433](#))

Conditional use permit defined - see P. & Z. 1103.03(b)([2534](#))

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CHAPTER 1153

Supplemental Standards for Conditional Uses

- 1153.01 Purpose.
- 1153.02 Conformance with district regulations.
- 1153.03 Specific area, width and yard regulations.
- 1153.04 Supplemental height regulations.
- 1153.05 Supplemental regulations for specific uses.

CROSS REFERENCES

Conditional use defined - see P. & Z. 1103.03(b)(2433)

Conditional use permit defined - see P. & Z. 1103.03(b)(2534)

Planning Commission to approve or disapprove of conditional uses - see P. & Z. 1111.06(b)(1)

General standards for all conditional uses - see P. & Z. 1151.02

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1153.03 SPECIFIC AREA, WIDTH AND YARD REGULATIONS.

(a) Schedule 1153.03 sets forth regulations governing lot area, lot width and minimum yard dimensions for principal and accessory buildings and parking areas for conditional uses that require area, width and yard regulations different from the district regulations. Additional standards and requirements pertaining to such uses are set forth in Section 1153.05.

(b) In addition, all parking areas adjacent to a single-family or two-family dwelling shall be landscaped in accordance with Section 1165.05.

Schedule 1153.03

AREA, WIDTH AND YARD REGULATIONS FOR CERTAIN CONDITIONAL USES(f)

			Min. Yard Dimensions (in feet) Buildings (d) Parking					
Conditional Use		Min. Lot Area	Min. Lot Width (Feet)	Primary Front	Side/ Rear	Side/ Front	Rear	See Also Section
(1)	PRD	---	--	--	--	--	--	1155.01 - 1155.08
(1a)	PDO Development District	2 acres						1147.01 - 1147.09
(1b)	<u>Severance Overlay Zone(f)</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>1149.01-1149.49</u>
(2)	Place of worship	1 acre	150	50	50	50	10	1153.05 (a)
(3)	School facilities	1 acre	150	50	50	50	10	1153.05 (b)
(4)	Public libraries	1 acre	150	50	50	50	10	---
(5)	Public safety facilities	1 acre	150	50	50	50	10	---
(6)	Public and private parks and playgrounds, and public recreation facilities	None	None	50(a)	50(a)	(b)	(c)	1153.05 (b)
(7)	Golf courses	None	None	50	50	50	50	---

(8)	Cemetery	---	--	--	--	--	--	1153.05 (c)
(9)	Parking lot for a permitted use not on the same zoning lot	None	None	N/A	N/A	(b)	(c)	---
(10)	Accessory parking for uses within the MF-1, MF-2, MF-3, C-1, C-2, C-2X, C-3, S-1, and S-2 Districts	---	--	--	--	--	--	1153.05 (f)
(11)	Parking deck or private parking garage as a principal use	20,000 sq. ft.	100	30	15	N/A	N/A	---
(12)	Day care home	---	--	--	--	--	--	1153.05 (d)
(13)	Day care center, preschool	---	--	--	--	--	--	1153.05 (e)
(14)	(Intentionally omitted)	---	--	--	--	--	--	
(15)	Home occupation in an accessory building	---	--	--	--	--	--	1153.05 (h)
(16)	Outdoor community festivals	---	--	--	--	--	--	1153.05 (i)
(17)	Dormitories, fraternities, sororities	20,000 sq. ft.	100	30	15	30	15	1153.05 (j)
(18)	Lodging houses, boarding houses, convents, home for the aged, other congregate living and residential care facilities	20,000 sq. ft.	100	30	15	30	15	1153.05 (k)
(19)	Nursing home, intermediate and long-term care facility	1 acre	150	50	50	30	15	---
(20)	Special training schools and adult education facilities	---	---	---	--	--	--	---
(21)	Hospitals	2 acres	200	50	50	30	15	---
(22)	Colleges and universities	2 acres	200	50	50	30	15	---
(23)	Drive-thru facilities	---	--	--	--	--	--	1153.05 (l)
(24)	Automatic Teller Machine	---	--	--	--	--	--	1153.05 (m)
(25)	Funeral homes and mortuaries in a C-2 or C-3 District	20,000 sq. ft.	100	50	50	15	(b)	---
(26)	Animal clinics, veterinary offices, or animal grooming facilities	---	--	--	--	--	--	1153.05 (n)
(26A)	Animal day-care facilities and overnight boarding of animals	---	--	--	--	--	--	1153.05 (bb)
(27)	Convenience retail in an office building	---	--	--	--	--	--	1153.05 (o)
(28)	Catering	---	--	--	--	--	--	---
(29)	Outdoor dining	---	--	--	--	--	--	1153.05 (p)
(30)	Dance studios, exercise classes and similar uses	---	--	--	--	--	--	1153.05 (q)
(31)	Auto sales, new, (new and used) and auto rental	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (r)
(32)	Auto sales, used	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (s)
(33)	Truck, boat, sales/rental	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (s)
(34)	Gasoline stations	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (t)

(35)	Car wash establishment	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (u)
(36)	Auto service-major and minor repair	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (u)
(37)	(Intentionally omitted)							
(38)	Game rooms	---	--	--	--	--	--	1153.05 (v)
(39)	Indoor commercial entertainment	---	--	--	--	--	--	---
(40)	Private indoor/outdoor recreation	---	--	--	--	--	--	---
(41)	Banquet hall, party center	---	--	--	--	--	--	---
(42)	Satellite dish receiving antenna	---	--	--	--	--	--	1153.05 (w)
(43)	Meeting room	---	--	--	--	--	--	1153.05 (x)
(44)	Storage and warehousing of goods	---	--	--	--	--	--	---
(45)	Research and testing laboratories	---	--	--	--	--	--	---
(46)	Nursery and garden supply with accessory outdoor storage	---	--	--	--	--	--	1153.05 (z)
(47)	Public indoor/outdoor entertainment, public indoor recreation	---	--	50(a)	50(a)	(b)	(b)	---
(48)	Reduction in parking requirements	---	--	--	--	--	--	1161.05
(49)	Architecturally significant nonconforming signs	---	--	--	--	--	--	1163.11
(50)	Attached single family dwelling unit (e)	---	--	--	--	--	--	1153.05 (aa)
(51)	Chicken coop and run	---	--	--	10	--	10	1153.05 (gg)
(52)	Commercial Renewable Energy Systems ("Solar Farms")	2 acres	--	25	25	--	--	1153.05 (ff)

Notes to Schedule 1153.03:

- (a) Playground structures and picnic shelters shall be located no closer to a primary front, side or rear lot line than a distance equal to its height.
- (b) Shall comply with the district regulations.
- (c) Shall comply with the parking regulations for multiple-family uses set forth in Section 1123.12(a).
- (d) Shall include principal and accessory buildings unless specified otherwise in this Zoning Code.
- (e) For the purpose of determining applicable lot area, width, and yard regulations, adjoining parcels containing attached single-family dwelling units and common areas shall be considered a single zoning lot. Any parcel on which an attached single-family dwelling unit is located shall have frontage on a public street.
- (f) For properties that opt into the Severance Overlay District, all Conditional Uses shall follow the standards in Chapter 1149.

1153.04 SUPPLEMENTAL HEIGHT REGULATIONS.

Height limits heretofore established may be exceeded in the case of places of worship, public, semi-public, public service, hospital, institutional or educational buildings, any of which when conditionally permitted may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each front, side and rear yard ~~line~~ as required herein at least one (1) foot for each foot of additional building height above the height limit otherwise permitted in the district in which the building is built.

1153.05 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

The following conditional use regulations are specific requirements pertaining to the location and maintenance of certain conditional uses and are in addition to the general criteria set forth in Chapter 1151 and the lot area, width and yard regulations set forth in Section 1153.03. For properties that opt into the Severance Overlay District, all Conditional Uses shall follow the standards in Chapter 1149.

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TITLE NINE - Supplementary Regulations

Chap. 1161. Off-Street Parking and Loading Regulations.

Chap. 1163. Sign Regulations.

Chap. 1165. Additional Regulations Governing Uses.

Chap. 1167. Prohibited Uses.

Chap. 1169. Sexually Oriented Businesses.

CHAPTER 1161

Off-Street Parking and Loading Regulations

- 1161.01 Purpose.
- 1161.02 Determination of required off-street parking spaces.
- 1161.025 Electric automobile charging stations in parking areas.
- 1161.03 Number of parking spaces required.
- 1161.035 Required bicycle parking spaces.
- 1161.04 Allowance for shared parking.
- 1161.05 Modification of requirements.
- 1161.055 Parking maximums.
- 1161.058 Land banked parking.
- 1161.06 Location of required parking spaces.
- 1161.065 Car-share facilities.
- 1161.07 Off-street waiting spaces for drive-thru facilities.
- 1161.08 Parking of junk motor vehicles.
- 1161.09 Off-street loading spaces required.
- 1161.10 Non-residential joint use driveways and cross-access easements.
- 1161.105 Single-family and two-family residential driveways.
- 1161.107 Compact parking spaces.
- 1161.11 Improvement and maintenance standards.
- 1161.12 Tractor-trailer parking.
- 1161.13 Exceptions to off-street parking requirements in commercial districts.

CROSS REFERENCES

- Parking generally - see TRAF. Ch. 351
- Loading space, off-street defined - see P. & Z. 1103.03(b)([5689](#))
- Parking deck defined - see P. & Z. 1103.03(b)([72110](#))
- Parking lot defined - see P. & Z. 1103.03(b)([73111](#))
- Parking space, off-street defined - see P. & Z. 1103.03(b)([74112](#))
- Parking lot fees - see BLDG. 1311.071

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1161.13 EXCEPTIONS TO OFF-STREET PARKING REQUIREMENTS IN COMMERCIAL DISTRICTS.

- (a) In the City's commercial districts, parking needs are predominantly met by the existence of significant amounts of on- and off-street public parking and, in some areas, large private parking areas serving multiple uses. This reduces the need for individual uses to provide their own dedicated off-street parking, as does the fact that many patrons of uses in these commercial districts arrive on foot or by public transportation. Further, a large number of small parking lots would be disruptive in these areas, in which safe and pleasant conditions for pedestrians are important assets. On the commercial-district parcels described in subsection (b) below, the following exceptions to the off-street parking requirements set out in Chapter 1161 shall apply:

(1) New uses in existing buildings that would not result in a significant change of intensity relating to traffic and parking shall not be required to provide off-street parking.

(2) New uses in existing buildings proposed to expand the gross floor area by twenty-five percent (25%) or less that would not result in a significant change of intensity relating to traffic and parking shall not be required to provide off-street parking.

(b) The exceptions to the off-street parking requirements, as described in subsection (a) above, shall apply only to commercially zoned parcels or parcels within the Severance Overlay Zone.

CHAPTER 1163

Sign Regulations

- 1163.01 Purpose.
- 1163.02 Application of sign regulations.
- 1163.03 Computations.
- 1163.04 Maximum sign areas permitted.
- 1163.05 Maximum height permitted for freestanding signs.
- 1163.06 Supplementary sign regulations.
- 1163.07 Projecting signs.
- 1163.08 Design and construction standards.
- 1163.09 Administrative procedures.
- 1163.10 Maintenance.
- 1163.11 Alteration and removal of nonconforming signs.

CROSS REFERENCES

- Sign definitions - see P. & Z. 1103.03(b)([92140](#))
- Sign permits and fees - see BLDG. 1323.01
- Safety and location - see BLDG. 1323.02

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CHAPTER 1165 **Additional Regulations Governing Uses**

- 1165.01 Minimum performance standards for structures and uses.
- 1165.02 Supplementary accessory use regulations.
- 1165.021 Garage or yard sales.
- 1165.03 Site and development criteria.
- 1165.04 Exception to height regulations.
- 1165.05 Sustainable regulations for large scale residential developments.
- 1165.06 Sustainability guidelines.
- 1165.07 Exterior lighting requirements.
- 1165.08 Requirement to install sidewalks and/or shared-use paths.

CROSS REFERENCES

Determination of substantially similar use by Planning Commission - see P. & Z. 1111.06(b)(2),
1115.10
Utility line location - see P. & Z. 1115.04

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1165.03 SITE AND DEVELOPMENT CRITERIA.

The following site and development criteria are established to promote the harmonious exercise of property rights without conflict. For properties that opt into the Severance Overlay Zone, the standards set forth in Chapter 1149 would supersede this Section.

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1165.05 SUSTAINABLE REGULATIONS FOR LARGE SCALE RESIDENTIAL DEVELOPMENTS.

(a) Purpose. To provide flexibility in site design and development of land in order to encourage the preservation of the development area's environmental features (i.e., lakes, streams, wetlands, and other natural land features) and to encourage the maintenance of open space. The use of cluster design is strongly encouraged. These regulations shall apply to new construction residential development exceeding two (2) acres in any District, except for properties that opt into the Severance Overlay Zone.

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TITLE ELEVEN – Nonconformities

Chap. 1171. Intent and General Regulations.

Chap. 1173. Nonconforming Uses.

Chap. 1175. Nonconforming Site Conditions.

CHAPTER 1171

Intent and General Regulations

- 1171.01 Purpose.
- 1171.02 Existing use deemed conditional use; permit required for change.
- 1171.03 Completion of construction with existing building permit.

CROSS REFERENCES

- Conditional use defined - see P. & Z. 1103.03(b)(2433)
- Nonconforming use defined - see P. & Z. 1103.03(b)(75102)A.
- Nonconforming signs - see P. & Z. 1163.11

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CHAPTER 1173 **Nonconforming Uses**

1173.01 Continuation of nonconforming uses.

1173.02 Termination of nonconforming uses.

CROSS REFERENCES

Nonconforming use defined - see P. & Z. 1103.03(b)(~~67102~~)A.

Expansion or extension of nonconforming use - see P. & Z. 1109.06(e)

Nonconforming signs - see P. & Z. 1163.11

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CHAPTER 1175

Nonconforming Lots and Structures

1175.01 Continued use of lot or structure.

1175.02 Nonconforming lots of record.

CROSS REFERENCES

Nonconforming site condition defined - see P. & Z. 1103.03(b)(67102)B.
Nonconforming signs - see P. & Z. 1163.11

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