

ORDINANCE NO. 010-2025(PD), *Second  
Reading*

By Mayor Seren

An Ordinance introducing amendments to various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to update the City's regulations regarding enclosed private parking garage regulations, driveway widths, accessory parking, fences, frontages and yards, sidewalks/shared-use paths, landscaping requirements, non-conformities, yard requirements in residential districts, PRD District, zoning complaints, role of the Zoning Administrator, inclusive language, and general changes to ensure consistency within the Zoning Code, and transmitting the same to the Planning Commission.

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

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

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

WHEREAS, pursuant to Section 1119.08 of the Codified Ordinances of the City of Cleveland Heights, the Planning Commission is required annually to review the Zoning Code and make recommendations to Council; and

WHEREAS, during the course of 2023, the Planning Commission has discussed elements of the Zoning Code with staff from the Departments of Planning & Development and Law as a result of cases that have appeared before them; and

WHEREAS, as a result of that review and in compliance with Section 1119.08, on December 6, 2023, this Commission adopted a resolution that recommended a number of proposed zoning text amendments; and

WHEREAS, during the course of 2024, the Planning Commission had discussed elements of the Zoning Code with staff from the Departments of Planning & Development and Law and the desire to update the adopted December 6, 2023 Planning Commission resolution; and

ORDINANCE NO. 010-2025(PD)

WHEREAS, at the March 13, 2024, August 14, 2024, October 9, 2024, November 13, 2024, and December 11, 2024 Planning Commission meetings, the Planning Commission discussed with staff areas of the Zoning Code that needed review or topics that are not reflected in the Zoning Code, including, but not limited to: enclosed private parking garage regulations, driveway widths, accessory parking, fences, frontages and yards, sidewalks/shared-use paths, landscaping requirements, non-conformities, yard requirements in residential districts, PRD District, zoning complaints, role of the Zoning Administrator, inclusive language, and general changes to ensure consistency within the Zoning Code; and

WHEREAS, as a result of that review and in compliance with Section 1119.08, on December 11, 2024, this Commission adopted an updated resolution that recommended a number of proposed zoning text amendments.

NOW, THEREFORE, BE IT RESOLVED 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 amendments to Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights, as set forth in **Exhibit A** attached hereto.

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

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

SECTION 4. This Ordinance shall take effect and be in force at the earliest time permitted by law.



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TONY CUDA  
President of Council



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ADDIE BALESTER  
Clerk of Council

PASSED: February 18, 2025

Presented to Mayor: 02/18/2025

Approved: 02/28/2025



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KAHLIL SEREN  
Mayor

## **Exhibit A**

**PLANNING COMMISSION  
ANNUAL CODE REVIEW**

**PROPOSED ZONING TEXT AMENDMENTS:**

**ENCLOSED PRIVATE PARKING GARAGE REGULATIONS**

**DRIVEWAY WIDTHS**

**ACCESSORY PARKING**

**FENCES**

**FRONTAGES AND YARDS**

**SIDEWALKS / SHARED-USE PATHS**

**LANDSCAPING REQUIREMENTS**

**NON-CONFORMITIES**

**YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS**

**PRD DISTRICT**

**ZONING COMPLAINTS**

**ROLE OF THE ZONING ADMINISTRATOR**

**INCLUSIVE LANGUAGE**

**GENERAL CHANGES TO ENSURE CONSISTENCY**

**December 11, 2024**

## CHAPTER 1103

### Definitions

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

#### CROSS REFERENCES

- ~~Planned Development (PD) defined - see P. & Z. 1141.02~~
- ~~Landscaping and screening definitions - see P. & Z. 1165.05(a)~~
- ~~Regional Dwelling House Code definitions - see BLDG. 1301.02 (RDH Ch. 17)~~
- Housing Code definitions - see BLDG. Ch. 1341
- Business Maintenance Code definitions - see BLDG. Ch. 1361

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#### 1103.02 SPECIAL MEANINGS.

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

#### 1103.03 DEFINITIONS OF GENERAL TERMS.

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

- (a) The following are general terms of reference:
  - (1) "Board" means the Board of Zoning Appeals of Cleveland Heights, Ohio. (See Chapter 1109.)
  - (2) "City" means the City of Cleveland Heights, Ohio.
  - (3) "Commission" means the City Planning Commission of Cleveland Heights, Ohio. (See Chapter 1111.)
  - (4) "Commissioner of Building" ~~means the individual designated by the Mayor as being in charge of the Division of Building in the Department of Public Service, and is defined in Chapter 1341, Section 1341.05 and is synonymous with "Building Commissioner".~~
  - (5) "Council" means the City Council of Cleveland Heights, Ohio.
  - (6) "Date of passage" means the date upon which this Zoning Code was passed by Council.

(7) "District" means a part of the City wherein regulations of this Zoning Code are uniform as classified by the provisions of Chapter 1105.

(8) "Mayor" means the Chief Executive Officer of the City.

(9) "Municipal" means anything of or pertaining to the City.

(10) "Public notice" means advance notice of a hearing or proceeding as prescribed in this Zoning Code which states the subject matter to be heard and the time and place of the hearing or proceeding.

(11) "Zoning Administrator" means the Planning and Development Director or the Director's designee. (See Chapter 1107.)

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

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(25) "Conditional use" means a use permitted in a district other than a principally permitted use ~~which that~~ is allowed only under certain conditions, requiring a conditional use permit as regulated in Title Seven and approval of the City Planning Commission or Zoning Administrator, in accordance with the standards and procedures of Sections 1115.08 and 1115.09.

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

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

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

A. "Corner lot" means a lot abutting on two (2) streets at their intersection where the angle of such intersection is not more than 135 degrees.

~~B. "Interior lot" means a lot with only one (1) frontage on a street.~~

~~C.~~ "Through lot" means a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

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(88) "Planned Development" shall mean an area of land in which a variety of residential, commercial, and/or ~~office other~~ uses are accommodated as a conditional use in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions

that would normally apply under the standard district regulations. The procedure for approval of such development contains requirements in addition to those of permitted uses.

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(119) ~~“Yard, corner side” means on a corner lot, the yard between the principal building and the side lot line adjacent to the street and extending from the front yard to the rear lot line Reserved.~~

(120) “Yard, front” means a yard across the full width of the lot extending from the front of the principal building to the front lot line. ~~On a residential corner lot in a residential district, the front yard shall face the shorter street dimension of the lot except that if the lot is square or almost square; i.e., has depth to width dimensions in a ratio of from 3:2 to 3:3, then the front yard may face either street. On a corner lot of a nonresidential use or in a nonresidential district, the front yard shall face the major street.~~

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

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

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

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

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## **CHAPTER 1107** **Zoning Administrator**

1107.01 Establishment.

1107.02 Powers and duties.

### CROSS REFERENCES

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

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

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

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

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

### 1107.01 ESTABLISHMENT.

The Planning and Development Director may designate a person known as the Zoning Administrator to administer and enforce this Zoning Code. The Zoning Administrator may be provided with the assistance of such other persons as the Planning and Development Director may direct.

### 1107.02 POWERS AND DUTIES.

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

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

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

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

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

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

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

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

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

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

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

| (k) Make similar use determinations.

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## **CHAPTER 1109**

### **Board of Zoning Appeals**

- 1109.01 Establishment and duties; rules and regulations.
- 1109.02 Membership; terms of office; ~~chairman~~chairperson.
- 1109.03 Compensation of members; payment of expenses.
- 1109.04 Secretary; duties and records.
- 1109.05 Meetings and quorum.
- 1109.06 Powers and duties of the Board.

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#### **1109.05 MEETINGS AND QUORUM.**

~~Subject to the provisions of Chapter 107 of the Codified Ordinances, all meetings of the Board of Zoning Appeals shall be public and shall be held in the City Hall, at such times as the Board determines. Except as otherwise provided by the Charter or Codified Ordinances, attendance by Board members shall be in person follow the provisions of Section 107.01 of the Codified Ordinances.~~ The presence of ~~three four~~ (34) or more members shall constitute a quorum for the transaction of all business. ~~Except as provided by this section, the transaction of all business and action by the Board shall be effected by the concurring votes of at least three four (34) members. In the case of an appeal to the Board from an order, requirement, decision or determination of the Zoning Administrator or other City official, action to deny an appeal may be effected by a vote of those Board members present. In the case of an appeal, a tie vote shall be deemed to be an affirmation of the order, requirement, decision or determination being appealed and shall, therefore, constitute a denial of the appeal.~~

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## **CHAPTER 1111** **Planning Commission**

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

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### 1111.05 MEETINGS AND QUORUM.

~~Subject to the provisions of Chapter 107 of the Codified Ordinances, all meetings of the Planning Commission shall follow the provisions of Section 107.01 of the Codified Ordinances be public and shall be held in the City Hall at such times as the Commission determines. Attendance by Commission members shall be in person.~~ The presence of four (4) or more members shall constitute a quorum for the transaction of all business and action by the Commission on any matter shall be effected by the concurring votes of at least four (4) members.

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## CHAPTER 1113 Board of Control

- 1113.01 Establishment; powers and duties.
- 1113.02 Membership.
- 1113.03 Meetings and quorum.

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### 1113.03 MEETINGS AND QUORUM.

~~Subject to the provisions of Chapter 107 of the Codified Ordinances, all meetings of the Board of Control shall be follow the provisions of Section 107.01 of the Codified Ordinances public and shall be held in the City Hall, at such times as the Board determines. Except as otherwise provided by the Charter or Codified Ordinances, attendance by Board members shall be in person.~~ The presence of three (3) or more members shall constitute a quorum for the transaction of all business. The transaction of all business and action by the Board of Control shall be effected by the concurring votes of at least three (3) members.

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## CHAPTER 1115

### Procedures

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

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#### 1115.06 APPEALS; PROCEDURE AND HEARING.

Appeals may be taken to the Board of Zoning Appeals by any person adversely affected by a decision of the Zoning Administrator.

(a) Initiation of Appeal. Such appeal shall be taken within thirty (30) calendar days from issuance of notice of the decision of the Zoning Administrator by filing with the Zoning Administrator and the Secretary of the Board of Zoning Appeals a written notice of appeal specifying the grounds thereof and accompanied by the fee established by Council.

(b) Transmittal to the Board. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

(c) Public Hearing by Board. The Board shall select a reasonable time and place for the public hearing of the appeal within seventy-five (75) days of the date the appeal was filed with the Zoning Administrator. Any person affected may appear and testify at the hearing, either in person or by duly authorized agent or attorney, or virtually if the public hearing is held virtually.

(d) Notice of Public Hearing. Before conducting the public hearing required in subsection (c) hereof, notice of such hearing shall be posted on the City's website at least ten (10) days before the date of such hearing. Also, a written notice of the hearing shall be mailed by the Zoning Administrator at least ten (10) days before the day of the public hearing to the appellant, and to owners of any other property deemed by the Zoning Administrator to be affected.

(e) Decision by the Board. The Board shall render a decision on the appeal without unreasonable delay. The Zoning Administrator shall notify the appellant in writing of the decision of the Board, and shall maintain a detailed report of the proceedings and decisions of the Board on each appeal heard by the Board.

(f) Time Frame for Board Action. A person initiating an appeal to the Board may request that the Board decide such appeal within ninety (90) days after the start of the public hearing. An appellant may by subsequent written communication or by oral representation under oath agree to an extension of such prescribed time for Board action. Failure of the Board to act within the

prescribed time (or as so extended) shall, at the election of the appellant, be deemed a denial of the appeal.

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## 1115.08 CONDITIONAL USES; SUBMISSION REQUIREMENTS AND PROCEDURES.

When a proposed use is permitted in a zoning district as a conditional use as set forth in the district regulations, a conditional use permit is required prior to the issuance of a building permit. The owner, or agent thereof, of property for which such conditional use is proposed shall file with the Zoning Administrator an application for a conditional use permit upon forms provided by the Zoning Administrator. Conditional use applications approved by the Zoning Administrator shall be reviewed in accordance with procedures established by the Zoning Administrator. Conditional use applications requiring approval by the Planning Commission shall be reviewed in accordance with the following procedures:

(a) Submission Requirements. An application for a conditional use permit shall be accompanied by plans, elevations, drawings, and other documentation as set forth in Section 1115.09, and the payment of the application fee as established by Council.

(b) Review for Completeness by the Zoning Administrator. Upon receipt of an application, the Zoning Administrator shall, within ten (10) working days, make a preliminary review of the application to determine whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Zoning Administrator shall so advise the applicant of the deficiencies and shall not further process the application until the deficiency is corrected.

(c) Public Hearing by the Planning Commission. The Planning Commission shall hold a public hearing within seventy-five (75) days from the date the application is accepted as complete by the Zoning Administrator.

(d) Notice of Public Hearing. Before conducting the public hearing required in subsection (c) hereof, notice of such hearing shall be posted on the City's website at least ten (10) days before the date of such hearing. In addition, a written notice of the hearing shall be mailed by the Zoning Administrator or designated agent at least ten (10) days before the day of the public hearing to the applicant, the owner of the property if he or she is not the applicant, and to adjacent properties to the attention of the owners of such properties as follows:

(1) Properties on the same side of the street which abut the site on which the building or use is sought to be located;

(2) Properties on the same side of the street next contiguous to the premises so abutting;

(3) Properties across the street immediately opposite the site; and the premises opposite the abutting and contiguous premises referred to in subsections (1) and (2) hereof; and

(4) All other premises abutting the site.

The notice shall set forth the time and place of the public hearing and the nature of the proposed conditional use. The failure of any person to receive such notice shall not affect the right and power of the Commission to hear such application or to take action in accordance with such public notice.

(e) Review by the Commission. The Planning Commission shall review each application for a conditional use permit to determine if such request complies with the purpose and intent of the conditional use regulations as set forth in Title Seven of this Zoning Code.

(f) Action by the Planning Commission. After the public hearing required in subsection (c) hereof, the Commission shall either approve, approve with supplementary conditions as specified in subsection (g) hereof, or disapprove the request for conditional use permit.

(g) Additional Conditions. The Planning Commission may impose such additional conditions, stipulations, safeguards and limitations on the duration of the use as it may deem necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this Zoning Code will be observed. Any conditional use permit when so issued by the Zoning Administrator upon order of the Commission shall set forth such conditions, stipulations, safeguards and duration limit. The Commission may not extend the scope or extend the duration of a conditional use permit previously issued upon its order. Any additional action so desired may be effected only upon application to the Zoning Administrator for issue of a new conditional use permit in accordance with the provisions of this Zoning Code.

(h) Time Frame for Commission Action. An applicant may request that an application for a conditional use permit be acted upon by the Commission within ninety (90) days of the start of the public hearing. An applicant may by subsequent written communication or oral representation under oath agree to an extension of such prescribed time for Commission action. Failure of the Commission to act within the ninety (90) days or extended time period as so agreed upon, shall, at the election the applicant, be deemed a denial of the conditional use permit. A Commission action becomes and is in full force and effect at the time of said Commission action pursuant to Section 1111.05.

(i) Terms of Conditional Use Permit. Each conditional use permit granted by the Planning Commission or administratively by the Zoning Administrator shall state upon its face the time limit within which the applicant shall complete the installation of the use, or the construction or alteration of the structure which is the subject of the application. Failure on the part of the applicant to complete the installation, alteration or construction within the allotted time shall terminate all rights under such conditional use permit. ~~However, the Commission may, for good cause shown, extend from time to time the time limit but in no case more than a date eighteen (18) months from and after the date of the original time limit within which the applicant was required to complete the installation of the use, unless construction is actively underway.~~ If any action is taken that is contrary to the terms of the conditional use permit or contrary to conditions accompanying the conditional use permit, the Commission may revoke such conditional use permit. A conditional use permit issued pursuant to this Chapter shall be valid only to the person to whom issued, unless a transfer of such permit has been approved by the Commission. An applicant may request an extension of its conditional use permit via written communication to the Zoning Administrator. Regardless of whether the conditional use permit was issued by the Planning Commission or administratively by the Zoning Administrator, the Zoning Administrator shall review and may grant such extension.

## 1115.09 REVIEW OF DEVELOPMENT PLANS FOR CONDITIONAL USES.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Review by Zoning Administrator. The Zoning Administrator shall determine that the application contains the above information or, when deemed unnecessary, make a written notation of those items specifically waived.

(c) Development Guidelines Prepared by Planning Commission. The Commission may prepare development guidelines for an area in an S-2 District or for a Planned Residential Development which shall set forth criteria for the development of a particular area. The guidelines shall contain those elements listed in subsection (a) hereof, as necessary, to set forth policy for permitted land use, building envelope, building height, allowable density and parking areas. Such development guidelines as prepared by the Planning Commission shall become the official Development Plan for the project area only upon approval by City Council. Subsequent to the approval of such Development Plan by Council a property owner, or agent thereof, may apply for a conditional use permit to develop all or a portion of the land within the area for which the Development Plan has been adopted. The applicant shall submit a project plan that contains the elements required in subsection (a) hereof to indicate compliance with the adopted Development Plan.

(d) Modifications to a Development Plan. After the issuance of a conditional use permit for a proposed development, the conditions, limitations, and phasing of construction specified in the permit shall only be altered or modified by the approval of a new conditional use permit according to the procedures of Section 1115.08.

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

#### 1115.10 DETERMINATION OF SIMILAR USES.

Where a specific use is proposed that is not listed or provided for in this Zoning Code, the ~~Planning Commission~~Zoning Administrator may make a determination that the proposed use is substantially similar to a specific use that is listed or provided for as a principal or conditionally permitted use in this Code. If the ~~Commission~~Zoning Administrator finds that a use is substantially similar to a specific use listed in this Code, the substantially similar use may be permitted as a conditional use in those districts which have the principal use or conditionally permitted use most similar. Similar uses shall be approved in accordance with the conditional use procedures set forth in Sections 1115.08 and 1115.09.

## **CHAPTER 1117** **Enforcement and Penalties**

- 1117.01 Enforcement by Zoning Administrator.
- 1117.02 Construction and use to be as provided in applications, plans, permits and certificates.
- 1117.03 Zoning Complaints ~~complaints regarding violations.~~
- 1117.04 Entry and inspection of property.
- 1117.05 Stop work order.
- 1117.06 Permit revocation.
- 1117.07 Notice of violation.
- 1117.99 Penalties.

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- 1117.03 ZONING COMPLAINTS ~~REGARDING VIOLATIONS.~~

~~Any person may file a complaint with the Zoning Administrator regarding an alleged violation of the Whenever a violation of this Zoning Code occurs, or is alleged to have occurred, any person may file a complaint according to the rules and procedures established by the Department of Building.~~

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## CHAPTER 1121

### AA and A Single-Family and B Two-Family Residential Districts

- 1121.01 Purpose.
- 1121.02 Permitted uses.
- 1121.03 Principal uses.
- 1121.04 Conditionally permitted uses.
- 1121.05 Accessory uses.
- 1121.06 Minimum lot area and width regulations.
- 1121.07 Minimum lot frontage.
- 1121.08 ~~Minimum yYard~~ requirements for principal uses.
- 1121.09 Dwelling unit requirements.
- 1121.10 Height regulations.
- 1121.11 Buildings permitted on a zoning lot.
- 1121.12 Accessory use regulations.

#### CROSS REFERENCES

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

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#### 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:

- (a) Planned Residential Developments (“PRD”);
- (b) Places of worship;
- (c) Elementary, junior and senior high schools;
- (d) Public libraries;
- (e) Public safety facilities;
- (f) Public and private parks and playgrounds;
- (g) Public recreation facilities;
- (h) Golf courses;
- (i) Cemeteries;
- (j) Public parking (surface parking lot, parking deck, or parking garage) as a principal use;
- (k) Accessory parking ~~spaces for a commercial use, contiguous with uses within a MF-1, MF-2, MF-3, C-1, C-2, C-2X, C-3, S-1, or S-2 District, subject to the regulations of Section 1153.05(f) & Chapter 1161;~~  
~~(l) Accessory parking for a multiple family use contiguous with MF-1, MF-2, MF-3, S-1, S-2, C-1, C-2, C-2X, or C-3 District, subject to the regulations of Chapter 1161;~~
- (m) Day care center and preschool in a school or religious institution;
- (n) Day care home;
- (o) Home occupation in an accessory building;

- (po) Outdoor community festivals;
- (qp) Satellite dish receiving antenna;
- (rq) Attached single-family dwelling units, newly constructed or formed by the resubdivision of existing side-by-side two-family dwellings, may be conditionally permitted in B Districts. In A, AA, and MF Districts, attached single-family dwelling units may be conditionally permitted on lots which contain legally non-conforming side-by-side two-family dwellings, subject to the regulations of Sections 1153.03(b)(50) & 1153.05(aa);
- (sr) Adaptive reuse of non-residential buildings in residential districts;
- (ts) Farmers' markets; and
- (ut) Community gardens.

...

#### 1121.08 ~~MINIMUM~~ YARD REQUIREMENTS FOR PRINCIPAL USES.

(a) Primary and Secondary Front Yards. For each principal use located in the AA, A, and B Districts, front yards shall be provided in accordance with the dimensions specified in the following table, and shall be no less than the building setback line for its lot shown on the Zoning Map.

##### Schedule 1121.08(a) FRONT YARD SETBACKS

<u>District</u>		<u>Minimum Yard in Feet</u>	<u>Maximum Yard in Feet</u>
<u>AA</u>	<u>Primary Front</u>	<u>30</u>	<u>No maximum</u>
	<u>Secondary Front</u>	<u>20</u>	<u>No maximum</u>
<u>A</u>	<u>Primary Front</u>	<u>25</u>	<u>No maximum</u>
	<u>Secondary Front</u>	<u>15</u>	<u>No maximum</u>
<u>B</u>	<u>Primary Front</u>	<u>20</u>	<u>No maximum</u>
	<u>Secondary Front</u>	<u>10</u>	<u>No maximum</u>

(b) Side Yards. For each principal use located in the AA, A, and B Districts, side yards shall be provided in accordance with the dimensions specified in the following table, and shall be no less than the building setback line for its lot shown on the Zoning Map.

##### Schedule 1121.08(b) SIDE YARD SETBACKS

<u>District</u>	<u>Minimum Yard in Feet</u>	<u>Maximum Yard in Feet</u>
<u>AA</u>	<u>10</u>	<u>No maximum</u>
<u>A</u>	<u>5</u>	<u>No maximum</u>
<u>B</u>	<u>5</u>	<u>No maximum</u>

(c) Rear Yards. For each principal use located in the AA, A, and B Districts, rear yards shall be no less than 30 feet.

~~For each principal use located in the AA, A and B Districts, front, side, and rear yards shall be provided in accordance with the dimensions specified in the following table, except as regulated in subsections (a), (b) and (c) hereof. Each yard shall be unobstructed by any structure except as otherwise provided in this Chapter. Such areas, together with all other portions of the zoning lot~~

~~not covered by permitted structures, shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which shall be adequately maintained, so as to assure absorption of rainfall, and to prevent erosion from rapid runoff of surface water.~~

<i><b>District</b></i>	<i><b>Schedule 1121.08</b></i>			
	<i><b>Minimum Dimensions in Feet</b></i>			
	Except as regulated in subsections (a) and (b)			
<i><b>AA</b></i>	<i><b>Front Yard Depth</b></i>	<i><b>Rear Yard Depth</b></i>	<i><b>Each Side Yard Width</b></i>	<i><b>Each Corner Side Yard Width</b></i>
<i><b>AA</b></i>	<i><b>30</b></i>	<i><b>30</b></i>	<i><b>10</b></i>	<i><b>20</b></i>
<i><b>A</b></i>	<i><b>25</b></i>	<i><b>30</b></i>	<i><b>5</b></i>	<i><b>15</b></i>
<i><b>B</b></i>	<i><b>20</b></i>	<i><b>30</b></i>	<i><b>5</b></i>	<i><b>10</b></i>

~~(a) Front Yards on Partially Built up Blocks. Where, on the effective date of this Zoning Code (Ordinance 56 1970, passed December 7, 1970), forty percent (40%) or more of a block face was occupied by two (2) or more dwellings, then the required front yard for a lot proposed for development shall be established in the following manner:~~

~~(1) Where the dwelling farthest from the street provides a front yard not more than ten (10) feet deeper than the dwelling closest to the street, then the required front yard shall be an average of the existing front yards;~~

~~(2) Where subsection (a)(1) hereof is not the case and a lot is within 100 feet of a dwelling on each side, then the front yard is a line drawn from the closest front corners of these two adjacent dwellings;~~

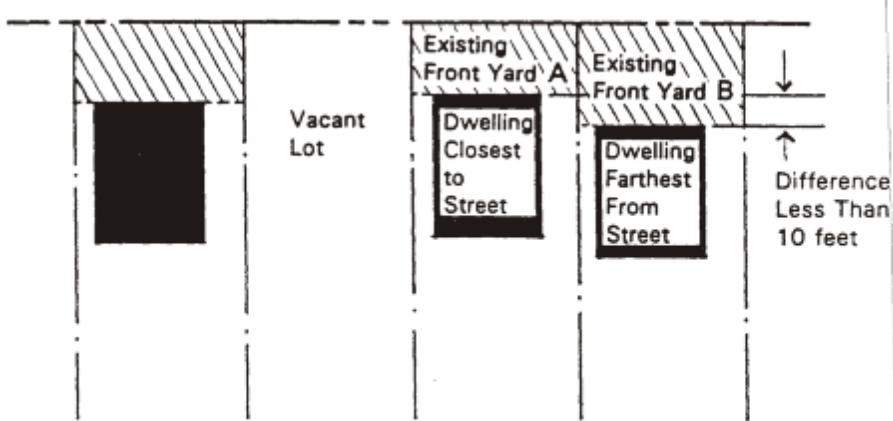
~~(3) Where neither subsections (a)(1) or (2) hereof are the case, and the lot is within 100 feet of an existing dwelling on one (1) side only, then the front yard is the same as that of the existing adjacent dwelling;~~

~~(4) An addition to the front of an existing dwelling shall comply with the required front yard set forth in the above table unless the adjacent dwellings have a front yard greater than required in the above table, in which case the addition shall comply with the front yard regulations established in subsections (a)(1), (2) or (3) hereof as applicable.~~

#### **ILLUSTRATION OF FRONT YARDS ON PARTIALLY BUILT UP BLOCKS IN AA, A AND B DISTRICTS**

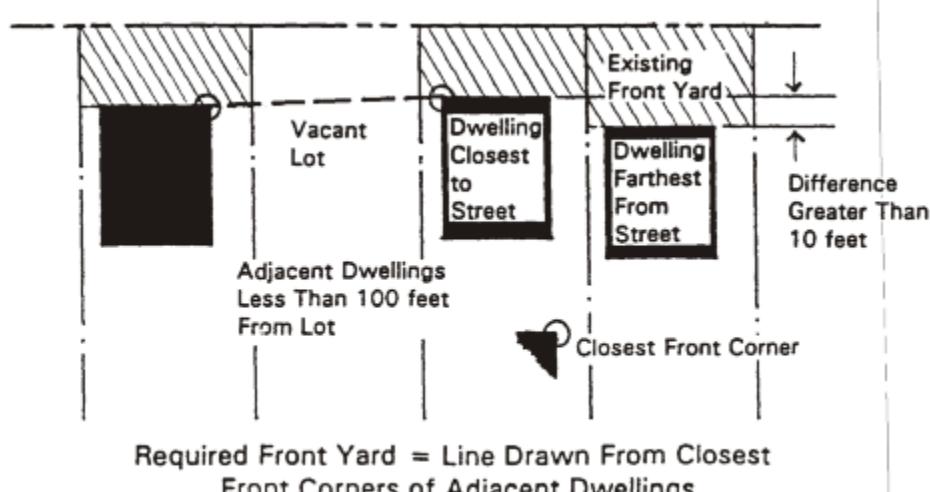
##### **Section 1121.08(a)**

~~(1) When the difference in the depth of existing front yards is less than 10 feet:~~



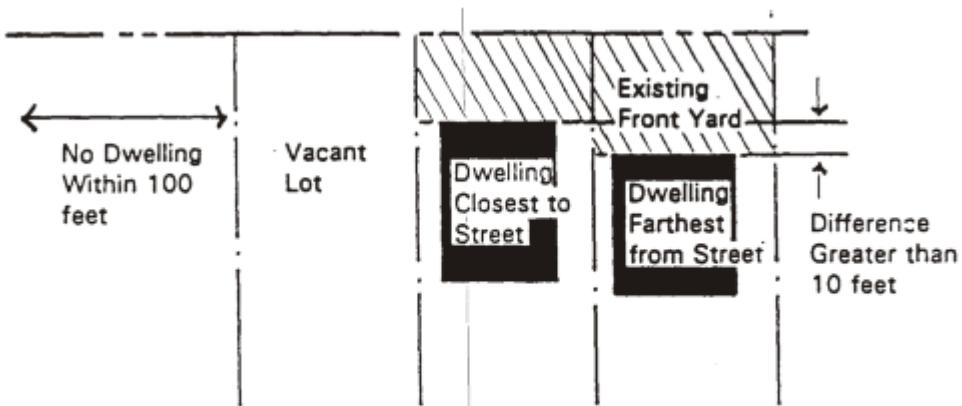
Required Front Yard = Average of Existing Front Yards A and B

~~(2) When the difference in the depth of existing front yards is greater than 10 feet:~~



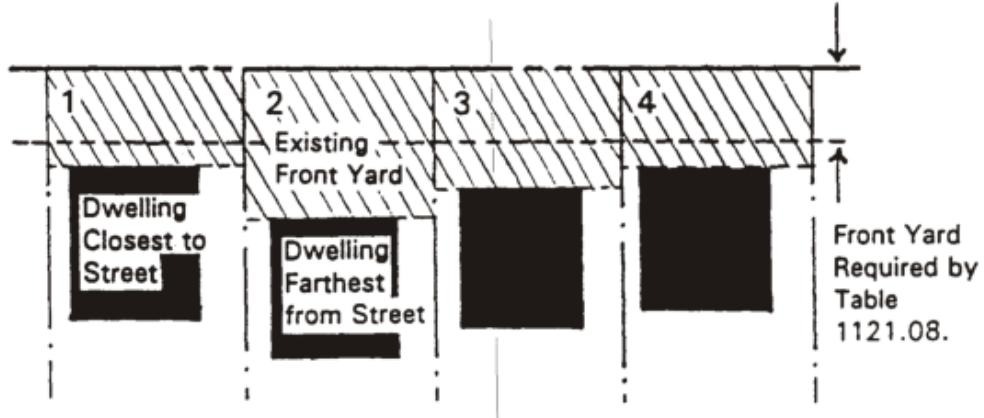
Required Front Yard = Line Drawn From Closest Front Corners of Adjacent Dwellings

~~(3) When there is only one (1) dwelling within 100 feet (and #1 does not apply):~~



Required Front Yard = Same as that of Existing Adjacent Dwelling

— (4) When an addition to the front of an existing dwelling is proposed on a lot when the front yard is greater than required:



Dwelling 1 No addition permitted.

Dwelling 2 May add on to dwelling in compliance with subsection (a)(1) or (a)(2).

Dwelling 3 May add on to dwelling in compliance with subsection (a)(2).

Dwelling 4 No addition permitted.

— (b) Yards on Corner Lots. Where new construction or an addition to an existing building is proposed for a corner lot, such building or building addition shall maintain a corner side yard that complies with the following:

— (1) When the rear lot line of a corner yard coincides with the rear lot line of another corner lot the corner side yard shall be the greater of:

- A. The corner side yard of the abutting corner lot; or
- B. Twenty (20) feet in an AA District; fifteen (15) feet in an A District; and ten (10) feet in a B District.

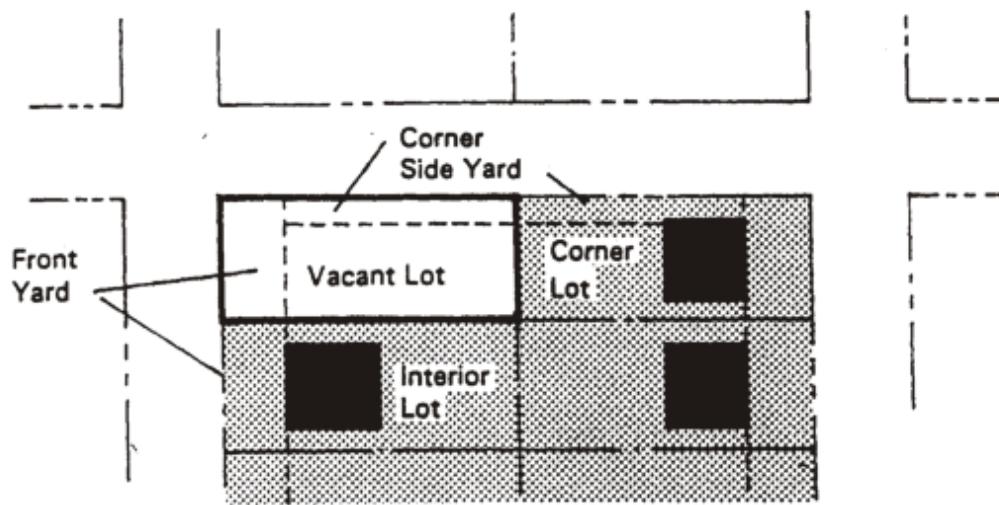
— (2) When the rear lot line of a corner lot coincides with the side lot line of an interior lot, the corner side yard shall comply with the requirements for a front yard, including subsection (a) hereof for front yard dimensions on partially built up blocks.

## **ILLUSTRATIONS OF CORNER SIDE YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS IN AA, A AND B DISTRICTS**

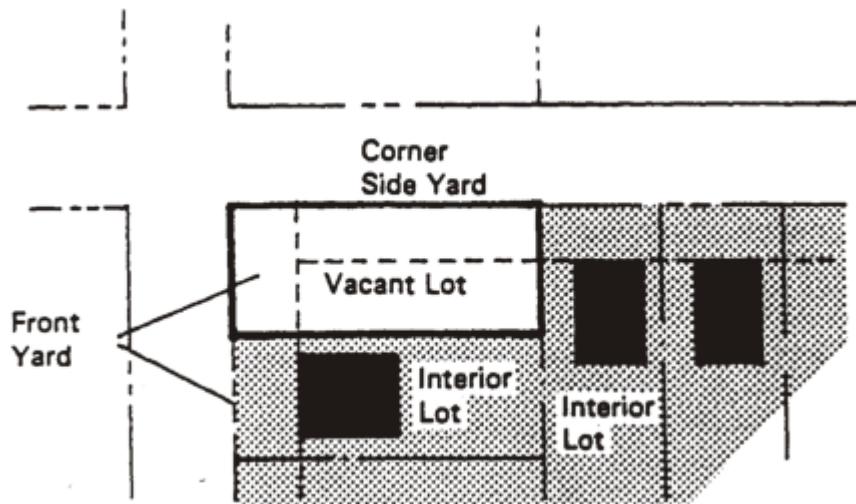
### **Section 1121.08(b)**

— (1) NEW CONSTRUCTION

— (a) Corner Lot Abutting Another Corner Lot.

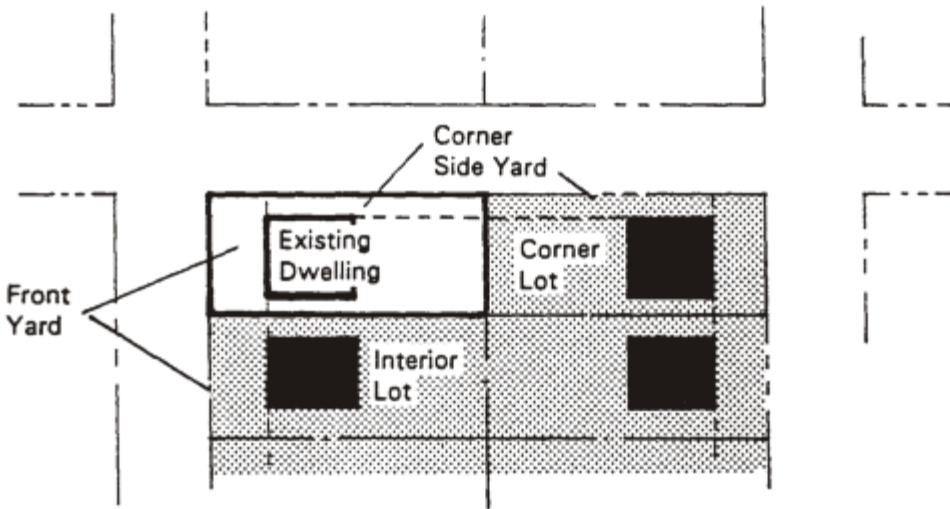


(b) Corner Lot Abutting Interior Lots.

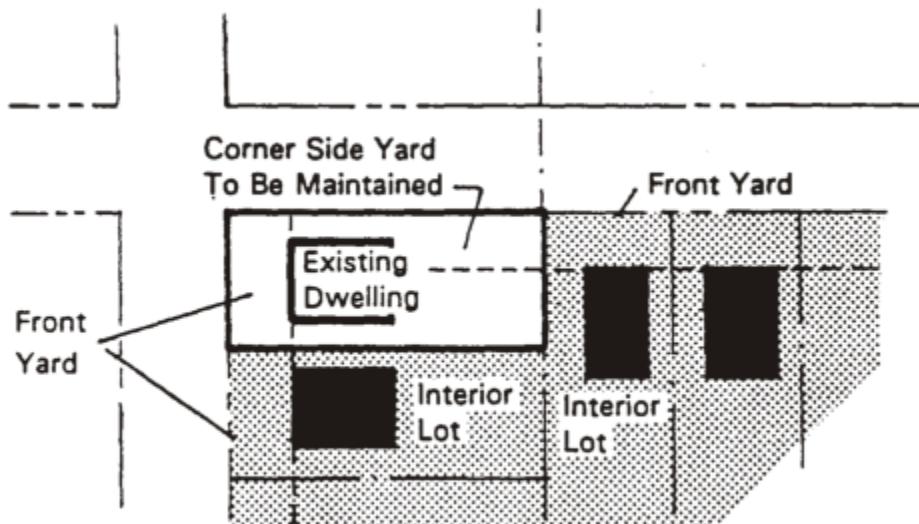


(2) NEW ADDITION

(a) Corner Lot Abutting Another Corner Lot.



(b) Corner Lot Abutting Interior Lots.



(c) Rear Yard Addition Encroachments. Existing single family homes in the A and B Districts on existing lots that do not meet existing lot area requirements may encroach up to ten (10) feet into rear yards for additions if the following standards are met, subject to Zoning Administrator review and approval:

(1) Such encroachment will not alter the essential character of the rear yard development pattern within the block the lot is located upon. The applicant must supply contextual photographs of the general neighborhood. These include photographs of the view of rear yards of structures on either side, as seen from the subject property's rear yard, and photographs of the front facades of the blockface. These may be supplemented with aerial images obtained online.

~~(2) On-site improvements must be made to accommodate detention of the stormwater generated within the area of encroachment by a five year, 24 hour storm event.~~

~~A. Examples of such improvements include, but are not limited to, the use of rain barrels, cisterns, dry wells, French drains beneath driveways, permeable pavers or porous asphalt. The Zoning Administrator may require that the improvements be permanent in nature, such as semi-pervious surfaces, cisterns and French drains. Landscaping improvements such as rain gardens may also be permitted to satisfy this requirement.~~

~~B. The City may require the applicant to provide a detention plan prepared by a civil engineer. This would be determined on a case by case basis.~~

...

## 1121.12 ACCESSORY USE REGULATIONS.

...

### Schedule 1121.12(a)

#### MINIMUM YARD REQUIREMENTS FOR ACCESSORY BUILDINGS AND STRUCTURES

<i>Permitted Use, Structure, Building</i>	<i>Yard in Which Permitted</i>	<i>Minimum Distance (in feet) From</i>			
		<i>Rear Lot Line</i>	<i>Side Lot Line</i>	<i>Side Street Secondary Frontage Lot Line (for a Corner Lot)</i>	<i>Principal Building</i>
(1) Detached private parking garage	Rear	3(a)(i)	3(i)	25(b)	0
	Side	5(a)(i)	(c)(i)	25(b)	0
(2) Pool house, 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, <del>hot tub</del> and similar structures exceeding 3 feet in height (f)	Rear and side	5	5	(d)	0
	<u>Primary Front</u>			See Section 1121.12(b)	
(5) Deck, patio, porch, steps, ornamental pool, <del>cold frame</del> and similar structures not exceeding 3 feet in height (f)	Rear and side	3	3	(d)	0
	<u>Primary front</u>			See Section 1121.12(b)	
(6) Fences exceeding 4 feet in height	Rear, side, <u>primary front</u> , and <del>corner side</del> <u>secondary front</u>	(g)	(g)	(g)	0(g)
(7) Fences not exceeding 4 feet in height (k)	<del>Front, s</del> Side, rear, <u>primary front</u> , and <del>corner side</del> <u>secondary front</u>	0(g)	0(g)	0(g)	0(g)
(8) Sidewalk and driveway	<del>Front, s</del> Side, <del>corner side</del> , and rear, <u>primary front</u> , and <u>secondary front</u>	3	3	NA	0
(9) <del>Reserved</del> Hot tubs	<del>Reserved</del> Rear and side	<del>Reserved</del> 5	<del>Reserved</del> 5	<del>Reserved</del> NP	<del>Reserved</del> 5
(10) Freestanding air conditioning machinery, emergency generator, above-	Rear and side, except not in required minimum side yard (see Section	3	AA-10 & A&B-5	NP	NA

ground components of geothermal energy systems, and other similar equipment	1121.08) and standard screening, see note (m)				
(11) Rain Barrels and Above Ground Cisterns (j)	Rear, <del>front, and side, primary front, and secondary front</del>	(j)	(j)	(j)	0
(12) Laundry clothesline	Rear only	3	3	NA	0
(13) Vegetable/edible gardens	<del>Rear, side Primary front and secondary front (l)</del>	<del>0 0 (l)</del>	<del>0 0 (l)</del>	<del>0 0 (l)</del>	<del>0 0 (l)</del>
(14) Compost Bin(s) (n)	Side and <del>Rear</del> rear	3	3	NA	3
(15) Chicken coop and run	Rear	10	10	NA	10
(16) Storage sheds	Rear	3	3	(e)	0

Notes to Schedule 1121.12(a):

NA Not Applicable

NP Not Permitted

- (a) When the rear yard of a corner lot abuts the side yard of ~~an interior lot~~~~the adjacent lot~~, a detached private parking garage shall be located no less than five (5) 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) 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) Reserved.
- (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 percent (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.

(b) Permitted Structures in Primary and Secondary Front Yard and Corner Side Yard. Unenclosed porches, decks, and patios may extend into a primary or secondary front ~~or corner side~~ yard no more than twelve (12) feet in front of the building provided that it does not extend more than six (6) feet into a required primary front yard. Steps, ramps and lifts of the accessory structure may extend into the primary or secondary front ~~or corner side~~ yard subject to Zoning Administrator review and approval.

(c) Maximum Primary Front and Side Yard Coverage. Accessory structures permitted in a primary front or side yard (as set forth in Schedule 1121.12(a), including buildings, structures, or pavement) shall cover no more of the primary front and side yard than set forth below:

(1) Maximum coverage of the primary front yard shall be thirty percent (30%), provided that the area of pavement for sidewalks and driveways shall not exceed the following:

- A. 2,000 square feet total area for a lot with seventy-five (75) feet or less of street frontage.
- B. 3,000 square feet total area for a lot with more than seventy-five (75) feet of street frontage.

~~(2) Maximum coverage of the side yards on interior lots shall be sixty percent (60%) of the total area of both side yards.~~

(32) The maximum coverage of the ~~corner side~~secondary front yard shall be thirty percent (30%).

(43) Previous pavers/materials shall count seventy-five percent (75%) towards any calculations set forth in this subsection.

...

(h) Swimming Pools. In addition to the location and coverage regulations set forth in this section, swimming pools shall be subject to the following additional regulations.

~~(1) The term "swimming pool", as used in this section, means any water pool having more than 100 square feet of water surface, which is capable of containing in excess of two (2) feet of water at its deepest point, located out of doors on private property. All other pools are "ornamental pools" and need not comply with the following standards.~~

(21) Swimming pools shall be located in association with a permitted principal use and shall be used for private recreational purposes by the residents or in connection with a non-profit institution and not operated as a business.

(32) Every swimming pool shall be completely enclosed by a wall or fence of sturdy construction not less than six (6) feet in height, so constructed as not to permit access to such pool except by means of a necessary gate which shall be self-closing and self-latching construction and operation.

(43) Outdoor lighting shall be arranged so as not to shine on adjacent property.

(i) Fences. Fences and walls to be erected, placed and maintained on a lot shall be approved by the Building Commissioner and a fence permit issued unless otherwise noted. The appearance and height of fences shall be reviewed by the Zoning Administrator and regulated and limited by its location on the lot as follows:

(1) A fence or wall located in a primary front 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-six (76)~~ 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 public street, it shall be landscaped according to an approved landscape plan.

(4) A fence or wall located in a ~~corner side~~secondary front yard shall have a maximum height of six (6) feet above ground level and shall require Architectural Board of Review approval.

(5) All structural members shall be on the interior side of such fence.

(6) No chain link, mesh, wire, or barbed wire fence shall be constructed in a primary or secondary front yard ~~or corner side yard~~.

(7) Deer net fencing is temporary during growing seasons and no fence permit required:

A. Deer net fencing around vegetable/edible and flower gardens is permitted and is limited to a maximum height of ~~seven-six (6)~~ feet, including all posts.

B. Proper installation is required, including six (6) 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.

...

(k) Single-Family and Two-Family Residential Parking Pad. In 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 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 primary and secondary front ~~and corner side~~ yard or forward of the front building line.

(2) Any driveways that access the parking pad must meet the requirements of this Zoning Code 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 primary and secondary 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.

(m) Rain Barrels and Above Ground Cisterns.

(1) Rain barrels and above ground cisterns are permitted in the rear, primary, and secondary front, ~~corner, and interior side~~ yards. ~~Rain barrels and above ground cisterns in the front or corner side yard that are visible from the public street are permitted only with Architectural Board of Review approval.~~

...

(o) Compost bins. Compost bins are permitted in the rear and ~~interior~~ side yard subject to the following maintenance standards:

...

## **CHAPTER 1123-** **MF-1, MF-2 and MF-3 Multiple-Family Residential Districts**

- 1123.01 Purpose.
- 1123.02 Permitted uses.
- 1123.03 Principal uses.
- 1123.04 Conditionally permitted uses.
- 1123.05 Accessory uses.
- 1123.06 Lot area and width regulations.
- 1123.07 Minimum yard requirements principal uses.
- 1123.08 Building arrangement and spacing of multiple buildings on a lot.
- 1123.09 Arrangement of townhouses.
- 1123.10 Dwelling unit requirements.
- 1123.11 Height regulations.
- 1123.12 Accessory use regulations.

### **1123.01 PURPOSE.**

Apartments and other multiple-family dwellings occupy but a small part of the corporate area of Cleveland Heights yet this type of use accommodates about one-fourth (1/4) of the City's population. Three (3) zoning districts have been designed to accommodate multiple-family residential uses at varying densities to offer a variety of living environments. Each district is structured to permit more than one (1) principal building on a zoning lot.

(a) The MF-1 District is established to provide for townhouses and garden-type apartments where buildings are low ~~(two (2) stories) in height~~ and there is ample open space and parking on surface lots usually in the rear of the buildings. These are placed in the MF-1 District which has a minimum lot area per dwelling unit resulting in a density of approximately twelve (12) dwelling units an acre.

(b) The MF-2 District is established to provide for medium density developments of approximately twenty-five (25) dwelling units an acre.

(c) The MF-3 District is established to provide for very high density residential development in limited areas of Cleveland Heights. The standards for the MF-3 District permit development of approximately fifty-eight (58) dwelling units per gross acre.

...

### **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.

	<i>Land Use Category</i>	<i>MF-1 District</i>	<i>MF-2 District</i>	<i>MF-3 District</i>
(a)	Planned Residential Development (PRD)	C		
(b)	Places of worship	C	C	C
(c)	Elementary, junior and senior high schools	C	C	C
(d)	Colleges and universities	C	C	C
(e)	Special training schools and adult education facilities	C	C	C
(f)	Public libraries	C	C	C
(g)	Public safety facilities	C	C	C
(h)	Public and private parks and playgrounds	C	C	C
(i)	Public recreation facilities	C	C	C
(j)	Parking deck or private parking garage as a principal use	C	C	C
(k)	Accessory parking for <del>a commercial uses, contiguous</del> within a <u>C-1, C-2, C-2X, or C-3, S-1, or S-2</u> District, <u>subject to the regulations of Section 1153.05(f) &amp; Chapter 1161</u>	C	C	C
(l)	Day care center, preschool in a school or religious institution	C	C	C
(m)	Outdoor community facilities	C	C	C
(n)	Dormitories, fraternities, sororities	C	C	C
(o)	Lodging houses, boarding houses, convents, homes for the aged, other congregate living and residential care facilities	C	C	C
(p)	Nursing homes, intermediate and long-term care facility	C	C	C
(q)	Hospitals	C	C	C
(r)	Public use of public land	C	C	C
(s)	Public utilities	C	C	C
(t)	Satellite dish receiving antennas	C	C	C
(u)	Attached single-family dwelling units, newly constructed or formed by the resubdivision of existing side-by-side two-family dwellings, may be conditionally permitted in B Districts. In A, AA, and MF Districts, attached single-family dwelling units may be conditionally permitted on lots which contain legally non-conforming side-by-side two-family dwellings in accordance with the additional regulations and standards set out in Schedule 1153.03(b)(50) and Section 1153.05(aa).			
( <del>w</del> u)	Farmers' Markets may be conditionally permitted in MF Districts subject to regulations and standards set out in Section 1153.05(dd).			
( <del>w</del> y)	Community Gardens may be conditionally permitted in MF Districts subject to regulations and standards set out in Section 1153.05(ee).			
(w)	<u>Live/work dwelling, subject to the regulations of Section 1165.02(j).</u>	<u>C</u>	<u>C</u>	<u>C</u>

...

## 1123.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL USES.

The minimum depth or width of any yard separating any principal building or part thereof from the nearest lot line shall be not less than the minimum dimension set forth in Schedule 1123.07 and each front, side and rear yard shall not be obstructed by any structure except as otherwise provided in this Chapter.

Schedule 1123.07

MINIMUM YARD REQUIREMENTS FOR PRINCIPAL USES

		<i>Minimum Dimension in Feet</i>		
<i>Specified Yard</i>		<i>MF-1 District</i>	<i>MF-2 District</i>	<i>MF-3 District</i>
(a)	<u>Primary</u> Front Yard	30	30	30
(b)	Side Yard			
(1)	Abutting a MF, C or S District	15(b)	15(b)	15(b)
(2)	Abutting an AA, A or B District	15(b)	25(b)	25(a)(b)
(c)	Rear Yard			
(1)	Abutting a MF, C or S District	30	15	15
(2)	Abutting an AA, A or B District	30	25	25(a)
(d)	<u>Corner Side</u> <u>Secondary Front</u> Yard			
(1)	Abutting a MF, C or S District	30	30	30
(2)	Abutting an AA, A or B District	30	30	30(a)

Notes to Schedule 1123.07:

- (a) When the building height exceeds 65 feet, the building shall be located no closer to a side or rear lot line than a distance equal to forty percent (40%) of the building height.
- (b) 0-foot side yard setback shall be permitted when townhouse dwelling abuts another townhouse dwelling in the same development.

...

1123.11 HEIGHT REGULATIONS.

The maximum height of a principal or accessory building or structure in a MF-1, MF-2 and MF-3 Multiple-Family Residential District is set forth below, except as otherwise provided in Section 1165.04.

<i>Zoning District</i>	<i>Principal Building (in feet)</i>	<i>Accessory Structure (in feet)</i>
MF-1	35(b)	15
MF-2	45(b)	15
MF-3	(a)(b)	15

Note:

- (a) Building height shall be limited by a maximum floor area ratio which shall not exceed one and one-half (1.5  
1/2) building floor area to zoning lot area.
- (b) Mechanical space for building equipment placed on the roof or a stair enclosure affording roof access may be allowed above the maximum height specified, provided that such mechanical space or roof access is set back a minimum of fifteen (15) feet from any exterior wall; does not exceed fifteen (15) feet in height; is not visible from the public street or is adequately screened.

1123.12 ACCESSORY USE REGULATIONS.

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- (c) Accessory Recreational Facilities. Private swimming pools, tennis courts, and other recreational facilities may be located in a Multiple-Family District as an accessory use to a multiple-family development. Swimming pools shall be completely enclosed by a fence of sturdy construction not less than five (5) six (6) feet in height, so constructed as not to permit access to such pool except by means of a necessary gate which shall be self-closing and self-latching

construction and operation. Outdoor lighting for recreational purposes shall be arranged so as not to shine on adjacent property.

...

## **CHAPTER 1131** **Commercial Districts**

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

### **CROSS REFERENCES**

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

### **1131.01 PURPOSE.**

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

(a) The C-1 Office District is for limited application along certain major streets adjacent to higher density residential areas where the integration of offices would be appropriate but where retail and commercial services would not be.

(b) The C-2 Local Retail District is established to provide standards for the continued operation of small neighborhood commercial establishments and to concentrate new retail businesses in buildings that typically locate side by side in order to promote and encourage pedestrian activity. Parking and driveways are generally located so as not to disrupt the pedestrian activity.

(c) The C-2X Multiple-Use District is established to provide standards for the continued operation of mixed use neighborhoods and to provide for dense, mixed uses along main

thoroughfares and to concentrate mixed-use buildings to promote and encourage pedestrian activity. Parking and driveways are generally located so as not to disrupt the pedestrian activity.

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

## 1131.02 PRINCIPAL AND CONDITIONALLY PERMITTED USES.

(a) Unless otherwise provided by law or in this Code, buildings, structures or land shall only be used or occupied following the adoption of this Zoning Code for the uses permitted herein. Schedule 1131.02 enumerates those uses that may locate in a C-1 Office, C-2 Local Retail, C-2X Multiple 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 the Codified 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

<i>Land Use Category</i>		<i>C-1 Office District</i>	<i>C-2 Local Retail District</i>	<i>C-2X Multiple Use District</i>	<i>C-3 General Commercial District</i>
(a)	<u>Residential Uses:</u>				
	(1) <u>Multiple</u> -family dwelling as a free-standing building	C	C	C	C
	(2) <u>Multiple</u> -family dwelling units above the first floor in association with permitted commercial use	P	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	C
	(4) Nursing home including intermediate and long-term care facility	C	C	C	C
	(5) Dormitories, fraternities, sororities	C	C	C	C
	(6) Live/Work <u>Dwelling</u> , subject to the regulations of Section 1131.13 & 1165.02(j)	P	P	P	P
	(7) Townhomes			C	
	(8) Attached Single-Family Dwelling Units			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	P
	(2) Financial establishment without drive-through facility	P	P	P	P
	(3) Financial establishment with drive-through facility	C	C	C	C

	(4)	Animal clinics, veterinary offices, animal training, animal grooming facilities, animal day-care facilities, overnight boarding of animals in conjunction with animal clinics, veterinary offices, animal grooming facilities and animal day-care facilities	C	C	C	C
	(5)	Funeral homes and mortuaries	C	C	C	C
	(6)	Hospitals	C	C	C	C
	(7)	Urgent care clinics	P	P	P	P
(c)	<u>Retail/Service Uses:</u>					
	(1)	Retail establishments in wholly enclosed buildings		P	P	P
	(2)	Convenience retail and service establishments in an office building provided such business occupies no more than an area equal to one-hundred percent (100%) of first floor area	P	P	P	P
	(3)	Personal services including dry cleaning, laundry, beauty salon, tattoo parlor, body piercing		P	P	P
	(4)	Restaurants bar, tavern, nightclub		P	P	P
	(5)	Catering	P	P	P	P
	(6)	Drive-through facility in association with a permitted restaurant, retail or service use		C	C	C
	(7)	Hotels	C	C	C	C
(d)	<u>Automotive Uses:</u>					
	(1)	Automobile sales, new or new and used				C
	(2)	Automobile rental				C
	(3)	Truck, boat sales/rental				C
	(4)	Gasoline station				C
	(5)	Car wash establishment				C
	(6)	Automobile service station - major and minor repair				C
	(7)	Parking lot as a principal use		C	C	C
	(8)	Parking deck or private parking garage as a principal use	C	C	C	C
(e)	<u>Commercial Entertainment/Recreation Uses:</u>					
	(1)	Indoor commercial entertainment facility including game room, bowling alley, skating rink, and movie theater	P	P	P	P
	(2)	Private indoor and/or outdoor recreation including a health, tennis and racquet club	P	P	P	P
	(3)	Dance studio, exercise class	P	P	P	P
	(4)	Meeting room	C	C	C	C
	(5)	Banquet hall, party center	P	P	P	P
	(6)	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)	Retail/Commercial 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)	Parks, playgrounds, and recreation facilities accessible to the public	C	C	C	C
	(5)	Farmer's markets	C	C	C	C
	(6)	Community gardens	C	C	C	C
(i)	<u>Institutional Facilities:</u>					
(1)	Places of worship	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 District, subject to the regulations of Sections 1131.08 and 1131.14(c).

#### Schedule 1131.03

#### PERMITTED ACCESSORY USES

<i>Land Use Category</i>	<i>C-1 Office District</i>	<i>C-2 Local Retail District</i>	<i>C-2X Multiple Use District</i>	<i>C-3 General Commercial District</i>
(a) Off-street parking and loading facilities, as required and regulated in Chapter 1161, including enclosed parking spaces, private parking garages, parking decks and accessory parking spaces	A	A	A	A
(b) Signs, as permitted and regulated in Chapter 1163	A	A	A	A
(c) Home occupations, subject to the regulations of Section 1165.02(b)	A	A	A	A
(d) Enclosed storage building for incidental storage of goods and supplies sold on the premises		A	A	A
(e) Employee cafeterias	A	A	A	A
(f) Recycling collection station or trash receptacle enclosed in a principal building, in an approved structure or screened, subject 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 fifty percent (50%) of the first floor area of a permitted office or multiple-family building	A			
(i) Greenhouses*	A	A	A	A
(j) Swimming pool and associated pool house for multifamily developments			A	
(k) Outdoor Dining Facility	A	A	A	A
(l) Kiosk**	A	A	A	A
(m) Jewel Box Retail**	A	A	A	A
(n) Open Air Café**	A	A	A	A
(o) Dining Patio**	A	A	A	A

#### Notes to Schedule 1131.03:

\* A Greenhouse is only permitted on the ~~interior~~ side yard or rear yard of a lot. In size, a Greenhouse shall not exceed twenty-five percent (25%) of the gross floor area of the principal building and shall never exceed 400 square feet.

\*\*Kiosks, Jewel Box Retail, Open Air Cafes, and Dining Patios are permitted in privately-owned and publicly-owned plaza spaces, courtyards, forecourts, and any other publicly accessible outdoor space intended for public gathering and lingering.

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## 1131.06 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL USES.

In C-1 Office, C-2 Local Retail, and C-3 General Commercial Districts, each zoning lot shall maintain the minimum front, side and rear yards specified in Schedule 1131.06, except as otherwise provided for in this Chapter. Each yard shall be unobstructed by a principal use, including outdoor storage of goods, supplies and equipment as permitted in this Chapter, or a principal building, except as otherwise provided in this Zoning Code. Such areas, together with all other portions of the zoning lot not covered by permitted structures, shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition so as to assure adequate screening of parking and loading areas, as well as absorption of rainfall.

### Schedule 1131.06

#### MINIMUM YARD REQUIREMENTS FOR PRINCIPAL USES (a)

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

Notes to Schedule 1131.06:

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

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## 1131.08 ACCESSORY USE REGULATIONS.

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

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

- (1) Landscaping shall be in accordance with Sections 1166.06 and 1166.07.

(2) Parking shall not be permitted in the primary or secondary front ~~or corner side~~ yards or between a principal building and a public right-of-way. Drive aisles shall not be permitted between a principal building and a public right-of-way.

~~(3) Surface parking lots that exclusively serve a specific principal use or uses to the exclusion of other principal uses on a lot are limited to a maximum of 62 feet in width. Width shall be measured along the edge of the parking lot that is closest to and parallel or roughly parallel to the street.~~

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

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

(1) A fence located in a primary front yard shall have a maximum height of four (4) feet above ground level.

(2) In a rear or ~~interior~~ side yard, a fence shall have a maximum height of six (6) feet above ground level.

(3) ~~In a corner side yard, a fence in the secondary front yard shall have a maximum height of four six (46) feet above ground when separating residential and commercial uses, except as required by Section 1166.07 for lots adjacent to a residential district 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 the primary or secondary front ~~or corner side~~ yard.

(5) No barbed wire fence shall be constructed or erected on any lot. Any nonconforming barbed wire fence shall be removed following five (5) years from the adoption of the amendment to this Zoning Code which made such fence nonconforming.

(6) A fence which has the sole purpose of enclosing a seasonal outdoor activity shall be removed during the times of the year when the seasonal activity is not in operation if it causes a nuisance or limits safe travel along public sidewalks.

(7) A pergola or other freestanding structure may be permitted in front of a building, subject to Architectural Board of Review approval.

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

~~See Section 1165.02(j). In all Commercial Districts (C 1, C 2, C 2X, and C 3), the Planning Commission may conditionally permit a live/work dwelling subject to the following standards:~~

~~(a) The work space shall not create noise, vibration, fire hazards, explosion hazards, smoke, or other health or environmental conditions that would be incompatible with habitation.~~

~~(b) Conversion of existing ground floor commercial space to a live/work dwelling is subject to the following design and performance standards:~~

~~(1) Windows shall provide views into the work portion of the unit to allow people to see and be seen for passive security and to encourage pedestrian activity and district vitality.~~

- ~~(2) All conversions shall be designed to be visually compatible with nearby commercial buildings.~~
- ~~(3) The principal entrance for the non-residential use must be a direct entry from the primary abutting street.~~
- ~~(4) (4) The owner of the business must reside in the dwelling and have a legal right to do so as either the owner or tenant/lessee.~~
- ~~(5) Parking requirements shall only be calculated for the non-residential part of the dwelling. No additional off street parking is required for the residential use.~~

#### 1131.14 C-2X MULTIPLE USE DISTRICT.

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

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

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

<i>Yard (illustrations 1-4)</i>	<i>C-2X District Minimum</i>	<i>C-2X District Maximum</i>
<b>Primary Front</b>	<b>0</b>	<b>12 (b)</b>
<b>Yards abutting a C or S District</b>		
Side	0	No max. depth
Rear	5	No max. depth
Secondary Front (a)	0	No max. depth (b)
<b>Yards abutting an MF-1 District</b>		
Side and rear	15	No max. depth
<b>Yards abutting an MF-2 &amp; MF-3 District</b>		
Side	0	No max. depth
Rear	10	No max. depth
Secondary Front (a)	0	No max. depth(b)(c)
<b>Mixed Use and Multiple family Family C-2X Use Yards abutting an AA, A or B District</b>		
Side	See section 1131.16 Transition Zone Standards	
Rear	10	
<b>Townhouse C-2X Use Yards abutting an AA, A or B District</b>		
Side and rear	10 if habitable structure within 15 feet on adjacent parcel 0 if no habitable structure within 15 feet on adjacent parcel	No max. depth
Secondary Front (a)	10	No max. depth
<b>Yards abutting a Park District</b>		
Side	0	No max. depth
Rear	0	No max. depth

Notes:

(a) For the purposes of measuring primary front and secondary front yard in C-2X Districts, the yard shall be measured from the “built-to” line, which shall be a line running along the inner edge of the existing public sidewalk.

| (b) The Planning Commission may conditionally approve a front-primary or secondary front use, other than parking, that would result in a building being set back more than the maximum distance permitted from the “built-to” line. See Section 1131.15 for examples of appropriate conditions for frontage zones that join the building to the public right-of-way. Proper frontage zone conditions shall be part of all designs whether they occur within the right-of-way or on private property.

(c) Secondary Frontages shall be treated as front facades on secondary streets and should include architectural frontage treatments appropriate to the street they face. These frontages shall relate and transition well to the existing context on the secondary street. Where secondary frontages meet a side yard of an adjacent property, side yard transition zones shall be designed in accordance with Section 1131.16 Side Yard Transition Zones Standards.

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## **CHAPTER 1141** **Planned Development Objectives**

1141.01 Objectives of the planned development regulations.

### CROSS REFERENCES

PDO Planned Development Overlay District - see P. & Z. Ch. 1147

#### **1141.01 OBJECTIVES OF THE PLANNED DEVELOPMENT REGULATIONS.**

The regulations contained in Chapters 1143, 1145, and 1147 are provided to address specific situations and unique development issues in Cleveland Heights. Being a predominantly built-up community, it is necessary to permit development flexibility to promote residential, commercial and mixed use facilities which are well planned in a manner compatible with the character of the City. Each of the three (3) special districts is created specifically for the purpose stated in the respective chapters, and generally to accomplish the following objectives:

(a) To provide an opportunity for new and innovative development in areas of the City where there is vacant land or in areas which have special characteristics or special redevelopment opportunities<sup>2</sup>.

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## **CHAPTER 1143**

### **S-1 Mixed Use District**

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

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#### **1143.10 PROCEDURES.**

...

(d) Review by Planning Commission. It is intended that any detailed development plan which will substantially change the use(s), building(s), or traffic pattern(s), within the S-1 Districts shall be reviewed by the Planning Commission prior to Board of Control approval or disapproval. Therefore, when a proposed development plan involves the placement of buildings on previously undeveloped land or a change in the circulation of traffic within the District or a change in the basic use to which land or a building is devoted, the Board shall refer the development plan to the Planning Commission for approval, approval with modifications or disapproval. The Commission shall be allowed a reasonable time, not less than thirty (30) days, for its consideration and recommendation. If the Planning Commission disapproves the proposal within such thirty (30) day period or thereafter, but prior to voting by the Board of Control upon the proposal, the Board of Control shall not approve the proposal except by the concurring votes of not less than three-fourths (3/4~~ths~~) of the members of the Board of Control. Any proposal may be amended prior to the voting thereon by the Board of Control without further notice or postponement, if such amendment to the proposal is in accordance with the recommendation, if any, of the Planning Commission.

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

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## CHAPTER 1153

### Supplemental Standards for Conditional Uses

1153.01 Purpose.

1153.02 Conformance with district regulations.

1153.03 Specific area, width and yard regulations.

1153.04 Supplemental height regulations.

1153.05 Supplemental regulations for specific uses.

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#### 1153.03 SPECIFIC AREA, WIDTH AND YARD REGULATIONS.

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

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

#### Schedule 1153.03

#### AREA, WIDTH AND YARD REGULATIONS FOR CERTAIN CONDITIONAL USES

			Min. Yard Dimensions (in feet) Buildings (d) Parking					
Conditional Use		Min. Lot Area	Min. Lot Width (Feet)	Primary Front	Side/ Rear	Side/ Front	Rear	See Also Section
(1)	PRD	---	--	--	--	--	--	1155.01 - 1155.08
(1a)	PDO Development District	2 acres						1147.01 - 1147.09
(2)	Place of worship	1 acre	150	50	50	50	10	1153.05 (a)
(3)	School facilities	1 acre	150	50	50	50	10	1153.05 (b)
(4)	Public libraries	1 acre	150	50	50	50	10	---
(5)	Public safety facilities	1 acre	150	50	50	50	10	---
(6)	Public and private parks and playgrounds, and public recreation facilities	None	None	50(a)	50(a)	(b)	(c)	1153.05 (b)
(7)	Golf courses	None	None	50	50	50	50	---
(8)	Cemetery	---	--	--	--	--	--	1153.05 (c)
(9)	Parking lot for a permitted use not on the same zoning lot	None	None	N/A	N/A	(b)	(c)	---
(10)	Accessory parking for <del>a commercial uses within the MF-1, MF-2, MF-3, C-1, C-2, C-2X, C-3, S-1, and S-2 Districts</del>	---	--	--	--	--	--	1153.05 (f)
(11)	Parking deck or private parking garage as a principal use	20,000 sq. ft.	100	30	15	N/A	N/A	---

(12)	Day care home	---	--	--	--	--	--	1153.05 (d)
(13)	Day care center, preschool	---	--	--	--	--	--	1153.05 (e)
(14)	(Intentionally omitted)	---	--	--	--	--	--	
(15)	Home occupation in an accessory building	---	--	--	--	--	--	1153.05 (h)
(16)	Outdoor community festivals	---	--	--	--	--	--	1153.05 (i)
(17)	Dormitories, fraternities, sororities	20,000 sq. ft.	100	30	15	30	15	1153.05 (j)
(18)	Lodging houses, boarding houses, convents, home for the aged, other congregate living and residential care facilities	20,000 sq. ft.	100	30	15	30	15	1153.05 (k)
(19)	Nursing home, intermediate and long-term care facility	1 acre	150	50	50	30	15	---
(20)	Special training schools and adult education facilities	---	---	---	--	--	--	---
(21)	Hospitals	2 acres	200	50	50	30	15	---
(22)	Colleges and universities	2 acres	200	50	50	30	15	---
(23)	Drive-thru facilities	---	--	--	--	--	--	1153.05 (l)
(24)	Automatic Teller Machine	---	--	--	--	--	--	1153.05 (m)
(25)	Funeral homes and mortuaries in a C-2 or C-3 District	20,000 sq. ft.	100	50	50	15	(b)	---
(26)	Animal clinics, veterinary offices, or animal grooming facilities	---	--	--	--	--	--	1153.05 (n)
(26A)	Animal day-care facilities and overnight boarding of animals	---	--	--	--	--	--	1153.05 (bb)
(27)	Convenience retail in an office building	---	--	--	--	--	--	1153.05 (o)
(28)	Catering	---	--	--	--	--	--	---
(29)	Outdoor dining	---	--	--	--	--	--	1153.05 (p)
(30)	Dance studios, exercise classes and similar uses	---	--	--	--	--	--	1153.05 (q)
(31)	Auto sales, new, (new and used) and auto rental	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (r)
(32)	Auto sales, used	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (s)
(33)	Truck, boat, sales/rental	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (s)
(34)	Gasoline stations	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (t)
(35)	Car wash establishment	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (u)
(36)	Auto service-major and minor repair	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (u)
(37)	(Intentionally omitted)							
(38)	Game rooms	---	--	--	--	--	--	1153.05 (v)
(39)	Indoor commercial entertainment	---	--	--	--	--	--	---
(40)	Private indoor/outdoor recreation	---	--	--	--	--	--	---

(41)	Banquet hall, party center	---	--	--	--	--	--	--
(42)	Satellite dish receiving antenna	---	--	--	--	--	--	1153.05 (w)
(43)	Meeting room	---	--	--	--	--	--	1153.05 (x)
(44)	Storage and warehousing of goods	---	--	--	--	--	--	---
(45)	Research and testing laboratories	---	--	--	--	--	--	---
(46)	Nursery and garden supply with accessory outdoor storage	---	--	--	--	--	--	1153.05 (z)
(47)	Public indoor/outdoor entertainment, public indoor recreation	---	--	50(a)	50(a)	(b)	(b)	---
(48)	Reduction in parking requirements	---	--	--	--	--	--	1161.05
(49)	Architecturally significant nonconforming signs	---	--	--	--	--	--	1163.11
(50)	Attached single family dwelling unit (e)	---	--	--	--	--	--	1153.05 (aa)
(51)	Chicken coop and run	---	--	--	10	--	10	1153.05 (gg)
(52)	Commercial Renewable Energy Systems ("Solar Farms")	2 acres	--	25	25	--	--	1153.05 (ff)

Notes to Schedule 1153.03:

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

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## 1153.05 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

...

(d) Day Care Home. A conditional use permit for a child day care home in ~~an-the AA, or A, or B Districts~~ may be administratively issued by the Zoning Administrator, ~~however Planning Commission review shall be required for a day care home in a B District~~. The property on which the child day care home is located shall not be contiguous at any point (including sharing the intersection of two (2) property lines) with the property on which an existing day care home is located; not be within 150 lineal frontage feet of the property on which an existing day care home is located; and not be directly across the street from any existing child day care home. The provisions contained in Section 1165.02 governing home occupations shall apply to a child day care home except that there shall be no restrictions as to the hours during which motor vehicles may bring children to or pick up children from the home.

(e) Day Care Center, Preschool. In a residential district, a day care center or preschool may be conditionally permitted provided the facility is located in a school, place of worship or a conditionally permitted adaptively reused non-residential building as set forth in Section

1153.05(cc) of this Code. In a commercial district such uses may be conditionally permitted. In residential and commercial districts, a day care center or preschool having 49 or fewer ~~wards children~~ may be conditionally approved by the Zoning Administrator; a facility with more than 49 ~~wards children~~ shall require Planning Commission approval.

(f) for ~~a Commercial Uses within the MF-1, MF-2, MF-3, C-1, C-2, C-2X, C-3, S-1, and S-2 Districts~~. In residential districts, parking lots immediately contiguous to ~~and within 150 feet of~~ a ~~MF-1, MF-2, MF-3, C-1, C-2, C-2X, or C-3, S-1, or S-2~~ District and accessory to a use located within that District and conforming to the requirements of Chapter 1161, as well as may be conditionally permitted in compliance with the following:

- (1) For the purposes of this section, contiguous includes a parcel directly across a public right of way. ~~The start of the 150 foot distance shall be measured from the side of the public right of way on such contiguous lot;~~
- (2) An approved parking area shall be used solely for ~~the~~ parking ~~of the passenger automobiles of the employees and customers off~~ the use to which it is accessory;
- (3) The Planning Commission may establish specific hours of operation;
- (4) Landscaping shall comply with the standards in Sections 1166.06 and 1166.07.

...

(l) Drive-Thru and Drive-In Facilities. Drive-thru and drive-in facilities may be conditionally permitted in a C-1, C-2, C-2X or C-3 District in association with a permitted use as set forth in Schedule 1131.02 and may be regulated according to the following:

- (1) Such facility should be located so as to be the least disruptive to pedestrian traffic;
- (2) The location of access drives shall be evaluated according to Section 1161.10;
- (3) For locations where such facility abuts a residential district, a buffer yard along the entire length of the common boundary between the commercial district and the residential district shall be required pursuant to Section 1165.07;
- (4) The Planning Commission may impose restrictions on the hours of operation.
- (5) Drive aisles of drive-through facilities shall only be permitted in the rear or ~~interior~~ side yard. Such facilities shall be effectively screened from view along the public right-of-way and at the edges of sites adjacent to residential properties in order to minimize the impact of exterior site lighting, headlight glare and any menu intercom displays. Such screening shall be approved during the site plan review process and shall consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence, or dense evergreen hedge six (6) feet in height. Plant materials shall be installed along any fence or wall to provide a softening effect.

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(p) Outdoor Dining. In C-1, C-2, C-2X and C-3 Districts, an outdoor dining facility may be conditionally permitted. An outdoor dining facility located on private property and having 25 or fewer seats may be approved by the Zoning Administrator; a facility with more than 25 seats shall require Planning Commission approval. In granting approval for an outdoor dining facility, the following standards shall apply:

- (1) The facility shall only be used in conjunction with, and under the same management and exclusive control of, a restaurant located on the same or contiguous property.

(2) The use shall not interfere with the flow of pedestrian traffic. The approving authority shall determine to what extent, if any, such use may encroach upon the public right-of-way, provided that an unobstructed walkway of a width specified in the conditional use approval is reserved for public passage. In no case shall the unobstructed walkway be less than six (6) feet in width.

...

(s) Sales and Rentals of New Trucks, New Trailers, and New Boats. In a C-3 District, the sale or rental of new trailers, new boats, and new trucks not exceeding three--quarter (3/4) ton rate capacity may be conditionally permitted provided that:

...

(z) Retail Plant Nursery and Garden Supply Business. A retail plant nursery and garden supply business with outdoor display of plant materials may be permitted in a C-2, C-2X, and C-3 Districts in accordance with the following:

(1) Outdoor display shall be limited to living plants in containers or balled and burlaped, and bulk supplies. All dead and diseased plants, empty tables and any other unutilized materials shall be immediately removed from outdoor areas;

(2) Storage and sale of firewood shall be a minimum of thirty feet from the property line of any residential use or district and fifteen feet from the property line of any commercial use or district. The Fire Warden shall also review any proposed firewood storage or sale area and may request that the Planning Commission place additional restrictions upon a specific installation due to potential fire hazards as described in the Ohio Fire Code. Additional regulations for the prevention of the harborage of pests may also be required.

(3) Plant identification and cost signs shall be limited in size to ~~five tenths square feet~~ (six (6) inches by twelve (12) inches) and in number to one (1) sign for each distinct group of plants;

...

(ee) Community Gardens. A community garden may be conditionally permitted in all districts by the Zoning Administrator provided the standards listed in this subsection are met:

(1) The applicant shall establish that the contiguous property owners have been notified about the intended use and have no objection.

(2) The applicant shall provide information establishing that an adequate water source is available.

(3) Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables including the cultivation and tillage of soil and the production, cultivation, growing and harvesting of any agricultural, floricultural or horticultural commodity.

(4) One (1) bee hive may be kept in a Community Garden provided the following standards are met:

A. The community garden members have agreed to permit the keeping of bees in the community garden.

B. The bee hive must be registered with Ohio Department of Agriculture.

(5) The keeping of livestock or other animals is prohibited.

- (6) The Applicant must establish that the soil to be used in the community garden has been tested and is sustainable for the intended use. Soil testing is not required for planter boxes.
- (7) The site must be designed and maintained so that water and fertilizer will not drain onto adjacent property.
- (8) The growing of intoxicating or poisonous plants is prohibited.
- (9) The use of herbicides and weed killers is prohibited.
- (10) The premises on which the community garden is located shall be maintained free of litter and debris.
- (11) Composting shall comply with Section 1121.12(o).
- (12) Areas of dry, loose soil that may be moved by wind must be covered by mulch or otherwise confined.
- (13) A landscape screen or open fence is required along the primary and secondary front ~~and corner side~~ lot line to define and screen the garden. Fences of up to four (4) feet in height are permitted and shall be constructed of wood, ornamental metal or other material. Decorative fences are encouraged along the primary and secondary front ~~and corner side~~ lot lines. Six (6) foot solid fences or the adjoining owner's consent for an alternative landscape or fence plan are required along the ~~interior~~ side and rear lot line.
- (14) The use shall not require off-street parking.
- (15) The application shall identify and show the location of any proposed compost bins or rain barrels or other proposed structures.
- (16) Maintenance of the community garden will not cause a nuisance or disturbance to neighboring properties.
- (17) 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.

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## **CHAPTER 1155** **Planned Residential Development**

- 1155.01 Purpose.
- 1155.02 Approval criteria.
- 1155.03 Permitted uses.
- 1155.04 Minimum land area.
- 1155.05 Development standards.
- 1155.06 Procedures.
- 1155.07 Phasing.
- 1155.08 Bond or escrow agreement.

### **CROSS REFERENCES**

Planned development objectives - see P. & Z. Ch. 1141  
PDO Planned Development Overlay District - see P. & Z. Ch. 1147

#### **1155.01 PURPOSE.**

A Planned Residential Development (“PRD”) may be conditionally permitted in an AA, A, B, or MF-1 District in accordance with the standards and regulations set forth in this Chapter. These regulations are intended to encourage the use of PRDs in order to achieve the following objectives:

- (a) To provide density incentives that will encourage new residential development.
- (b) To allow creativity, variety and flexibility in design as necessary to implement the various goals and objectives set forth in ~~the City's Strategic Plan and~~ this Chapter, including the creation of new developments that are more sustainable and minimize negative impacts to the environment.
- (c) To encourage the development of housing types which are not generally found in Cleveland Heights such as cluster housing and townhouse developments.
- (d) To promote economical and efficient use of land through unified development.
- (e) To permit the application of modern planning techniques in the development of such residential areas.
- (f) To ensure that the proposed PRD occurs in a unified manner in accordance with a development plan prepared by either the City or the property owner.

#### **1155.02 APPROVAL CRITERIA.**

A PRD shall be approved by the Planning Commission as a conditional use. In addition to the general review criteria for conditional uses set forth in Chapter 1151, the Planning Commission shall review a proposed PRD, giving particular consideration to the following:

- (a) Uses within the proposed PRD shall be located so as to reduce any adverse influences and to protect the residential character of areas both within and adjacent to the PRD;
- (b) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land;
- (c) Significant buffer zones with adequate landscaping shall be provided between single-family dwellings and multiple-family dwellings;

(d) Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the PRD shall be so designed as to have access to public, primary and secondary streets without creating traffic hazards or congestion;

(e) The layout of parking areas, service areas, entrances, exits, yards, courts, landscaping, signs, lighting, noise or other adverse influences shall be designed and located to protect the residential character within and adjacent to the PRD;

(f) All utilities shall be located underground. Stormwater must address requirements of Chapter 1335, Stormwater Management;

(g) Site design and development of land should encourage the preservation of the development area's environmental features (e.g., lakes, streams, wetlands, tree canopy, and other natural land features) and to encourage the maintenance of open space. The use of cluster design is strongly encouraged.

#### 1155.03 PERMITTED USES.

As part of a PRD, the uses and dwelling types permitted in each residential district are those denoted by the letter P below for principal use permitted and the letter A below for accessory use permitted:

	<i>Use</i>	<i>Zoning District</i>			
		<i>AA</i>	<i>A</i>	<i>B</i>	<i>MF-1</i>
(a)	Standard single-family subdivision	P	P	P	
(b)	Cluster single-family	P	P	P	
(c)	Two-family (attached side-by-side)	P	P	P	P
(d)	Townhouses		P	P	P
(e)	Multiple-family dwelling				P
(f)	Accessory recreational and community facilities for use by residents of PRD	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>

#### 1155.04 MINIMUM LAND AREA.

The gross area of a tract of land proposed to be developed in a PRD in the respective zoning districts shall be no less than the number of acres specified as follows:

- (a) Three (3) acres in an AA or A Single-Family Residential District.
- (b) Two (2) acres in a B Two-Family Residential District.
- (c) One and one-half (4.51 1/2) acres in an MF-1 Multiple-Family Residential District.

#### 1155.05 DEVELOPMENT STANDARDS.

A PRD approved as a conditional use shall comply with the purpose and approval criteria in Sections 1155.01 and 1155.02 and may vary from the standard requirements of the district as follows:

- (a) Maximum Density. The maximum density of a PRD in a particular zoning district shall be:
  - (1) 3.2 dwelling units per acre in an AA District;
  - (2) 6.7 dwelling units per acre in an A District;

- (3) 8.4 dwelling units per acre in a B District;
- (4) 14.9 dwelling units per acre in an MF-1 District.

The total number of units permitted shall be calculated by multiplying the total land area, exclusive of public streets existing at the time the plan is submitted, by the maximum density allowable per acre.

(b) **Yard Requirements.** Buildings located within fifty (50) feet of a single-family property shall maintain the established building line of the adjacent property. All yard requirements may be varied by the Planning Commission to accommodate a variety of structural patterns, clustering designs, and housing types.

(c) **Height Regulations.** The height of buildings and structures in the AA, A, and B Districts shall not exceed the height limits specified in the respective district regulations. In the MF-1 District, buildings and structures shall not exceed thirty-five (35) feet in height.

(d) **Additional Standards.** Additional site specific development requirements formulated to achieve the objectives of this Chapter shall be established at the time the conditional use request and Development Plan are reviewed. Any dimensional specifications adopted with such plan become binding land use requirements for the PRD and shall supersede those contained in the district regulations.

(e) Cluster Design. Clustering is encouraged and should follow the sustainable regulations for large scale residential development found in Section 1165.05.

## 1155.06 PROCEDURES.

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

## 1155.07 PHASING.

If the development is to be implemented in phases, each phase must have adequate provision for access, parking, stormwater management and other public improvements to serve the development in accordance with the applicable criteria set forth. Where the overall development of an entire PRD site will require more than twenty-four (24) months to complete, such developments shall be required to be phased. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent damage to completed phases, to future phases, and to adjoining property.

## 1155.08 BOND OR ESCROW AGREEMENT.

As a prerequisite to the issuance of a conditional use permit under this Chapter for any project involving new construction on a one and one-half (1.51 1/2) acre parcel or larger, the applicant shall file with the Planning Commission within ten (10) days after approval of the Development

Plan a surety bond or escrow agreement to insure the construction of the project within the period specified in Section 1115.08 or as extended or changed by the Planning Commission. The bond or escrow shall be enforceable by or payable to the City in a sum at least equal to the estimated costs of all of the site improvements (streets, drives, walks, walls, storm and sanitary sewers, landscape planting, ornamental features not on a building, and terraces, but not buildings) for the entire project. The bond or escrow shall be in a form and with surety and conditions approved by the Director of Law. In the event of default under such bond or escrow, the City may use the sum defaulted to construct such site improvements to the extent of the funds available.

## CHAPTER 1161

### Off-Street Parking and Loading Regulations

1161.01 Purpose.

1161.02 Determination of required off-street parking spaces.

1161.025 Electric automobile charging stations in parking areas.

1161.03 Number of parking spaces required.

1161.035 Required bicycle parking spaces.

1161.04 Allowance for shared parking.

1161.05 Modification of requirements.

1161.055 Parking maximums.

1161.058 Land banked parking.

1161.06 Location of required parking spaces.

1161.065 Car-share facilities.

1161.07 Off-street waiting spaces for drive-thru facilities.

1161.08 Parking of junk motor vehicles.

1161.09 Off-street loading spaces required.

1161.10 Non-residential joint use driveways and cross-access easements.

1161.105 Single-family and two-family residential driveways.

1161.107 Compact parking spaces.

1161.11 Improvement and maintenance standards.

1161.12 Tractor-trailer parking.

1161.13 Exceptions to off-street parking requirements in commercial districts.

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#### 1161.03 NUMBER OF PARKING SPACES REQUIRED.

#### Schedule 1161.03

#### REQUIRED OFF-STREET PARKING SPACES (a)

	<i>Principal Building or Use</i>	<i>Minimum Spaces Required</i>
(a)	<b>Residential Uses:</b>	
(1a)	Single-family dwellings with 2 or fewer bedrooms	1 space for each dwelling unit (b)
(1b)	Single-family dwellings with greater than 2 bedrooms	2 spaces for each dwelling unit (b)
(2)	Two-family dwellings	2 spaces for each dwelling unit, of which not less than 0.5 spaces per dwelling unit shall be enclosed (c)
(3)	Townhouses	2 spaces for each dwelling unit, of which both spaces per dwelling unit shall be enclosed (b)
(4)	Multiple-family dwelling	1 space for each dwelling unit
(5)	Senior citizen apartments	1 space for each dwelling unit
(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)	<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
<b>(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
<b>(c) Retail/Service Uses:</b>			
	(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
<b>(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
<b>(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.
<b>(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.
<b>(g) Educational Facilities:</b>			
	(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
<b>(h) Community Facilities:</b>			
	(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.

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## 1161.051 EXCEPTIONS TO REQUIRED ENCLOSED PRIVATE PARKING SPACES

Any application on a property ~~for new construction of a principal building with an existing residential building~~ 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. ~~These exceptions shall not be applicable to new residential construction. Properties with an existing principal residential building shall only require an administrative review and such approval shall be by the Zoning Administrator utilizing 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 size~~ 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, ~~the Zoning Administrator may approve an exception administratively.~~
  - (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 enclose 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 the Codified 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.

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## 1161.06 LOCATION OF REQUIRED PARKING SPACES.

In addition to specific requirements contained in each district regulation, the location of off-street parking facilities shall further be regulated according to the following provisions:

- (a) The parking spaces required for residential buildings in a residential district shall be located on the same lot with the building or use served.
- (b) The parking spaces required for any other building or use in a residential district and any use in a commercial district may be located on another permissible zoning lot ~~within 300 feet of the building~~ and two (2) or more owners of buildings may join together in providing the required parking spaces. Where the required parking spaces are not located on the same lot with the building

or use served, the usage of the lot or tract upon which the parking spaces are provided shall be restricted by an instrument of record describing the premises for which the parking is provided and assuring the retention of such parking so long as required by this Zoning Code.

(c) No parking of a motor vehicle shall be permitted nor shall any person park a motor vehicle in a landscaped primary front, side, or rear yard area. Whoever violates this section is subject to the penalty set forth in Section 303.99(a)(1) of the Traffic Code of the Codified Ordinances.

(d) No parking of a motor vehicle shall be permitted on any portion of a lot designated as an accessory structure such as a patio, porch or deck.

(e) New parking lots shall not be located in the primary front yard ~~or along the principal frontage on corner lots. New parking lots shall be permitted to be located in the secondary front yard.~~

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#### 1161.105 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DRIVEWAYS.

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(b) For dwellings with a single-car enclosed private parking garage, the Zoning Administrator may approve a greater driveway width that provides access to the enclosed 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 enclosed 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.~~

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#### 1161.12 TRACTOR-TRAILER PARKING.

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(c) Tractor-trailers shall not remain on any premises for more than twenty-four (24) hours after being loaded or unloaded.

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## CHAPTER 1163

### Sign Regulations

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

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#### 1163.03 COMPUTATIONS.

The following principles shall control the computation of sign area and sign height.

(a) Determining Sign Area or Dimension.

(1) For a sign which is framed, outlined, painted and otherwise prepared and intended to provide a background for a sign display, the area shall include the entire portion within the outside dimensions of the background or frame.

(2) For a sign comprised of individual letters, figures, or elements on a wall or similar surface, or an irregularly shaped freestanding or projecting sign, the area of the sign shall encompass a regular geometric shape or a combination of regular geometric shapes which form, or approximate, the perimeter of all the elements in the display. When separate elements are organized to form a single sign but the elements are separated by open space, the area shall be calculated by determining the geometric form or combination of forms which comprise all the display area including the space between the elements.

(3) The sign area shall include the frame, but shall not include the pole or other necessary structural support unless such pole or structural support is illuminated or otherwise so designated to constitute a display surface or device.

(4) A freestanding sign shall have no more than two (2) display surfaces provided that the two (2) display surfaces are arranged back-to-back, and not more than twelve (12) inches from each other. Each display surface shall be considered a sign face.

(5) In the event there is a dispute between the applicant and the Zoning Administrator in determining the sign area or any sign dimension, the ~~Architectural Board of Review~~~~Board of Zoning Appeals~~ shall have the final responsibility for making such determination.

...

## 1163.05 MAXIMUM HEIGHT PERMITTED FOR FREESTANDING SIGNS.

The maximum height of freestanding signs, when permitted, as specified in this Chapter, shall conform to the standards below.

		<i>Residential and Park Districts</i>			<i>Commercial and Special Districts</i>	
	<i>Type of Sign</i>	<i>Single/ Two Family</i>	<i>Multiple Family (a)</i>	<i>Institutional Uses</i>	<i>Commercial Uses</i>	<i>Institutional Uses</i>
(1)	Residential identification	N.P.	4 ft. (f) <del>(g)(h)</del>	N.P.	N.A.	N.A.
(2)	Institutional identification	N.P.	N.P.	6 ft.	N.P.	6 ft.
(3)	Commercial identification	N.P.	N.P.	N.P.	N.P. (b)	N.P.
(4)	Instructional	N.P.	(c)	(c)	(c)	(c)
(5)	Public purpose/safety	N.P.	(c)	(c)	(c)	(c)
(6)	Directional	N.P.	4 ft.	4 ft.	4 ft.	4 ft.
(7)	Construction	N.P.	6 ft. (d)	6 ft.	6 ft.	6 ft.
(8)	Temporary	4 ft.	4 ft.	4 ft. (e)	N.A.	N.A.

Notes:

N.A. = Not Applicable.

N.P. = Not Permitted.

(a) These standards shall also apply to multiple-family developments in commercial or special districts.

(b) Not permitted except as described in Section 1163.06(c) gasoline stations and (d) S-1 Mixed Use Districts.

(c) No height limitations.

(d) Permitted only in an MF-3 Multiple-Family District.

(e) See Section 1163.06(f)(9) for regulations concerning special event signs.

(f) Such freestanding signs shall be parallel to the street adjoining the yard upon which they are placed, and shall be set back at least twenty (20) feet from the nearest edge of the sidewalk, unless the distance from the front building line to the nearest edge of the sidewalk is less than 23 feet, in which case the sign must be placed no more than three (3) feet from the front building line.

~~(g) Freestanding residential identification signs shall not be permitted for multiple family buildings with fewer than four units.~~

~~(hg) The Architectural Board of Review shall determine that the design of the residential identification sign is contextually appropriate and harmonious in appearance with both the multiple family dwelling it identifies and the surrounding neighborhood.~~

## 1163.06 SUPPLEMENTARY SIGN REGULATIONS.

...

(e) Additional Allowances for Commercial Identification Signs.

...

(6) Awning signs. A permitted identification sign may be placed on an awning, applied to the face of the awning, in compliance with the following:

A. In addition to the permitted sign area, address numerals may be located on an awning provided they do not exceed one and one-half (1.51 1/2) square feet in area.

...

(f) Temporary Signs. Temporary signs shall be permitted in any district in compliance with the following:

(1) Subject to the provisions of this section, temporary signs shall be permitted for the following purposes:

A. To express an opinion on an election, political issue or other subject, but not to propose or promote a commercial transaction or product except as provided in subsections B. and C. hereinbelow.

B. To notify the public of the availability of the premises for sale, for rent or for viewing - e.g. - "for sale", "for rent" or "open house".

C. To advise the public of the location of a residential personal property sale ("garage" or "yard" sale).

(2) Signs permitted under subsections B. and C. are allowed only on the premises which are for sale or lease or upon which the residential personal property sale is occurring. A property owner may display no more than one (1) "for sale" sign, one (1) "for rent" sign, one (1) "open house" sign and one (1) "garage sale" or "yard sale" sign at any one (1) time. Such signs must meet all other provisions of this Code. The owner of a multiple-family apartment building may place a "for rent" notice on an approved residential identification sign or on a temporary sign, but not on both.

(3) Signs may be permitted inside windows, inside the glass portion of doors, and/or in yards. Window and door signs shall be limited to the first floor unless the dwelling unit or business at which they are being displayed is located entirely on the second floor or above.

(4) Yard signs must be supported by a solid structure, firmly anchored into the ground. Hanging signs shall not be permitted. Yard signs must be set back at least twenty (20) feet from the nearest edge of the sidewalk, unless the distance from the front building line to the nearest edge of the sidewalk is less than twenty-three (23) feet, in which case the sign shall be placed no more than three (3) feet from the front building line. All yard signs must be placed parallel to the street adjoining the yard upon which they are placed. On corner lots, yard signs shall not be placed in the portion of the primary front yard which would be covered by the corner sidesecondary front yard if the corner sidesecondary front yard were extended forward from the front building line to the front right-of-way line.

(5) No sign permitted by this section shall be illuminated in any manner or contain any blinking or flashing lights or moving parts.

(6) All temporary signs must be removed or replaced within forty-five (45) days. Except as provided herein below, any temporary signs related to a specific event (primary, general or special election, sporting event, sale or rental of house, etc.) shall be removed within five (5) business days after the event has concluded. All "yard sale" or "garage sale" signs shall be removed within twelve (12) hours after the sale is concluded. "Open house" signs shall be displayed only during the times the premises are actually open to the public for viewing. For the purposes of this subsection, the "sale" of a property shall be deemed to have "concluded" when title transfers or when the property is withdrawn from the market, whichever first occurs, and the "rental" of a property shall be deemed to be "concluded" when the owner/agent enters into an oral or written lease agreement with a tenant. A "for rent" sign shall not be placed on any property more than sixty (60) days prior to the expected vacancy date of a unit in the building.

(7) Religious and other holiday lights and decorations containing no commercial message are exempt from the above regulations and shall be permitted during the appropriate time of year.

(8) Freestanding temporary signs may be approved by the Planning Commission for a conditionally permitted use in a Park District.

(9) Freestanding temporary signs for institutional uses in a residential, commercial or special district for the purpose of announcing and identifying a special event may be approved by the Planning Commission. Such signs shall be displayed for a maximum of three (3) days. Subsequent approval of such temporary sign may be approved by the Zoning Administrator provided the size and placement of the sign are the same as previously approved.

(10) If, due to the topography, existing foliage, or other similar condition existing as to a particular property, conformance with the setback, size and height restrictions set forth in this Chapter would impair the visibility of a temporary sign as observed from the street, then the Zoning Administrator may grant exceptions to the size and/or location regulations. In determining whether to grant an exception, the sole standard to be used by the Zoning Administrator is the visibility of the sign and no sign shall exceed the height, location or distance which is reasonably necessary to render the sign visible when observed from the public street. In no event shall the Zoning Administrator waive the maximum sign area.

(11) Freestanding temporary signs shall not be permitted in commercial districts.

(12) Temporary sponsorship signs at an event taking place at an athletic field and temporary sponsorship signage plans for all sport seasons and events taking place on an athletic field may be conditionally approved by the Planning Commission. Such signs or signage plans shall meet the following conditions:

- A. The sign(s) shall be displayed on a fence.
- B. The sign(s) shall identify a sponsor of the event.
- C. The sign(s) shall be placed so as to be directed toward the persons in attendance at the event.
- D. The sign(s) shall be no larger than 24 square feet.
- E. Approved signs may be erected and displayed for an entire sporting season or length of the event as determined by the Planning Commission.
- F. Sponsorship identification signs may be displayed on a scoreboard or backstop and may include the field name.
- G. Team identification signs no larger than 12 square feet may be displayed on dugouts.
- H. All sponsorship signage must be maintained in good condition.

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## 1163.07 PROJECTING SIGNS.

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(b) Guidelines and Regulations. Projecting signs shall comply with the following standards:

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(7) Signs having one (1) internally lit plastic face per side shall not be permitted as projecting signs. The purpose of this restriction is to encourage projecting signs that are artistic, creative and fabricated with craftsmanship/partisanship.

...

## 1163.08 DESIGN AND CONSTRUCTION STANDARDS.

...

(m) No paper posters shall be applied directly to the wall or building or pole or other support. Letters or pictures in the form of advertising that are printed or painted directly on the wall of a building are prohibited, except for window signs pursuant to this Chapter and ~~conditionally permitted~~ murals.

(n) No sign or advertising device shall be permitted which, by color, location or design, resembles or conflicts with traffic control signs or devices.

(o) Pennants, banners, streamers, whirligig devices, bare strings of light bulbs, balloons, and other similar devices are prohibited except for banners and pennants when part of public information signs installed by the City pursuant to Section 1163.02(b).

(p) All signs shall be designed, constructed, and erected in a professional and ~~workmanlike skillful~~ manner, in conformance with all applicable building codes, and with materials which are durable for the intended life of the sign.

...

## 1163.09 ADMINISTRATIVE PROCEDURES.

(a) A permit shall not be required for the following signs when such signs are in full compliance with these sign regulations:

- (1) A safety/security sign in a residential district.
- (2) A nameplate sign in any district.
- (3) A temporary window sign.

(b) A permit is required to erect any sign not exempt in subsection (a) hereof.

(c) Approval from the Architectural Board of Review shall be required for the following signs:

- (1) ~~Multiple family and conditional uses in r~~Residential districts.
  - A. ~~Residential or i~~Institutional identification signs;
  - B. Instructional signs that exceed ten (10) square feet or that face the street and are within twenty-five (25) feet of the public right of way.
- (2) Commercial districts and special districts.
  - A. Commercial identification signs;
  - B. Freestanding signs (when permitted);
  - C. Projecting signs;
  - D. Instructional signs that exceed ten (10) square feet or that face the street and are within twenty-five (25) feet of the public right of way;
  - E. Permanent window signs including any elements that are painted on the window.

(d) The City shall review and approve all public signs erected in the public right of way by or on behalf of a governmental body.

...

## CHAPTER 1165

### Additional Regulations Governing Uses

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

...

#### 1165.02 SUPPLEMENTARY ACCESSORY USE REGULATIONS.

...

(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 (3) times a year for the same premises, and shall be for a period not to exceed three (3) 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 Section 1163.06(f), one (1) temporary sign is permitted to advertise the “occasional sale”. An “occasional sale” sign shall be categorized as a “garage sale” sign pursuant to Section 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 (5) persons engaged at any one (1) 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 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 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 ~~2~~ 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 premises provided all of the following conditions are observed:

...

(f) Portable On-Demand Storage Structures. A portable on-demand storage structure may be utilized as a temporary structure when in compliance with the following standards:

(1) A portable on-demand storage structure may be located as a temporary structure on property for a period not exceeding ten (10) days in duration from the time of delivery to the time of removal;

(2) No more than two (2) portable on-demand storage structures may be located on any premises at any one (1) time;

(3) Portable on-demand storage structures shall not be located on any premises for more than ten (10) days during any given thirty (30) day calendar period and not more than three (3) times in any given twelve (12) month period;

(4) Portable on-demand storage structures shall be located only on a driveway or other private parking area and shall not be located in a primary or secondary front yard ~~or corner side yard~~, unless there is no access to other yards;

(5) Portable on-demand storage structures shall be securely locked at all times other than during actual loading or unloading.

(g) Solar Panels.

(1) The installation and construction of a solar energy system is subject to the following development and design standards:

A. A solar energy system may be building-mounted or ground-mounted.

B. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

C. All power transmission lines from a ground-mounted solar energy system to any structure must be located underground.

D. Advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials, is prohibited. The manufacturer and equipment information, warning signs or ownership information is allowed on any equipment of the solar energy system.

E. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.

(2) Building-Mounted Systems.

A. A building-mounted system may be mounted on a principal building or accessory building in the following locations:

1. When mounted on a roof:

a. On a flat roof, solar panels are permitted when set back eight (8) feet from the front façade of the building unless otherwise approved by the Architectural Board of Review.

b. For other roof forms, solar panels are permitted on the rear and side roof but must be set back six (6) feet behind ridge line unless otherwise approved by the Architectural Board of Review.

c. Solar panels on the primary or secondary front ~~or corner side~~ roof are permitted with approval from the Architectural Board of Review.

2. When mounted on a façade:

a. Solar panels are permitted on side and rear building facades.

b. Solar panels on the primary or secondary front ~~or corner side~~ building facades are permitted with approval of the Architectural Board of Review.

B. The solar panel system is limited to the maximum building height of the zoning district for the building type (principal or accessory structure) or a maximum height of five (5) feet, whichever is less. Height is measured from the roof surface, on which the system is mounted, to the highest edge of the system.

C. Solar energy systems may project off a building facade as follows.

1. May project up to four (4) feet from a facade.

2. May project into a side or rear setback, but shall be no closer than five (5) feet to the side or rear property line.

D. In the case of a flat roof, solar panels must be set back six (6) feet from any building wall.

(3) Ground Mounted Systems.

A. A ground mounted system is permitted only in the rear yard and must be set back a minimum of five (5) feet from any lot line.

B. A ground mounted system shall not exceed the maximum building height for accessory buildings.

C. Single-family residential lots shall be permitted the larger of either one-hundred (100) square feet of panels or one (1) square foot of solar panels for every one hundred (100) square feet of lot.

(4) Solar Access Protection.

A. For the purpose of ensuring adequate access of solar energy collection devices to sunlight, any person may grant a solar access easement in accordance with Ohio Revised Code §5301.63 (Solar access easement requirements). Such easements must be in writing and subject to the same conveyance and recording requirements as other easements. Any instrument that grants a solar access easement must include all requirements required by Ohio law.

(h) Wind Turbines.

(1) General Requirements. Wind turbines are allowed as an accessory use in all zoning districts and are subject to the following standards:

A. Administrative review and approval of a proposed wind turbine installation is required.

B. Prior to installation of a wind turbine, the wind viability of a location must be tested and verified. A wind map of the location must be submitted with the proposed plan and a wind study conducted that shows the turbine placement and performance as a viable location.

C. The sound levels of the wind turbine shall not exceed fifty-five (55) decibels (dBA) in residential districts and sixty (60) decibels (dBA) in all other districts, as measured at the site property line. This does not include sound levels during short-term events, such as severe wind storms and utility outages.

D. Wind turbines shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than thirty (30) hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker must be addressed either through siting or mitigation measures.

E. Advertising, including signs, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials are prohibited. The manufacturer and equipment information, warning signs or ownership information is allowed on the wind turbine and equipment.

F. A wind turbine connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.

G. The wind turbine must comply with all applicable Federal Aviation Administration (FAA) regulations and all state and local regulations.

(2) Building Mounted Wind Turbines. Wind turbines may be mounted on principal and accessory buildings, subject to the following:

A. The maximum height of any wind turbine mounted on a detached accessory structure is fifteen (15) feet above the maximum permitted height for such structure. The maximum height of any wind turbine mounted upon a principal structure is ten (10) feet above the height limit of the applicable zoning district.

B. The maximum height is calculated as the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore is calculated measuring the length of a prop at maximum vertical rotation to the base of the tower.

C. No portion of exposed turbine blades may be within twenty (20) feet of the ground. Unexposed turbine blades may be within ten (10) feet of the ground. Blades and tail vane must be a minimum of ten (10) feet from utility lines in all wind directions.

(3) Ground-Mounted Systems.

A. The maximum height of any ground-mounted wind turbine (a tower) is the height limit of the applicable zoning district. Additional height may be granted as a special use if the tower needs additional height to exceed the tree canopy.

B. The maximum height of any ground-mounted wind energy system is measured from grade to the length of a prop at maximum vertical rotation.

C. No portion of exposed turbine blades may be within twenty (20) feet of the ground. Unexposed turbine blades may be within ten (10) feet of the ground. Blades and tail vane must be a minimum of ten (10) feet from utility lines in all wind directions.

D. Ground-mounted wind turbines may be located in the rear yard only. A ground-mounted tower must be set back from all lot lines equal to one-hundred ten percent (110%) of the height of the tower. Additional equipment outside of the tower, including guy wire anchors, must be ten (10) feet from any lot line.

E. To reduce the visual impacts of a tower, the following standards must be met:

1. The applicant must demonstrate that the wind turbine's visual impact will be minimized for surrounding neighbors and the community. This may include, but is not limited to, siting, wind

generator design or appearance, buffering, and screening of ground-mounted electrical and control equipment.

2. The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

3. Artificially lighting is prohibited unless such lighting is required by the Federal Aviation Administration (FAA).

4. All electrical wires associated with a ground-mounted wind turbine, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be located underground.

...

(j) Supplementary Regulations for Live/Work Dwellings. In all Commercial and Multiple-Family Districts, live/work dwelling are permitted, subject to the following standards:

(1) The work space shall not create noise, vibration, fire hazards, explosion hazards, smoke, or other health or environmental conditions that would be incompatible with habitation.

(2) Conversion of existing ground-floor commercial space to a live/work dwelling is subject to the following design and performance standards:

i. Windows shall provide views into the work portion of the unit to allow people to see and be seen for passive security and to encourage pedestrian activity and district vitality.

ii. All conversions shall be designed to be visually compatible with nearby commercial buildings.

iii. The principal entrance for the non-residential use must be a direct entry from the primary abutting street.

iv. The owner of the business must reside in the dwelling and have a legal right to do so as either the owner or tenant/lessee.

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

## 1165.021 GARAGE OR YARD SALES.

Occasional sale of personal items shall be permitted at a single-family or two-family home when in compliance with the following:

(a) No more than two (2) garage or yard sales per calendar year may be conducted at any one (1) property.

(b) Each garage or yard sale may run for no more than three (3) consecutive calendar days.

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## 1165.03 SITE AND DEVELOPMENT CRITERIA.

The following site and development criteria are established to promote the harmonious exercise of property rights without conflict.

(a) Principal Buildings Per Lot. Except for single-family and two-family dwellings, there may be more than one (1) principal building on a zoning lot provided that the required yards are maintained around the perimeter of the zoning lot.

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(f) Projections into Required Yards. The following may project into a required yard according to the following:

(1) Sills, belt courses, cornices and ornamental features may project one (1) foot into a required yard.

(2) Chimneys and flues may project into a required rear yard for a distance of not more than three and one-half (3-1/2) feet when placed so as to not obstruct light and ventilation.

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#### 1165.07 EXTERIOR LIGHTING REQUIREMENTS.

(a) Light Trespass and Distraction.

(1) No exterior lighting may glare into, or upon, the surrounding area or any residential premises. In addition, no exterior lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public streets. The light level must be no greater than one-half (0.51/2) footcandle at a residential property line and one (1) footcandle at any non-residential property line or public right-of-way line.

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#### 1165.08 REQUIREMENT TO INSTALL SIDEWALKS AND/OR SHARED-USE PATHS.

Sidewalks and/or shared-use paths are required for all new development and redevelopment to ensure pedestrian movement and safety.

(a) New Development. All new developments within the City shall include the design and construction of sidewalks, curb ramps, and/or shared-use paths. Such sidewalks, curb ramps and/or shared-use paths shall be provided within the public right-of-way along both sides of all public streets, and along private streets, and parking areas, and shall conform to City requirements and specifications.

(b) Redevelopment of Existing Property or Lots. Any property or lot in which the existing building or structure is removed and replaced with a new structure or expanded more than fifty percent (50%) of its existing size shall include the design and construction of sidewalks, curb ramps, and/or shared-use paths. Such sidewalks, curb ramps and/or shared-use paths shall be provided within the public right-of-way along both sides of all public streets, and along private streets, and parking areas, and shall conform to City requirements and specifications.

...

## **CHAPTER 1166** **Landscape Requirements**

- 1166.01 Purpose.
- 1166.02 Landscape plan.
- 1166.03 Selection, installation and maintenance of plant materials.
- 1166.04 General landscape design standards.
- 1166.05 Landscape yards.
- 1166.06 Parking lot landscaping.
- 1166.07 Buffer yards.
- 1166.10 Screening requirements.
- 1166.11 Tree preservation.

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### **1166.02 LANDSCAPE PLAN.**

(a) **Landscape Plan Required.** A landscape plan must be submitted and approved by the Zoning Administrator as part of any planned development or site plan, and must be approved prior to the issuance of a building permit or certificate of occupancy. Single-family dwellings, two-family dwellings and three-family dwellings do not require submittal of a full landscape plan, as detailed below; but rather, a conceptual landscape design as approved by the Zoning Administrator. The Zoning Administrator may also exempt non-residential uses which do not require any parking lot landscaping.

- (b) **Content of Landscape Plan.** A landscape plan must contain the following information:
  - (1) The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, signs, refuse disposal and recycling areas, sidewalks, bicycle paths and parking facilities, fences, electrical equipment, recreational facilities, drainage facilities, and other freestanding structures, as determined necessary by Zoning Administrator.
  - (2) The location, quantity, size, name (both botanical and common), indication of native species, and condition of existing plant materials and trees, and a description of all tree preservation measures.
  - (3) The location, quantity, size, name (both botanical and common) and condition of plant material and trees in the right-of-way, indicating plant material and trees to be retained and removed.
  - (4) The location, quantity, size and name (both botanical and common) and indication of native species of all proposed plant material including, but not limited to, shade, ornamental and evergreen trees, shrubs, groundcover, annuals/perennials and turf.
  - (5) The existing and proposed grading of the site indicating contours at one (1) foot intervals.
  - (6) Elevations of all proposed fences, walls, steps and fixed retaining walls (cast concrete, unitized walls) on the site.
  - (7) An on-site water management plan, including the pre-development runoff rate and the post-development runoff rate. The plan must include:
    - A. All pertinent calculations and specifications used in the design and construction of the detention area and other drainage improvements. Safeguards to prevent short-circuiting of

detention system must be designed into the system. If underground systems are used, a monitoring and maintenance schedule may be required.

B. All storm drainage systems including existing and proposed drain lines, culverts, catch basins, headwalls, hydrants, ~~manholes~~utility access holes, and drainage swales.

(c) Minor Changes to Approved Landscape Plans. Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan may be approved by the Zoning Administrator. Changes to the size and amount of plant materials of an approved landscape plan are not considered a minor change. Major changes must be approved by the Zoning Administrator.

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#### 1166.04 GENERAL LANDSCAPE DESIGN STANDARDS.

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(c) Shade Trees. All deciduous shade trees at the time of installation shall have a minimum caliper of two and one-half (~~2.52 1/2~~) inches and a clear trunk height of at least six (6) feet, unless otherwise specified. Caliper of the trunk is taken at diameter-at-breast-height (DBH). DBH is defined as outside bark diameter at breast height. Breast height is defined as four and one-half (~~4.54 1/2~~) feet above the ground line on the uphill side of the tree. The ground line includes the duff layer that may be present, but does not include unincorporated woody debris that may rise above the ground line.

#### 1166.05 LANDSCAPE YARDS.

(a) Required Primary Front Yard Landscaping. In all districts, every part of a primary front yard shall be open to the sky and unobstructed except for parking areas and signs as permitted and regulated in the district regulations and sign regulations, and shall be landscaped with plants such as grass, trees, shrubs, and ground cover to be permanently protected from soil erosion.

(b) Required Primary and Secondary Front ~~and Corner Side~~ Yard Landscaping for Multiple-Family or Non-residential Uses. Where a multiple-family dwelling of four (4) or more dwelling units, a mixed-use development, or a commercial or other non-residential use maintains a primary or secondary front ~~or corner side~~ yard of ten (10) or more feet, a landscape yard a minimum of ten (10) feet in width must be installed along that lot line in compliance with the following:

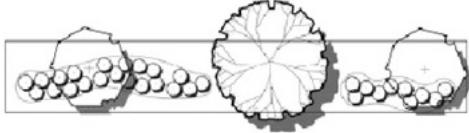
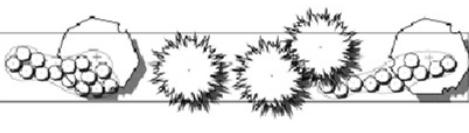
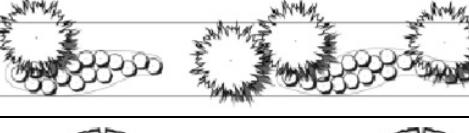
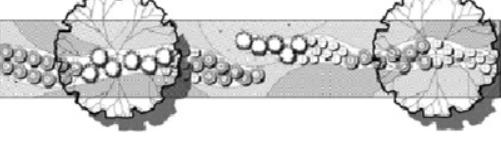
(1) Plantings may be spaced at various intervals and/or clustered based on specific site requirements or design scheme to be approved as part of the landscape plan. Examples are presented in Schedule 1166.05(b)(1).

(2) All plant materials, excluding trees, must be in the bedline. All plant materials in raised planters do not meet the requirements of this section.

(3) Ornamental rocks in lieu of groundcover plantings may not exceed ten percent (10%) of the total primary front yard landscape area, including driveways and walkways.

Schedule 1166.05(b)(1)

PRIMARY & SECONDARY FRONT & CORNER SIDE YARD LANDSCAPING PLANT UNIT OPTIONS

PLANT UNIT OPTIONS	QUANTITY & TYPE OF PLANTS	ILLUSTRATION
STANDARD PLANT UNIT	1 Shade Tree 2 Ornamental Tree 20 Shrubs	
ALTERNATIVE UNIT A	1 Shade Tree 1 Ornamental Tree 1 Evergreen Tree 30 Shrubs	
ALTERNATIVE UNIT B	2 Ornamental Trees 3 Evergreen Trees 25 Shrubs	
ALTERNATIVE UNIT C	4 Evergreen trees 34 Shrubs	
ALTERNATIVE UNIT D	Native Landscaping Alternative	

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1166.07 BUFFER YARDS.

Buffer yards maintain an appropriate relationship between adjacent development by clarifying the delineation between properties and creating attractive and effective buffers between uses.

(a) Where the parking lot or a drive-thru/drive-in facility of a non-residential use or district abuts a residential district along the interior side or rear lot line, or where there is accessory parking in a residential district for uses within non-residential districts, a buffer yard of ten (10) feet must be provided along the interior side lot line and/or rear lot line.

(b) The buffer yard shall be landscaped as follows:

(1) A screen fence or wall six (6) feet in height is required, except, In primary and secondary front and corner side yards, where the fence or wall shall be a minimum of can be four (4) feet in height. Screen fences must be solid and made of wood, simulated wood or masonry. Chain-link fences are prohibited.

(2) A single hedge row planted with one (1) shrub every thirty-six (36) inches on center, spaced linearly. The shrubs must measure a minimum of twenty-four (24) inches at planting, and a minimum of thirty-six (36) inches to a maximum of forty-eight (48) inches in height at maturity.

(3) One (1) shade tree for every twenty-five (25) linear feet of the adjacent property line.

(4) The remainder of the area must be planted with turf or live groundcover.

1166.08 RESERVED.

1166.09 RESERVED.

1166.10 SCREENING REQUIREMENTS.

(a) Refuse Disposal Dumpsters and Refuse Storage Areas. All refuse disposal dumpsters, containers and refuse storage areas must be fully enclosed on three (3) sides by a solid wood or simulated wood screen fence, an opaque masonry wall (stone, stucco or brick) or principal structure wall at least six (6) feet in height. The enclosure must be gated. The materials used for screening, including the enclosure, must complement the architecture of the principal building. An extension of an exterior principal building wall may be used as one (1) of the screening walls for a refuse container, provided that the wall is at least six (6) feet in height and is of the same building materials as the principal building. The wall may not serve as the required gated enclosure.

(b) Loading Berths. Loading berths shall be located and oriented so as not to be visible from the public street and adjacent properties, while still allowing access to the use served. In addition, loading berths shall be screened, unless such screening is determined unnecessary by the Zoning Administrator. Such screening must consist of an opaque masonry wall (stone, stucco or brick) or a solid wood or simulated wood screen fence at least six (6) feet in height.

(c) Outdoor Storage and Display Areas.

(1) Outdoor Storage and Display Areas.

A. All outdoor storage areas must be completely screened by an opaque masonry wall (stone, stucco or brick) or a solid wood or simulated wood screen fence six (6) feet in height. Where feasible, plant materials must be installed along the fence or wall located along the public right-of-way to provide a softening effect. No materials stored outdoors may exceed the height of the required fence or wall with the exception of construction material.

B. Outdoor storage areas must provide landscaping and shading of the interior with a combination of tree canopy and non-reflective canopies covering twenty-five percent (25%) of the site.

(2) Outdoor Sales and Display Areas.

A. When the rear or ~~interior~~ side yard of an outdoor display area abuts a residential district, the outdoor display area must be effectively screened from view by an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge six (6) feet in height.

B. All outdoor display areas must be designed with a landscape yard along the public right-of-way, excluding alleys, a minimum of ten (10) feet in width and planted with shade or evergreen trees at a rate of one (1) tree per twenty-five (25) feet, and supplemented with shrubs and perennials to enhance the view from the public right-of-way. These screening requirements are not intended to prohibit openings necessary for access drives and walkways. However, motor vehicle dealerships with outdoor sales and display lots are permitted to be designed with permanent screening that consists of small shrubs and/or a low pedestrian wall no less than three (3) feet in height.

C. Growing areas for nursery stock located in the primary or secondary front ~~or corner~~ side yard are considered to meet these screening requirements.

## **CHAPTER 1171**

### **Intent and General Regulations**

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

#### **CROSS REFERENCES**

Conditional use defined - see P. & Z. 1103.03(b)(24)

Nonconforming use defined - see P. & Z. 1103.03(b)(~~6775~~)A.

Nonconforming signs - see P. & Z. 1163.11

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## CHAPTER 1175

### Nonconforming Lots and Structures

1175.01 Continued use of lot or structure.

1175.02 Nonconforming lots of record.

#### CROSS REFERENCES

Nonconforming site condition defined - see P. & Z. 1103.03(b)(~~6775~~)B.

Nonconforming signs - see P. & Z. 1163.11

#### 1175.01 CONTINUED USE OF LOT OR STRUCTURE.

If, at the effective date of this Code or future amendment, there exists a lawful use of a zoning lot and/or building which, under the terms of this Code as adopted or so amended, is a permitted principal use in the district in which it is located but which does not, under the terms of this Code as adopted or so amended, conform to the regulations of this Code with respect to lot width, lot area, off-street parking, yards, height, lot coverage, or other regulations, standards or requirements concerning such lot or structure, or such use thereof, such use of land and/or structure may be continued, except as otherwise specifically provided in this Code, so long as it remains otherwise lawful, subject to the following provisions:

(a) Alterations. A nonconforming building or structure, ~~including access drives and parking areas~~, may be repaired, remodeled, reconstructed or structurally altered provided no such nonconforming building or ~~site condition structure~~, except as provided in subsection (b) hereof, shall be structurally altered or extended in a way which increases its nonconformity.

(b) Additions. The construction of an addition, including a porch, deck, handicap ramp or steps, ~~to a single family or two family home in an AA, A, or B District~~ shall be permitted when such addition is within the minimum side yard required by the Zoning Code, but not closer to the side lot line than the existing ~~residence structure~~, provided that the length of the wall of such addition, parallel to the side lot line is no greater than the length of the existing wall located within the required side yard.

(c) Reconstruction. Should such nonconforming building or structure be destroyed or damaged by any means to an extent of more than sixty percent (60%) of the market value at the time of destruction or damage, it shall not be reconstructed except in conformity with all the provisions of this Code generally applicable to such building or structure in the district in which it is located.

(d) Change in Principal Use of ~~Lot or~~ Building or Structure. The use of such ~~land and/or~~ building or structure may be changed to any other permitted principal use in the district in which it is located so long as no nonconformity is increased and so long as any special regulations, standards or requirements specified by this Code for such use are complied with, except as provided in Section 1175.01.

(e) Change in Conditional Use. The use of such ~~land and/or~~ building or structure, whether an existing principal or conditional use or a change in ownership, may be changed to a conditional use so long as no nonconformity is increased, except as provided in Section 1175.01, ~~however~~However, as a condition of approval for a conditional use permit, the Planning Commission may require that a nonconforming building- or structure ~~or site condition~~ be reduced in its level of nonconformity.

(f) Site Improvements. Lots that are nonconforming or lots with nonconforming buildings or structures can be improved, such as lighting, landscaping, parking, and site access, so long as such improvements upgrade the activity and make the resulting development more compatible to the district in which the activity is located and more compatible with adjacent uses. Such improvements shall require review and approval of the Zoning Administrator.

## 1175.02 NONCONFORMING LOTS OF RECORD.

Lots of record prior to passage of the Zoning Code, or amendments thereto which created such nonconforming lot(s) of record, with less area or width than heretofore established may be used in accordance with the following provisions:

(a) ~~Single~~ Nonconforming Lots of Record. In an AA, A, or B District, ~~a single or two family dwelling and customary accessory buildings permitted, conditionally permitted, and accessory uses~~ may be erected on any single nonconforming lot of record which existed prior to passage of the most recent amendments to the Zoning Code, notwithstanding limitations imposed by other provisions of this Zoning Code. ~~Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.~~ This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; ~~provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.~~ Variances of requirements listed in this Code, other than ~~parking requirements as provided for in subsection (e) hereof~~, lot area or lot width, ~~as well as exception to required enclosed private parking spaces as provided for in Section 1161.051~~, shall be obtained only through action of the Board of Zoning Appeals as provided in Section 1115.07.

~~(b) Nonconforming Lots of Record in Combination. If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of this Zoning Code, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Code, and no portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Code, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Code.~~

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