MEMORANDUM

TO: Members of Council
FROM: Tanisha R. Briley, City Manager
DATE: January 27, 2017
RE: January 30, 2017

MEETINGS & REMINDERS

Monday, January 30	-	6:15 p.m.	-	Committee of the Whole
Sunday, February 5	-	8:00 a.m. - 2:00 p.m.		Council Workshop Community Center, Senior Center Conference Room

Reminder: City Hall will be closed on February 20 for Presidents' Day and Council will be meeting on February 21 instead.

LEGISLATION

1. Cain Park Rates
2. 2017 Parks and Recreation Fees
3. Nirvana Fund
4. Boss Dog Brewery Commercial Loan Agreement
5. Boss Dog Brewery Lease Agreement
6. National African American History Month
7. American Heart Month
8. Signature Authorization
9. Amendments to Zoning Code

GENERAL INFORMATION

1. Enclosed are the Council Update and Agenda.
2. Enclosed in information from the Finance Director.
3. Enclosed is an update from the Public Works Director.
4. Enclosed is an update from the Utilities Commissioner.
5. Enclosed is an update from the Planning and Development Director.
6. Enclosed is an update from the Economic Development Director.
7. Enclosed is an update from the Parks and Recreation Director.
8. Enclosed is the weekly activity report from the Fire Chief.
9. Enclosed is the weekly activity report from the Police Chief.

TRB/jkw
Enclosures

COUNCIL UPDATE

January 27, 2017

1. **LEGISLATION FOR MONDAY, FEBRUARY 6, 2017**
    - Cain Park Rates, *Second Reading*. This legislation authorizes and approves the presentation of entertainment programs in Cain Park for the year 2017; and repeals portions of Ordinance No. 143-2015.

    - 2017 Parks and Recreation Fees, *Second Reading*. This legislation amends the use regulations and rates for admission and other services for the Cleveland Heights Community Center, city parks, and Cumberland Pool for the 2017 winter, spring and summer seasons, and repeals Ordinance Nos. 95-2015, 142-2015, and sections of Ordinance No. 143-2015.

    - Nirvana Fund. This resolution amends the signatories for the account with Nirvana Public Funding. Signatories are Tanisha Briley and Mitch Michalec.

    - Boss Dog Brewery Commercial Loan Agreement. This legislation allows the City Manager to enter into an agreement with Boss Dog Brewing Co., LLC, for a loan under the City's Commercial Revolving Loan Fund Program to assist in the establishment of a full service brewpub at 2179 Lee Road.

    - Boss Dog Brewery Lease Agreement. This legislation allows the City Manager to enter into a lease agreement with Boss Dog Brewing Co., LLC, to expand its outdoor dining at 2179 Lee Road.

    - National African American History Month. This resolution recognizes February 2017 as National African American History Month.

    - American Heart Month. This resolution proclaims February 2017 as American Heart Month.

    - Signature Authorization. The legislation authorizes Tanisha Briley, Susanna Niermann O'Neil and Mitch Michalec as designated signatories for the accounts

with the following organizations: US Bank, Fifth Third Bank, STAR Ohio, and STAR Plus Ohio.

- Amendments to Zoning Code. This legislation changes Part Eleven of the Zoning Code of the Codified Ordinance of Cleveland Heights.

2. JOINT MEETING WITH SCHOOL BOARD

- The meeting will take place at City Hall on February 27, 2017. Agenda items will be circulated in the next few weeks.

3. PROPOSED ZONING CODE AMENDMENTS

- Staff will present a full review of the proposed zoning code changes at Monday's meeting. Last week's detailed memo and the redlined code sections are enclosed.

4. NOACA

- As you know I serve on the Board of Directors for Northeast Ohio Area Coordinating Agency (NOACA). At today's meeting I was appointed chair of the Planning and Programming Committee. The Planning & Programming Committee provides policy recommendations to the Board regarding the transportation and environmental planning responsibilities of NOACA. Essentially, all projects that are eventually awarded NOACA funding are first reviewed and approved by the Planning & Programming Committee. I served as vice chair of this committee last year and I am excited to take on the role on this new role.

5. NEOGOV

- Under the leadership of HR Director Anna Smith, the City's application process for employment has been modernized. The pdf form that applicants used to apply online and in person has been upgraded to a fully automated process that creates a better experience for the candidate as well as efficiencies in our internal hiring and onboarding practices. Visit the City's homepage and click on "Employment Opportunities" on the right side of the page to view the new look and feel that applicants will experience going forward.

6. NATIONAL RESOURCE NETWORK

- Representatives from the National Resource Network will be visiting on February 2, 2017 to kick off our technical assistance project for Severance Towne Center. Networks representatives from HR & A Advisors and City staff will spend the day meeting with area real estate developers and brokers to help characterize the market study that is underway.

7. CHECKS BETWEEN $10,000 - $50,000

- Advizex Technologies - $11,772.81: 4 HP Ethernet Network Adapter Cards, HP 1.92 TB Solid State Drive
- American Building and Kitchen - $27,950.00: Deferred Loan for 3504 Meadowbrook and Lead/Healthy Home Grant for 3620 Bendemeer
- C.B. Mullins - $27,485.00: Deferred Loan for 3193 Sycamore, 2263 Lee Blvd and Lead/Healthy Home Grant for 3548 Fenley
- The Illuminating Company - $34,926.71: Electrical Usage for various accounts
- Comproducts - $20,241.60: 2017 Radio Maintenance (Mobile and Portable)
- Doan Brook Watershed - $18,000.00: 2017 Partial funding for Operating Expenses
- Lykins Oil Company - $37,564.53: Uls Diesel Clear 15Ppm, #9 Lead Gas w/Ethanol

CLEVELAND HEIGHTS

Committee of the Whole

January 30, 2017
Agenda

1. Mayor's Report

2. Staff Updates

3. Legislation Overview

4. 2016 Year End Financial Report

5. Zoning Code Updates

6. Executive Session: 1) To discuss, with an attorney for the public body, claims or disputes involving the public body that, in the judgment of such attorney, appear likely to be the subject of a future claim; 2) To consider the appointment of a public official

City of Cleveland Heights

Memo

To: Tanisha Briley, City Manager

From: Tom Raguz, Finance Director

Date: January 27, 2017

Re: December 2016 Financial Report

Please see the attached December Financial Report. I have also included a summary below.

Review of General Fund

Revenue:

2016 vs 2015

- General fund revenues are $686,287 (2%) higher than the previous year:
  - Property Tax Collections decreased by $518K (7%). This is in relation to the millage shift of .35 mills from the general fund to the bond retirement fund and also due to the decrease of our assessed valuation of 4% from collection year 2015;
  - Income tax collections increase of $2.1M (9%) due to the passage of Issue 53; and
  - Criminal Fines and Costs decreased by $295K (21%). We were not fully staffed and had vacancies throughout the year for basic patrol officers.

2016 Actual vs 2016 Estimate

- Overall general fund revenues are 105% of the estimated amount. Much of this is due to non-recurring revenues. Non-recurring revenues are revenues that are unlikely to occur again in the future or revenues that are too volatile to forecast. Below is the summary of these revenues that were collected in fiscal year 2016:

Non-Recurring Revenue	Budgeted	Unbudgeted	Total
RITA Subpoena Program 2015 - Collected in FY 2016	$350,000	$27,091	$377,091
RITA Subpoena Program 2016		$428,193	$428,193
Income Tax (H.S. Construction)		$184,810	$184,810
RITA Retainer Refund	$250,000	$65,245	$315,245
Building Permits (H.S. Construction)		$257,535	$257,535
Total	**$600,000**	**$962,874**	**$1,562,874**

Also contributing to this is the cash collections as a result of the passage of Issue 53. We received more than anticipated cash collections in year 1 of this passage. However, our overall estimated revenue to be fully realized in 2018 has not changed.

Expenditures:

- Overall expenditures are 101% of the original budgeted amount. This is a result of the following unbudgeted transfers:
    - $1M to the hospitalization fund to pre-fund hospitalization expenses for 2017
    - $790K to the workers compensation fund to pre-fund workers compensation expenses for 2017
- Excluding these transfers, actual expenses calculated at 97% of the original budgeted amount.
- There were significant savings in the various public works divisions as a result of lower gas prices, vacancies in excess of the number of positions held for budgetary purposes as well as the maturity of a lease related to our telephone equipment;
- Hospitalization expenses are at 92% of the budgeted amount and decreased 2% from last year;
- Public Works overtime expenses are $383K. Of this amount $222K is related to the general fund. Both are similar to last year;
- Fire Overtime expenses are $156,992 compared to $154,175 in December 2015. The amount budgeted was $150,000; and
- Police overtime expenses are $173,515 compared to $143,510 in December 2015. There was a budgeted amount of $140,000 in this line item. Overall salaries and benefits were $327K less than the prior year.

Summary/Key Takeaways:

- Increased the general fund balance by $1.56M to $3.85M (9% of the 2017 general fund budget).
- Prefunded 2017 hospitalization expenses of $1M via a transfer from the 2016 general fund balance.
- Prefunded 2017 workers compensation expenses by $790K via a transfer from the 2016 general fund balance.
    - The last two points above allows us to have a budgeted 2017 general fund surplus of approximately $1M.

Unencumbered Balance Report

- **Water Fund** – Estimated unencumbered balance of $2.7M. Any excess fund balance will be used to pay back current debt obligations as well as our general operations.
- **Sewer Fund** – There was a drawdown on the fund balance of $120K and there is a budgeted fund balance deficit at December 31, 2017 as was discussed at the budget workshop.

I also want to state that we have not closed our financial system for 2016. These numbers are estimates, although most of these amounts, if not all, should not change.

UNENCUMBERED BALANCES
AS OF 12/31/16
Unadjusted for Revenue and Expense

FUND NUMBER	FUND NAME	UNENCUMBERED BALANCE AS ADJUSTED AS OF 1/1/16	YTD CREDITS	YTD DEBITS	ESTIMATED UNENCUMBERED BALANCE 12/31/2016
101	GENERAL	$2,335,694	$44,660,904	$43,145,255	$3,851,342
102	BUDGET STABILIZATION ACCOUNT	$2,100,000	$0	$0	$2,100,000
201	STREET CONSTRUCTION	$122,442	$3,368,295	$3,211,474	$279,262
202	FOUNDATION GRANTS	$29,550	$563,482	$536,610	$56,422
203	FIRST SUBURBS CONSORTIUM	$77,574	$50,441	$48,667	$79,348
204	COMMUNICATION SYSTEMS OPERATION	$1,918	$782,500	$784,418	$0
205	PUBLIC WORKS FACILITY IMPROVEMENT	$423	$0	$0	$423
206	LAW ENFORCEMENT TRUST	$63,821	$56,235	$58,134	$61,921
207	DRUG LAW ENFORCEMENT TRUST	$59,039	$207,222	$139,082	$127,180
208	CDBG RESOURCE	$0	$2,168,685	$2,168,685	$0
210	EPA BROWNFIELD GRANT	$0	$0	$0	$0
211	HOME PROGRAM	$2,825	$356,491	$359,316	$0
212	FEMA	$107,222	$204,809	$224,969	$87,062
213	POLICE FACILITY IMPROVEMENT	$32,481	$28,745	$17,124	$44,102
214	LOCAL TV PROGRAMMING	$316,525	$553,256	$199,418	$670,363
215	CAIN PARK	$1	$784,002	$784,003	$0
216	RECREATION FACILITY IMPROVEMENT	$632,855	$560,639	$539,466	$654,028
217	PUBLIC RIGHT OF WAY	$23,788	$1,963	$0	$25,751
221	INDIGENT DUI TREATMENT	$197,849	$15,500	$4,500	$208,849
222	MUNICIPAL COURT COMPUTERIZATION	$156,428	$61,621	$166,809	$51,240
223	DUI - ENFORCEMENT/EDUCATION	$95,982	$5,948	$0	$101,930
225	MUNI COURT - SPECIAL PROJECTS	$1,763,822	$102,727	$14,350	$1,852,198
226	LEAD SAFE PROGRAM - CUYAHOGA CNTY	$1,877	$84,512	$85,646	$743
227	NEIGHBORHOOD STABILIZATION PRGM	$122,943	$656	$0	$123,599
230	STREET LIGHTING	$580,248	$1,045,516	$922,856	$702,908
231	TREE FUND	$360,635	$1,125,344	$1,016,804	$469,174
232	POLICE PENSION	$0	$1,100,261	$1,100,261	$0
233	FIRE PENSION	$0	$1,460,812	$1,460,812	$0
234	EARNED BENEFITS	$0	$940,264	$871,591	$68,673
237	FIRST SUBURBS DEVELOPMENT COUNCIL	$41,512	$27,124	$21,093	$47,543
301	G.O. BOND RETIREMENT	$1,991,302	$4,183,689	$4,450,223	$1,724,769
402	FINANCED CAPITAL PROJECTS	$1,108,962	$1,547,641	$1,887,503	$769,100
411	ECONOMIC DEVELOPMENT	$1,688,048	$51,362	$138,234	$1,601,175
412	CITY HALL MAINTENANCE AND REPAIR	$98,129	$22,200	$61,720	$58,609
415	SEVERANCE RING ROAD RECONSTRUCTION	$35,045	$0	$0	$35,045
601	WATER	$341,614	$15,599,389	$13,153,616	$2,787,387
602	SEWER	$611,191	$1,528,742	$1,646,699	$493,235
603	PARKING	$437,682	$1,417,312	$1,438,710	$416,284
606	AMBULANCE SERVICES	$671,377	$925,679	$717,215	$879,841
701	HOSPITILIZATION	$0	$1,000,000	$0	$1,000,000
703	WORKERS COMPENSATION	$0	$790,000	$0	$790,000
804	OFFICE ON AGING	$5,834	$7,691	$10,416	$3,109
808	YOUTH RECREATION SCHOLARSHIP	$22,842	$14,414	$3,170	$34,085
809	POLICE MEMORIAL TRUST FUND	$608	$10,000	$0	$10,608
810	YOUTH ADVISORY COMMISSION	$71	$0	$0	$71
811	JUVENILE DIVERSION PROGRAM	$3,479	$8,400	$6,884	$4,995
857	SALES TAX	$356	$53	$60	$349
858	MISCELLANEOUS AGENCY	$284,788	$188,755	$161,009	$312,534
864	NEORSD	$121,329	$10,309,696	$10,343,151	$87,875
	TOTALS	$16,650,110.21	$97,922,974.58	$91,899,950.18	$22,673,134.61

CITY OF CLEVELAND HEIGHTS
REVIEW OF GENERAL FUND
AT DECEMBER 31, 2016

REVENUES:	ANNUAL BUDGET	TO DATE 2016	% COLLECTED	TO DATE 2015	DIFF BTWN 2015/2016	% DIFF BTWN 2015/2016
PROPERTY TAXES	*$6,935,000*	$6,772,904	98%	$7,291,044	($518,140)	-7%
MUNICIPAL INCOME TAX	*$24,260,000*	$26,217,125	108%	$24,039,749	$2,177,376	9%
OTHER LOCAL TAXES						
ADMISSION TAX	*$90,000*	$76,355	85%	$97,038	($20,683)	-21%
HOTEL/MOTEL TAX	*$1,000*	$324	32%	$248	$76	31%
STATE LEVIED/SHARED TAXES						
LCL GOVT FUND - COUNTY	*$1,350,000*	$1,318,399	98%	$1,335,009	($16,610)	-1%
LCL GOVT FUND - STATE	*$80,000*	$63,547	79%	$135,271	($71,724)	-53%
INHERITANCE TAX	*$0*	$0	0%	$99,893	($99,893)	-100%
LIQUOR & BEER PERMITS	*$60,000*	$64,733	108%	$59,610	$5,123	9%
KILOWATT/PUBLIC UTILITY TAX	*$8,000*	$0	0%	$4,721	($4,721)	-100%
CIGARETTE TAX	*$0*	$891	0%	$976	($85)	-9%
INTERGOVERNMENTAL GRANTS & CONTRACTS						
STATE ROLLBACK REIMBURSEMENT	*$715,000*	$704,841	99%	$746,519	($41,678)	-6%
STATE HOMESTEAD EXEMPTION REIMBURSEMENT	*$225,000*	$222,903	99%	$240,112	($17,209)	-7%
COMMERCIAL ACTIVITY TAX	*$0*	$31,084	0%	$32,273	($1,189)	-4%
OTHER	*$0*	$0	#DIV/0!	$0	$0	#DIV/0!
OFFICE ON AGING	*$10,000*	$17,416	174%	$10,554	$6,862	65%
CHARGES FOR SERVICES						
REFUSE COLLECTION	*$2,200,000*	$2,218,601	101%	$2,236,857	($18,256)	-1%
RECREATION, COMMUNITY CENTER & OFFICE ON AGING	*$1,050,000*	$1,132,327	108%	$1,088,897	$43,430	4%
POLICE	*$20,000*	$1,678	8%	$11,011	($9,333)	-85%
OTHER	*$1,000*	$290	29%	$480	($190)	-40%
FEES, LICENSES, PERMITS						
POLICE	*$320,000*	$305,983	96%	$322,479	($16,496)	-5%
BUILDING SERVICES	*$560,000*	$775,661	139%	$851,702	($76,041)	-9%
HOUSING INSPECTIONS	*$990,000*	$1,172,436	118%	$1,202,705	($30,269)	-3%
UNIVERSITY HTS/CWRU WASTE DISPOSAL FEE	*$55,000*	$53,772	98%	$174,651	($120,879)	-69%
OTHER	*$50,000*	$47,800	96%	$98,729	($50,929)	-52%
INTEREST EARNINGS	*$50,000*	$140,664	281%	$78,721	$61,943	79%
FINES AND FORFEITURES						
CRIMINAL FINES & COSTS	$1,575,000	$1,078,505	68%	$1,373,773	($295,268)	-21%
CIVIL COSTS	$160,000	$198,533	124%	$172,376	$26,157	15%
PARKING FINES & COSTS	$550,000	$453,669	82%	$523,218	($69,549)	-13%
ALL OTHER REVENUE						
INDIRECT COST REIMBURSEMENT	*$525,000*	$535,000	102%	$535,000	$0	0%
SID PROPERTY TAX PAYMENT	*$350,000*	$363,356	104%	$356,502	$6,854	2%
RECYCLING	*$10,000*	$13,833	138%	$22,098	($8,265)	-37%
OPERATING TRANSFER-IN/ TEMP ADVANCE REIMBURSEMENT	*$200,000*	$431,867	100%	$10,044	$421,823	4200%
ALL OTHERS	*$250,000*	$238,841	96%	$812,004	($573,163)	-71%
SALE OF ASSETS	*$10,000*	$7,566	76%	$10,354	($2,788)	-27%
TOTAL REVENUES	*$42,660,000*	*$44,660,904*	*105%*	$43,974,617	$686,287	2%

EXPENDITURES:	APPROPRIATION ORD. 136-2015	ANNUAL TO DATE 2016	% EXPENSED	TO DATE 2015	DIFF BTWN 2015/2016	% DIFF BTWN 2015/2016
Community Services						
Commission on Aging	$250	$0	0%	$0	$0	
Community Relations	$54,934	$47,463	86%	$71,077	($23,614)	-33%
Public Relations	$203,655	$148,973	73%	$167,779	($18,806)	-11%
Community Services Administration	$229,264	$228,515	100%	$245,320	($16,805)	-7%
Public Health	$187,600	$183,769	98%	$183,535	$234	0%
Total Community Services	$675,703	$608,720	90%	$667,712	($58,991)	-9%
Parks and Recreation						
Parks & Recreation Commission	$265,319	$252,183	95%	$169,219	$82,964	49%
Swimming Pools	$293,408	$253,435	86%	$257,485	($4,050)	-2%
Cain Park Transfer	$80,000	$223,667	280%	$80,000	$143,667	180%
Ice Programs	$232,599	$207,467	89%	$208,774	($1,307)	-1%
General Recreation Programs	$153,257	$99,634	65%	$106,167	($6,533)	-6%
Sports Programs	$225,466	$196,309	87%	$180,619	$15,690	9%
Community Center	$923,415	$943,327	102%	$903,379	$39,948	4%
Office on Aging	$164,110	$162,907	99%	$160,821	$2,086	1%
Total Parks and Recreation	$2,337,574	$2,338,928	100%	$2,066,464	$272,464	13%
Finance Department	$463,658	$464,078	100%	$452,867	$11,211	2%
Income Tax	$848,800	$960,892	113%	$899,423	$61,469	7%
Total Finance Department	$1,312,458	$1,424,970	109%	$1,352,290	$72,680	5%

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CITY OF CLEVELAND HEIGHTS
REVIEW OF GENERAL FUND
AT DECEMBER 31, 2016

Planning & Development	ANNUAL APPROPRIATION ORD. 136-2015	TO DATE 2016	% EXPENSED	TO DATE 2015	DIFF BTWN 2015/2016	% DIFF BTWN 2015/2016
Landmark Commission	$16,450	$15,306	93%	$15,216	$90	1%
Planning Department	$373,004	$346,642	93%	$327,696	$18,946	6%
Planning Commission	$11,920	$7,774	65%	$9,451	($1,677)	-18%
Architectural Board of Review	$5,878	$5,684	97%	$0	$5,684	#DIV/0!
Board of Zoning Appeals	$9,524	$5,402	57%	$6,253	($851)	-14%
Total Planning & Development	$416,776	$380,807	91%	$358,617	$22,190	6%
Public Safety						
Traffic Signs & Signals	$167,995	$172,191	102%	$172,661	($470)	0%
Police Administration	$9,929,039	$9,270,527	93%	$9,504,665	($234,138)	-2%
Police Academy	$93,500	$100,887	108%	$84,163	$16,724	20%
Police Vehicle Maintenance	$318,515	$305,533	96%	$293,383	$12,150	4%
FIre Administration	$7,294,360	$7,390,270	101%	$7,136,966	$253,304	4%
Joint Dispatch (Transfer)	$429,006	$380,300	89%	$349,860	$30,440	9%
Fire Prevention	$121,283	$103,013	85%	$102,183	$830	1%
Building Department	$343,372	$273,559	80%	$292,860	($19,301)	-7%
Housing Inspections	$488,123	$467,890	96%	$538,585	($70,695)	-13%
Street Lighting (Transfer)	$20,700	$18,457	89%	$19,130	($673)	-4%
Animal Control	$98,452	$90,695	92%	$89,566	$1,129	1%
Total Public Safety	$19,304,345	$18,573,321	96%	$18,584,024	($10,703)	0%
Public Works						
Service Administration	$312,762	$313,560	100%	$314,493	($933)	0%
Capital Projects	$40,000	$39,300	98%	$36,409	$2,891	8%
Refuse Collection	$2,156,548	$2,010,184	93%	$2,138,721	($128,537)	-6%
Vehicle Maintenance	$1,684,402	$1,424,224	85%	$1,569,313	($145,089)	-9%
Street Maintenance	$1,433,781	$1,318,461	92%	$1,202,395	$116,066	10%
Public Properties & Park Maintenance	$2,202,354	$2,211,732	100%	$2,285,528	($73,796)	-3%
Forestry (Transfer)	$21,780	$20,154	93%	$15,675	$4,479	29%
Total Public Works	$7,851,627	$7,337,615	93%	$7,562,535	($224,920)	-3%
General Government						
City Council	$86,633	$79,255	91%	$83,030	($3,775)	-5%
City Manager	$506,263	$495,766	98%	$510,129	($14,363)	-3%
Civil Service Commission	$14,772	$2,188	15%	$7,632	($5,444)	-71%
General Operations	$1,928,400	$1,827,044	95%	$1,454,960	$372,084	26%
Management Information Systems	$352,093	$371,441	105%	$346,547	$24,894	7%
Central Services	$0	$0	#DIV/0!	$7,722	($7,722)	-100%
County Fiscal Officer Deductions	$241,000	$202,201	84%	$198,882	$3,319	2%
Law Department	$736,824	$745,649	101%	$763,269	($17,620)	-2%
Special Improvement Districts	$366,468	$338,096	92%	$337,744	$352	0%
Municipal Court	$1,236,445	$1,151,349	93%	$1,166,143	($14,794)	-1%
Total General Government	$5,468,898	$5,212,988	95%	$4,876,059	$336,929	7%
Other						
Transfers & Advances	$630,000	$3,011,875	478%	$3,535,178	($523,303)	-15%
Hospitalization	$4,637,700	$4,256,030	92%	$4,336,614	($80,584)	-2%
Total Other	$5,267,700	$7,267,904	138%	$7,871,791	($603,888)	-14%
TOTAL GENERAL FUND EXPENDITURES	$42,635,081	$43,145,255	101%	$43,339,492	($194,237)	-2%
EXCESS REVENUE OVER/(UNDER) EXPENSES		$1,515,649		$635,125		
UNENCUMBERED BALANCE 1/1/16 vs 1/1/15		$2,292,580		$1,636,886		
ADD:						
BALANCE OF PREVIOUS YR PURCHASE ORDERS VOIDED IN CURRENT FISCAL YEAR		$43,113		$20,569		
ESTIMATED UNENCUMBERED BALANCE AS OF 12/31		$3,851,342		$2,292,580		

MEMORANDUM

TO: Tanisha Briley-City Manager
FROM: Alex Mannarino-Director of Public Works
DATE: January 27, 2017
RE: Weekly Update

Cedar Road Resurfacing/Cedar-Fairmount Streetscape

Contracts have been received by the City and are currently under review.

Lee Road Streetscape

The lighting control cabinet has been received, and is being installed this week. We expect that the pedestrian street lighting will be up and running by the beginning of next week.

Construction Project Updates

Mayfield Signalization

Nothing new to Report

Service Department

All operations continue as normal.

Date: January 27, 2017

To: Tanisha Briley, City Manager

From: Collette Clinkscale, Utilities Commissioner

Subject: Utilities Department Weekly Update

On Behalf of Cleveland Water

- Repaired water main break at Middleton and Mayfield
- Repaired city-side service connection leak at 3247 Dellwood
- Repaired water main break at 3684 Langton
- Repaired water main break on Brinkmore at Quilliams
- Turned off 3277 Desota (filled with sand to prevent unauthorized activity)
- Turned off 2443 N. Taylor (filled with sand to prevent unauthorized activity)
- Marked water lines
- Normal investigation/inspection operations

Sewer

- Ran sewer machine on Pembrook, Oak, Seaton, Woodview, E. Derbyshire, Greyton, Woodview, Guilford, Cedar and North Park Blvd.
- Jetted and cleaned sanitary line on Mayfield between Warrensville and S. Noble
- Staff member worked with water crews

Other

- Final Bills issued (very high walk-in and phone traffic due to final bills)
- Submit Deactivation information to OEPA
- Reviewed MOU's regarding FCC and SWCD
- Misc. meetings
    - CWD CC&B meeting (Gearing up for the first month to transfer reads for CWD to bill)
    - Phone conference with Wade Trim regarding CMOM
    - Insight Pipe

MEMORANDUM

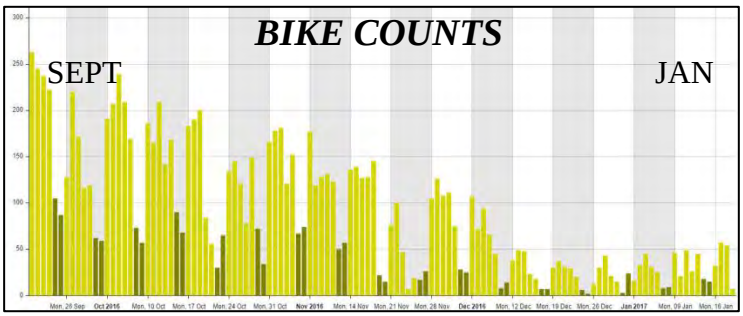
To: **Tanisha Briley, City Manager**

From: **Richard Wong, Planning Director**

Date: **January 27, 2017**

Subject: **Weekly Update**

Edgehill Count Data



Bike counts on the uphill buffered bike lane varied from 263 bikes on a September day to 30 bikes in January. By contrast, dropping temperature has not deterred walking. A high of 1231 pedestrians occurred on an October day with over 700 daily walkers most weekdays. The proposed improvements to the Edgehill-Overlook intersection should result in even higher counts.

Transportation Advisory Committee

RTA's representative, Jonathan Ciesla, had continued gloomy news about the scant transit service we experience. Ohio ranks #38 for transit spending per capita with just 63 cents per person, according to a 2016 study from the Ohio Department of Transportation. Starting in July, the sales and use tax on Medicaid managed care organizations (MCOs) will no longer be collected by the state, in response to a federal mandate. Unless state legislators find a budget neutral solution - like many other states have done - transit agencies like RTA and counties across the state could lose a total of $500 million in 2018 (December 20, 2016 Cleveland.com article).

Howard Maier and Marc Lefkowitz prepared a draft Annual Report that members will review before it is provided to City Council.

Architectural Board of Review

The first solar panels on a detached garage will be heard at the February 7th meeting. A future Zoning Code amendment should make such inconspicuous changes exempt from an ABR review.

January 27, 2017

Cleveland Heights
Economic Development

To: City Manager Tanisha Briley
From: Director Tim Boland
Subject: Activities Report – January 27, 2017

Activities and Initiatives:

1. **Boss-Dog Brewery – Commercial Loan Project & Request to use City-owned land:**
   We are requesting that Council consider legislation to authorize the commercial loan and the leasing of City-owned property at the February 6, 2017 Council meeting. This schedule would permit Planning Commission to consider a conditional use permit for said City-owned land at their February 8, 2017 meeting. Most importantly, this approach would assist this new business in our Cedar-Lee District to open on-time and on schedule, thereby improving this already vibrant commercial district this spring. Please know that this project remains on schedule.

2. **Economic Development Advisory Committee (EDAC):**
   City Council's Economic Development Advisory Committee met on Wednesday, January 18 at 7:00 pm in the Executive Conference room. As anticipated, the Committee prepared final draft recommendations to be presented to Council in February. I would be happy to help assist with this presentation accordingly.

3. **Interdepartmental Coordination:**
   The ED staff is participating in the ongoing review of our City's development process. Thorough knowledge of our existing system will help potentially streamlining our process and moving towards a true "One Stop Shop" for permitting which was noted in our Economic Development Strategic Outline. A flow chart and checklist of our process would help our department tremendously as we strive to be as business friendly as possible.

4. **Medical Marijuana:**
   ED staff continues to review the medical marijuana issue. As requested, staff will have an economic impact memo to share with Council in coming weeks. Tentative plans are also being made to have representatives of the group interested in doing business in Cleveland Heights appear at a future Council meeting.

Thank you,

Timothy M. Boland

Timothy M. Boland, Director
Economic Development

Memorandum

To: Tanisha Briley, City Manager

From: Joseph P. McRae, Parks and Recreation Director

Subject: Parks and Recreation Department Update

Date: January 27, 2017

Please find a brief summary of the Parks and Recreation Department announcements and activities attached for your review:

Ice Programs:

- The Shaker Youth Hockey Night at the Shaker Heights Varsity Raiders vs. Cleveland Heights Varsity Tigers game will take place on Friday, February 3 at Thornton Park located at 3301 Warrensville Center Road in Shaker Heights. The Pizza Party starts at 6:30 PM. Game starts at 7:00 PM. All Shaker Hts. and Cleveland Hts. youth players wearing their respective jerseys will be admitted FREE to the pizza party and game. Other activities include an 8-minute scrimmage after the 1st period of the varsity game between the Shaker Hts. Mite Blue team vs. Cleveland Hts. Mite Blue team and a post-game group photo with both varsity teams and the youth players.

- Upcoming High School Hockey Games:

  High School Hockey Senior Weekend
  <u>Fri Feb 3</u>
  5:15 pm Brush v Brooklyn
  6:00 pm US v Gilmour
  8:30 pm Benedictine v Chagrin Falls

  <u>Sat Feb 4</u>
  3:00 pm Brush v Amherst
  5:00 pm US v Padua
  7:30 pm Heights v Kent

  <u>Sun Feb 5</u>
  2:30 pm US JV v Holy Name
  Rinks will close @ 5:30 pm

Senior Center

Activities for the week included:

- AARP had their general meeting.
- Collette Clinkscale, Cleveland Heights Water Commissioner, gave an update on Cleveland Heights water. The meeting was well attended and very much appreciated by those in attendance.
- The Senior Center partnered with Hunan on Coventry to provide Chinese take-out lunches to commemorate the Chinese New Year. 32 people participated.

Cleveland Heights Fire Department

Weekly Activity Report

Total Emergency Calls Year To Date	492
Total Emergency Calls for Period	107

Report Date Period: 01/20/2017 - 01/27/2017

Fire Data

	Current Period	Year to Date	Last Year to Date	Current Year % of Run Count
Emergency Fire Run Count	16	87	95	18.33 %
Emergency Structure Fire Count		7	2	
Emergency Non Structure Fire Count	16	80	93	
Emergency Vehicle Fire Count				

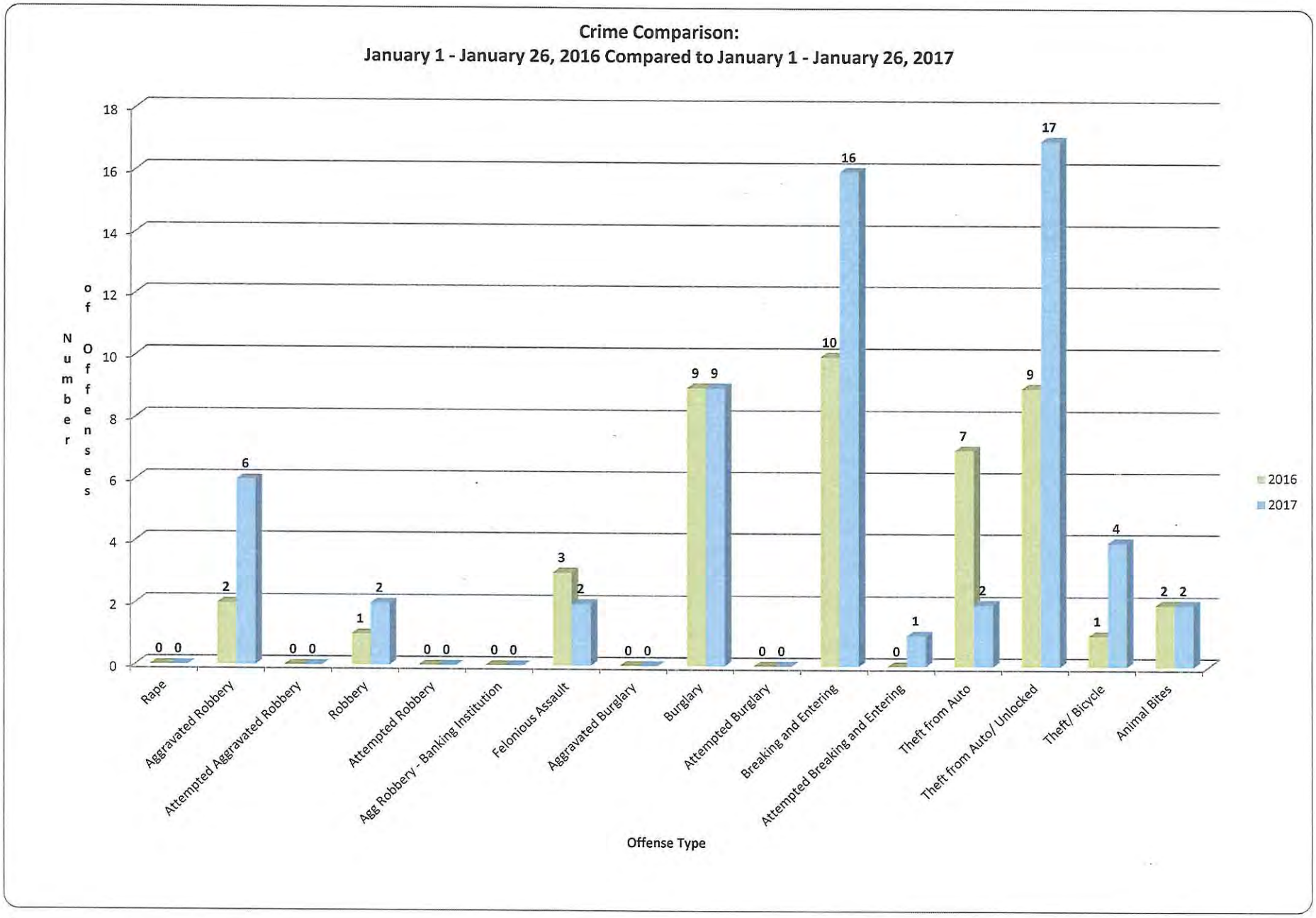
Emergency Medical Data

Total Emergency Run Count	91	405	347	81.71 %
Emergency Medical Run Count	90	396	340	
Automobile Accident Run Count	1	9	7	
Advanced Life Support Run Count	26	102	97	
Basic Life Support Run Count	66	303	251	
Total EMS Transports	67	259	219	
Total EMS Non Transports	24	136	112	

Mutual Aid Run Count to Date

Mutual aid received	SEFD A - 1 SHFD A - 1 ECFD A - 0 UHFD A - 2
Mutual aid given	SEFD A - 1 SHFD A - 4 ECFD A - 5 UHFD A - 0
Automatic aid given	SEFD A - 0 SHFD A - 3 ECFD A - 0 UHFD A - 2

Fire Prevention Bureau	Current Period	Year to Date
Total Completed Fire Inspections	75	313
Company Fire Inspections	2	7
Fire Prevention Fire Inspections	5	12
Fire Alarm Test Inspections		
Kitchen Supression Test Inspections		
Sprinkler Test Inspections		1
Other Inspections	68	293
Smoke Detectors Distributed		2


Crime Comparison:
January 1 - January 26, 2016 Compared to January 1 - January 26, 2017
Number of Offenses
0
2
4
6
8
10
12
14
16
18
0 0
2 6
0 0
1 2
0 0
0 0
3 2
0 0
9 9
0 0
10 16
0 1
7 2
9 17
1 4
2 2
Rape
Aggravated Robbery
Attempted Aggravated Robbery
Robbery
Attempted Robbery
Agg Robbery - Banking Institution
Felonious Assault
Aggravated Burglary
Burglary
Attempted Burglary
Breaking and Entering
Attempted Breaking and Entering
Theft from Auto
Theft from Auto/ Unlocked
Theft/ Bicycle
Animal Bites
Offense Type
2016
2017

Proposed: 1/17/2017

ORDINANCE NO. 3-2017 (CRR), *Second Reading*

By Council Member

An Ordinance authorizing and approving the presentation of entertainment programs in Cain Park for the year 2017; and repealing portions of Ordinance No. 143-2015.

WHEREAS, this Council annually reviews its use and rentals of the theatres in Cain Park; and

WHEREAS, the City Manager recommends the use and rentals set forth herein.

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

SECTION 1. The City of Cleveland Heights shall sponsor and present in Cain Park and other locations to be determined, through the spring and summer of 2017, a program of entertainment in general accordance with plans therefor previously adopted by the City Manager and the Community Relations and Recreation Committee of Council.

SECTION 2. Stage productions will be presented in Cain Park. Admission charges for these productions will not exceed One Hundred Twenty Five Dollars ($125.00). Rates will be gradated according to seat location, with the designations subject to approval by the City Manager. Groups of twenty (20) or more may purchase tickets at a discount rate subject to the approval of the City Manager.

Musical concerts will be presented at times scheduled by the City Manager. Such programs may or may not be co-produced with an outside agency as deemed fit by the City Manager. Special arrangements may be made for ticket prices not to exceed One Hundred Twenty Five Dollars ($125.00), with the proceeds of the box office split per a contractual agreement approved by the Director of Law to accommodate costs of the concert.

SECTION 3. One or more plays (musicals) may be presented at times scheduled and at the theaters designated by the City Manager. The City's share in the cost of such programs is hereby approved and such expenditure authorized in an amount not to exceed Eighty Thousand Dollars ($80,000.00) per contract.

The City Manager is hereby authorized and directed to enter into any and all agreements necessary for the presentation of summer concert and other non-theatrical programs at Cain Park, in an amount not to exceed Eighty Thousand Dollars ($80,000.00) for the City’s share in any such contract. All agreements shall be in a form approved by the Director of Law.

To the extent possible, monies to pay for the aforesaid contracts shall be taken from the Cain Park Operating Fund and monies derived from Cain Park activities shall be placed in the Cain Park Operating Fund.

SECTION 4. (a) Such other programs and activities shall be presented as are approved by the City Manager and as are within the concept of the general program approved by the Community Relations and Recreation Committee of Council. Fees may be established by the City Manager to defray the cost of these new programs. Special promotions which reduce or eliminate ticket prices in exchange for media time, print advertising or other publicity may be arranged as approved by the City Manager.

(b) Except as otherwise provided herein, when any class or activity is offered which requires the use of materials to be furnished to the participant, the City Manager is authorized to establish a fee based upon actual costs, which shall be paid by each person at the time of registering for such activity.

(c) Special benefit performances either at Cain Park or elsewhere may be presented for the purpose of offsetting programs deemed appropriate by the City Manager with ticket prices not to exceed the sum of One Hundred Twenty Five Dollars ($125.00). These arrangements will be made as deemed appropriate by the City Manager.

SECTION 5. (a) In the event that it should become necessary, in the judgment of the City Manager, at any time to limit the number of persons in attendance at any concert, dance or other activity to which the public would otherwise be generally admitted, the City Manager is hereby authorized to establish and place in effect such regulations and restrictions as she may deem necessary for such activities to protect the safety and welfare of the public grounds, the community in general, and members of the public at large.

(b) Such regulations may include, but are not limited to, advance or on-the-spot limitation of admissions, including closing-off of admission, and may also include a requirement that admission be limited to persons who are bona fide residents of Cleveland Heights and are authorized holders of a proper Recreation I.D. Card issued by the City of Cleveland Heights, and such number of guests accompanied by such Cardholder as the City Manager shall establish.

(c) In the event that the City Manager shall determine, in her sole discretion, that the conduct of a given program, or a portion of the program, would endanger the safety and welfare of the public, then she shall have the authority to cancel any program and, at the earliest time possible, to give, by appropriate means, notice to persons wishing to participate in such activity of the fact that the program or activity has been canceled.

(d) Notwithstanding any other provision, the City Manager is hereby vested with authority to transfer the conduct of any portion of the summer program for the year 2017 to another facility in order to insure the safety and/or convenience of the general public. At such time, the City Manager shall, by appropriate means, advise persons wishing to participate in such activities of the change of location.

SECTION 6. Ordinance No. 143-2015, passed by Council on December 21, 2015, is hereby repealed to the extent inconsistent herewith.

SECTION 7. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 8. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

_____
CHERYL L. STEPHENS, Mayor
President of the Council

_____
MITCH MICHALEC
Acting Clerk of Council

PASSED:

Proposed: 1/17/2017

ORDINANCE NO. 4-2017 (CRR), *Second Reading*

By Council Member

An Ordinance amending the use regulations and rates for admission and other services for the Cleveland Heights Community Center, city parks, and Cumberland Pool for the 2017 winter, spring and summer seasons, and repealing Ordinance Nos. 95-2015, 142-2015, and sections of Ordinance No. 143-2015.

WHEREAS, the City of Cleveland Heights annually reviews its use regulations and rates for admission and other services for its Community Center, city parks, and Cumberland Pool; and

WHEREAS, the City Manager recommends the use regulations and rates set forth herein.

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

SECTION 1. For the purposes of this Ordinance, the following definitions apply:

"Adult" shall mean a person age 25 through age 59; and

"Child" shall mean a person age 5 through age 11; and

"Family" shall mean legal guardian(s), such as a parent, and their Preschooler, Children, or Youths; and

"Guest" shall mean a person who accompanies a Resident with a current Recreation ID card & annual or monthly pass to Fitness Center or Open Court at Gyms; and

"Non-resident," except where otherwise noted, shall mean any person who does not have two forms of legal documentation (driver's license, utility bill, library card etc.) to verify their Cleveland Heights address; and

"Preschooler" shall mean a person age 4 or younger; and

"Qualified Non-Resident" shall mean a person who meets one of the following criteria: (1.) resides within the Cleveland Heights - University Heights School District boundaries; (2) resides in the City of University Heights; (3) has a Child or Youth participating in a Community Center program; or (4) is employed within the boundaries of the City of Cleveland Heights. Residency shall be demonstrated with two forms of legal documentation (driver's license, utility bill, library card etc.). Employment shall be demonstrated by a paystub or a letter from an employer. A

Qualified Non-Resident who meets criteria Nos. 1-3 may only purchase passes for his or herself. A Qualified Non-Resident who meets criteria No. 4 may also purchase passes for his or her family; and

"Recreation I.D. Card" shall mean the card purchased annually by Cleveland Heights resident to be entitled to residential fees; and

"Resident" shall mean any person with two forms of legal documentation (driver's license, utility bill, library card etc.) to verify their Cleveland Heights address; and

"Resident Team" shall mean a team composed of at least sixty percent (60%) Cleveland Heights residents who are entitled to resident rates;

"Senior" shall mean a person age 60 or older;

"Young Adult" shall mean a person age 19 through age 24; and

"Youth" shall mean a person age 12 through age 18.

SECTION 2. The following fees or rates for admission and other services for the City's Community Center, city parks, and Cumberland Pool shall apply for the calendar year 2017. Please note that Resident rates apply to Residents that obtain a Recreation ID card. Patrons without the Recreation ID card will be subject to Non-Resident rates, where permitted.

GENERAL	**Fee or Rate**
Recreation ID card	$5.00
Replacement ID card or pass (individual or family)	$6.00
Late registration fee	$2.00

FITNESS CENTER & GYMS (FIELDHOUSE)	**Fee or Rate**
Annual Passes for Residents – 12 month pass from date of purchase	
Child	$84.00
Youth	$110.00
Young adults	$180.00
Adults	$220.00
Senior	$115.00
Families	$345.00

Annual Passes for Qualified Non-Residents – 12 month pass from date of purchase	
Child	$126.00
Youth	$165.00
Young Adult	$248.00
Adult	$299.00
Senior	$173.00
Families	$499.00
Annual Passes for City Employees (11am to 1pm use only)	$5.00
30 day Passes for Residents - from date of purchase	
Child	$10.00
Youth	$18.00
Young adult	$27.00
Adult	$33.00
Senior	$17.00
Families	$55.00
30 day Passes for Non-Residents – from date of purchase	
Child	$15.00
Youth	$27.00
Young Adult	$39.00
Adults	$45.00
Senior	$25.00
Families	$79.00
Guest Admission (Limit 2 guests per resident at a time)	
Resident Guest – Fitness Center	$6.00
Non-Resident Guest– Fitness Center	$8.00
Military Guest – Fitness Center	$3.00
Resident Guest - Open Gym (courts only)	$3.00
Non- Resident Guest - Open Gym (courts only)	$5.00
Personal Training - Specific rate for each personal trainer shall be determined the City Manager or designee based on experience and certifications of trainer. All participants must have a current fitness center pass (monthly or annual).	
Individual Training Session	$15-$60
10 sessions	$270 - $320
Couples Training Session	$20-$80

Drop In Group Training (limit 5 per group)	$4-15
1 Month of Group Training (limit 5 people per group)	$30-100
3 Months of Group Training (limit 5 people per group)	$75-$250
Individual, written fitness program (drafted by Personal Trainer)	$60.00
1 Month of "Any Time" assistance	$40.00
1 Program Package: Includes 6 individual training sessions, 1 written program, and 1 month of "any time" assistance	$225.00

ICE PROGRAMS	**Fee or Rate**
Skate Rental	$2.00
Per Session	$2.00
Book of 10 skate rental tickets	$16.00
Skate Sharpening	$5.00
Ice Rink Group Rental	$130 - 250 per hour
Public Skating Individual admission fees per session:	
Resident Preschooler	Free with paying adult
Resident Child or Youth	$2.00
Resident Young Adult, Adult or Senior	$3.00
Non-Resident	$5.00
Book of 10 guest tickets	$45.00
Resident Annual Ice Pass -12 month season: from date of purchase	
Child	$84.00
Youth	$110.00
Young Adults	$132.00
Adults	$154.00
Senior	$66.00
Family Pass	$275.00
Non-Resident Annual Ice Pass -12 month season: from date of purchase	
Child	$210.00
Youth	$225.00
Young Adults	$250.00
Adults	$325.00
Senior	$150.00

Family Pass	$625.00
Private Instruction	
Each 15 minutes or fraction thereof. Range varies based on experience and credentials of skating instructor	$5.50 - $16.00
Group Instruction	
Resident	$8.00 per 30 minutes
Non-resident	$10.00 per 30 minutes
United States Figure Skating Association Basic Skills Program Registration Fee – (An annual registration fee of $10.00 may be charged to group lesson participants to be registered in USFSA Basic Skills program. Price set by USFSA)	$10.00
Locker Rental:	
Daily – large	$0.50
Monthly – large	$14.00
Annual – large	$80.00
Refundable deposit on locker rentals	$10.00
Lost locker key	$10.00
City Freestyle Ice Rental	
Individual	$10.00/ per hour
7 session punch card	$63.00
Monthly free style pass:	
Resident	$120.00
Non-Resident	$150.00
Travel Hockey League Regular Season:	
Resident	$240.00
Non-Resident	$440.00
Travel hockey try out - non-refundable deposit	$100.00
Non-Travel Youth Hockey Fees:	
Tot Hockey (scheduled by sessions) seven week sessions:	
Residents	$50.00
Non-Residents	$70.00
Learn to Play Hockey (half season - September to December or January to March):	

Resident	$100.00 per session
Non-Resident	$140.00 per session
Girls Hockey Program B (March through April)	
Resident	$45.00
Non-Resident	$85.00
Hockey Equipment Rental (for the youth recreation/in-house programs only - full equipment, except for skates)	$50.00
Rates and charges for the Speed Skating Program:	
Resident Lessons	$11.00 per 1 hour
Non-Residents Lessons	$11.00 per 1 hour
Speed Skating Club Membership:	
Resident 10 session punch card	$120.00
Non-Resident 10 session punch card	$140.00
Daily Drop-in for Speed Skating:	
Resident	$13.00
Non-Resident	$15.00
Adaptive Skating:	
1 lesson per week for 6 week session (resident/non-resident)	$25.00
Drop in fee (resident/non-resident)	$5.00

Men's Hockey:	
Resident	$160.00
Non-Resident	$250.00
Women's and/or Co-ed Hockey:	
Resident	$160.00
Non-resident	$250.00
Adult Pick-up Hockey:	
Daytime - Admission with annual skating pass or by paying general admission rates.	
Evenings	$11.00 per session

Spring Youth Hockey Program (age 3 - 18):	
Resident	$50.00
Qualified Non-Resident	$65.00
Youth Hockey Skills clinic:	
Resident	$50.00
Qualified Non-Resident	$65.00

SPORTS PROGRAMS - YOUTH & ADULT:	
Adult Basketball (Men and Women):	
Resident Team	$125.00
Non-Resident Team	$250.00
Youth Basketball:	
Resident	$50.00
Non-Resident	$70.00
Youth Travel Basketball teams:	
Resident	$75.00
Non-Resident	$90.00
Travel Team Uniforms additional fee	$65.00
Youth Soccer (Grades K-1, 2-3, 4-6):	
Resident	$45.00
Non-Resident	$65.00
Spring Youth Soccer (Grade K - 6):	
Resident	$40.00
Qualified Non-Resident	$60.00
Youth Flag Football (ages 5-8)	
Resident	$45.00
Non-Resident	$65.00
Summer Daytime Youth Basketball Program (K-12):	
Resident	$50.00

Qualified Non-Resident	$70.00
Evening outdoor basketball (CH-UH grade 6-12)	free
Summer Softball girls (age 7-18 years old):	
Rec league (slow or fast pitch)	
Resident	$55.00
Qualified Non-resident	$80.00
Fast Pitch Travel Teams:	
Resident	$75.00
Qualified Non-resident	$85.00
Summer Baseball (students age 4 – 18):	
Residents with Recreation I.D. cards:	
T Birds T-Ball	$65.00
Rookie League Baseball	$65.00
Coach-Pitch	$65.00
Kid-Pitch	$85.00
Qualified Non-Residents (students age 4 – 18):	
T Birds T-Ball	$75.00
Rookie League Baseball	$90.00
Coach-Pitch	$90.00
Kid-Pitch	$115.00
Summer Challenger Baseball Adaptive Program (ages 5 – 22 for mentally/ physically challenged individuals):	
Resident	$30.00
Qualified Non-Resident	$30.00
Adult Softball (Men, Women or Co-ed, two games per week):	
Resident Team	$650.00
Non-resident Team	$800.00
Adult Softball (Men, Women or Co-ed, one game per week):	
Resident Team	$400.00
Non-resident Team	$525.00
Refundable forfeit fee charged to each team	$54.00

Tennis:	
Tennis court reservation	$40.00 for a Season Reservation Pass
Group Tennis Lessons:	
Tots (Ages 4 - 6):	
Resident	$35.00
Non-Resident	$50.00
Students (Ages 7 - 18):	
Resident	$45.00
Non-Resident	$60.00
Adults	
Resident	$60.00
Non-Resident	$80.00
Competitive Skills Clinic for Juniors (middle school and high school age kids)	
Resident	$80.00
Non-Resident	$110.00
Seniors	
Resident	$35.00
Non-Resident	$45.00
Private Lessons:	
Single	
Resident	$19.00 per 30 minutes
Non-Resident	$34.00 per 30 minutes
Group of Two	
Residents	$28.00 per 30 minutes
Non-Residents	$45.00 per 30 minutes
Group of Three	
Resident	$37.00 per 30 minutes
Non-Resident	$50.00 per 30 minutes
Racquettes:	

Seniors:	
Resident	$25.00
Non-Resident	$30.00
Non-Seniors:	
Resident	$45.00
Non-resident	$60.00

GENERAL RECREATION:	
Arts, fitness, dance, martial arts, life enrichment, preschool	
Fees shall be determined by City Manager or designee and all fees shall be paid by each registrant at the time of registration.	$0 – 180.00

SENIOR ACTIVITY CENTER PROGRAMS:	
Annual Membership Card	
Resident	$5.00
Non-Resident (Limited number to University Heights residents only)	$10.00
Senior Classes or Fieldtrips	
Fees shall be determined City Manager or designee	$0 – $180.00

CUMBERLAND POOL PROGRAMS:	
Season Pass:	
Students (Kindergarten through High School):	
Before season opening date	$35.00
After season opening date	$45.00
Preschoolers (Must be accompanied by parent or adult with a current Recreation ID card):	
Before season opening date	free
After season opening date	free
Adults (ages 18-59):	
Before season opening date	$49.00
After season opening date	$59.00

Adults 60 Years of Age or Older:	
Before season opening date	$39.00
After season opening date	$49.00
Family:	
Before season opening date	$115.00
After season opening date	$135.00
Limited Non-resident Pool Pass Pilot Program - Residents receive preferred entry if capacity becomes limited	
Family	$172.00
Individual – Young Adult, Adult	$75.00
Individual – Child, Youth	$52.00
Replacement of season pass or family pass or ID card	$6.00
General Pool Admission:	
Preschoolers accompanied by parent or adult (w/ID card)	free
Child, Youth	$3.00
Young Adults, Adults	$4.00
Senior	$3.00
Guests – Charge for Each Guest	$7.00
Guests – Book of Five (5)	$25.00
Private Swimming Instructions:	
Individual (per 30 minute session)	$18.00
Group of Two (per 30 minute session)	$27.00
Group Instruction – Learn-to-Swim (mornings and evenings) all sessions:	
Residents:	
Season Pass Holder	$30-40
Non-Season Pass Holder	$40-50
Pool Locker Rental:	
Daily Locker Rental:	
small	$0.25
Large	$0.50
Seasonal Locker Rental:	
Small	$12.00

Large	$20.00
Lost Locker Key – Replacement Charge	$12.00
Refundable Key Deposit (Seasonal Rental)	$12.00
Swim Team:	
Residents	$55.00
Qualified Non-Residents	$70.00
Team Registration Fee per child (Diving and Synchronized Teams-daily sessions)	$49.00
Pool Classes:	
Water Aerobics (8 weeks, twice per week)	$59.00
Deep Water Aerobics (8 weeks, once per week)	$39.00
Life Guard and Water Safety Instructor Training	$200.00

FACILITY & FIELD RENTALS:	
Community Center Space Rental per hour:	
Small Activity Room:	
Resident	$25.00
Non-Resident	$50.00
Activity Room 1a and 1b	
Resident	$55.00 (plus $110 refundable deposit)
Non-Resident	$110.00 (plus $110 refundable deposit)
Activity Room 7:	
Resident	$110.00 (plus $220 refundable deposit)
Non-Resident	$220.00 (plus $220 refundable deposit)
North Atrium:	
Resident	$35.00
Non-Resident	$70.00

South Atrium:	
Resident	$35.00
Non-Resident	$70.00
Senior Center Multi-purpose room	
Resident	$150.00 (plus $300 refundable deposit)
Non-Resident	$300.00 (plus $300 refundable deposit)
Ice Rinks (North & South – rate depends on the rink selected and preferred rental time. Rates will be higher for peak ice times)	$150-230
Summer Fieldhouse (trade show)	
per hour	$250.00
per day	$1,000.00
Indoor basketball full court	$75.00
Cumberland Pool Rental:	
Group use rental of pool (2 hours)	$350.00
Athletic Field/Court Rental (baseball, soccer & turf fields, tennis & basketball courts):	
Institutional (School District, Non-Profit, Business) per hour	$75 - 100
Non-Institutional per hour	$50 - 75
Park Picnic Shelter Rental (Must be reserved by Cleveland Heights resident)	
Fee	$25.00
Refundable deposit	$50.00

SECTION 3. (a) The City Manager is hereby authorized to establish additional rules and regulations not inconsistent with the provisions of this Ordinance which she may, from time to time, deem necessary to provide for the orderly operation of the Cleveland Heights Community Center, city parks, and Cumberland Pool and the conduct and protection of the members of the general public using the same.

(b) In the event that it should become necessary, in the judgment of the City Manager,

at any time to limit the number of persons in attendance at any activity to which the public would otherwise be generally admitted, the City Manager is hereby authorized to establish and place in effect such regulations and restrictions as she may deem necessary for such activities to protect the safety and welfare of the public grounds, the community in general, and members of the public at large. Such regulations may include, but are not limited to, advance or on-the-spot limitation of admissions, including closing-off of admission, and may also include a requirement that admission be limited to persons who are bona fide residents of Cleveland Heights and are authorized holders of a proper Recreation I.D. Card issued by the City of Cleveland Heights, and such number of guests accompanied by such Cardholder as the City Manager shall establish.

(c) In the event that the City Manager shall determine, in her sole discretion, that the conduct of a given activity, or a portion of the activity, would endanger the safety and welfare of the public, then she shall have the authority to cancel any program and, at the earliest time possible, to give, by appropriate means, notice to persons wishing to participate in such activity of the fact that the program or activity has been canceled.

(d) Notwithstanding any other provision, the City Manager is hereby vested with authority to transfer the conduct of any portion of any activity to another facility in order to insure the safety and/or convenience of the general public. At such time, the City Manager shall, by appropriate means, advise persons wishing to participate in such activities of the change of location.

(e) The City Manager is hereby authorized to change beginning and ending dates and hours for programs, facilities and sessions due to changes in the Cleveland Heights-University Heights school year dates, staffing shortages, and for other good cause, in her sole discretion.

SECTION 4. Ordinance No. 95-2015, passed by Council on August 17, 2015, is hereby repealed to the extent inconsistent herewith.

SECTION 5. Ordinance No. 142-2105, passed by Council on December 21, 2015, is hereby repealed to the extent inconsistent herewith.

SECTION 6. Ordinance No. 143-2015, passed by Council on December 21, 2015, is hereby repealed to the extent inconsistent herewith.

SECTION 7. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 8. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

ORDINANCE NO. 4-2017 (CRR)

_____
CHERYL L. STEPHENS, Mayor
President of the Council

_____
MITCH MICHALEC
Acting Clerk of Council

PASSED:

Proposed: 2/6/2017

RESOLUTION NO. (F)

By Council Member

A Resolution amending Resolution No. 25-2016 to amend the the signatories designated for the account with Nirvana Public Funding, LLC; and declaring an emergency.

WHEREAS, Nirvana Public Funding has requested that the City, by resolution, approve the signatories to the below described account.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. Resolution No. 25-2016, which authorized the establishment of the investment account with Nirvana Public Funding, LLC, for the investment of municipal funds through STAR Ohio, is hereby amended to authorize the following employees as signatories for the specified account:

Tanisha R. Briley, City Manager
Mitch Michalec, Acting Finance Director

SECTION 2. All remaining provisions of Resolution No. 25-2016 shall remain in full force and effect.

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

SECTION 5. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for City financial business to continue uninterrupted and without delay. Wherefore, provided it received the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. (F)

_____
CHERYL L. STEPHENS, Mayor
President of the Council

_____
MITCH MICHALEC
Acting Clerk of Council

PASSED:

Proposed: 2/6/2017

RESOLUTION NO. (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Boss Dog Brewing Co., LLC, for a loan under the City's Commercial Revolving Loan Fund Program to assist in the establishment of a full service brewpub at 2179 Lee Road, Cleveland Heights; and declaring an emergency.

WHEREAS, Boss Dog Brewing Co., LLC, has applied to the City for a loan under the City's Commercial Revolving Loan Fund Program to assist in the establishment of a full service brewpub at 2179 Lee Road, Cleveland Heights; and

WHEREAS, it is estimated that Boss Dog Brewery will create a total of ten (10) full-time jobs and eighteen (18) part-time jobs, of which at least six (6) full-time equivalent jobs shall be held or made available to low-to-moderate income persons; and

WHEREAS, this Council has determined that making the requested loan would be consistent with the objectives of the Commercial Revolving Loan Fund Program and in the City's best interest; and

WHEREAS, there are Community Development Block Grant funds available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The City Manager be, and she is hereby, authorized to execute a loan agreement and all necessary documents to make a loan under the City's Commercial Revolving Loan Fund Program to Boss Dog Brewing Co., LLC, to assist in the establishment of a full service brewpub at 2179 Lee Road, Cleveland Heights, subject to the submission of all requested documentation. The loan shall be in the sum of Two Hundred Thousand Dollars ($200,000) and shall bear interest at a rate of two percent (2%) per annum with a five (5) year repayment schedule. Payments shall be deferred for six (6) months from the date of final disbursement. The loan shall be secured by a lien on the brewing equipment valued at approximately Two Hundred Eighty-Two Thousand Dollars ($282,000), by a second position mortgage on the property at 2179 Lee Road, Cleveland Heights, and by personal guarantees from Josh Sweet and Jason Sweet in the amount of the loan. During the term of the loan, Boss Dog Brewing Co., LLC, shall provide adequate documentation to demonstrate compliance with all applicable Community Development Block Grant regulations. The loan shall contain such other terms as recommended by the City Manager and Director of Law and shall be approved, as to form, by the Director of Law.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to meet contractual deadlines during the construction season. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

_____
CHERYL L. STEPHENS, Mayor
President of the Council

_____
MITCH MICHALEC
Acting Clerk of Council

PASSED:

Proposed: 2/6/2017

RESOLUTION NO. (PD)

By Council Member

A Resolution authorizing the City Manager to enter into a lease agreement with Boss Dog Brewing Co., LLC, to expand its outdoor dining at 2179 Lee Road, Cleveland Heights; and declaring an emergency.

WHEREAS, this Council has agreed to use Community Development Block Grant funds to loan Boss Dog Brewing Co., LLC, funds under its Commercial Revolving Loan Fund Program to assist in the establishment of a full service brewpub at 2179 Lee Road, Cleveland Heights; and

WHEREAS, Boss Dog Brewing Co., LLC, has a lease agreement for the building and property at 2179 Lee Road; and

WHEREAS, Boss Dog Brewing Co., LLC, has indicated its interest in leasing a portion of city property adjacent to the proposed brewpub to expand its outdoor dining as show in Exhibit A; and

WHEREAS, this Council has determined that said property is not presently used for municipal purposes and does not anticipate that it will be needed for a future municipal purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The City Manager be, and she is hereby, authorized to execute a lease agreement and all necessary documents with Boss Dog Brewing Co., LLC, for the lease of city property as shown in the drawing attached hereto as Exhibit A and incorporated herein by reference. The purpose of the lease shall be to expand the outdoor dining at 2179 Lee Road and shall be Two Thousand Dollars ($2,000) per year for a term of five (5) years. The lease agreement shall contain such other terms as recommended by the City Manager and Director of Law and shall be approved, as to form, by the Director of Law.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to meet contractual deadlines during the construction season. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take

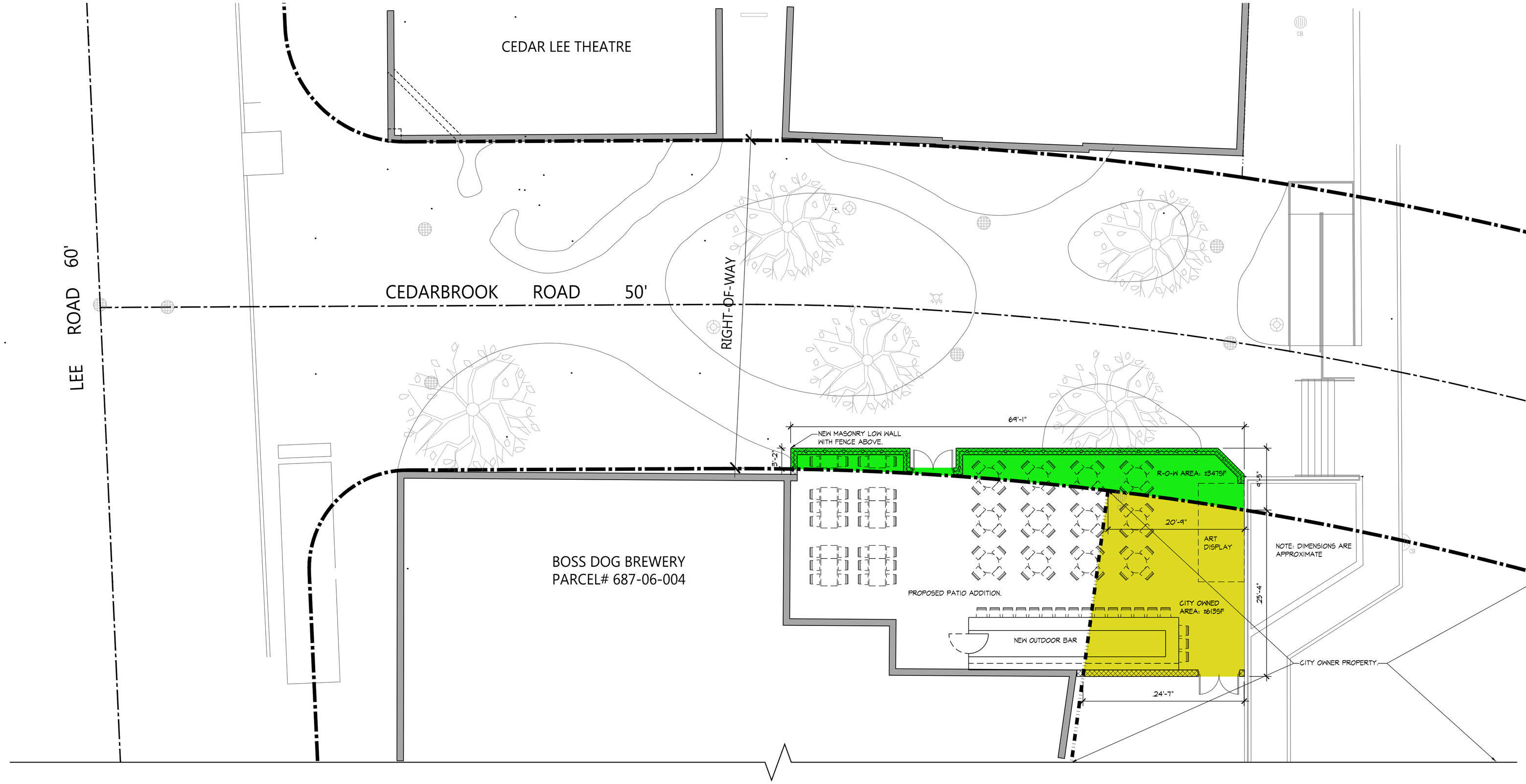
effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

_____
CHERYL L. STEPHENS, Mayor
President of the Council

_____
MITCH MICHALEC
Acting Clerk of Council

PASSED:

EXHIBIT A



PRELIMINARY SITE PLAN

1/8" = 1'-0"

NOTE:
THIS SITE PLAN IS DIAGRAMMATICAL AND SHALL NOT BE CONSTRUED AS AN ACTUAL SURVEY.

PRELIMINARY
NOT FOR CONSTRUCTION

SEAL

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Cleveland Office
3723 Pearl Road
Cleveland, OH 44109

P: 216.749.7800
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PROJECT:

BOSS DOG BREWERY

2179 LEE RD
CLEVELAND HEIGHTS, OH 44118

MARK:	ISSUE:	DATE:
	REVIEW	11/17/16

PROJECT #: 16023.01

DRAWN BY: MC | CHECKED BY: BT

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DRAWING TITLE:
PROPOSED SITE PLAN

SHEET #:
A0.01

Proposed: 2/6/2017

RESOLUTION NO. (CRR)

By Council Member

A Resolution recognizing February 2017 as National African American History Month; and declaring an emergency.

WHEREAS, the City of Cleveland Heights is rich in its diversity of cultures and races; and

WHEREAS, the citizens of Cleveland Heights take great pride in the harmonious relationships that exist among and within the City's many diverse communities; and

WHEREAS, this Council recognizes the importance of explaining and sharing the rich cultural and spiritual heritage of each of the City's various ethnic groups in order to foster and encourage harmony and understanding among these groups; and

WHEREAS, the month of February is recognized as "National African American History Month" by communities throughout the United States in order to honor and review the accomplishments and contributions of African Americans to the United States.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The month of February 2017 is hereby designated National African American History Month in the City of Cleveland Heights in recognition of the accomplishments and contributions of African American citizens to this community and to our country. The City hereby reaffirms its commitment to maintain Cleveland Heights as a truly integrated community and to continue the tradition of appreciation and respect of our cultural diversity.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to recognize National African American History Month in a timely fashion. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

_____
CHERYL L. STEPHENS, Mayor
President of Council

_____
MITCH MICHALEC
Acting Clerk of Council

PASSED:

Proposed: 2/6/2017

RESOLUTION NO. (CRR)

By Council Member

A Resolution proclaiming February 2017, American Heart Month; and declaring an emergency.

WHEREAS, cardiovascular disease is responsible for approximately one (1) in four (4) deaths in the United States and is the leading cause of death among both men and women; and

WHEREAS, the risk factors for cardiovascular disease include smoking, high blood pressure, high cholesterol, obesity, physical inactivity, diabetes, family history and age; and

WHEREAS, the research is clear that there are tools available to increase survival rates of cardiovascular disease, with the American Heart Association encouraging citizens to help save lives by calling 9-1-1 if symptoms occur, becoming trained in CPR, and supporting comprehensive automated external defibrillator ("AED") programs in their communities; and

WHEREAS, the American Heart Association and numerous governmental entities are celebrating February 2017 as American Heart Month and encouraging citizens to learn the warning signs of heart attack and stroke; and

WHEREAS, this Council joins with these entities to encourage residents to raise their awareness about heart disease in order to make healthy lifestyle choices to reduce their own risk and to recognize the warning signs and be able to assist other persons suffering cardiovascular symptoms.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council hereby proclaims February 2017, American Heart Month, in the City of Cleveland Heights in order to promote education and awareness with the goal of reducing cardiovascular deaths in this community and nationwide.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to proclaim American Heart Month on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take

effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

_____
CHERYL L. STEPHENS, Mayor
President of Council

_____
MITCH MICHALEC
Acting Clerk of Council

PASSED:

RESOLUTION NO. (F)

By Council Member

A Resolution authorizing designated City employees to be signatories on certain City accounts; and declaring an emergency.

WHEREAS, the banks listed below have requested that the City, by resolution, approve the signatories to the described accounts.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The following described accounts in the noted banks shall have the following named City employees as signatories for the specified accounts:

(1) US Bank:
- General Operating Account (Corporate Account)
- Controlled Disbursement for Vendors and Payroll
- Health Care Provider Disbursement
- Parking Ticket Lock Box
- Police Department Account

Tanisha Briley, City Manager
Susanna Niermann O'Neil, Vice City Manager
Mitch Michalec, Acting Finance Director

(2) Fifth Third Bank:
- Water Lock Box Account
- Sewer Lock Box Account

Tanisha Briley, City Manager
Susanna Niermann O'Neil, Vice City Manager
Mitch Michalec, Acting Finance Director

(3) STAR Ohio:
- Investment Account

Tanisha Briley, City Manager
Susanna Niermann O'Neil, Vice City Manager
Mitch Michalec, Acting Finance Director

(4) STAR Plus Ohio:
- Investment Account
Tanisha Briley, City Manager
Susanna Niermann O'Neil, Vice City Manager
Mitch Michalec, Acting Finance Director

SECTION 2. All General Corporate Account Checks, excluding payroll and health benefit checks, shall require the signature of two City employees as follows: 1) The signature of the City Manager or Vice City Manager; and 2) the signature of the Acting Finance Director.

SECTION 3. Resolution No. 135-2013, adopted August 5, 2013, is hereby repealed.

SECTION 4. Notice of the passage of this Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 5. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for City financial business to continue uninterrupted and without delay. Wherefore, provided it received the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

_____
CHERYL L. STEPHENS, Mayor
President of the Council

_____
MITCH MICHALEC
Acting Clerk of Council

PASSED:

Summary of Changes to Part Eleven, Zoning Code of the Codified Ordinances of Cleveland Heights 1-27-2017

	Subsection	Exhibit A page #	Change(s)
1	Subsection 1103.03(a)55	1	remove "motel" from "hotel" definition
2	Schedule 1115.01 (D)(12), (16), and (22)	5 to 6	remove mural; PDO inadertent omission; coop approval from Commission to staff; misc. clean-up
3	Subsections 1115.02(a)(5) and (6)	8	Misc. clean-up.
4	Subsections 1115.02(c) and (d)	8	Establish general procedure for fence approval in front or corner side yard.
5	Subsection 1121.05(s)	19	Misc. clean-up.
6	Section 1121.08	20	Misc. clean-up.
7	Schedule 1121.12(a) (1) and (15)	29	Misc. clean-up; correct inadvertent omission that chicken coop is accessory use and its requirements.
8	Notes to Schedule 1121.12(a)	30	Paragraph outline added for clarity.
9	Notes to Schedule 1121.12(d)	32	Paragraph outline added for clarity.
10	Subsection 1121.12(i)	33	Permit 4' tall fences in front or corner side yard. Clarify fence permits are not required for chicken coops & deer net fencing.
11	Subsection 1121.12(l)(8)	35	Clarify fence regulations for vegetable/edible garden fences.
12	Subsection 1123.04(u)	37	Misc. clean-up.
13	Section 1123.05	38	Misc. clean-up.
14	Subsections 1123.07(b)(1), (2)	39 to 40	Permit townhouses to have 0' setback.
15	Section 1123.10	42	Change dwelling unit minimum to 500 sq. ft. based on market demand. Permit front-facing garge doors only when 75% or more of aneighbohood block have garage doors visible on the street elevation.
16	Section 1123.11, note (b)	43	Permit rooftop mechanical equipment & stair enclusure to exceed allowable building height if adequately screened.
17	Schedule 1123.12(a)(4) and note (a)	43	Clarify yard requirements for greenhouses. Paragraph outline added for clarity.
18	Section 1131.01	46	Establish purpose of the C-2X District. Misc. clean-up.
19	Subsection 1131.02(a)	46	Misc. clean-up.
20	Schedule 1131.02	47 to 50	Clarify uses permitted in the C-2X District. Misc. clean-up. Add hotels as conditionlly permitted in all C districts. Miscellaneous changes to permitted and conditionally permitted uses. Clarify ATM requirements. Remove auto-oriented uses as conditionally permitted in the C-2 district. Change murals to permitted use.
21	Section 1131.03	51	Misc. clean-up.
22	Schedule 1131.03	51	Clarify accessory uses permitted in the C-2X district.
23	Schedule 1131.06(b)(1)	53	Permit 0' side yard setback in C-3 district.
24	Subsections 1131.075(a), (b)(1)	54	Misc. clean-up.
25	Section 1131.076	54	New Code section to clarify window transparency in commercial districts.
26	Subsection 1131.08(a)(6), (7)	54 to 55	#6 & #7 relocated from 1131.13. Add prohibition for drive aisles between building and right-of-way.
27	Subsection 1131.08(b)	55	Misc. clean-up.
28	Subsection 1131.08(c)(7)	55	Permit freestanding accessory strucutre in front of a building.
29	Section 1131.09	55	Remove reference to gas station in a C-2 district.
30	Section 1131.10	56	Remove reference to automobile sales/rental in C-2 district.
31	Section 1131.13	57	Relocate this section to 1131.08(a)(6) and (7)
32	Section 1131.131	57	Misc. clean-up.
33	Section 1131.14	58 to 59	Misc. clean-up.
34	Section 1147.06	62	Planning Commisison may, as part of the Conditional Use Permit, modify dweeling unit size, density, building height and/or parking requirements. Clarify parking requirements.
35	Subsections 1153.05(l), (m), (t), (u), (v), (x), (z), (gg), (hh)	73 to 85	Revision of drive-through, ATM and chicken coop standards. Remove murals. Add standards for hotels. Misc. clean-up.
36	Subsection 1166.10(d)	86	Remove drive-through facilities and relocate to 1153.05(l).

Proposed: 2/6/2017

ORDINANCE NO. (PD) , *First Reading*

By Council Member

An Ordinance amending various sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights.

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

SECTION 1. The following sections and subsections of Part Eleven, *Zoning Code*, of the Codified Ordinances of the City of Cleveland Heights as set forth in Exhibit A, a copy of which is attached hereto incorporated herein by reference, with the language of the new provisions in red and the provisions to be deleted struck out:

1. Subsection 1103.03(a)(55)
2. Schedule 1115.01 (D)(12), (16), and (22)
3. Subsections 1115.02(a)(5) and (6)
4. Subsections 1115.02(c) and (d)
5. Subsection 1121.05(s)
6. Section 1121.08
7. Schedule 1121.12(a)(1) and (15)
8. Notes to Schedule 1121.12(a)
9. Notes to Schedule 1121.12(d)
10. Subsection 1121.12(i)
11. Subsection 1121.12(l)(8)
12. Subsection 1123.04(u)
13. Section 1123.05
14. Subsections 1123.07(b)(1), (2) and note (b)
15. Section 1123.10
16. Section 1123.11, note (b)
17. Schedule 1123.12(a)(4) and note (a)
18. Section 1131.01
19. Subsection 1131.02(a)
20. Schedule 1131.02
21. Section 1131.03
22. Schedule 1131.03
23. Schedule 1131.06(b)(1)
24. Subsections 1131.075(a), (b)(1)
25. Section 1131.076
26. Subsection 1131.08(a)(6), (7)
27. Subsection 1131.08(b)
28. Subsection 1131.08(c)(7)

ORDINANCE NO. (PD)

29. Section 1131.09
30. Section 1131.10
31. Section 1131.13
32. Section 1131.131
33. Section 1131.14
34. Section 1147.06
35. Subsections 1153.05(l), (m), (t), (u), (v), (x), (z), (gg), and (hh)
36. Subsection 1166.10(d)

SECTION 2. This proposed amending ordinance shall be transmitted to the Planning Commission pursuant to Section 1119.03 of the Codified Ordinances.

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

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

_____
CHERYL L. STEPHENS, Mayor
President of the Council

_____
MITCH MICHALEC
Acting Clerk of Council

PASSED:

ORDINANCE NO. (PD)

Exhibit A

CHAPTER 1103 DEFINITIONS

SECTION 1103.03 DEFINITIONS OF GENERAL TERMS

(a) (55) "Hotel" ~~or "motel"~~ means a building in which lodging is provided and offered to the public for compensation on a daily rate and which is open to occupancy for periods of less than one (1) week, in contrast to a lodging house as defined in this section. Motels are not included in this definition.

CHAPTER 1115 PROCEDURES

1115.01 PURPOSE.

(a) In order to accomplish the purposes for which this Zoning Code is adopted, it is essential that its regulations be soundly and consistently applied, and that this Code be vigorously administered.

(b) Administrative provisions are accordingly established in this chapter to carry out the purposes and other substantive provisions of this Zoning Code, and in particular:

(1) To establish procedures for the administration of this Code.

(2) To establish procedures for considering and acting upon applications for building permits, appeals from administrative actions, requests for variances, requests for conditional uses, determination of similar uses and approval of development plans for a conditional use.

(c) The responsibilities for reviewing plans for a proposed use, building or structure under this Code are summarized in Schedule 1115.01.

Schedule 1115.01
SUMMARY OF ZONING APPROVAL RESPONSIBILITIES

	Permitted No Permit Required	Zoning Administrator Approval	Board/Comm-ission Approval
A. Principal Uses 1. Principal building-construction/alteration		X	
2. S-1 District			X
3. S-2 District (see D. Conditional Uses)		X	
4. Reoccupancy by a principal use		X	
B. Residential Accessory Uses			
1. Detached garages		X	
2. Pavement/driveway		X	
3. Pool house/storage shed		X	
4. Swimming pool/ornamental pool		X	
5. Deck, porch, handicap ramp		X	
6. Fences:			
Front/corner side yard			X
Side/rear yard		X	
7. Sidewalks (private property)		X	
8. Garaging a truck		X	
9. Outdoor storage of recreational vehicles		X	
10. Use of carriage house as a dwelling		X	
11. Home occupation in dwelling unit	X		
12. Non-commercial greenhouse		X	
13. Vegetable/edible and flower gardens		X	
14. Children's play equipment	X		
15. Gatehouse/guardhouse		X	
16. Leasing office		X	
17. Retail in an MF Building		X	

Schedule 1115.01
SUMMARY OF ZONING APPROVAL RESPONSIBILITIES (Cont.)

	Permitted No Permit Required	Zoning Administrator Approval	Board/Comm-ission Approval
B. Residential Accessory Uses (Cont.)			
18. Trash receptacles		X	
C. Commercial Accessory Uses			
1. Off-street parking		X	
2. Storage building		X	
3. Employee cafeteria		X	
4. Recycling and trash receptacle and enclosures/ screening		X	
5. Retail use in an Office Building		X	
6. Accessory parking garage		X	
7. Fences:			
Fences parallel and within 25 ft. of the street right-of-way (i.e., fences in front yard)			X
All other fences		X	
D. Conditional Uses			
1. Places of worship			X
2. Private golf course			X
3. Parochial school			X
4. Cemetery			X
5. Public library			X
6. Public safety facility			X
7. Private school			X
8. Day care home			
in AA, A Districts		X	
in B Districts			X

Schedule 1115.01
SUMMARY OF ZONING APPROVAL RESPONSIBILITIES (Cont.)

	Permitted No Permit Required	Zoning Administrator Approval	Board/Comm-ission Approval
D. Conditional Uses (Cont.)			
9. Outdoor community festival in Residential District			
Up to 1 day		X	
Renewal - up to 1 day		X	
Longer than 1 day			X
Renewal - longer than 1 day			X
10. Outdoor community festival in a Commercial District			
Up to 3 days		X	
Renewal - up to 3 days		X	
Longer than 3 days			X
Renewal - longer than 3 days			X
11. Satellite dishes			X
12. ~~Murals~~ PDO Planned Development		~~X~~	X
13. S-2 Planned Development			X
14. Planned Residential Development			X
15. Residential homes for the handicapped			
4 persons		X	
5-8 persons			X
16. Outdoor dining facility with~~in~~ 25 or fewer seats		X	
17. Outdoor dining facility with more than 25 seats			X
18. Adaptive Reuse of Existing Non-Residential Buildings in a Residential District			X
19. Farmers' Markets		X	
20. Community Gardens		X	
21. Commercial Renewable Energy Systems			X

Schedule 1115.01
SUMMARY OF ZONING APPROVAL RESPONSIBILITIES (Cont.)

	Permitted No Permit Required	Zoning Administrator Approval	Board/Comm-ission Approval
D. Conditional Uses (Cont.)			
22. Chicken Coops and Chicken Runs		X	~~X~~
23. Live/Work Dwellings in Commercial Districts			X
24. Greenhouses as Principal Use in Commercial Districts			X
25. Shared Renewable Energy Systems			X
26. All other conditional uses			X
E. Site Improvements for Principal Uses			
1. Required landscaping		X	
2. Required screening		X	
3. Land bank parking		X	
F. Nonconforming Conditions			
1. Reconstruction of a legal nonconforming garage - smaller than required		X	
2. Construction of addition to a nonconforming SF or 2F dwelling no closer to the side lot line than existing structure (AA, A and B Districts)		X	
3. Rear yard addition encroachments (A and B Districts)		X	
G. Signs			
1. Residential safety/security	X		
2. Nameplate	X		
3. Temporary window sign	X		
4. Directional signs		X	
5. Residential identification			X

Schedule 1115.01
SUMMARY OF ZONING APPROVAL RESPONSIBILITIES (Cont.)

	Permitted No Permit Required	Zoning Administrator Approval	Board/Comm-ission Approval
G. Signs (Cont.)			
6. Institutional identification			X
7. Commercial identification			X
8. Instructional signs - 10 sq. ft. or less		X	
9. Instructional signs - more than 10 sq. ft. or within 25 ft. of the street right-of-way			X
10. Building markers		X	
11. Public purpose/safety signs		X	
12. Construction signs		X(a)	
13. Freestanding gas station signs			X
14. S-1 District - freestanding signs			X
15. Projecting signs			X
16. Permanent window signs			X
17. Alterations to a nonconforming sign			X

(a) Unless Zoning Administrator determines it should be reviewed by the Architectural Board of Review.

1115.02 BUILDING PERMIT REQUIRED.

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

(a) Such approval shall be granted only when:

(1) The Zoning Administrator or designated agent finds that all applicable requirements and standards of this Zoning Code have been complied with;

(2) A request for a variance has been approved by the Board of Zoning Appeals in accordance with the limitations, procedures and requirements of this chapter and has been approved by Council;

(3) The Planning Commission has issued a conditional use permit for the conditional use in accordance with the procedures described in this chapter;

(4) The Planning Commission has made a determination in accordance with the procedures described in this chapter that a proposed use is substantially similar to a principal or conditionally permitted use in the zoning district in which such use is located;

(5) The Board of Control has approved a detailed development plan for a proposal in the S-1 District, according to the procedures established in Section 1143.10; and/or

~~and~~ (6) the Architectural Board of Review has approved the application for the proposed use, building or structure as required by the City's Codified Ordinances including this Zoning Code.

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

(1) Review by the Board of Zoning Appeals;

(2) Review by the Architectural Board of Review;

(3) Review by the Planning Commission or Board of Control, as applicable;

(4) Review by Council.

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

(1) Review by the Architectural Board of Review;

(2) Review by the Board of Zoning Appeals;

(3) Review by the Planning Commission or Board of Control, as applicable;

(4) Review by Council.

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

1115.03 BUILDING PERMITS CONTRARY TO ZONING CODE ARE VOID.

Any permit issued contrary to the provisions of this Zoning Code shall be void. Any material misstatement of fact by an applicant for a permit or any material misrepresentation in the plans or specifications shall render void any permit issued pursuant thereto.

1115.04 UTILITY USES; EXCEPTION.

Except as otherwise provided in this Zoning Code, no provision in this Code which in any way restricts the use of lands or buildings shall be held to apply to locating the distribution lines of public utility companies, whether municipally owned or privately owned, such as water mains, gas mains, telephone and electric lines above or below ground, essential for the service to the residents of the community. The foregoing exclusion, however, shall not include permanent storage yards, supply depots, manufacturing or service and repair shops, or distribution, transmission and transformer stations as specifically listed and regulated in Sections 1123.04 and

1115.05 RECORD OF ZONING APPROVAL AND CERTIFICATES OF COMPLIANCE.

The Zoning Administrator shall maintain a record of all action taken by the Board of Zoning Appeals and Planning Commission, and copies shall be furnished, upon request, and

upon payment of the established fee to any person.

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 sixty (60) 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.

(d) Notice of Public Hearing. Before conducting the public hearing required in subsection (c) hereof, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the City 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, by first class mail, 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.

1115.07 VARIANCES; PROCEDURES, AND REVIEW CRITERIA.

A request for variance may be submitted to the Board of Zoning Appeals by the owner of the property involved or a person having a legal interest in such property or acting under written authority of the owner. Requests shall be filed with the Zoning Administrator upon the forms provided, and shall be reviewed by the Board pursuant to Section 1109.06(b), and in accordance with the following procedures:

(a) Submission Requirements. A request for a variation from a numerical standard in this Zoning Code shall be accompanied by the following requirements necessary to convey the reasons for the requested variance:

(1) Name, address and phone number of applicant(s);
(2) Proof of ownership, legal interest or written authority;
(3) Description of property or portion thereof;
(4) Description or nature of variance requested;
(5) Narrative statements establishing and substantiating the justification for the variance pursuant to Section 1115.07(e);
(6) Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;
(7) Payment of the application fee as established by Council;
(8) Any other documents deemed necessary by the Zoning Administrator.

(b) Review for Completeness by the Zoning Administrator. Upon receipt of a written request for variance, the Zoning Administrator shall within three (3) working days make a preliminary review of the request to determine whether such application provides the information necessary for review and evaluation and 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 Board of Zoning Appeals. The Board of Zoning Appeals shall hold a public hearing within sixty (60) 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 given in one (1) or more newspapers of general circulation in the City at least ten (10) days before the date of such hearing. In addition, written notice of the hearing shall be mailed by the Zoning Administrator by first class mail at least ten (10) days before the day of the public hearing to the applicant and also to 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 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 variance. The failure of any person to receive such notice shall not affect the right and power of the Board to hear such request or to take action in accordance with such public notice.

(e) Review by Board. The Board of Zoning Appeals shall review each request for a variance to determine if such request complies with the purpose and intent of this Zoning Code and the applicant can demonstrate that the literal enforcement of this Code will result in practical difficulty or, in the case of a use variance, unnecessary hardship.

(1) The following factors shall be considered and weighed by the Board in determining practical difficulty:

A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same Zoning District; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

C. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;

D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
F. Whether the property owner purchased the property with knowledge of the zoning restrictions;
G. Whether special conditions or circumstances exist as a result of actions of the owner;
H. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
I. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
J. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures or buildings in the same district.

(2) No variance shall be granted to allow a use not permissible under the terms of this Zoning Code in the zoning district in which the property is located unless the Board finds that the applicant for the variance has demonstrated that the applicant will suffer unnecessary hardship if strict compliance with the terms of the Code is required and such hardship must be demonstrated by clear and convincing evidence as to all of the following criteria:
A. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district;
B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
C. The hardship condition is not created by actions of the applicant;
D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
E. The granting of the variance will not adversely affect the public health, safety or general welfare;
F. The variance will be consistent with the general spirit and intent of the Zoning Code; and
G. The variance sought is the minimum which will afford relief to the applicant.

(f) Action by Board of Zoning Appeals. After the public hearing required in subsection (c) hereof, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in subsection (g) hereof, or disapprove the request for variance. The Board shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.

(g) Conditions and Limitations by Board. The Board of Zoning Appeals may further prescribe any conditions, stipulations, safeguards and limitations on the duration of the variance so authorized as the Board determines and prescribes. Any variance when so issued by the Zoning Administrator upon order of the Board following approval by Council as required in subsection (i) hereof shall set forth such conditions, stipulations, safeguards and duration limit. The Board may not extend the scope or extend the duration of a variance previously issued upon its order. Any additional action so desired may be effected only upon application to the Zoning Administrator for approval of a new variance in accordance with the provisions of this Zoning Code.

(h) Time Frame for Board Action. A person initiating a request for variance to the Board may request that the Board approve or disapprove such request for variance within ninety (90) days of the start of the public hearing. A person requesting a variance 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 ninety (90) days or extended time period as so agreed upon, shall, at the election of the person seeking such variance, be deemed a denial of the request for variance.

(i) Approval by Council. A variance shall be granted and have effect only following approval by Council. A certified copy of the resolution of the Board granting such variance shall be filed with the Clerk of Council. If, within the thirty (30) day period next succeeding such filing, Council by a majority vote disapproves the Board's action in granting the variance, the variance shall be void and shall not be issued, otherwise it, together with any additional conditions imposed by Council, becomes and is in full force and effect on the day next succeeding the thirty (30) day period. However, should Council approve the action of the Board within the thirty (30) day period, the variance becomes in full force and effect from the date of the approval.

(j) Terms of the Variance. Each variance granted by the Board of Zoning Appeals shall state upon its face the time limit within which the applicant shall complete the installation, 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 permit. However, the Board 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 issuance of the variance, unless construction is actively underway. If any action is taken that is contrary to the terms of the variance or contrary to conditions accompanying the variance, or if the conditions stipulated are not properly maintained, the Board may revoke such variance. A variance granted pursuant to this chapter shall "run with the land" and be valid for successors in interest unless otherwise specified by the Board.

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. The Planning Commission shall review each application 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 three (3) working days, make a preliminary review of the application to determine whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Zoning Administrator shall so advise the applicant of the deficiencies and shall not further process the application until the deficiency is corrected.

(c) Public Hearing by the Planning Commission. The Planning Commission shall hold a public hearing within sixty (60) 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 given in one (1) or more newspapers of general circulation in the City 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 by first class mail 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.

(i) Terms of Conditional Use Permit. Each conditional use permit granted by the Planning Commission 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 issuance of the conditional use permit, 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.

1115.09 REVIEW OF DEVELOPMENT PLANS FOR CONDITIONAL USES.

Application for a conditional use permit for development under the provisions of this chapter shall require the submission of a development plan for the proposed use or building. 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.

(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 or PDO 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 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 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.

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

Application for approval for development within an S-1 Mixed Use District shall require the submission of a development plan as set forth in Chapter 1143.

1115.12 SCHEDULE OF FEES.

Council shall by ordinance establish a schedule of fees for building permits, amendments, appeals, variances, conditional use permits, and other procedures and services pertaining to the administration and enforcement of this Zoning Code after considering the recommendations of the Zoning Administrator with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be available at City Hall, and may be altered or amended only by Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

1115.13 SPECIAL EXCEPTIONS.

Property owners seeking a special exception from the Board of Zoning Appeals shall adhere to the procedures set out in Section 1115.07 for property owners seeking a variance, though Section 1115.07(e) shall not apply. Instead, the Board shall review the request for a special exception according to the terms of the section of this Code in which the special exception is authorized.

CHAPTER 1121
AA AND A SINGLE-FAMILY AND B TWO-FAMILY RESIDENTIAL DISTRICTS

1121.01 PURPOSE.

Cleveland Heights is a City primarily consisting of single-family residences, most of which are owner-occupied. Single-family residences are extremely sensitive to adverse effects from other land uses and require high standards for occupancy and use of the principal building as well as location and use of accessory buildings if these areas are to be maintained and to continue to be good places in which to live. In addition, certain parts of Cleveland Heights have been developed primarily with two-family residences having a similar character to the single-family districts, and it is appropriate that there be a zoning district for this distinctive use. Single-family and two-family district regulations are established to achieve the following particular objectives:

(a) The AA Single-Family District is established to provide for single-family residential uses with a minimum lot size of 15,000 square feet, compatible with the existing larger lot developments in areas so defined, as a means of preserving the unique character of these areas.

(b) The A Single-Family District is established to provide for single-family residential uses on smaller lots with a minimum of 7,500 square feet.

(c) The B Two-Family District is established to permit single-family units on lots with a minimum of 7,500 square feet and two-family residential uses with a minimum lot size of 10,000 square feet.

(d) To encourage as a conditional use flexible residential development to promote creative and efficient use of land through unified development.

(e) To regulate the location and lot coverage of accessory uses, buildings and structures so as to permit such uses to be established and maintained in a manner which makes them compatible with the existing residential neighborhoods.

(f) To encourage sustainable development and practices in residential neighborhoods.

1121.02 PERMITTED USES.

(a) In the AA or A Single-Family Districts or B Two-Family District, land and structures shall be used or occupied, or structures shall be erected, constructed, enlarged, moved, or structurally altered only for a principal use specified, or a conditional use in accordance with Title Seven, or an accessory use to a permitted principal or conditional use as regulated herein. Sections 1121.03 through 1121.05 enumerate those uses that may locate in each AA, A and B zoning district as a matter of right, either as a principal or accessory use, and those uses which may locate in a given district only upon obtaining a conditional use permit.

(b) Although a use may be indicated as permitted or conditionally permitted in a particular district, it shall be approved on a parcel only when it can be located thereon in full compliance with all of the standards and other regulations of this Zoning Code applicable to the specific use and parcel in question.

1121.03 PRINCIPAL USES.

When denoted by the letter P, a use listed below is a principal use permitted by right in the AA and A Single-Family and B Two-Family Residential Districts provided that all requirements of other city ordinances and this Zoning Code have been met.

	Land Use Category	AA District	A District	B District
(a)	Single-Family Detached Dwellings	P	P	P
(b)	Two-Family Dwellings			P

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 lot or one-story covered garage) as principal use for a permitted use not on the same lot;
(k) Accessory parking for a commercial use, contiguous with a C-1, C-2, C-2X or C-3 District in compliance with Section 1131.08(a);
(l) Residential home for the handicapped;
(m) Day care center and nursery school in a school or religious institution;
(n) Day care home;
(o) Home occupation in an accessory building;
(p) Outdoor community festivals;
(q) Satellite dish receiving antenna.
(r) 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 Section 1153.03(b)(50) and Section 1153.05(aa)
(s) Adaptive reuse of non-residential buildings in residential districts
(t) Farmers' markets
(u) Community gardens

1121.05 ACCESSORY USES.

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

(a) Private garages and related residential off-street parking subject to the regulations of Chapter 1161;
(b) Signs subject to the regulations of Chapter 1163;
(c) Home occupations in a dwelling unit subject to the regulations of Section 1165.02(b);
(d) Swimming pools and associated pool house;
(e) Porches, decks, arbors, patios, gazebos;
(f) Storage shed, and other similar buildings for the storage of domestic supplies;
(g) Fences;
(h) Noncommercial greenhouse not to exceed twenty-five percent (25%) of ground floor area of the principal building;
(i) Vegetable/edible and flower gardens;
(j) Children's play equipment;
(k) Gatehouse, guard house;
(l) Parking of non-passenger vehicles subject to the regulations of Section 1165.02;
(m) Parking of recreational vehicles subject to the regulations of Section 1165.02.
(n) Portable on-demand storage structures, subject to the regulations of Section 1165.02(f).
(o) Rain barrels and above-ground cisterns;
(p) Laundry clotheslines;
(q) Ornamental pool; and
(r) Compost bins subject to 1121.12(p) of this Code.
(s) Chicken coop subject to 1153.05(gg) of this Code.

1121.06 MINIMUM LOT AREA AND WIDTH REGULATIONS.

The minimum area and width of a lot that may be used for purposes of a dwelling are specified below.

District	Type of Dwelling	Minimum Lot Area (Square Feet)	Minimum Lot Width at Building Line (Feet)
AA	Single-Family	15,000	100
A	Single-Family	7,500	50
B	Single-Family	7,500	50
B	Two-Family	10,000	60

1121.07 MINIMUM LOT FRONTAGE.

Every zoning lot or tract of land shall have a width at the front lot line of not less than twenty-five (25) feet, and at no point shall the width be less than twenty-five (25) feet between

the front lot line and the building line.

1121.08 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL USES.

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) ~~and,~~ (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.

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

(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 farthermost 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;

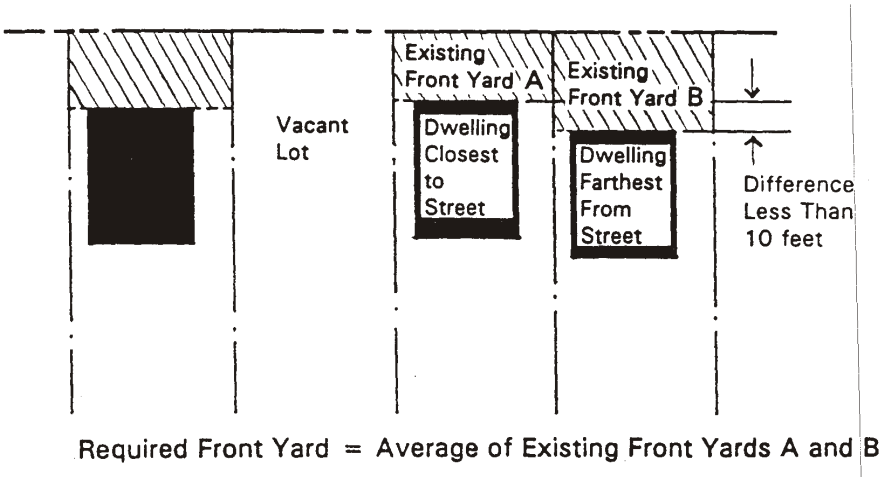
(2) Where subsection (a)(1) hereof is not the case and a lot is within 100 feet of a dwelling on each side, then the front yard is a line drawn from the closest front corners of these two adjacent dwellings;

(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:



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

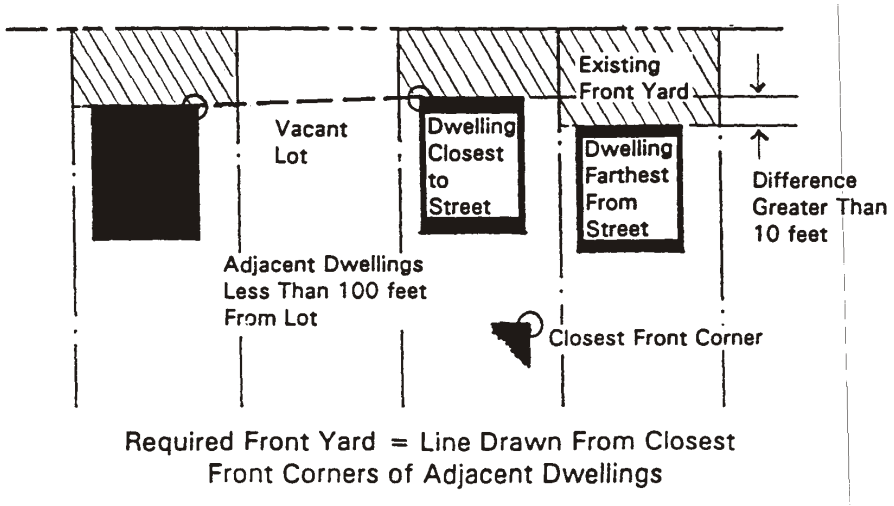
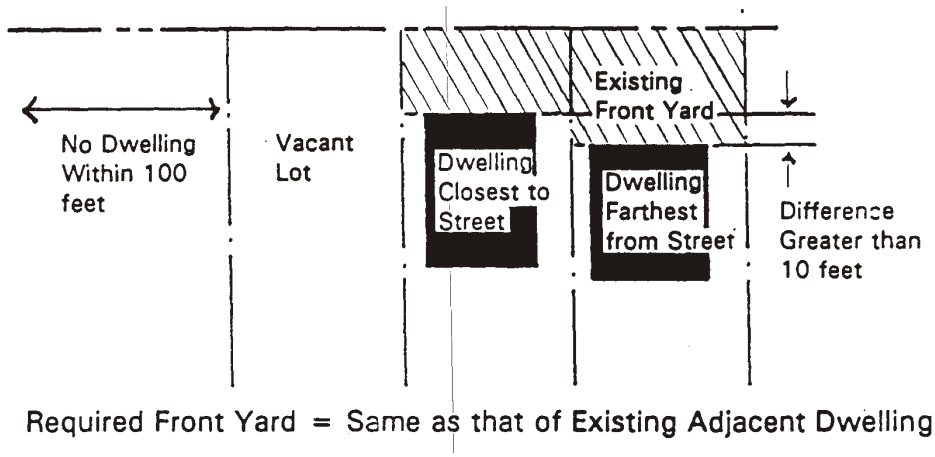


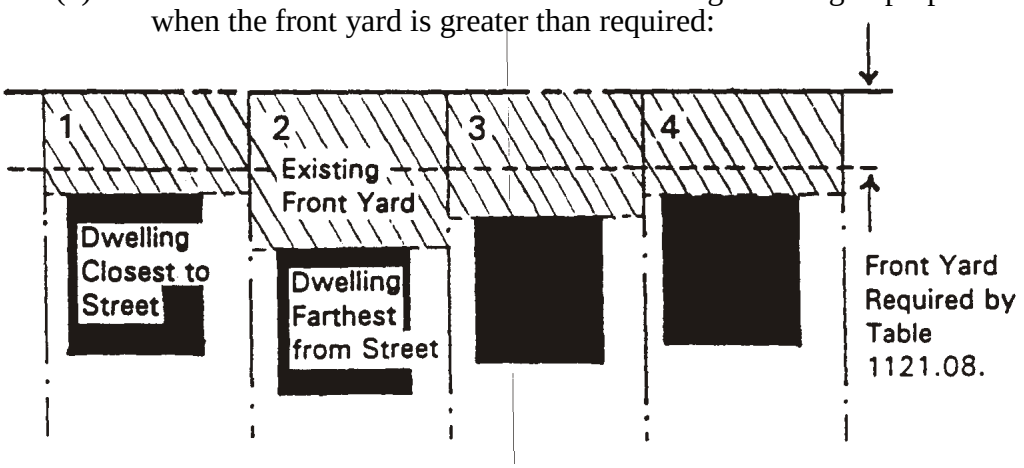
ILLUSTRATION OF FRONT YARDS ON PARTIALLY
BUILT-UP BLOCKS IN AA, A AND B DISTRICTS

Section 1121.08(a) continued

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



(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

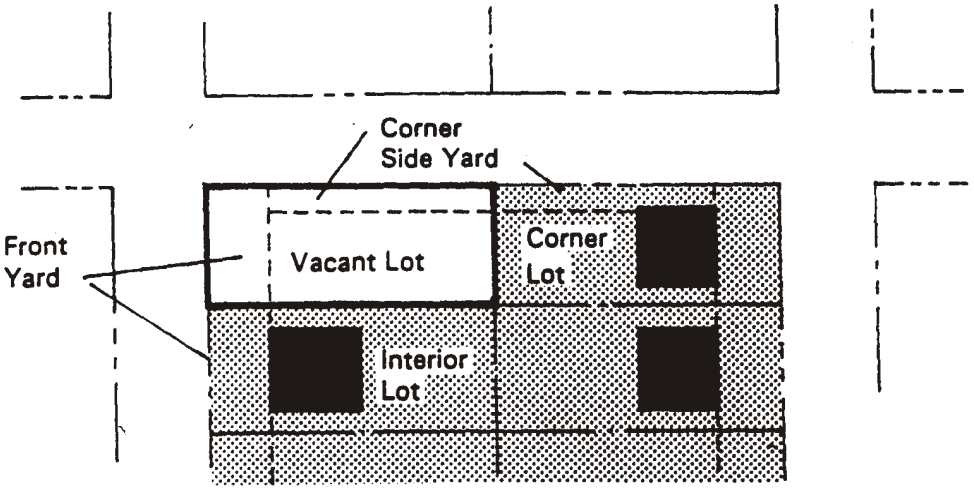
B. Twenty (20) feet in an "AA" District; fifteen (15) feet in an "A" District; and ten (10) feet in a "B" District.

(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.

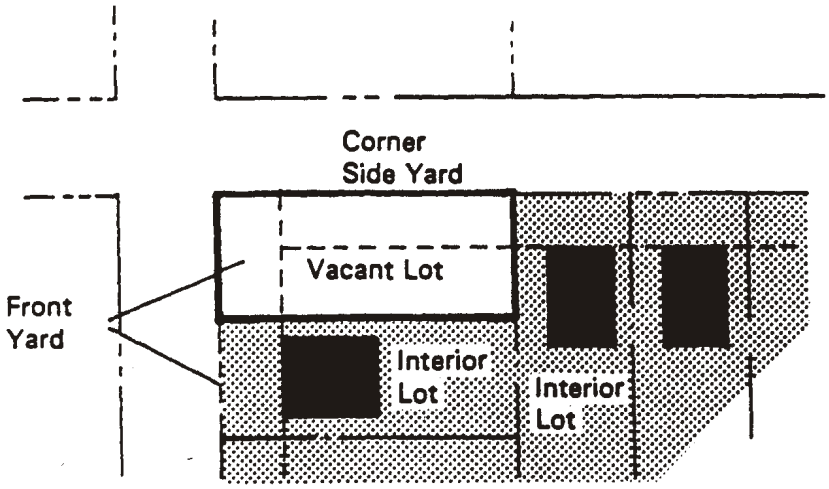
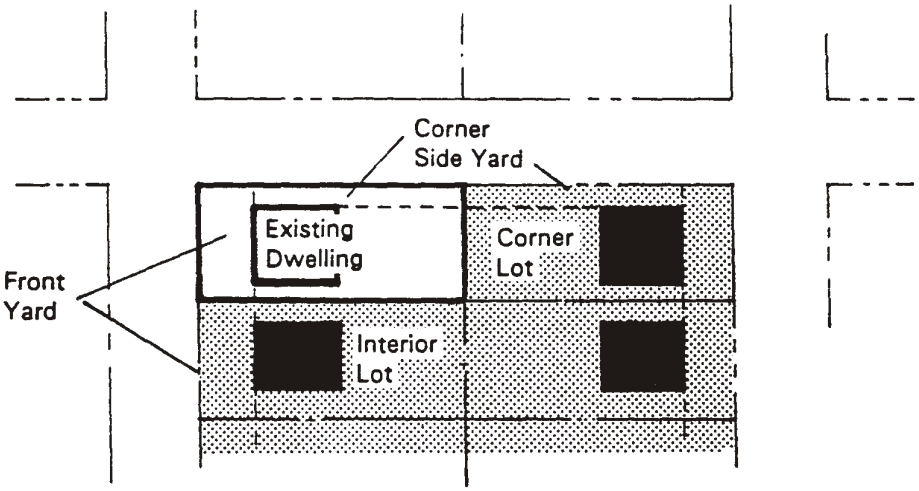


ILLUSTRATION OF CORNER SIDE YARD REQUIREMENTS
FOR PRINCIPAL BUILDINGS IN AA, A AND B DISTRICTS

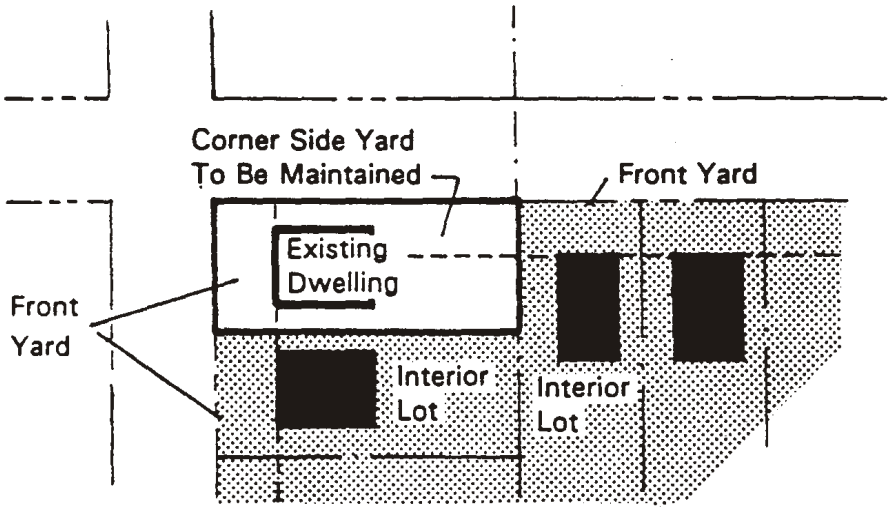
Section 1121.08(b)

(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 and Architectural Board of Review 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 the use of rain barrels, cisterns, dry wells, French drains beneath driveways, permeable pavers or porous asphalts. 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.

1121.09 DWELLING UNIT REQUIREMENTS.

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

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

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

(b) Enclosed Parking Spaces Required. Two (2) off-street enclosed parking spaces shall be provided for each dwelling unit, either in a garage that is attached to and integrated with or in one that is detached and accessory to the dwelling unit. When 75% or more of a block face have detached rear yard garages or attached garages with doors not visible on the street elevation, new attached garages shall have doors not visible on the street elevation. A new attached garage of a home

on a corner lot may have garage doors visible on one of the streets. Furthermore, all parking areas shall be provided, designed and constructed in accordance with the accessory use standards in Section 1121.12 and the parking requirements in Chapter 1161.

1121.10 HEIGHT REGULATIONS.

In AA and A Single-Family and B Two-Family Districts, the height of any building for a permitted principal use shall not exceed thirty-five (35) feet or two and one-half (2-1/2) stories, except for appurtenances as regulated in Section 1165.04.

1121.11 BUILDINGS PERMITTED ON A ZONING LOT.

There shall be not more than one (1) single-family or, where permitted, one (1) two-family dwelling located on a zoning lot, except as otherwise provided for in this Zoning Code, and both units of a two-family dwelling shall be within the same building.

1121.12 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in AA, A and B Districts shall conform to the location, coverage and maintenance standards contained in this section. Attached garages as part of a dwelling are subject to all yard requirements for a principal building specified in Section 1121.08 and shall comply with the floor area regulations for garages established in subsection (e) hereof.

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

Schedule 1121.12(a)

MINIMUM YARD REQUIREMENTS FOR ACCESSORY USES

		Minimum Distance (in feet) From			
Permitted Use, Structure, Building	Yard in Which Permitted	Rear Lot Line	Side Lot Line	Side Street (Corner Lot)	Principal Building
(1) Detached garage	Rear ~~and~~	3(a)	3	25(b)	10
	Side	5(a)	(c)	25(b)	10
(2) Pool house, storage shed (i), other similar buildings	Rear only	5	5	(e)	10
(3) Swimming pool (above and below ground)	Rear and side	15	15	15(b)	5
(4) Deck, porch, handicap ramp, steps, and similar structures exceeding 3 feet in height (f) (k)	Rear and side	5	5	(d)	0
	Front		See Section 1121.12(b)		
(5) Deck, patio, porch steps, ornamental pool, coldframe and similar structures not exceeding 3 feet in height (f) (k)	Rear and side	3	3	(d)	0
	Front		See Section 1121.12(b)		
(6) Fences exceeding 3 feet in height	Rear and Side	(g)	(g)	(g)	0(g)
(7) Fences not exceeding 3 feet in height (k)	Front, side and rear	0(g)	0(g)	0(g)	0(g)
(8) Sidewalk and driveway	Front, side and rear	3	3	NA	0
(9) Open parking areas for storage of noncommercial vehicles and recreational equipment (i)	Rear only	3	3	(h)	0

		Minimum Distance (in feet) From			
Permitted Use, Structure, Building	Yard in Which Permitted	Rear Lot Line	Side Lot Line	Side Street (Corner Lot)	Principal Building
(10) Freestanding air conditioning machinery, emergency generator, above-ground components of geothermal energy systems, and other similar equipment	Rear and side, except not in required minimum side yard (see Section 1121.08)and standard screening, see not (m).				
(11) Rain Barrels and Above Ground Cisterns (j)	Rear and side, provide standard screening, see note (m)	(j)	(j)	(k)	0
(12) Laundry clothesline	Rear only	3	3	NA	0
(13) Vegetable/edible gardens	(1)	(1)	(1)	(1)	(1)
(14) Compost Bin(s) (n)	Side and Rear	3	3	N/A	3
(15) Chicken coop and run	Rear	10	10	N/A	10

Notes to Schedule 1121.12(a)

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

(b) Permitted Structures in Front Yard and Corner Side Yard. Unenclosed porches, decks, patios, handicap ramps and steps may extend into a front yard no more than ten (10) feet in front of the building provided further that such accessory structure does not extend more than six (6) feet into a required front yard. Such structures may extend ten (10) feet into a corner side yard provided the required corner side yard is maintained.

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

(1) Maximum coverage of the 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.

C. Only one driveway and one curb cut shall be permitted and pavement width shall not exceed twelve (12) feet except where necessary to provide direct access to a garage.

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

(3) The maximum coverage of the corner side yard shall be thirty percent (30%).

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

Section 1121.12(d). The area of building, structure or pavement shall be the maximum area of land on which, or above which, such building, structure or pavement is constructed. The percentage shall be the area of building, structure and/or pavement in ratio to the area of the rear yard. However, in no case shall an accessory use, building or structure exceed the maximum area set forth in Schedule 1121.12(d).

Schedule 1121.12(d)
MAXIMUM AREA AND REAR YARD COVERAGE

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

Notes to Schedule 1121.12(d)

(a) Nonconforming lots may be permitted to have up to 40% rear yard coverage by accessory buildings or parking pursuant to Section 1175.02(c).

(b) In the event that the construction of a required private garage on a nonconforming lot will exceed the rear yard coverage limitation permitted for a garage, the Zoning Administrator may approve a lesser number of enclosed parking spaces pursuant to Schedule 1161.03(a)(1) .

(c) See also Section 1121.12(e) for maximum floor area of a garage.

(d) While each specific category (1-4) has a maximum size limitation, the total coverage of all accessory uses shall not exceed the area limit for the rear yard.

(e) On a corner lot, a garage may cover up to 60% of rear-yard area. Total permitted rear-yard coverage on a corner lot is 80% of rear-yard area.

(f) In the event the construction of a required private garage on a nonconforming lot cannot be undertaken without a variance, the Zoning Administrator may administratively approve a garage construction plan according to the following guidelines:

(1) The Zoning Administrator may approve a garage which covers up to 130% of the rear-yard area normally permitted for garage coverage if such approval accommodates an otherwise conforming rear-yard garage;

(2) If the exercise of the provisions of subsection (1) hereinabove is not sufficient, in and of itself, to accommodate an otherwise conforming rear-yard garage, the Zoning Administrator may approve reduced rear- and side-yard setbacks for a garage, provided, however, that in no event shall the Zoning Administrator approve setbacks less than those of an existing or previously existing garage on the property;

(3) In the event that the construction of a rear-yard garage would result in pavement access of less than 20 feet to an enclosed parking space, the Zoning Administrator may approve a lesser number of enclosed parking spaces;

(4) If the exercise of one or more of the options specified in subsections (1), (2) and (3) hereinabove does not result in an otherwise conforming garage, the property owner shall be required to seek a variance(s) from the Board of Zoning Appeals.

(e) Maximum Floor Area of a Garage. A single-family dwelling shall be permitted one (1) garage with a maximum area of 500 square feet plus one (1) additional square foot of garage area for every fifteen (15) square feet of lot area greater than 6,000 square feet. However, the area of a garage shall not exceed 1,200 square feet. A two-family dwelling shall be permitted one (1) garage with a maximum floor area of 1,200 square feet.

(f) Maximum Number of Accessory Buildings. A maximum of two (2) detached accessory buildings shall be permitted on a zoning lot, provided that on a zoning lot there shall be no more than one (1) garage, detached or attached.

(g) Maximum Height of Accessory Structures. A permitted accessory structure shall not exceed fifteen (15) feet in height, except as otherwise regulated in this Code.

(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.

(2) 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.

(3) 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.

(4) 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 Zoning Administrator and a Fence Permit issued unless otherwise noted. The appearance and height of fences shall be regulated and limited by its location on the lot as follows:

(1) A~~s approved by the Architectural Board of Review, any~~ fence or wall located in a front or corner side yard shall have a maximum height of ~~three~~ four ~~(3~~4) feet above ground level and shall require Architectural Board o~~r~~f Review approval. Fences ~~except~~ within ten (10) feet of an intersection ~~pursuant~~ shall comply with~~to~~ Section 1165.03(e) and shall require Architectural Board of Review approval. ~~and shall require prior approval from the Architectural Board of Review.~~

(2) Except as limited in subsection (i)(5) hereof, fences and walls located in a side or rear yard shall not exceed seven (7) feet above ground level provided that a fence or wall may be located parallel to a principal building no closer than a distance equal to the height of the fence or wall.

(3) When a side yard fence having a length greater than ten (10) feet is parallel to and visible from the street, it shall be landscaped according to an approved landscape plan.

~~(4) Fences and walls located in a corner side yard shall have a maximum height of three (3) feet above ground level, and shall require approval from the Architectural Board of Review.~~ [joined with (1) above]

(~~5~~4) In the portion of the rear yard of a corner lot which abuts the front yard of an interior lot, a fence no greater than five (5) feet in height may be located in such rear yard provided it shall be no closer than five (5) feet to the rear lot line and shall be landscaped according to an approved landscape plan. The fence shall be approved by the Architectural Board of Review.

(~~6~~5) The side of a fence closest to the adjacent property line and facing outward from the yard being fenced shall be the smooth finished side. All structural members shall be on the interior side of such fence.

(~~7~~6) No chain link or mesh, wire fence or barb wire shall be constructed in a front yard or corner side yard.

(~~8~~7) Deer net fencing—no fence permit required:

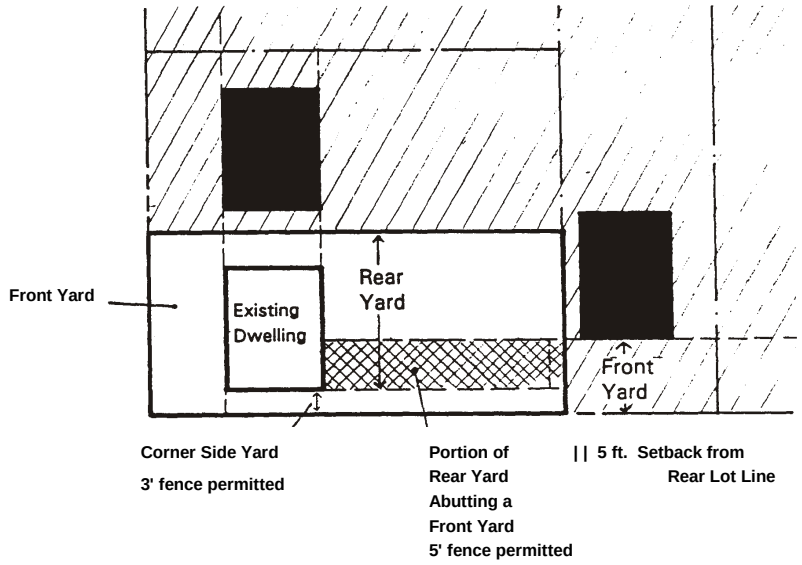
A. Deer net fencing around vegetable/edible and flower gardens is permitted in rear and interior side yards, and is limited to a maximum height of seven feet, including all posts.

B. Proper installation is required, including six inches of the fence grid flared onto the ground to prevent deer from pushing underneath the fence.

C. Deer net fencing is permitted in community gardens with no location limitations.

(8) Chicken coops and runs—no fence permit required. See Code section 1153.05(gg).

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



(j) Residential Use of Existing Carriage House. In an AA or A District there shall be only one (1) dwelling unit on a lot except that an existing carriage house may continue as a nonconforming dwelling unit in compliance with the following:

(1) The carriage house shall have been occupied (regardless of the length of time), designed for, constructed for, or intended for residential occupancy and legally constructed or created prior to the adoption of this Zoning Code.

(2) Alterations to the carriage house shall be regulated by Section 1173.01(a) and (b).

(3) For the purposes of this section, the occupants of the carriage house shall be considered as part of the family of the principal dwelling unit and shall comply with the family definition.

(k) Single Family and Two Family Residential Parking Pad. In any District single-family and two-family dwellings are permitted a paved parking pad in addition to the required enclosed parking.

(1) Parking pads may be located in the interior side or rear yard but must be located three (3) feet from any lot line. Parking pads are prohibited in the front and corner side yard or forward of the front building line.

(2) Any driveways that access the parking pad are limited to twelve (12) feet in width and must meet the requirements of this Ordinance for single-family and two-family residential driveways.

(3) The maximum coverage requirements for the lot may not be exceeded to accommodate a parking pad.

(4) Paving pads must be surfaced and maintained in accordance with Section 1161.11(d). Paving with semi-pervious materials, permeable pavers, porous asphalt, porous concrete, grass-crete or gravel-crete, is encouraged. However, a semi-pervious driveway is still subject to the coverage requirements of each individual yard.

(l) Vegetable/Edible Gardens. Vegetable/edible gardens are allowed in all yards in the residential districts. Any vegetable/edible garden located in the front and

corner side yard must comply with the following standards:

(1) Vegetable/edible gardens must be kept weed-free between plants and rows.

(2) There shall be no trash or debris in the vegetable/edible gardens.

(3) Vegetable/edible gardens are required to be harvested on a regular basis.

(4) The vegetable/edible gardens must be designed and maintained so that water and fertilizer will not drain onto adjacent property or the public right-of-way.

(5) Use of insecticides made from synthetic chemical materials is prohibited. Acceptable alternatives, applied in accordance with established safe handling instructions, include rotenone, pyrethrin and Safer Soap.

(6) The use of herbicides and weed killers is discouraged.

(7) Areas of dry, loose soil that may be moved by wind must be covered by mulch or otherwise confined.

(8) Vegetable/edible gardens fences shall meet the standards of Subsection 1121.12(i) above.

(m) Rain Barrels and Above Ground Cisterns.

(1) Rain barrels and above ground cisterns are permitted in the rear and interior side yards. Rain barrels and above ground cisterns are permitted in the front and corner side yard only with Architectural Board of Review approval.

(n) Chicken Coops and Chicken Runs. The keeping of chickens shall be permitted as a conditional use on the property pursuant to Section 1153.05(gg).

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

(1) The organic waste must be generated and used on-site.

(2) An in-vessel is required (an enclosed container with no openings greater than one quarter (1/4) inch) for organic waste.

(3) Composting activities must:

A. Not create a nuisance (odor, litter, dust or noise, or attracts vectors or pests).

B. Provide a rat and other vector (insects, rodents, birds and other vectors or pest) control. Control measures may include grinding ingredients, providing screening or netting, or conducting composting operations in an in-vessel.

C. Provide surface water control to prevent composting material from sitting in ponded seepage surface water.

D. Not contain sewage, sludge, seepage or catch basin waste.

E. Composting of animal flesh is prohibited.

(4) Compost bins must be a minimum of three (3) feet from property line and a minimum of three (3) feet from any building foundation.

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

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) 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.

1123.02 PERMITTED USES.

(a) In the MF-1, MF-2 and MF-3 Multiple-Family Residential Districts, land and structures shall be used or occupied, or structures shall be erected, constructed, enlarged, moved or structurally altered only for a principal use specified, or a conditional use in accordance with Title Seven or an accessory use to a permitted principal or conditional use as regulated herein. Sections 1123.03 through 1123.05 enumerate those uses that may locate in each multiple-family residential zoning district as a matter of right, either as a principal or accessory use, and those uses which may locate in a given district only upon obtaining a conditional use permit.

(b) Although a use may be indicated as permitted or conditionally permitted in a particular district, it shall be approved on a parcel only when it can be located thereon in full compliance with all of the standards and other regulations of this Zoning Code applicable to the specific use and parcel in question.

1123.03 PRINCIPAL USES.

In the MF-1, MF-2 and MF-3 Multiple-Family Residential Districts, the following are principal uses permitted by right provided that all requirements of other city ordinances and this Zoning Code have been met.

(a) Townhouses.
(b) Multiple-family dwellings.
(c) Cluster development.
(d) Public parking (surface lot).

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.

	Land Use Category	MF-1 District	MF-2 District	MF-3 District
(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 one-story garage as a principal use for a permitted use that is not on the same lot	C	C	C
(k)	Accessory parking for a commercial use, contiguous with a C-1, C-2 or C-3 District	C	C	C
(l)	Day care center, nursery school 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 ~~Section 1153.05(b)(50)~~ Schedule 1153.03(50) and Section 1153.05(aa).			

(v)	Farmers' Markets may be conditionally permitted in MF Districts subject to regulations and standards set out in Section 1153.05(dd).
(w)	Community Gardens may be conditionally permitted in MF Districts subject to regulations and standards set out in Section 1153.05(ee).

1123.05 ACCESSORY USES.

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

	Land Use Category	MF-1 District	MF-2 District	MF-3 District
(a)	Private garages and related residential off-street parking, subject to the regulations of Chapter 1161.	A	A	A
(b)	Signs, subject to the regulations of Chapter 1163.	A	A	A
(c)	Home occupations, subject to the regulations of Section 1165.02(b)	A	A	A
(d)	Recreation and community room facilities, such as pools and tennis courts, for use by residents of an associated multiple-family development	A	A	A
(e)	Porches, decks, arbors, patios, gazebos	A	A	A
(f)	Storage shed and other similar buildings for the storage of domestic supplies	A	A	A
(g)	Fences	A	A	A
(h)	Noncommercial greenhouse not to exceed 25% of the ground floor area of the principal building	A	A	A
(i)	Vegetable/edible and flower gardens	A	A	A
(j)	Leasing office in a multiple-family dwelling or as part of a multiple-family development	A	A	A
(k)	Retail and service establishments not to exceed 50% of the area of the first floor of a multiple-family dwelling when such dwelling has at least 50 units, in accordance with Section 1123.12(b)			A
(l)	Guard house, gate house	A	A	A
(m)	Trash receptacles	A	A	A
~~(n)~~	~~Vegetable/Edible and Flower Gardens~~	~~A~~	~~A~~	~~A~~

1123.06 LOT AREA AND WIDTH REGULATIONS.

Land and buildings in the MF-1, MF-2 and MF-3 Districts shall be used in accordance with the density, lot area and lot width regulations set forth below.

		MF-1 District	MF-2 District	MF-3 District
(a)	Minimum land area per dwelling unit (in square feet) (1)	3,500	1,750	750
(b)	Minimum development area (in square feet)	20,000	20,000	20,000
(c)	Maximum dwelling units per acre	12.4	25	58
(d)	Minimum lot width at building line (in feet)	100	100	100
(e)	Minimum lot frontage (in feet)	60	60	60

Note:

(1) Units may be clustered on smaller areas of land than specified provided that the total development area maintains the required minimum land area per dwelling unit.

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.

			Minimum Dimension in Feet		
Specified Yard			MF-1 District	MF-2 District	MF-3 District
(a)	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)	Corner Side Yard				
	(1)	Abutting a MF, C or S District	30	30	30
	(2)	Abutting an AA, A or B District	30	30	30(a)

Note:
(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 40 percent of the building height.
(b) 0' side yard setback shall be permitted when townhouse dwelling abuts another townhouse dwelling in the same development.

1123.08 BUILDING ARRANGEMENT AND SPACING OF MULTIPLE BUILDINGS ON A LOT.

In a multiple-family residential development, the following spacing shall be maintained between two (2) or more buildings, or two (2) or more walls of the same building, but need not be greater than sixty (60) feet.

(a) Between two (2) walls facing each other, the distance between two (2) such walls shall be no less than twenty (20) feet or equal to the height of the smaller building, whichever is greater.

(b) When the shorter of two (2) walls facing each other is greater than forty (40) feet in wall length, the distance between two (2) such walls shall have one (1) additional foot of spacing for each foot of wall length overlap greater than forty (40) feet.

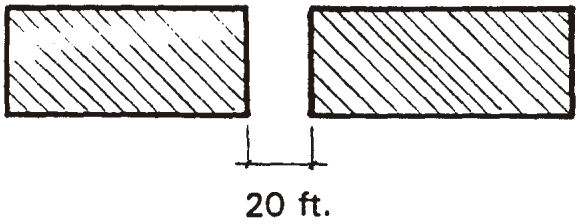
(c) An additional one-half (0.5) foot of spacing shall be provided for each foot of building height greater than thirty-five (35) feet.

(d) Between a principal and accessory building, the distance shall be equal to the height of the accessory building but no less than ten (10) feet.

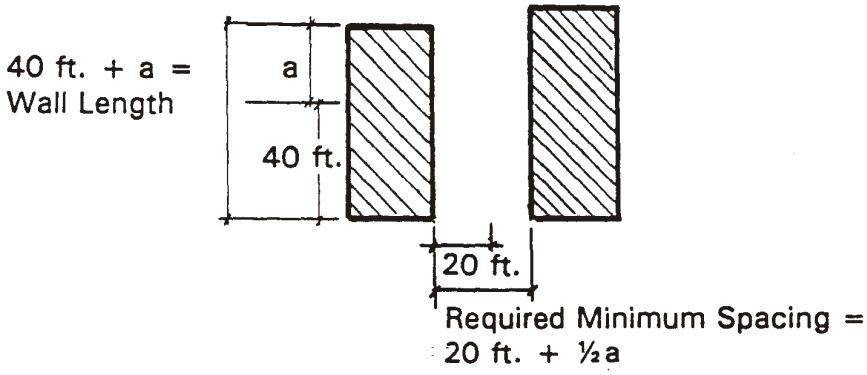
ILLUSTRATION OF BUILDING ARRANGEMENT AND SPACE REGULATIONS FOR MULTIPLE BUILDINGS ON A LOT IN MF DISTRICTS.

Section 1123.08

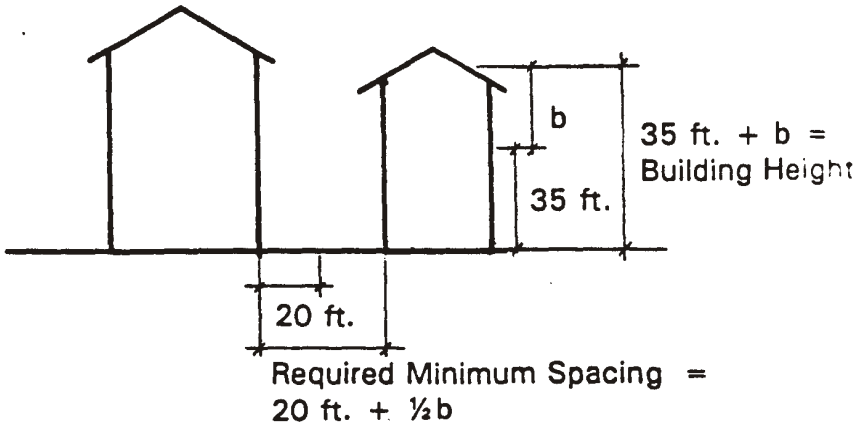
(a) Minimum Spacing.



(b) Additional Spacing for Wall Length Greater than 40 Feet.



(c) Additional Spacing for Buildings Taller than 35 Feet.



1123.09 ARRANGEMENT OF TOWNHOUSES.

A multiple-family development which is comprised of some or all townhouses shall be designed and arranged in accordance with the following:

(a) The arrangement of units within each building and between buildings shall maximize the privacy of each unit by providing screening walls and private yards where appropriate.

(b) Townhouse dwelling units shall comply with the spacing requirements set forth in Section 1123.08.

1123.10 DWELLING UNIT REQUIREMENTS.

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

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

	Minimum Floor Area (in square feet)	
District	By Type of Unit Townhouse/Cluster Development	~~Apartment~~Multi-family dwelling
MF-1	1,250	~~800~~500
MF-2	1,250	~~700~~500
MF-3	1,250	~~700~~500

~~(b) Senior Citizen Apartments. For a multiple-family development which is intended to be senior citizen apartments, the minimum dwelling unit floor area shall be 600 square feet provided that to qualify as a senior citizen apartment development the applicant shall present documentation to the satisfaction of the Law Director that assures that the multiple-family dwelling units are constructed for and perpetually reserved for senior citizen apartments.~~

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

1123.11 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.

Zoning District	Principal Building (in feet)	Accessory Structure (in feet)
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) 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; and adequately screens building equipment, subject to Architectural Board of Review approval.

1123.12 ACCESSORY USE REGULATIONS.

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

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

Schedule 1123.12(a)
MINIMUM YARD REQUIREMENTS FOR ACCESSORY USES

		Minimum Dimension in Feet Side/Rear Yard		
Permitted Accessory Use		Front Yard	Abutting MF, C or S District	Abutting AA, A or B District
(1)	Private garage and related parking areas	NP	5	10
(2)	Circulation drives	20	5	10
(3)	Recreation facilities and community rooms, including swimming pools, tennis courts and associated structures	NP	(a)	(a)
(4)	Storage shed, greenhouses and other similar accessory buildings	NP	(a)	(a)
(5)	Trash receptacles	NP	(a)	(a)
(6)	Porches, decks, patios	(a)	(a)	(a)
(7)	Guard house, gate house	-	-	-
(8)	Leasing office	(a)	(a)	(a)
(9)	Freestanding air conditioning machinery, above-ground components of geothermal energy systems, emergency generator and other similar equipment	NP	(a)	(a)

Note:
(a) Shall maintain the same minimum yard requirement as for a principal use set forth in Section 1123.07.

(b) Accessory Retail and Service Uses. Retail sales and service establishments in an MF-3 District are permitted as accessory uses when clearly incidental to a multiple-family dwelling provided:

(1) The accessory use shall be located in a building that contains no less than fifty (50) dwelling units.

(2) Such gross floor area of the accessory use shall not exceed an area equal to fifty percent (50%) of the first floor area of the permitted multiple-family dwelling building.

(3) All such accessory uses shall be confined within the building and shall have no exterior entrance for customers.

(c) Accessory Recreational Facilities. Private 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 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.

(d) Trash Receptacles. Trash receptacles shall be enclosed in an approved structure or be screened from view as required by Section 1165.05(e).

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

CHAPTER 1131 COMMERCIAL DISTRICTS

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. ~~Three (3~~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 ~~create~~ promote and encourage pedestrian activity. Parking and driveways ~~is~~ are generally located so as not to disrupt the pedestrian activity.

(d) The C2-X Multiple-Use District is established to provide standards for the continued operation of mixed use neighborhoods and to provide for dense, mixed uses along main thoroughfares and to concentrate mixed-use buildings to promote and encourage pedestrian activity. Parking and driveways are generally located so as not to disrupt the pedestrian activity.

(c) 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, on the following page, enumerates those uses that may locate in a C-1 Office, C-2 Local Retail, C-2X Multi-Use, and C-3 General Commercial District as a matter of right as a principal use, and those uses which may locate in a given district only upon obtaining a conditional use permit.

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

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

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

Schedule 1131.02

PERMITTED USES IN COMMERCIAL DISTRICTS

Land Use Category			C-1 Office District	C-2 Local Retail District	C-2X Multi-Use District	C-3 Commercial District
(a)	Residential Uses:					
	(1)	Multiple-family dwelling as a free-standing building	P			
	(2)	Multiple-family dwelling units above the first floor in association with permitted commercial use	P	P	P	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
(b)	Office/Professional/Medical Uses:					
	(1)	Business, medical and government~~, professional and administrative~~ offices ~~and associations, including profit, not-for-profit, and government establishments,~~ provided that only samples of merchandise are displayed or stored ~~on~~ in the premises	P	P	P	P
	~~(2)~~	~~Medical offices and clinics~~	~~P~~	~~P~~		~~P~~
	(~~3~~2)	Financial establishment without drive-through facility	P	P	P	P
	(~~4~~3)	Financial establishment with drive-through facility	C	C	C	C
	(4)	Financial establishment with Automatic Teller Machine (ATM)	C	C	C	C
	(5)	Animal clinics, veterinary offices, ~~and~~ 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

		Land Use Category	C-1 Office District	C-2 Local Retail District	C-2X Multi-Use	C-3 Commercial District
	~~(6)~~	~~Animal day-care facilities~~		~~C~~		~~C~~
	~~(7)~~	~~Overnight boarding of animals in conjunction with an animal clinic, veterinary office, animal grooming facility or animal day-care facility~~		~~C~~		~~C~~
	(~~8~~6)	Funeral homes and mortuaries		C	C	C
	(~~9~~7)	Hospitals	C	~~C~~		C
	(~~10~~ 8)	Urgent care clinics	C	C	C	P
(c)	Retail/Service Uses:					
	(1)	Retail establishments in wholly enclosed buildings		P	P	P
	(2)	Convenience retail and service establishments in an office building provided such business occupies no more than an area equal to 100% of first floor area	C	P	P	P
	(3)	Personal services including dry cleaning, laundry ~~counter outlets, and self-service laundry~~, beauty salon, tattoo parlor, body piercing		P	P	P
	~~(4)~~	~~Business services~~		~~P~~		~~P~~
	(~~5~~4)	Restaurants ~~table service~~ (table & counter service), bar, tavern, nightclub ~~s~~ -		P	P	P
	~~(6)~~	~~Restaurants—counter service~~		~~P~~		~~P~~
	~~(7)~~	~~Bar, tavern, nightclub~~		~~P~~		~~P~~
	(~~8~~5)	Catering		C	C	P
	(~~9~~6)	Outdoor dining facility		C	C	C
	(~~10~~7)	Drive-through facility in association with a permitted retail or ~~/~~service use		C	C	C
	(~~11~~8)	Hotels ~~and motels~~	C	C	C	~~P~~C

Land Use Category			C-1 Office District	C-2 Retail District	C-2X Multi-Use	C-3 Commercial District
(d)	Automotive Uses: (Cont.)					
	(1)	Automobile sales, new or new and used		~~C~~		C
	~~(2)~~	~~(EDITOR'S NOTE: Former subsection (d)(2) was repealed by Ordinance 143-1999, passed December 6, 1999.)~~				
	(~~3~~2)	Automobile rental				C
	(~~4~~3)	Truck, boat sales/rental				C
	(~~5~~4)	Gasoline station		~~C~~		C
	(~~6~~5)	Car wash establishment		~~C~~		C
	(~~7~~6)	Automobile service station ~~-~~ major and minor repair		~~C~~		C
	~~(8)~~	~~Automobile service station - major repair~~		~~C~~		~~C~~
	(~~9~~7)	Parking lot as a principal use	~~P~~C	~~P~~C	C	P
	(~~10~~8)	Parking deck or parking garage as a principal use	C	~~P~~C	C	P
(e)	Commercial Entertainment/Recreation Uses:					
	(1)	Indoor commercial entertainment facility including game room, bowling alley, skating rink, and movie theater		C	C	C
	(2)	Private indoor and/or outdoor recreation including a health, tennis and racquet club		C	C	C
	(3)	Dance studio, karate class		C	C	P
	(4)	Meeting room, banquet hall, party center		C	C	P
	(5)	Mural	~~C~~P	~~C~~P	P	~~C~~P
	(6)	Satellite dish receiving antenna	C	C	C	C
(f)	General Commercial/Light Industrial Uses:					

	(1)	Shops and studios for custom work of making articles to be sold at retail on the premises		P	P	P
		Land Use Category	C-1 Office District	C-2 Local Retail District	C-2X Multi-Use	C-3 Commercial District
	(2)	Printing and publishing		P	P	P
	(3)	Storage and warehousing of goods, self storage				C
	(4)	Research & Development, Limited	~~C~~P	~~C~~P	P	~~C~~P
	(5)	Industrial Design	~~C~~P	~~C~~P	P	~~C~~P
	(6)	Nursery and garden supply with accessory outdoor storage		C	C	C
	(7)	Greenhouse	C	C	C	C
(g)	Educational Facilities:					
	(1)	Elementary, junior and senior high school	C	C	C	C
	(2)	College, university, trade & training schools, adult education facilities	C	C	C	C
	~~(3)~~	~~Special training schools and adult education facilities~~	~~C~~	~~C~~		~~C~~
	~~(4)~~	~~Commercial and trade schools~~	~~C~~	~~C~~		~~P~~
	(~~5~~3)	Child day care center, nursery school, tutoring center	C	C	C	C
(h)	Community Facilities:					
	(1)	Places of worship	C	C	C	C
	(2)	Public library, museum	C	C	C	C
	(3)	Public safety facilities	C	C	C	C
	(4)	Public service and maintenance facilities	C	C	C	C
	(5)	Public parks and playgrounds	C	C	C	C
	(6)	Outdoor community festival longer than 3 days	C	C	C	C
	(7)	Public use of public land	C	C	C	C
(i)	Live/Work Dwellings subject to the regulations of Section 1131.13~~1~~.		C	C	C	C

1131.03 ACCESSORY USES.

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

Schedule 1131.03

PERMITTED ACCESSORY USES

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

1131.04 LOT AREA AND WIDTH REGULATIONS.

Principal buildings and uses permitted in the C-1 Office, C-2 Local Retail and C-3 General Commercial Districts shall be located only on a lot that complies with the lot area and lot width regulations set forth in Schedule 1131.04, unless otherwise specifically provided for elsewhere in this Zoning Code.

Schedule 1131.04
LOT AREA AND WIDTH REGULATIONS

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

Notes to Schedule 1131.04:

(a) Shall be the principal use on the lot.

(b) The first floor of the building shall be occupied by principal use other than multiple-family residences.

(c) Shall include all nonresidential permitted uses in the zoning district.

(d) D.U. means dwelling unit

1131.05 MINIMUM LOT FRONTAGE.

Every zoning lot shall have a width at the front lot line of not less than sixty (60) feet, and at no point shall the width be less than sixty (60) feet between the front lot line and the building line.

1131.06 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL USES.

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

Schedule 1131.06

MINIMUM YARD REQUIREMENTS FOR PRINCIPAL USES (a)

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

Notes to Schedule 1131.06:

(a) New multiple-family residential developments in a C-1 District must comply with the MF-2 regulations.

(b) See Section 1131.12 for supplemental regulations for parking garages and parking decks.

(c) A building not sharing a common wall with an adjacent building shall maintain the minimum separation specified in the Building Code.

1131.07 HEIGHT REGULATIONS.

The height of a principal building in the C-1 Office, C-2 Local Retail and C-3 General Commercial Districts shall not exceed forty-five (45) feet. Mechanical space for building equipment placed on the building roof may be allowed above the maximum height specified, provided that such mechanical space is set back a minimum of fifteen (15) feet from any exterior wall, does not exceed fifteen (15) feet in height and is adequately screened from view. The height of an accessory building or structure shall not exceed twenty (20) feet, unless otherwise specified in this Zoning Code.

1131.075 COMMERCIAL AND MIXED USE DISTRICT DESIGN STANDARDS.

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

(a) Windows. Windows must be constructed of clear or lightly tinted glass. Reflective glass and tinting above twenty percent (20%) is prohibited. A wall facing a public street must provide windows along at least 60% of its lineal frontage. These windows shall provide views to allow people to see and be seen for passive security and to encourage pedestrian activity and district vitality.

(b) Building Entrances and Siting.

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

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

(3) If outlot buildings are a part of a large retail development, outlot buildings must define the street frontage by placement near the street with showcase windows and entrances oriented toward the street, as well as to the interior parking lot.

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

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

1131.076 WINDOW TRANSPARENCY

All windows in all commercial buildings shall provide views to allow people to see and be seen for passive security and to encourage pedestrian activity and district viability. Windows must be constructed of clear or lightly tinted glass. Reflective glass and tinting above twenty percent (20%) is prohibited. The adequacy and necessity of such visibility shall be subject to approval by the Zoning Administrator.

1131.08 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in a C Commercial District shall conform to the regulations of this section, and shall be screened from view in accordance with Section 1165.05, as applicable.

(a) Off-Street Parking Lots. Off-street parking spaces in a parking lot may be located on the same lot as the principal use served or may be located on a separate lot in accordance with Section 1161.06, and shall provide:

(1) A landscaped area not less than fifteen (15) feet in width adjacent to a public right-of-way.

(2) A landscaped area not less than ten (10) feet in width adjacent to a side or rear lot line which coincides with a side or rear lot line in an AA, A or B District.

(3) A landscaped area not less than five (5) feet in width adjacent to a side or rear lot line which coincides with a side or rear lot line in a MF District.

(4) The landscaped area shall comply with the landscaping standards set forth in Sections 1166.06 and 1166.07.

Any area located between a lot line and a parking area that is not covered by a permitted building shall be landscaped and maintained in accordance with Section 1166.06 and 1166.07.

(5) Conditionally permitted parking lots in residential districts shall comply with the regulations set forth in Section 1131.08(a).

(6) ~~On corner lots in commercial districts,~~ Parking shall not be permitted in front or corner-side yards or between a principal building and a public right-of -way. Drive aisles shall not be permitted between a principal building and a public right-of –way.

(7) Surface parking lots that exclusively serve a specific principal use or uses to the exclusion of other principal uses in the district are limited to sixty-two feet in width. Width shall be measured along the edge of the parking lot that is closest to and parallel or roughly parallel to the street.

(b) Location of Accessory Buildings/Structures. Accessory buildings and structures shall be located in a side or rear yard in compliance with the yard regulations for principal uses set forth in Schedule 1131.06.

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

(1) A fence located in a front yard shall have a maximum height of 42 inches above ground level.

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

(3) In a corner side yard, a fence shall have a maximum height of 42 inches above ground, except as required by Section 1166.07 for lots adjacent to a residential district, or unless set back 15 or more feet from the public right of way, in which case a fence shall have a maximum height of seven feet above ground level.

(4) Any fence within 25 feet of a public right of way and parallel or approximately parallel to such street shall be approved by the Architectural Board of Review. No chain-link or wire-mesh fencing shall be permitted in front or corner side yard.

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

(6) A fence which has the sole purpose of enclosing a seasonal outdoor activity shall be removed during the times of the year when the seasonal activity is not in operation.

(7) A pergola or other freestanding structure may be permitted in front of a building but not within the required front yard, subject to Architectural Board of Review approval.

1131.09 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS.

In addition to the above regulations, gasoline stations permitted in a C-3 General Commercial District shall comply with the following standards:~~. Conditionally permitted gasoline stations in the C-2 Local Retail District shall also comply with the regulations for conditional uses set forth in Title Seven.~~

(a) Gasoline stations located on a corner lot shall have not less than 100 feet frontage on each of the two (2) intersecting streets.

(b) Fuel pumps may be erected in a front yard but not less than twenty-five (25) feet from the public right of way.

(c) Pavement to provide access to a gasoline pump shall be located no less than fifteen (15) feet from the public right-of-way. The resulting open space shall be landscaped and maintained in satisfactory condition and, except for entrance and exit drives and permitted signs, shall not be used for any other purpose.

(d) A canopy may be constructed over the pump island provided the canopy shall be no closer than fifteen (15) feet to the right of way.

(e) The only services permitted to be performed on a vehicle shall be the dispensing of fuel, oil, air and windshield wiper fluid.

(f) The location, display or storage of rental trailers, automobiles, trucks or other rental equipment on the premises is not permitted.

(g) No merchandise, except fuel and oil, may be stored or displayed outside the building.

(h) Except while being serviced at a pump island, no vehicles shall be parked between the pump setback line and the front property line; nor on a corner lot shall any vehicles be parked between the pump setback line and the property line on either of the intersecting streets. A vehicle parked in violation hereof during the time such station is open for business shall be presumed to have been so parked with the knowledge and consent of the operator of that station.

(i) No junk, inoperative or unlicensed motor vehicles will be permitted to remain on gasoline station property for more than forty-eight (48) hours.

(j) All refuse shall be kept or stored within the building, or be screened from view as required by Section 1166.10.

(k) All outdoor wiring, including electrical and telephone wiring, shall be installed underground.

(l) At least one (1) standard tree and at least two (2) standard shrubs pursuant to Section 1166.04 shall be planted and maintained on the lot for each gasoline pump on the station property.

(m) A landscaped area at least fifteen (15) feet wide shall be provided on private property adjacent to the public sidewalk areas, except where interrupted by driveways.

(n) Locations where such use abuts a residential district or use shall also provide a buffer zone along the entire length of the common boundary between the commercial use and the residential use which shall be maintained not less than ten (10) feet in depth. This buffer zone shall be landscaped with grass, standard shrubs and standard trees, pursuant to Section 1166.07.

1131.10 SUPPLEMENTAL REGULATIONS FOR AUTOMOBILE SALES/RENTAL.

In addition to the above regulations, business establishments for automobile sales, new or new and used, or automobile rental permitted in a C-3 General Commercial District shall comply with the following standards~~. Conditionally permitted establishments in the C-2 Local Retail District shall also comply with the regulations set forth in Title Seven.~~:

(a) Sale of new automobiles means a building and land used by a franchised automobile dealer principally for the sale of new automobiles. The sale of used automobiles may be permitted as an accessory use provided the inventory of used automobiles does not exceed fifty percent (50%) of the overall inventory at any one (1) time.

(b) Service garage, leasing department and other activities customarily incidental to a full service franchised automobile dealer shall be permitted as accessory to the sale of automobiles provided these activities are conducted in a wholly enclosed building.

(c) Only repair of automobiles customarily associated with automobile sales shall be permitted, and shall be conducted inside a suitable building.

(d) No junk, inoperative or unlicensed vehicle will be permitted to remain outside on the property for more than forty-eight (48) hours.

(e) All outdoor wiring, including electrical and telephone wiring, shall be installed underground.

(f) Locations where such use abuts a residential district or dwelling shall also provide a buffer zone along the entire length of the common boundary between the commercial use and the residential use which shall be maintained not less than ten (10) feet in depth. This buffer zone shall be landscaped with grass, standard shrubs and standard trees, pursuant to Sections 1166.06 and 1166.07.

1131.11 SUPPLEMENTAL REGULATIONS FOR OUTDOOR DISPLAY, SALES OF GOODS.

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

(a) The display of liquid fuel and oil at a gasoline station or automobile service station;

(b) The display of automobiles and other rental vehicles as permitted in the C-3 District or for which a conditional use permit has been obtained pursuant to Chapter 1153.

(c) The sale or display of flowers, plants, shrubs and trees in the open in connection with a nursery flower mart, landscape business for which a conditional use permit has been obtained pursuant to Chapter 1153.

(d) An outdoor dining facility for which a conditional use permit has been obtained pursuant to Chapter 1153.

(e) An outdoor dining facility or outdoor sales of goods in conjunction with a duly authorized festival.

1131.12 SUPPLEMENTAL REGULATIONS FOR OFF-STREET PARKING DECKS AND PARKING GARAGES.

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

(a) All parking decks and parking garages shall be approved by the Architectural Board of Review.

(b) A parking deck or parking garage shall comply with the yard requirements for a principal use specified in Schedule 1131.06 except that open parking decks and open garages in which vehicles are visible from the street shall be located not less than fifteen (15) feet from a public right of way.

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

~~**1131.13 SUPPLEMENTAL REGULATIONS FOR OFF-STREET PARKING IN COMMERCIAL DISTRICTS.**~~

~~(a) On corner lots in commercial districts, parking is not permitted in front or corner side yards or in areas located between a principal building and a public right of way.~~

~~(b) In all commercial districts, surface parking lots that exclusively serve a specific principal use or uses to the exclusion of other principal uses in the district are limited to sixty-two 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.~~

1131.13~~1~~ SUPPLEMENTARY REGULATIONS FOR LIVE/WORK DWELLINGS IN COMMERCIAL DISTRICTS.

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

(a) The following uses are permitted in a live/work dwelling. Only one (1) such use is permitted per dwelling:

(1) Arts Studio

(2) Medical/Dental Clinic – One of the licensed practitioners in the business must be the owner and resident in the dwelling.

(3) Office

(4) Other uses possessing characteristics similar to the above-mentioned uses with respect to the absence of noise, vibration, fire hazards, explosion hazards, smoke, or other health or environmental conditions that would be incompatible with habitation.

(b) Conversion is subject to the following design and performance standards and approval by the Architectural Board of Review.

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

(2) All conversions shall be designed to be visually compatible with nearby commercial buildings.

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

(4) The owner of the business must be the owner and resident of the dwelling.

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

1131.14 C-2X MULTIPLE USE DISTRICT.

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

(a) Permitted Uses: All uses currently permitted in the C-2 Zoning District.

(b) Conditional Uses: All uses currently permitted as conditional uses in the C-2 Zoning District~~,. except for automobile dealers (selling new vehicles or new and used vehicles); gasoline stations; car wash establishments; automobile service stations providing minor repairs; and automobile service stations providing major repairs.~~

(c) Permitted Accessory Uses: All uses which are currently permitted as accessory uses in C-2 Zoning Districts.

(d) Conditionally Permitted Accessory Uses: All uses which are currently conditionally permitted accessory uses in C-2 Zoning Districts.

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

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

Yard (illustrations 1-4)	C-2X District Minimum	C-2X District Maximum
Front*	0	10 (b)~~**~~
Yards abutting a C or S District		
Interior Side	0	~~***~~no max. depth
Rear	5	~~***~~no max. depth
Corner Side*	0	15~~**~~ (b)
Yards abutting an MF District		
Interior side and rear	15	~~***~~no max. depth
Corner side*	5	15~~**~~ (b)

Yard (illustrations 1-4)	C-2X District Minimum	C-2X District Maximum
Yards abutting an AA, A or B District		
Interior side and rear	20	***no max. depth
Corner side (a)*	10	***no max. depth

Notes

*(a) For the purposes of measuring front and corner-side yards in C-2X Districts, the yard shall be measured from the "built-to" line, which shall be a line running along the inner edge of the existing public sidewalk.

**(b) The Planning Commission may conditionally approve a front or corner side yard use, other than parking, that would result in a building being set back more than the maximum distance permitted from the "built-to" line.

~~*** No maximum depth has been established for this yard.~~

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

(1) Buildings in C-2X Districts shall not exceed 65 feet in height. Mechanical space for building equipment placed on the building roof may be allowed above the maximum height specified, provided that such mechanical space is set back a minimum of 15 feet from any exterior wall, does not exceed 15 feet in height and is adequately screened from view.

(2) The portion of a building in a C-2X District which is within 30 feet of a residential district may not exceed 45 feet in height (Illustration 5).

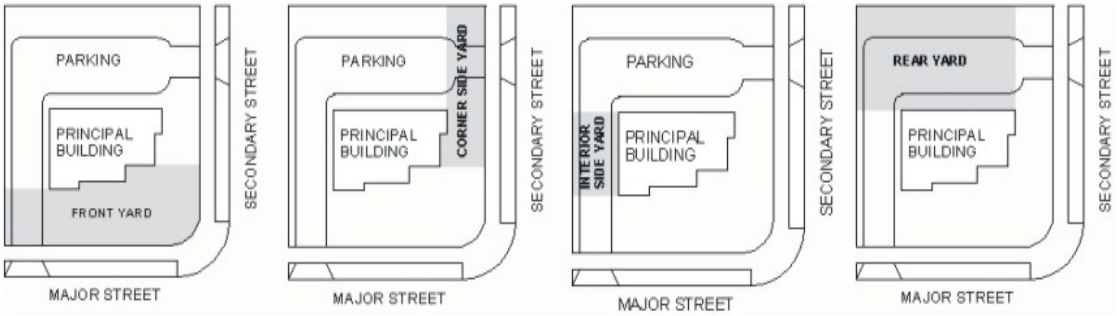
(3) A building in a C-2X District that exceeds 45 feet in height shall have transparent glazing covering at least 15% of the face area of each wall that exceeds 50 feet in width, unless prohibited by the Building Code or other applicable regulations.

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

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

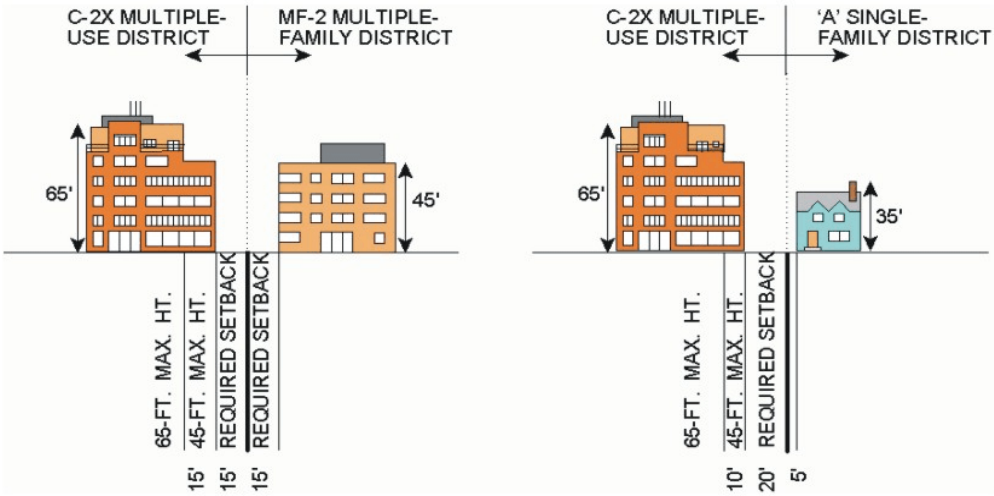
(i) Other Regulations: All other regulations in the Zoning Code pertaining to commercial properties shall be applicable to properties within the C-2X Zoning District unless inconsistent with the above regulations in which case the above regulations shall govern.

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



1. 2. 3. 4.

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



CHAPTER 1147 PDO Planned Development Overlay District

1147.01 PURPOSE.

The Planned Development Overlay (PDO) District is hereby created and hereafter established to achieve the following objectives:

(a) To provide greater opportunity for development or redevelopment in areas of the City that have shallow commercial or high density residential frontages which abut low density residential areas.

(b) To promote new commercial and residential development and, where appropriate, mixed use development while assuring that any increased density or commercial development is compatible with the surrounding areas.

(c) To assure that a proposed Planned Development occurs in a unified manner in accordance with an approved Development Plan prepared by either the City or the property owner.

(d) To encourage sustainable development and practices in residential and commercial areas.

1147.02 APPLICATION OF THE DISTRICT.

(a) The Planned Development Overlay District shall be in addition to and shall overlay all other zoning districts where the PDO District is established, so that any parcel of land lying in a PDO District shall also lie in one (1) or more of the other zoning districts provided for in this Zoning Code. The district designation of PDO shall be superimposed over the existing zoning designations on the Zoning Map.

(b) The Zoning Code provisions of the underlying district(s) shall remain in effect except when development occurs in accordance with an approved Development Plan, in which case the regulations and requirements of this chapter shall supersede those of the underlying district(s).

1147.03 ESTABLISHMENT OF A PDO DISTRICT.

A Planned Development Overlay District shall be established in accordance with the required procedures for a Zoning Map amendment pursuant to Chapter 1119, provided that a Development Plan shall be approved at the time the property is rezoned.
(Ord. 20-2012. Passed 5-21-12.)

1147.04 PERMITTED USES.

In the PDO District, the following uses enumerated in this section are either principal uses permitted by right, conditional uses permitted only upon obtaining a conditional use permit, or accessory uses permitted in association with a principal or conditional use.

(a) Principal Uses. Any principal use permitted in the underlying district(s) shall be permitted in accordance with the regulations and standards of the underlying district(s).

(b) Conditional Uses. The following uses may be allowed as a conditional use in the PDO District subject to the provisions of Title Seven.

(1) Any conditional use enumerated in the underlying district. If incorporated as part of a Planned Development these conditional uses may not be required to comply with the development standards in Chapter 1153.

(2) Planned Developments in accordance with an approved Development Plan. A Planned Development may include any use or combination of uses permitted in the underlying zones, irrespective of the underlying zoning district boundaries.

(c) Accessory Uses. Any accessory use permitted in the underlying district(s) shall be permitted in association with a principal use subject to the regulations in the respective district(s).

1147.05 MINIMUM PROJECT AREA FOR A PLANNED DEVELOPMENT.

The gross area of a tract of land proposed to be developed as a Planned Development shall be no less than two (2) acres.

1147.06 DEVELOPMENT STANDARDS FOR A PLANNED DEVELOPMENT.

The development standards for a Planned Development approved as a conditional use shall be determined by applying the objectives and intent set forth in Chapter 1141 and Section 1147.01~~, and may vary from the applicable standards of the underlying districts as follows:~~Standards related to density, dwelling unit area, yard requirements, height and parking shall be as outlined below, however, the Planning Commission may approve modification to these requirements as part of the Planned Development ~~c~~Conditional ~~u~~Use if the Commission determines modifications to the density, dwelling unit area, yard requirements, height and/or parking requirements (1) are appropriate and consistent with the proposed use(s); (2) are appropriate and consistent with the surrounding properties and neighborhood character; and (3) further Sustainability Guidelines set forth in 1165.06.

(a) Maximum Density. The maximum density permitted for development for the entire overlay area shall be the maximum density for the most intense use in the underlying districts.

(b) Yard Requirements. The front, side and rear yard requirements may be varied to accommodate a variety of structural patterns, clustering designs, and housing types, provided that for projects adjacent to substantially developed single-family neighborhoods, buildings located within fifty (50) feet of such single-family property shall maintain the established building line of the adjacent property.

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

(1) The maximum building height shall not exceed the distance from the building to any property line in an AA, A or B District

(2) The maximum building height shall not exceed twice the distance from the building to any property line in a MF District.

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

(d) Parking Requirements. The parking requirements for the proposed use(s) shall be as stated in Chapter 1161.

(~~d~~e) Additional Standards. Additional site specific development requirements formulated to achieve the objectives of the Planned Development Overlay District shall be established at the time the conditional use request and the Development Plan are reviewed. Any dimensional specifications adopted with such plan become binding land use requirements for the proposed development.

1147.07 PROCEDURES.

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

1147.08 PHASING.

If the development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management and other public improvements to serve the development in accordance with the applicable criteria set forth. Where the overall development of an entire Planned Development 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.

1147.09 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 two (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 1153 SUPPLEMENTAL STANDARDS FOR CONDITIONAL USES

1153.01 PURPOSE.

In addition to the general criteria established in Chapter 1151, the following specific conditions pertaining to each use or group of uses shall apply. Nothing in this chapter shall prohibit the Planning Commission from prescribing supplementary conditions and safeguards in addition to these requirements.

1153.02 CONFORMANCE WITH DISTRICT REGULATIONS.

A conditional use, except as specifically otherwise provided in this title or in the district regulations for the district in which such use is to be located, shall conform to such district regulations, and to other substantive requirements of this Zoning Code, as well as satisfying the conditions, standards and requirements of this chapter.

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)	Front	Side/ Rear	Side/ Front	Rear	See Also Section
(1)	PRD	---	--	--	--	--	--	1155.01-1155.08
(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 a commercial use	---	--	--	--	--	--	1153.05(f)
(11)	Parking deck or one-story garage for a permitted use not on the same zoning lot	20,000 sq.ft.	100	30	15	N/A	N/A	---
(12)	Day care home	---	--	--	--	--	--	1153.05(d)
(13)	Day care center, nursery school, kindergarten	---	--	--	--	--	--	1153.05(e)
(14)	Residential home for the handicapped	---	--	--	--	--	--	1153.05(g)
(15)	Home occupation in an accessory building	---	--	--	--	--	--	1153.05(h)
(16)	Outdoor community festivals	---	--	--	--	--	--	1153.05(i)

Schedule 1153.03
AREA, WIDTH AND YARD REGULATIONS
FOR CERTAIN CONDITIONAL USES (CONT.)

				Min. Yard Dimensions (in feet)				
				Buildings (d)		Parking		
Conditional Use		Min. Lot Area	Min. Lot Width (Feet)	Front	Side/ Rear	Side/ Front	Rear	See Also Section
(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	1 acre	150	50	50	30	15	---
(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)
(26 A)	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, karate 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)

Schedule 1153.03
AREA, WIDTH AND YARD REGULATIONS
FOR CERTAIN CONDITIONAL USES (CONT.)

				Min. Yard Dimensions (in feet)				
				Buildings (d)		Parking		
Conditional Use		Min. Lot Area	Min. Lot Width (Feet)	Front	Side/ Rear	Side/ Front	Rear	See Also Section
(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 repair	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05(u)
(37)	Auto service-minor repair	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05(u)
(38)	Game rooms	---	--	--	--	--	--	1153.05(v)
(39)	Indoor commercial entertainment	---	--	--	--	--	--	---
(40)	Private indoor/outdoor recreation	---	--	--	--	--	--	---
(41)	Meeting room, banquet hall, party center	---	--	--	--	--	--	---
(42)	Satellite dish receiving antenna	---	--	--	--	--	--	1153.05(w)
(43)	Murals	---	--	--	--	--	--	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)

Schedule 1153.03
AREA, WIDTH AND YARD REGULATIONS
FOR CERTAIN CONDITIONAL USES (CONT.)

				Min. Yard Dimensions (in feet)				
				Buildings (d)		Parking		
Conditional Use		Min. Lot Area	Min. Lot Width (Feet)	Front	Side/ Rear	Side/ Front	Rear	See Also Section
(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 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.

1153.04 SUPPLEMENTAL HEIGHT REGULATIONS.

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

1153.05 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

The following conditional use regulations are specific requirements pertaining to the location and maintenance of certain conditional uses and are in addition to the general criteria set forth in Chapter 1151 and the lot area, width and yard regulations set forth in Section 1153.03.

(a) Places of Worship. In any district a place of worship shall be used only for local purposes of the congregation of the organization and shall not be used or operated as or in connection with a business, except for the renting of rooms for a use that provides a service to the community, i.e., day care, exercise classes, AA classes.

(b) Public and Private Schools, Parks and Playgrounds. In any district, the Planning Commission may require a school, park or playground to fence in the outdoor play area to minimize traffic hazards.

(c) Cemeteries. Existing cemeteries are a conditionally permitted use in AA, A and B Residential Districts and may be permitted to expand no more than 150 feet from an existing property line provided no dwellings are destroyed in order to do so. No new cemeteries shall be permitted.

(d) Day Care Home. A conditional use permit for a child day care home in an AA or A District 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, Nursery School, Kindergarten. In a residential district a day care center, nursery school or kindergarten may be 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 Subsection 1153.05(cc) of this Code. In a commercial district such uses may be permitted to locate in a building that meets the lot and yard requirements set forth in the district regulations.

(f) Accessory Parking for a Commercial Use. In residential districts, parking lots contiguous to and within 150 feet of a C-1, C-2, C-2X or C-3 District and accessory to a use located within that District and conforming to the requirements of Chapter 1161 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 of the use to which it is accessory;

(3) The Planning Commission may establish specific hours of operation;

(4) Each entrance and exit shall conform to the standards established for commercial uses adjacent to a residential district as set forth in Section 1161.10.

(5) Landscaped buffers complying with the standards in section 1166.06 and 1166.07 shall be of the following dimensions:

A. Not less than fifteen (15) feet in width adjacent to a public right of way.

B. Not less than ten (10) feet in width adjacent to a side or rear lot line which coincides with a side or rear lot line in an AA, A or B District.

C. Not less than five (5) feet in width adjacent to a side or rear lot line which coincides with a side or rear lot line in a MF District.

D. Any area located between a lot line and a parking area that is not covered by a permitted building shall be landscaped and maintained in accordance with Section 1165.05.

(g) Residential Home for the Handicapped. In an AA, A or B Residential District, a residential home for the handicapped as defined in this Zoning Code shall be permitted provided such use complies with the criteria specified herein below. A residential home for the handicapped which will have four residents may be approved administratively by the Zoning Administrator pursuant to the criteria herein. Applications for residential homes for the handicapped for five to eight residents shall be submitted to Planning Commission. The Zoning Administrator may require an applicant for a four-resident home to submit an application for a conditional use permit to the Planning Commission if the Administrator has questions as to whether the proposed home meets the criteria specified herein.

(1) The persons residing in such residential home shall live as a single housekeeping unit in a single dwelling unit and maintain such home as their sole, bona fide, permanent residence. The term "permanent residence" means:

A. The resident intends to live at the dwelling on a continuous basis; and

B. The resident does not live at the dwelling primarily to receive counseling, treatment, therapy or medical care;

(2) Prior to a handicapped person commencing residence in the home, either the applicant or the placement agency shall certify that it has determined that the resident is handicapped as defined in 42 U.S.C. Sec. 3602(h) and that the resident can function adequately in a community residential setting. The applicant or the placement agency shall have a continuing duty to provide such certification to the Zoning Administrator for each handicapped person who resides in the home after a conditional use permit is granted;

(3) The applicant or placement agency shall demonstrate that adequate qualified supervision will exist in the home as necessary;

(4) The home shall not have more residents than the maximum number of occupants permitted under the applicable provisions of the Housing Code describing required habitable floor and bedroom areas for each occupant; however, in no event shall the total number of persons residing at the home exceed eight;

(5) In order to maintain the single-family residential character of AA and A Districts, the dwelling shall not be changed or redesigned for any purpose other than a single housekeeping residential use and if modifications are made to the premises which may render it unmarketable as a single-family dwelling, the applicant is required and shall agree that upon termination of this conditional use for any reason, the applicant shall restore the premises to a condition in which it is marketable as a single-family dwelling, unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar conditional use permit for the premises;

(6) Signs or other means of identification as a residential home for handicapped persons shall not be permitted;

(7) The applicant shall comply with the applicable parking regulations of the Zoning Code for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors, home supervisors, service providers and residents, if applicable;

(8) In considering whether to grant the conditional use permit, the Zoning Administrator or Planning Commission shall take into consideration the proximity and location of other such residential homes for handicapped persons within the neighborhood so as not to change the residential character of the area or create undue congestion in public ways;

(9) The owner/operator shall be licensed or certified by the State of Ohio or Cuyahoga County. Failure to maintain such license or certification shall result in immediate revocation of the home's conditional use permit.

(h) Home Occupation in an Accessory Building. A home occupation may be conducted in an accessory building provided that the following standards are maintained:

(1) The accessory building or portion of accessory building used for the home occupation shall be located no less than five (5) feet from the side and rear lot line;

(2) There shall be no display or other indication from the exterior that the building is being utilized for any nonresidential purpose, and the external appearance of the structure in which the use is conducted shall be compatible with the dwelling unit and neighboring residential structures;

(3) There shall be no merchandise manufactured or processed for sale, bought, sold, exchanged or traded in or on the premises. A home occupation involving individual works of art and involving some machine process as part of the creation of individual works of art is permitted, provided it meets all other criteria of this section, and involves no direct sales of such works of art to consumers on a regular basis from the premises;

(4) There shall be no person employed or engaged in the furtherance of the home occupation other than a member of the immediate family residing in the same dwelling unit as the home occupation;

(5) There shall be no mechanical, electrical or chemical equipment used in furtherance of such home occupation, except such as causes no disturbances of any kind beyond the premises where the home occupation is located;

(6) There shall be no storage of material, goods or equipment used for a business activity conducted off the premises;

(7) There shall be no motor vehicles bringing clients or customers to the place of the home occupation other than for the periods from 9:00 a.m. to 5:00 p.m. on weekdays, and from 9:00 a.m. to 12:00 noon on Saturday. All such vehicles visiting the place of the home occupation shall be parked on private property;

(8) No home occupation shall be permitted in any accessory building, or portion thereof, where the conduct of such home occupation is or will be offensive to neighboring property owners or occupants of the same dwelling structure by reason of excessive noise, late hours or business activity, the intensity of the business activity or other such reasons;

(9) No home occupation shall be permitted in that portion of a garage that is required by this Zoning Code to provide enclosed parking spaces for a dwelling.

(i) Outdoor Community Festivals. An outdoor community festival may be conditionally permitted in any district in compliance with the following:

(1) The festival shall be sponsored by a street club, neighborhood association, or other nonprofit community organization, including in a commercial district, a merchant's organization;

(2) In a residential district, the Zoning Administrator may authorize a nonprofit organization to conduct an outdoor festival so long as such outdoor activity is designed to accommodate and to be used primarily by the street residents, church membership or sponsoring nonprofit organization and provided further that such outdoor activity shall be limited in time to no more than twenty-four (24) hours. Festivals for a longer duration shall be approved by the Planning Commission;

(3) In a commercial district, the Zoning Administrator may authorize a civic, business or community nonprofit organization to conduct an outdoor festival that does not extend for a period longer than three (3) days. Festivals for a longer duration shall be approved by the Planning Commission;

(4) A festival may include activities in an area where property is publicly owned so long as the owner of such public property files with the application for such event a written consent to the activities proposed on its property;

(5) The permit issued for such use shall contain special limitations thereon in accordance with the difference in circumstances which may attend each such requested use.

(j) Dormitories, Sororities and Fraternities. In a multiple-family or commercial district, dormitories, sororities and fraternities, and associated dining halls may be conditionally permitted provided that:

(1) The land upon which such use or combination of uses is proposed to be located shall be owned by or under the permanent or continuing control of a recognized, established and operating educational institution which conducts a full-time program of educational instruction;

(2) The proposed use shall be for the purpose of furnishing housing or other permitted use facilities for students, faculty or permanent administrative personnel of such educational institution;

(3) Sleeping and living facilities shall be designed and arranged for such purposes only, and no student dormitory or other separate arrangement of dormitory rooms for such purposes shall contain any permanent cooking facilities in those rooms used for sleeping and living facilities;

(4) The land upon which it is proposed to establish such use shall be within one-half (0.5) mile of the educational facilities of the institution proposing to establish such use;

(5) The parcel upon which such use is to be established shall contain not less than 400 square feet of land area for each person proposed to be housed in any building to be constructed in connection with such use and have direct access to a duly dedicated public street or highway. Ingress and egress therefrom shall be provided by means of roads or drives of such number, location and character as shall be sufficient to supply necessary public or private services to the property and the residents therein;

(6) Off-street parking shall be supplied in accordance with Chapter 1161. However, in determining off-street parking requirements, the Planning Commission shall take into consideration and allow credit for any existing or proposed off-street parking facilities either owned or controlled by the educational institution the use of which is available to such educational institution in a manner other than as merely a member of the general public;

(7) The size, type, location and arrangement of all sleeping or living rooms in any building shall be such as will provide adequate light and air or other means of ventilation for the occupants thereof. However, no provision of any Codified Ordinance or ordinance establishing standards for area of rooms for multiple-family dwellings shall be deemed to apply to a building or use approved under this subsection, and in any combination of rooms designed for occupancy by more than one (1) person, there shall be contained not less than 150 square feet of floor area for the first occupant thereof, and not less than 100 additional square feet of floor area for each additional occupant thereof.

(k) Boarding Houses, Lodging Houses, Convents, Monasteries and Other Congregate Living Facilities. Congregate living facilities may be conditionally permitted in multiple-family and commercial districts provided that the land area per bed shall be not less than the following:

(1) In a MF-1 District, the minimum land area per bed shall be 1,500 square feet;

(2) In MF-2, MF-3 and all commercial districts, the minimum land area per bed shall be 750 square feet.

(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 Commercial 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 zone along the entire length of the common boundary between the commercial district and the residential district shall be required pursuant to Section 1165.05(b);

(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.

(m) Automatic Teller Machines. An automatic teller machine ~~which is located~~ on the outside or in a vestibule of a principal building, and which is accessible during nonregular business hours or enclosed separately in a freestanding building, shall only be permitted as a conditional use and shall be developed according to the following:

(1) Such facility should be located so as to be the least disruptive to pedestrian and vehicular traffic;

(2) There shall be adequate and safe standing space for persons waiting to use the facility;

(3) The Police Division has determined that the location and operation of the proposed ATM would not constitute a traffic or safety hazard;

(4) The Planning Commission may require additional parking spaces, if deemed necessary, than otherwise required for the principal use; and

(5) The automatic teller machine shall be owned and operated by the financial establishment on the same premises.~~.~~

(n) Animal Clinics, Veterinary Offices and Animal Grooming. An animal clinic, veterinary office or animal grooming establishment may be conditionally permitted in a C-2, C-2X or C-3 District provided such use is located in a building having adequate soundproofing and odor controls to ensure that any noises and odors associated with the operation of the facility are not detectible on neighboring properties. See subsection (bb), "Animal day-care facilities and overnight boarding of animals".

(o) Convenience Retail in an Office Building. In a C-1 District, convenience retail uses may be conditionally permitted to occupy no more than an area equal to one hundred percent (100%) of the ground floor of a permitted office building, however when such use occupies less than fifty percent (50%) of the ground floor such use shall be deemed an accessory use and shall not require Planning Commission approval. In any case, access to such ground floor retail use shall be through the primary means of egress to the principal building and no exterior signage for such retail use shall be permitted.

(p) Outdoor Dining. In C-2 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 feet in width.

(3) Before a conditional use permit is granted for the use, it shall be determined that the facility will not create an undue parking shortage within the district.

(4) Temporary stanchions with chains or ropes may be approved for the outdoor dining facility, the extent and nature of which shall be set out in the conditional use permit. Architectural Board of Review approval shall be required only for fencing that is temporarily or permanently affixed to the ground or floor of the outdoor dining area.

(q) Dance Studios, Karate Classes and Similar Uses. In a C-2 District, establishments offering non-academic instruction should be located to be the least disruptive to the pedestrian traffic. Second floor is preferred.

(r) Automobile Sales, New or New and Used, and Auto Rental. Establishments offering new or new and used vehicles for sale may be conditionally permitted in a C-2 or C-3 District, and establishments offering automobiles for rental may be conditionally permitted in a C-3 District, in compliance with the following items (1) through (6):

(1) Sale of new automobiles means a building and land used by a franchised automobile dealer principally for the sale of new automobiles. The sale of used automobiles may be permitted as an accessory use provided the inventory of used automobiles does not exceed fifty percent (50%) of the overall inventory at any one (1) time.

(2) Service garage, leasing department and other activities customarily incidental to a full service franchised automobile dealer shall be permitted as accessory to the sale of autos provided these activities are conducted in wholly enclosed buildings.

(3) Only repair of automobiles customarily associated with automobile sales shall be permitted, and shall be conducted inside a suitable building.

(4) No junk, inoperative or unlicensed vehicle will be permitted to remain outside on the property for more than forty-eight (48) hours.

(5) All outdoor wiring, including electrical and telephone wiring, shall be installed underground.

(6) Locations where such use abuts a neighborhood district or dwelling shall also provide a buffer zone along the entire length of the common boundary between the commercial use and the residential use which shall be maintained not less than ten (10) feet in depth. This buffer zone shall be landscaped with grass, shrubbery and trees, as approved by the Planning Commission and shall contain a solid brick wall three (3) feet in height from the residential building line of the adjoining residential use to the street, and six (6) feet in height from such residential building line to the rear property line of the adjoining residential use.

(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:

(1) The sale and storage of such vehicles is on the same lot or on a lot contiguous to the principal use;

(2) Vehicles may be stored outside provided the storage area is adequately screened in compliance with Section 1165.05(c);

(3) There shall not be more than fifty (50) vehicles located on the site outside of a completely enclosed building at any one (1) time;

(4) All work on vehicles, including but not limited to cleaning, servicing and repair, shall be done only inside a suitable service building;

(5) No junk, inoperative or unlicensed vehicle will be permitted to remain outside on the property for more than forty-eight (48) hours;

(6) All outdoor wiring, including electrical and telephone wiring, shall be installed underground;

(7) Locations where such use abuts a residential district or dwelling shall also provide a buffer zone along the entire length of the common boundary between the commercial use and the residential use which shall be maintained not less than ten (10) feet in depth. This buffer zone shall be landscaped with grass, shrubbery and trees, as approved by the Planning Commission and shall contain a solid brick wall three (3) feet in height from the residential building line of the use to the street and six (6) feet in height from such residential building line to the rear of the residential use or residential district property line.

(t) Gasoline Stations. In a C-~~2~~ 3 District, a gasoline station may be conditionally permitted in compliance with the following:

(1) Such use should be located so as to be the least disruptive to pedestrian traffic;

(2) A gasoline station in a C-2 District shall comply with the standards and regulations set forth in Section 1131.09;

(3) A gasoline station may be combined with a car wash or service station provided that the minimum lot area shall be no less than 30,000 square feet and that such dual use is in compliance with the regulations established for each use.

(u) Automobile Service Station - Major Repair, Automobile Service Station - Minor Repair, Car Wash. In a ~~C-2 or~~ C-3 District, an automobile service station or a car wash may be conditionally permitted provided that:

(1) There shall be a minimum building floor area of 1,200 square feet;

(2) All activities including cleaning, washing and drying operations shall take place inside the building;

(3) No merchandise except oil may be stored or displayed outdoors;

(4) No junk, inoperative or unlicensed vehicle will be permitted to remain outside on the property for more than forty-eight (48) hours;

(5) All outdoor wiring, including electrical and telephone wiring, shall be installed underground;

(6) Locations where such use abuts a residential district or dwelling shall also provide a buffer zone along the entire length of the common boundary between the commercial use and the residential use which shall be maintained not less than ten (10) feet in depth. This buffer zone shall be landscaped with grass, shrubbery and trees, as approved by the Planning Commission and shall contain a solid brick wall three (3) feet in height from the residential building line of the use to the street and six (6) feet in height from such residential building line to the rear of the residential use or residential district property line;

(7) An automobile service station or car wash may be combined with a gasoline station provided the minimum lot area shall be no less than 30,000 and the regulations for each use are maintained.

(v) Game rooms. In a C-2, C-2X and C-3 District, an indoor game room may be conditionally permitted provided that:

(1) The Fire Division shall determine that the premises is not in violation of any provision of any statute, ordinance or Fire Safety Code adopted by the State of Ohio or the City;

(2) The Fire Division shall determine that the floor plan submitted by the applicant as a part of the application for the permit would not violate any provision of any statute, ordinance or Fire Safety Code adopted by the State of Ohio or the City, and would not otherwise endanger the fire safety of persons using the premises;

(3) The Police Division shall determine that the supervision and security plan submitted by the applicant as a part of the application for the permit is adequate to maintain security and lawful order within the game room premises, in its required parking areas, and upon the public right of way abutting upon the premises;

(4) The Planning Commission shall determine that the sound control plan submitted by the applicant as a part of the application for the permit is adequately designed, in order that the sounds produced within the premises shall not be heard by persons outside of the premises;

(5) If the game room premises, or its required parking areas, are within 200 feet of the property line of any single, double or multiple-family residence, then the game room shall cease its operation not later than midnight on Friday and Saturday nights, and no later than 10:00 p.m. on all other nights, and shall not commence operation before 8:00 a.m. on any day. However, if such residence is located in a commercial use district, or in a special use district, then the Commission shall have the authority, based upon the evidence, to modify the requirements of this subsection;

(6) The applicant is in compliance with the applicable off-street parking ordinances and regulations of the City;

(7) Any conditional use permit issued pursuant to the provisions of this subsection shall be subject to the applicant's obtaining of the appropriate license from the City. The conditional use permit shall remain in effect only so long as the applicant possesses such a license and such license has not been suspended or revoked. The issuance of a conditional use permit is not intended to be, and shall not serve to modify in any way, the requirements for the obtaining of a license for a billiard room, bowling lane or amusement device, or with the jurisdiction of the City Manager relating thereto.

(w) Satellite Dish Receiving Antenna. In any district, a satellite dish receiving antenna may be conditionally permitted subject to the following regulations:

(1) No satellite dish receiving antenna shall be located in the front or side yard of a dwelling or other building;

(2) A satellite dish receiving antenna may be located on the roof of a building in a residential district only if it is not technically feasible to locate the dish in the rear yard and if the dish is located in such a manner that it is not visible from the public streets or any neighboring premises. A satellite dish receiving antenna may be located on the roof of a building in a commercial district only if it is located or screened so that it is not visible from the public streets, or, if in the judgment of the Planning Commission, its visibility will not adversely impact the overall character and orderly appearance of the neighborhood in which it is located.

(3) No sign shall be permitted on a satellite dish receiving antenna;

(4) The satellite dish receiving antenna shall be constructed and anchored in such a manner as to be able to withstand a wind force of up to 100 miles per hour;

(5) The perimeter of the satellite dish receiving antenna shall be landscaped or otherwise screened in such a manner as will not cause the presence of the satellite dish receiving antenna to interfere with or diminish the use and enjoyment of the adjacent properties;

(6) In all residential districts through MF-2, the landscaping or other screening must be sufficient to preclude visibility of the satellite dish receiving antenna from the first floor of adjacent residences;

(7) The diameter of a satellite dish receiving antenna shall not exceed ten (10) feet in any residential district through MF-2 and shall not exceed fifteen (15) feet in any other district;

(8) Except in cases where a satellite dish receiving antenna is located on the top of a building, the height of a satellite dish receiving antenna shall not exceed fifteen (15) feet in any residential district through MF-2 and shall not exceed twenty (20) feet in any other district;

(9) All setback requirements for the zoning district in which a satellite dish receiving antenna is to be located shall be complied with, and no variance shall be granted with respect to this requirement;

(10) A satellite dish receiving antenna shall not be used for the transmitting of any radio or television signal or for any other purpose that would result in an interference with the radio and/or television reception of surrounding properties;

(11) Application for the issuance of a conditional use permit pursuant to this section shall include a site plan indicating the location of the proposed satellite dish receiving antenna on the property and shall include all technical data necessary for the consideration of the application.

~~(x) Murals. Murals may be permitted in a commercial district on the outside wall, facade or surface of a building or structure in accordance with the following:~~

~~(1) The permit application shall be accompanied by a finished drawing prepared to scale of the outside wall, facade or surface that the applicant proposes to use for such mural, and of the mural that the applicant proposes to place on such outside wall, facade or surface. The mural shall be colored on the drawing in the colors that the applicant proposes to use for the mural, and shall be in sufficient detail to allow for a visualization of the actual appearance of the mural. The drawing shall be available for viewing by the public during regular business hours at the office of the Planning and Development Department. The permit application shall include a statement as to the type of lighting, if any, that shall be used to illuminate the mural during hours of darkness;~~

~~(2) All signs relating to the building or structure upon which the mural is to be placed shall be in compliance with the requirements of the Codified Ordinances in effect on the date of application. No mural may be placed on any building or structure that includes a nonconforming sign;~~

~~(3) Only one (1) wall, facade or surface of a building or structure may be used for a mural;~~

~~(4) A wall, facade or surface that is used for a mural may not be used for any purpose relating to signage;~~

~~(5) The Police Division has determined that the placing of a proposed mural at the location selected by the applicant would not constitute a significant traffic safety hazard;~~

~~(6) The owner of record of the building or structure on which the proposed mural is to be placed shall, in writing, and in a form satisfactory to the Director of Law, consent to the placing of such mural on the property, and shall agree to restore the wall, facade or surface upon which the mural is placed to its prior existing condition if and at such time the mural is not maintained by the applicant. The permit application shall include a statement detailing the applicant's plans for the maintenance of the mural;~~

~~(7) Neither the mural, nor the placement of the mural, would endanger the public health, safety or general welfare;~~

~~(8) Neither the mural, nor the placement of the mural, would be injurious to the use and enjoyment of other property in the immediate vicinity of the proposed location;~~

~~(9) Neither the mural, nor the placement of the mural, would otherwise be prohibited by law.~~

Intentionally left blank.

(y) Flower or Plant Store Outdoor Display. Outdoor display of flowers and plants may be permitted at a flower or plant shop, provided that:

(1) The location of the outdoor display is limited to privately owned property and shall not encroach upon public property;

(2) The spatial limits of the outdoor display shall provide adequate room for pedestrian ingress and egress;

(3) No price tags or signage shall accompany the outdoor display;

(4) Plant materials shall be in sturdy and substantial containers; and

(5) The display shall be for decorative purposes rather than commercial display of plant material merchandise.

(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 or "C-3" dDistricts 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 inches by twelve inches) and in number to one sign for each distinct group of plants;

(4) Outdoor plant displays shall be set back from all property lines a minimum of ten feet or screened with a fence and/or evergreen hedge;

(5) Maximum fence and/or evergreen hedge height shall conform with district limits, with the exception of property lines along rights-of-way, where the maximum height shall be three feet, six inches;

(6) All outdoor lighting shall be directed from periphery toward interior of site, and there shall be no direct light spillover to adjacent properties;

(7) Drainage from outdoor plant display areas shall be contained on the property and directed to storm drains;

(8) Spraying shall not create a hazard or nuisance to neighboring properties;

(9) Motorized equipment shall be limited to devices with noise levels conforming with Section 509.03(b) of the Codified Ordinances;

(10) All outdoor activity shall be confined between the hours of 7:00 a.m. and 10:00 p.m.;

(11) The arrangement of principal and accessory structures may be varied by the Planning Commission to allow flexibility and encourage development of neighborhood garden centers. The minimum front, side and rear yard requirements for principal uses in the applicable district shall still be in effect. Excluding the area within these required setbacks however, principal and accessory structures and buildings may be arranged by approval of the Planning Commission without a variance from the Board of Zoning Appeals.

(12) Bulk storage and sale of materials such as peat moss, sand, mulch and topsoil shall be permitted outdoors if the materials are in individual bags in a location approved by the Planning Commission. Such bulk storage 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 Planning Commission may also approve bulk storage and sale of such materials if the material is fully surrounded by walled bins. Unreasonable runoff, dust and other undesirable side effects from such outdoor storage shall be mitigated so as to not create a nuisance to neighboring properties. The area occupied by bulk storage shall not exceed ten percent (10%) coverage of the lot area.

(aa) Attached Single-Family Dwelling Unit. Attached single-family dwelling units may be conditionally permitted in B, A, AA, and MF Districts in accordance with the following:

(1) In A, AA, and MF Districts, attached single-family dwelling units may be conditionally permitted only on lots which contain legally non-conforming side-by-side two-family dwellings.

(2) Each attached single-family dwelling unit must be on a separate parcel. When applicable, lots must be subdivided per Section 1111.06(b)(5).

(3) Attached single-family dwelling units shall be permitted only on corner lots on which each dwelling unit fronts upon a different street.

(4) Each attached dwelling unit shall have its own driveway and two-car garage.

(5) Before approving a necessary resubdivision or granting a conditional use permit for an attached single-family dwelling unit, the Planning Commission must ascertain that the following requirements have been met:

A. Existing dwelling units which are converted to attached single-family dwelling units must be brought into compliance with all applicable regulations of the Cleveland Heights Housing and Building Code.

B. To the extent feasible, each unit shall be required to have separate utility meters and separate HVAC systems.

C. The owner(s) shall provide, through deed restrictions or other appropriate legal documentation approved by the City's Law Director, access to and maintenance of the common areas and other areas which, as a practical matter, should be maintained jointly including, without limitation, party walls, roofs, foundations, sewer and water lines, and mechanical systems which are not able to be separated, and to provide for uniform appearance of the exterior of the house.

(bb) Animal Day-Care Facilities and Overnight Boarding of Animals. An animal day-care facility may be conditionally permitted in a C-2, C-2X or C-3 District, provided the standards listed in this subsection are met. Overnight boarding of animals may be conditionally permitted in conjunction with an animal clinic, veterinary office, animal grooming facility, or animal day-care facility in a C-2, C-2X or C-3 District. In the process of applying for a conditional use permit, the applicant shall clearly set out a plan to assure that animals will be cared for in a humane, safe, and sanitary manner, and that all feasible steps will be taken to limit negative impacts on the surrounding neighborhood. The applicant shall provide floor plans and accompanying commentary explaining how the standards listed below shall be met.

(1) Facilities shall be subject to inspection by an animal control officer, the Zoning Administrator, the Building Commissioner, or their designated agent(s) upon request during business hours.
(2) Facilities must provide and adhere to a plan for minimizing negative impact of the operation on neighboring properties due to noise, odors or other external effects of the operation.
(3) Facilities shall have adequate exhaust outlets as approved by the Building Commissioner. Outdoor exhaust shall terminate at a point at which it will not be drawn into a ventilation system of a neighboring property and any odors will not be detectible on neighboring properties.
(4) Outdoor runs and activity areas should be sufficiently distant from neighboring properties to ensure that activities therein do not cause a nuisance to occupants of those neighboring properties.
(5) All dogs on the premises must be licensed.
(6) All waste shall be disposed of with adequate frequency and in such a sanitary manner as to avoid odors, vermin or other nuisance conditions or the spread of disease.
(7) The facility shall be maintained in a humane, safe and sanitary condition in accordance with accepted veterinary standards to ensure the health, safety and welfare of animals on the premises.
(8) Failure to comply with the conditions set forth in this section and any additional conditions imposed by the Planning Commission shall be grounds for revocation of the conditional use permit.

(cc) <u>Adaptive Reuse of Existing Non-Residential Buildings in Residential Districts.</u> The following provisions are for adaptive reuse of a non-residential building such as a place of worship, library or school into a use compatible with the larger residential district. Adaptive reuse of non-residential buildings in residential districts is allowed by conditional use and subject to the following standards:
(1) The existing building is clearly non-residential in its original construction.
(2) A non-residential building in a residential district may be converted to the following uses:
A. Multi-family dwelling
B. Office
C. Industrial design
D. Limited research and development
E. Recreation and education classes such as exercise, art, writing, theater, continuing education, after-school programs, etc.
F. Other uses similar to (A) through (E) that are found to be compatible with the larger residential district.
(3) Off-street parking is required in accordance with Chapter 1161 of this Code.
(4) The character of the site and community amenities should be preserved, maintaining a balance between the building, green space and parking.
(5) These shall be no mechanical, electrical or chemical equipment utilized in furtherance of use, except as causes no disturbances of any kind beyond the premises where the use is located.
(6) The conduct of such use shall not be offensive to neighboring property owners or occupants by reason of excessive noise, late hours of business activity, the intensity of the business activity or other such reason.

(7) The use must provide and adhere to a plan for minimizing negative impact of the operation on neighboring properties due to noise, hours of operation or other external effects of the operation.

(8) Signage shall meet the requirements of the original use as set out in Chapter 1163.

(9) For any non-residential use, outside storage or display if prohibited. All servicing, processing and storage uses must be fully enclosed. Diminished setbacks due to alterations or additions shall meet the setback requirements of the original use as set forth in schedule 1153.03 unless a variance is obtained.

(dd) Farmers' Markets. A farmers' market may be conditionally permitted as a temporary use for specific periods of time and specific hours of operation in all districts by the Zoning Administrator in compliance with the following:

(1) Farmers' markets may be operated on a property occupied by a house of worship, school facility, public park or other public property, library, an adaptive reuse of a nonresidential building or on a parking lot in a commercial districts.

(2) Farmers' markets may be operated in a parking lot only if parking within the lot is not necessary for off-street parking purposes during the time that the farmers' market will be operated.

(3) Farmers' markets may not be operated on a property principally used for residential purposes.

(4) Only the following products may be exhibited or offered for sale: fresh eggs and dairy goods, meats, fruits, vegetables, juices, flowers, plants, herbs and spices produced or grown by the vendor, foods made by the vendor, and arts and crafts made by the vendor.

(5) As a part of its application, the operator shall provide and commit to an appropriate litter abatement program.

(6) Operation of the farmers' market shall not cause a nuisance or disturbance to neighboring properties.

(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 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. At least 10 days prior to granting a conditional use permit which authorizes the keeping of bees, the Zoning Administrator shall cause notice of the intent to keep bees and opportunity for comment to be sent to the owners of all properties within 300 feet of the proposed Community Garden. The Zoning Administrator shall not permit the keeping of bees if he or she believes there is reasonable cause for withholding permission in light of any of the notified property owners' expressed concerns.

(c) 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) Open fences of a minimum of three (3) feet in height are required along the front and corner side lot line and shall be constructed of wood or ornamental metal and are subject to approval by the Architectural Board of Review. Decorative fences are encouraged along the 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.

(ff) Commercial Renewable Energy Systems. Commercial Renewable Energy Systems ("Solar Farms") may be permitted as a conditional use by the City Planning Commission in C-1, C-2 and C-3 Zoning Districts provided the standards listed in this section are met:

(1) The minimum lot size for a Solar Farm shall be two (2) acres.

(2) Solar panels shall be erected no less than 25 feet from any property line and all other structures on the property must meet District yard requirements.

(3) On-site power lines shall be placed underground to the extent possible.

(4) The entry to office or guests facilities shall address the street, with direct access to office or guest facilities from street frontage and parking areas.

(gg) Chicken Coops and Chicken Runs. ~~The keeping of chickens shall be permitted as a conditional use on the property subject to the following:~~

(1) Chicken coops and runs may be conditionally permitted in the AA, A, and B residential districts by the Zoning Administrator provided the standards listed in this subsection are met:

~~(1~~A.~~)~~ A maximum of four (4) chickens may be kept on the property.

~~(2~~B.~~)~~ No commercial activity will result from the keeping of chickens on the property.

~~(3~~C.~~)~~ Roosters are not permitted. ~~However, if the gender of a chick cannot be determined at hatching, a chick of either gender may be kept on the property for no more than six (6) months.~~

~~(4) Chicken coops and runs must meet the following standards:~~

~~A~~D.~~:~~ Chicken coops and runs ~~are~~ shall be allowed in the rear yard only.

~~Adequate safeguards are required to protect the chickens from animals and to prevent unauthorized access to the chickens by general members of the public, such as rear yard fencing and gating.~~

E. ~~B.~~ Chicken coops and runs ~~must~~ shall be located a minimum of ten (10) feet away from any principal building and ten (10) feet from an adjacent lot. At all times, chickens shall be contained within the coop and/or run.

F.~~C.~~ The facility ~~must~~ shall be kept in good repair, maintained in a clean and in a sanitary condition, and free of vermin, obnoxious smells and substances. The facility will not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health.

G.~~D.~~ The chicken coop and run ~~must~~ shall be designed to ensure the health and well-being of the animal is not endangered by the manner of keeping or confinement and to protect the chickens from animals and to prevent unauthorized access to the chickens by general members of the public.

H.~~E.~~ The chicken coop and run ~~must~~ shall be adequately lighted and ventilated.

I. The coop and run enclosures shall be of uniform and sturdy design and shall be constructed and maintained in good condition to protect the safety of the chickens and the aesthetics of the neighborhood.

J. Chicken coop and run fencing material shall be securely fastened to posts of reasonable strength firmly set into the ground and, if used, chicken wire or other woven wire shall be stretched tightly between support posts

K.~~(5)~~ No storage of chicken manure ~~is~~ shall be permitted within twenty (20) feet of theproperty line.

L.~~(6)~~ Chickens ~~must~~ shall be kept in coops from dusk to dawn.

M.~~(7)~~ Slaughtering of the chickens is prohibited.

(2) Zoning Administrator shall verify general compliance with City Codes before issuing conditional use permit.

(3) Any unresolved complaints concerning the above listed conditions shall be sent by the Zoning Administrator to be heard by the Planning Commission who shall have the power to revoke, modify, or affirm the conditional use permit.

(hh) Hotel. In a C-1, C-2, C-2X, or C-3 district, a hotel may be conditionally permitted in compliance with the following:

(1) Patron drop-off area(s) shall be located and/or screened to minimize negative effect on adjacent residential properties. The design and operation of the drop-off shall cause minimal disturbance to the flow of vehicles on public streets and safety of pedestrians on public sidewalks.

(2) All delivery, refuse, HVAC equipment, emergency power equipment, areas, drop-off areas, and loading berths shall be located and oriented to minimize negative effect on adjacent properties and screened in accordance with Code section 1166.10.

(3) Hotel management must be on-site 24 hours each day.

(4) Overnight parking of trucks with more than 2 axles or recreational vehicles shall be only in areas as designated on Planning Commission approved site plan.

CHAPTER 1166 LANDSCAPE REQUIREMENTS

SECTION 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 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 of the screening walls for a refuse container, provided that the wall is 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.Where feasible, loading berths must be located and oriented so as not to be visible from the street and adjacent properties, while still allowing access to the use served. In addition, loading berths must be screened as much as possible, 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 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 front or corner side yard are considered to meet these screening requirements.

~~(d) Drive-Through Facility. Drive aisles of drive-through 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.~~

MEMORANDUM

To: Tanisha R. Briley, City Manager
From: Richard Wong, Director of Planning
Date: January 20, 2017
Re: Proposed amendments to the Zoning Code

Below is a summary of the proposed amendments to the Zoning Code:

Code Chapter 1103 Definitions

- Remove "motel" from definition "hotel or motel."

Code Chapter 1115 Procedures

- Correct inadvertent omission in 2012 regarding chicken coops in Summary of Zoning Approval Responsibilities.
- Conditional Use permits for chicken coops issued by the Zoning Administrator instead of Planning Commission per the Commission's requests in 2013 and 2014. Complaints to be heard by Planning Commission.
- Establish general procedure for fence approval in front or corner side yard.

Code Chapter 1121 Single- and Two-Family Residential Districts

- Permit 4' tall fences in a front or corner side yard subject to ABR approval (currently 3')
- Clarify existing rule that fence permits are not required for chicken coops or deer net fencing.
- Correct inadvertent omission in 2012 that chicken coop is an accessory use.
- Correct inadvertent omission in 2012 regarding Minimum Yard Requirements for Principal Uses.

Code Chapter 1123 Multi-Family Residential Districts

- Reduce minimum dwelling size from 700-800 s.f. to 500 s. f. reflecting market demand.
- Clarify that townhouses may have 0' setback on shared wall(s).
- Permit front-facing garage doors only when 75% or more of a neighborhood block have garage doors visible on the street elevation (same as currently permitted in single family district).
- Permit rooftop mechanical equipment and stair enclosure to exceed allowable building height if adequately screened.
- Clarify yard requirements for greenhouses.

Code Chapter 1131 Commercial Districts

- Hotels conditionally permitted in the C-1 Office, C-2 Local Retail and C-3 General Commercial districts (Currently permitted in C-3 District).
- Clarify uses permitted in C-2X district.
- Clarify ATM requirements.
- Remove auto-oriented uses as conditionally permitted in the C-2 Local Retail district
- Miscellaneous changes to permitted and conditionally permitted uses, side yard setback, off-street parking lot requirements, and freestanding accessory structure in front of a building.
- Clarify window transparency.
- Change murals to be permitted in commercial districts.

Code Chapter 1147 PDO Planned Development Overlay District

- Planning Commission may, as part of the Conditional Use Permit, modify dwelling unit size, density, building height and/or parking requirements.
- Clarify parking requirements.

Code chapter 1153 Conditionally Permitted Uses

- Addition of standards for hotels.
- Revision chicken coop, ATM and drive-thru facilities standards.