



CLEVELAND HEIGHTS

COUNCIL UPDATE

August 20, 2021

MEETINGS & REMINDERS

Monday, August 23	6:30 p.m.	Council Committee of the Whole City Hall – Council Chambers
Tuesday, August 24	6:00 p.m.	Parks and Recreation Advisory Board Community Center
	6:30 p.m.	Racial Justice Task Force – Special Public Safety Subcommittee Meeting City Hall – Executive Conference Room
Wednesday, August 25	7:00 p.m.	Racial Justice Task Force City Hall – Council Chambers
	7:00 p.m.	Transportation Advisory Committee City Hall – Executive Conference Room
Thursday, August 26	6:00 p.m.	Public Safety & Health Committee of Council City Hall – Executive Conference Room

LEGISLATION

Zoning Code Amendments. An Ordinance introducing amendments to various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to update the City’s regulations regarding private parking garages and other ancillary changes, and transmitting the same to the Planning Commission.

CITY MANAGER'S REPORT

Regarding Horseshoe Lake:

After the thorough information provided by NEORSD both online and in person, including the joint meeting with Shaker Heights on Monday August 9th, staff supports the proposal of NEORSD regarding Horseshoe Lake. In specific:

- As part of the regional stormwater management plan, it will return the area to its natural state;
- Safety considerations regarding flooding, currently of prime concern, will be eliminated;
- The NEORSD proposal commits complete financial responsibility of \$28 million to the project;
- Both communities will be involved as the future plans for the area evolve;

Thank you for your consideration of the proposal. All materials and video relating to the NEORSD proposal remain on the homepage of the website as background.

Additional updates:

- As soon as a legal opinion is determined regarding the Council vacancy - whether application or ballot will be needed, all information will be posted on the website and other social media.
- Staff is trying to accommodate the lag time that has occurred with Building and Housing due to covid restrictions at City Hall. Often the permits/requests dropped off in the drop box are not complete and phone calls, emails etc. back and forth are frustrating the process. Going forward patrons may come in person with their documents to those 2 Departments, however masks are mandatory and social distancing between patrons and staff will be maintained.
- Block parties this Saturday on – Woodridge, Queenston, Corydon and Coleridge.
- Fyi – In order to keep up with the times the title of the MIS Department is in the process of being changed to the IT Department.



ECONOMIC DEVELOPMENT REPORT – August 18, 2021:

CEDAR-LEE-MEADOWBROOK:

- Staff continues to be in negotiations with the Development Agreement with our Development Partner Flaherty & Collins at this time;
- Traffic & Parking: WSP and Desman consulting have been contracted with to analyze the traffic and parking analysis associated with this project – this analysis is underway;
- Public engagement process is underway – open house meetings were held on August 5, and August 11;

NEIGHBORHOOD REDEVELOPMENT PROGRAM (NRP) INFILL HOUSING CONSTRUCTION:

- Given Council's approval of the MOU Agreement for the Caledonia Neighborhood infill housing project, the staff is now engaged in negotiating the Development Agreement with Start Right CDC – the Development Agreement will then go to Council for consideration;
- Given Council's approval of the MOU Agreement for the Desota Avenue infill housing project, the staff is now engaged in negotiating the Development Agreement with Amato Homes – the Development Agreement will then go to Council for consideration;

TAYLOR TUDOR PLAZA:

- Given Council's authorization for the Administration to issue an RFQ/RFP for the redevelopment/rehab of these three buildings, we anticipate that the RFQ/RFP will be released during the week of August 23, 2021;

TOP OF THE HILL:

- Construction on the project continues, with the completion date anticipated to be July of 2022;



To: Susanna Niermann O'Neil, City Manager
From: Joseph P. McRae, Parks and Recreation Director
Subject: Parks and Recreation Department Reopening Plan Update
Date: August 18, 2021

Please find a brief summary of Parks and Recreation activities attached for your reference.

General Updates

- **Fall Indoor Recreation Activities:** Staff is working on modifying plans to provide indoor recreation activities, to the extent possible, in a safe manner in light of the recent surge in Delta variant Covid-19 infections. An update will be provided once plans are finalized later this month.
- **Happy 5k Fun Run:** Staff is actively working with merchants and a new race company to facility this year's Happy 5k Run on Sunday, October 3, 2021. Reduced attendance and needed safety protocols will be put in place to mitigate pandemic concerns to the extent possible. The race will also be a recognition of the City's Centennial Anniversary.
- **Cumberland Pool and Wading Pool:** The pool and wading pool are open to the public through Labor Day weekend. Season passes are now available at half price. Reduced pools hours will start later this month due to lifeguard staff leaving for school/college. The Cain Park splash pad remains closed this year due to lack of staffing.
- **Cain Park** is open with a modified summer season. For more information on upcoming events, visit www.cainpark.com
- **Picnic Shelter** rentals are available at Boyd, Denison, Forest Hill and Cumberland parks.

Upcoming election related events at the Community Center:

- City Primary Election Voting Precinct – Tuesday, September 14
- LWV Cleveland Hts. Mayor and Council Candidates Forum – Thursday, September 23 (maybe switched to virtual due to the pandemic)
- LWV CH-UH School Board of Education Candidates Forum – Thursday, October 7
- General Election – Tuesday, November 2



MEMORANDUM

To: Mayor Stein and Members of Council

Cc: Susanna Niermann O'Neil, City Manager
William Hanna, Director of Law

From: Eric Zamft, Planning Director

Date: August 18, 2021

Subject: Public Hearing Date Regarding Proposed Zoning Text Amendments to Part Eleven – Zoning Code of the Codified Ordinances of Cleveland Heights Regarding Private Parking Garages and Other Ancillary Changes

Per the request and direction of Council, staff prepared proposed Zoning Text Amendments to Part Eleven – Zoning Code of the Codified Ordinances of Cleveland Heights Regarding Private Parking Garages and Other Ancillary Changes. This was all presented to Committee of the Whole on June 14, 2021 and Council referred the matter to the Planning Commission that same night.

The proposed zoning text amendments were transmitted to the Planning Commission and discussed at the June 29, 2021 Planning Commission meeting. It is anticipated that at the August 19, 2021 Planning Commission meeting, the Planning Commission will have recommended suggested changes for Council to consider. If that occurs, the recommendations will be provided to Council under a separate cover on Friday, August 20, 2021. The online packet will be updated accordingly.

Once a recommendation from the Planning Commission is received by Council, the next step in Chapter 1119, which details the procedures for zoning amendments, is for Council to hold a public hearing. Per Section 1119.05, the notice of such hearing must be published at least (30) days before such hearing.

To that end, a public hearing will be scheduled for **September 30, 2021 at 6 PM** at a special meeting of Council. The public hearing would present both the original proposal and the Planning Commission's recommendation.



To: Susanna Niermann-O'Neil, City Manager

From: Annette M. Mecklenburg, Chief of Police

Date: August 18, 2021

Subject: Police Department Update

On Saturday, August 14, 2021, 14 year old Da'Vantae Cleveland was arrested for the murder of London Hill on Woodview Road. Da'Vantae was located at a house in Medina after the Police Department received a tip. He is currently being held at the Cuyahoga County Juvenile Detention Center. The other suspect in this crime, 16 year old Brylin Pickens, has not been located yet.

On August 14, 2021, at 9:50 pm a robbery was reported at Guy's Pizza on Coventry. Preliminary investigation indicates that the suspect walked into the establishment, brandished a handgun and demanded all the money in the cash register. The employee complied and gave the money to the suspect, who then fled the scene. The suspect is described as a black male in his 20s or 30s, about 5'10' tall, thin build, wearing an army green hooded sweatshirt and a dark colored mask. Officers checked the area but could not locate the suspect. Detectives are investigating.

On August 24, 2021, the Police Department will have an officer assigned to Cleveland Heights High School as a School Resource Officer. In 2020 the City executed an MOU with the School District for an SRO ending June 30, 2022. Initially the SRO program was scheduled to take effect for the 2020-2021 school year, but due to the pandemic it was postponed. The goals of the SRO program are to foster positive relationships with students and staff, crime prevention/deterrent, provide education and resources to the school district community, and law enforcement limited to criminal matters. Officer Greg Pitts has been selected as the SRO and has already completed the required training for the position. Officer Pitts will be assigned to the High School on days when school is in session and when they are on break or summer recess, he will return to the Police Department.

The Police Department is continuing to work on installing 20 License Plate Readers (LPRS) throughout the City. At this time we are still waiting for written permission from The Illuminating Company for pole rights so that the cameras can be installed. We expect to have the necessary paperwork completed by early next week.



Since 2020, we have switched to OIBRS reported verse the UCR reporting system. The FBI is no longer using the UCR system and this system has been phased out. We no longer keep statistic base on UCR reporting. With that being said, we are providing the new report form from Ohio. We submit our data to Ohio and their system now codes the reports. After the reports are compiled, Ohio then publishes out data. The report, shown below, is how the statistics will be displayed for years to come.

Offense	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
09A - Murder & Nonnegligent Manslaughter	0	0	0	0	0	1	0	0	0	0	0	0	1
09B - Negligent Manslaughter	2	0	0	0	0	0	0	0	0	0	0	0	2
09C - Justifiable Homicide (Not a crime)	0	0	0	0	0	0	0	0	0	0	0	0	0
100 - Kidnapping/Abduction	0	0	0	0	0	0	0	0	0	0	0	0	0
11A - Rape	4	1	1	0	0	2	0	0	0	0	0	0	8
11B - Sodomy	0	0	1	0	0	0	0	0	0	0	0	0	1
11C - Sexual Assault With An Object	0	0	0	0	0	0	0	0	0	0	0	0	0
11D - Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0
120 - Robbery	5	1	0	2	3	1	0	0	0	0	0	0	12
13A - Aggravated Assault	5	7	9	4	7	11	0	0	0	0	0	0	43
13B - Simple Assault	15	4	6	11	9	11	0	0	0	0	0	0	56
13C - Intimidation	1	0	0	3	1	0	0	0	0	0	0	0	5
200 - Arson	0	0	1	0	0	1	0	0	0	0	0	0	2
210 - Extortion/Blackmail	0	0	0	0	0	0	0	0	0	0	0	0	0
220 - Burglary/Breaking & Entering	6	5	10	9	9	1	0	0	0	0	0	0	40
23A - Pocket-picking	0	0	0	0	0	0	0	0	0	0	0	0	0
23B - Purse-snatching	0	0	0	0	0	0	0	0	0	0	0	0	0
23C - Shoplifting	8	1	4	1	4	2	0	0	0	0	0	0	20
23D - Theft From Building	0	0	0	0	0	1	0	0	0	0	0	0	1
23E - Theft From Coin-Operated Machine or Device	2	1	0	0	0	0	0	0	0	0	0	0	3
23F - Theft From Motor Vehicle	7	14	8	6	5	9	0	0	0	0	0	0	49

[illegible]



Total	<u>217</u>	<u>181</u>	<u>218</u>	<u>152</u>	<u>161</u>	<u>138</u>	0	0	0	0	0	0	<u>1,067</u>
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CLEVELAND HEIGHTS

Committee of the Whole

August 23, 2021

6:30 p.m.

Agenda

1. Vacation of Andrews Road
2. Zoning Amendments overview
3. Charter Amendment discussion
4. Other business
5. Executive Session - *To discuss with an attorney for the public body, claims or disputes involving the public body that in the judgment of such attorney appear likely to be the subject of a future court action or claim.*

ANDREWS ROAD VACATION AGREEMENT

THIS ANDREWS ROAD VACATION AGREEMENT ("Agreement") is entered into on this ____ day of February, 2021 ("Effective Date"), by and among the Parkwood Trust Company, Trustee of the Timothy C. Beyer 2006 Restatement Of Living Trust Agreement dated February 6, 1991 ("Parkwood Trustee") and Garie Waltzer, Trustee of the Waltzer Family Trust ("Waltzer Trustee") (with the Parkwood Trustee and the Waltzer Trustee hereinafter collectively referred to as the "Abutting Owners"), and the City of Cleveland Heights, Ohio (the "City").

WHEREAS, pursuant to Ohio Revised Code Section 723.05, where in the opinion of the legislative authority, there is good cause for vacating a public street, and such vacation will not be detrimental to the general interest, the legislative authority may by ordinance and without petition therefore, vacate such street; and

WHEREAS, an Ordinance has been submitted to the City Council for approval that includes the details of a proposed vacation of a portion of Andrews Road, north of Severn Road (the "Road Portion"), which functions as the driveway for Permanent Parcel No. 683-35-003, commonly referred to as 1737 Andrews Road, more fully identified on the Vacation Plat for Andrews Road attached hereto and incorporated herein by reference as Exhibit "A" (the "Plat"); and

WHEREAS, under general vacation of public right-of-way law, the Road Portion would revert from the center line of the public right-of-way to the abutting property owners (which, in the absence of this Agreement, would be the Abutting Owners); and

WHEREAS, in this instance, the Abutting Owners wish to deviate from that standard and enter into this Agreement with the City to not only more fully set forth the details of the vacation of the Road Portion, but to memorialize the agreement that the full fee simple interest in the Road Portion shall vest solely in the Parkwood Trustee, with the Waltzer Trustee waiving any right, title, or interest in or to the Road Portion now or in the future.

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants set forth herein, and for good and other valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

1. The Parkwood Trustee and the Waltzer Trustee agree that upon the vacation of the Road Portion (being the portion of Andrews Road, north of Severn Road, which functions as the driveway for Permanent Parcel No. 683-35-003, as set forth in the Plat), all right, title, and interest, including, without limitation, a fee simple interest, in the entire Road Portion shall be consolidated with the adjacent property currently owned by the Parkwood Trustee, known as Permanent Parcel No. 683-35-003. No fee simple interest or other right, title, or interest in the Road Portion shall be transferred to the Waltzer Trustee, and the Waltzer Trustee hereby waives now and in the future any right, title, or interest in or to the Road Portion upon its vacation by the City.

2. Upon the vacation of the Road Portion, the City waives now and in the future any right, title, or interest in, to, under, or through the Road Portion, and the City disclaims any utility or other easements in, to, under, or through the Road Portion.

3. Upon the vacation of the Road Portion, the Parkwood Trustee and/or its successors in interest shall be responsible for maintenance of the Road Portion.

4. The Parkwood Trustee shall pay any and all recording or similar fees required to effectuate the vacation of the Road Portion.

The parties have executed this Agreement as of the Effective Date set forth above.

ABUTTING PROPERTY OWNERS:

Parkwood Trust Company, Trustee
of the Timothy C. Beyer 2006
Restatement Of Living Trust
Agreement dated February 6, 1991

Karen G. Vereb
By: Karen Vereb, Secretary

Date: 2-24-2021

Garie Waltzer
Garie Waltzer, Trustee of the
Waltzer Family Trust

Date: Feb 25, 2021

CITY OF CLEVELAND HEIGHTS:

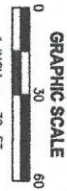
Susanna Niermann O'Neil
By: Susanna Niermann O'Neil
Its: City Manager

Date: _____

Approved as to Legal Form:

William R. Hanna
William R. Hanna, Law Director





JULY, 2020

7-5-20

* INDICATES 5/8" I. PIN WITH CAP SET UNLESS NOTED.

APPROVAL:

PART OF ANDREWS ROAD SHOWN AS PARCEL "A" VACATED BY ORDINANCE NO. _____ ADOPTED BY THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, OHIO THIS _____ DAY OF _____ 2020.

SECRETARY OF COUNCIL _____

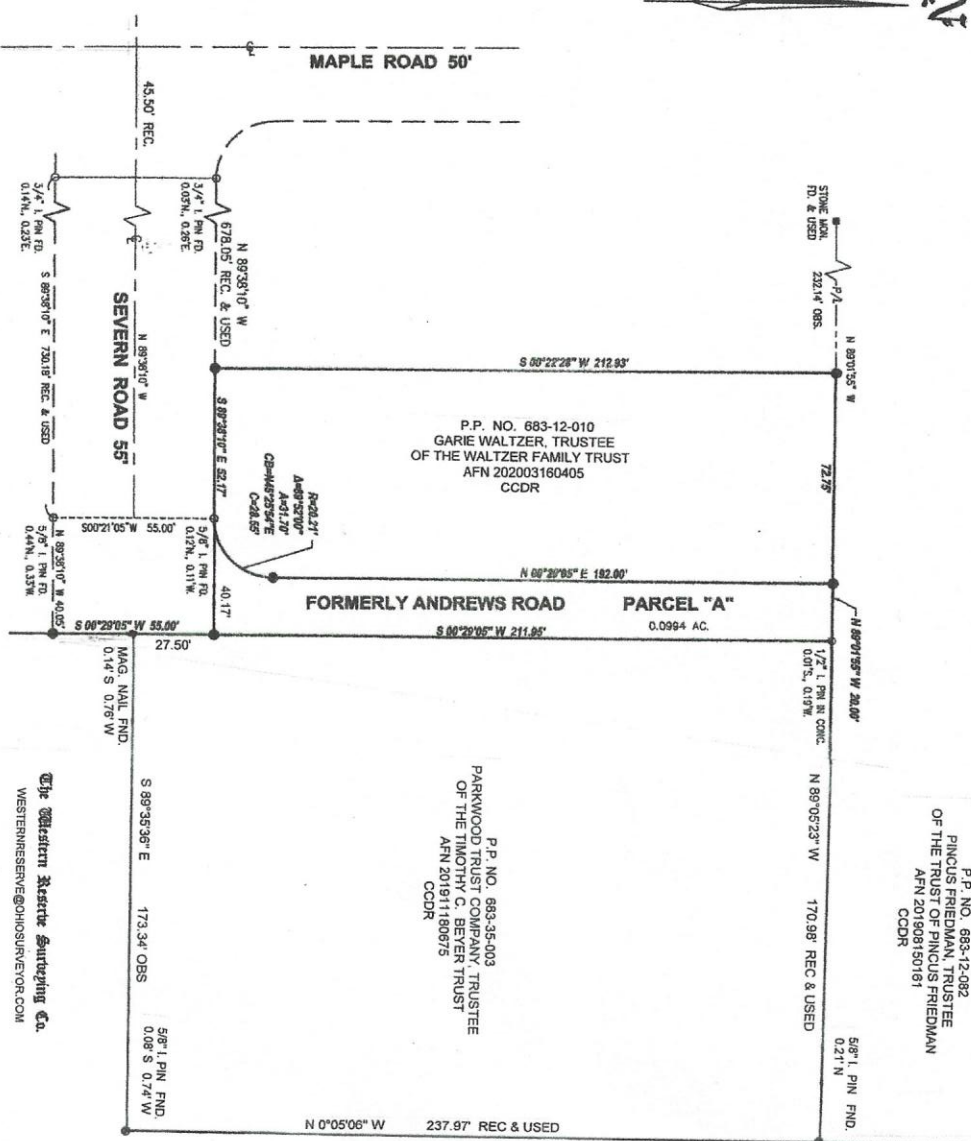
THIS SURVEY CONFORMS TO ARTICLE 4733.37 OF THE OHIO ADMINISTRATIVE CODE.



I HEREBY CERTIFY THAT THE DRAWING HEREON IS A CORRECT REPRESENTATION OF A TRUE AND ACCURATE SURVEY MADE OF THE PREMISES SHOWN HEREON. THE SURVEY WAS ESTABLISHED BY ACCURATE FIELD MEASUREMENTS AND CALCULATIONS. THE DISTANCES EXPRESSED IN FEET AND DECIMAL PARTS THEREOF, AND UNAMOUNTS WERE FOUND OR SET AS INDICATED.

RICHARD F. HANTEL
REG. NO. S-5129

VACATION PLAT OF PART OF ANDREWS ROAD SITUATED IN THE CITY OF CLEVELAND HEIGHTS, COUNTY OF CUYAHOGA, STATE OF OHIO AND KNOWN AS BEING PART OF ANDREWS ROAD IN THE TAYLOR-MAYFIELD COMPANY'S SEVERN PARK ALLOTMENT OF PART OF ORIGINAL EUCLID TOWNSHIP LOT NO. 23 AS RECORDED IN VOLUME 97 OF MAPS, PAGE 20 OF CUYAHOGA COUNTY RECORDS OF P.P. NO. 683-12-010 AND 683-35-003 **The Western Reserve Surveying Co.** CLEVELAND OHIO



P.P. NO. 683-12-010
GARIE WALTZER, TRUSTEE
OF THE WALTZER FAMILY TRUST
AFN 202003160405
CCDR

P.P. NO. 683-35-003
PARKWOOD TRUST COMPANY, TRUSTEE
OF THE TIMOTHY C. BEYER TRUST
AFN 201911180675
CCDR

P.P. NO. 683-12-082
PINCUS FRIEDMAN, TRUSTEE
OF THE TRUST OF PINCUS FRIEDMAN
AFN 201908150161
CCDR

The Western Reserve Surveying Co.
WESTERNRESERVE@OHIOSURVEYOR.COM

RICHARD F. HANTEL
Phone: (216) 741-3243
Cell: (216) 741-0110
Fax: (216) 741-0525
4705 STATE ROAD
CLEVELAND, OHIO 44109

A-4909-B



MEMORANDUM

To: Mayor Stein and Members of Council

Cc: Susanna Niermann O'Neil, City Manager
William Hanna, Director of Law

From: Eric Zamft, Planning Director

Date: August 18, 2021; Updated August 20, 2021

Subject: Public Hearing Date Regarding Proposed Zoning Text Amendments to Part Eleven – Zoning Code of the Codified Ordinances of Cleveland Heights Regarding Private Parking Garages and Other Ancillary Changes

Per the request and direction of Council, staff prepared proposed Zoning Text Amendments to Part Eleven – Zoning Code of the Codified Ordinances of Cleveland Heights Regarding Private Parking Garages and Other Ancillary Changes. This was all presented to Committee of the Whole on June 14, 2021 and Council referred the matter to the Planning Commission that same night.

The proposed zoning text amendments were transmitted to the Planning Commission and discussed at the June 29, 2021 Planning Commission meeting. At the August 19, 2021 Planning Commission meeting, the Planning Commission recommended that the zoning text amendments be approved, with suggested revisions for Council to consider. Attached to this memorandum is that recommendation.

Once a recommendation from the Planning Commission is received by Council, the next step in Chapter 1119, which details the procedures for zoning amendments, is for Council to hold a public hearing. Per Section 1119.05, the notice of such hearing must be published at least (30) days before such hearing.

To that end, a public hearing will be scheduled for **September 30, 2021 at 6 PM** at a special meeting of Council. The public hearing would present both the original proposal and the Planning Commission's recommendation.

City of Cleveland Heights Planning Commission

PLANNING COMMISSION RECOMMENDATION

TO: Mayor Stein and Members of City Council

FROM: Eric Zamft, Director of Planning; Karen Knittel, Assistant Director of Planning

CC: Susanna Niermann O'Neil, City Manager; William Hanna, Law Director;

DATE: August 20, 2021

SUBJECT: Proj. 21-06 regarding Ordinance No. 70-2021: Suggested Revisions to Proposed Zoning Text Amendments to Part Eleven – Zoning Code of the Codified Ordinances of Cleveland Heights Regarding Private Parking Garages and Other Ancillary Changes

On June 29, 2021 and August 19, 2021, the Planning Commission held public meetings on Proj. 21-06. The Planning Commission review of the proposed zoning text amendments resulted in a recommendation that Council adopt the proposed zoning text amendments with a number suggested revisions. The suggested revisions are highlighted in yellow as attached to this recommendation and are summarized below.

1. The Planning Commission suggests that page numbers be added to the proposal for ease of reference.
2. The Planning Commission suggests that the measurement of regulations and standards throughout the Code be included.
3. In response to the concerns about the removal of private parking garages that are not within the context of investment into a property and possible abuse of the flexibility, the Planning Commission suggests that the requirement to have enclosed private parking spaces remains, but that clear exceptions are provided to allow for the flexibility intended in the initial proposal, as follows:
 - The language of Section 1123.12(f) regarding supplemental standards for enclosed parking spaces on Page 13 is suggested to be revised.
 - The standards for Single-family dwellings, Two-family dwellings, Townhouses in Schedule 1161.03 on Page 19 are suggested to be revised to reimpose that some or all of the required parking spaces would need to be enclosed – unless there is an exemption.
 - Both multi-family dwellings and senior citizen apartments in Schedule 1161.03 on Page 19 are suggested to not have a requirement to enclose parking.
 - A note ('a') is suggested to be added to Schedule 1161.03 on Page 20 that provides the Planning Commission the ability to reduce the number of parking spaces and those that need to be enclosed.
 - Note ('b' and 'c') are suggested to be added to Schedule 1161.03 on Page 20 that refers to a new section on exemptions.
 - A new section, 1161.051 is suggested to be added that provides provisions for exceptions to the required enclosed parking spaces. This new section:
 - Would require review and approval by the Planning Commission
 - Provides an exception if the parcel is a legal, non-conforming lot that does not have the requisite minimum lot area or lot width to accommodate a Code-conforming private parking garage.
 - Provides an exception if special conditions exist specific to the lot that are not applicable generally to other lots in the same Zoning District that render a Code-conforming private parking garage impractical.

- Provides an exception if the previously existing private parking garage on the lot was a single-car garage for single-family dwelling.
 - Provides an exception if an existing private parking garage structure and associated remnant parking pavement are proposed to be removed and replaced with grass or landscaping, thereby increasing green or open space.
 - Provides an exception if a substantial expansion or addition to the principal structure is proposed.
 - Requires a Landscape Plan and compliance with all other City provisions
4. In response to the concern about working on vehicles outside of private parking garage, the Planning Commission suggests that the definition of "Junk motor vehicle" is proposed to be slightly revised on Page 1 to reflect this.
 5. In response to questions about how carriage houses were treated in the context of changes to garages, the Planning Commission suggests that a definition be added that defines an "Existing carriage house" on Page 1. In addition, the definition of "Garage, parking" is suggested to be revised to state that an existing carriage house is not considered a parking garage.
 6. After further review, the Planning Commission felt that there needed to be more clarity on how to define the façade of the primary structure. To that end, definitions are suggested to be added for "Façade" and "Primary structure" on Page 1.
 7. After further review, the Planning Commission felt that there was potential confusion and conflict between the role of the BZA and the Planning Commission in reviewing private parking garages and the associated standards. Ultimately, any property, use, or potential project within the City has the ability to appeal to the BZA for relief and there is, therefore, no need to include specific reference to garages and commercial parking exemption in the BZA powers. To that end, is it suggested that Section 1109.06 on Pages 2 and 3 be revised to remove those specific references.
 8. After further review, the reference of use with regards to yard requirements appears to be incorrect; rather it is more appropriately related to buildings or structures. Therefore, it is suggested that the references as such in Section 1121.12 on Page 5 and 7 be revised. Other changes to this section are also suggested to remove those items that are uses. In addition, coverage requirements for fences are suggested to be removed and excluded, see Page 7.

Attachment (Exhibit A – Ordinance No. 70-2021 with Planning Commission's suggested revisions highlighted)

Definitions

1103.03 DEFINITIONS OF GENERAL TERMS

- (42) "Fence" means any structure composed of wood, iron, steel, masonry, stone or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or enhance all or any part of any premises. ~~Trellises or other structures supporting, or for the purpose of supporting, vines, flowers and other vegetation, when erected in such a position as to enclose all or any part of the premises or otherwise satisfy the intent of this definition shall be considered a fence~~
- (44) "Floor area of a dwelling unit" means the sum of the gross horizontal areas of a building devoted to residential use measured from the exterior faces of exterior walls or from the center line of common walls separating two (2) dwelling units. "Floor area of a dwelling unit" shall not include unfinished basement, attached parking garage, attic, terraces, breezeways, open porches and covered steps.
- (49) "Garage, parking" means a principal or accessory building or an enclosed space within the principal building in which motor vehicles owned by the general public are parked, including facilities operated as a business enterprise with a service charge or fee paid to the owner or operator of such facility, with no facilities for mechanical service or repair of a commercial or public nature. Parking garage may be attached or detached and shall be considered enclosed parking spaces. A "parking deck" shall be considered a parking garage. An "existing carriage house" shall not be considered a parking garage.
- (50) "Garage, private parking" means a detached accessory building or an attached portion of the principal building designed to store motor vehicles and other normal household accessories of the residents of the principal building, with no facilities for mechanical service or repair of a commercial or public nature. "Private parking garage" shall be considered enclosed parking spaces.
- (60) "Junk motor vehicle" means any motor vehicle, licensed or unlicensed, without regard to its age or value, that is parked in any unenclosed area of any portion of a yard or lot, with or without the consent of the owner of the property, for a period of seventy-two hours (72) hours or longer, when such motor vehicle is apparently inoperable, or is in such condition that it could not be legally operated on the public streets, or is in an extensively damaged, dilapidated or disassembled condition. Junk motor vehicle shall include "abandoned junk motor vehicle" as defined by Ohio R.C. 4513.63.
- (84) "Parking lot" (See also garage, parking) means an area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.
- (XX) "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.
- (XX) "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.
- (XX) "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.
- (XX) "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.

BZA

1109.06 POWERS AND DUTIES OF THE BOARD

For the purpose of this Zoning Code, the Board of Zoning Appeals is given the following powers and duties:

- (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Administrator in the administration or enforcement of this Zoning Code.
- (b) To authorize such variances from the terms of this Zoning Code as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of this Code will result in practical difficulty or, in the case of a use variance, unnecessary hardship, and so that the spirit of this Code shall be observed and substantial justice done. Specifically, variances shall be reviewed according to the criteria set forth in Section 1115.07(e) and may be granted as guided by the following:
 - (1) Vary the yard or height regulations for a permitted principal or accessory building or structure where there is an exceptional or unusual physical condition of a lot when the condition is not generally prevalent in the neighborhood and which, when related to the yard regulations of this Zoning Code, would prevent a reasonable arrangement of buildings on the lot.
 - (2) Vary the sign regulations where topography or existing buildings interfere with usual visibility under such conditions, including time limits, as the Board may deem necessary in order to prevent the granting of a special privilege.
 - (3) Vary the lot area or lot width requirements where there is an exceptional or unusual physical condition of a lot, when the condition is not generally prevalent in the neighborhood.
 - ~~(4) Vary the garage door requirements in multiple-family uses only, in exceptional or unusual circumstances, taking into consideration the following physical factors:~~
 - ~~A. The topography, including the grade of lane where the building and accessory garage are situated and the entryway to the garage or garages;~~
 - ~~B. The maneuvering space available to enter the parking stall;~~
 - ~~C. The number of garages involved;~~
 - ~~D. Design and usage of the garage structure; and~~
 - ~~E. All other applicable factors included within Section 1109.06(b) hereof.~~
 - ~~(5) Vary the applicable off-street parking requirement established in Section 1161.03, or as reduced for shared facilities pursuant to Section 1161.04, or as modified by the Planning Commission as a conditional use pursuant to Section 1161.05, when there are exceptional or unusual circumstances that result in practical difficulty in complying with the requirements.~~

- (c) To resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Section 1105.05.
- (d) To adopt rules or bylaws for the holding of regular and special meetings, for the transaction and disposition of its business and the exercise of its powers.
- (e) To allow or permit the expansion or extension of a nonconforming use where the enforcement of the regulations pertaining to nonconforming uses will result in unnecessary hardship.
- (f) ~~To grant special exceptions from the off-street parking requirements for new uses in new or expanded buildings in certain major commercial districts, according to the criteria set forth in Section 1115.13 and Section 1161.13(a)(2) Reserved.~~
- (g) To grant special exceptions to provide a reasonable accommodation as required by state and/or federal law, according to the criteria set forth in Section 1115.13.

AA and A (SF) and B (2-Family)

1121.04 CONDITIONALLY PERMITTED USES

The categories of conditional uses which may (together with their accessory uses) be permitted in the AA and A Single-Family and B Two-Family Residential Districts, provided they conform to the conditions, standards, and requirements of Title Seven and are approved for a particular zoning lot in accordance with the administrative provisions of Section 1115, shall include the following:

- (j) Public parking (surface parking lot, parking deck, or one-story covered parking garage) as a principal use ~~for a permitted use not on the same lot;~~
- (k) Accessory parking spaces for a commercial use, contiguous with a C-1, C-2, C-2X or C-3 District S-1, or S-2 District, as regulated in Code chapter 1153.05(f) & 1161;
- (l) Accessory parking for a multi-family use contiguous with MF-1, MF-2, MF-3, S-1, S-2, a C-1, C-2, C-2X or C-3 District as regulated in Code chapter 1161; ~~(Intentionally omitted);~~

1121.05 ACCESSORY USES.

Accessory buildings, structures, and uses subject to the regulations in Section 1121.12 and as noted are permitted in association with and subordinate to a permitted or conditionally permitted use in the AA and A Single-Family and B Two-Family Residential Districts and are limited to the following:

- (a) Private parking garages and related residential off-street parking subject to the regulations of Chapter 1161;
- (b) Signs subject to the regulations of Chapter 1163;
- (c) Home occupations in a dwelling unit subject to the regulations of Section 1165.02(b);
- (d) Swimming pools and associated pool house;
- (e) Porches, decks, ~~arbors,~~ patios, and gazebos;
- (f) Storage shed, and other similar buildings for the storage of domestic supplies;
- (g) Fences;
- (h) Noncommercial greenhouse not to exceed twenty-five percent (25%) of ground floor area of the principal building;

- (i) Vegetable/edible and flower gardens;
- (j) Children's play equipment;
- (k) Gatehouse, guard house;
- (l) Parking of non-passenger vehicles subject to the regulations of Section 1165.02(c);
- (m) Parking of recreational vehicles subject to the regulations of Section 1165.02(d);
- (n) Portable on-demand storage structures, subject to the regulations of Section 1165.02(f);
- (o) Rain barrels and above-ground cisterns;
- (p) Laundry clotheslines;
- (q) Ornamental pool; ~~and~~
- (r) Compost bins subject to 1121.12(po) of this Code; ~~and~~
- (s) Chicken coop subject to 1153.05(gg) of this Code.

1121.09 DWELLING UNIT REQUIREMENTS.

In order to provide healthful living conditions and to preserve the character of the neighborhood, dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following standards establishing minimum floor areas of dwelling units ~~and required garage space.~~

- (a) Minimum Area of Dwelling Unit. The minimum floor area of a dwelling unit shall not be less than specified below. For the purpose of determining the minimum floor area, porches, steps, terraces, breezeways, attached parking garages, or other attached structures not intended for human occupancy shall be excluded.

District	Type of Dwelling	Minimum Floor Area Per Dwelling Unit (In Square Feet)
AA	Single Family	2,000
A	Single Family	1,500
B	Single Family	1,500
B	Two Family	1,000

~~(b) Enclosed Parking Spaces Required. Required off street enclosed parking spaces shall be provided for each dwelling unit, either in a garage that is attached or detached and accessory to the dwelling unit in accordance with Schedule 1161.03. When 75% or more of a blockface have detached rear yard garages or attached garages with doors not visible on the street elevation, new attached garages shall have doors not visible on the street elevation. A new attached garage of a home on a corner lot may have garage doors visible on one of the streets. Furthermore, all parking areas shall be provided, designed and constructed in accordance with the accessory use standards in Section 1121.12 and the parking requirements in Chapter 1161.~~

1121.12 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in AA, A and B Districts shall conform to the location, coverage and maintenance standards contained in this section. Attached private parking garages ~~as part of a dwelling~~ are subject to all yard requirements for a principal building

specified in Section 1121.08 and shall comply with the floor area regulations for private parking garages established in subsection (e) hereof.

- (a) Minimum Yard Requirements for Accessory Uses. An accessory building or use-structure permitted in an AA, A or B District shall be located as set forth in Schedule 1121.12(a); ~~however~~ However, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in subsections 1121.12(b) through (i).

Schedule 1121.12(a)

MINIMUM YARD REQUIREMENT FOR ACCESSORY USES/BUILDINGS OR STRUCTURES

Permitted Use, Structure, or Building	Yard in Which Permitted	Minimum Distance (in Feet) From			
		Rear Lot Line	Side Lot Line	Side Street (Corner Lot)	Principal Building
(1) Detached <u>private parking</u> garage	Rear	3(a)(i)	3(i)	25(b)	0
	Side	5(a)(i)	(c)(i)	25(b)	0
(2) Pool house, storage shed (o), other similar buildings	Rear only	5	5	(e)	0
(3) Swimming pool (above and below ground)	Rear and side	15	15	15(b)	5
(4) Deck, porch, handicap ramp, steps, hot tub, and similar structures exceeding 3 feet in height (f) (k)	Rear and side	5	5	(d)	0
	Front		See Section 1121.12(b)		
(5) Deck, patio, porch steps, ornamental pool, coldframe and similar structures not exceeding 3 feet in height (f) (k)	Rear and side	3	3	(d)	0
	Front		See Section 1121.12(b)		
(6) Fences exceeding 3-4 feet in height	Rear, and Side <u>side and corner side</u>	(g)	(g)	(g)	0(g)
(7) Fences not exceeding 3-4 feet in height (k)	Front, side, and rear <u>and corner</u> <u>side</u>	0(g)	0(g)	0(g)	0(g)
(8) Sidewalk and driveway	Front, side and rear	3	3	NA	0
(9) Open parking areas for storage of noncommercial vehicles and recreational equipment <u>(h) Reserved.</u>	<u>Rear only</u>	<u>3</u>	<u>3</u>	<u>NA</u>	<u>0</u>
(10) Freestanding air conditioning machinery, emergency generator, above-ground components of geothermal energy systems, and other similar equipment	Rear and side, except not in required minimum side yard (see Section 1121.08) and standard screening, see note (m)				

(11) Rain Barrels and Above Ground Cisterns (j)	Rear and side, provide standard screening, see note (m)	(j)	(j)	(k)	0
(12) Laundry clothesline	Rear only	3	3	NA	0
(13) Vegetable/edible gardens	(±)	(±)	(±)	(±)	(±)
(14) Compost Bin(s) (n)	Side and Rear	3	3	N/A	3
(15) Chicken coop and run	Rear	10	10	N/A	10

- (a) When the rear yard of a corner lot abuts the side yard of an interior lot, a detached private parking garage shall be located no less than 10 feet from the rear lot line.
- (b) Or no closer to the side street than the principal building, whichever is greater.
- (c) Shall maintain the minimum dimension for the side yard of a principal use as specified in Section 1121.08.
- (d) See Section 1121.12(b).
- (e) Shall be no closer to the side street than the principal building, unless specifically permitted elsewhere in this Zoning Code.
- (f) "Height" of a deck, porch, ramp, or steps means the vertical distance from the average finished ground elevation to the top of the floor surface.
- (g) See Section 1121.12(i) for additional fence regulations.
- ~~(h) See Section 1165.02(c) for parking of non-passenger vehicles. See Section 1121.12(k) for parking pad regulations.~~Reserved.
- (i) The Zoning Administrator may approve reduced rear and side yard setbacks for a detached private parking garage, provided that in no event shall the Zoning Administrator approve setbacks less than those of an existing or previously existing detached private parking garage on the property and shall adhere to all applicable Building Code regulations.
- (j) See Section 1121.12(m) for additional regulations.
- (k) When in the front or corner side yard are permitted only with Architectural Board of Review approval.
- (l) See Section 1121.12(l) for additional vegetable/edible garden regulations.
- (m) Standard screening means a fence, masonry wall or evergreen hedge which is eighty (80%) or more solid and either six (6) feet high or a height adequate to screen the view from a person six (6) feet tall standing on a public street or on adjacent property.
- (n) See Section 1121.12(o) for additional compost bin regulations.
- (o) In a rear yard of 2,000 square feet in area or less, storage buildings shall be no closer than 3 feet from a rear or side property line.

...

- (d) Maximum Area and Rear Yard Coverage of Accessory Uses. The percent of rear yard covered by accessory uses, buildings and structures (limited to those permitted in Sections 1121.05 and 1121.12) and the maximum floor area of such accessory use, building or structure, shall not be greater than as set forth in Section 1121.12(d). The area of building, structure or pavement shall be the maximum area of land on which, or above which, such building, structure or pavement is constructed. The percentage shall be the area of building, structure

and/or pavement in ratio to the area of the rear yard. However, in no case shall an accessory use, building or structure exceed the maximum area set forth in Schedule 1121.12(d).

Schedule 1121.12(d)
MAXIMUM AREA AND REAR YARD COVERAGE

Permitted Use, Building or Structure	Maximum Percentage of Rear Yard Coverage		Maximum Area (in sq. ft.)		
	AA and A District	B District	AA District	A District	B District
(1) Accessory building	20(a)(c)(f)	30(a)(c)(f)	(d)	(d)	1,200(d)
(2) Accessory structures exceeding 3 feet in height (g)	15	15	2,000	2,000	2,000
(3) Pavement related to parking, including driveway	30(b)	30(b)	2,000	2,000	2,000
(4) Accessory structures not exceeding 3 feet in height, including sidewalks and patios (g)	60	60	6,500	4,000	4,000
(5) Total maximum rear yard coverage (e)	60	60	12,000	----	----

Notes to Schedule 1121.12(d)

- (a) Nonconforming lots may be permitted to have up to 40% rear yard coverage by accessory buildings subject to Zoning Administrator approval of landscaping and screening plan which addresses stormwater management and minimizes adverse impact on neighboring lots. Total rear yard coverage shall not exceed 70%.
- (b) Nonconforming lots may be permitted to have up to 40% rear yard coverage by pavement or unenclosed parking subject to Zoning Administrator approval of landscaping and screening plan which addresses stormwater management and minimizes adverse impact on neighboring lots. Total rear yard coverage shall not exceed 70%.
- (c) The Zoning Administrator may approve a lesser number of enclosed accessory parking spaces pursuant to Section 1161.03(a).
- (d) See also Section 1121.12(e) for maximum floor area of a private parking garage.
- (e) While each specific category (1-4) has a maximum size limitation, the total coverage of all accessory uses shall not exceed the area limit for the rear yard.
- (f) On a corner lot, a private parking garage may cover up to 60% of rear-yard area. Total permitted rear-yard coverage on a corner lot is 80% of rear-yard area.

(g) For the purposes of maximum area and rear yard coverage, fences shall be excluded.

...

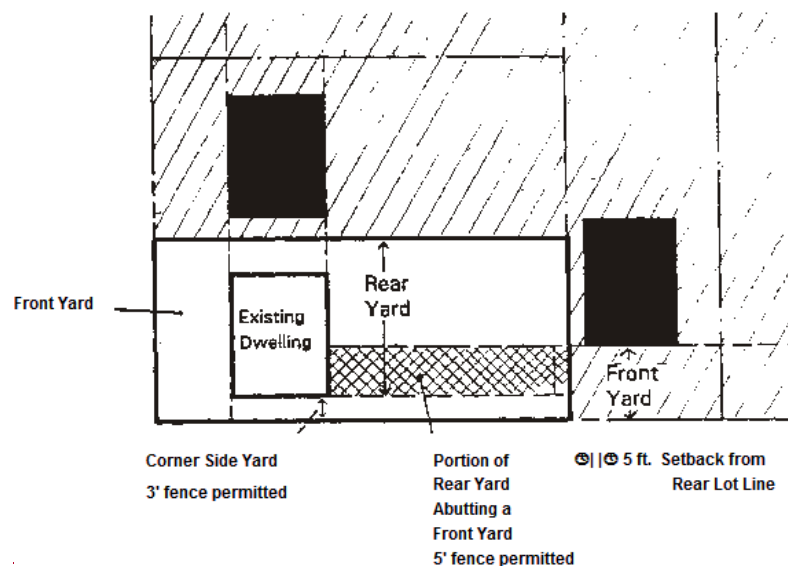
- (e) Supplemental Regulations for Enclosed Parking Spaces, Private Parking Garages, and Accessory Parking Spaces
 - (1) Maximum Floor Area of a Number of Private Parking Garages. A single-family dwelling shall be permitted no more than one (1) attached and one (1) detached parking garage. A two-family dwelling shall be permitted no more than one (1) attached and one (1) detached garage.

- ~~(2) Maximum Floor Area of Private Parking Garages. For a single-family dwelling, with a the total maximum floor area of all parking garages shall be of 500-600 square feet plus one (1) additional square foot of parking garage area for every fifteen (15) square feet of lot area greater than 6,000 square feet. However, the area of the parking garage(s) shall not exceed 1,200-300 square feet. A For a two-family dwelling, the total maximum floor area of all parking garages shall be permitted no more than one (1) attached and one (1) detached garage with a maximum floor area of 1,200-300 square feet.~~
- ~~(3) Design Standards for Private Parking Garages. When 75% or more of a blockface have detached private parking garages in the rear yard or attached private parking garages with doors not visible on the street elevation, new attached private parking garages shall have doors not visible on the street elevation. A new attached private parking garage of a home on a corner lot may have garage doors visible on one of the streets.~~
- ~~a. Any attached private parking garage should be designed to be compatible and complimentary of the primary residence, including materials, color, roof design, and massing, and should not be the dominant structure on the site.~~
 - ~~b. Any attached private parking garage shall be located at least five (5) feet behind the front façade of the primary structure. A new attached private parking garage on a corner lot shall be set back at least five (5) feet from the façade of the primary structure on the side that contains the driveway.~~
 - ~~c. The garage doors of any private parking garage may face the street, side, or rear property lines.~~
- ~~Attached or built in private parking garages as part of a single family dwelling are subject to all yard requirements for a principal building specified in Section 1121.08 and shall comply with the floor area regulations for private parking garages established in subsection (e) hereof.~~
- ~~Any attached private parking garage should be designed to be compatible and complimentary of the primary residence, including materials, color, roof design, and massing, and should not be the dominant structure on the site.~~
- ~~(1) All accessory parking spaces, whether enclosed or open, shall be provided, designed and constructed in accordance with the accessory use standards in Section 1121.12 and the parking requirements in Chapter 1161.~~

- (i) Fences. Fences and walls to be erected, placed and maintained on a lot shall be approved by the Zoning Administrator and a fence permit issued unless otherwise noted. The appearance and height of fences shall be regulated and limited by its location on the lot as follows:
 - (1) A fence or wall located in a front ~~or corner side~~ yard shall have a maximum height of four (4) feet above ground level and shall require Architectural Board of Review approval. Fences within ten (10) feet of an intersection shall comply with Section 1165.03(e) and shall require Architectural Board of Review approval.
 - (2) Except as limited in subsection (i)(5) hereof, fences and walls located in a side or rear yard shall not exceed seven (7) feet above ground level provided that a fence or wall may be located parallel to a principal building no closer than a distance equal to the height of the fence or wall.

- (3) When a side yard fence having a length greater than ten (10) feet is parallel to and visible from the street, it shall be landscaped according to an approved landscape plan.
- (4) A fence or wall located in a side yard of a corner lot shall have a maximum height of six (6) feet above ground level and shall require Architectural Board of Review approval. ~~In the portion of the rear yard of a corner lot which abuts the front yard of an interior lot, a fence no greater than five (5) feet in height may be located in such rear yard provided it shall be no closer than five (5) feet to the rear lot line and shall be landscaped according to an approved landscape plan. The fence shall be approved by the Architectural Board of Review.~~
- (5) The side of a fence closest to the adjacent property line and facing outward from the yard being fenced shall be the smooth finished side. All structural members shall be on the interior side of such fence.
- (6) No chain link, ~~or~~ mesh, wire, ~~fence~~ or barbed wire fence shall be constructed in a front yard or corner side yard.
- (7) Deer net fencing - no fence permit required:
 - A. Deer net fencing around vegetable/edible and flower gardens is permitted in rear and interior side yards, and is limited to a maximum height of seven feet, including all posts.
 - B. Proper installation is required, including six inches of the fence grid flared onto the ground to prevent deer from pushing underneath the fence.
 - C. Deer net fencing is permitted in community gardens with no location limitations.
- (8) Chicken coops and runs - no fence permit required. See Code Section 1153.05(gg).

**ILLUSTRATION OF FENCE REGULATIONS FOR
CORNER LOTS IN AA, A AND B DISTRICTS
Section 1121.12(i)**



- (j) Residential Use of Existing Carriage House. In an AA or A District there shall be only one (1) dwelling unit on a lot except that an existing carriage house may continue as a nonconforming dwelling unit in compliance with the following:
- (1) The carriage house shall have been occupied (regardless of the length of time), designed for, constructed for, or intended for residential occupancy and legally constructed or created prior to the adoption of this Zoning Code.
 - (2) Alterations to the carriage house shall be regulated by Section 1173.01(a) and (b).
 - (3) For the purposes of this section, the occupants of the carriage house shall be considered as part of the family of the principal dwelling unit and shall comply with the family definition.
- (k) Single Family and Two-Family Residential Parking Pad. In ~~any District~~ an AA, A, or B District, single-family and two-family dwellings are permitted to utilize a paved parking pad in addition to and/or as part of the required ~~enclosed~~ parking.
- (1) Parking pads may be located in the interior side or rear yard but must be located three (3) feet from any lot line. Parking pads are prohibited in the front and corner side yard or forward of the front building line.
 - (2) Any driveways that access the parking pad are limited to twelve (12) feet in width and must meet the requirements of this Ordinance for single-family and two-family residential driveways.
 - (3) The maximum coverage requirements for the lot may not be exceeded to accommodate a parking pad.
 - (4) Paving pads must be surfaced and maintained in accordance with Section 1161.11(d). Paving with semi-pervious materials, permeable pavers, porous asphalt, porous concrete, grass-crete or gravel-crete, is encouraged. However, a semi-pervious parking pad or driveway is still subject to the coverage requirements of each individual yard.
- (l) Vegetable/Edible Gardens. Vegetable/edible gardens are allowed in all yards in the residential districts. Any vegetable/edible garden located in the front and corner side yard must comply with the following standards:
- (1) Vegetable/edible gardens must be kept weed-free between plants and rows.
 - (2) There shall be no trash or debris in the vegetable/edible gardens.
 - (3) Vegetable/edible gardens are required to be harvested on a regular basis.
 - (4) The vegetable/edible gardens must be designed and maintained so that water and fertilizer will not drain onto adjacent property or the public right-of-way.
 - (5) Use of insecticides made from synthetic chemical materials is prohibited. Acceptable alternatives, applied in accordance with established safe handling instructions, include rotenone, pyrethrin and Safer Soap.
 - (6) The use of herbicides and weed killers is discouraged.
 - (7) Areas of dry, loose soil that may be moved by wind must be covered by mulch or otherwise confined.
 - ~~(8) Vegetable/edible gardens fences shall meet the standards of subsection 1121.12(i) above.~~

...

(p) Driveways. In addition to the location and coverage regulations set forth in this section, residential driveways shall be subject to the following additional regulations:

- (1) Only one (1) driveway and one (1) curb cut shall be permitted per lot, except lots 100'-feet wide or greater shall be permitted one (1) additional curb cut, which shall comply with Schedule 1121.12(a)(~~98~~); ~~and~~.
- (2) Pavement width shall not exceed twelve (12) feet, except where necessary to provide direct access to a private parking garage or accessory parking space.
- (3) Pavement width for a single-car attached private parking garage shall comply with Section 1161.105.
- (4) Shared driveways are permitted in accordance with Code section 1161.105.

MF-1, MF-2, and MF-3 (MF)

1123.04 CONDITIONALLY PERMITTED USES

When denoted by the letter C, a use listed below is a conditional use which may (together with its accessory uses) be permitted in the MF-1, MF-2 and MF-3 Residential Districts provided it conforms to the conditions, standards and requirements of Title Seven and is approved for a particular zoning lot in accordance with the administrative provisions of Chapter 1115.

(j)	Parking deck or one-story private parking garage as a principal use for a permitted use that is not on the same lot	C	C	C
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1123.05 ACCESSORY USES

When denoted by the letter A, a use listed below is an accessory use permitted in association with and subordinate to a permitted or conditionally permitted use in MF-1, MF-2 and MF-3 Multiple-Family Residential Districts, subject to the regulations of Section 1123.12 and are limited to the following:

(a)	Private <u>parking</u> garages and related residential off-street parking, subject to the regulations of Chapter 1161.	A	A	A
-----	--	---	---	---

1123.10 DWELLING UNIT REQUIREMENTS.

In order to provide healthful living conditions and to preserve the character of the neighborhood, dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following standards establishing minimum floor areas of dwelling units ~~and required garage space~~.

- (a) Minimum Area of Dwelling Unit. In a MF Multiple Family Residential District, the minimum floor area for a dwelling unit shall be not less than specified below. For townhouse and multi-family dwellings, where applicable, measurements will be made to the center line of party walls. All areas within private parking garages, porches, public halls and general storage rooms in multi-family dwellings shall be excluded in this measurement.

District	Minimum Floor Area (in square feet)	
	By Type of Unit Townhouse/Cluster Development	Multi-family dwelling
MF-1	1,250	500
MF-2	1,250	500
MF-3	1,250	500

~~(b) Enclosed Parking Spaces Required. Enclosed parking spaces shall be provided for each dwelling unit in compliance with Chapter 1161, either in a garage that is attached to and integrated with or in a garage that is detached and accessory to the dwelling unit. When 75% or more of a block face have detached rear yard garages or attached garages with doors not visible on the street elevation, new attached garages shall have doors not visible on the street elevation. A new, attached garage of a multi-family dwelling on a corner lot may have garage doors visible on one of the streets. The first floor of a principal building containing dwellings shall not have more than 50% of any side yard or front yard building frontage comprised of garage doors. Furthermore, all parking areas shall be provided, designed and constructed in accordance with the accessory use regulations in Section 1123.12.~~

1123.12 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in a MF Multiple-Family District shall conform to the regulations of this section.

- (a) Minimum Yard Requirements for Accessory Uses. An accessory building or use permitted in an MF District shall be located as set forth in Schedule 1123.12(a).

Schedule 1123.12(a) MINIMUM YARD REQUIREMENTS FOR ACCESSORY USES

Permitted Accessory Use		Minimum Dimension in Feet Side/Rear Yard		
		Front Yard	Abutting MF, C or S District	Abutting AA, A or B District
(1)	Private <u>parking</u> garage and related <u>accessory</u> parking areas	NP	5	10

...

(d) Trash Receptacles. Trash receptacles shall be enclosed in an approved structure or be screened from view as required by 1166.10(a).

(e) Fences and Walls. Fences and walls shall comply with the regulations for fences and walls in AA, A and B Districts contained in Section 1121.12.

(f) Supplemental Regulations for Enclosed Parking Spaces, Private Parking Garages, and Accessory Parking Spaces.

- (1) Enclosed parking spaces shall be provided for each dwelling unit in compliance with Chapter 1161, either in an attached private parking garage that is integrated with or in a detached private parking garage that is accessory to the principal building.
- (2) Design Standards for Private Parking Garages. When 75% or more of a block face have detached private parking garages in the rear yard or attached private parking garages with doors not visible on the street elevation, new attached private parking garages shall have doors not visible on the street elevation. A new, attached private parking garage of a multi-family dwelling on a corner lot may have garage doors visible on one of the streets. The first floor of a principal building containing dwellings shall not have more than 50% of any side yard or front yard building frontage comprised of garage doors.
- a. Any attached private parking garage should be designed to be compatible and complimentary of the primary structure, including materials, color, roof design, and massing, and should not be the dominant structure on the site.
 - b. Any attached private parking garage shall be located at least five (5) feet behind the front façade of the primary structure. A new attached private parking garage on a corner lot shall be set back at least five (5) feet from the front façade of the primary structure.
 - c. The garage doors of any private parking garage may face the street, side, or rear property lines.
- ~~— All accessory parking spaces, whether enclosed or open, shall be provided, designed and constructed in accordance with the accessory use standards in Section 1123.12 and the parking requirements in Chapter 1161.~~

Commercial Districts (this would be C1, C2, C2X, C3)

1131.02 PRINCIPAL AND CONDITIONALLY PERMITTED USES.

- (a) Unless otherwise provided by law or in this Code, buildings, structures or land shall only be used or occupied following the adoption of this Zoning Code for the uses permitted herein. Schedule 1131.02, on the following page, enumerates those uses that may locate in a C-1 Office, C-2 Local Retail, C-2X Multi-Use and C-3 General Commercial District as a matter of right as a principal use, and those uses which may locate in a given district only upon obtaining a conditional use permit.
- (1) A use listed in Schedule 1131.02 shall be permitted by right in a district when denoted by the letter ~~“P”~~ provided that all requirements of other City ordinances and this Zoning Code have been met.
 - (2) A use listed in Schedule 1131.02 may be permitted as a conditional use in a district when denoted by the letter ~~“C”~~, provided that the requirements of Title Seven have been met.
- (b) Although a use may be indicated as permitted or conditionally permitted in a particular commercial district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Code applicable to the specific use and parcel in question.

Schedule 1131.02
PERMITTED AND CONDITIONALLY PERMITTED USES IN COMMERCIAL DISTRICTS

<u>Land Use Category</u>		<u>C-1 Office District</u>	<u>C-2 Retail District</u>	<u>C-2X Multi-Use District</u>	<u>C-3 Commercial District</u>
(a)	<u>Residential Uses:</u>				
	(1)	Multiple-family dwelling as a free-standing building	P		
	(2)	Multiple-family dwelling units above the first floor in association with permitted commercial use	P	P	P
	(3)	Lodging house and boarding house including convent, home for the aged, residential care facility, and other congregate living facility	C	C	C
	(4)	Nursing home including intermediate and long-term care facility	C	C	C
	(5)	Dormitories, fraternities, sororities	C	C	C
	(6)	Live/Work Dwelling subject to the regulations of Section 1131.13	P	C	C
(b)	<u>Office/Professional/Medical Uses:</u>				
	(1)	Offices provided that only samples of merchandise are displayed or stored in the premises	P	P	P
	(2)	Financial establishment without drive-through facility	P	P	P
	(3)	Financial establishment with drive-through facility	C	C	C
	(4)	Financial establishment with Automatic Teller Machine (ATM)	C	C	C
	(5)	Animal clinics, veterinary offices, animal training, animal grooming facilities, animal day-care facilities, overnight boarding of animals in conjunction with animal clinics, veterinary offices, animal grooming facilities and animal day-care facilities	C	C	C
	(6)	Funeral homes and mortuaries			C
	(7)	Hospitals	C		C
	(8)	Urgent care clinics	C	C	P
(c)	<u>Retail/Service Uses:</u>				
	(1)	Retail establishments in wholly enclosed buildings		P	P
	(2)	Convenience retail and service establishments in an office building provided such business occupies no more than an area equal to 100% of first floor area	C	P	P
	(3)	Personal services including dry cleaning, laundry, beauty salon, tattoo parlor, body piercing		P	P
	(4)	Restaurants bar, tavern, nightclub		P	P
	(5)	Catering		C	P
	(6)	Outdoor dining facility		C	C
	(7)	Drive-through facility in association with a permitted restaurant, retail or service use		C	C
	(8)	Hotels	C	C	C

(d)	<u>Automotive Uses:</u>					
	(1)	Automobile sales, new or new and used				C
	(2)	Automobile rental				C
	(3)	Truck, boat sales/rental				C
	(4)	Gasoline station				C
	(5)	Car wash establishment				C
	(6)	Automobile service station - major and minor repair				C
	(7)	Parking lot as a principal use		C	C	P
	(8)	Parking deck or <u>private</u> parking garage as a principal use	<u>C</u>	C	C	<u>PC</u>
(e)	<u>Commercial Entertainment/Recreation Uses:</u>					
	(1)	Indoor commercial entertainment facility including game room, bowling alley, skating rink, and movie theater		C	C	C
	(2)	Private indoor and/or outdoor recreation including a health, tennis and racquet club		C	C	C
	(3)	Dance studio, exercise class		C	C	P
	(4)	Meeting room		C	C	P
	(5)	Banquet hall, party center		C	C	P
	(6)	Mural	P	P	P	P
	(7)	Satellite dish receiving antenna	C	C	C	C
(f)	<u>General Commercial/Light Industrial Uses:</u>					
	(1)	Shops and studios for custom work of making articles to be sold at retail on the premises		P	P	P
	(2)	Printing and publishing		P	P	P
	(3)	Storage and warehousing of goods, self- storage				C
	(4)	Research & Development, Limited	P	P	P	P
	(5)	Industrial Design	P	P	P	P
	(6)	Nursery and garden supply with accessory outdoor storage		C	C	C
	(7)	Greenhouse	C	C	C	C
(g)	<u>Educational Facilities:</u>					
	(1)	Elementary, junior and senior high school	C	C	C	C
	(2)	College, university, trade and training schools, adult education facilities	C	C	C	C
	(3)	Day care center, preschool, tutoring center	C	C	C	C
(h)	<u>Community Facilities:</u>					
	(1)	Public library, museum	C	C	C	C
	(2)	Public safety facilities	C	C	C	C
	(3)	Public service and maintenance facilities	C	C	C	C
	(4)	Public parks and playgrounds	C	C	C	C
	(5)	Outdoor community festival longer than 3 days	C	C	C	C

1131.03 ACCESSORY USES.

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

**Schedule 1131.03
PERMITTED ACCESSORY USES**

Land Use Category		C-1 Office District	C-2 Retail District	C-2X Multi-Use District	C-3 Commercial District
(a)	Off-street parking and loading facilities as required and regulated in Chapter 1161, <u>including enclosed parking spaces, private parking garages, parking decks, and accessory parking spaces</u>	A	A	A	A
(b)	Signs as permitted and regulated in Chapter 1163	A	A	A	A
(c)	Home occupations subject to the regulations of Section 1165.02(b)	A	A	A	A
(d)	Enclosed storage building for incidental storage of goods and supplies sold on the premises		A	A	A
(e)	Employee cafeterias	A	A	A	A
(f)	Recycling collection station or trash receptacle enclosed in a principal building, in an approved structure or screened according to the regulations of Section 1166.10	A	A	A	A
(g)	All accessory uses permitted within a Multiple-Family District in connection with permitted multiple-family dwellings	A			
(h)	Retail and service establishments not to exceed an area equal to 50% of the first floor area of a permitted office or multiple-family building	A			
(i)	Greenhouses*	A	A	A	A
* A Greenhouse is only permitted on the interior side yard or rear yard of a lot. In size, a Greenhouse shall not exceed 25% of the gross floor area of the principal building and shall never exceed 400 square feet.					

Notes to Schedule 1131.06

(b) See Section 1131.12 for supplemental regulations for private parking garages and parking decks that are principal uses.

1131.08 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in a C Commercial District shall conform to the regulations of this section, and shall be landscaped and screened from view in accordance with Chapter 1166, as applicable.

(a) Off-Street Parking Lots. Off-street parking spaces in a parking lot may be located on the same lot as the principal use served, or may be located on a separate lot, ~~or conditionally permitted in residential districts~~ in accordance with Section 1161.11, provided:

- (1) Landscaping shall be accordance with Sections 1166.06 and 1166.07.
- (2) Parking shall not be permitted in front or corner-side yards or between a principal building and a public right-of-way. Drive aisles shall not be permitted between a principal building and a public right-of-way.
- (3) Surface parking lots that exclusively serve a specific principal use or uses to the exclusion of other principal uses ~~in the district on a lot~~ are limited to ~~a maximum of sixty-two~~ 62 feet in width. Width shall be measured along the edge of the parking lot that is closest to and parallel or roughly parallel to the street.
- (b) Location of Accessory Buildings/Structures. Accessory buildings and structures shall be located in a side or rear yard in compliance with the yard regulations for principal uses set forth in Schedule 1131.06.
- (c) Fences. Fences may be erected in any commercial district provided they comply with the following regulations:
 - (1) A fence located in a front yard shall have a maximum height of ~~48 inches~~ four (4) feet above ground level.
 - (2) In a rear or interior side yard, a fence shall have a maximum height of seven (7) feet above ground level.
 - (3) In a corner side yard, a fence shall have a maximum height of ~~48 inches~~ six (6) feet above ground, except as required by Section 1166.07 for lots adjacent to a residential district, or unless set back 15 or more feet from the public right of way, in which case a fence shall have a maximum height of seven (7) feet above ground level.
 - (4) Any fence within 25 feet of a public right of way and parallel or approximately parallel to such street shall be approved by the Architectural Board of Review. No chain-link fencing shall be permitted in front or corner side yard.
 - (5) No barbed wire fence shall be constructed or erected on any lot. Any nonconforming barbed wire fence shall be removed following five years from the adoption of the amendment to this Zoning Code which made such fence nonconforming.
 - (6) A fence which has the sole purpose of enclosing a seasonal outdoor activity shall be removed during the times of the year when the seasonal activity is not in operation if it causes a nuisance or limits safe travel along public sidewalks.
 - (7) A pergola or other freestanding structure may be permitted in front of a building but not within the required front yard, subject to Architectural Board of Review approval.

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

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

- (a) All parking decks and private parking garages shall be approved by the Architectural Board of Review.
- (b) A parking deck or private parking garage shall comply with the yard requirements for a principal use specified in Schedule 1131.06 except that open parking decks and open private

parking garages in which vehicles are visible from the street shall be located not less than fifteen (15) feet from a public right of way.

- (c) Open parking decks and open private parking garages shall be landscaped according to the requirements established in Section 1166.06.

Supplemental Standards for Conditional Uses

1153.03 SPECIFIC AREA, WIDTH AND YARD REGULATIONS

Schedule 1153.03 AREA, WIDTH AND YARD REGULATIONS FOR CERTAIN CONDITIONAL USES

				Min. Yard Dimensions (in feet)				
				Buildings (d) Parking				
Conditional Use		Min. Lot Area	Min. Lot Width (Feet)	Front	Side/Rear	Side/Front	Rear	See Also Section
(11)	Parking deck or one-story private parking garage for a permitted use not on the same zoning lot as a principal use	20,000 sq. ft.	100	30	15	N/A	N/A	---

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.

...

- (h) Home Occupation in an Accessory Building. A home occupation in an accessory building may be conditionally permitted by the Zoning Administrator in any district provided that the following standards are met and maintained:

- (1) There shall be no display or other indication from the exterior that the building is being utilized for any nonresidential purpose, and the external appearance of the structure in which the use is conducted shall be compatible with the dwelling unit and neighboring residential structures;
- (2) There shall be no merchandise manufactured or processed for sale, bought, sold, exchanged or traded in or on the premises. A home occupation involving individual works of art and involving some machine process as part of the creation of individual works of art is permitted, provided it meets all other criteria of this section, and involves no direct sales of such works of art to consumers on a regular basis from the premises;

- (3) There shall be no person employed or engaged in the furtherance of the home occupation other than a member of the immediate family residing in the same dwelling unit as the home occupation;
- (4) There shall be no mechanical, electrical or chemical equipment used in furtherance of such home occupation, except such as causes no disturbances of any kind beyond the premises where the home occupation is located;
- (5) There shall be no storage of material, goods or equipment used for a business activity conducted off the premises;
- (6) There shall be no motor vehicles bringing clients or customers to the place of the home occupation other than for the periods from 9:00 a.m. to 5:00 p.m. on weekdays, and from 9:00 a.m. to 12:00 noon on Saturday. All such vehicles visiting the place of the home occupation shall be parked on private property;
- (7) No home occupation shall be permitted in any accessory building, or portion thereof, where the conduct of such home occupation is or will be offensive to neighboring property owners or occupants of the same dwelling structure by reason of excessive noise, late hours or business activity, the intensity of the business activity or other such reasons; and
- (8) No home occupation shall be permitted in that portion of a private parking garage that ~~is required by this Zoning Code to provide~~ provides enclosed parking spaces for a dwelling unit in fulfillment of the required accessory parking spaces for such dwelling unit by this Zoning Code.

...

- (aa) Attached Single-Family Dwelling Unit. Attached single-family dwelling units may be conditionally permitted in B, A, AA, and MF Districts in accordance with the following:
 - (1) In A, AA, and MF Districts, attached single-family dwelling units may be conditionally permitted only on lots which contain legally non-conforming side-by-side two-family dwellings.
 - (2) Each attached single-family dwelling unit must be on a separate parcel. When applicable, lots must be subdivided per Section 1111.06(b)(5).
 - (3) Attached single-family dwelling units shall be permitted only on corner lots on which each dwelling unit fronts upon a different street.
 - (4) Each attached dwelling unit shall have its own driveway and ~~two-car garage~~ provide the requisite number of accessory parking spaces per this Zoning Code.

Off-Street Parking and Loading Requirements

1161.03 NUMBER OF PARKING SPACES REQUIRED

The required number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Schedule 1161.03. For a use not specified in Schedule 1161.03, the Planning Commission shall apply the standard for a specified use which the Commission determines to be most similar to the proposed use.

Schedule 1161.03
REQUIRED OFF-STREET PARKING SPACES (a)

	Principal Building or Use	Minimum Spaces Required
(a)	Residential Uses:	
	(1) Single-family dwellings	2 spaces, of which both spaces shall be enclosed (a) (b)
	(2) Two-family dwellings	2 spaces for each dwelling unit, of which <u>not less than .5 space</u> both spaces per dwelling unit shall be enclosed (a) (b) <u>(c)</u>
	(3) Townhouses	2 spaces for each dwelling unit, of which both spaces per dwelling unit shall be enclosed. (b)
	(4) Multi-family dwelling	1 space for each dwelling unit, of which not less than .5 space per unit shall be enclosed.
	(5) Senior citizen apartments	1 space for each dwelling unit, of which not less than 0.5 spaces per dwelling unit shall be enclosed.
	(6) Lodging house, boarding houses	1 space for each bed
	(7) Dormitories, sororities and fraternities	1 space for each 3 persons based on the maximum capacity as established in the Housing Code
	(8) Nursing homes	1 space per 3 beds
(b)	Office, Professional Service Uses: (b)	
	(1) Office, medical office, animal clinic and financial establishments	1 space for each 300 sq. ft. of floor area
	(2) Funeral homes, mortuaries	1 space for each 50 sq. ft. of floor area in parlors or service rooms
	(3) Hospitals	2 spaces per room
(c)	Retail/Service Uses: (b)	
	(1) Retail or business uses permitted in any C District, unless specific standards given below	1 space for each 300 sq. ft. of floor area
	(2) Furniture and appliance; retail nursery garden supply, establishments	1 space for each 500 sq. ft. of floor area
	(3) Restaurants; bars; taverns; night clubs	1 space for each 300 sq. ft. floor area (outdoor dining area excluded)
	(4) Hotels and motels	5 spaces plus 1 space for each sleeping room or suite
(d)	Automotive Uses: (b)	
	(1) Auto sales; new and used, auto, truck, boat sales, rental facilities	1 space for each 500 sq. ft. of floor area (indoor area only)
	(2) Gasoline stations	.5 spaces per pump +1 per 500 sq. ft. of accessory retail area
	(3) Car wash facilities	1 space per bay plus sufficient area for stacking spaces
	(4) Automobile service stations - major and minor repair	4 spaces per bay
(e)	Commercial Entertainment/Recreation Uses: (b)	

	(1)	Bowling alleys	2 spaces per each lane
	(2)	Game rooms	1 space for each billiard table or amusement device
	(3)	Skating rinks	1 space per 200 sq. ft. of floor area
	(4)	Indoor movie theaters, auditorium and other public assembly places	1 space for every 4 seats for first 400 seats then 1 space per 10 seats
	(5)	Golf course	4 spaces per hole
	(6)	Tennis or racquet ball court	2 spaces per court
	(7)	Indoor or outdoor swimming pools, public or private	1 space per 200 sq. ft. of water area
	(8)	Health, fitness, recreation club	1 space for every 200 sq. ft. of exercise area, including locker room, and equipment room
(f)	General Commercial Uses: (b)		
	(1)	Printing, publishing, storage and warehousing of goods	1 space for each 800 sq. ft. of floor area
	(2)	Research and testing laboratories	1 space for each 400 sq. ft. of floor area
(g)	Educational Facilities:		
	(1)	junior high schools, elementary schools and kindergartens	2 spaces per classroom +1 space per 15 seats in largest assembly hall
	(2)	Neighborhood high schools	2 spaces per classroom
	(3)	Regional high schools	5 spaces per classroom.
	(4)	Colleges, universities	10 spaces for every classroom
	(5)	Day Care Centers, preschools and similar uses	1 space for each staff person or employee plus a minimum of 2 pick-up/drop-off spaces
(h)	Community Facilities:		
	(1)	Places of worship	1 space for every 4 seats
	(2)	Community center, library, museum or similar public or private semi- public building	1 space for every 4 seats or for each 300 sq. ft. of floor area, whichever is greater

Notes to Schedule 1161.03:**(a) Unless modified by the Planning Commission, per Section 1161.05.****(b) Parking spaces shall be enclosed, except as otherwise provided in Section 1161.051.****(c) At least 0.5 parking spaces shall be enclosed, except as otherwise provided in Section 1161.051.****1161.05 MODIFICATION OF NUMBER OF REQUIRED PARKING SPACESREQUIREMENTS.**

Whenever the parking requirements based on functions and uses, and application of the standards specified in Schedule 1161.03 can be shown by the applicant to result in an excessive number of parking spaces and that a lesser number of spaces is appropriate and consistent with these regulations, the Planning Commission may approve a reduction in required spaces, ~~as a conditional use according to the procedures set forth in Section 1115.08 and the criteria established in Section 1151.02.~~

1161.051 EXCEPTIONS TO REQUIRED ENCLOSED PRIVATE PARKING SPACES

Any application that will not be providing the requisite enclosed parking spaces as indicated in Schedule 1161.03 shall require review and approval by the Planning Commission based upon the regulations and criteria of this section.

(a) Exceptions. The required off-street parking spaces for single-family dwellings, two-family dwellings, and townhouses shall be enclosed in a detached or attached private parking garage, as indicated in Schedule 1161.03, unless one (1) or more of the following exceptions can be substantiated:

(i) The parcel is a legal, non-conforming lot that does not have the requisite minimum lot area or lot width to accommodate a Code-conforming private parking garage.

(ii) Special conditions exist specific to the lot that are not applicable generally to other lots in the same Zoning District that render a Code-conforming private parking garage impractical.

(iii) If the previously existing private parking garage on the lot was a single-car garage for single-family dwelling.

(iv) If an existing private parking garage structure and associated remnant parking pavement are proposed to be removed and replaced with grass or landscaping, thereby increasing green or open space.

(v) If a substantial expansion or addition to the principal structure is proposed.

(b) Landscape Plan Required. Any application that will not be providing the requisite enclosed private parking spaces shall include a Landscape Plan that addresses stormwater management and minimizes adverse impact on neighboring properties, subject to Chapter 1166 of the Zoning Code.

(c) All other provisions of City ordinances relating to zoning, demolition construction, use and maintenance of residential buildings shall apply, including, but not limited to, impervious surface coverage, yard setbacks, parking pad dimensions, driveway dimensions, parking requirements, and utilization of driveways for parking.

1161.08 PARKING OF JUNK MOTOR VEHICLES.

(a) The outdoor parking of a junk motor vehicle on a lot shall be prohibited except as provided below. However, such a junk motor vehicle may be stored in ~~an enclosed~~ private parking garage, provided that in a residential district no business shall be conducted in connection therewith while such vehicle is parked or stored inside of the building.

(b) The parking of a junk motor vehicle in connection with a conditional use in a commercial district may be permitted for a period not to exceed forty-eight (48) hours.

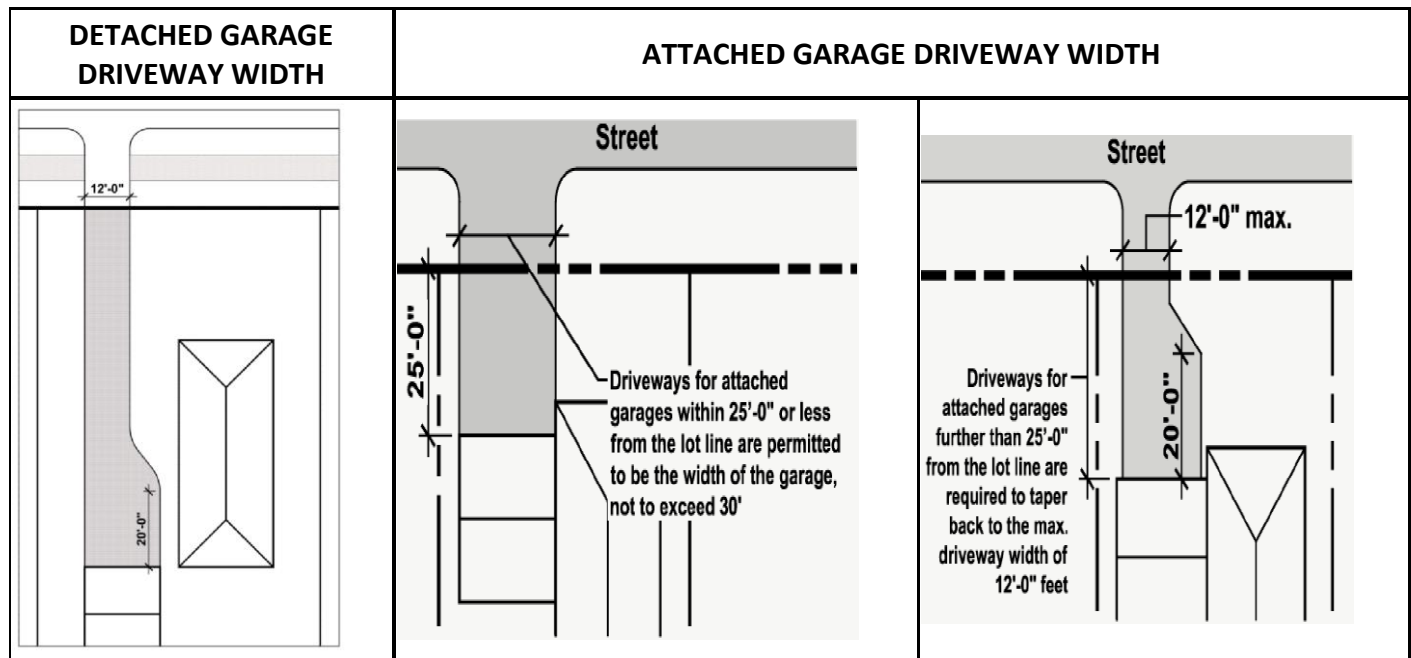
1161.105 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DRIVEWAYS.

(a) For single-family and two-family dwellings, a residential driveway that provides access to a detached private parking garage is limited to twelve (12) feet in width. A driveway apron, the width of the private parking garage, as measured from the garage walls, is permitted to extend for a distance (depth) of twenty (20) feet from the garage doors before tapering back to the maximum driveway width of twelve (12) feet. For attached garages located twenty-five (25) feet or less from the lot line, the driveway is permitted to be the width of the

attached garage and no tapering is required on private property, However, the apron shall be a maximum of twelve (12) feet. (See Figure 1164.105(a)).

- (b) For dwellings with a single-car attached private parking garage, the Zoning Administrator may approve the driveway width that provides access to the private parking garage and up to an additional nine (9) feet of width to provide for one (1) parking space that does not block the private parking garage. This width is permitted to extend for a distance of twenty (20) feet from the garage door before tapering back to the maximum driveway width of twelve (12) feet.
- (c) Driveways must be located a minimum of three (3) feet from the side and rear lot line. However, a residential driveway may be shared by adjacent lots and constructed on the lot line. This shared driveway location is only allowed if agreed to by the owners of each lot.
- (~~e~~d) All single-family and two-family dwellings are permitted to construct driveways that consist of two (2) paved wheel strips, each of which is a minimum of eighteen (18) inches wide and a minimum of twenty (20) feet long. A permeable surface, such as turf, must be maintained between such wheel strips. (See Figure 1161.105(~~e~~d): Paved Wheel Strips). All driveway aprons must comply with the construction and paving requirements of this Zoning OrdinanceCode.
- (~~e~~e) Residential driveways must be surfaced and maintained in accordance with Section 1161.11(d). Paving with semi-pervious materials, such as permeable pavers, porous asphalt, porous concrete, grass-crete or gravel-crete, is encouraged. A semi-pervious driveway is still subject to the coverage requirements of each individual yard. Gravel and wood chips are prohibited.
- (f) For single-family and two-family dwellings, driveways may be used for accessory parking spaces for up to two (2) motor vehicles, so long as such driveway can accommodate vehicles without the vehicles extending over sidewalks, the street, or landscaped areas.

FIGURE 1161.105(a): RESIDENTIAL DRIVEWAY WIDTH



1161.11 IMPROVEMENT AND MAINTENANCE STANDARDS

- (j) Lighting. Wherever a parking lot, open parking deck, or open private parking garage is to be used during darkness, a system of floodlighting shall be installed to provide an adequate standard of illumination over the entire parking lot. All floodlights shall be shielded so that a minimum glare will extend to adjacent property and shall be in compliance with Section 1165.07.
- (l) Maintenance. A parking lot, open parking deck, or private parking garage shall be maintained in a manner to keep it as free as practicable from dust, paper and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Any walls, trees and shrubbery, as well as surfacing of the parking lot or garage, shall be maintained in good condition throughout its use for parking purposes. All exposed concrete walls shall be painted or finished.

1161.13 EXCEPTIONS TO OFF-STREET PARKING REQUIREMENTS IN ~~MAJOR~~ COMMERCIAL DISTRICTS

- (a) In ~~certain major~~ 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 ~~new buildings or~~ existing buildings proposed to expand the ~~with~~ gross floor areas (GFAs) ~~newly expanded~~ by 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. ~~more shall be required to either provide the required number of off-street parking spaces specified for the use or request that the Board of Zoning Appeals grant a special exception from the off-street parking requirement for that particular use. Without being required to determine that a practical difficulty, as set out in Section 1115.07(e)(1), exists on the property, and in accordance with the procedures set out in Section 1115.13, the Board is authorized to grant a special exception from the off-street parking requirement for a use, in whole or in part, if it can be shown that adequate parking will be available to serve the use and that the establishment of the use will not unduly reduce the amount of parking available to existing uses in the area. Conditionally permitted uses may also request a reduction in the off-street parking requirements through the Planning Commission, per Section 1161.05, as part of the conditional use review process.~~
- (b) The exceptions to the off-street parking requirements, as described in subsection (a) above, shall apply only to commercially zoned parcels, ~~or parcels on which commercial district regulations are in effect, in the Cedar Fairmount, Coventry and Cedar Lee commercial districts, and more specifically:~~
 - (1) ~~In the Cedar Fairmount commercial district, the parcels zoned C-2, C-2X or S-2 and located along Cedar Rd. between Euclid Heights Blvd. and Norfolk Rd.;~~
 - (2) ~~In the Coventry commercial district, the parcels zoned C-3, C-2, C-2X or S-2 and located along Coventry Rd. between Euclid Heights Blvd. and Mayfield Rd.;~~
 - (3) ~~In the Cedar Lee commercial district, the parcels zoned C-2, C-2X or S-2 and located along Lee Rd. between Derbyshire Road and Coleridge Road; and~~
 - (4) ~~All parcels zoned C-2, C-3, C-2X or S-2 that are contiguous to any of the parcels described above.~~

Additional Regulations Governing Uses

1165.02 SUPPLEMENTARY ACCESSORY USE REGULATIONS.

In addition to district regulations governing accessory uses, the following supplementary regulations set specific conditions for various accessory uses:

- (a) Use of Accessory Building. No accessory building shall be constructed upon a lot until the construction of the principal building has been actually commenced, and no accessory building shall be used unless the principal building on the lot is also being used. However,

nothing shall prevent the use by a contractor during building construction of a temporary construction shed or road wagon for the storage of tools, material and equipment.

(b) Home Occupations Accessory to a Dwelling Unit in a Residential District. A home occupation may be conducted in a dwelling unit provided that the following standards are maintained:

- (1) There is no display that will indicate from the exterior that the dwelling unit is being utilized in part for any purpose other than that of a residential dwelling;
- (2) There is no merchandise manufactured or processed for sale, bought, sold, exchanged or traded in or on the premises. A home occupation involving individual works of art and involving some machine process as part of the creation of individual works of art is permitted, provided it meets all other criteria of this section, and involves no direct sales of such works of art to consumers on a regular basis from the premises;
- (3) There is no more than one person employed or engaged in the furtherance of the home occupation who is not a member of the immediate family residing on the premises;
- (4) There is no mechanical, electrical or chemical equipment used in furtherance of such home occupation, except such as causes no disturbances of any kind beyond the premises where the home occupation is located;
- (5) There are and will be no exterior alterations made to the dwelling unit for the home occupation purposes which would change the appearance of the dwelling so as to indicate from the exterior that the building is used for any purpose other than that of a dwelling unit;
- (6) There are no motor vehicles bringing clients or customers to the place of the home occupation other than for the periods from 9:00 a.m. to 5:00 p.m. on weekdays, and from 9:00 a.m. to 12:00 noon on Saturday. All such vehicles visiting the place of the home occupation shall be parked on private property;
- (7) No home occupation shall be permitted in any portion of any dwelling unit where the conduct of such home occupation is or will be offensive to neighboring property owners or occupants of the same dwelling structure by reason of excessive noise, late hours or business activity, the intensity of the business activity or other such reasons;
- (8) The home occupation shall be conducted wholly within the dwelling unit and no aspect of the home occupation shall be conducted in any accessory building except as may be conditionally permitted according to Chapters 1151 and 1153 or in any detached or attached private parking garage.

(b.1) Occasional Sales Incident to Home Occupations. Notwithstanding the provisions of subsection (b) hereinabove, the Zoning Administrator may issue a permit for an “occasional sale” to an artist or other craftsperson engaged in art as a home occupation to authorize said artist to sell artwork out of the home on the following terms and conditions:

- (1) A permit for an “occasional sale” shall not be issued more than three times a year for the same premises, and shall be for a period not to exceed three days.
- (2) The sale may occur only between the hours of 9:00 a.m. and 7:00 p.m.
- (3) No merchandise may be sold at the sale other than individual works of art. At least twenty-five percent (25%) of the artwork offered for sale must have been produced on the premises upon which the sale is occurring.

- (4) Subject to the provisions of subsection 1163.06(f), one temporary sign is permitted to advertise the “occasional sale”. An “occasional sale” sign shall be categorized as a “garage sale” sign pursuant to 1163.06(f)(1)C.
 - (5) No person shall participate in the conduct of the sale other than the artists whose work is being sold and residents of the premises upon which the sale is occurring. In no event shall there be more than five persons engaged at any one time in the conduct of the sale.
 - (6) In considering whether to grant an application for a permit for an “occasional sale” the Zoning Administrator shall consider the past history of sales on the same premises or by the same parties, the availability of off- street parking on the premises, the availability of on-street parking in the neighborhood, the density of the neighborhood, the number of customers the sale is expected to draw, and similar factors. Any party aggrieved by the decision of the Zoning Administrator to grant or deny a permit may appeal the Administrator’s decision to the Board of Zoning Appeals.
- (c) Parking Non-passenger-Passenger Vehicles in a Residential District. The placing, storing, or parking of trucks and other such commercial vehicles, including pickup trucks, vans, and panel trucks, on a lot or on a public street in a residential zone-district is prohibited. Exceptions to this prohibition are licensed passenger vehicles, or noncommercial motor vehicles; vehicles displaying license plates issued to a handicapped person and imprinted with the international wheelchair symbol; or vehicles displaying a valid parking card issued by the State of Ohio to handicapped persons and the following:
- (1) Such vehicle may be so placed, parked and permitted to stand for a period during the delivery therefrom or the pickup of articles or materials to be used or consumed on the related premises.
 - (2) When such vehicles are used in connection with constructing, altering, repairing, maintaining or cleaning a building on such lot when the described work is in process.
 - (3) One (1) single rear-axle four-wheel vehicle described as a pickup truck, van or panel truck, and not exceeding three-quarter (3/4) ton capacity or its equivalent gross weight, may be stored or parked in a private parking garage with the garage doors closed on a residential premise provided all of the following conditions are observed:
 - A. There are no offensive odors emitted from the truck.
 - B. There is stored within the confines of the truck only such items as hand tools, spare parts and small amounts of supplies and/or other items of personalty. In no event is such vehicle to be used as a warehouse for the storage of substantial goods, supplies or other materials.
 - C. There are no animals, fish or fowl stored in the truck.
 - D. There are no foodstuffs or other organic materials stored in the truck which would create a condition that would attract, harbor or contain vermin, insects or rodents.
 - E. The storing of the truck in a private parking garage shall not cause the displacement of a passenger vehicle or vehicles in such manner as to result in a violation of other provisions of this Zoning Code.
 - F. There are no health or safety hazards caused in permitting the garaging of a truck.

- G. The use and garaging of a truck shall not result in a public nuisance which is offensive to neighboring property owners or residents by reason of excessive noise, late hours of truck use, intensity of activity or other such reasons.
 - H. The truck shall be maintained, at all times, in good mechanical condition and exterior appearance.
 - I. No maintenance and repair work on the truck shall be done on the property, except of an emergency nature.
 - J. No such vehicle shall be used in conjunction with any "home occupation" not authorized by the terms of this Zoning Code.
 - K. An annual permit which shall be affixed to the vehicle in plain view shall be obtained from the Zoning Administrator or designated agent for the authority to garage a truck as described in this subsection (c) and payment of the applicable fee shall be required.
- (4) Subsection (c)(3) hereof shall not be applicable to vehicles licensed as noncommercial vehicles, or to vehicles not exceeding three-quarter (3/4) ton capacity or its equivalent in gross weight, that are used exclusively for purposes other than engaging in business for profit, bearing no commercial signage, and that display either license plates issued to a handicapped person and imprinted with the international wheelchair symbol, or a valid parking card issued by the State of Ohio to handicapped persons.
- (d) Parking of Recreation Vehicles in a Residential District. The parking of recreation vehicles as an accessory use in a residential district is subject to the following:
- (1) Except as otherwise provided in this section, boats, campers, trailers, and similar equipment owned and used by the occupants of the premises may be stored on such premises, provided such storage is not in the open but is in a private parking garage.
 - (2) Notwithstanding the provisions of subsection (d)(1) hereof, not more than one (1) open air parking space for a recreation vehicle used for recreational purposes by the occupants of the dwelling may be located in a rear yard provided that:
 - A. Such parking space shall be included in the accessory building area allowances otherwise prevailing for this site and shall not be in addition to such area allowance.
 - B. The recreation vehicle shall not have fixed connections to electricity, water, gas or sanitary sewer facilities and at no time shall the recreation vehicle be used for living or housekeeping purposes.
 - C. The recreational vehicle shall not be stored outside of a private parking garage unless adequate screening thereof has been established to the satisfaction of the Zoning Administrator. Adequate screening shall consist of building walls, fencing as permitted by this Zoning Code, or evergreen plantings in accordance with the Plantings List approved by the Planning Commission. In determining adequacy of screening, the Zoning Administrator shall consider the size of the lot in question, the proximity of buildings on adjacent property, the size of the recreational vehicle, the existing landscaping or screening on adjacent properties, and all other relevant considerations. At least five (5) days before the Zoning Administrator makes any determination as to the adequacy of the screening, he or she shall cause notices to be sent to the contiguous properties.

- D. A recreation vehicle may be parked in a parking or driveway area anywhere on the premises for loading or unloading purposes for a period of not more than forty-eight (48) hours in any consecutive twenty-one (21) day period.
- E. An annual permit shall be obtained from the Zoning Administrator or designated agent for the recreation vehicle open air parking space described in this section, and payment of the applicable fee shall be required.

...

Prohibited Uses

1167.01 SPECIFICALLY PROHIBITED USES

- (c) Wrecking or dismantling of junk motor vehicles except within a private parking garage pursuant to Section 1161.08.

Proposed: 6/7/2021

ORDINANCE NO. 70-2021 (PD)

By Council Member

An Ordinance introducing amendments to various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to update the City's regulations regarding private parking garages and other ancillary changes, and transmitting the same to the Planning Commission.

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

WHEREAS, pursuant to Section 1119.01 of the Codified Ordinances of the City of Cleveland Heights, such amending Ordinance may be introduced upon Council's own initiative; and

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

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

WHEREAS, on March 20, 2017 the City Council adopted the City of Cleveland Heights Master Plan (the "Master Plan"); and

WHEREAS, the Master Plan contains much discussion, analysis, and actions regarding transportation and parking; and

WHEREAS, based upon repeated inquiries from residents, the number of applications at the Architectural Board of Review ("ABR") and the Board of Zoning Appeals ("BZA"), and review of the existing regulations related to parking within the City, those regulations do not present standards that are consistent with best practices and modern vehicular use; and

WHEREAS, City staff reviewed the regulations of neighboring municipalities, other municipalities in Ohio, and the United States for best practices; and

WHEREAS, in order to respond to the issues with the Zoning Code and implement the actions of the Master Plan, zoning text amendments that revise the parking regulations are necessary; and

ORDINANCE NO. 70-2021 (PD)

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

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

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

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

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for the introduction of the proposed zoning amendments to be effective at the earliest time possible so that said amendments can be timely considered and acted upon by the Planning Commission for the benefit of the City and its residents. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON STEIN
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED: