



CLEVELAND HEIGHTS

COUNCIL UPDATE

September 24, 2021

MEETINGS & REMINDERS

There is **NO Council Committee of the Whole meeting** on **Monday, September 27**.

There will be a **Public Hearing** on **September 30th at 6:00 p.m.** on the proposed changes to the Zoning Code with regards to private parking garages and other ancillary changes.

Thursday, September 30	6:00 p.m.	Public Hearing – Zoning Code City Hall - Council Chambers
	7:00 p.m.	Transportation Advisory Committee Online
	7:00 p.m.	Racial Justice Task Force Online
Monday, October 4	6:30 p.m.	Council Committee of the Whole City Hall - Council Chambers
	7:30 p.m.	City Council Meeting City Hall – Council Chambers

LEGISLATION

- **Zoning Ordinance.** 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

- Thursday, September 30th there will be a Public Hearing at 6:00pm of the City Council. The topic is changes in the Zoning Code that must be approved/voted on by Council. The Planning Director will present the changes and there will be public comment. The changes

will come before Council for a vote on Monday October 4th at the regularly scheduled Council meeting.

- The City has contracted with Gannett Fleming Engineers and Architects, P.C. to do a peer review of the Dam report provided by NEORSD. They will complete the initial review within two weeks. This will be followed by a virtual meeting to present their initial findings and answer questions from representatives of the City. Following the virtual meeting, they will provide a written report on the adequacy of the studies. The report will be within two weeks of the virtual meeting. (Please see the attached Scope of Services).
- NEORSD is releasing an RFP/RFQ today for work to be anticipated at the Horseshoe Lake Dam site. This is so that they can follow their timeline established in the event that work will proceed.
- There are no block parties this weekend.

SCOPE OF SERVICES

Client: The City of Cleveland Heights, Ohio

Project Name: Peer Review of Dam Report for City of Cleveland Heights

The services under this Agreement shall consist of the following:

Gannett Fleming will perform a peer review of studies completed by others related to stormwater management and dams owned by the Cities of Cleveland Heights (City) and Shaker Heights relative to the state of the practice. It is anticipated that the studies that Gannett Fleming will review will include hydrologic and hydraulic analyses and an evaluation of engineering alternatives to address identified deficiencies at the dams and that the evaluations may also consider geotechnical, environmental and economic considerations. The review will consider the reasonableness of the methodology used for the evaluation and the conclusions presented based on professional standards accepted in the industry.

Gannett Fleming will complete the initial review within two weeks of notice to proceed. Following the initial review Gannett Fleming will participate in a virtual meeting to present the initial findings and answer questions from representatives from the City. Following the virtual meeting, Gannett Fleming will provide written commentary on the adequacy of the studies. The written commentary will be provided within two weeks of the virtual meeting.

Extra Services not included in Scope, but available upon request of the Client.

1. Independent analyses of the subject matter of the studies are not expected to be required and are not included within this scope of services.

2. Site visits and in-person meetings are not expected to be required and are not included within this scope of services.



ECONOMIC DEVELOPMENT REPORT – September 21, 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, August 11, and September 1.

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 is scheduled to be considered by City Council at the October 4, 2021;
- 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:

- The RFQ/RFP for the rehabilitation/redevelopment of Buildings #1, #2, & #3 was issued on 8/27/2021. The deadline for interested qualified Developers to submit proposals to the City is currently October 29, 2021.

TOP OF THE HILL:

- Construction on the project continues, with the completion date anticipated to be July of 2022 with a ribbon cutting soon thereafter;



MEMORANDUM

To: Susanna Niermann O'Neil, City Manager

From: Eric Zamft, Planning Director

Date: September 20, 2021

Subject: Bi-Weekly Planning Department Update

HIGHLIGHTS OF PLANNING INITIATIVES

ZONING

A public hearing on proposed changes to the Zoning Code with regards to garages and other ancillary changes has been scheduled for September 30, 2021 at 6 PM. It is staff's recommendation that Council adopt the Planning Commission's suggested modifications that evening. The public is encouraged to participate and comment. More information, including the most recent draft of the proposed zoning amendments, can be found here: <https://www.clevelandheights.com/183/Planning-Department>

Staff is closely coordinating with First Suburbs on their Single-Family Housing Zoning project, which is led by the County Planning Commission. The Phase One presentation by the County Planning Commission to First Suburbs has been uploaded to the Planning Department webpage: <https://www.clevelandheights.com/183/Planning-Department>

Staff continues to work with the Planning Commission, the Law Department, Council and others to identify, discuss, and, ultimately, propose additional changes to the Zoning Code, including rain gardens/rain barrels, additional parking revisions, and accessory dwelling units (ADUs). If the public has any ideas regarding further zoning changes, please email those to planning@clvhts.com.

HISTORIC PRESERVATION DESIGN GUIDELINES

Staff is working closely with consultant Naylor Wellman, the Landmark Commission, and Architectural Board of Review (ABR) on the preparation of Historic Preservation Design Guidelines. A final draft has been submitted to the State Historic Preservation Office (SHPO) for review, with the project set to close out on September 30th. Once approved by SHPO, the Landmark Commission will adopt, ABR will begin utilizing, and staff will share with applicants

as a resource. Information about the project, including the presentations and the final draft of the guidelines, can be found here: <https://www.clevelandheights.com/1435/Historic-Preservation-Design-Guidelines>

CEDAR-LEE-MEADOWBROOK REDEVELOPMENT

Community and stakeholder engagement are key to the evaluation of any redevelopment of Cedar-Lee-Meadowbrook. To that end, Planning staff has developed a clear framework of meetings to occur, reflective of both early engagement and the formal City review and approval process. The public is encouraged to comment early and often, utilizing the project webpage comment form or emailing directly to planning@clvhts.com.

Given that parking and traffic are of particular import in the District, the City retained DESMAN Associates and WSP to conduct, respectively, parking and traffic studies. The studies not only involve quantitative analyses, but also will consider the community and stakeholder engagement noted above, including input from the August 5, 2021 community workshop at the Library. The consultant teams are working on evaluating 1) existing conditions within the District, 2) recommendations on parking/traffic improvements to improve conditions today prior to any new development, and 3) additional recommendations for improvements that would be necessary as a result of the project – both during construction and after it is built. Staff is currently reviewing that documentation on existing conditions and the consultants' recommendations to improve conditions today prior to any new development and anticipates that it will be posted on the project website for public view in the coming weeks.

The Flaherty & Collins project team is now working on taking their original RFP concept and developing a site plan and architectural details for formal review. Planning staff is working closely with the F&C project team to review the public, stakeholder, and professional staff comments and ensuring that they synthesize it into their plan.

Staff is putting together a timeline of the City's master planning activities around the site, as well as a "Frequently Asked Questions (FAQ)" to help the public understand the project and process better. All materials regarding the project, including those materials from the community meetings to date, have been posted on the project webpage. Staff will continue to update the webpage (<https://www.clevelandheights.com/1154/Cedar-Lee-Meadowbrook>) and provide more information in upcoming bi-weekly Planning Department reports.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME ADMINISTRATION

FY 2021 CDBG funding has been released, allowing the City to submit reimbursement requests. The CAC and City Staff are currently in the process of developing recommendations for City Council to review and finalize in preparation for the Year 48 (2022) Annual Action Plan.

TRANSPORTATION

The City has been hard at work on transportation issues:

- Staff continues to work with the County, the SIDs, neighborhood groups, other City staff, and the scooter vendors on the implementation of the County-wide micro-mobility network, which includes e-scooters. Most recently, staff participated in a meeting with the County to discuss rebalancing stations where the e-scooters are to be parked and the requirements for Federal funding to pay for such stations.
- Planning staff is working closely with the Department of Public Works and Transportation and Environmental Sustainability Advisory Committee (T&ES) on finalizing a Complete and Green Street Checklist.
- The City recognized Car Free Day/Park(ing) Day locally on September 17, 2021. This is embodied in the temporary parklet that was installed on Cedar Road. The City also supported Cleveland State University APA's celebration of Park(ing) Day on September 20, 2021 and Greater Cleveland Regional Transit Authority's celebration of Car Free Day (rescheduled from September 22, 2021 to a virtual event).
- Staff is working on the implementation of the Compton Road Greenway study. As a result of conversations with the City of Cleveland and their Franklin Boulevard traffic calming project, the next step is for the City to retain an engineer to provide a preliminary design of the Greenway elements, which would allow for further engagement with the community. Staff was invited by the Boulevard Neighbors neighborhood group to their block party that was held on September 19th to demonstrate the concepts and principles of the Greenway.



Other transportation activities include:

- South of Cedar Parking and Traffic Study Implementation – Staff met with residents of Hardcourt Drive to discuss their concerns and possible next steps. A follow-up meeting is scheduled for October 7, 2021.
- Mayfield Road Corridor Multimodal Plan Implementation / Streetscape Improvements
- Taylor Road Study Implementation

PLACEMAKING & PARK PLANNING; SUSTAINABILITY

Planning is helping to guide a number of placemaking activities, working collaboratively with the Manager's Office and other departments. The Planning Department, Parks and Recreation Department, and GIS are working together to identify open space and recreation opportunities, develop recommended inquiry process and policies, and understand budgetary and staffing impacts to provide recommendations to the City Manager. These recommendations will be shared by the internal Vacant Lots working group, who is developing a process to present to the City Manager and eventually Council regarding the disposition of vacant City-owned lots, including individual properties. Planning staff and Parks and Recreation staff met with the Cedar-Fairmont SID to discuss open space opportunities in the District. Staff is working with FutureHeights on next steps with regards to the Cedar-Lee Mini Park.

Other placemaking activities include:

- Community gardens
- Additional opportunities for passive and active spaces
- Collaborating with Heights Tree People on additional tree planting in the City, including on its borders with the Cities of Cleveland and East Cleveland

REDEVELOPMENT OPPORTUNITIES

Staff has been discussing with the Boulevard Neighbors neighborhood group and FutureHeights the future of the privately-owned Park Synagogue on Mayfield Road. Recently, the Park Synagogue selected Sustainable Community Associates (SCA) as the developer. Staff will be coordinating with SCA in the coming weeks. SCA has established a website for the public to submit ideas, comments, and concerns on the master planning of the site: <https://sustainableca.com/park/>. Staff has also been coordinating with FutureHeights and their Severance Town Center working group, as well as Community Engagement Committee.

OTHER

- **Grants** – Staff examines opportunities for funding as they arise. This effort, in many cases, involves coordinating with other City departments and/or outside agencies. As these planning-related grant and funding opportunities materialize, they will be presented in the bi-weekly Planning Department reports.

- ***Role as Zoning Administrator and Administrative Approvals*** – Planning staff serves as the Zoning Administrator and provides administrative approvals for a number of permitted activities. These include: fence permits, Temporary Expansion Area (TEA) permits, mini-split air conditioning systems, and chicken coops, among others. Also, in this role, zoning-related complaints are reviewed and action is taken, if necessary. Finally, in this role, education is important, to work with other departments, property owners, and merchants on aspects of the Zoning Code – for example the City's Commercial and Mixed-Use District Design Standards/Window Transparency.

COORDINATION WITH ECONOMIC DEVELOPMENT DEPARTMENT INITIATIVES

- *Neighborhood Redevelopment Program (NRP), Phase 1* – Start Right CDC has appeared before the Architectural Board of Review (ABR) for a preliminary review of a proposed model home to be constructed on 961 Nelaview Road. They are anticipated to come to a future ABR meeting for formal approvals, as well as the Board of Zoning Appeals (BZA, see below). Planning staff will work with Economic Development to coordinate any community engagement and design review of the Desota phase that is being undertaken by Liberty Development Company/Amato Homes.
- *Cedar-Lee-Meadowbrook Redevelopment* – See above.
- *Unitarian Church Redevelopment* – Planning staff has been participating in discussions regarding the potential redevelopment of the Unitarian Church site and adjacent properties, including the potential implications with regards to public parking and the zoning of the redevelopment site.
- *Other Economic Development Initiatives* – Planning staff provides input and support on other initiatives, including additional NRP phases, the Taylor-Tudor Plaza properties, the Storefront program, solid waste needs for businesses, other redevelopment opportunities, developing additional funding mechanisms within the City, Top of the Hill landscaping plan, etc.

BOARDS AND COMMISSIONS

The Department of Planning assists the activities of the Architectural Board of Review (ABR), Board of Control, Board of Zoning Appeals (BZA), Landmark Commission, and Planning Commission, and provides staff assistance to the Citizens Advisory Committee (CAC), Racial Justice Task Force, Transportation & Environmental Sustainability Advisory Committee (T&ES), and City Council (when needed). Below are tables of both active and recently approved applications managed by the Department.

Note that there are a number of vacancies on the City's boards and commissions. Residents are encouraged to volunteer for these very important civic bodies. See <https://www.clevelandheights.com/1169/Boards-and-Commissions-Application> for more information.

ARCHITECTURAL BOARD OF REVIEW (ABR) – 1st and 3rd Tuesday

At the September 9, 2021 ABR meeting, the following applications were discussed and approved:

Address	Case #	Project Description
2537 Lee Road	ABR 2021-196	Request to install signage
13246 Cedar Road	ABR 2021-198	Request to install new signage
3367 Dellwood Road	ABR 2021-199	Request to construct a first-floor addition and new siding, as well as replace windows
3663 Mayfield Road	ABR 2021-200	Request to alter entrance doors and walkway
2195 Lee Road	ABR 2021-201	Request to install new signage
2196 Lee Road	ABR 2021-202	Request to install a patio awning
2707 Colchester Road	ABR 2021-203	Request to install a pergola attached to the garage in rear yard
2210 Lamberton Road	ABR 2021-204	Request to remove roof over back door and replace with patio/porch
1500 Parkhill Road	ABR 2021-205	Request to construct a two-car, detached garage
1153 Hereford Road	ABR 2021-206	Request to install new windows
1854 Coventry Road	ABR 2021-207	Request to install new signage
3342 Chelsea Drive	ABR 2021-208	Request to construct a covered entry porch
3659 Bainbridge Road	ABR 2021-210	Request to replace windows and alter opening size
3406 Ormond Road	ABR 2021-211	Request to replace front porch
3137 Fairmont Boulevard	ABR 2021-212	Request to install new patio and walkway
3065 Berkshire Road/1984 Cottage Grove Avenue	ABR 2021-213	Request to remove entry steps and replace an entry door with a window
2483 Queenston Road	ABR 2021-214	Request to construct a two-car, detached garage
3648 Berkshire Road	ABR 2021-215	Request to install a wheelchair lift in front yard
2577 Ashton Road	ABR 2021-216	Request to install fence in rear and corner side yards

The following application was not heard at the meeting as additional materials were requested:

Address	Case #	Project Description
3016 Lincoln Boulevard	ABR 2021-197	Request to install new windows

The following application was withdrawn by the applicant:

Address	Case #	Project Description
3500 Northcliffe Road	ABR 2021-209	Request to install a fence in the rear and corner side yards

The next ABR meeting will have been held on September 21, 2021. The agenda from the meeting can be found at: <https://www.clevelandheights.com/DocumentCenter/View/9764>. The results of the meeting will be provided in the next bi-weekly Planning Department report. The next meeting will be held on October 5, 2021. A link to the agenda will be provided in the next bi-weekly Planning Department report.

BOARD OF CONTROL (As needed for the S-1 District)

There was no recent activity involving the Board of Control.

BOARD OF ZONING APPEALS (BZA) – 3rd Wednesday

At the September 14, 2021 BZA meeting, the following application was discussed and approved:

Address	Calendar No.	Project Description
3137 Fairmont Boulevard	Cal. No. 3529	Request a variance to permit a patio to extend more than 6' into the required front yard

The following application was not heard at the meeting as additional clarification was requested:

Address	Case #	Project Description
961 Nelaview Road	Cal. No. 3530	Requests variances to permit new house side yard to be less than minimum 5' required and to permit attached garage with visible door on the street

The next BZA meeting will be held on October 20, 2021. A link to the agenda in a future bi-weekly Planning Department report.

LANDMARK COMMISSION – 1st Tuesday of Odd Numbered Months

At the September 14, 2021 Landmark Commission meeting a number of items were discussed. However, there was not a quorum, so no action was taken at that time. A special meeting is being scheduled to consider the following items.

- Potential Landmarks:
 - Cinder Path, Bradford Road
 - 3417 Fairmount Boulevard
 - Church of the Saviour, 2537 Lee Road
 - 2181 North Taylor Road

The next regularly scheduled Landmark Commission meeting will be held on November 2, 2021. A link to the agenda will be provided prior to the meeting date.

PLANNING COMMISSION – 2nd Wednesday

No applications were received for the September Planning Commission meeting. The next Planning Commission meeting will be held on October 13, 2021.

TRANSPORTATION & ENVIRONMENTAL SUSTAINABILITY ADVISORY COMMITTEE (T&ES) – 4th Wednesday

The next T&ES meeting will be held on September 30, 2021. The agenda will be posted and a link will be included in in a future bi-weekly Director's Report.

CITIZENS ADVISORY COMMITTEE (CAC) – 3rd Tuesday

The CAC Subcommittees presented their recommendations for Year 48 CDBG funding at its September 9, 2021 meeting. The next step will be for the CAC to determine their recommendations to Council following the presentation of the City Administration's recommendations.

RACIAL JUSTICE TASK FORCE

The Racial Justice Task Force's Housing and Economic Opportunity Subcommittee met on Wednesday, September 15th. At this meeting, the subcommittee heard from local experts regarding fair lending and disparities in access to banking services. The Health, Wellness and Education Subcommittee will meet immediately prior to the next regular meeting of the full Racial Justice Task Force will on September 30, 2021. The main Racial Justice Task Force agenda will be posted and a link will be included in in a future bi-weekly Director's Report.



CLEVELAND HEIGHTS

Cleveland Heights City Council Public Hearing – Zoning Code
Thursday, September 30, 2021
6:00 p.m.
City Hall – Council Chambers

Agenda

1. Call to Order
2. Presentation of Proposed Zoning Code Amendments and the Planning Commission Recommendations
3. Public Comment



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: For September 30, 2021 Public Hearing

Subject: Public Hearing 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; Consideration of Adoption

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.

Following the procedures of Chapter 1119 of the Zoning Code, the purpose of the meeting on September 30, 2021 is for Council to hold a public hearing on the proposed zoning text amendments. Staff will present both the original proposal and the Planning Commission's recommendation.

Per Section 1119.07, "[a]fter the public hearing, Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof." Should Council wish this could occur on September 30, 2021 after the close of the public hearing.

Staff Recommendation

Council should open the public hearing. After hearing public comment and closing the public hearing, staff recommends adopting Ordinance No. 70-2021, as suggested to be modified by the Planning Commission.

Attachments

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)

Proposed: 6/7/2021

ORDINANCE NO. 70-2021 (PD), *Second Reading*

By Council Member Ungar

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), *Second Reading*

WHEREAS, on June 7, 2021, Council introduced this Ordinance to amend certain sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights and transmitted the same to the Planning Commission; and

WHEREAS, the Planning Commission held public hearings and discussed this Ordinance at its June 29, 2021 and August 19, 2021 meetings; and

WHEREAS, at the conclusion of its August 19, 2021, meeting, the Planning Commission recommended that Council adopt the Ordinance with a number of suggested; and

WHEREAS, City staff presented the Planning Commission's recommendations to the Committee of the Whole of Council on August 23, 2021 and requested that the public hearing by Council be set for September 30, 2021; and

WHEREAS, Council held a public hearing concerning the Planning Commission's recommendation on September 30, 2021, at 6:00 PM; and

WHEREAS, Council has determined to adopt the Planning Commission's recommendation as set forth herein.

BE IT ORDAINED by the Council of the City of Cleveland Heights, 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 effective at the earliest time possible to align with current zoning trends throughout the nation, 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.

ORDINANCE NO. 70-2021 (PD), *Second Reading*

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

ORDINANCE NO. 70-2021 (PD), *Second Reading*

Exhibit A

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</u> <u>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 (h) <u>Reserved.</u>	Rear only	3	3	NA	0
(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 l)	0
(12) Laundry clothesline	Rear only	3	3	NA	0
(13) Vegetable/edible gardens	(± l)	(± l)	(± l)	(± l)	(± l)
(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 <u>(g)</u>	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 <u>(g)</u>	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

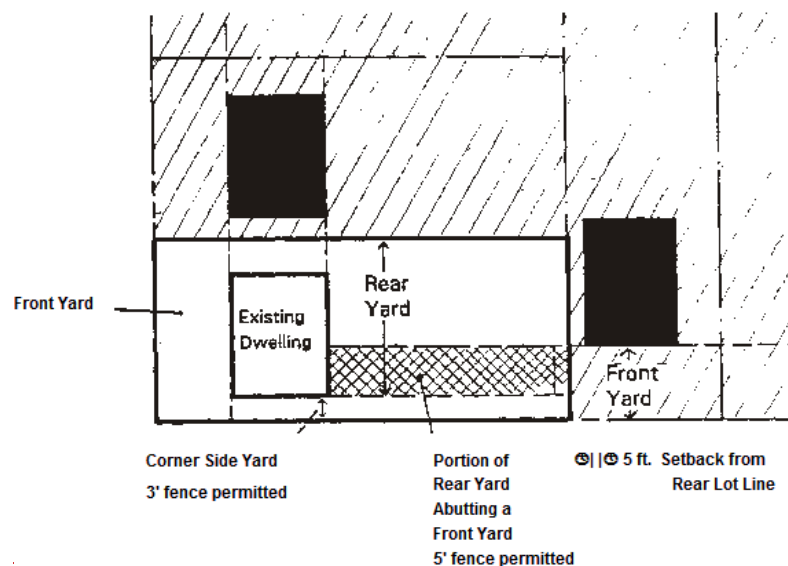
(1) Maximum ~~Floor Area of a~~ Number of Private Parking Garages. A single-family dwelling shall be permitted no more than one (1) attached and one (1) detached parking garage. A two-family dwelling shall be permitted no more than one (1) attached and one (1) detached garage.

- (2) Maximum Floor Area of Private Parking Garages. For a single-family dwelling, with a 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
-----	---	---	---	---

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.

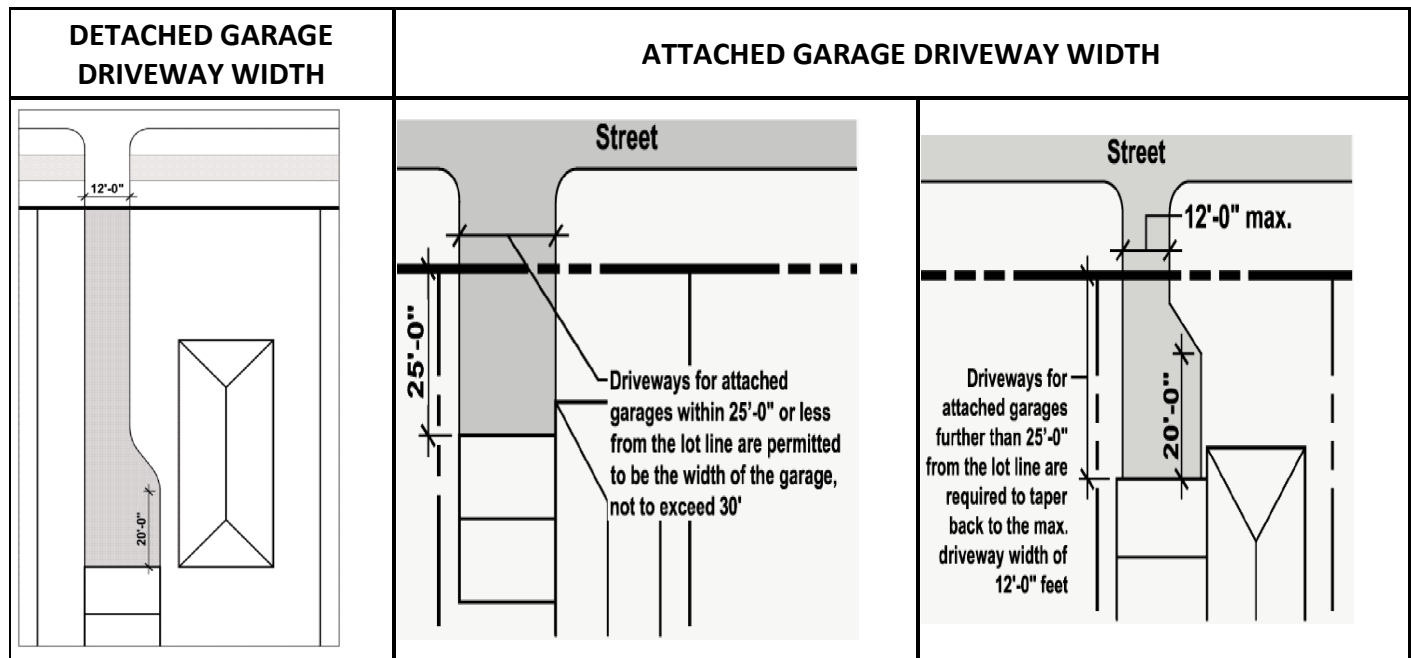
1161.105 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DRIVEWAYS.

(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.
- (~~ed~~) 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(~~ed~~): Paved Wheel Strips). All driveway aprons must comply with the construction and paving requirements of this Zoning OrdinanceCode.
- (~~de~~) 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.

Eric Zamft

From: Jacob Berger <bubkiz@gmail.com>
Sent: Wednesday, July 7, 2021 4:04 PM
To: Eric Zamft, AICP
Subject: Zoning Code Changes

I recently reviewed the proposed amendments to the Cleveland Heights zoning code with regard to garages and off street parking.

I strongly support these changes which will allow families and seniors to invest in their homes and remain in Cleveland Heights. The additional green space allowed by these changes will be very beneficial to families with children and pets while helping the environment.

I urge those in the decision making process to pass these amendments for the betterment of our city.

Sincerely,
Jacob Berger
3543 Shannon Rd, Cleveland Heights, OH 44118

Eric Zamft

From: Tiffany Allen-White <tiffanyallenwhite@gmail.com>
Sent: Friday, July 2, 2021 7:19 PM
To: Eric Zamft, AICP
Subject: Proposed Zoning Code Amendments

Hello,

I am a homeowner who occupies a two-family corner lot in your City. I support these amendments.

Particularly those allowing fencing on the rear of the corner lot. Privacy and safety are very important to me and my tenants. Not being able to have private gatherings or simply allowing the dog or children play outside in a private space has caused undue stress and burden on me and my tenants for the last 5 years. It is a major factor in my decision to maintain my residence in my home or sell it to a corporation who would not actually live here and be active in their community.

I appreciate the consideration of allowing us the same privileges as other homeowners in our community. Please vote in affirmation of the proposed amendments.

Thank you.

Sincerely,

Mrs. Tiffany Allen-White
1185 Castleton Rd, Cleveland Heights, OH 44121
216.288.5214

Eric Zamft

From: Jo Fox <foxjo27@gmail.com>
Sent: Tuesday, June 29, 2021 4:58 PM
To: Eric Zamft, AICP
Subject: Planning Commission

Eric,
On behalf of the Forest Hill Preservation Homeowners Association, I ask that the following comments are forwarded to the Planning Commission to be shared during their review of the proposed amendments to the CH codified ordinances.

We fully support the proposed clarifications & updates to the ordinances, which we agree are long overdue.

- We particularly support addition of 1161.105 (f), clarifying that driveways can be used as an accessory parking space, but with a maximum of two vehicles. In Forest Hill it seems to have become the norm to use driveways as the sole parking area, despite the fact that all homes have attached (mainly 2-car) garages. This results in multiple cars, many of which are now large SUVs, in the driveway. Pick-up trucks and panel vans, many of which we know are used for business purposes, add to the unsightly appearance of what used to be an attractive, garden-like residential neighborhood.
- 1161.105(f) is also important to us in that it includes the condition that the driveway can only be used as an accessory parking space if it is wide enough to accommodate the vehicles without them extending over sidewalks, the street, or landscaped areas. With our relatively narrow driveways and the increased number, size, and type of vehicle, residents walking the neighborhood have become used to having to step into the street or onto wet, muddy tree lawns in order to pass the row of unsightly vehicles lining a driveway from garage to the tree lawn side of the sidewalk. It is also very common for cars to extend onto the landscaping causing deep ruts up either side of the driveway. These are typically left as muddy ruts or are filled with dirt/gravel/wood chips to effectively widen the driveway, either way, these ruts give the look of a decaying neighborhood.
- We also appreciate the proposed changes in which the storage of junk cars and parking of pick-up trucks and panel vans must be within a closed garage. We see too many vehicles that are clearly used for business, such as panel trucks with ladders on the roof or pick-up trucks with construction machinery, parked in driveways.

Eric, some additional comments:

- I could not find any requirement to restore muddy ruts to the landscaping by filling and reseeding (unless a request is made to widen the driveway up to the maximum allowed width of 12 ft.) - did I just miss it or perhaps the existing maintenance requirement of 1161.11 (f) would cover this? 1161.105 (new g) already prohibits the use of gravel and wood chips as surfaces for driveways, which has been the cause of much of the decay we are seeing, that of enforcement of existing ordinances.
- We trust that any amendments will be accompanied by changes at City Hall that will ensure regular inspection and enforcement of ordinances. If the housing stock is to be valued and maintained as the Goals and Objectives of the 2017 Master Plan intended, we see a need for a dramatic increase in Building Dept. staff, resources, and accountability. We also suggest that current fines are increased to make them meaningful and that violations reaching the court are dealt with swiftly and in accordance with the intention of the ordinance and expectation of residents. We are seeing more and more people leaving the neighborhood as their taxes continue to increase and the once beautiful residential neighborhood declines for lack of enforcement by City Hall and court prosecutors.

Thanks,

Jo Fox
FHHO Preservation Committee co-chair.

Eric Zamft

From: Anthony Rupcic <arupcic@sbcglobal.net>
Sent: Sunday, June 27, 2021 10:22 PM
To: Eric Zamft, AICP
Subject: Comments for the June 29th Planning Commission Meeting



Good Evening Planning Commission,

My wife and I have to look at this home located across the street from us in our Forest Hill neighborhood at 3370 Seaton Road daily. This once well maintained home and its landscaping (by the previous owners) is now a disaster. I also believe there maybe some code violations here as well. I know per city ordinance commercial pick-up trucks need to be garaged overnight. The white pick-up truck in the photo is used for commercial purposes (landscaping business). I've seen the truck parked overnight on the street with a trailer attached and continuities to be parked illegally overnight on the cramped driveway when no trailer is attached. None of the vehicles are ever parked in the garage. Given the size of the driveways in the neighborhood and storage requirements needed to operate a landscaping business, this scenario is not compatible for my street or for this home. This is just one example of an ever increasing problem, in the Forest Hill neighborhood of cramping vehicles onto narrow driveways.

The Forest Hill Neighborhood was developed with two car attached garages facing the street. Any proposed changes are especially critical to our neighborhood given our, attached garages coupled with our narrow and short driveways. Fewer residents are now parking their vehicles in their garages. This has now led to an unsightly situation, of ruts along the side of driveways and multiple cars squeezed unto to narrow driveways. I've also seen instances where half the car is parked onto the lawn.

I personally would like to see a limit on the amount of cars that can be parked on the driveway overnight. This limit can be based on the length of the driveway. Additionally the city needs to begin citing residents who now formed ruts on their lawn created by cramping cars onto their narrow driveway. These ruts are not now being cited. Any ruts must be mandated for repair and not be allowed to be filled in with gravel or any other loose stone. Oil stains on driveways also need to be cited. If driveways are enlarged to accommodate additional vehicles, then the whole driveway must be replaced. A patch work of extended concrete never really looks right.

We've lived on this street for 26 years, invested over \$100,000.00 in renovations to restore our home to its original condition. I also volunteered for various community groups, advocated for preservation and good neighborhoods and really believed in Cleveland Heights. Now I am beginning to believe this was all a waste of time as I continue to see the deterioration of my street and my Forest Hill neighborhood with parking scenario's such as this one we highlighted.

Please address as soon as possible as this situation is fast becoming unsustainable.

Regards,

Tony & Angela Rupcic
3363 Seaton Road

Eric Zamft

From: Carla Rutenberg <Carla@Simmertildone.net>
Sent: Friday, June 11, 2021 7:46 AM
To: Jessica Cohen; Eric Zamft, AICP; Kahlil Seren; Melody Joy Hart, CPA, CTP, FP&A; Davida Russell; Jason Stein; Michael Ungar; Mary Dunbar; Craig Cobb
Subject: Parking Reform Could Reenergize Cities

Here's what happened when Buffalo changed its zoning code:

<https://www.nakedcapitalism.com/2021/06/parking-reform-could-reenergize-downtowns-heres-what-happened-when-buffalo-changed-its-zoning-rule.html>

Very important to get parking zoning under control before any more development takes place in Cleveland Heights.

The outrage of hacking down mature forest to create more parking at *Severance* still burns.

Eric Zamft

From: Deborah Van Kleef <dvankleef@igc.org>
Sent: Monday, May 3, 2021 12:31 PM
To: Eric Zamft, AICP
Cc: Jim Miller
Subject: Garages and parking

Hi Eric,

I hope you are enjoying your first spring in Cleveland Heights, snow, rain, heat, pollen and all! I found your recent presentation to Council about garage zoning of interest, and particularly appreciated your reference to the issue of open space.

My husband, Jim Miller, and I are owner occupants of a side-by-side duplex. One of its major selling points was a deep back yard.

We have a two-car garage, plus room to park two additional cars. We know that, if we ever had to replace the garage, the code would require us to build a four-car garage, which would eliminate most of the yard. We would lose trees, shrubs, flowering plants, insect and animal habitat and spaces for gardening, contemplation, and outdoor dining and entertaining, as well as play areas for our tenants' children. All of that would be replaced with impervious paving, increasing heat in the summer and runoff to storm drains from rainwater and melting snow. Multiplied by hundreds or even thousands of aging garages, this requirement will have a significant environmental effect.

During our 30 years as landlords we have never had problems concerning parking. We reserve one garage bay and one outdoor space for our tenants and the same for ourselves. We would much rather clean snow off a car during the winter than give up the benefits of our yard. Our tenants, most of whom have used the yard as much as we do, have never complained. I'm sure we are not the only Cleveland Heights residents who feel this way.

Finally, I'm going to digress a little and mention an issue that is related, though I assume it is addressed elsewhere in the code. As you know, parking is prohibited from 3:00 to 6:00 a.m. on most streets in Cleveland Heights. For 20 years my husband was chief probation officer for the Cleveland Heights Municipal Court. He clearly remembers an incident that took place in the late 1980s. He attended a Committee of the Whole meeting to address City Council on different issue, but listened to a brief discussion about continuing the overnight parking ban. For advice on this matter, Council turned to then-Chief of Police Martin Lentz. The chief stated that in his opinion the ban should remain in force due to public safety considerations. That concluded the discussion. There was no further inquiry into environmental or other concerns.

Actually, I wonder whether 24-hour on-street parking might increase public safety, since there would be more activity on the streets and therefore more eyes to keep watch. It would also make it easier for the city to stop requiring larger garages and additional paving.

I hope you and your staff will take these concerns into consideration as you work with the law department to revamp the parts of the code that concern garages.

Thank you.

Deborah

Deborah Van Kleef (she/her)

dvankleef@igc.org

216-215-7056

3251 Clarendon Road

Cleveland Hts., OH 44118