

Proposed: 4/16/01

ORDINANCE NO. 51-2000(PD), Second Reading

By Council Member

An Ordinance approving an amendment to the Preliminary Land Use Plan for the Severance Town Center District, located at the corner of Mayfield and South Taylor Roads to update the development standards for the District and allow more flexibility in its development and redevelopment.

WHEREAS, the Severance Town Center District (hereinafter referred to as the "Severance District" or the "District"), located at the corner of Mayfield and Taylor Roads is zoned S-1 Mixed-Use under the City's Zoning Code; and

WHEREAS, Chapter 1143 of the Codified Ordinances provides that development in an S-1 District shall be in compliance with the Preliminary Land Use Plan for the District; and

WHEREAS, the Preliminary Land Use Plan for the Severance property was originally enacted in 1956; and

WHEREAS, a proposed amendment would allow more flexibility in the development and redevelopment of the property in the District and encourage mixed-use development while at the same time adhering to the original concept of concentration of more intense commercial development in the center of the District; and

WHEREAS, it would be in the best interest of the City and its residents to update this Preliminary Land Use Plan to ensure the continued health and vitality of the District.

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

SECTION 1. The Preliminary Land Use Plan for the Severance District, at the corner of Mayfield and South Taylor Roads, zoned S-1 Mixed-Use, which is set forth in its present form in Chapter 1143 of the Codified Ordinances and Exhibit "A" attached hereto, shall be and hereby is amended so that henceforth said Preliminary Land Use Plan shall read as follows:

(A) PURPOSES

The purposes of the Revised Preliminary Land Use Plan for the Severance District, all of which must be thoroughly addressed in any detailed development plan required by Section 1143.10 or any supplemental plan that may be adopted by the City Council from time to time, are as follows:

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- (1) To assure the continued health of the District as a primary commercial, service and residential district of the City of Cleveland Heights;
- (2) To encourage innovative, architecturally pleasing, and context-sensitive development and redevelopment of parcels in the District;
- (3) To assure the safety of and to increase accessibility for pedestrians, bicyclists, and persons using modes of transportation other than automobiles to enter and move about in the District;
- (4) To address retail trends that have had an impact on the District and to enhance its ability to compete with districts with similar purposes in other cities;
- (5) To preserve the character of the residential properties surrounding the District;
- (6) To promote efficient and safe movement of traffic on the streets within and in the vicinity of the District, particularly on Mayfield and South Taylor Roads;
- (7) To successfully integrate a mix of uses in the District while preserving and enhancing the District's natural features;
- (8) To avoid the visual blight of uncoordinated strip development which is prevalent along Mayfield Road in other cities;
- (9) To promote attractive public and private outdoor spaces;
- (10) To protect neighboring residential and institutional properties by the use of limited-build and buffer zones;
- (11) To prohibit or limit uses which, by reason of noise, odors, hours of operation, traffic, or other associated characteristics, are incompatible with the District's residential and office uses; and
- (12) To assure that supplemental non-binding conceptual plans that satisfy all terms and conditions of the Preliminary Land Use Plan and that relate to specific aspects of Severance development or redevelopment, which may be adopted from time to time by the City Council, are considered whenever a detailed development plan is presented for the review of the Board of Control, Planning Commission, Architectural Board of Review, or other City Board or Commission.

(B) SUB-DISTRICTS

The Severance S-1 District shall comprise two Sub-Districts. The area within Severance Circle (the Ring Road), the former "park commercial" area, shall be known as the Core Sub-District. The area outside Severance Circle, comprising the former "park administrative" and "residential" areas, shall be known as the Perimeter Sub-District. The Sub-Districts are shown on Exhibit "C" attached hereto and

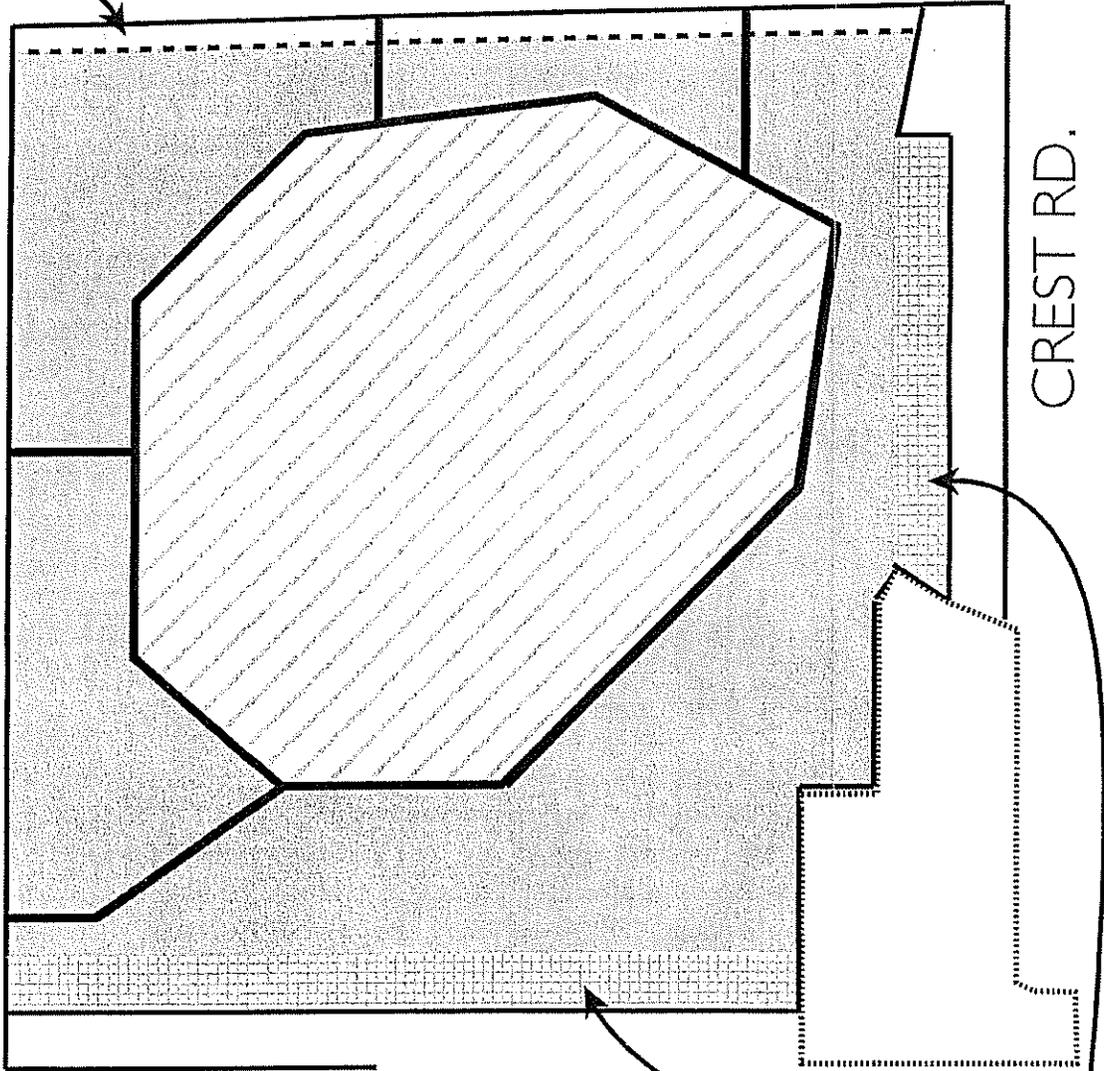
ADOPTED SEVERANCE PRELIMINARY LAND USE PLAN, 2000

70-FT.-DEEP LIMITED-BUILD ZONE

MAYFIELD RD.

S.TAYLOR RD.

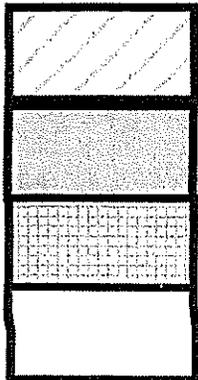
CREST RD.



SEVERN RD.

150-FT.-DEEP BUFFER BETWEEN PERIMETER SUB-DISTRICT AND ABUTTING SINGLE-FAMILY PROPERTIES

KEY



- CORE SUB-DISTRICT
- PERIMETER SUB-DISTRICT
- REQUIRED BUFFER
- LIMITED-BUILD ZONE

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incorporated herein by reference. The former sub-districts are shown on Exhibit "B".

The Core Sub-District will allow for the intense commercial activity associated with large retail facilities and other more intense uses, while limiting such activity to a specific area. The Perimeter Sub-District will provide a transition, rather than a buffer, between the commercial core and the surrounding city.

The existing 150-ft.-deep buffer zone between Severance and the single-family districts to the east and south shall remain in effect. The purpose of this requirement is to preserve and enhance the wooded character of area within the buffer zones. The buffer zones shall be maintained in a manner that maintains a sufficient proportion of large-stature trees to preserve a mature tree-canopy effect, provides sufficient tree planting and preservation of younger trees to offset the occasional loss of older trees, and keeps the buffer zones free of excessive activity, such as active recreational or assembly uses, to avoid soil compaction, destruction of young trees, noise, and disturbance or destruction of wildlife habitat.

Along Mayfield Road, a limited-build zone shall be maintained between the right-of-way line and a line running parallel to and 70 feet from the right-of-way line. In the limited-build zone, coverage shall be limited to 20% of land area. In all cases, the setback required by the S-1 District standards shall remain in effect.

(C) PERMITTED USES

In the Core Sub-District, all uses principally or conditionally permitted in the C-3 General Commercial zoning district or the MF-3 Multiple-Family zoning district may be permitted in any combination, with the following exceptions: gasoline stations, car wash establishments, automobile service stations and sexually oriented businesses shall not be permitted in the Core Sub-District.

In the Perimeter Sub-District, all uses principally or conditionally permitted in the C-1 Office zoning district or the MF-3 Multiple-Family zoning district may be permitted in any combination except on lots abutting A or AA Single-Family zoning districts. On lots abutting A or AA Single-Family zoning districts, all uses principally or conditionally permitted in the C-1 Office zoning district or the MF-2 Multiple-Family zoning district may be permitted in any combination.

In addition, the following uses may be permitted: (1) restaurants with table service as part of a mixed-use development consisting primarily of non-restaurant uses, as well as outdoor dining accessory to such uses; and (2) research and testing laboratories. Convenience retail and service establishments occupying an area equal

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to no more than 100% of first-floor area may be permitted in multiple-family residential buildings and office buildings.

All uses are subject to the development plan review process set out in Codified Ordinance Section 1143.10.

(D) ACCESS STANDARDS

Automobile access to Mayfield or Taylor Roads, other than as provided by the existing entrance drives, shall not be permitted, though the establishment of additional universally accessible pedestrian and bicycle access pathways shall be encouraged.

Curb cuts onto Severance Circle shall be permitted only in a manner that allows for safe movement of pedestrian and vehicular traffic.

All development or redevelopment of parcels in Severance shall be required to provide a satisfactory level of safe pedestrian access. In the Perimeter Sub-District, wheelchair-accessible sidewalks at least 6 feet in width shall be provided along all streets, public or private, that border or intersect a parcel. The edge of any sidewalk farthest from a public or private street must be at least eight feet from that street.

(E) NON-BINDING CONCEPTUAL PLANS

From time to time, City Council may adopt non-binding conceptual plans to illustrate development and redevelopment scenarios for the District. Such plans must be fully compliant with the terms of the S-1 district regulations and the Severance District Preliminary Land Use Plan, and may be adopted only after review by the Planning Commission.

SECTION 2. The provisions of Codified Ordinance Chapter 1143, "S-1 Mixed Use District," shall remain in full force and effect and shall be supplemented by the terms of the Preliminary Land Use Plan set forth hereinabove.

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 at the earliest time allowed by law.

BOARD OF CONTROL
CONVERSION OF SEVERANCE MALL TO OUTWARD FACING STORES
DETAILED DEVELOPMENT PLAN

Upon the motion being made and seconded, the following resolution was adopted:

BOARD OF CONTROL RESOLUTION 98-1

WHEREAS, Winmar Company, Inc. has found it necessary to undertake a comprehensive redevelopment of Severance Town Center Mall in response to the changes in building configuration required by a predominance of today's most popular retail establishments; and

WHEREAS, Winmar Company, Inc. has applied to the Board of Control for approval of a Detailed Development Plan pursuant to Chapter 1143 of the Cleveland Heights Codified Ordinances for conversion of Severance Town Center's interior-oriented Mall into two continuous rows of stores having storefronts facing an exterior sidewalk on both north and south faces between the two retail anchor stores; and

WHEREAS, the Planning Commission has reviewed the Detailed Development Plan and has approved the Plan subject to City staff approval of certain portions of the Plan which had not been fully developed at the time of the presentation to the Planning Commission; and

WHEREAS, it would be in the best interest of the City for the Board of Control to approve the architectural plans for conversion of the interior-oriented Mall into two rows of approximately 234,000 gross square feet of space primarily for big box format stores typically ranging in size from 10,000 to 50,000 square feet each. At the eastern end of these two rows of stores, a 300-foot-long fully enclosed walkway will be built beside the Wal-Mart store with commercial tenant spaces facing the interior space; and

WHEREAS, the Board of Control unanimously found the proposed design to be a functionally and aesthetically successful solution. This type of building configuration will enable Winmar to attract the types of stores that will provide goods and services that residents must now drive outside of the city to purchase. The attractiveness of this development will bolster housing values in the City's neighborhoods. Additionally, income taxes, property taxes and employment opportunities from this redevelopment will accrue lasting benefit to individual residents, the school district and the City; and

WHEREAS, the public hearing to consider this application was held on February 9, 1998 at 4:30 p.m., pursuant to the requirements outlined in Section 1113.03.

Now THEREFORE, be it resolved by the Board of Control of the City of Cleveland Heights, Ohio, that:

- (1) The architectural drawings listed on the index of Sheet PR-A (Sheets PR-1 through ML-3) by G. Herschman Architects, dated February 2, 1998, are hereby approved subject to the following conditions:
 - A) An additional rolled concrete curb crosswalk shall be provided from the Upper Level Parking Area 'A' to the sidewalk in front of the South Plaza as shown on Sheets PR-1 and PR-4 (it was missing on PR-12 and PR-13).
 - B) At least 30% of every storefront shall have windows. The windows shall provide views of storefront displays (not solely signage) or shall provide views of a store's interior occupancy. The glass shall be at a typical traditional storefront height and shall easily permit viewing (this excludes highly reflective mirrored or extremely heavily tinted types of glass). Placement of the windows shall be subject to Architectural Board of Review approval, but the windows are an essential condition of this approval.
 - C) All landscaping plans shall be approved by the Planning Director. Approval of occupancy of the tenant spaces shall be contingent on completion of landscaping in the related parking lot facing the tenants.
 - D) The elevator shall have a glass walled cab and exterior walls of glass affording maximum visibility.
 - E) All roadway and parking lot entry signs, directional signs and other related decorative or instructional elements shall be presented to the Board of Control in a comprehensive graphics plan for approval at a subsequent meeting.
 - F) In addition to the architectural plans, the color renderings of this project depicting the spirit, liveliness, and pedestrian-friendly character of the storefronts and public walkways shall establish one of the criteria upon which to review subsequent approvals for Building Permit. Significant deviations from this approval that undermine the quality of the environment intended by the architect and expected by the Board of Control shall not be permitted without further consideration by the Board of Control.

- (2) A sign variance shall be granted to allow the applicant to install one business identification wall sign of up to 1.5 square feet of area for every lineal foot of corresponding storefront at each big box tenant space with a gross floor area of 10,000 square feet or larger. Each sign may exceed 150 square feet, provided that the 1.5 square foot per lineal foot formula is observed.
 - A) The Board found that the applicant would suffer practical difficulty if the variance was not granted because of the unusually large setback of this development's commercial frontage from Severance Circle Drive. Placement of the storefronts

was largely driven by the position and orientation of the existing mall, parking lots and surrounding development.

- B) The spirit and intent of the Zoning Code's sign regulations as described in Section 1163.01 will be fully observed and substantial justice done by granting the variance. In particular, the proposed signs are part of a comprehensive plan and will be in harmony with their surroundings.
- (3) All construction that is the subject of this Resolution shall be completed in accordance with the phasing plan described on Sheet PR-17, resulting in completion of construction by fall of 1999.
- (4) The Secretary is directed to forward a copy of this resolution to the Clerk of Council as required under Section 1143.10(f) of the Zoning Code for final disposition by City Council.

ROLL CALL:

Ayes:

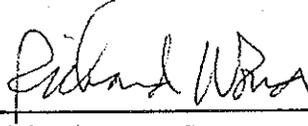
Nays:

Downey
Gill
Kelley
Madison
O'Brien

None

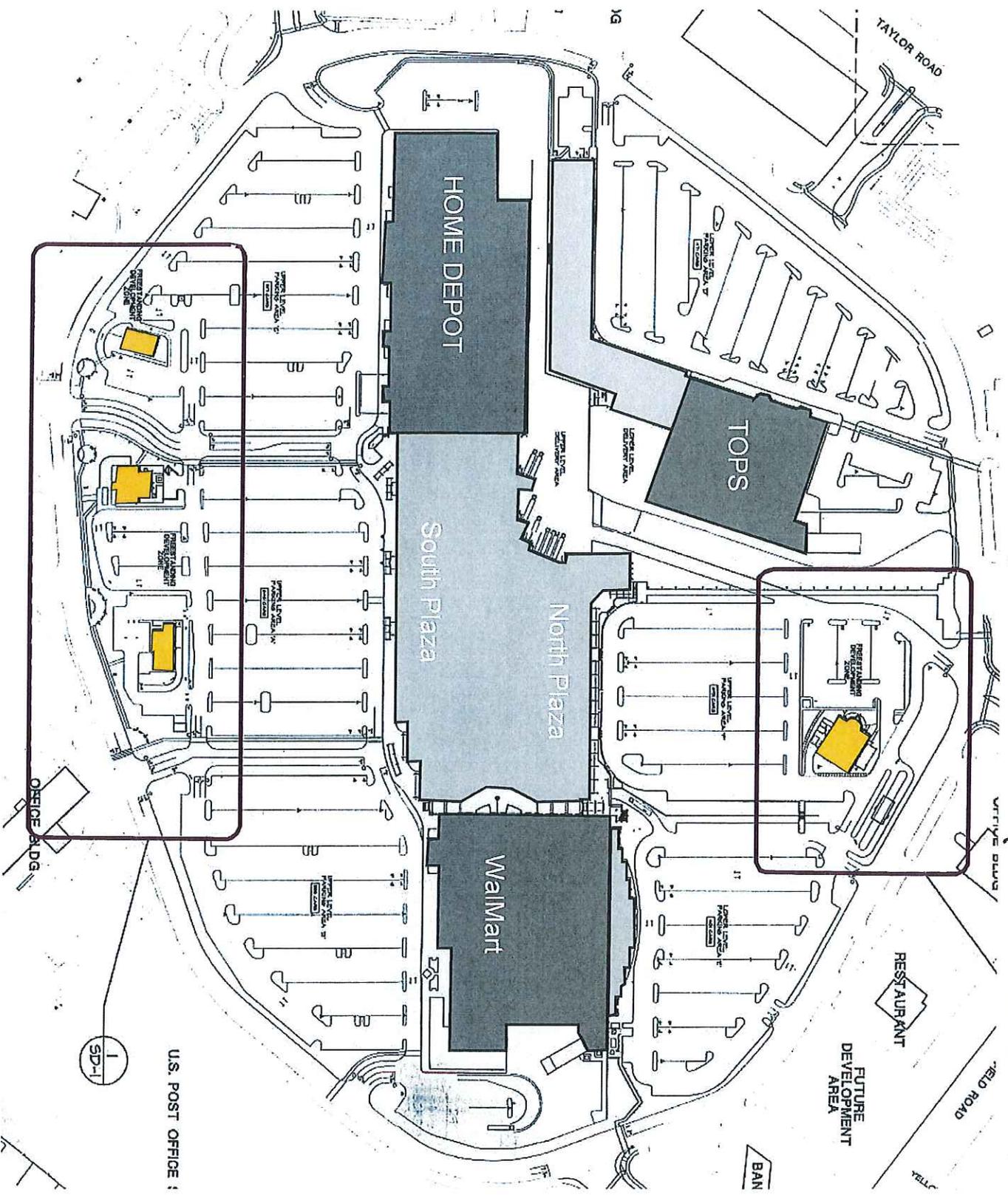
Motion carried
Adopted

I hereby certify that the above is a true and correct copy of the resolution passed by the Board of Control at its meeting held on February 9, 1998.


Richard Wong, Secretary

A copy of this resolution was filed with the Clerk of Council on Friday, February 13, 1998.


Robert B. Certner, Clerk of Council



Detailed development Plan 2003-01

U.S. POST OFFICE :



TITLE FIVE - Special Districts

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

**CHAPTER 1141
 Planned Development Objectives**

**1141.01 Objectives of the planned
 development regulations.**

CROSS REFERENCES

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

1141.01 OBJECTIVES OF THE PLANNED DEVELOPMENT REGULATIONS.

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

- (a) To provide an opportunity for new and innovative development in areas of the City, where there is vacant land or in areas which have special characteristics or special redevelopment opportunities as designated in this City's Strategic Development Plan approved by Council.
- (b) To protect residential and commercial property values.
- (c) To safeguard the aesthetics of the City's residential and commercial neighborhoods.
- (d) To encourage sustainable development and practices.
- (e) To promote both residential and commercial development and, where appropriate, mixed use development in order to maximize the City's potential tax base and its provision of services.

- (f) To ensure that such creative and flexible development complies with the foregoing objectives by requiring a Project Plan for all Planned Developments and establishing a review process to ensure that all development is consistent with the approved plan.
- (g) To protect residential neighborhoods from commercial encroachment.
(Ord. 20-2012. Passed 5-21-12.)

CHAPTER 1143
S-1 Mixed Use District

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

CROSS REFERENCES

Planned Development objectives - see P. & Z. Ch. 1141

S-2 Mixed Use District - see P. & Z. Ch. 1145

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

1143.01 PURPOSE.

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

- (a) To designate, regulate and restrict the location, design and use of buildings, structures and interior streets;
- (b) To promote high standards of external appearance of buildings and grounds;
- (c) To stabilize and improve property values with the smallest possible burden on City services and facilities and the highest possible return to the City from tax revenues consistent with maintaining and improving the residential character of the City;
- (d) To promote health, safety, comfort, convenience and the general welfare; and thus
- (e) To provide the economic, environmental and social advantages resulting from an orderly planned use of these large parcels of land.
- (f) To ensure that development complies with the adopted preliminary land use plan for the District and these objectives by requiring approval of a detailed development plan for any subsequent development.
(Ord. 20-2012. Passed 5-21-12.)

1143.02 PERMITTED USES.

Within the S-1 District, the following uses enumerated in this section are either permitted principal uses, conditional uses or accessory uses permitted in association with a principal use. All development shall be subject to the review and approval of the Board of Control as set forth in Section 1143.10.

- (a) Principal Uses. Any principal use or combination of uses permitted in the MF-3 or C-3 Districts is permitted in the S-1 District in accordance with the approved preliminary land use plan for the District.
- (b) Accessory Uses. Accessory uses shall be permitted in association with a principal use subject to the regulations for such accessory uses in the respective MF or Commercial District.
(Ord. 105-2017. Passed 1-16-18.)

1143.03 REQUIRED AREA.

The minimum area of an S-1 Mixed Use District shall be not less than fifty (50) acres. The entire area need not be developed at any one (1) time.
(Ord. 20-2012. Passed 5-21-12.)

1143.04 DEVELOPMENT STANDARDS.

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

- (a) Yard Requirements. Buildings and accessory uses shall be located in accordance with the following:
 - (1) Buildings shall be located no closer than forty (40) feet to an existing public right of way.
 - (2) Accessory parking areas shall be located no closer than forty (40) feet to an existing public right-of-way bounding the district and twenty (20) feet to an interior public or private street.
 - (3) Buildings and parking areas shall be located no closer than 150 feet to an AA or A District.
 - (4) All portions of the property not covered by buildings, parking areas and other permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material as required by the Board of Control, and which at all times shall be maintained in good and healthy condition so as to assure adequate screening of parking and loading areas, as well as absorption of rainfall.
- (b) Height Regulations. The height of a proposed building shall be limited as follows by its location on the development site in relationship to adjacent properties:
 - (1) The maximum building height shall not exceed one-half (1/2) the distance from the building to any property line in an AA, A or B District, provided the yard requirements set forth in subsection (a) hereof are maintained.
 - (2) The maximum building height shall not exceed the distance from the building to any property line in a MF District, provided the yard requirements set forth in subsection (a) hereof are maintained.
 - (3) The maximum height of a building as set forth in subsections (b)(1) and (2) hereof shall be measured from the average grade along the property line of the adjacent residential property.
 - (4) In no case shall buildings exceed 120 feet in height.

- (c) Additional Standards. Additional site specific development requirements formulated to achieve the objectives of the S-1 Mixed Use District shall be established during the approval process at the time the detailed development plan is reviewed. Any dimensional specifications adopted with such plan become binding land use requirements for the proposed development.
(Ord. 20-2012. Passed 5-21-12.)

1143.05 STANDARDS OF QUALITY.

Buildings and structures shall be of sizes, heights, locations and designs which will best accomplish the development of a parcel, or any portion thereof, and shall be such as are appropriate for a development in landscaped surroundings, consistent with the spirit and intent of this zoning district.
(Ord. 20-2012. Passed 5-21-12.)

1143.06 ROADS AND STREETS.

Access and interior service roads and streets shall be properly related to the public street and highway system in order to promote safety and minimize traffic congestion. Dedication of interior roads for public streets, as the Board of Control may deem essential, shall be a condition of approval of the plan.
(Ord. 20-2012. Passed 5-21-12.)

1143.07 PARKING AREAS.

Parking areas shall be suitably screened with planting, and improved to meet the standards of Chapters 1161 and 1166.
(Ord. 105-2017. Passed 1-16-18.)

1143.08 SIGNS.

Signs shall be permitted according to the provisions of Chapter 1163.
(Ord. 20-2012. Passed 5-21-12.)

1143.09 LIGHTING.

All lighting of exterior and interior building areas, parking areas, grounds and signs shall be designed according to the provisions of Section 1165.07.
(Ord. 105-2017. Passed 1-16-18.)

1143.10 PROCEDURES.

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

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

- (1) Plat, plot plan. Plat, property lines of the parcel or parcels proposed for development including existing utilities, easements, street rights of way, and locations of existing principal buildings and land uses on adjacent parcels and across existing streets. Permanent parcel numbers of the development and adjacent parcels shall be included.
 - (2) Topography. Topographic maps showing existing and generally proposed grading contours at not greater than two (2) foot intervals, including integration into and topography on adjacent properties, wooded areas and trees of substantial size. The topography may be included on the plot plan.
 - (3) Principal and accessory buildings. The number, height, location and grouping of proposed dwelling units, nonresidential uses, recreational facilities and public uses, along with notation of the development standards for building spacing, setback from public streets and maximum building height.
 - (4) Traffic. The proposed system of on-site vehicular circulation, details for access to streets, methods for control of traffic, and an assessment of the impact of the proposed development on the existing circulation system; data showing the average and maximum volume of traffic expected to be generated by the development.
 - (5) Parking areas. The layout, dimensions and estimate of the number of parking spaces, the landscaping and other design features of the parking area and types of pavement, the loading and unloading areas.
 - (6) Outdoor lighting fixtures. The location, type and illumination intensity of any existing or proposed outdoor lighting fixtures.
 - (7) Signs. Indication of the size, location, color and nature of any existing or proposed signs on the property.
 - (8) Landscaping and screening plan. A preliminary description of the location and nature of existing and proposed vegetation, landscaping and screening elements; a proposed maintenance plan to ensure the upkeep of natural areas.
 - (9) Outdoor storage. The location and layout of all outdoor storage including storage of waste materials and trash receptacles.
 - (10) Architectural drawings. Complete architectural drawings including floor plans, elevations and specifications for the proposed development.
 - (11) Phasing, sequencing of project. A detailed statement of the phasing and staging of specific elements of the plan, including a proposed construction sequencing schedule.
 - (12) Utilities. Show proposed location of new utilities and authority to connect these into existing infrastructure. Storm Water must address requirements of Chapter 1335, Storm Water Management.
- (b) Review for Completeness by the Zoning Administrator. Upon receipt of the proposal, the Zoning Administrator shall, within three (3) working days, make a preliminary review of the application to determine whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Zoning Administrator shall so advise the applicant of the deficiencies and shall not further process the application until the deficiency is corrected.

- (c) Review by the Board of Control. The Board of Control shall review the proposal and shall grant approval only after determining that the proposal complies with the preliminary land use plan for the S-1 District and that the proposal is within the intent and purpose of the S-1 District and will not be harmful to surrounding properties. The Board may grant variances from relevant provisions of this chapter or from any other applicable provisions of the Zoning Code where practical difficulty is demonstrated. However, the Board shall not have the power to grant a use variance.
- (d) Review by Planning Commission. It is intended that any detailed development plan which will substantially change the use(s), building(s), or traffic pattern(s), within the S-1 Districts shall be reviewed by the Planning Commission prior to Board of Control approval or disapproval. Therefore, when a proposed development plan involves the placement of buildings on previously undeveloped land or a change in the circulation of traffic within the District or a change in the basic use to which land or a building is devoted, the Board shall refer the development plan to the Planning Commission for approval, approval with modifications or disapproval. The Commission shall be allowed a reasonable time, not less than thirty (30) days, for its consideration and recommendation. If the Planning Commission disapproves the proposal within such thirty (30) day period or thereafter, but prior to voting by the Board of Control upon the proposal, the Board of Control shall not approve the proposal except by the concurring votes of not less than three-fourths (3/4ths) of the members of the Board of Control. Any proposal may be amended prior to the voting thereon by the Board of Control without further notice or postponement, if such amendment to the proposal is in accordance with the recommendation, if any, of the Planning Commission.
- (e) Notice of Planning Commission Review. When such detailed development plan is referred to the Planning Commission, written notice shall be given by the Zoning Administrator to the applicant, the owner of property (if not the applicant), and to the owners of adjacent, abutting and contiguous properties. The notice shall either be hand delivered or sent by first class mail at least ten (10) days before the hearing by the Planning Commission on the development. The notice shall set forth the time and place of the hearing and the nature of the development proposal. The failure of any person to receive such notice shall not affect the right and power of the Planning Commission and/or Board of Control and/or Council to review such application or to take action on the application.
- (f) Council Approval. Approval by the Board of Control of a detailed development plan shall not become effective unless and until it has been approved by Council. If Council takes no action in approving or disapproving the plan within thirty (30) days from receipt of certification of approval by the Board of Control, the action of the Board of Control in approving the proposal shall become in full force and effect.
- (g) Building Permit. No building permit for the improvement of a parcel, or any portion thereof, or for the erection of any building shall be issued unless the detailed development plan has been approved in accordance with the provisions of this section. All construction and development under any building permit shall be in accordance with the approved, detailed development plan. Any departure from the approved plans shall be cause for revocation of the building permit.

- (h) Amendments to Plans. The preliminary land use plan or a detailed development plan may be amended according to the following:
- (1) An amendment to the preliminary land use plan shall be considered an amendment to the zoning map and shall be governed by Chapter 1119 of the Zoning Code.
 - (2) An amendment to the detailed development plan shall be governed by the provisions of this chapter pertaining to the approval of detailed development plans.
(Ord. 105-2017. Passed 1-16-18.)

1143.11 PHASING.

If a 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 S-1 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.
(Ord. 20-2012. Passed 5-21-12.)

1143.12 BOND OR ESCROW AGREEMENT.

As a prerequisite to the issuance of a permit under this chapter, for any project involving new construction on a two (2) acre parcel or larger, the applicant shall file with the City within ten (10) days after approval of the detailed development plan a surety bond or escrow agreement to insure the construction of the project within the period specified by the Board of Control. 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.
(Ord. 20-2012. Passed 5-21-12.)

CHAPTER 1153
Supplemental Standards for Conditional Uses

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

CROSS REFERENCES

Conditional use defined - see P. & Z. 1103.03(b)(24)
 Conditional use permit defined - see P. & Z. 1103.03(b)(25)
 Planning Commission to approve or disapprove of conditional uses - see
 P. & Z. 1111.06(b)(1)
 General standards for all conditional uses - see P. & Z. 1151.02

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.

(Ord. 20-2012. Passed 5-21-12.)

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.

(Ord. 20-2012. Passed 5-21-12.)

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

				<u>Min. Yard Dimensions (in feet)</u>					<u>See Also Section</u>
				<u>Buildings (d)</u>		<u>Parking</u>			
<u>Conditional Use</u>		<u>Min. Lot Area</u>	<u>Min. Lot Width (Feet)</u>	<u>Front</u>	<u>Side/ Rear</u>	<u>Side/ Front</u>	<u>Rear</u>		
(1)	PRD	---	--	--	--	--	--	1155.01-1155.08	
(1a)	PDO Development District	2 acres						1147.01 - 1147.09	
(2)	Place of worship	1 acre	150	50	50	50	10	1153.05(a)	
(3)	School facilities	1 acre	150	50	50	50	10	1153.05(b)	
(4)	Public libraries	1 acre	150	50	50	50	10	---	
(5)	Public safety facilities	1 acre	150	50	50	50	10	---	
(6)	Public and private parks and playgrounds, and public recreation facilities	None	None	50(a)	50(a)	(b)	(c)	1153.05(b)	
(7)	Golf courses	None	None	50	50	50	50	---	
(8)	Cemetery	---	--	--	--	--	--	1153.05(c)	
(9)	Parking lot for a permitted use not on the same zoning lot	None	None	N/A	N/A	(b)	(c)	---	
(10)	Accessory parking for 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, preschool	---	--	--	--	--	--	1153.05(e)	
(14)	(Intentionally omitted)	---	--	--	--	--	--		
(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)				See Also Section
				Buildings (d)		Parking		
Conditional Use		Min. Lot Area	Min. Lot Width (Feet)	Front	Side/Rear	Side/Front	Rear	
(17)	Dormitories, fraternities, sororities	20,000 sq. ft.	100	30	15	30	15	1153.05(j)
(18)	Lodging houses, boarding houses, convents, home for the aged, other congregate living and residential care facilities	20,000 sq. ft.	100	30	15	30	15	1153.05(k)
(19)	Nursing home, intermediate and long-term care facility	1 acre	150	50	50	30	15	---
(20)	Special training schools and adult education facilities	---	---	---	--	--	---	---
(21)	Hospitals	2 acres	200	50	50	30	15	---
(22)	Colleges and universities	2 acres	200	50	50	30	15	---
(23)	Drive-thru facilities	---	--	--	--	--	--	1153.05(l)
(24)	Automatic Teller Machine	---	--	--	--	--	--	1153.05(m)
(25)	Funeral homes and mortuaries in a C-2 or C-3 District	20,000 sq. ft.	100	50	50	15	(b)	---
(26)	Animal clinics, veterinary offices, or animal grooming facilities	---	--	--	--	--	--	1153.05(n)
(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, exercise classes and similar uses	---	--	--	--	--	--	1153.05(q)
(31)	Auto sales, new, (new and used) and auto rental	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05(r)

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

				<u>Min. Yard Dimensions (in feet)</u>					
				<u>Buildings (d)</u>				<u>Parking</u>	
<u>Conditional Use</u>		<u>Min. Lot Area</u>	<u>Min. Lot Width (Feet)</u>	<u>Front</u>	<u>Side/ Rear</u>	<u>Side/ Front</u>	<u>Rear</u>	<u>See Also Section</u>	
(32)	Auto sales, used	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05(s)	
(33)	Truck, boat, sales/rental	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05(s)	
(34)	Gasoline stations	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05(t)	
(35)	Car wash establishment	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05(u)	
(36)	Auto service-major and minor repair	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05(u)	
(37)	(Intentionally omitted)								
(38)	Game rooms	---	--	--	--	--	--	1153.05(v)	
(39)	Indoor commercial entertainment	---	--	--	--	--	--	---	
(40)	Private indoor/outdoor recreation	---	--	--	--	--	--	---	
(41)	Banquet hall, party center	---	--	--	--	--	--	---	
(42)	Satellite dish receiving antenna	---	--	--	--	--	--	1153.05(w)	
(43)	Meeting room	---	--	--	--	--	--	1153.05(x)	
(44)	Storage and warehousing of goods	---	--	--	--	--	--	---	
(45)	Research and testing laboratories	---	--	--	--	--	--	---	
(46)	Nursery and garden supply with accessory outdoor storage	---	--	--	--	--	--	1153.05(z)	

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

				<u>Min. Yard Dimensions (in feet)</u>				See Also Section
				<u>Buildings (d)</u>		<u>Parking</u>		
<u>Conditional Use</u>		<u>Min. Lot Area</u>	<u>Min. Lot Width (Feet)</u>	<u>Front</u>	<u>Side/ Rear</u>	<u>Side/ Front</u>	<u>Rear</u>	
(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.
(Ord. 105-2017. Passed 1-16-18.)

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. (Ord. 20-2012. Passed 5-21-12.)

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 a residential district a place of worship shall be used only for local purposes of the congregation 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, meeting space.
- (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 and buffer neighboring properties.
- (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, Preschool. In a residential district, a day care center or preschool may be conditionally permitted provided the facility is located in a school, place of worship or a conditionally permitted adaptively reused non-residential building as set forth in Subsection 1153.05(cc) of this Code. In a commercial district such uses may be conditionally permitted. In residential and commercial districts, a day care center or preschool having 49 or fewer wards may be conditionally approved by the Zoning Administrator; a facility with more than 49 wards shall require Planning Commission approval.
- (f) Accessory Parking for a Commercial Use. In residential districts, parking lots contiguous to and within 150 feet of a 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) Landscaping shall comply with the standards in Sections 1166.06 and 1166.07.

- (g) (Intentionally Omitted).
- (h) Home Occupation in an Accessory Building. A home occupation in an accessory building may be conditionally permitted by the Zoning Administrator in any district provided that the following standards are met and maintained:
- (1) There shall be no display or other indication from the exterior that the building is being utilized for any nonresidential purpose, and the external appearance of the structure in which the use is conducted shall be compatible with the dwelling unit and neighboring residential structures;
 - (2) There shall be no merchandise manufactured or processed for sale, bought, sold, exchanged or traded in or on the premises. A home occupation involving individual works of art and involving some machine process as part of the creation of individual works of art is permitted, provided it meets all other criteria of this section, and involves no direct sales of such works of art to consumers on a regular basis from the premises;
 - (3) There shall be no person employed or engaged in the furtherance of the home occupation other than a member of the immediate family residing in the same dwelling unit as the home occupation;
 - (4) There shall be no mechanical, electrical or chemical equipment used in furtherance of such home occupation, except such as causes no disturbances of any kind beyond the premises where the home occupation is located;
 - (5) There shall be no storage of material, goods or equipment used for a business activity conducted off the premises;
 - (6) There shall be no motor vehicles bringing clients or customers to the place of the home occupation other than for the periods from 9:00 a.m. to 5:00 p.m. on weekdays, and from 9:00 a.m. to 12:00 noon on Saturday. All such vehicles visiting the place of the home occupation shall be parked on private property;
 - (7) No home occupation shall be permitted in any accessory building, or portion thereof, where the conduct of such home occupation is or will be offensive to neighboring property owners or occupants of the same dwelling structure by reason of excessive noise, late hours or business activity, the intensity of the business activity or other such reasons; and
 - (8) No home occupation shall be permitted in that portion of a 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) In any district, the festival shall be sponsored by a street club, neighborhood association, religious or educational institution, or other nonprofit community organization.
 - (2) In a commercial district, a local merchant's organization or special improvement district shall be permitted to sponsor a festival.;;
 - (3) The Zoning Administrator may approve a conditional use permit for a festival lasting up to four (4) consecutive days. Festivals for five (5) or more consecutive days 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 yard along the entire length of the common boundary between the commercial district and the residential district shall be required pursuant to Section 1165.07;
 - (4) The Planning Commission may impose restrictions on the hours of operation.
 - (5) Drive aisles of drive-through facilities shall only be permitted in the rear or interior side yard. Such facilities shall be effectively screened from view along the public right-of-way and at the edges of sites adjacent to residential properties in order to minimize the impact of exterior site lighting, headlight glare and any menu intercom displays. Such screening shall be approved during the site plan review process and shall consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence, or dense evergreen hedge six (6) feet in height. Plant materials shall be installed along any fence or wall to provide a softening effect.
- (m) Automatic Teller Machines. An Automatic Teller Machine (ATM) on the outside or in a vestibule of principal building, and which is accessible during no regular 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 ATM 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-1, C-2, C2X 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. Fencing shall be subject to regulations in Section 1131.08(c).
- (q) Dance, Exercise, and Martial Arts Studios and Similar Uses. In commercial districts, dance, exercise or martial arts studios may be conditionally permitted. A dance, exercise or martial arts studio having 49 or fewer students may be conditionally approved by the Zoning Administrator; a facility with more than 49 students shall require Planning Commission approval.

- (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-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-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, an antenna may be conditionally permitted by the Zoning Administrator 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, 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) Meeting Room. In commercial districts, meeting rooms may be conditionally permitted. A meeting room accommodating 49 or fewer persons may be conditionally approved by the Zoning Administrator; a meeting room which accommodates more than 49 persons shall require Planning Commission approval.
- (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 C-3 Districts in accordance with the following:
- (1) Outdoor display shall be limited to living plants in containers or balled and burlaped, and bulk supplies. All dead and diseased plants, empty tables and any other unutilized materials shall be immediately removed from outdoor areas;
 - (2) Storage and sale of firewood shall be a minimum of thirty feet from the property line of any residential use or district and fifteen feet from the property line of any commercial use or district. The Fire Warden shall also review any proposed firewood storage or sale area and may request that the Planning Commission place additional restrictions upon a specific installation due to potential fire hazards as described in the Ohio Fire Code. Additional regulations for the prevention of the harborage of pests may also be required.
 - (3) Plant identification and cost signs shall be limited in size to five tenths square feet (six 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 Director of Law, 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) Adaptive Reuse of Existing Non-Residential Buildings in Residential Districts. 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 is prohibited. All servicing, processing and storage uses must be fully enclosed.
 - (10) 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) A landscape screen or open fence is required along the front and corner side lot line to define and screen the garden. Fences of up to four (4) feet in height are permitted and shall be constructed of wood, ornamental metal or other material 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.
- (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:
 - A. A maximum of four (4) chickens may be kept on the property.
 - B. No commercial activity will result from the keeping of chickens on the property.
 - C. Roosters are not permitted.
 - D. Chicken coops and runs shall be allowed in the rear yard only.
 - E. Chicken coops and runs 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. The facility 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. The chicken coop and run 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. The chicken coop and run 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. No storage of chicken manure shall be permitted within twenty (20) feet of the property line.
 - L. Chickens shall be kept in coops from dusk to dawn.
 - M. Slaughtering of the chickens is prohibited.
- (2) Zoning Administrator shall verify general compliance with City Codes before issuing conditional use permit.
 - (3) Written notice of approved conditional use permits shall be mailed by the Zoning Administrator by first class mail to adjoining properties to the attention of the owners of such properties. Such notice shall reference this subsection and provide contact information for any questions or complaints relating to the approved use.
 - (4) 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 staff shall 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. (Ord. 105-2017. Passed 1-16-18.)

(EDITOR'S NOTE: The next printed page is page 147.)