CODIFIED ORDINANCES OF SHAKER HEIGHTS

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EDITOR'S NOTE: A revised Zoning Ordinance which is codified herein as Part Twelve of the Codified Ordinances was adopted by Ordinance 03-67, enacted June 9,2003.

CHAPTER 1210
Introductory Provisions

1210.01 Title.
1210.02 Authority.
1210.03 Purpose and intent.
1210.04 Applicability.
1210.05 Repeal of preexisting Code.
1210.06 Interpretation.
1210.07 Transition rules.
1210.08 Severability.
1210.09 Effective date. (Repealed)

CROSS REFERENCES
Rules of construction - see ADM. Ch. 101

1210.01 TITLE.
The ordinance codified in this title shall be known, cited and referred to as the "Zoning Ordinance for the City of Shaker Heights, Ohio," the "Shaker Heights Zoning Ordinance," or the "Zoning Ordinance."

1210.02 AUTHORITY.
This code is adopted by the City pursuant to its authority under the Constitution of Ohio and the City of Shaker Heights Charter.

1210.03 PURPOSE AND INTENT.

The Zoning Ordinance codified in this title is adopted:

A. To promote the orderly and beneficial development of the City of Shaker Heights in accordance with City land use policy;

B. To promote the public peace, health, safety, morals, comfort, prosperity and general welfare of the citizens of the City of Shaker Heights;

C. To protect the character and stability of residential, institutional, business and technical areas;

D. To promote and protect the economic viability of citizens and businesses;

E. To minimize congestion in the public streets and to ensure efficient and safe traffic circulation;

F. To provide for orderly growth and development; to afford adequate facilities for the safe, convenient, and efficient means for the traffic circulation of its population; and to safeguard the public against flood damage**;**

G. To provide adequate open spaces for light, air, and outdoor uses**;**

H. To preserve and enhance aesthetic and property values throughout the City;

I. To promote development, which meets applicable State and Federal Regulations such as the Americans with Disabilities Act (ADA) or the Clean Air Act;

J. To divide the City of Shaker Heights into districts of such number, shape, and area, and of such different classes, according to the use of land and buildings and the intensity of such use, as may be deemed best suited to carry out the purposes of this Zoning Ordinance;

K. To encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;

L. To regulate and restrict the location and intensity of use of buildings, structures and land for trade, industry, residence, and other uses;

M. To define the powers and duties of administrative officers and decision-making bodies as provided herein; and

N. To establish standards and procedures for the implementation of this Zoning Ordinance.

1210.04 APPLICABILITY.

A. Jurisdiction. This Zoning Ordinance shall apply to all land, uses, buildings and structures within the corporate limits of the City of Shaker Heights.

B. General Applicability. After the effective date of this Zoning Ordinance, no buildings, structures, uses of land, lots of record or zoning lots shall be established, altered, moved, divided or maintained except in accordance with the provisions of this Zoning Ordinance. Existing buildings, structures and uses of land that do not comply with the regulations of this Zoning Ordinance are pursuant to Chapter 1215, Nonconformities.

1210.05 REPEAL OF PREEXISTING CODE.

The Shaker Heights Zoning Code adopted by the City of Shaker Heights as ordinance No. 73-151 on November 26, 1973, and as subsequently amended, together with the Zoning Map which is a part of that Zoning Code, is hereby superseded and amended to read as set forth in this Zoning Ordinance. This Zoning Ordinance shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by the previous Code, to questions of conforming and nonconforming uses and structures, and to questions as to the dates upon which such uses or structures become conforming or nonconforming.

To the extent that this Zoning Ordinance reestablishes a zoning district of the same land use category and with the same district designation and name, this district and its boundaries as indicated on the Zoning Map under the preexisting Zoning Code shall be deemed as continuing until such time as it may be amended pursuant to this Zoning Ordinance.

To the extent that this Zoning Ordinance establishes a zoning district of the same land use category, but different name from that under the preexisting Code, this new district name shall replace the old zoning district name on the Zoning Map, but shall retain its existing boundaries. A zoning district, which is not reestablished by this Code, is hereby repealed as of the effective date of this Zoning Ordinance.

Zoning districts established by this Zoning Ordinance shall become effective upon the adoption of such Zoning Map amendments by the City Council as are necessary to give effect to the new districts.

1210.06 INTERPRETATION.

The provisions of this Zoning Ordinance shall be construed to achieve the purposes for which they are adopted. In interpreting and applying the provisions of this Zoning Ordinance, these provisions shall be held to be the minimum requirements for the promotion of the public peace, health, safety, morals, convenience, comfort, prosperity and general welfare.

It is not intended by this Zoning Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions or other agreements between parties. However, where this Zoning Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other laws, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the
provisions of this Zoning Ordinance shall govern. For the purposes of this Zoning Ordinance, the following additional rules of interpretation shall apply:

A. In the event of a conflict between the text of these provisions and any caption, figure, illustration, table, or map; the text of these provisions shall control; and

B. Word usage shall be governed by the standards of Section 1211.01.

1210.07 TRANSITION RULES.

In determining the applicability of this Zoning Ordinance with respect to the previously applicable zoning regulations, the following rules shall apply:

A. **Existing Permitted Uses Rendered as Conditional Uses.** When a lot is used for a purpose classified as a permitted use prior to the effective date of this Zoning Ordinance, and such use is classified as a "conditional use" by this Zoning Ordinance, such use shall be deemed a lawful conditional use for the purpose of this Zoning Ordinance.

B. **Principal Uses Rendered Nonconforming.** When a lot is used for a purpose which was a lawful use before the effective date of this Zoning Ordinance and this Zoning Ordinance, or any amendment thereto, no longer classifies such use as either a permitted use or conditional use in the zoning district in which it is located, such use shall be deemed a legal nonconforming use and shall be regulated pursuant to Chapter 1215, Nonconformities.

C. **Principal Buildings, Structures and Lots Rendered Nonconforming.** Where any building, structure or lot lawfully existing on the effective date of this Zoning Ordinance does not meet all standards set forth in this Zoning Ordinance, or any amendment thereto, such building, structure, or lot shall be deemed nonconforming and shall be regulated pursuant to Chapter 1215, Nonconformities.

D. **Accessory Uses or Structures Rendered Nonconforming.** When an accessory use or structure was lawful before the effective date of this Zoning Ordinance or any amendment hereto, but is rendered nonconforming by the provisions of this Zoning Ordinance or any amendment hereto, such accessory use or structure shall be deemed a legal nonconforming accessory structure and shall be regulated pursuant to Chapter 1215, Nonconformities.

E. **Previously Approved Site Plans.** When a site plan for any structure or lot has been lawfully approved prior to the effective date of this Zoning Ordinance, and construction has begun within one (1) year after the approval and is being diligently pursued to completion, the site plan may be completed in accordance with the plans on the basis of which the permit was issued and may, upon completion, be occupied under a certificate of occupancy for the use originally intended, pursuant to Chapters 1251 and 1252 governing off-street parking and loading.

F. **Previously Issued Building Permits.** When a building permit for a building or structure has been lawfully issued prior to the effective date of this Zoning Ordinance, and construction has begun within six (6) months of the issuance of such permit and is being diligently pursued to completion, the building or structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under a certificate of occupancy for the use originally intended, pursuant to Chapters 1251 and 1252 governing off-street parking and loading.

G. **Previously Granted Variances.** All variances granted prior to the effective date of this Zoning Ordinance shall remain in full force and effect.

1210.08 SEVERABILITY.

If any provision of this Zoning Ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions shall not be invalidated and shall remain in full force and effect.

1210.09 EFFECTIVE DATE. (REPEALED)

EDITOR'S NOTE: Former Section 1210.09 was repealed by Ordinance 13-16.

CHAPTER 1211
Definitions and Rules of Word Usage

1211.01 Word usage. **1211.02 Definitions.**

CROSS REFERENCES
General definitions - see ADM. 101.02

1211.01 WORD USAGE

The following rules of word usage apply to the text of this Zoning Ordinance:

A. The particular shall control the general.

B. In case of any difference of meaning or implication between the text of this Zoning Ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

D. Words used in the present tense shall include the future words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary use of gender specific pronouns is literary and shall be interpreted to include both sexes.

E. A "building" or "structure" includes any part thereof.

F. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either…or", the conjunction shall be interpreted as follows:

1. "And" indicates that all of the connected items, conditions, provisions, or events shall apply.

2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

3. "Either…or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

4. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

1211.02 DEFINITIONS.

Abandonment The discontinuance of a use or use of a building or structure for a period of time as specified herein.

Accessory Structure See "Structure, Accessory."

Accessory Use See "Use, Accessory."

Acre A measure of land area equal to forty-three thousand five hundred sixty (43,560) square feet.

Action Sheet The summary of action taken at meetings of the Board of Zoning Appeals and the City Planning Commission.

Allowable Encroachment Any accessory building or structure, including appurtenances on principal buildings, which is located within a required yard and is permitted under this Zoning Ordinance. Some accessory buildings or structures may be subject to setbacks different from those of the principal building.

Alteration Any change in design, material, color, size, shape, or character to a building or structure.

Amendment Any addition to, deletion from, or change in this Zoning Ordinance, including text and/or map.

Amusement Device Any machine or device which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally by manipulating special equipment whereby a score is established, the object of which is to secure a special number or numbers or a total score, whether a prize is offered or not.

Amusement Establishment Any use or establishment with more than two amusement devices, as defined by the Business Regulation Code.

Animal Hospital Any building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

Antenna Any device designed to transmit or receive wave signals to or from any source whatsoever other than the wireless telecommunication antenna defined in Chapter 1243.

Antenna Tower Any structure designed for the mounting of an antenna other than the wireless telecommunication antenna defined in Chapter 1243.

Apartment See "Dwelling, Multiple-Family."

Apartment Building A multiple-family dwelling in which each individual dwelling unit is provided with an entrance to a common hallway, and shares common entrance to the outdoors.

Appeal A request to review a decision of or interpretation by the Zoning Administrator or other authorized official relative to the administration of this Zoning Ordinance.

Arbor See "Trellis."

Assembly The construction of an object from two (2) or more prefabricated parts. For the purposes of home occupations, the construction of crafts, jewelry, or sewing shall not constitute assembly.

Assembly Hall A building or structure designed and used for rent or hire to conduct conferences, seminars, and other such activities.

Assisted Living Facility The exclusive use of a facility for adults in need of some protective oversight or assistance due to functional limitations, which provides a living arrangement that integrates shelter, food and other supportive services to maintain a resident's functional status.

Automotive Service and Repair Shop The general repair, engine rebuilding or reconditioning of motor vehicles collision service such as body, frame and fender straightening and repair and painting of motor vehicles. Services offered may include the changing of motor oil, installation of tires, batteries and minor accessories, minor automobile repairs, and greasing or washing of individual automobiles.

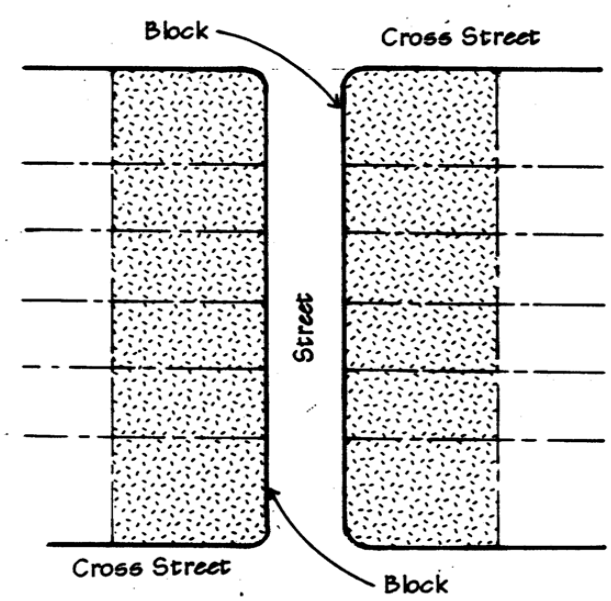
Automotive Fuel Station Any building or premises used for dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries, or minor automobile accessories.

Awning A roof-like shelter of canvas or other material extending over a doorway, from the top of a window, or over a deck, etc., in order to provide protection as from the sun. (See also "Canopy").

Balcony An architectural appurtenance providing usable floor area located above the first floor that is open to the outdoors and either entirely unenclosed or covered only by a roof.

Basement That portion of a building below the first or ground floor level. A basement is not considered a story for the purposes of determining building height.

Block All of the properties fronting on both sides of a street, located between intersecting streets or rights-of-way.



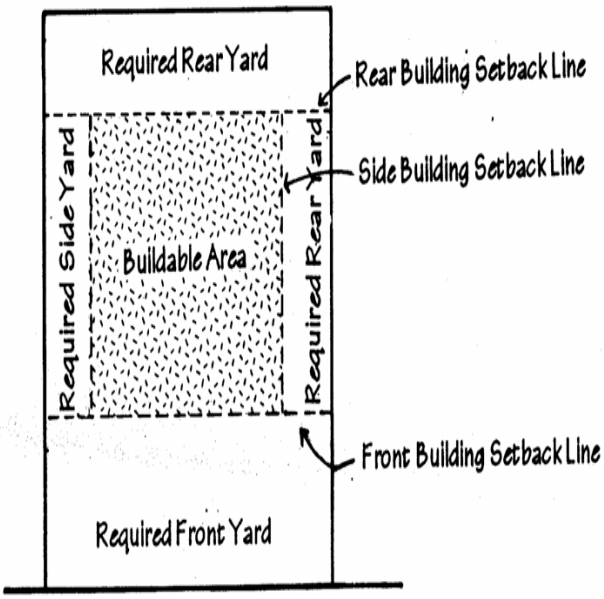
Board The Board of Zoning Appeals of the City of Shaker Heights, Ohio.

Boat A watercraft of any description used or capable of being used as a means of transportation on water except a seaplane, inner tubes, air mattress, or similar devices.

Brew Pub Any establishment having as its principal or predominant use the serving of beer produced on the premises, for consumption on the premises. Sandwiches, light meals and/or full-service meals are available for consumption on the premises but are not the principal or predominant use of the establishment.

Build This term includes the terms establish, construct, erect, assemble, reconstruct, enlarge, alter or develop.

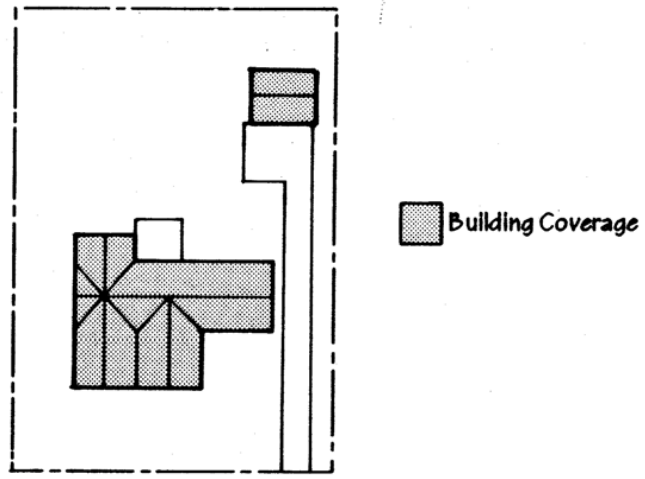
Buildable Area The area of the lot remaining after the minimum open space and/or yard requirements of this Zoning Ordinance have been complied with.



Building Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

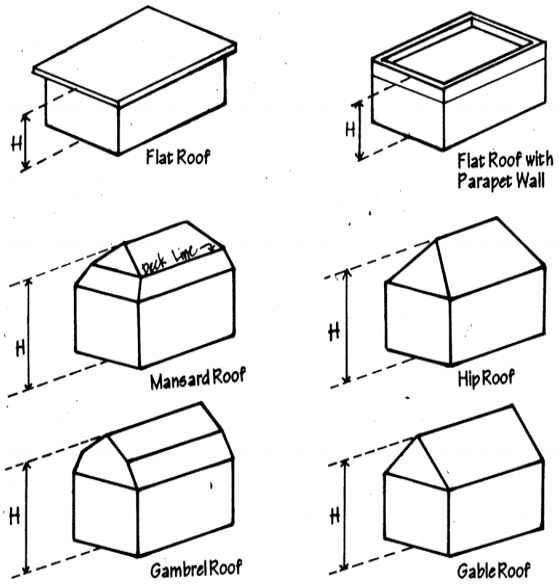
Building Change Any alteration, demolition, removal or construction to or upon a structure.

Building Coverage The lot area covered by the principal building(s) and any roof over accessory buildings or structures, measured from the exterior faces of exterior walls, but excluding decks, terraces and other accessory uses which are open to the sky.



Building, Detached A building surrounded by open area on the same lot.

Building Height The vertical distance from the average lot grade at the front of the structure to the highest point of the coping of a flat roof, or to the peak of a gambrel, gable, mansard or hip roof. (See also, "Structure Height").



Building, Principal A building in which is conducted the principal use of the lot on which it is located.

Building Setback Line, Front A line establishing the minimum allowable distance between a street or other right-of-way and any structure as measured from the front property line or right-of-way. (See also "Yard, Required").

Building Setback Line, Side or Rear A line establishing the minimum allowable distance between a property line and any structure as measured from the property line. (See also "Yard, Required.").

Building, Temporary Any building not designed to be permanently located, placed, or affixed to the place where it is located.

Bulk The size and setbacks of the buildings or structures and the location of same with respect to one another, and including:

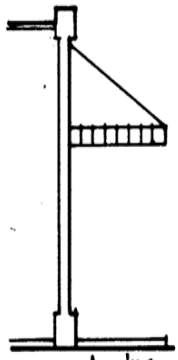
1. Height and area of buildings.
2. Location of exterior walls in relation to lot lines, streets, or other buildings.
3. All open spaces allocated to buildings.
4. Amount of lot area required for each dwelling unit.

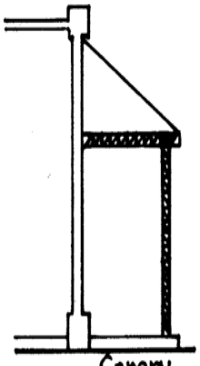
Bus A motor vehicle, other than a commuter van, designed for carrying more than ten (10) persons.

Business An occupation, employment, or enterprise which occupies time, attention, labor and materials, wherein merchandise is exhibited or sold, or where services are offered or provided.

Business Establishment A place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

Canopy A roof-like shelter of canvas or other material extending over a doorway, from the top of a window, or over a deck, etc., in order to provide protection as from the sun, and which is carried by a frame which is supported by the ground.





Car Wash A building, or portion thereof, containing facilities for washing one or more automobiles at any one time, using production line methods such as a chain conveyor, blower, steam cleaning device, or other mechanical devices, as defined by the Business Regulation Code or providing space, water, equipment, or soap for the complete or partial cleaning of such automobiles, whether by operator or by customer.

Ceiling The lowest surface of the partition between the floors of a building.

Center Line The mid-point in the width of a public right-of-way as established by recorded plats of survey.

Certificate of Appropriateness A certificate issued by the Landmark Commission indicating that a proposed building or environmental change is in accordance with the provisions of the Zoning Code.

Certificate of Economic Hardship A certificate issued by the Landmark Commission authorizing a proposed building or environmental change after a determination by said Commission that the previous denial of a Certificate of Appropriateness has resulted in an economic hardship.

Certificate Of Occupancy A certificate certifying that the building, as illustrated on approved plans and as constructed, conforms to the provisions of this Zoning Ordinance or is a lawfully existing non-conforming building.

Child Day Care Home, Type A A permanent residence in which child day care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child day care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this Zoning Ordinance, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted.

Child Day Care Home, Type B A permanent residence in which child day care or child day care homes are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at one time. In counting children for the purposes of this Zoning Ordinance, any children under six (6) years of age who are related to the provider and who are on the premises of the type B home shall be counted.

Church See "Places of Worship."

Clinic, Medical Or Dental An organization of specializing physicians or dentists or both, who have their offices in a common building. A clinic shall not include inpatient care.

Commission The City Planning Commission of the City of Shaker Heights, Ohio.

Common Open Space Open space accessible to either the general public or to multiple owners/tenants. Such space is generally maintained by agreement of persons utilizing the space.

Conditional Use See "Use, Conditional."

Construction The erection of new structures and of additions to existing structures.

Convalescent, Nursing or Rest Home An establishment for the care or assisted living of the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of disease or injury.

Cul-De-Sac A short street ending in a turnaround design and intended as a permanent terminus.

Day One calendar day. If a projected day falls on a weekend or holiday, the next following working day or weekday shall fulfill requirements.

Day Care Center, Adult Any place in which day care is provided for adults in need of temporary oversight, and which may include incidental facilities for the preparation and consumption of meals, rest, and recreation.

Day Care Center, Child Any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven (7) to twelve (12) children at one time. In counting children for the purposes of this Zoning Ordinance, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. Day care centers located in dwelling units shall not be permitted pursuant to this Zoning Ordinance.

Deck An accessory structure which is constructed directly over and elevated from ground level and which is open to the sky.

Demolition Complete or substantial destruction of any structure.

Density A unit of measurement describing the number of dwelling units per gross acre. The Zoning Ordinance may regulate this by establishing the permitted number of units per acre or the amount of land, measured in square feet or acres, required per individual unit.

Design guideline A standard of appropriate activity to guide building and environmental changes.

Developer Any person seeking to subdivide, build upon or develop land.

Disabled Deficient in the faculties necessary to see, hear, speak, learn or move to one's fullest capacity, due to some physical or mental illness, injury, defect or abnormality.

District A portion of the corporate area of the City, within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Zoning Ordinance.

Dog Pen or Dog Run A structure constructed to provide shelter or exercise areas for dogs or other pets.

Dormitory A building or part of a building containing a room or rooms forming one or more habitable units which are used or intended to be used by residents primarily for living and sleeping.

Drive-Through Facility A place of business, sales, or service which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles. Drive Through Facilities shall include Automatic Teller Machines but shall exclude Car Washes and Automotive Fuel Stations.

Dwelling A building, or portion thereof designed or used exclusively for residential occupancy, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels or motels, camp cars, trailers, or any other vehicle on or off wheels.

Dwelling, Duplex A dwelling consisting of two (2) separate dwelling units joined only by a common fire wall running from the basement to the roof, not having any opening therein, each unit having its own entrance.

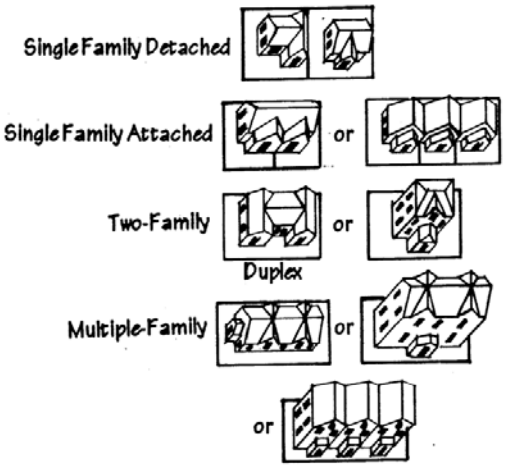
Dwelling, Multiple-Family A building, or individual unit thereof, containing three (3) or more dwelling units, and where each unit is provided with an individual entrance to the outdoors or to a common hallway. Multiple-family dwellings may include condominiums, townhouses, apartments, and senior citizen housing as defined herein.

Dwelling, Single-Family Attached One which is joined to another single-family dwelling at one (1) or both sides by party walls.

Dwelling, Single-Family Detached One that is entirely surrounded by open area on the same lot.

Dwelling, Two-Family A building containing two (2) dwelling units, attached either vertically or horizontally. A two-family dwelling includes duplex dwellings.

Dwelling Unit Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used, or intended to be used for living, sleeping, cooking, and eating.



Easement A recorded right or privilege of a person, other than the owner or tenant, to use land for a specific purpose.

Economic Hardship A financial obligation on an owner resulting from the application of the provisions of this Code applicable to designated landmark properties and districts, which when factually detailed and measured by the standards and criteria of this Code is unduly excessive.

Employee A person who, with or without compensation, works for a business or organization on a regular, semi-regular, or recurring basis.

Encroachment An accessory structure or building located within a required yard, or an appendage to a principal building which projects into a required yard. See also "Allowable Encroachment."

Entry, Auxiliary An entryway into a building which is at the rear of the structure or serves as an entryway on the side of the structure which primarily serves a parking lot.

Environmental Change Any physical change made to a site, including but not limited to, fences, retaining walls, signage and major landscaping, excluding minor changes to plant materials. The removal, change or addition of a non-plant landscaping element is considered an environmental change. Individual plant removals, replacements and additions, except significant trees, are not considered an environmental change. However, the removal, replacement or addition of a significant tree or many plants would be considered an environmental change.

Family An individual or two (2) or more persons related by blood, marriage, guardianship, or legal adoption living together as a single housekeeping unit within a dwelling unit, plus no more than one (1) roomer or domestic servant. A family may also consist of not more than three (3) unrelated persons.

Fence A structure that is a barrier and is used as a boundary or means of protection or confinement, which is made of manufactured material, such as but not limited to chain link, wood or stone material.

Final Plat A map of subdivision with accompanying material, intended for final approval and recording, on the basis of which land can be transferred, leased, or encumbered.

Floor Area (For Determining Off-Street Parking and Loading Requirements) The sum of the gross horizontal areas of the several floors of the building.

Floor Area, Interior (For Determining Maximum Area Of A Home Occupation) The sum of the gross horizontal area of the several floors of the dwelling as measured from the inside of the exterior walls. However, interior floor area, for the purpose of regulating home occupations, shall include only the habitable portions of the dwelling and shall exclude unfinished basements and unfinished attics.

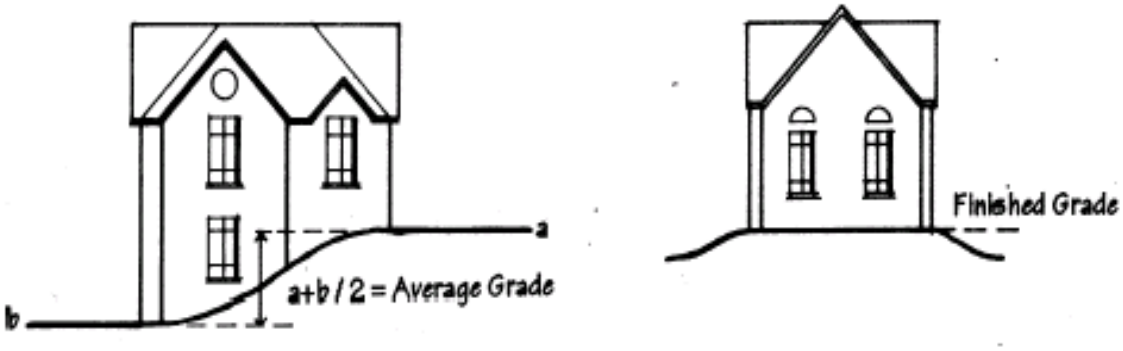
Frontage The entire length of the subject property which abuts and is parallel to a public right-of-way as measured along the right-of-way line.

Garage, Single- or Two-Family Residential A detached accessory building or portion of a principal building in which the sole use is storage of the automobiles of the occupants of the premises and other incidental personal possessions. Such garages may accommodate up to four (4) automobiles.

Garage, Multiple-Family Residential A detached accessory building or portion of a principal building in which the sole use is storage of the automobiles of the occupants of the premises and other incidental personal possessions. Such garages may accommodate any number of vehicles, but may be only one (1) level in height.

Grade, Average The mean elevation of the land measured at the setback line between the side lot lines.

Grade, Finished The elevation of the finished surface of the ground adjoining the building after final grading and normal settlement.



Gross Floor Area All the floor area contained within a building or buildings, without exception.

Ground Floor That level of a building which is the first story and is situated above the basement or, if no basement exists, on top of foundation walls.

Hedge A row of shrubs planted to create a visual screen.

Historic Significance The importance of a property to the history, architecture, archaeology, engineering, or culture of the City of Shaker Heights, the State of Ohio, or the United States. A property that is historically significant meets one or more of the criteria in this Code. See Section 1213.10 A.5. of this Zoning Code.

Home Occupation A business use conducted completely within a dwelling unit, carried on by any member of the immediate family residing on the premises, clearly incidental and secondary to the use of the dwelling for residential purposes.

Hospital A medical institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, and care of individuals suffering from illness, disease, injury, deformity or other abnormal physical condition.

Hotel or Motel An establishment which is open to transient guests for remuneration and for periods of time not exceeding thirty (30) days, as opposed to a boarding, rooming or lodging house, and which is commonly known as a hotel in the community in which it is located and which provides customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, and use and upkeep of furniture.

Infrastructure Public and private utilities, streets and services which are necessary or desirable to support the development of homes and businesses.

Laboratory A place devoted to experimental study such as testing and analyzing. Manufacturing is not to be permitted within this definition.

Landmark Any structure or site which:
1. Has historic significance; and
2. Has been designated as a Landmark pursuant to this Zoning Code.

Landmark District Any area that contains structures and/or sites which:
1. Have historic significance;
2. Cause such area, by reason of such factors, to constitute an identifiable area; and
3. Has been designated as a Landmark District pursuant to this Zoning Code.

Landscaping The aesthetic improvement of property through the installation of plant materials, berming, walls and fences, and other decorative features, composed mostly of green/living vegetation.

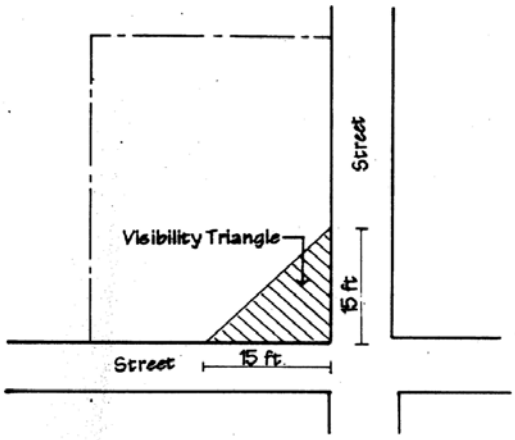
Landscape Features Elements used in landscaping, which shall include lawns, gardens, fountains, sidewalks, arbors, trellises, awnings, canopies, flagpoles, balconies, decks, terraces, and hedges.

Landscape Coverage That portion of a lot devoted exclusively to landscaping.

Landscape Buffer A continuous landscaped area designed, maintained and used for screening and separation of districts, lots, or buildings.

Limited Production/Processing Fabrication, assembly, processing, or similar uses which are entirely conducted indoors and are not disruptive of, or incompatible with, other office, retail, or service uses that may be in the same building or complex. Limited production/processing does not include industrial processing from raw materials.

Line of Sight A clear line of vision at an intersection provided by a "visibility triangle" which measures a minimum of fifteen (15) feet per side.



Loading Space An off-street space for temporary parking of delivery and pick-up vehicles.

Lot A parcel of land located within a single block and may be either a "lot of record" or a "zoning lot."

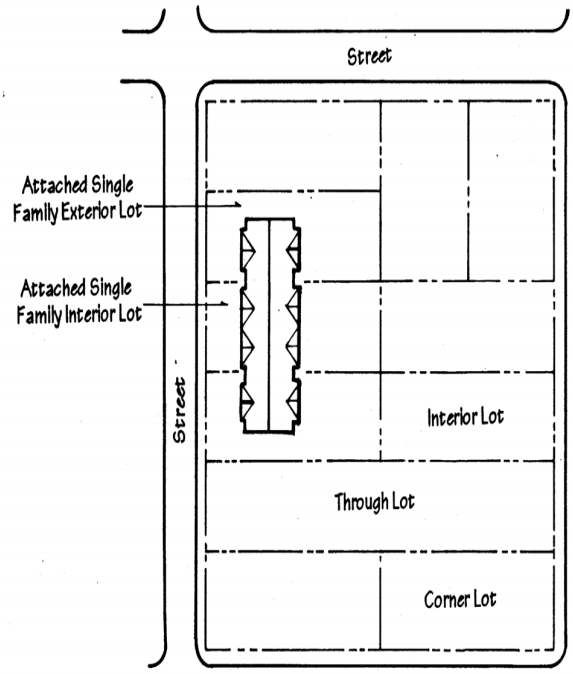
Lot, Attached Single-Family Exterior A lot occupied by an attached single-family dwelling which has a common sidewall along only one (1) side lot line.

Lot, Attached Single-Family Interior A lot occupied by an attached single-family dwelling which has common sidewalls along both side lot lines.

Lot, Corner A lot situated at the intersection of two (2) streets, where the angle of intersection between the two streets is no more than one hundred thirty-five (135) degrees.

Lot, Interior A lot other than a corner lot.

Lot, Through A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.



Lot, Zoning A single tract of land located within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot; or lots" may or may not coincide with a lot of record.

Lot Area, Gross The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river.

Lot Coverage The lot area covered by any structure, enclosed or otherwise.

Lot Depth The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line, Corner Any lot line between the front and rear lot lines which abuts a public street.

Lot Line, Front That boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public right-of-way. On corner lots, the front lot line shall be the lot line faced by the front door.

Lot Line, Side Any lot line between the front and rear lot lines.

Lot Line, Rear That boundary of a lot which is most distant from, and is or is most nearly parallel to, the front lot line.

Lot Width The horizontal distance between the side lot lines of a lot, measured at the building setback line required by this Zoning Ordinance, even if an existing principal building is set back further than required.

Lot Of Record A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder or a parcel of land, the bounds of which have been legally defined and duly recorded in the office of the County Recorder.

Marquee A permanent roof-like structure extending from part of the wall of a building but not supported by the ground and constructed of durable material such as metal or glass.

Mid-rise Office An office building whose height is greater than thirty-five (35) feet but a maximum of one hundred twenty (120) feet or as otherwise limited by the City Council.

Motel See "Hotel or Motel."

Motor Vehicle, Passenger Any vehicle bearing non-commercial plates designed, built and used primarily for the transport of between one (1) and ten (10) persons.

Motor Vehicle, Non-Passenger Any bus, trailer, truck or recreational vehicle as defined in the Ohio Motor Vehicle Code bearing commercial plates.

Municipal Service Use Publicly owned facilities for the administration of maintenance operations, the storage of maintenance materials, and similar uses.

Neighborhood Organization A group of homeowners who are associated and speak on behalf of other property owners regarding various issues.

Nonconforming Lot A lot, lawfully designed and platted prior to the enactment of this Zoning Ordinance or any amendment hereto, but which does not now conform to the lot area, width, access or other requirements of the district in which such lot is located.

Nonconforming Structure Any structure, lawfully designed and constructed prior to the enactment of this Zoning Ordinance or any amendment hereto, which does not now comply with all of the regulations of this Zoning Ordinance or of any amendment hereto governing bulk for the zoning district in which such structure is located.

Nonconforming Use See "Use, Nonconforming."

Noxious Matter Any matter or material which is capable of causing injury or illness to living organisms, or is capable of causing detrimental effects to the health or the psychological, social, or economic well-being of humans.

Nursing Home See "Convalescent, Nursing or Rest Home."

Occupancy Certificate See "Certificate of Occupancy."

Odorous Matter Any matter or material that yields an odor which is offensive in any way.

Open Area That area of a lot, parcel, or tract that is not covered by a structure.

Open Sales Lot An accessory use involving the selling of merchandise not contained within the enclosed building.

Open Space That portion of a lot or tract intended for recreational use or as landscaping.

Open Space, Permanent Common Parks, playgrounds, landscaped green space (not including schools, community centers or other similar areas in public ownership) or areas covered by an open space easement.

Ordinary Maintenance or Repair Maintenance or repair to correct any decay, deterioration, or damage to an architectural feature and to return the feature to its condition prior to such decay, deterioration, or damage. Maintenance or repair that changes the material or design of an external architectural feature is an alteration as defined above. Repainting a painted surface is ordinary maintenance and neither the act nor the colors are subject to review.

Ornamental Structure A structure which is designed for placement out of doors and whose function is, in part, the beautification of the yard in which it is located. Such structures include gazebos, arbors, trellises and weathervanes.

Outdoor Dining Dining out of doors as an accessory use to an indoor restaurant.

Outdoor Storage The keeping of property in the open area of a lot. For purposes of this definition, the keeping of wood or compost piles will not be considered outdoor storage.

Overhang That portion of a building which horizontally extends beyond the building walls of the first story of such building.

Owner Any person having right of ownership to the land.

Parking, Off-Street A parking space or spaces located entirely off of public right-of-way and set back from such right-of-way as required within this Zoning Ordinance.

Parking, Required The number of parking spaces required for a particular use or uses as required within this Zoning Ordinance.

Parking Space An enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one (1) passenger motor vehicle and appropriately part of a street or connected with a street or alley by a surfaced driveway affording adequate ingress and egress.

Parking Structure A building or portion thereof, usually multi-level, and either above or below grade, designed or used for storing or parking motor vehicles.

Party Wall A wall which is common to but divides contiguous buildings.

Person Any corporation, partnership, group of persons, association, agent, or any other entity subject to this Zoning Ordinance shall be defined as a person.

Personal Service Establishment A business that provides personal services directly to customers at the site of the business. Personal service establishments include, but are not limited to, travel agencies, dry cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmeticians, toning or tanning salons, branch offices of financial institutions, photocopying services, postal substations, package delivery drop-off and pick-up stations, shoe repair shops, interior design studios, and domestic pet grooming and care services.

Places Of Worship Structures and other indoor or outdoor facilities used for public worship and related educational, cultural, and social activities.

Plan The Plan, or any geographical or functional part thereof, as adopted by the City, indicating the general locations recommended for streets, parks, public buildings, and other community development aspects.

Planned Unit Development A parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located. Under a planned unit development, the developer may be granted relief from specific land-use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole. A planned unit development is a special type of conditional use.

Preservation The act or process of applying measures necessary to sustain and protect a property's historic attributes.

Property Land, and any structures on the land, identified as a separate lot for purposes of the Zoning Code.

Public Space Permanent common open space which may or may not be green space. Public space may include, but shall not be limited to, plazas, courtyards, atriums, or terraces.

Recreational Facility A building or enclosed structure containing recreational facilities, such as a tennis court, swimming pool and/or gymnasium, and operated by a government agency or as a business.

Recreational Structures Athletic facilities such as swing sets and playing courts for basketball or tennis, but not including swimming pools.

Recreational Vehicle A boat, camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business.

Regulation A rule, restriction or other mandatory provision intended to control, require or prohibit an act.

Rehabilitation The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

Removal The relocation of any structure on its site or to another site.

Research Facility A place devoted to experimental study such as testing and analyzing, but not that which includes the use of chemicals or animals or which fails to conform to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance. Manufacturing is not to be permitted within this definition.

Residential The use of land or buildings for dwelling purposes.

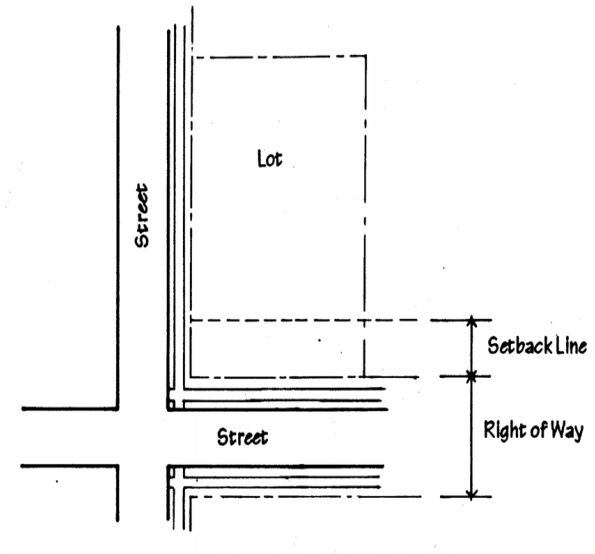
Residential Care Home A dwelling unit shared by four (4) or more unrelated disabled individuals, exclusive of staff, who require assistance and/or supervision and who reside together in a family-type environment as a single housekeeping unit. A Residential care home shall not include a home for persons who are currently addicted to alcohol or narcotic drugs or are criminal offenders serving on work release or probationary programs.

Restaurant, Sit-down A business establishment within which the primary use is prepared food offered for sale and consumption only within the structure on the premises or in a designated and permitted outdoor area.

Restaurant, Carry-out A business establishment within which the primary use is prepared food and beverages, offered for sale in disposable containers and packaged for carryout.

Rest Home See "Convalescent, Nursing or Rest Home."

Right-Of-Way Any sidewalk, street, alley, highway, or other public thoroughfare.



Roadway The portion of the street right-of-way available for vehicular movement. Roadway width shall be measured from back of curb to back of curb.

Roof That portion of a building or structure which encloses such building or structure from the sky.

Roomer A person who renders services, pays rent, or provides other consideration to the resident family for occupancy of one or more rooms within a dwelling unit, but does not occupy a separate dwelling unit.

School, Primary or Secondary An institution primarily engaged in academic instruction for all or part of grades K through 12, and recognized or approved by the State.

School, Specialized Instructional An institution engaged in specialized instructional areas for all ages, such as but not limited to driving, trade, vocational, art, music and dance schools.

Screening A structure erected or vegetation planted for the purpose of concealing from view the area behind it.

Self Storage Facility A primary use of a building or group of buildings, each of which contains individual storage units, with each unit having a separate door and lock and which are leased on an individual basis to residential and business customers for the storage of goods and wares.

Senior Citizen Apartments Apartment buildings, which may be either assisted living facilities or convalescent homes, designed for and occupied by persons age sixty-two (62) and over, which provides living unit accommodations and spaces for common social and recreational activities, and which may include incidental facilities for health and nursing services.

Setback Line See "Building Setback Line, Front" or "Building Setback Line, Side or Rear."

Shelter, Emergency A temporary home for persons seeking relief from emergencies, domestic violence or other dangerous environments.

Shopping Center A group of commercial establishments, planned, developed, and managed as a unit related in location, size and type of shops to the trade area that the unit serves.

Shrubs A planting or growth of multi-stemmed woody plants.

Sign Any display, figure, painting, drawing, placard, poster or other device placed on the ground or on any tree, wall, bush, rock, post, fence, building, structure, playground structure, or thing whatsoever, which is designed, intended, or used to convey a message, advertise, inform, or direct attention to a person, institutions, organization, activity, place, object, or product. The term "placed" as used in this definition shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or other fastening, affixing, or making visible in any manner whatsoever.

Sign, Availability A sign announcing the sale, rental or lease of the lot where the sign is displayed or announcing the sale, rental or lease of one or more structures, or a portion thereof, located on the lot.

Sign, Banner Any cloth, bunting, plastic, paper, or similar material used for advertising or identification purposes attached to any structure.

Sign, Directory A sign listing the names and locations of businesses within a building not having first floor frontage, or a sign displaying announcements which direct attention to a public charitable or religious facility which is located on the lot of said facility.

Sign, Entry A sign located over an entry to a business, such entry neither oriented to nor visible from a public street and intended to allow access to the business from a parking lot or pedestrian way.

Sign, Exempt A sign which, due to its small size or unobtrusive nature, is not regulated by this Zoning Ordinance except pursuant to Section 1250.03.B, Exempt Signs.

Sign, External Illumination Illumination of a sign which is effected by a source of light which is not contained within the sign itself.

Sign Height The vertical distance measured from the base of the sign or from the base of the building to which a sign is attached to the highest point of the sign.

Sign, Identification A sign directing attention to the name of an office, institution, multiple-family building, business, product, service or activity conducted or sold on the lot where the sign is displayed, and classified as to design and structure as an awning, canopy, monument,
projecting, wall, or window sign.

Sign, Illuminated A sign which has characters, letters, designs, or outline illuminated by electric light or luminous tubes as part of the sign proper, or which is illuminated by the reflector method.

Sign, Internal Illumination Illumination of a sign which is effected by a source of light which is contained within the sign itself. Any sign in which light becomes visible by shining through a translucent surface shall be considered a sign in which internal illumination is used.

Sign, Local Sign District An area of special sign controls established pursuant to Section 1250.09 of this Zoning Ordinance.

Sign, Monument A polygonal shaped sign, placed on the ground, whose width above a plinth base is at least as wide as the width (of the top of the sign).

Sign, Neon Tube Illumination Illumination effected by a light source consisting of a neon tube which is bent to form letters, symbols, or other shapes.

Sign, Off-Premises A sign which advertises goods, services, or facilities which are not available on the premises where the sign is located. The foregoing definition includes (but is not limited to) billboards.

Sign, Parking Control A sign which identifies parking lot entry and exit driveways and/or provides traffic flow control information within a parking lot.

Sign, Permanent Any sign except an exempt sign as listed in Section 1250.03 or a temporary sign as listed in Section 1250.04. Such signs are intended to be used indefinitely, or used indefinitely without change in the same state or place, and include identification signs, directory signs, auxiliary entry signs, and parking control signs.

Sign, Pole A sign which is supported by one (1) visible pole which is independent of a building.

Sign, Projecting A sign which is suspended from, or is supported by, a building or wall and which projects more than twelve (12) inches from the face of the building or wall.

Sign, Roof A sign erected or maintained in whole or in part upon or over the roof of a building.

Sign, Secondary A sign intended primarily for viewing by pedestrian traffic, displayed as a window sign or window display, a canopy or awning sign, or a projecting sign.

Sign, Shopping Center Identification A sign listing the name of the shopping center located on the same lot as the sign.

Sign, Surface Area The area within any perimeter enclosing the limits of lettering, emblems or other figures on a sign, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included in its surface area. In the case of a multi-faced sign, all sides shall be included in the calculation of surface area. The surface area of signs which are in the form of balls, cylinders or other shapes having a continuous surface shall be equal to one-half (1/2) of the entire area of the surface of the sign.

Sign, Temporary A sign which is intended to be displayed for a limited time only. Such signs include real estate signs, political signs, and construction signs.

Sign, Wall A sign which is placed flat against a wall of a building.

Sign, Window A sign which is affixed to or in contact with, or within six (6) feet of a window or the glass surface of a door, and is visible from the public street.

Sign, Window Display One (1) or more signs in a display window which are incorporated with a display or merchandise or relating to services offered but which are not affixed to any window.

Sign, Window, Permanent A window sign, installed as a secondary sign within six (6) feet of the window, constructed of permanent materials, and which identifies the business or otherwise suggests that the information conveyed is of a permanent character.

Sign, Window, Temporary A sign attached to the window or as a window display which describes one (1) or more products or services and/or the prices of one (1) or more products or services available at the premises at which the sign is displayed and which suggests that the information conveyed is not of a permanent character.

Signable Area An area of the facade of a building or monument sign structure, the boundaries of which shall form a square, a rectangle or a parallelogram, which is free of windows, doors and all major architectural details. Only one (1) signable area may be established for a facade of a building. In no event shall the signable area of a building exceed, in square footage, one-third (1/3) of the square footage of the entire facade of the building. Parapets, pylons and equipment enclosures shall not be designated as signable areas, and rooftop equipment enclosures shall not be considered part of the facade of the building.

Site The location of an event, activity, or structure, whether standing or vanished. A site may have historic significance in its own right.

Specialty Shop A retail shop that sells a narrow range of goods and products and serves a specific clientele or provides a specific product not readily found in other retail establishments.

Storage Structure An accessory structure for private use by the owner or occupant of the lot on which it is located, and intended for the safekeeping of personal property, not including automobiles.

Story That part of a building between the surface of any floor and the surface of the floor next above, and if there is no floor above, then the ceiling above.

Story, Half That portion of a building under a gable, hip, or mansard roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor.

Street, Private A paved area located on private property for the purpose of providing vehicular access to that property.

Street, Public A public way for purposes of vehicular travel, including the entire area within the right-of-way.

Street Width The shortest distance between the lines delineating the right-of-way of a street.

Structural Alteration Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

Structure Anything constructed or erected permanently or temporarily on, in or under the ground or attached or connected thereto, including but not limited to arbors, buildings, barriers, bridges, bulkheads, bunkers, chimneys, decks, fences, garages, gazebos, outdoor seating facilities, platforms, playhouses, poles, radio, television and telecommunication antennae, satellite dishes, signs, spas, swimming pools, tanks, tents, towers, trellises, walks, walls and works of art. Structures do not include trailers and other vehicles whether on wheels or other supports.

Structure, Accessory A subordinate building or structure located on the same lot with the principal building, occupied by or devoted to an accessory use, but not to be used for habitation. Where an accessory building is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the principal building.

Structure Height See Building Height.

Subdivider Any owner or other person proceeding to subdivide or develop land.

Subdivision The division of land into two (2) or more parcels, the creation of any easement or right-of-way, the establishment of a Planned Unit Development, or any change in the boundary lines of a lot.

Swimming Pool A permanent structure used for recreational swimming or bathing and which is located below ground level, or a temporary above-ground structure used for recreational swimming or bathing, particularly by children, which is no more than two (2) feet in depth and ten (10) feet in diameter.

Temporary Occupancy Occupancy of a dwelling, structure or lot, by a person or persons to perform a particular use for a limited period of time, such as but not limited to overseeing building construction or selling Christmas trees.

Temporary Use See "Use, Temporary."

Terrace A paved or otherwise non-vegetative man-made accessory structure adjoining a building which is relatively level and open to the sky.

Theater Any building or structure designed for the enactment of dramatic performances and/or the showing of motion pictures. For the purposes of this Zoning Ordinance, a dinner theater shall be deemed a "restaurant," and adult theaters are deemed separate and distinct uses.

Townhouse A multiple-family building comprised of attached single-family dwelling units where the units are attached by common fire walls and each unit has at least one (1) separate outside entrance.

Toxic Material Any substance (liquid, solid or gaseous) which by reason of an inherent deleterious property when emitted in any amount is injurious to plants, animals, or human beings.

Trailer A movable or portable unit to be towed on its own chassis.

Tree, Caliper The thickness of trees measured in inches. A caliper measurement shall be measured twelve (12) inches above the soil line, or across the stump if the tree has been severed at less than twelve (12) inches above the soil line.

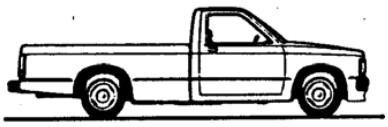
Tree, Diameter Breast Height The diameter of the trunk or trunks of a tree measured at four and a half (4 ½) feet above mean ground level at the base of the trunk or trunks.

Tree, Hazard A tree that is dead, diseased, dying, or has a structural defect that presents a threat to persons or damage to property.

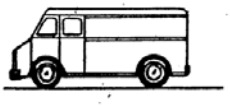
Trellis A vertical or diagonal lattice structure that is either free-standing or attached to a building for the purpose of growing vines.

Truck A motor vehicle classified as Class 3 or Class 5 by the Federal Highway Administration Vehicle Classification System as follows:

Class 3 All two-axle, four-tire vehicles, other than passenger cars. Included in this classification are pickups, panels, vans and other vehicles such as campers, motor homes, ambulances, hearses, and carry-alls. Other two (2) axle, four (4) tire, single unit vehicles pulling recreational or other light trailers are included in this classification.



Class 5 All vehicles on a single frame including parcel delivery trucks, camping and recreational vehicles, motor homes, etc. having not more than two (2) axles and dual rear wheels.



Use, Accessory An activity conducted within a building or structure, or on the open area of the lot which is:

1. Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this Zoning Ordinance;
2. Clearly incidental to, subordinate in purpose to, and serving the principal use; and
3. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

Use, Conditional A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts.

Use, Existing Any use of a parcel of land or structure which exists on the effective date of this Zoning Ordinance.

Use, Nonconforming Any use of any land, building, or structure, lawful at the time of the enactment of this Zoning Ordinance, which does not comply with all of the regulations of this Zoning Ordinance or of any amendment hereto governing use of the zoning district in which such use is located.

Use of Similar Nonconformity A use which replaces a nonconforming use of similar intensity. A use is similar in intensity if the least restrictive district in which it is a permitted use is the same as that of the nonconforming use which it is replacing.

Use, Permitted A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

Use, Principal The main use of land or structures as distinguished from a subordinate or accessory use. A "principal use" may be "permitted" or "conditional."

Use, Temporary Any use which is established only for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, and which does not involve the construction or alteration of any permanent structure.

Variance A modification of the provisions of this Zoning Ordinance where a literal enforcement of the Zoning Ordinance would result in practical difficulty or undue hardship.

Vehicle Any device by which person or property may be transported upon a highway or waterway, except those such devices, as defined by the Business Regulation Code, moved by human power.

View Obstruction An obstruction of a line of sight (See "Line of Sight.")

Walkway/Bikeway A way across or within a block for use by pedestrian and bicycle traffic, which shall include but not be limited to sidewalks and crosswalks.

Wall A vertical structure of a linear nature which serves to support, retain, or screen.

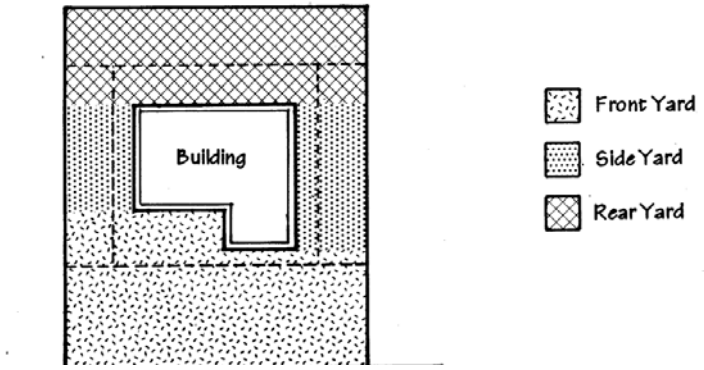
Warehousing The safekeeping of property, either for later use or for resale, within enclosed buildings.

Wine Bar Any establishment having as its principal or predominant use the serving of wine for consumption on the premises. Sandwiches, light meals and/or full-service meals are available for consumption on the premises but are not the principal or predominant use of the establishment.

Wholesale Businesses involved in the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Work/Live Unit Space within a commercial building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use of the space as a place of work.

Yard An area on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this Zoning Ordinance. A "yard" is the distance between a building and a lot line.



Yard, Corner Side A side yard which adjoins a public street, extending from the front face of the building to the rear lot line and from the side face of the building to the side lot line.

Yard, Front A yard extending from the front face of the building to the front lot line along the full width of the lot between the side lot lines.

Yard, Interior Side A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot, extending from the side face of the building to the side lot line between the front and rear yards.

Yard, Rear A yard extending from the rear face of the building to the rear lot line along the full width of the lot between the side lot lines, except that for corner lots the rear yard shall terminate at the corner side yard.

Yard, Required The minimum yard required between a lot line and a building line by the applicable provisions of this Zoning Ordinance.

Zoning Administrator A staff member of the Planning Department who is authorized to hear complaints, make inspections, and take action to enforce the provisions of this Zoning Ordinance. The Zoning Administrator may also accept applications for amendments or variances to the Zoning Ordinance and administrate the related public hearings procedure.

Zoning Enforcement Officer A staff member of the Planning Department who is designated by the Zoning Administrator to hear complaints, make inspections, and take action to enforce the provisions of this Zoning Ordinance.
(Ord. 13-45. Enacted 7-8-13; Ord. 13-114. Enacted 12-16-13.)

CHAPTER 1212
Administrative and Decision Making Bodies and Officials

1212.01 Summary of authority.
1212.02 City Council.
1212.03 Board of Zoning Appeals and City Planning Commission.
1212.04 Landmark Commission.
1212.05 Architectural Board of Review.
1212.06 Zoning Administrator.

CROSS REFERENCES
Planning Commission - see CHTR. Art. V, Sec. 3
Architectural Board of Review - see BLDG. Ch. 1309
Board of Building Appeals - see BLDG. Ch. 1311

1212.01 SUMMARY OF AUTHORITY.

The administrative and decision-making bodies and officials listed below, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this Zoning Ordinance in the manner described in Chapter 1212, Administrative and Decision-Making Bodies and Officials and Chapter 1213, Permit and Administrative Review Procedures.

1212.02 CITY COUNCIL.

The City Council:

A. Takes such actions as necessary to plan for the future development of the City.

B. Approves or disapproves any application for an amendment to this Zoning Ordinance.

C. Confirms the decision of the City Planning Commission for any application for a conditional use permit, including an application for a planned unit development and a small lot infill development, pursuant to Section 1213.09, Planned Developments Review.

D. Approves or disapproves variances proposing to increase the height of commercial buildings by more than twenty percent (20%) or to decrease the number of off-street parking spaces provided by more than twenty percent (20%).

E. Takes such action to revoke Conditional Use Permits pursuant to the recommendation of the City Planning Commission, if the established conditions for the Conditional Use Permit are violated.

F. Approves or disapproves proposed amendments to any existing land use policies.

G. Takes such other action that may be desirable and necessary to implement the provisions of this Zoning Ordinance.

H. Takes other actions as conferred by the Ohio Constitution, the laws of the State of Ohio, and the Charter of the City of Shaker Heights.

I. Approves or disapproves of improvements to public land.

(Ord. 18-25. Enacted 4-23-18.)

1212.03 BOARD OF ZONING APPEALS AND CITY PLANNING COMMISSION.

A. Powers and Duties

1. Board of Zoning Appeals

The Board of Zoning Appeals shall have the following powers and duties under the provisions of this Zoning Ordinance:

a. To hear and decide appeals from, and to review orders, decisions, or determinations made by the Zoning Administrator.

b. To hear and decide upon applications for variances from the requirements of this Zoning Ordinance pursuant to Section 1213.04, Variance Procedures.

c. To make its special knowledge and expertise available to any official, department, board, or commission of the City, to aid them in the performance of their respective duties relating to zoning and its administration in the City.

d. To hear and decide upon applications to change an existing nonconforming use to a use of similar conformity.

2. City Planning Commission

The City Planning Commission is established and given its authority within the City charter and by ordinance of the City Council. The City Planning Commission shall have the following powers and duties under the provisions of this Zoning Ordinance.

a. To initiate, hear, review, and approve or disapprove applications for amendments to this Zoning Ordinance and Map pursuant to Section 1213.07, Amendments.

b. To hear, review, and approve or disapprove applications for Conditional Use Permits, including applications for planned unit developments and small lot infill developments, pursuant to Section 1213.05, Conditional Uses and 1213.09, Planned Development Review.

c. To review and approve or disapprove site plans as required pursuant to Section 1213.06, Site Plan Review.

d. To prepare and participate in and to make recommendations to the City Council for adopting an official Strategic Plan or similar plans for the City, and from time to time to recommend to the Council such amendments as it may deem appropriate.

e. To aid and assist the City Council and the departments of the City in implementing the City's adopted land use policies and in planning, developing, and completing specific projects.

f. To review and report on any matters referred to it by the City Council.

g. To make its special knowledge and expertise available to any official, department, board, or commission of the City to aid them in the performance of their respective duties relating to the planning and development of the City.

h. To review, hear and make decisions upon applications for the resubdivision of land.

i. To review and make recommendations to the City Council regarding improvements to public land.

j. To hold public hearings upon any of the issues which fall within its authority and jurisdiction to consider.

k. To recommend to the City Council that the Council should revoke Conditional Use Permits if the established conditions for the Conditional Use Permit are violated.

B. Membership, Term and Organization of the City Planning Commission and Board of Zoning Appeals

1. The Board of Zoning Appeals and the City Planning Commission shall consist of the Mayor who is the Chairperson, one (1) member of Council to be selected by the Council, and three (3) electors of the city not holding other municipal office.

2. The three electors are to be appointed by the Mayor and approved by the majority of Council for not more than two (2) consecutive terms of six (6) years each, not including any portion of an unexpired term. Council confirmation is required for appointed members.

3. The present members of the City Planning Commission and Board of Zoning Appeals, other than the Mayor and Councilperson, shall continue to serve until the expiration of their respective terms, and will be subject to a two (2) consecutive full term limitation except that any such member may be appointed for one (1) additional full term. A vacancy occurring during the term of any member of the City Planning Commission or the Board of Zoning Appeals shall be filled for the unexpired term in the manner authorized for an original appointment.

4. A Vice-Chairperson shall be the City Council representative and shall conduct meetings in the absence of the Chairperson.

5. A Secretary shall be appointed who is either the Planning Director or the Director's designee, and who shall be responsible for taking or designating a person to take the minutes of Board of Zoning Appeals and City Planning Commission meetings.

C. Meetings, Hearings and Procedures

1. Regular meetings of the Board of Zoning Appeals and the City Planning Commission may be held at the call of the Chairperson, or when the Zoning Administrator indicates that there is an agenda item to be heard, or as provided by rule of the Board of Zoning Appeals or the City Planning Commission. Special meetings shall be called at the request of the Chairperson or of any three (3) members of the Board or Commission or at the request of the City Council.

2. All meetings and hearings of the City Planning Commission and Board of Zoning Appeals shall be open to the public except for executive sessions which shall be held for such purposes and in such manner as authorized by the City Charter or by ordinance of City Council.

3. The Board of Zoning Appeals or the City Planning Commission may adopt its own rules of procedure, not in conflict with this Zoning Ordinance, as it deems proper and necessary. The adoption, amendment, or revision of such rules shall be by a majority vote of all members of the Board or Commission. Every member of the Board or Commission shall be furnished a copy of such proposed rules and any amendment or revision thereto at least ten (10) days before consideration for adoption. Such rules shall be filed with the Clerk of Council. Any rules so adopted that relate solely to the conduct of the Board or Commission meetings or hearings and that is not mandated by this Zoning Ordinance may be waived by the Chairperson upon good cause being shown.

D. Quorum and Majority Vote Required

1. Three (3) members, which may include the Chairperson of the Board or Commission, shall constitute a quorum to conduct business, provided, however, that two (2) members, including the Chairperson, shall constitute a quorum for the purpose of convening and adjourning a meeting.

2. Three (3) votes of the Board or Commission membership shall be required for rendering a final decision on any matter or proposal, including, for the Board, the forwarding to the City Council of a recommendation on applicable requests per Section 1213.04.F, Variance Procedures, Confirmation of Variance by Council.

E. Conflicts of Interest

No member of the Board of Zoning Appeals or the City Planning Commission shall participate in the hearing or disposition of any matter in which that member has a financial interest as determined by State law or City ordinance.

F. Decisions

Every recommendation or decision of the Board of Zoning Appeals or the City Planning Commission upon an application filed pursuant to Zoning Ordinance shall be summarized in the meeting minutes such minutes shall be deemed to contain Commission's findings-of-fact and reason for action taken shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or relief denied or setting forth the recommendation of the Board of Zoning Appeals and shall expressly set forth any limitations or conditions imposed on any relief granted or recommended or work or use authorized. The Board of Zoning Appeals or the City Planning Commission may take final action on any recommendation or decision pertaining to an application pending before it prior to the preparation of the minutes, but in such event it shall, before taking such action, first state its findings and conclusions as above required at a meeting open to the public. The Board of Zoning Appeals or the City Planning Commission's recommendation or decision of the Board of Zoning Appeals or City Planning Commission shall be deemed made as of the date of the taking of such final action. The minutes incorporating such findings and conclusions shall be presented for approval at the next regular meeting of the Board of Zoning Appeals or the City Planning Commission.

G. Record

The transcript of testimony and other evidence audio or video recording, if any minutes all applications, requests, exhibits, and papers filed in any proceeding before the Board of Zoning Appeals or the City Planning Commission and the decision and report, or records of the Board of Zoning Appeals or the City Planning Commission shall constitute the record.
(Ord. 18-25. Enacted 4-23-18.)

1212.04 LANDMARK COMMISSION.

A. Authority

The Landmark Commission is hereby created pursuant to the enabling authority granted under the Ohio Revised Code and the powers of the City under its Charter. The Landmark Commission has those powers enumerated in this Zoning Code.

B. Purpose and Intent

The purposes of the Landmark Commission are to recommend the designation of landmarks in the City pursuant to the procedures hereinafter described, in order to preserve, protect, and perpetuate buildings, structures, sites, works of art, and other objects having special historical, community or aesthetic interest or value, all for the reasons described in the remainder of this section.

1. To preserve buildings, structures, and sites of historic significance as part of the City's most important cultural, educational and economic assets.

2. To enhance the visual and aesthetic character, diversity and interest of the City.

3. To insure proper development and utilization of lands and areas within designated Landmarks and Landmark Districts and to encourage complimentary, contemporary design and construction.

4. To foster civic pride in the beauty and notable accomplishments of the past.

5. To protect and enhance the City's attractions to residents, tourists and visitors, and serve as a support and stimulus to business.

6. To safeguard the heritage of the City by preserving sites and structures which reflect elements of the City's cultural, social, economic, political, and architectural history.

7. To promote the private and public use of Landmarks and historical areas for the education, prosperity, and general welfare of the City's residents.

8. To make recommendations to the City Council on policies and ordinances that may encourage preservation of buildings, structures and sites of historic significance.

9. To stabilize and improve property values.

10. To strengthen the economy of the City.

11. To take whatever steps as may be necessary to safeguard the property rights of those owners whose property is declared to be a "Landmark" or is located in an area designated as a "Landmark District".

C. Powers and Duties

In addition to carrying out the general purposes set forth in Section 1212.04.B, the Landmark Commission shall have the following powers and duties:

1. Recommend the designation of Landmarks and Landmark Districts.

2. Make recommendations to the City Planning Commission and the City Council, as appropriate, on applications for zoning amendments and conditional uses involving historic areas and Landmarks.

3. Conduct a continuing survey of all areas, places, buildings, structures, works of art or similar objects in the City which the Commission, on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as Landmarks.

4. Conduct reviews including design, architecture and site concerns, of proposed changes to Landmark or structures and sites in Landmark Districts.

5. Work for the continuing education of the residents of the City with respect to the historic and architectural heritage of the City and the Landmarks designated under the provisions of this chapter. It shall keep current and public a register of Landmarks.

6. Act as the City's liaison with individuals and organizations concerned with historic preservation.

7. Accept the services of technical experts and such other persons as may be required to perform its duties.

8. Establish administrative procedures and guidelines.

D. Membership, Term and Organization

1. The Landmark Commission shall consist of seven (7) members. One shall be a member of City Council appointed by the Mayor. The remaining six (6) members shall be citizen members appointed by the Mayor, and shall have the following qualifications: (a) reside in the City of Shaker Heights, (b) have demonstrated an interest, experience or knowledge in history, architecture and related disciplines; and (c) not hold other public office or employment with the City of Shaker Heights or the Shaker Heights Board of Education. As to not more than one (1) of the six (6) citizen members, Council may waive the requirements that such member be a resident of the City and/or hold no other public office with the City or the School Board.

2. Of the six (6) citizen members of the Landmark Commission, one (1) member shall be an architect and two (2) other members shall be preservation-related professionals, including, but not limited to, professionals in the fields of architecture, history, planning, historic preservation, landscape architecture, related fields of law, or real estate, if available.

3. The Council Member of the Landmark Commission shall be appointed annually by the Mayor. All six (6) citizen members of the Landmark Commission shall be appointed to three (3) year terms by the Mayor and shall be confirmed by Council. The terms of the six (6) citizen members shall be staggered so that not more than two (2) members' terms expire in a given year.

4. In making appointments of citizen members to the Landmark Commission, consideration should be given to having the Landmark Commission membership reflect a variety of points of view, including architectural, historical, planning, historic preservation, landscape architecture, legal and real estate.

5. A vacancy shall be filled for the remainder of the unexpired term in the same manner as regular appointments and confirmations. A vacancy shall be filled within sixty (60) days from the date the vacancy occurs, unless a greater period of time is reasonably necessary, as determined by the Mayor. In the case of temporary absence or disability of any member, a member may be appointed and confirmed in the manner provided above to serve during such temporary absence or disability. Such temporary member shall possess all of the qualifications of a regular member, and shall have the same powers and perform the same duties as a regular member during the terms of his or her appointment.

6. The Mayor and the Planning Director shall serve as ex officio members of the Landmark Commission.

7. The Council member appointed to the Landmark Commission shall serve as the chairperson of the Landmark Commission during the term of his or her appointment.

8. The Mayor shall appoint a City employee to serve as Secretary of the Landmark Commission. The Secretary shall keep, or cause to be kept, a complete record of all meetings of the Landmark Commission and a detailed record of all transactions dealt with by the Landmark Commission. In addition, the Secretary shall perform such other functions as the Landmark Commission may direct.

E. Meetings, Hearings and Procedures

1. The Landmark Commission shall meet once per month or as necessary, but no less than four (4) times per year.

2. The Landmark Commission shall schedule and give public notice of all public hearings pursuant to Section 1213.10, Designating Landmarks and Landmark Districts.

3. The Landmark Commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications and for any other purposes considered necessary for its proper functioning.

F. Quorum and Vote

No business shall be conducted without a quorum at the meeting. A majority of the members of the Landmark Commission constitutes a quorum. All recommendations on designations and other actions of the Commission shall be represented by a vote of the membership. A simple majority of the voting members present at the meeting at which a quorum is present shall be required for any action taken.

G. Conflicts of Interest

No member of the Landmark Commission shall participate in the review of any item of discussion before such Commission if such member has any direct or indirect financial or personal interest in the property or the matter involved in such discussion. Personal, as distinguished from financial interest, includes an interest arising from blood or marriage relationships, or business or political association, as such terms are defined by State of Ohio law and City ordinance.
(Ord. 04-129. Enacted 11-22-04; Ord. 13-114. Enacted 12-16-13.)

1212.05 ARCHITECTURAL BOARD OF REVIEW.

The Architectural Board of Review is established pursuant to Chapter 1309 of the Building Code. Provisions regarding the Architectural Board of Review are located in that ordinance. This section is an excerpt of information from that ordinance. The Architectural Board of Review has the following responsibilities:

A. To protect the value, appearance, and use of property on which buildings are constructed or altered.
B. To maintain a high character of community development, and to ensure the compatibility of new development.
C. To protect the public peace, health, safety, convenience and welfare.
D. To protect real estate within the City from impairment or destruction of value.
E. To regulate the design, use of materials, finish grade lines, dimensions, orientation and location of all main and accessory buildings to be erected, moved, altered, remodeled or repaired.
F. To establish design policies and guidelines.
G. To receive, review and pass upon plans for new development, alterations and additions filed in the Planning Department.
(Ord. 03-67. Enacted 6-9-03; Ord. 13-114. Enacted 12-16-13.)

1212.06 ZONING ADMINISTRATOR.

A. Powers and Duties

The Zoning Administrator shall be charged with the administration of Zoning Ordinance and, in particular, shall have the jurisdiction, authority, and duties described below:

1. To meet with and counsel those persons having an interest in this Zoning Ordinance, other questions of land use, and related City plans and policies.
2. To conduct zoning compliance reviews regarding any permit pertaining to the use of land, buildings or structures.
3. To issue permits for temporary uses requiring administrative approval.
4. To conduct other administrative approvals as provided by this Zoning Ordinance.
5. To review any site plans submitted for such review, and to make decisions or recommendations, as appropriate, to the City Planning Commission on such site plans, pursuant to Section 1213.06, Site Plan Review.
6. To make written interpretations of specific provisions of this Zoning Ordinance pursuant to Section 1213.11, Administrative Interpretations.
7. To approve Certificates of Occupancy which are issued by the Commissioner of Buildings for buildings which meet applicable requirements.

B. Procedures

1. **General Authority to Enact Rules and Procedures.** The Zoning Administrator, consistent with the express standards, purposes, and intent of this Zoning Ordinance, may promulgate, adopt, and issue such procedural rules, regulations, and forms as are necessary to the effective administration and enforcement of the provisions of this Zoning Ordinance.

2. **Staff Assistance to the Board of Zoning Appeals and City Planning Commission.** The Zoning Administrator shall make staff and consulting assistance available to the Board of Zoning Appeals and the City Planning Commission. The Zoning Administrator or such person as the Zoning Administrator designates shall in that capacity:
   - **a.** Attend the meetings of each such body.
   - **b.** Inform each such body with a summary of all relevant facts and information at the Zoning Administrator's disposal with respect to any matter brought before such body.
   - **c.** Assist each such body by performing research on matters brought before such body.
   - **d.** Perform such other duties as may be assigned to the Zoning Administrator by this Code, the Mayor, the City Council, the City Planning Commission, and the Board of Zoning Appeals.

3. **Records.** The Zoning Administrator shall maintain:
   - **a.** Permanent and current records of this Zoning Ordinance, including all maps, amendments, conditional use and planned development approvals and denials, interpretations, and decisions rendered respectively by the Board of Zoning Appeals, the City Planning Commission and the Zoning Administrator, together with relevant background files and materials.
   - **b.** A current file of all notices of violations and revocations of Conditional Use Permits issued by or entrusted to the Zoning Administrator's office for such time as necessary to ensure continuous compliance with the provisions of this Zoning Ordinance.

4. **Zoning Text and Map.** The Zoning Administrator shall prepare, maintain and have available for reproduction or public sale at a cost established by ordinance of the City Council at least one (1) up-to-date copy of both the Zoning Ordinance text and the Zoning Map, showing all amendments through the most recent meeting of the City Council for which official minutes have been approved.

5. **Receipt, Processing, and Referral of Applications.** The Zoning Administrator shall receive all applications required to be filed pursuant to this Zoning Ordinance. Upon receipt of any such application, the Zoning Administrator shall see to its processing, including its prompt referral to and retrieval from each official, department, board, or commission of the City or other government agency, with any interest or duty with respect to such application. Whenever the City Planning Commission, the Board of Zoning Appeals, the City Council or the Mayor so request, the Zoning Administrator shall conduct or cause to be conducted such surveys, investigations, and field studies and shall prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as shall be necessary and appropriate to the processing of any application filed pursuant to this Zoning Ordinance.

6. **Rendering of Administrative Interpretations.** The Zoning Administrator may issue written interpretations of specific provisions of this Zoning Ordinance pursuant to the standards and procedures set forth in Section 1213.11, Administrative Interpretations. Any interpretation of this Zoning Ordinance that may be rendered by the Board of Zoning Appeals, the City Planning Commission or the Zoning Administrator shall be kept on file in the Planning Department.
7. **Guarantee of Time Extensions.** The Zoning Administrator, upon written request, may for good cause shown and without any notice or hearing grant extensions of any time limit imposed on an applicant or permittee by this Zoning Ordinance or, unless the ordinance or resolution shall expressly provide otherwise, by any ordinance or resolution of any body acting pursuant to this Zoning Ordinance. The total period of time granted by such extension or extensions shall not exceed the length of the original time period, and requests for any further extension may only be granted by the applicable hearing body.
8. **Conducting of Inspections and Enforcement.** In furtherance of the enforcement of this Zoning Ordinance, the Zoning Enforcement Officer shall undertake such regular and continuing programs of inspection of work approved and under way and of existing structures and uses as may be feasible and proper shall undertake such additional inspections as may be necessary to the performance of his or her duties hereunder shall receive from any person complaints alleging with particularity a violation of this Zoning Ordinance and when appropriate shall cause such investigations and inspections as may be warranted by such complaints. Upon finding the existence of any violation of this Zoning Ordinance, the Zoning Administrator may take all actions necessary and appropriate to abate and redress such violations pursuant to Chapter 1214, Enforcement. (Ord. 18-25. Enacted 4-23-18.)

CHAPTER 1213
Permit and Administrative Review Procedures

1213.01 Public hearing procedures.
1213.02 Appeals.
1213.03 Administrative modifications.
1213.04 Variances.
1213.05 Conditional uses.
1213.06 Site plan review.
1213.07 Amendments.
1213.08 Subdivision review.
1213.09 Planned Development (PUD and SLID) review.
1213.10 Designating landmarks and Landmark Districts.
1213.11 Administrative interpretations.

CROSS REFERENCES
Building permits - see BLDG. Ch. 1303
Building fees - see BLDG. Ch. 1305
Revocation of conditional permits and variances - see P. & Z. 1214.06

1213.01 PUBLIC HEARING PROCEDURES.

A public hearing required to be held by the Board of Zoning Appeals, the City Planning Commission or the City Council pursuant to this Zoning Ordinance shall comply with the following procedures.

A. Setting the Hearing. When the Zoning Administrator determines that an application is complete and that a public hearing is required by this Zoning Ordinance, the Zoning Administrator may consult with the decision-making bodies or officers required to conduct the public hearing and shall select a place and time certain for such hearing, and shall cause the hearing to be scheduled pursuant to the procedures and standards of this Zoning Ordinance.

B. Notice Of Public Hearings. Notice of all public hearings of the Board of Zoning Appeals and the City Planning Commission required under this Zoning Ordinance shall be served in the form established by the Zoning Administrator and pursuant to the following standards. Hearings of the City Council shall be noticed pursuant to standards established by the Council. The costs to process and mail Notice of Hearings for rezonings and ordinance amendments shall be borne by the applicant.

1. General Notification. Notice of an application shall be given as required by the regulations and standards of this Zoning Ordinance, as appropriate.

2. Notification to Neighborhood Organizations. Notification shall be given to any organization requesting such notification in the same manner as the notice is given to the surrounding property owners, as appropriate.

3. **Contents of Notice.** The notice for any public hearing required pursuant to this Zoning Ordinance shall summarize the application and the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the application.

C. **Examination and Copying of Application and Other Documents.** At any time upon reasonable request, and during normal business hours, any person may examine a copy of and obtain a photocopy of, at a cost established by ordinance of the City Council, any application and materials submitted in support of or in opposition to an application in the offices of the Planning Department.

D. **Conduct of Public Hearing.**

1. **Right of All Persons to Speak.** Any person may appear at a public hearing and submit evidence, either individually or as a representative of a person or an organization. Anyone representing a person or an organization shall present evidence of their authority to speak on behalf of the person or organization in regard to the matter under consideration. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of a person or an organization, state the name and mailing address of the person or organization.
2. **Hearing of Testimony and Other Evidence.** The body conducting the public hearing may establish time limits for the presentation of testimony or other evidence and may exclude testimony or evidence upon finding it to be irrelevant, immaterial or unduly repetitious.
3. **Submission of Testimony and Other Evidence.** In the event any testimony or other evidence is excluded as irrelevant, immaterial or unduly repetitious, the person offering such testimony or evidence may reduce such testimony or evidence to written form and submit such written testimony or evidence for the record. Such offer shall be made at the public hearing.
4. **Continuance of Public Hearing or Meeting.** The body conducting the public hearing or meeting may, upon the body's or officer's own motion, continue the public hearing or meeting to a fixed date, time and place. In the case of a decision-making body, a majority of the voting members present at the hearing or meeting at which a quorum is present shall be required for a continuance. An applicant shall have the right to request a continuance, which may be granted at the discretion of the body conducting the public hearing upon good cause shown.

E. **Withdrawal of Application.** An applicant shall have the right to withdraw, in writing, an application at any time prior to the action on the application by the decision-making body.

F. **Actions Upon Completing Public Hearings.**

1. **General.** All decision-making bodies and officers shall take action within a reasonable time in consideration of the interests of the citizens of the City of Shaker Heights.
2. **Findings.** All decisions, except decisions on amendments to the Zoning Map or to the text of this Zoning Ordinance, shall be in the minutes.

G. Record of Public Hearing or Meeting.

1. Recording of Public Hearing. The body conducting the public hearing shall record the public hearing by any appropriate means. A copy of the public hearing record may be acquired upon request to the Zoning Administrator and payment of a fee to cover the cost of duplication of the record.

2. The Record. The minutes, all applications, exhibits and papers submitted in any proceeding before the decision-making body, the Staff Report and the decision of the decision-making body shall constitute the record.

H. Notification of Decision. Notification of the City Council's decision shall be mailed by the Zoning Administrator to the applicant within five (5) working days of the decision. Such notification shall include the action sheet of the decision. A copy of the decision shall also be made available to the applicant at the offices of the decision-making body, during normal business hours, within a reasonable period of time after the decision.
(Ord. 03-67. Enacted 6-9-03; Ord. 13-114. Enacted 12-16-13.)

1213.02 APPEALS.

A. Authority. The Board of Zoning Appeals shall hear testimony and other evidence concerning appeals from any final order or decision made by the Zoning Administrator concerning this Zoning Ordinance and render a final decision on such matters.

B. Parties Entitled to Seek Appeals. An appeal may be filed by any person, firm, or corporation, or by any office, department, board, bureau, or commission directly affected by an administrative order, requirement, decision or determination made under this Zoning Ordinance, by the Zoning Administrator, within forty-five (45) days of such order, requirement, decision or determination.

C. Application. An appeal shall be filed in writing on a form provided by the Zoning Administrator. The Zoning Administrator shall forward the appeal to the Board of Zoning Appeals for its consideration. (Ord. 03-67. Enacted 6-9-03.)

D. Public Hearing. The Board of Zoning Appeals shall hold one (1) public hearing in conformance with the requirements of Section 1213.01, Public Hearing Procedures, to review, consider, and approve, approve with conditions, or disapprove an appeal after the following public notification is given by the Zoning Administrator. Notice shall be provided by all of the following methods:

1. Mailing. Notice shall be sent by first class mail a minimum of ten (10) calendar days in advance of the public hearing, to all owners of land within two hundred (200) feet (inclusive of intervening streets and alleys) of the periphery of the land subject to the application whose names and addresses are known by reference to the most recently published ad valorem tax records of the County Appraiser, except that when the land is improved with a condominium, notice shall be given to the condominium association. Notice shall be presumed to have been given when mailed in accordance with these provisions.

2. Legal Notice. Legal notice shall be given by advertisement in a local newspaper of general circulation no less than four (4) days prior to the public hearing.

3. **Notification to Organizations.** Notification shall be sent by first class mail, a minimum of ten (10) days prior to the public hearing to any organization that requests notice.
(Ord. 04-131. Enacted 11-22-04.)

E. **Decision.** The Board of Zoning Appeals shall hear testimony and evidence concerning appeals and shall render a final decision on all appeals. Such decision shall become part of the minutes of the Board of Zoning Appeals.

1213.03 ADMINISTRATIVE MODIFICATIONS.

A. **Purpose and Intent.** Administrative Modifications is a process provided to permit development on property constrained due to lot size, shape, location, access restrictions, or other physical constraints. The nature of the intended development is such that proposed deviations from ordinance standards are minor and no significant detrimental impact will occur.

B. **Authority of the Zoning Administrator.** In the public interest and when agreed to by the applicant, the Zoning Administrator may consider and render decisions without public hearing on variances involving slight modifications to the provisions of this Zoning Ordinance for the following purposes:

1. Reduction of required lot area, reduction of size of yards, courts, open areas, or landscaped areas by less than ten percent (10%) of the area required by ordinance.

2. Increases in the height of fences or walls by not more than ten percent (10%) of the maximum permitted height, except when such fence or wall is located in the required front yard, in which case the Zoning Administrator shall have no power to modify the standard.

3. Encroachment of principal structures into less than ten percent (10%) of the required area of required side or rear yards which maintain setbacks of no less than fifteen (15) feet to the rear lot line, and five (5) feet to a side lot line.

4. Increases in the height of the accessory structure by no more than ten percent (10%).

5. Allow residential air conditioning condenser units in the side yards at least 15 feet in width if:

a. 10 feet from property line to the neighbor's house adjacent to the unit location;

b. screened with dense evergreen shrubs;

c. unit noise level rating $\leq$ 76 decibels;

d. Owner aware of a continuing obligation to meet noise ordinance requirements.

6. Allow residential side yard reduction for a building addition or deck to the primary house if the existing legal side yard setback is maintained with the following restrictions:

a. maximum one story addition length not to exceed 100% of the depth of primary house portion adjacent to the addition;

b. maximum two-story addition depth not to exceed 50% of the depth of the primary house portion adjacent to the addition;

c. no maximum depth for a deck less than 5 feet tall to the top of the railing.

C. Procedure For Review

1. An application shall be filed with the Zoning Administrator.

2. The Zoning Administrator shall have the power to approve, conditionally approve, or deny an application for an Administrative Modification.

3. The Zoning Administrator shall review the application and render a decision within a reasonable time of accepting the application as complete.

D. Standards for Administrative Modifications. The Zoning Administrator shall make such a determination based on the following criteria:

1. There are practical difficulties or unnecessary hardships created by strict application of the Zoning Ordinance due to circumstances applicable to the property.

2. In granting the modification, the spirit of the Zoning Ordinance will be observed, public safety not negatively impacted, and substantial justice done.

3. The modification does not grant special privileges which are not otherwise available to surrounding properties and will not be materially detrimental to the public welfare or to the property of other persons located in the vicinity.

4. The modification does not permit uses which are not otherwise allowed in the zone.

E. Conditions on Administrative Modifications. The Zoning Administrator may impose such conditions as are deemed necessary to protect the public peace, health, safety, and general welfare and assure compliance with the provisions and standards included in this Zoning Ordinance.

F. Appeals. Any aggrieved party may appeal the Zoning Administrator's decision to the Board of Zoning Appeals pursuant to the procedural rules established for appeals in Section 1213.02, Appeals.

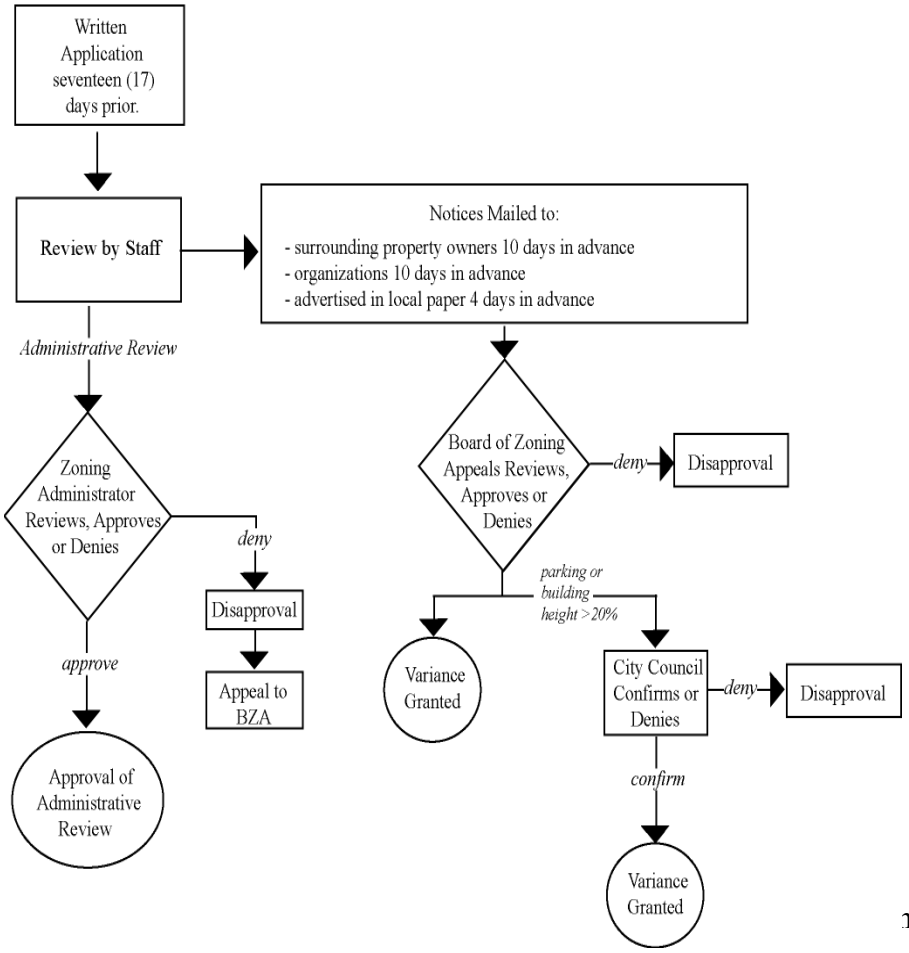
1213.04 VARIANCES.

A. Authority And Purpose. The Board of Zoning Appeals may vary the regulations of this Zoning Ordinance in harmony with its general purpose and intent. Variances shall be granted only in the specific instances, hereinafter set forth, where the hearing authority makes findings in accordance with the standards set forth in this Zoning Ordinance, and further, finds that the strict application of this Zoning Ordinance would result in practical difficulty or undue hardship.

B. Parties Entitled to Seek Variances. An application for a variance may be filed by any person, firm, or corporation, or by any office, department, board, bureau, or commission which has a legal interest in the property in the form of an ownership, a lease, or a purchase agreement for the property for which the variance is requested. If the applicant is a lessor, the written approval, with signature, of the owner shall be required as determined necessary by the Zoning Administrator.

C. Application. An application for a variance shall be filed with the Zoning Administrator. All applications shall be completed and filed no less than seventeen (17) calendar days prior to the scheduled hearing. Such application period may be waived by the Zoning Administrator for good cause shown, according to the schedule developed by the Zoning Administrator. (Ord. 03-67. Enacted 6-9-03.)

D. Public Hearing. The Board of Zoning Appeals shall hold one (1) public hearing in conformance with the requirements of Section 1213.01, Public Hearing Procedures, to review, consider, and approve, approve with conditions, or disapprove an application after the following public notification is given by the Zoning Administrator. Notice shall be provided by all of the following methods:



1. Ten (10) calendar days in advance by mailing to known or reference to the most recently published ad valorem tax records of the County Appraiser, except that when the land is improved with a condominium, notice shall be given to the condominium association. Notice shall be presumed to have been given when mailed in accordance with these provisions.

2. **Legal Notice.** Legal notice shall be given by advertisement in a local newspaper of general circulation no less than four (4) days prior to the public hearing.
3. **Notification to Organizations.** Notification shall be sent by first class mail a minimum of ten (10) days prior to the public hearing to any organization which requests notice. (Ord. 04-131. Enacted 11-22-04.)

E. Standards for Variances. The regulations of this Zoning Ordinance shall not be varied unless findings based on the evidence are made in each specific case based on the following criteria:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship or practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.
2. The conditions upon which an application for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other properties within the same zoning classification.
3. The purpose of the variance is not based upon a financial hardship alone.
4. The alleged practical difficulty or undue hardship is caused by this Zoning Ordinance and has not been created by any person having an interest in the property.
5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. The granting of the variance will not alter the essential character of the neighborhood.

F. Limitations on Variances. Limitations on the degree or amount of variance are established below. These limitations shall constitute the maximum variance allowed and shall not be interpreted as the recommended variance.

1. **Off-Street Parking and Loading Variances.** The same off-street parking facility may be used to satisfy the parking requirements of this Zoning Ordinance for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week, and provided that the reduction in Off-Street Parking spaces is no greater than forty percent (40%) of the total number required if calculated separately. An independent parking study may be requested for any such requests for variance.
2. **Building Height.** A variance may be granted to permit greater height where such additional height would more closely harmonize with adjoining development if, in the opinion of the Board of Zoning Appeals, such additional height would result in more appropriate development of the lot and remain consistent with the intent of the Zoning Ordinance.
3. **Signs.** A variance may be granted for signs in the C1, C2, CM, O, and I Districts to permit design flexibility where, in the opinion of the Board of Zoning Appeals, such signage is necessary for the proper identification of the business to which such signage is accessory and such signage will be suitable and appropriate to the proposed location.
4. **Wireless Telecommunication Facility.** A variance may be granted per the provisions in Chapter 1243.10 Wireless Telecommunication Facility Regulations.

5. **Variances of Use Prohibited.** Except as otherwise provided, the Board of Zoning Appeals shall have no power to authorize a variance which would establish a nonconforming use where none previously existed. The Board of Zoning Appeals shall have no power to authorize any use other than permitted in the Zoning Ordinance nor permit any variance which in effect changes the classification of use or usurps the legislative authority of the Council.

G. Confirmation of Variance by City Council. Any variance granted by the Board of Zoning Appeals which results in modification of standards required in this Zoning Ordinance relating to non-residential building height or offstreet parking space requirements by a factor greater than twenty percent (20%) shall require confirmation by ordinance of the City Council prior to the issuance of any building permit.

H. Validity of Variance Time Limit and Extension. Permits authorized by the Board of Zoning Appeals for variances or pursuant to appeals from the regulations of this Zoning Ordinance shall be void one (1) year after the date upon which approval was granted unless any of the following criteria is met:

1. In the case of new construction, work upon the structure shall have begun above the foundation walls.
2. In the case of occupancy of land, the use has commenced.
3. In the case of reconstruction or modifications to a structure, a Certificate of Occupancy has been granted.
4. If the time period is extended by a majority vote of the Board of Zoning Appeals.
5. If the time period is extended by the Zoning Administrator pursuant to Section 1212.06.B.7, Guarantee of Time Extensions.

1213.05 CONDITIONAL USES.

A. Authority. Conditional Use Permits may be granted in accordance with the procedures and standards set out in this Chapter and by approval of the City Planning Commission and confirmation by ordinance duly enacted by the City Council. Conditional use permits may authorize the development of uses listed as conditional in the regulations applicable to the district in which the subject property is located or similar uses as provided by Section 1213.05.D.2.

B. Purpose. Conditional uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine, against the fixed standards located in Section 1213.05.H, Standards for Conditional Use Permits, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect and such other factors established herein or by the City Planning Commission.

C. Parties Entitled To Seek Conditional Use Permits. An application for a conditional use permit may be filed by any person, firm or corporation, or by any office, department, board, bureau, or commission which has a legal interest in the property in the form of an ownership, a lease, or a purchase agreement for the property for which the conditional use permit is requested. If the applicant is a lessor, the written approval, with signature, of the owner shall be required as determined necessary by the Zoning Administrator.

D. Application for a Conditional Use Permit. An application for a conditional use permit shall be filed with the Zoning Administrator on an official, prescribed form. The application shall be accompanied by the following plans, data or information unless determined otherwise by the Zoning Administrator or designee:

1. A statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in Section 1213.05.H, Standards for Conditional Use Permits. Such information should include, at a minimum, a description of the use, days and hours of operation, number of employees, the scope of activities carried on by the proposed conditional use, and other information as requested by the Zoning Administrator.

2. If the use is not listed as a permitted Conditional Use in the district for which it is requested, a statement in writing explaining how it is similar to a use which is listed as a permitted Conditional Use in the district for which it is requested.

3. A site plan of the proposed use identifying the location of all buildings and structures on the property buildings, structures and pavement within one hundred (100) feet of the property line or within the adjacent property, whichever is less open space points of ingress/egress the location, size and layout of parking property lines, easements and scale, north arrow and date.

4. The existing use and zoning of land within three hundred (300) feet of the subject site.

5. A landscape plan showing all proposed and existing landscaping including berming, buffering and screening.

6. Estimated traffic generation of the proposed use.

7. Floor plans indicating the internal use of structures.

8. Architectural elevations.

9. An exterior lighting plan indicating the location of all lighting fixtures.

10. An accurate legal description of the subject property.

11. Other information, including a narrative description or product information as may be required by the City Planning Commission. Such application shall be forwarded from the Zoning Administrator to the City Planning Commission for review and, if approved, to City Council for confirmation.

E. Public Hearing for a Conditional Use Permit. The City Planning Commission shall hold one (1) public hearing, in accordance with the requirements of Section 1213.01, Public Hearing Procedures, to review, consider, and approve, approve with conditions, or disapprove an application after the following public notification is given by the Zoning Administrator. Notice shall be provided by all of the following methods:

1. **Mailing.** Notice shall be sent by first class mail a minimum of ten (10) calendar days in advance of the public hearing, to all owners of land within three hundred (300) feet (inclusive of intervening streets and alleys) of the periphery of the land subject to the application whose names and addresses are known by reference to the most recently published ad valorem tax records of the County Appraiser, except that when the land is improved with a condominium, notice shall be given to the condominium association. Notice shall be presumed to have been given when mailed in accordance with these provisions.

2. **Legal Notice.** Legal notice shall be given by advertisement in a local newspaper of general circulation no less than four (4) days prior to the public hearing.

3. **Notification to Organizations**. Notification shall be sent by first class mail a minimum of ten (10) days prior to the public hearing to any organization that requests notice.

F. Action by City Planning Commission. After the conclusion of the public hearing, the City Planning Commission shall take action on the application for a conditional use permit and transmit its action to City Council.

1. **Approval.** The City Planning Commission may approve or approve with conditions the application for a conditional use permit.
2. **Denial.** The City Planning Commission may deny the application for a conditional use permit. If the City Planning Commission denies the application, the application process ends. Disapproval of the application for a conditional use permit shall include a statement of the reasons for the denial.

If the City Planning Commission approves the application, the Commission shall, within a reasonable time after the conclusion of the public hearing, transmit the application to the City Council for the Council's confirmation.

G. Action by City Council. Within a reasonable time after the receipt of the decision of the City Planning Commission, or its failure to act as above provided, the City Council either shall confirm the decision by ordinance duly adopted with or without modifications or conditions, or refer the application back to the City Planning Commission for further study, or deny the conditional use permit.

H. Standards for Conditional Use Permits. The City Planning Commission or City Council shall make a determination on Conditional Use Permit applications based on the following criteria:

1. **Land Use Policy.** The proposed use and development will be in keeping with the land use policies established by the City Council.
2. **Ordinance Purposes**. The proposed use and development will be in harmony with the general and specific purposes for which this Zoning Ordinance was enacted and for which the regulations of the district in question were established.
3. **No Nuisance**. The proposed use and development will not create any public nuisance by reason of noise, smoke, odors, vibrations, objectionable lights or congestion of traffic.
4. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse impact upon adjacent property, the character of the neighborhood or area, or the public peace, health, safety, and general welfare.
5. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to excessively interfere with the use and development of neighboring property in accordance with the applicable district regulations.

6. **Adequate Public Facilities**. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or that the applicant will provide adequately for such services.
7. **No Traffic Congestion**. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.
8. **No Destruction of Significant Features**. The proposed use and development will not result in unnecessary destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
9. **Compliance with Standards.** The proposed use and development complies with all additional standards imposed on it by the particular provision of this Zoning Ordinance authorizing such use.

I. Conditions on Conditional Use Permits. The City Planning Commission may impose and the City Council may confirm or impose additional conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this Zoning Ordinance, upon the premises benefited by a conditional use permit, as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions shall be expressly set forth in the Zoning Ordinance granting the conditional use or expressly included in such ordinance by reference. Violation of any such condition or limitation shall be a violation of this Zoning Ordinance and shall constitute grounds for revocation of the conditional use permit.

J. Confirmation of Compliance with Conditions. Whenever any conditional use permit granted pursuant to this Chapter is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, notify the Zoning Administrator for inspection of compliance. The Zoning Administrator shall determine whether the applicant has met the conditions.

K. Effect of Issuance of a Conditional Use Permit. The granting of a conditional use permit authorizes the property to be used in the manner proposed, but does not alone authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure without first obtaining any other required permit, including a building permit.

L. Limitations on Conditional Use Permit. Subject to an extension of time authorized by the Zoning Ordinance, no conditional use permit shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period, and is thereafter diligently pursued to completion, or the approved use is commenced within that period. Except when otherwise provided in the Zoning Ordinance granting a conditional use permit, a conditional use permit shall be deemed to relate to, and be for the benefit of the use and the lot in question, rather than the owner or operator of such use or lot.

M. Modifications to Conditional Uses. Any modification or intensification of a conditional use that alters the essential character or operation of the use in a way not intended at the time the conditional use was granted, as evidenced by the record or language of the Zoning Ordinance, shall require a new conditional use permit. The property owner/operator or his authorized representative shall apply for such conditional use permit prior to any modification of the use of property. The Zoning Administrator shall determine whether the proposed modification or intensification represents an alteration in the essential character of the original conditional use as approved. The operator of the conditional use shall provide the Zoning Administrator with all the necessary information related to the conditional use to render this determination. If the Zoning Administrator determines that the proposed modification or intensification will not alter the essential character or operation of the conditional use, a new conditional use permit shall not be required.

N. Validity of Conditional Use Permit Time Limit and Extension. Conditional Use Permits authorized by the City Council shall be void one (1) year after the date upon which approval was granted unless any of the following criteria is met:

1. In the case of new construction, work upon the structure shall have begun above the foundation walls.
2. In the case of occupancy of land, the use has commenced.
3. In the case of reconstruction or modifications to a structure, a Certificate of Occupancy has been granted.
4. If the time period is extended by a majority vote of the City Council.
5. If the time period is extended by the Zoning Administrator pursuant to Section 1212,06.B.7, Guarantee of Time Extensions.

O. Revocation of Conditional Use Permit. A conditional use permit may be revoked if the established conditions for approval are violated. The Zoning Administrator is responsible for advising the City Planning Commission of any violations, and the City Planning Commission may then recommend to the City Council that it revoke the conditional use permit. (Ord. 13-16. Enacted 5-28-13.)

1213.06 SITE PLAN REVIEW.

A. Purpose. A site plan review of all new construction required by the applicable district regulations and related site and landscape development is required in order to further promote the safe and efficient use of land and to further enhance the value of property in the City. The site plan review process is intended to help ensure that newly developed properties or redeveloped properties are compatible with adjacent development, and that safety, traffic, over-crowding and environmental problems are minimized to the extent possible.

B. Authority.

1. The City Planning Commission is hereby charged with the duty of reviewing site plans and granting site plan approval for all new construction within the City and for Planned Developments as set forth therein. The City Planning Commission may delegate this duty to the Zoning Administrator.

2. The Zoning Administrator is hereby charged with the duty of performing site plan review and granting site plan approval for all modifications.

C. Parties Entitled to Seek Site Plan Review. An application for site plan review may be filed by any person, firm or corporation, or by any office, department, board, bureau, or commission which has a legal interest in the property in the form of an ownership, a lease, or a purchase agreement for the property for which the site review is requested. If the applicant is a lessor, the written approval, with signature, of the owner shall be required as determined necessary by the Zoning Administrator.

D. Procedure for Review.

1. Applications for site plan review shall contain a site plan showing all information required by the Zoning Administrator. Such site plan shall include at a minimum the following:

a. Elevation contours.

b. Existing and proposed easements and rights-of-way on the site or within one hundred (100) feet of its boundaries.

c. Existing and proposed structures.

d. Significant existing and proposed landscaping and paving.

e. Existing and proposed signage.

f. Scale, north arrow, and dimensions.

This plan shall be promptly forwarded by the Zoning Administrator to the appropriate authority as defined herein.

2. If the Zoning Administrator determines the application does not contain sufficient information to enable proper review, the Zoning Administrator may request additional information from the applicant.

3. Upon receiving a completed application on the form provided by the Zoning Administrator, the Zoning Administrator shall schedule the application for review at the appropriate review body's meeting. If the review is within the authority of the City Planning Commission, the Zoning Administrator shall schedule the application at the City Planning Commission's next scheduled meeting. If the review is within the Authority of the Zoning Administrator, then such review shall be scheduled in coordination with the Architectural Board of Review schedule.

4. When the proposed development requires review by the Architectural Board of Review, the site plan review will be approved by the City Planning Commission in the case of new construction and by the Zoning Administrator in the case of modifications.

5. When the proposed development requires review by the City Planning Commission, the site plan shall first be reviewed by the Zoning Administrator.

6. No application for a building permit shall be issued by the City until the site plan is approved by the reviewing authority.

E. Standards for Site Plan Review. The City Planning Commission and staff, when evaluating site plans, may review the following characteristics of the site plan:

1. The relationship of the site plan to adopted land use policies.

2. Parking layout with respect to how well it achieves the following objectives:

a. Minimize dangerous traffic movements.

b. Achieve efficient traffic flow.

c. Provide for the appropriate number of off-street parking spaces, while maintaining City design standards.

d. Provide for the appropriate location and number of driveways.

3. Landscaping, with respect to how well it achieves the following objectives:

a. Maintain existing mature trees and shrubs to the maximum extent practicable.

b. Buffer adjacent incompatible uses.

c. Screen unsightly activities from public view.

d. Break up large expanses of asphalt with plant material.

e. Provide an aesthetically pleasing landscaping design.

f. Provide plant materials and landscaping designs that can withstand the City's climate, and the microclimate on the property.

4. Location of principal structures, accessory uses and structures and free-standing signs as regulated in Chapter 1250, Sign Regulations, so that their location does not impede safe and efficient traffic flow.

5. Compliance with this Chapter and other provisions of the Shaker Heights Codified Ordinances.

6. Other factors deemed necessary by the City Planning Commission or the Zoning Administrator or designee.

7. Any part of a proposed development not used for structures, off-street parking, off-street loading, or accessways shall be landscaped or otherwise improved.

F. Effect of Site Plan Review Approval. A building permit may be issued after the review authority approves a site plan, provided that all other requirements of all other applicable City codes and ordinances relating to the issuance of a building permit are satisfied.
(Ord. 18-25. Enacted 4-23-18.)

1213.07 AMENDMENTS.

A. Authority. This Zoning Ordinance and the Zoning Map may be amended from time to time by ordinance duly enacted by the City Council in accordance with the procedures set forth in this Section.

B. Purpose. The amendment process established by this Section is intended to provide a means for making changes in the text of this Zoning Ordinance and in the Zoning Map. The process is not intended to relieve particular hardships nor to confer special privileges or rights.

C. Parties Entitled To Seek Amendments. An application for an amendment may be filed by the City Council, the City Planning Commission, the Board of Zoning Appeals, the owner of, or any person having a right of ownership in, any property to be affected by a proposed amendment to the Zoning Map, or any resident interested in a proposed amendment to the text of this Zoning Ordinance.

D. Application for an Amendment. An application for an amendment shall be filed with the Zoning Administrator on an official, prescribed form. The application shall be accompanied by the following plans, data or information:

1. A statement in writing by the applicant and adequate evidence showing that the proposed amendment will conform to the standards set forth in Section 1213.07.I, Standards for Amendments, below.

2. Applications for map amendments shall include the following:

a. A locational map of the subject site, identifying the location of all buildings and structures on the property buildings, structures and pavement within one hundred (100) feet of the property line or within the adjacent property, whichever is less the existing use and zoning of land within three hundred (300) feet of the subject site open space; points of ingress/egress; the location, size and layout of parking property lines; easements; and scale, north arrow and date.

b. An accurate legal description of the subject property, which may be waived by the Zoning Administrator.

3. Other information, including a narrative description, as may be required by the City Planning Commission.

Such application shall be forwarded from the Zoning Administrator to the City Planning Commission for their review and action.

(Ord. 03-67. Enacted 6-9-03.)

E. Public Hearing by the City Planning Commission. The City Planning Commission shall hold at least one (1) public hearing, in accordance with the requirements of Section 1213.01, Public Hearing Procedures, after the following public notification is given by the Zoning Administrator. For all applications under this Zoning Code to amend the Zoning Ordinance or the Zoning Map, notice shall be provided by all of the following methods, except that notice to property owners by mail pursuant to sub-section 1 below shall only be provided in the circumstances described in that sub-section:

1. Mailing. Notice shall be sent by first class mail to all owners of land within three hundred (300) feet (inclusive of intervening streets and alleys) of the periphery of the land subject to the application whose names and addresses are known by reference to be the most recently published ad valorem tax records of the County Appraiser, except that when the land is improved with a condominium, notice shall be given to the condominium association. Except that, in circumstances when this provision would

require notice by mail to more than one hundred (100) owners, no notice by mail is required except to organizations, and notice by publication shall be provided, as required herein. When notice by mail is required, it shall be sent a minimum of twenty (20) calendar days in advance of the public hearing. Notice shall be presumed to have been given when mailed in accordance with these provisions.

2. **Legal Notice.** Legal notice shall be given by advertisement in a local newspaper of general circulation twenty (20) days prior to the public hearing.

3. **Notification to Organizations.** Notification shall be sent by first class mail a minimum of twenty (20) days prior to the public hearing to any organization that requests notice.

The costs of all such notice shall be borne by the applicant.
(Ord. 04-131. Enacted 11-22-04.)

F. Action by City Planning Commission. The City Planning Commission shall, in the public hearing, review and consider the application, and shall, within a reasonable time after the conclusion of the public hearing, transmit to the City Council the application and the City Planning Commission's recommendation to approve, approve with conditions, or disapprove the application. (Ord. 03-67. Enacted 6-9-03.)

G. Public Hearing by the City Council. The City Council shall hold three (3) meetings, in accordance with the requirements of Section 1213.01, Public Hearing Procedures, after the following public notification is given by the Zoning Administrator. For all applications under this Zoning Code to amend the Zoning Ordinance or the Zoning Map, notice shall be provided by all of the following methods, except that notice to property owners by mail pursuant to sub-section 1 below shall only be provided in the circumstances described in that sub-section:

1. **Mailing.** Notice shall be sent by first class mail to all owners of land within three hundred (300) feet (inclusive of intervening streets and alleys) of the periphery of the land subject to the application whose names and addresses are known by reference to the most recently published ad valorem tax records of the County Appraiser, except that when the land is improved with a condominium, notice shall be given to the condominium association. Except that, in circumstances when this provision would require notice by mail to more than one hundred (100) owners, no notice by mail is required except to organizations, and notice by publication shall be provided, as required herein. When notice by mail is required, it shall be sent a minimum of twenty (20) calendar days in advance of the public hearing. Notice shall be presumed to have been given when mailed in accordance with these provisions.

2. **Legal Notice.** Legal notice shall be given by advertisement in a local newspaper of general circulation twenty (20) days prior to the public hearing.

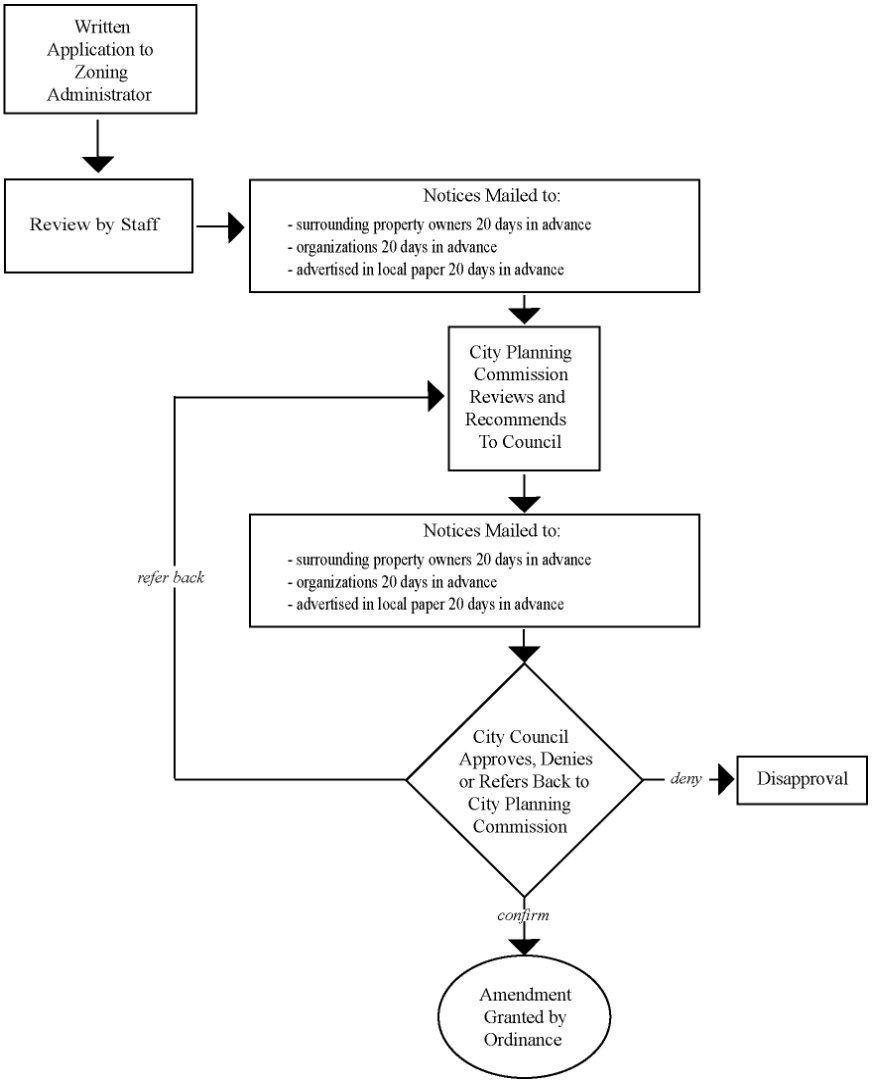
3. **Notification to Neighborhood Organizations.** Notification shall be sent by first class mail a minimum of twenty (20) days prior to the public hearing to any organization that requests notice.

The costs of all such notice shall be borne by the applicant.
(Ord. 04-131. Enacted 11-22-04.)

H. Action by City Council. Within one hundred (100) days after the receipt of the recommendation of the City Planning Commission, or its failure to act as above provided, the City Council shall hold a first public hearing in accordance with the requirements of Section 1213.01, Public Hearing Procedures, to review and consider the application and the City Planning Commission's recommendation. The Council may confirm the decision by ordinance duly adopted, with or without modifications or conditions, or refer the application back to the City

Planning Commission for further study, or deny the amendment, or continue the public hearing, without action, until a further public hearing may be held. The Council shall hold three (3) meetings on amendments.

I. Standards For Amendments. The wisdom of amending the Zoning Map or the text of this Zoning Ordinance is a matter committed to the sound legislative discretion of the City Council and the City Planning Commission and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied, the City Council or City Planning Commission should be guided by the principle that its power to amend this Zoning Ordinance is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the City Council or the City Planning Commission should weigh, among other factors, the following factors as they may be relevant to a particular application:



1. The consistency of the proposed amendment with the City's adopted land use policies.

2. The consistency of the proposed amendment with the purposes of this Zoning Ordinance.

3. If a specific parcel of property is the subject of the proposed amendment, then the following factors:

a. The existing uses and zoning classifications for properties in the vicinity of the subject property

b. The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present zoning classification.

c. The extent, if any, to which the value of the subject property is diminished by the existing zoning classification applicable to it.

d. The extent, if any, to which any such diminution in value is offset by an increase in the public peace, health, safety, and welfare.

e. The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.

f. The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.

g. The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.

h. The suitability of the subject property for uses permitted or permissible under its present zoning classification.

i. The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.

j. The availability, where relevant, of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under its present zoning classification.

J. Effect of Approval of Amendment.

1. When an amendment to this Zoning Ordinance is approved, such amendment shall be incorporated into the official document or map held at the City offices.

2. When an amendment is made to the text, such change shall be incorporated into the official document according to the numbering system established within the Zoning Ordinance.

3. An annual listing of such amendments to the Zoning Ordinance shall be kept within the official document.

K. Effect of Denial of Amendment. No application for an amendment that has been denied by the City Council shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the Zoning Administrator.

1213.08 SUBDIVISION REVIEW.

A. Purpose. The subdivision review procedure is intended to provide for the harmonious development of the City of Shaker Heights, ensuring that the subdivision of land occurs in accordance with the provisions of this Zoning Ordinance and other City policies by requiring the preparation of subdivision plats which meet the development standards herein.

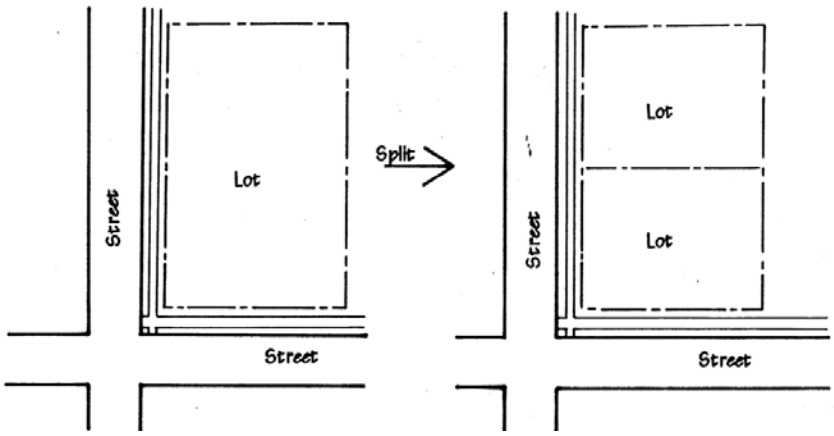
B. Parties Entitled To Seek Subdivisions of Land. An application to subdivide may be filed by any person, firm or corporation, or by any office, department, board, bureau, or commission which has a legal interest in the form of an ownership or a purchase agreement for the property for which the subdivision is requested. Subdivision shall include:

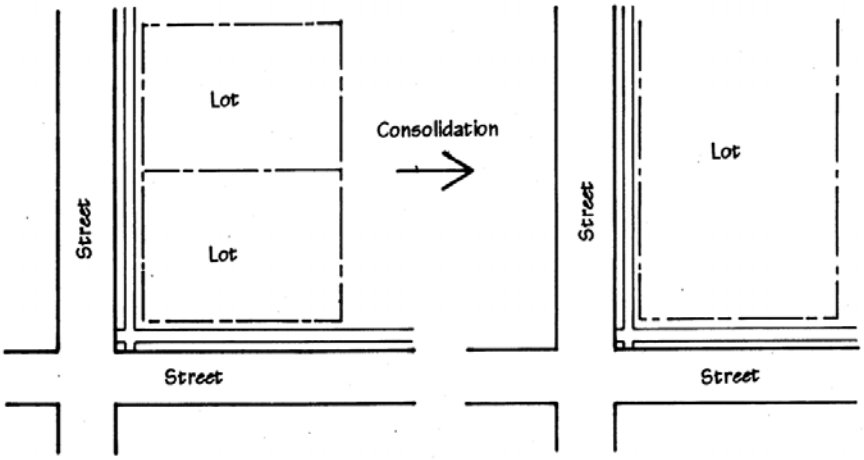
1. Dividing of the land into lots for the purposes of sale.
2. Dedicating a part thereof for streets, alleys, or other public use.
3. Redividing of land previously subdivided.
4. Joining or consolidation of lots previously independent.
5. Changing of the boundaries of any lot or parcel thereof.

C. Application for Preliminary Plat Approval.

1. An application for a subdivision shall be submitted to the Zoning Administrator or designee, on an official, prescribed, form. Such application shall be accompanied by a plat, drawn to a scale of not less than one hundred feet to the inch (1":100'), and containing the following:

a. The location of the subdivision as forming a part of some larger tract or parcel of land referred to in the indexes of the County Recorder.
b. Sufficient information to adequately locate the plat, such as references to existing streets, railroads, and waterways.
c. The description and location of all existing survey monuments.
d. Proof of ownership of the property described in the plat.
e. The boundary lines of the tract to be subdivided, accurate in scale and bearing, and the total approximate area circumscribed thereby.
f. The location, widths, and other dimensions of all existing platted streets and other important features such as railroad lines, watercourses, existing easements, exceptional topography, etc. on and contiguous to the tract to be subdivided.
g. The location, widths, and other dimensions of proposed streets, alleys, easements, lots, and building lines.
h. North point, scale, and date of preparation.
i. Layout, numbers, and dimensions of lots.
j. Building setback lines, showing dimensions.
k. Easements for any and all utilities. Proper continuity for the utilities from block to block shall be maintained.





l. Name of the applicant.

m. Contours at an interval of two (2) feet and high water levels on all courses.

n. A signature line for the Secretary of the City Planning Commission, labeled "Secretary, City Planning Commission, City of Shaker Heights, Ohio".

2. The Zoning Administrator or designee shall coordinate a review of this Preliminary Plat to include review by all relevant Departments, and submit written findings to the City Planning Commission.
(Ord. 03-67. Enacted 6-9-03.)

D. Public Hearing. The City Planning Commission shall hold at least one (1) public hearing, in accordance with the requirements of Section 1213.01, Public Hearing Procedures, to review, consider, and approve, approve with conditions, or disapprove the application for after the following public notification is given by the Zoning Administrator. Notice shall be provided by all of the following methods:

1. Mailing. Notice shall be sent by first class mail a minimum of ten (10) calendar days in advance of the public hearing, to all owners of land within two hundred (200) feet (inclusive of intervening streets and alleys) of the periphery of the land subject to the application whose names and addresses are known by reference to the most recently published ad valorem tax records of the County Appraiser, except that when the land is improved with a condominium, notice shall be given to the condominium association. Notice shall be presumed to have been given when mailed in accordance with these provisions.

2. Legal Notice. Legal notice shall be given by advertisement in a local newspaper of general circulation four (4) days prior to the public hearing.

3. Notification to Organizations. Notification shall be given by first class mail a minimum of ten (10) days prior to the public hearing to any organization that requests notice.
(Ord. 04-131. Enacted 11-22-04.)

E. Standards for Reviewing Preliminary Subdivision Plats. Preliminary Subdivision Plats shall be reviewed and approved with respect to the following standards:

1. Block Standards. The lengths, widths, and depths of blocks shall comply with the following standards:

a. Convenient access, circulation, control and safety of street traffic.

b. Minimum lot areas and minimum lot widths established in this Zoning Ordinance.

c. Limitations and opportunities of existing topography and site features.

2. Lot Standards. The design, size, shape and orientation of each lot, which provides for a suitable building site, shall be appropriate to its location and expected use. The following standards shall apply:

a. The lot lines of all lots, so far as practical, shall be at approximately right angles to the fronting street, or approximately radial to the center of the curvature, if the street is curved. Sidelines of each lot shall be approximately radial to the center of the curvature of a cul-de-sac, where applicable.

b. No lot shall be divided by a zoning district boundary line.

c. Corner lots for residential use shall have extra width to permit appropriate building setback from both fronting streets.

d. Through lots, reverse corner lots and flag lots should be avoided.

e. All lots that would require landscape buffers in addition to their setbacks should have extra width to accommodate that buffer.

f. No remnants of property shall be left over after subdividing which do not meet lot requirements or which are not required for utility purposes.

g. Lot lines between adjacent lots should be located at the top of any slope between them.

h. All lots should conform to the requirements of this Zoning Ordinance.

F. Approval/Recording Procedure. After a Preliminary Plat is reviewed and approved by the City Planning Commission, the applicant shall submit a Final Plat to the City which incorporates any changes that the City Planning Commission may have required as a condition of that approval. The Secretary of the Planning Commission shall indicate approval by signing the Final Plat. The signed Final Plat shall be submitted to the County Recorder. The recorded version shall then be submitted to the City of Shaker Heights for its records.

G. Effect of Approval/Recording. Approval of a subdivision authorizes the property to be used in the manner proposed, but does not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure without first obtaining any other required permit, including a building permit.

1213.09 PLANNED DEVELOPMENT (PUD AND SLID) REVIEW.

A. Purpose. A planned development is a unified project permitted in a Planned Unit Development (PUD) Overlay District or in a Small Lot Infill Development (SLID) Overlay District. In order to determine compliance with the standards in Chapter 1242 or Chapter 1244 as applicable all proposed PUDs and SLIDs shall be reviewed according to the procedures in this section.

B. Pre-Application Meeting

1. Purpose of the Pre-Application Meeting. Prior to filing a formal application for review of a PUD or a SLID, the applicant may choose, or the Zoning Administrator may require the applicant, to meet with the Zoning Administrator to review the general concept of the proposed development, the policies and requirements of the PUD Overlay District or SLID Overlay District as applicable and the procedures for review.

2. Meeting Submission Requirements. The applicant should come to the pre-application meeting prepared to provide the Zoning Administrator with sufficient information regarding the proposal so that the Zoning Administrator can provide helpful feedback to the applicant. At a minimum the applicant shall provide:

a. Conceptual Plan: A scaled drawing of the site, in simple sketch form, showing the proposed location and extent of the land uses, major streets, lots, and other features as they relate to the site.

b. Evidence of control of the property such as lease, option or purchase agreement, or written permission of the property owner(s).

C. Administrative Review. Administrative review of an application for a proposed PUD/SLID is required for the purposes of establishing the basic goals and policies of the proposed planned development and determining the layout, design and other elements of the final plan to be submitted for formal review by the City Planning Commission and City Council.

1. Application. An application for a PUD/SLID shall be filed with the Zoning Administrator on a prescribed form. The application shall be accompanied by payment of the required fee and the proposed development plan, which shall include the following plans, data and information, unless an item is determined by the Zoning Administrator to be inapplicable or unnecessary::

a. Site plans of the PUD/SLID shall be prepared at a scale considered appropriate by the Zoning Administrator, and shall show such designations as all proposed buildings (indicating total square footage and number of dwelling units in each), their yards and their use, common open space, recreation facilities, parking areas, service areas, conceptual landscaping elements and other facilities to indicate the character of the proposed development.

b. Outline of development standards governing the proposed PUD/SLID: Identification of the bulk standards utilized in the proposed PUD/SLID, and an explanation of how the standards comply with the requirements of Chapter 1242 or 1244 as applicable, the underlying zoning district and other applicable regulations of the City.

c. Character: Explanation of the character of the PUD/SLID and the reasons why it has been planned to take advantage of the flexibility of the Overlay District regulations. This item shall include preliminary architectural designs that are representative of the planned development and a specific explanation of how the proposed PUD/SLID meets the objectives of all adopted land use policies which affect the land in question.

d. For sites larger than one acre, preliminary plans indicating compliance with storm water management requirements.

e. Ownership: Statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.

f. Schedule: Development schedule indicating:

(1) Stages in which the project will be built, with emphasis on area, density, and uses to be developed with each stage.

(2) Anticipated dates for beginning and completion of each stage.

2. **Departmental Review.** The Zoning Administrator or designee shall coordinate a review of the application and its supporting materials by all relevant Departments.

3. **Work Session with City Planning Commission and/or Architectural Board of Review**. The applicant may choose to, or the Zoning Administrator may require the applicant to, meet with the City Planning Commission and/or the Architectural Board of Review at a work session(s) to review the proposed PUD/SLID. The purpose of the work session is to provide the opportunity for the City Planning Commission and/or the Architectural Board of Review to review the proposed PUD/SLID development and any recommendations from the Zoning Administrator, and provide the applicant with specific guidance for preparing the Final Plan.

D. **Neighborhood Meeting.** Once the applicant has received input and guidance from the Staff, City Planning Commission and Architectural Board of Review as applicable, the applicant shall hold a meeting of neighborhood residents for the neighborhood that will be affected by the development at a time, place and by giving notice as approved by the City. The applicant shall present the City with written confirmation that a meeting was held to discuss the plan, and summarizing the results of the meeting.

E. **Final Review**. Once the applicant has completed the administrative review in Subsection C. and conducted the Neighborhood Organization Meeting in Subsection D., the applicant shall revise the development plan as needed and prepare the more detailed documentation required below for Final Review.

1. Submission Requirements

a. Final Detailed Plans. The Final Detailed Plans shall be prepared by the applicant and submitted to the Zoning Administrator. The purpose of the Final Detailed Plans of the PUD/SLID is to specifically designate the land subdivision into fee-simple lots and common areas, and to designate and limit the specific internal uses of each building, structure, and use of land. Final Detailed Plans and supporting data shall show, in detail and design, the location and internal use of all buildings and the overall development, as well as such additional information as may have been required during administrative review of the development plan. The Final Detailed Plans of the PUD/SLID shall include, but not be limited to:

(1) Legal Description. An accurate legal description and survey of the entire area under development within the PUD/SLID, and including all separate subdivided use areas, including open space.

(2) Preliminary Subdivision Plat. For all SLID projects, and for PUD projects if subdivided lands are included in the PUD, a preliminary subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat in accordance with Section 1213.08, unless the Planning Commission determines otherwise.

(3) Site Plan. A detailed site plan meeting all the requirements for site plan review in accordance with Section 1213.06, and including the designation of the location of all buildings to be constructed, the designation of the specific internal uses to which each building shall be put, and the designation of the location of all open spaces, streets, sidewalks, and parking areas. The site plan shall include a tabulation on each separate subdivided use area, including land area, number of buildings, number of dwelling units and number of dwelling units per acre.

(4) Street Plan, as applicable. If the PUD/SLID includes a public or private street, a street plan including construction details, showing center line elevations, pavement width and type, curbs, gutters and culverts.

(5) A street numbering designation shall be furnished for each dwelling/building.

(6) Infrastructure Plan. The proposed distribution, location and extent of the components of public and private infrastructure including sanitary sewers, storm drainage, water supply and street lighting.

(7) Landscape Plan. A detailed landscape planting plan for the site including a plant list containing the common and botanical names, sizes at the time of installation and at maturity, and quantities of all plants, permanent signs, site lighting and street fixtures.

(8) Construction Schedule. A written construction schedule for the development which will be made part of the final plan approval.

(9) Traffic Analysis for PUD. If required by the Zoning Administrator or the City Planning Commission, the applicant shall conduct a study of the impact caused by the PUD on the street systems operating in the City and submit a copy of the final report to the Zoning Administrator. The study shall become part of the applicant's Final Detailed Plans.

(10) Additional documentation as deemed appropriate.

b. **Proof of Financial Capability to Carry Out the Project.** The applicant shall submit evidence of financial capability of an amount to satisfy the Law Director indicating that the applicant has, or has access to, sufficient funds to carry out the project. Evidence may include a letter from the owner describing its financing for the project, specifying the amount and source of the financing, a copy of the loan commitment or loan agreement, and equity financing documents, or a statement from the lender or equity sources indicating the availability of funds.

2. **Staff Review.** The Zoning Administrator shall review the Final Detailed Plans, prepare a staff report and forward the staff report, final detailed plans and all supporting materials to the City Planning Commission.

3. **Architectural Board of Review.** Architectural plans shall be reviewed by the Architectural Board of Review and any comments from the Architectural Board of Review shall be transmitted to the City Planning Commission.

4. **Public Hearing.** The City Planning Commission shall hold a public hearing on each application for PUD/SLID Plan Approval and the Final Detailed Plans in accordance with Section 1213.05E. Public Hearing for a Conditional Use Permit.

5. **Action by the City Planning Commission.** After the conclusion of the public hearing, the City Planning Commission shall take action on the application and transmit its action to City Council:

a. Approval. The City Planning Commission may approve or approve with conditions the PUD/SLID application and Final Detailed Plans.

b. Denial. The City Planning Commission may deny the application for a PUD/SLID. If the City Planning Commission denies the PUD/SLID application and Final Detailed Plans, the application process ends. Disapproval of the PUD/SLID application and Final Detailed Plans shall include a statement of the reasons for the denial.

6. **Action by the City Council.** Within a reasonable time after the receipt of the approval of the City Planning Commission the City Council shall:
   a. Confirm the decision by ordinance duly adopted with or without modifications or conditions, or
   b. Refer the PUD/SLID application and Final Detailed Plans back to the City Planning Commission for further study, or
   c. Deny the PUD/SLID application and Final Detailed Plans.
7. **Conditions on PUDs/SLIDs.** In accordance with Section 1213.05I, the City Planning Commission may impose and City Council may confirm conditions on the PUD as may be deemed necessary.
8. **Effect of PUD/SLID Plan Approval.** The approval of the application and Final Detailed Plans for the PUD/SLID authorizes the property to be used in the manner proposed, but does not authorize the construction of any building or structure or site work without first obtaining any other required permit including a final plat and building permits.
9. **Final Plat Approval.** The final subdivision plat for a SLID, and for a PUD if a Preliminary Subdivision Plat was approved as part of the Final Detailed Plans, shall be submitted to the City in accordance with Section 1213.08F.

F. Changes To An Approved PUD/SLID. A PUD/SLID shall be developed only according to the approved Final Detailed Plans and all supporting data. The Final Detailed Plans and supporting data, together with all recorded plats and easements, shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of the premises (including the internal use of buildings and structures) and location of structures in the PUD/SLID, as set forth therein.
(Ord. 18-25. Enacted 4-23-18.)

1213.10 DESIGNATING LANDMARKS AND LANDMARK DISTRICTS.

A. DESIGNATION OF LANDMARKS

1. **Application for Landmark Designation.** The Landmark Commission may apply to City Council to designate a place, building, structure, site, work of art, or similar object in the City as a Landmark, or to designate any grouping of such places or objects, or combination thereof, as a Landmark District, by following the procedures set forth in this Section. The Landmark Commission may act on its own initiative to apply for such designation, or pursuant to a request by an individual or organization.
2. **Procedure for Designating Landmark Status.** The Landmark Commission may apply for the designation of a place, building, structure, site, work of art, or similar object in the City as a Landmark or Landmark District by adopting a resolution to recommend such designation to City Council. After the Landmark Commission adopts a resolution recommending the designation of a Landmark or Landmark District, it shall follow the procedures set forth below:
   - **a.** In order to protect proposed Landmark properties or properties located in a proposed Landmark District during the process for designation, the Landmark Commission may request that City Council adopt a resolution approving the referral, during the pendency of the designation process, of all applications for permits for activity related to a proposed Landmark or in a proposed Landmark District to the Landmark Commission for review. If City Council adopts such a resolution, all such permit applications pending as of the effective date of the resolution and all permit applications submitted after said effective date shall be referred to the Landmark Commission for review, and the Landmark Commission shall have the same powers that would apply if the proposed Landmark or Landmark District were an established Landmark or District. The referral and review of such permits shall continue for twelve months after City Council adopts such a resolution, or until such time as City Council approves or rejects the establishment of the Landmark or District by ordinance, whichever occurs first.
   - **b.** The Landmark Commission shall notify the owner or owners of all property included in the proposed designation within ten (10) days of the adoption by the Landmark Commission of a resolution to apply for designation. The notice shall request the owner's comments.
   - **c.** The Landmark Commission shall seek the approval of the owner or owners of all property included in the proposed designation. However, approval is not required in order for a property to be designated as a Landmark or as being within a Landmark District.

d. The Landmark Commission shall prepare a report and recommendation as to the property proposed to be designated as a Landmark or as within a Landmark District, including an explanation of the significance of the property or properties in relation to the designation criteria, a description of the property or properties with a list of contributing and non-contributing structures and sites, a history of the property or properties, photographic documentation, and a map or site plan showing the boundaries of the proposed Landmark or District.

e. The Landmark Commission shall submit the report and recommendation to the Planning Commission and secure from said Commission a recommendation with respect to the proposed designation, its opinion as to the effect of the proposed designation upon the surrounding neighborhood, and its opinion and recommendations as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection, or modification of the proposed designation. Such recommendation shall become part of the official record concerning the proposed designation and shall be submitted by the Landmark Commission along with its report concerning the proposed designation to City Council. The Landmark Commission may make such modifications, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendation by the Planning Commission.

f. Within forty-five (45) days after receiving the Planning Commission's recommendation, the Landmark Commission shall schedule a public hearing on the proposed designation.

g. At least fifteen (15) calendar days prior to the date of the hearing, written notice setting forth the date, time, place and purpose of the hearing shall be mailed to the owner(s) or any person(s) having a legal or equitable interest in such property being proposed for designation. The notice shall indicate where the Landmark Commission's designation report is available for review.

h. Notice shall be mailed a minimum of five (5) calendar days and no more than ten (10) calendar days prior to the public hearing to all property owners within three hundred (300) feet of the proposed Landmark or District and to any organization that requests notice.

i. No less than four (4) days prior to the public hearing, the Landmark Commission shall cause a legal notice to be published in a newspaper of general circulation in the City setting forth the nature of the hearing, the property involved, and the date, time and place of the scheduled public hearing.

j. The Landmark Commission shall conduct the public hearing and shall provide a reasonable opportunity for all interested parties to express their opinions under such rules as the Landmark Commission may adopt for the purpose of governing the proceedings of the hearings. Each speaker shall be fully identified as to name, address, and the interests that he or she represents.

k. The Landmark Commission shall make a determination whether to pursue without modification, modify or withdrawn the proposed designation in writing within fifteen (15) days after the hearing and shall notify any owner(s) or any person(s) having a legal or equitable interest in such property, as well as such other interested parties as may request a copy thereof. The Landmark Commission shall transmit its report and recommendations concerning the proposed designation to City Council.

l. City Council may, in its discretion, hold public hearings on any proposed designation. City Council shall, within ninety (90) days after receiving the report and recommendation of the Landmark Commission, either designate the Landmark or Landmark District by ordinance or reject designation by resolution. In making its determination with respect to the proposed designation, City Council shall give due consideration to the findings and recommendations of the Landmark Commission, as well as such views as may have been expressed by persons participating in the hearing before the Landmark Commission, in addition to the recommendation of the Planning Commission.

3. **Actions After a Designation.** Within seven (7) days after the adoption of an ordinance by City Council approving the designation of a Landmark or Landmark District, the Landmark Commission shall notify the City Building Department of the designation. The Landmark Commission shall also file with the Recorder of Deeds of Cuyahoga County a certified copy of the designating ordinance together with a notice briefly stating the fact of such designation and a summary of the effects such designation will have. The Landmark Commission, further, shall send a copy of such ordinance and notice to the owner(s) and any person having a right of ownership in such property included within a designation.

4. **Rescission of a Designation.** Notwithstanding any provision of this Section to the contrary, City Council may rescind the designation of any area, place, building, structure, site, work of art or similar object as a Landmark or Landmark District by ordinance upon a finding that the designated Landmark or Landmark District does not meet the designation criteria or to protect the public interest in response to changed circumstances since the designation decision was made. Council may rescind designation after compliance with the same procedures as are required to be followed by Council for a Zoning Code amendment under Section 1213.07, and as set forth herein for designation, including referral for comment and recommendation to the Landmark Commission and Planning Commission, and after a public hearing is held before the Landmark Commission. Council may rescind a designation even if the Landmark or Planning Commission do not recommend such action. Passage of such an ordinance shall relieve the owner of such property from any duties or penalties contained in this chapter.

5. **Criteria for Designating a Landmark or a Landmark District.** In determining whether or not to adopt a resolution recommending the designation of an area, place, building, structure, site, work of art, or object as a Landmark or Landmark District, the Landmark Commission shall determine whether the proposed Landmark or Landmark District meets one or more of the following criteria:
   - **a.** Its character, interest or value as part of the development, heritage or cultural characteristics of the City of Shaker Heights, the State of Ohio, or the United States.
   - **b.** Its location as a site of a significant historic event.
   - **c.** Its identification with a person or persons who significantly contribute to the culture and development of the City.
   - **d.** Its exemplification of the cultural, economic, social or historic heritage of the City.
   - **e.** Its portrayal of the environment of a group of people in an era of history.
   - **f.** Its embodiment of a distinguishing characteristic of an architectural type, specimen, style or method of construction.
   - **g.** Its identification as the work of an architect or master builder whose individual work has influenced the development of the City.
   - **h.** Its embodiment of elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation.
   - **i.** Its relationship to other distinctive areas that are eligible for preservation according to a plan based on history, culture, or architecture.
   - **j.** Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City.
6. **Recording Landmarks and Landmark Districts.** The Landmark Commission shall maintain complete records of all properties designated as Landmarks. This designation shall also be noted in the Building Department records of the City.
7. **On-Site Identification of Landmarks or Landmark Districts.** The Landmark Commission may place or cause to be placed on such Landmark properties a plaque or other type of marker indicating that such property or part thereof has been designated a Landmark or as part of a Landmark District in the City.

B. CERTIFICATES OF APPROPRIATENESS; Approval Required for Any Exterior Building or Environmental Change. No person shall make any environmental or exterior building change in any property which has been designated a Landmark or which is situated in a designated Landmark District without first obtaining a Certificate of Appropriateness from the Landmark Commission. The following procedures shall apply to all alterations, demolitions, removals or constructions of such property in the City:

1. **Application for Review of Changes.** Any application to the Landmark Commission, Building Department or to the Planning Department, as appropriate, for a permit for or approval of an environmental or exterior building change, including a demolition, must include detailed plans, designs, elevations, specifications and documents relating thereto, as required by the Director of the Department to which the application is submitted. Any such completed application submitted to the Building Department or Planning Department shall be forwarded to the Landmark Commission. The Building Department shall not issue a building or demolition permit for, and the Planning Department shall not give approval of, an environmental or exterior building change until the Landmark Commission has issued a Certificate of Appropriateness. The applicant may file an application directly with the Landmark Commission at the same time that an application for a building permit or approval is filed. The Landmark Commission may charge a reasonable fee, as approved by Council, to review an application.
2. **Standards For Review of Applications.** When considering an application for a Certificate of Appropriateness, the Landmark Commission shall be guided in its decision by the U.S. Secretary of the Interior's "Standards for Rehabilitation", as found in Title 36 of the Code of Federal Regulations, Part 1208 (formerly 36 CFR Part 67). In addition, the Landmark Commission may adopt more specific design guidelines suited to the historic character of Landmarks and Landmark Districts. In reviewing an application for demolition, the Landmark Commission shall consider the following in addition to the "Standards for Rehabilitation" cited above:
   a. The historic significance of the structure individually or as a contributing element in a district.
   b. Plans for reuse of the site, which the applicant must submit, including project funding and schedule, and the impact of such plans on the Landmark or Landmark District.
3. **Approval of Minor Changes.** The Landmark Commission may delegate to its staff the authority to issue Certificates of Appropriateness for specified minor changes. The Landmark Commission shall provide to staff written guidelines for issuing Certificates of Appropriateness under this subsection.
4. **Parties Entitled to Apply for Landmark Commission Review of Changes.** An application for an environmental or exterior building change may be filed by any person, firm or corporation, or by any office, department, board, bureau, or commission which has a legal interest in the property in the form of an ownership interest, a lease, or a purchase agreement for the property for which the review of changes is requested. If the applicant is a lessor, the written approval, with signature, of the owner shall be required as determined necessary by the department to which the application is submitted.

5. **Conditions for Approval for Review of Changes**. The Landmark Commission shall grant an application or approve an application with conditions when it finds that the proposed change will not adversely affect any significant historical or aesthetic feature of the property and is appropriate and consistent with the spirit and purposes of this Chapter, any design guidelines adopted by the Landmark Commission, and the U.S. Secretary of the Interior's "Standards for Rehabilitation". Otherwise, the Landmark Commission shall deny the application.
6. **Landmark Commission Notice to Building Department.** Within ten (10) days of making a determination on an application, the Landmark Commission shall transmit written notices of its decision to the applicant and the Building Department. The notices shall state the reasons for the decision.
7. **Denial of Certificate Application.** If an application has been denied, the Landmark Commission shall recommend to the applicant changes, if any, that would allow the Landmark Commission to issue a Certificate of Appropriateness. The Landmark Commission shall confer with the applicant in an attempt to resolve any differences as quickly as possible. The applicant may resubmit an amended application that takes into consideration the Landmark Commission's recommendations.
8. **Failure of Landmark Commission to Act in a Timely Manner.** If no action has been taken by the Landmark Commission on a complete application within sixty (60) days after such complete application has been received by the Landmark Commission, the application shall be deemed granted, unless the time for consideration is extended by mutual agreement.
9. **Applicability of Other Ordinances, Rules and Regulations.** Nothing contained herein shall eliminate the need for compliance by the owner, occupant or party in control of such property with all other applicable ordinances, rules and regulations of the City.
10. **Architectural Board of Review.** When an application for a building or environmental change requires review by both the Landmark Commission and the Architectural Board of Review, the Architectural Board of Review will meet jointly with the Landmark Commission. Notwithstanding any other provisions of this Chapter, only architectural design compatible with historical buildings in approved Landmark Districts in the City shall be approved for any new construction by the Architectural Board of Review in Landmark Districts.

C. ECONOMIC HARDSHIP; Application Filed After Denial of Certificate of Appropriateness.

1. **Application for certificate of Economic Hardship; Criteria.** An applicant who has been denied a Certificate of Appropriateness may, within thirty (30) days of the denial, apply for a Certificate of Economic Hardship. Application shall be made on a form prepared by the Landmark Commission. The Landmark Commission may hold a public hearing on the hardship application. All of the following criteria shall be considered to determine the existence of an economic hardship:

a. Denial of a certificate will result in a substantial reduction in the economic value of the property;

b. Denial of a certificate will result in a substantial economic burden on the applicant because the applicant cannot reasonably maintain the property in its current form;

c. No reasonable alternative exists consistent with the architectural standards and guidelines for the property;

d. The owner has been unable to sell the property; or

e. If the owner is a not-for-profit organization, and it is financially or physically infeasible to achieve its charitable purpose while conforming to the pertinent architectural standards and guidelines.

2. **Certificate Process.** The Landmark Commission may solicit expert testimony or request that the applicant for a Certificate of Economic Hardship submit evidence concerning property value, cost estimates, income, expenses, and/or any other information that the Landmark Commission deems necessary to determine whether denial of the application constitutes an economic hardship. The level of documentation required may vary as is appropriate to each case. The Applicant may submit any person or proprietary information to the Staff of the City for a confidential review, and such information shall be returned to the Applicant, and a summary or evaluation of the information shall be provided to the Landmark Commission without disclosure of the specific personal or proprietary information.

3. **Landmark Commission Action on an Application**. The Landmark Commission shall act upon the application for Certificate of Economic Hardship within sixty (60) days after receipt of such an application. If no action has taken by the Landmark Commission within sixty (60) days, the application shall be deemed granted, unless the time is extended by mutual agreement. Upon the denial of an application, the applicant shall be notified by mail.

4. **Investigation of Measures to Relieve Hardship.** Upon a finding by the Landmark Commission that a denial of the application for building or environmental change results in a hardship, then the application for a Certificate of Appropriateness shall be delayed for a period not to exceed ninety (90) days. During this period the Landmark Commission shall investigate measures to relieve the hardship or otherwise preserve the property, and shall make recommendations to the Mayor or Council as may be appropriate. Such plans and recommendations may include, but are not limited to: a reduction in real property taxes, financial assistance, Building Code modifications, and/or changes in zoning regulations, to the extent such actions may be lawful.

5. **Issuance of Certificate.** If by the end of this ninety (90) day period, the Landmark Commission has found that without approval of the building or environmental change the hardship cannot be relieved, then the Landmark Commission shall issue a Certificate of Economic Hardship permitting the proposed building or environmental change.

D. EXCEPTIONS, APPEALS, MORATORIUM AND ENFORCEMENT. All work performed pursuant to a Certificate of Appropriateness issued under this Chapter shall conform to any requirements included in the approval of the Certificate. It shall be the duty of the Commissioner of Building, with the assistance from the Department of Planning, to inspect periodically any such work to assure compliance. In the event work is found that is not being performed in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Landmark Commission, the Commissioner of Building shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

1. **Changes Not Prohibited.** Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any property which has been designated a Landmark or which is situated in a designated Landmark District that does not involve a change in design, material, color or exterior appearance thereof, nor to prevent any environmental or exterior building change that the Building, Fire, Housing Inspection or Health Departments shall certify in writing is immediately required by the public safety because of an unsafe or dangerous condition. If the Building, Fire, Housing Inspection or Health Department orders an immediate environmental or exterior building change, it shall notify the Landmark Commission of the proposed change. The Landmark Commission shall have the right to seek to have the measure least adverse to the purposes of this Chapter used to make the necessary change.
2. **Appeals.** An applicant may appeal a final decision of the Landmark Commission on an Application for a Certificate of Appropriateness or Certificate of Economic Hardship within thirty (30) days of the decision, by filing a notice of appeal with the Board of Zoning Appeals. The Board shall hold a hearing on an appeal within forty-five (45) days after receipt of a notice, and shall issue a decision on an appeal within fourteen (14) days after a hearing.
3. **Emergency Moratorium.** If City Council determines that a proposed exterior building or environmental change will cause irreparable harm to structures or sites located within a designated or potential Landmark or Landmark District, City Council may by resolution declare an emergency moratorium on all work for a period not to exceed six (6) months. During the moratorium period, the City shall investigate ways to remove the threat, including but not limited to negotiation, marketing, or financial assistance. Council may extend the emergency moratorium for an additional period not to exceed six (6) months upon finding that the threat of irreparable harm is still present. Any pending Permit application concerning a structure or site subject to an emergency moratorium may be summarily denied.
4. **Power to Seek Injunction.** The Landmark Commission or the Mayor may ask the Director of Law to take whatever legal action may be necessary, including the filing of a complaint in injunction and requesting of a temporary restraining order and preliminary injunction, to prevent a proposed exterior building or environmental change that may cause irreparable harm to structures or sites located within a designated or potential Landmark or Landmark District, until City Council has a reasonable opportunity to consider a resolution declaring an emergency moratorium on all work that may have such damaging effect.

5. **Violations.** Any person who violates or fails to comply with any provision of this Section shall, for each violation or noncompliance, be deemed guilty of a minor misdemeanor and penalized as set forth in Section 2929.28 of the Ohio Revised Code. Each day of violation or failure to comply shall constitute a separate offense.

E. SEVERABILITY. The provisions of this Section shall be deemed severable, and if any such provision shall be held unconstitutional by a court of competent jurisdiction the decision of such court shall not impair any of the remaining provisions.
(Ord. 18-25. Enacted 4-23-18.)

1213.11 ADMINISTRATIVE INTERPRETATIONS.

A. Authority. The Zoning Administrator, subject to the procedures, standards, and limitations of this Chapter, may, in writing, render interpretations, including use interpretations, of the provisions of this Zoning Ordinance and of any rule or regulation issued pursuant to it.

B. Purpose. The interpretation authority established by this Chapter is intended to recognize that the provisions of this Zoning Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied. Many such situations can be readily addressed by an administrative interpretation of the specific provisions of this Zoning Ordinance in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Zoning Ordinance but is intended only to allow authoritative application of that content to specific cases.

C. Parties Entitled to Seek Interpretations. Applications for interpretations may be filed by any person having a legal interest in property, such as a title, lease, or purchase agreement, in property that gives rise to the need for an interpretation provided that interpretations shall not be sought by any person based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion. The Zoning Administrator may elect not to render an interpretation on a matter which, in the Zoning Administrator's opinion, is based on hypothesis.

D. Procedure.

1. **Application.** Applications for interpretations of this Zoning Ordinance shall be filed in writing by letter and shall contain information describing the nature of the requested interpretation and written evidence of the applicant's interest in the property. The Zoning Administrator may request any additional information necessary to make the interpretation.
2. **Action on Application.** Within a reasonable time following the receipt of a properly completed application for interpretation, the Zoning Administrator shall inform the applicant in writing of his or her interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based.
3. **Record.** A record of all applications for interpretations shall be kept on file in the office of the Zoning Administrator.

4. **Appeal.** The Board of Zoning Appeals shall, pursuant to Section 1213.02, Appeals, of this Zoning Ordinance, hear and decide appeals from any order or final decision of the Zoning Administrator acting pursuant to his or her authority and duties under this Zoning Ordinance. Except as expressly provided otherwise, an application for appeal to the Board of Zoning Appeals may be filed not later than forty-five (45) calendar days following the action being appealed.

E. **Standards for Use Interpretations.** The following standards shall be factors considered by the Zoning Administrator and the City Planning Commission in issuing use interpretations:

1. Any use defined in Chapter 1211, Definitions and Rules of Word Usage, of this Zoning Ordinance shall be interpreted as therein defined.

2. Evidence must demonstrate that the use will comply with the district regulations established for that particular district.

3. A use must be substantially similar to other uses permitted in the particular district and more similar to those uses than to uses permitted or conditionally permitted in a more restrictive district.

4. If the proposed use is most similar to a use permitted only as a conditional use in the district in which it is proposed, then any use interpretation shall require the issuance of a Conditional Use Permit for such use pursuant to Section 1213.05, Conditional Uses.

5. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.

F. **Effect of Favorable Use Interpretations.** No use interpretation which finds a particular use to be permitted or specially permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the City including, but not limited to, a building permit, a certificate of occupancy, subdivision approval, and site plan approval.

G. **Limitations on Use Interpretations.** A use interpretation which finds a particular use to be permitted, or permitted as a conditional use, shall authorize only the use for which it was issued, and that interpretation shall not authorize any allegedly similar use for which a separate use interpretation has not been issued.

CHAPTER 1214
Enforcement

1214.01 Authority.
1214.02 Complaints regarding violations.
1214.03 Right of entry.
1214.04 Procedures upon discovery of violations.
1214.05 Penalties and remedies for violations.
1214.06 Revocation of conditional use permits and variances.

CROSS REFERENCES
Appeals - see P. & Z. 1213.02
Violation of zoning ordinances - see Ohio R.C. 711.102

1214.01 AUTHORITY.

The Zoning Administrator, Planning Director, Zoning Enforcement Officer or their designees are hereby designated to enforce this Zoning Ordinance. References within this Zoning Ordinance to the Zoning Administrator or designee shall include the Planning Director or the Zoning Enforcement Officer.
(Ord. 03-67. Enacted 6-9-03; Ord. 13-114. Enacted 12-16-13.)

1214.02 COMPLAINTS REGARDING VIOLATIONS.

Whenever the Zoning Administrator has reasonable cause for or receives a complaint alleging a violation of this Zoning Ordinance, or when there are reasonable grounds to believe that a violation exists, he or she shall investigate the complaint and shall take whatever action is warranted in accordance with the provisions of this Chapter.

1214.03 RIGHT OF ENTRY.

The Zoning Administrator or designee may make inspections of all buildings, structures and premises located within the City to determine their compliance with the provisions of this Zoning Ordinance.

A. Such inspection may take place upon reasonable cause, including but not limited to the observations of the Zoning Administrator or designee information brought to the attention of the Zoning Administrator or designee, or any complaint received by the Zoning Administrator or designee pursuant to Section 1214.02, or if such inspection is undertaken as part of a regular inspection program whereby certain areas of the City are being inspected in their entirety.

B. Such inspection shall be made by the Zoning Administrator or his or her designee.

C. Any person making such inspection shall furnish to the owner or occupant of the building, structure or premise to be inspected, sufficient identification and information to enable the owner or occupant to determine that the person is a representative of the City and the purpose of the inspection. The Zoning Administrator or his or her designee may apply to any court of competent jurisdiction for a search warrant or other legal process for the purpose of securing entry to any premises if the owner or occupant shall refuse to grant entry.

1214.04 PROCEDURES UPON DISCOVERY OF VIOLATIONS.

A. If the Zoning Administrator finds that any provision of this Zoning Ordinance is being violated, the Administrator shall send a written notice to the person responsible for such violation indicating the nature of the violation, ordering the action necessary to correct the violation, and specifying a reasonable amount of time for the correction of the violation or the performance of any other act required. Additional written notices may be sent at the Administrator's discretion.

B. The Administrator's notice shall be served upon the owner or the owner's agent or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof: 1) is served personally, or 2) is sent to the last known address, or 3) is posted in a conspicuous place in or about the building, structure or premises affected by the action.

C. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement; of this Zoning Ordinance or pose a danger to the public peace, health, safety, or welfare, the Zoning Administrator may seek enforcement; without prior written notice.

1214.05 PENALTIES AND REMEDIES FOR VIOLATIONS.

A. Violations of the provisions of this Zoning Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection
with approval of a variance, conditional use, site plan review, or development approval, shall constitute a misdemeanor of the first degree.

B. Each day that any violation continues after notification by the Zoning Administrator that such violation exists shall be considered a separate offense.

C. In addition to any other remedies provided by this Zoning Ordinance, or by the laws of the State of Ohio, the Law Director of the City may, upon a violation of this Zoning Ordinance
having been called to his or her attention, institute injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove any unlawful construction, reconstruction, alterations, conversion, maintenance or use.

1214.06 REVOCATION OF CONDITIONAL USE PERMITS AND VARIANCES.

A Conditional Use Permit or Variance may be revoked by the Board of Zoning Appeals, or City Planning Commission as appropriate, in accordance with the provisions of this Section, if the recipient of the Conditional Use Permit or the Variance fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Zoning Ordinance, or any additional requirements lawfully imposed as a condition of approval of a conditional use or variance. Before a Conditional Use Permit or Variance can be revoked, the Zoning Administrator shall undertake the following procedures:

A. **Notice and Opportunity to Comment.** The Zoning Administrator shall cause a written notice of intent to revoke the Conditional Use Permit or Variance to be delivered to the property owner five (5) to ten (10) working days prior to the date of the proposed revocation. The notice of intent to revoke the conditional use or variance shall inform the recipient of the alleged reasons for the revocation and of his or her right to obtain a hearing on the allegations.

B. **Hearing.** If the property owner desires a hearing, the Zoning Administrator shall schedule a date on the Board of Zoning Appeal's or City Planning Commission's agenda to hear the revocation.

C. **Decision Rendered.** If the revocation was subject to a public hearing, the Board of Zoning Appeals or City Planning Commission shall render a decision upon the proposed revocation within a reasonable time of such hearing. Such decision shall be rendered by written order containing the specific reasons or findings of fact that support the decision.

D. **Notification of Decision.** The Zoning Administrator shall send such decision within five (5) working days to the holder of the Conditional Use Permit or Variance and any other person previously requesting notification.

E. **Evidence.** The burden of presenting sufficient evidence to the Zoning Administrator, the Board of Zoning Appeals, or the City Planning Commission to establish the need to revoke the conditional use permit or variance for any of the reasons set forth in this Section shall be upon the party proposing the revocation.

F. **Result of Revocation.** No person may continue to make use of land or buildings in the manner authorized by any Conditional Use Permit or Variance if it has been revoked in accordance with the provisions of this Section.

G. **Records.** A record of all written notices of the intent to revoke a Conditional Use Permit or Variance shall be kept on file in the office of the Zoning Administrator and a copy shall be sent to the Building Commissioner.

CHAPTER 1215
Nonconformities

1215.01 Existing non-conforming buildings and uses.
1215.02 Buildings under construction.
1215.03 Changes in a nonconforming use.
1215.04 Abandonment of nonconforming uses.
1215.05 Restorations, alterations and repairs.

CROSS REFERENCES
Nonconforming uses - see Ohio R.C. 713.15
Nonconforming lots, uses and structures defined - see P. & Z. 1211.02
Nonconforming signs - see P. & Z. 1250.12

1215.01 EXISTING NON-CONFORMING BUILDINGS AND USES.

Any use of land or building, any design of building, any location of building on the lot and any platted lot which lawfully existed on the effective date of this Zoning Ordinance may be continued even though such use, design or location does not conform to the regulations of this Zoning Ordinance for the district in which such use is located. However, no enlargement or expansion of such nonconforming building or use shall be made, except for two-family units and duplexes to which additions may be made subject to all the other review requirements of this Zoning Ordinance.

1215.02 BUILDINGS UNDER CONSTRUCTION.

No change is required by this Zoning Ordinance in the plans, construction or designated uses of a building which does not conform to the regulations of this Zoning Ordinance for the district in which its premises are located, provided the permit for such building was issued and construction on it was begun before the passage of this Zoning Ordinance and completed within eighteen (18) months of the issuance of such permit in accordance with the plans and descriptions on which said permit was issued. For the purposes of this Zoning Ordinance such construction shall be deemed an existing nonconforming use.

1215.03 CHANGES IN A NONCONFORMING USE.

A. Changes of Use Restricted.

1. Changes to a Less Restricted Use Prohibited. No change of a nonconforming use shall be made to a less restricted use.

2. **Changes to a More Restricted Use.** A nonconforming use may be changed to any use permitted in this Zoning Ordinance in a more restrictive district provided no structural changes are made. Such use would remain a nonconforming use unless the use is permitted in the district in which it is located.
3. **Changes to a Use of Similar Nonconformity.** Any change of a nonconforming use to a use of the same degree of nonconformity, as defined in Chapter 1211, Definitions and Rules of Word Usage, shall be made only upon approval of the Board of Zoning Appeals and only if the Board finds that the proposed use is not more injurious to neighborhood property values than the existing use.

B. Changes to a Nonconforming Structure. No significant structural changes shall be made to a nonconforming structure unless it is changed to bring the structure and use into conformity or unless the change is specifically approved by the Board of Zoning Appeals. Such changes, additions and/or improvements shall upgrade the activity and make the resulting development more compatible to the district in which it is located and more compatible with adjacent uses. Such expansion or addition shall require a total Site Plan Review for the entire parcel.

1215.04 ABANDONMENT OF NONCONFORMING USES.

A nonconforming use which has been abandoned shall not be replaced by a nonconforming use.

A. Abandonment of a Nonconforming Use of Land Other than Structures. A nonconforming use of land shall be deemed abandoned when the nonconforming use has been replaced by a conforming use or when the nonconforming use has ceased and has not been resumed for a continuous period of one (1) year.

B. Abandonment of a Nonconforming Use or Structure.

1. **Standard.** A nonconforming use of structure shall be deemed abandoned when it has been replaced by a conforming use or when the nonconforming use has ceased for a continuous period of one (1) year.
2. **Third Floor Occupancy of Two-Family Dwelling.** A nonconforming use of a third-floor area in a two-family dwelling shall be conclusively deemed abandoned upon the failure of the owner or agent of such dwelling to file the Annual Registration required by Section 1413.01 of the Housing Code for a continuous period of one (1) year, or upon the discontinuance of the use for a period of one (1) year.

1215.05 RESTORATIONS, ALTERATIONS AND REPAIRS.

A non-conforming structure may be restored regardless of other regulations in this Zoning
Ordinance subject to the following limitations enumerated below.

A. Structure Declared Unsafe. The structure has been declared unsafe by the Commissioner of Buildings or other authorized administrative official.

B. Structure Damaged or Destroyed. At least sixty percent (60%) of the structure, according to the determination of the Building Commissioner, has been partly destroyed or removed by whatever cause including Acts of God, with the exception that single-family, two-family and duplex dwellings may be restored for such use in accordance with this Zoning Ordinance without limitation as to cost.

CHAPTER 1216
Establishment of Zoning Districts

1216.01 Establishment of zoning districts.
1216.02 Zoning Map.
1216.03 Annexed lands.

CROSS REFERENCES
Basis of districts - see Ohio R.C. 713.10

1216.01 ESTABLISHMENT OF ZONING DISTRICTS.

For the purposes of this Zoning Ordinance, the City of Shaker Heights is hereby divided into the following zoning districts.

A. Residential Districts

SF1: Single-Family Residential (15,000 square foot lot)
SF2: Single-Family Residential (8,500 square foot lot)
SF3: Single-Family Residential (5,600 square foot lot)
TF: Two-Family Residential
MF: Multiple-Family Residential
A: Apartment Residential

B. Commercial Districts

O: Office
C1: Commercial, Limited
C2: Commercial, Community
C3: Commercial, General
CM: Commercial, Mixed Use

C. Special Districts

I: Institutional
PR: Park and Recreation
PUD: Planned Unit Development Overlay
SLID: Small Lot Infill Development Overlay
WTFO: Wireless Telecommunications Facilities Overlay

(Ord. 18-25. Enacted 4-23-18.)

1216.02 ZONING MAP.

A. Location and Boundaries. The location and boundaries of the districts established by this Zoning Ordinance are set forth in the Official Zoning Map as amended from time to time, which is incorporated herein and hereby made a part of this Zoning Ordinance. The map shall be published as provided by law as a part of this Zoning Ordinance. The map shall be filed with the office of the Clerk of Council and certified copies shall be made available for public purchase and inspection from the office of the Planning Department during standard business hours.

B. Zoning Map Interpretation.

1. Location of District Boundary Lines. Zoning district boundary lines shall be interpreted to be coterminous with centerlines of streets and railroad rights-of-ways section lines or division of section lines tract or lot lines and such lines extended, unless otherwise indicated.

2. Measuring District Boundary Lines. In areas not subdivided into lots and blocks, wherever a district or portion of a district is indicated as a strip adjacent to and paralleling a street, highway, or railroad, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the centerline of streets, highways, or railroad rights-of-ways unless otherwise indicated.

(Ord. 03-67. Enacted 6-9-03; Ord. 13-114. Enacted 12-16-13.)

1216.03 ANNEXED LANDS.

On all land annexed to the City of Shaker Heights after the effective date of this Zoning Ordinance, no construction or modification of land use shall occur until an ordinance designating the zoning classification of such land is duly adopted by the City of Shaker Heights. Within a reasonable time of annexation, the City Planning Commission shall file an application for an amendment to establish the zoning classification of such land. Action shall be taken on such application pursuant to Section 1213.07, Amendments. If no preannexation hearing is held and the Shaker Heights City Council does not approve a zoning amendment to classify such land as provided for in this Zoning Ordinance, such land will be classified as SF1 Single-Family Residential District, until such time as an amendment changing the zoning classification is adopted.

TITLE TWO - Residential District Regulations

Chap. 1220. SF1 Single-Family Residential (15,000 Square Foot Lot) District.
Chap. 1221. SF2 Single-Family Residential (8,500 Square Foot Lot) District.
Chap. 1222. SF3 Single-Family Residential (5,600 Square Foot Lot) District.
Chap. 1223. TF Two-Family Residential District.
Chap. 1224. MF Multiple-Family Residential District.
Chap. 1225. A Apartment District.

CHAPTER 1220
SF1 Single Family Residential (15,000 Square Foot Lot) District

1220.01 Purpose.
1220.02 Permitted uses.
1220.03 Conditional uses.
1220.04 Accessory uses and structures.
1220.05 Minimum lot area.
1220.06 Minimum lot width.
1220.07 Minimum yard requirements.
1220.08 Residential building width.
1220.09 Maximum height.
1220.10 Maximum lot coverage.
1220.11 Location of accessory uses and structures in required yards.
1220.12 Allowable encroachments and distance.
1220.13 Site plan review.

CROSS REFERENCES

Sign regulations in residential districts - see P. & Z. 1250.07
Off-street parking in residential districts - see P. & Z. Table 1251.02
Landscape buffering and screening regulations - see P. & Z. 1253.09
Temporary uses - see P. & Z. Ch. 1261
Accessory uses and structures - see P. & Z. Ch. 1262

1220.01 PURPOSE.

The purpose of this district is to provide a residential environment of large lots and yards.

1220.02 PERMITTED USES.

The following are permitted uses in the SF1 Single-Family Residential (15,000 square foot lot) District, pursuant to any additional standards set forth herein.

A. Dwelling units, single-family detached.

B. Parks and playgrounds, public.

C. Residential care homes for four (4) to eight (8) unrelated individuals, provided that no residential care home be located closer than five hundred (500) lineal feet, exclusive of intervening streets and alleys, to an existing residential care home on the same or intersecting streets.

D. Schools, primary and secondary, public.

1220.03 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that require a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to help provide and protect a residential environment of large lots and yards, the following may be permitted only as Conditional Uses in the SF1 Single-Family Residential (15,000 square foot lot) District:

A. Child Day Care Homes, Type A, pursuant to Section 1263.09.

B. Day care centers and schools operated as part of a Place of Worship, pursuant to Section 1263.08.

C. Municipal service uses, pursuant to Section 1263.12.

D. Places of Worship, pursuant to Section 1263.19.

E. Planned Developments, pursuant to Section 1213.09, Planned Unit Development Review and Chapter 1242, Planned Unit Development Overlay District.

F. Schools, primary and secondary, private, pursuant to Section 1263.21.

G. Utilities (including substations, transmission facilities and related facilities).

H. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.

(Ord. 18-25. Enacted 4-23-18.)

1220.04 ACCESSORY USES AND STRUCTURES.

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures

B. The following are permitted Accessory Uses and Structures in the SF1 Single-Family Residential (15,000 square foot lot) District:

1. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.

2. Child Day Care Homes, Type B, pursuant to Section 1262.03.

3. Clothes lines, in rear yard only.

4. Dog Pens and Dog Runs, in rear yard only, pursuant to Section 1262.04.

5. Fences and Walls, pursuant to Section 1262.05.
6. Garages, Single- and Two-Family Residential, in rear yard only, pursuant to Section 1262.07.
7. Greenhouses, private non-commercial, in rear yard only, pursuant to Section 1262.10.
8. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.
9. Home Occupations, pursuant to Section 1262.09.
10. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
11. Ornamental Structures, in rear yard only, pursuant to Section 1262.10.
12. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
13. Recreational Structures, in rear yard only except for basketball hoops (see Table 1260.04, Allowable Encroachments), pursuant to Section 1262.13.
14. Roomers, pursuant to Section 1262.14.
15. Signage, pursuant to Chapter 1250, Sign Regulations.
16. Storage of recreational vehicles or trailers, pursuant to Section 1262.15.
17. Storage Structures, in rear yard only, pursuant to Section 1262.16.
18. Swimming Pools and Hot Tubs, private non-commercial, below-grade or children's, in rear yard only, pursuant to Section 1262.17.

1220.05 MINIMUM LOT AREA.
The minimum lot area in the SF1 District shall be fifteen thousand (15,000) square feet.

1220.06 MINIMUM LOT WIDTH.
The minimum lot width in the SF1 District shall be one hundred (100) feet or the average width of lots on the block, whichever is greater.

1220.07 MINIMUM YARD REQUIREMENTS.
A. Front Yard. The minimum front yard in the SF1 District shall be regulated by the setback building line established by the zoning map. Where the map is silent, then the setback shall
be the average of the setbacks of the closest adjoining lots on the same block.

B. Residential Side Yard. The principal structure of a residence shall have a side yard setback of no less than fifteen (15) feet on each side.

C. Non-Residential Side Yard. Side yards for non-residential uses, where adjacent to a residential use, shall be no less than thirty (30) feet on each side.

D. Rear Yard. Rear yards shall be no less than forty (40) feet.

1220.08 RESIDENTIAL BUILDING WIDTH.
A. The width of the principal building shall be no less than fifty-five percent (55%) nor more than seventy percent (70%) of the lot width.

B. The provisions above notwithstanding, no principal building shall be required a width exceeding sixty (60) feet.

1220.09 MAXIMUM HEIGHT.

A. Residential Uses. The maximum height of a principal structure in the SF1 Single-Family Residential (15,000 square foot lot) District shall not exceed thirty-five (35) feet.

B. Non-Residential Uses. The maximum height of a principal structure in the SF1 Single-Family Residential (15,000 square foot lot) District shall not exceed thirty-five (35) feet. However, the maximum height of nonresidential principal structures may be increased by one foot for each additional foot of setback beyond the required minimum to a maximum height of forty (40) feet, which height may also permit up to three (3) stories.

C. Accessory Uses and Structures. The maximum height of Accessory Uses and Structures shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1220.10 MAXIMUM LOT COVERAGE.

A. All Structures. The surface coverage of all enclosed buildings and structures shall not exceed thirty percent (30%) of the lot area.

B. Accessory Uses and Structures. The maximum lot coverage of Accessory Uses and Structures shall be regulated pursuant to Section 1262.01.E, Coverage by Accessory Structures and Structures.

C. Paved Areas.

1. The amount of paved areas designed for parking and driveways in each required yard shall not exceed the following limitations:
Front: Twenty-five percent (25%)
Side: Sixty percent (60%)
Rear: Thirty percent (30%)

2. One outdoor parking space will be permitted in the rear yard, if properly screened, per the approval of the Zoning Administrator .

1220.11 LOCATION OF ACCESSORY USES AND STRUCTURES IN REQUIRED YARDS.

The Location of Accessory Uses and Structures in Required Yards is regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1220.12 ALLOWABLE ENCROACHMENTS AND DISTANCE.

Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments.

1220.13 SITE PLAN REVIEW.

No building permit may be issued without first adhering to the site plan review standards set forth in Section 1213.06, Site Plan Review.

CHAPTER 1221
SF2 Single-Family Residential (8,500 Square Foot Lot) District

1221.01 Purpose.
1221.02 Permitted uses.
1221.03 Conditional uses.
1221.04 Accessory uses and structures.
1221.05 Minimum lot area.
1221.06 Minimum lot width.
1221.07 Minimum yard requirements.
1221.08 Residential building width.
1221.09 Maximum height.
1221.10 Maximum lot coverage.
1221.11 Location of accessory uses and structures in required yards.
1221.12 Allowable encroachments and distance.
1221.13 Site plan review.

CROSS REFERENCES

Sign regulations in residential districts - see P. & Z. 1250.07
Off-street parking in residential districts - see P. & Z. Table 1251.02
Landscape buffering and screening regulations - see P. & Z. 1253.09
Temporary uses - see P. & Z. Ch. 1261
Accessory uses and structures - see P. & Z. Ch. 1262

1221.01 PURPOSE.

The purpose of this district is to provide a residential environment of medium-sized lots and yards.

1221.02 PERMITTED USES.

The following are permitted uses in the SF2 Single-Family Residential (8,500 square feet) District, pursuant to any additional standards set forth herein.

A. Dwelling units, single-family detached.

B. Parks and playgrounds, public.

C. Residential care homes for four (4) to eight (8) unrelated individuals, provided that no residential care home be located closer than five hundred (500) lineal feet, exclusive of streets and alleys, to an existing residential care home on the same or intersecting streets.

D. Schools, primary and secondary, public.

1221.03 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to help provide and protect a residential environment of medium sized lots and yards, the following may be permitted only as Conditional Uses in the SF1 Single-Family Residential (8,500 square foot lot) District:

A. Child Day Care Homes, Type A, pursuant to Section 1263.09.

B. Day care centers and schools operated as part of a Place of Worship, pursuant to Section 1263.08.

C. Municipal service uses, pursuant to Section 1263.12.

D. Places of Worship, pursuant to Section 1263.19.

E. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.

F. Schools, primary and secondary, private, pursuant to Section 1263.21.

G. Utilities (including substations, transmission facilities and related facilities).

H. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.

(Ord. 18-25. Enacted 4-23-18.)

1221.04 ACCESSORY USES AND STRUCTURES.

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the SF1 Single-Family Residential (8,500 square foot lot) District:

1. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.

2. Child Day Care Homes, Type B, pursuant to Section 1262.03.

3. Clothes lines, in rear yard only.

4. Dog Pens and Dog Runs, in rear yard only, pursuant to Section 1262.04.

5. Fences and Walls, pursuant to Section 1262.05.

6. Garages, Single- and Two-Family Residential, in rear yard only, pursuant to Section 1262.07.

7. Greenhouses, private non-commercial, in rear yard only, pursuant to Section 1262.10.

8. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.

9. Home Occupations, pursuant to Section 1262.09.

10. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).

11. Ornamental Structures, in rear yard only, pursuant to Section 1262.10.

12. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-street parking Regulations.
13. Recreational Structures, in rear yard only except for basketball hoops (see Table 1260.04, Allowable Encroachments), pursuant to Section 1262.13.
14. Roomers, pursuant to Section 1262.14.
15. Signage, pursuant to Chapter 1250, Sign Regulations.
16. Storage of recreational vehicles or trailers, pursuant to Section 1262.15.
17. Storage Structures, in rear yard only, pursuant to Section 1262.16.
18. Swimming Pools and Hot Tubs, private non-commercial, below-grade or children's in rear yard only, pursuant to Section 1262.17.

1221.05 MINIMUM LOT AREA.
The minimum lot area in the SF2 District shall be eight thousand five hundred (8,500) square feet.

1221.06 MINIMUM LOT WIDTH.
The minimum lot width in the SF2 District shall be sixty (60) feet.

1221.07 MINIMUM YARD REQUIREMENTS.
A. Front Yard. The minimum front yard in the SF2 District shall be regulated by the setback building line established by the zoning map. Where the map is silent, then the setback shall be the average of the setbacks of the closest adjoining lots on the same block.

B. Residential Side Yard. The principal structure of a residence shall have a side yard setback of no less than ten (10) feet.

C. Non Residential Side Yard. Side yards for non-residential uses, where adjacent to a residential use, shall be no less than thirty (30) feet on each side.

D. Rear Yard. Rear yards shall be no less than twenty-five (25) feet.

1221.08 RESIDENTIAL BUILDING WIDTH.
A. On lots fifty (50) feet wide or less, the width of the principal building shall be no less than sixty-five percent (65%) nor more than seventy percent (70%) of the lot width.

B. On lots larger than fifty (50) feet wide, the width of the principal building shall be no less than fifty-five percent (55%) nor more than seventy percent (70%) of the lot width.

C. No principal building shall be required a width exceeding sixty (60) feet.

1221.09 MAXIMUM HEIGHT.
A. Residential Uses. The maximum height of a principal structure in the SF1 Single-Family Residential (8,500 square foot lot) District shall not exceed thirty-five (35) feet.

B. Non-Residential Uses. The maximum height of a principal structure in the SF1 Single-Family Residential (8,500 square foot lot) District shall not exceed thirty-five (35) feet. However, the maximum height of principal buildings may be increased by one (1) foot for each additional foot of setback beyond the required minimum to a maximum height of forty (40) feet, which height may also permit up to three (3) stories.

C. Accessory Uses and Structures. The maximum height of Accessory Uses and Structures shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1221.10 MAXIMUM LOT COVERAGE.

A. All Structures. The surface coverage of all enclosed buildings and structures shall not exceed forty percent (40%) of the lot area.

B. Accessory Uses and Structures. The maximum lot coverage by Accessory Uses and Structures shall be regulated pursuant to Section 1262.01.E, Coverage by Accessory Structures.

C. Paved Areas.

1. The amount of paved areas designed for parking and driveways in each required yard shall not exceed the following limitations:
Front: Twenty-five percent (25%)
Side: Sixty percent (60%)
Rear: Thirty percent (30%)

2. One outdoor parking space will be permitted in the rear yard, if properly screened per the approval of the Zoning Administrator.

1221.11 LOCATION OF ACCESSORY USES AND STRUCTURES IN REQUIRED YARDS.

The location of Accessory Uses and Structures in required yards shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1221.12 ALLOWABLE ENCROACHMENTS AND DISTANCE.

Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments.

1221.13 SITE PLAN REVIEW.

No building permit may be issued without first adhering to the site plan review standards set forth in Section 1213.06, Site Plan Review.

CHAPTER 1222
SF3 Single-Family Residential (5,600 Square Foot Lot) District

1222.01 Purpose.
1222.02 Permitted uses.
1222.03 Conditional uses.
1222.04 Accessory uses and structures.
1222.05 Minimum lot area.
1222.06 Minimum lot width.
1222.07 Minimum yard requirements.
1222.08 Residential building width.
1222.09 Maximum height.
1222.10 Maximum lot coverage.
1222.11 Location of accessory uses and structures in required yards.
1222.12 Allowable encroachments and distance.
1222.13 Site plan review.

CROSS REFERENCES

Sign regulations in residential districts - see P. & Z. 1250.07
Off-street parking in residential districts - see P. & Z. Table 1251.02
Landscape buffering and screening regulations - see P. & Z. 1253.09
Temporary uses - see P. & Z. Ch. 1261
Accessory uses and structures - see P. & Z. Ch. 1262

1222.01 PURPOSE.

The purpose of this district is to provide a residential environment of moderately sized lots and yards.

1222.02 PERMITTED USES.

The following are permitted uses in the SF3 Single-Family Residential (5,600 square feet) District, pursuant to any additional standards set forth herein.

A. Dwelling units, single-family detached.

B. Parks and playgrounds, public.

C. Residential care homes for four (4) to eight (8) unrelated individuals, provided that no residential care home be located closer than five hundred (500) lineal feet, exclusive of streets and alleys, to an existing residential care home on the same or intersecting streets.

D. Schools, primary and secondary, public.

1222.03 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to help provide and protect a residential environment of smaller sized lots and yards, the following may be permitted only as Conditional Uses in the SF3 Single-Family Residential (5,600 square foot lot) District:

A. Child Day Care Homes, Type A, pursuant to Section 1263.09.

B. Day care centers and schools operated as part of a Place of Worship, pursuant to Section 1263.08.

C. Municipal service uses, pursuant to Section 1263.12.

D. Places of Worship, pursuant to Section 1263.19.

E. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.

F. Schools, primary and secondary, private, pursuant to Section 1263.21.

G. Utilities (including substations, transmission facilities and related facilities).

H. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.

(Ord. 18-25. Enacted 4-23-18.)

1222.04 ACCESSORY USES AND STRUCTURES.

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the SF3 Single-Family Residential (5,600 square foot lot) District:

1. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.

2. Clothes lines, in rear yard only.

3. Child Day Care Homes, Type B, pursuant to Section 1262.03.

4. Dog Pens and Dog Runs, in rear yard only, pursuant to Section 1262.04.

5. Fences and Walls, pursuant to Section 1262.05.

6. Garages, Single- and Two-Family Residential, in rear yard only, pursuant to Section 1262.07.

7. Greenhouses, private non-commercial, in rear yard only, pursuant to Section 1262.10.

8. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.

9. Home Occupations, pursuant to Section 1262.09.

10. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).

11. Ornamental Structures, in rear yard only, pursuant to Section 1262.10.
12. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
13. Recreational Structures, in rear yard only except for basketball hoops (see Table 1260.04, Allowable Encroachments), pursuant to Section 1262.13.
14. Roomers, pursuant to Section 1262.14.
15. Signage, pursuant to Chapter 1250, Sign Regulations.
16. Storage of recreational vehicles or trailers, pursuant to Section 1262.15.
17. Storage structures, in rear yard only, pursuant to Section 1262.16.
18. Swimming Pools and Hot Tubs, private non-commercial, below-grade or children's in rear yard only, pursuant to Section 1262.17.

1222.05 MINIMUM LOT AREA.
The minimum lot area in the SF3 District shall be five thousand six hundred (5,600) square feet.

1222.06 MINIMUM LOT WIDTH.
The minimum lot width in the SF3 District shall be forty (40) feet.

1222.07 MINIMUM YARD REQUIREMENTS.
A. Front Yard. The minimum front yard in the SF3 District shall be regulated by the setback building line established by the zoning map. Where the map is silent, then the setback shall be the average of the setbacks of the closest adjoining lots on the same block.

B. Residential Side Yard. The principal structure of a residence shall have side yard setbacks as follows:
1. Driveway Side Yard. The yard on the driveway side of the main structure shall be no less than ten (10) feet..
2. Side Yard Opposite Driveway. For the side yard which does not contain the driveway, the required minimum setback shall be no less than five (5) feet.

C. Non Residential Side Yard. Side yards for non-residential uses, where adjacent to a residential use, shall be no less than thirty (30) feet on each side.

D. Rear Yard. Rear yards shall be no less than twenty-five (25) feet.

1222.08 RESIDENTIAL BUILDING WIDTH.
A. The width of the principal building shall be no less than fifty-five percent (55%) nor more than seventy percent (70%) of the lot width.

B. No principal building shall be required a width exceeding sixty (60) feet.

1222.09 MAXIMUM HEIGHT.
A. Residential Uses. The maximum height of a principal structure in the SF3 Single-Family Residential (5,600 square foot lot) District shall not exceed thirty-five (35) feet.

B. Non residential Uses. The maximum height of a principal structure in the SF3 Single-Family Residential (5,600 square foot lot) District shall not exceed thirty-five (35) feet. However, the maximum height of principal buildings may be increased by one (1) foot for each additional foot of setback beyond the required minimum to a maximum height of forty (40) feet, which height may also permit up to three (3) stories.

C. Accessory Uses and Structures. The maximum height of Accessory Uses and Structures shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1222.10 MAXIMUM LOT COVERAGE.

A. All Structures. The surface coverage of all enclosed buildings and structures shall not exceed fifty percent (50%) of the lot area.

B. Accessory Uses and Structures. The maximum lot coverage of Accessory Uses and Structures shall be regulated pursuant to Section 1262.01.E, Coverage by Accessory Structures.

C. Paved Areas.

1. The amount of paved areas designed for parking and driveways in each required yard shall not exceed the following limitations:
Front: Twenty-five percent (25%)
Side: Eighty percent (80%)
Rear: Forty percent (40%)

2. One outdoor parking space will be permitted in the rear yard, if properly screened per the approval of the Zoning Administrator.

1222.11 LOCATION OF ACCESSORY USES AND STRUCTURES IN REQUIRED YARDS.

The location of Accessory Uses and Structures in required yards shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1222.12 ALLOWABLE ENCROACHMENTS AND DISTANCE.

Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments.

1222.13 SITE PLAN REVIEW.

No building permit may be issued without first adhering to the site plan review standards set forth in Section 1213.06, Site Plan Review.

CHAPTER 1223
TF Two-Family Residential District

1223.01 Purpose.
1223.02 Permitted uses.
1223.03 Conditional uses.
1223.04 Accessory uses and structures.
1223.05 Minimum lot area.
1223.06 Minimum lot width.
1223.07 Minimum yard requirements.
1223.08 Residential building width.
1223.09 Maximum height.
1223.10 Maximum lot coverage.
1223.11 Location of accessory uses and structures in required yards.
1223.12 Allowable encroachments and distance.
1223.13 Site plan review.

CROSS REFERENCES

Sign regulations in residential districts - see P. & Z. 1250.07
Off-street parking in residential districts - see P. & Z. Table 1251.02
Landscape buffering and screening regulations - see P. & Z. 1253.09
Temporary uses - see P. & Z. Ch. 1261
Accessory uses and structures - see P. & Z. Ch. 1262

1223.01 PURPOSE.

The purpose of this district is to provide a residential environment for two-family dwellings.

1223.02 PERMITTED USES.

The following are permitted uses in the TF Two-Family Residential District, pursuant to any additional standards set forth herein.

A. Dwelling units, single-family detached.
B. Dwelling units, single-family attached.
C. Dwelling units, two-family and duplex.
D. Parks and playgrounds, public.
E. Residential care homes for four (4) to eight (8) unrelated individuals, provided that no residential care home be located closer than five hundred (500) lineal feet, exclusive of streets and alleys, to an existing residential care home on the same or intersecting streets.
F. Schools, primary and secondary, public.

1223.03 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to help provide and protect a residential environment of two-family dwellings, the following may be permitted only as Conditional Uses in the TF Two-Family Residential District:

A. Day care centers and schools operated as part of a Place of Worship, pursuant to Section 1263.08.

B. Municipal service uses, pursuant to Section 1263.12.

C. Places of Worship, pursuant to Section 1263.19.

D. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.

E. Schools, primary and secondary, private, pursuant to Section 1263.21.

F. Small Lot Infill Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1244, Small Lot Infill Development Overlay District.

G. Utilities (including substations, transmission facilities and related facilities).

H. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.

(Ord. 18-25. Enacted 4-23-18.)

1223.04 ACCESSORY USES AND STRUCTURES.

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the TF Two-Family Residential District:

1. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.

2. Clothes lines, in rear yard only.

3. Child Day Care Homes, Type B, pursuant to Section 1262.03.

4. Dog Pens and Dog Runs, in rear yard only, pursuant to Section 1262.04.

5. Fences and Walls, pursuant to Section 1262.05.

6. Garages, Single- and Two-Family Residential, in rear yard only, pursuant to Section 1262.07.

7. Greenhouses, private non-commercial, in rear yard only, pursuant to Section 1262.10.

8. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.

9. Home Occupations, pursuant to Section 1262.09.

10. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).

11. Ornamental Structures, in rear yard only, pursuant to Section 1262.10.

12. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.

13. Recreational Structures, in rear yard only except for basketball hoops (see Table 1260.04, Allowable Encroachments), pursuant to Section 1262.13.
14. Roomers, pursuant to Section 1262.14.
15. Signage, pursuant to Chapter 1250, Sign Regulations.
16. Storage of recreational vehicles or trailers, pursuant to Section 1262.15.
17. Storage structures, in rear yard only, pursuant to Section 1262.16.
18. Swimming Pools and Hot Tubs, private non-commercial, below-grade or children's, in rear yard only, pursuant to Section 1262.17.

1223.05 MINIMUM LOT AREA.
The minimum lot area in the TF District shall be seven thousand five hundred (7,500) square feet in total lot area, and not less than three thousand seven hundred fifty (3,750) square feet per dwelling unit.

1223.06 MINIMUM LOT WIDTH.
The minimum lot width in the TF District shall be fifty (50) feet.

1223.07 MINIMUM YARD REQUIREMENTS.
A. Front Yard. The minimum front yard in the TF District shall be regulated by the setback building line established by the zoning map. Where the map is silent, then the setback shall be the average of the setbacks of the closest adjoining lots on the same block.

B. Residential Side Yard. The principal structure of a residence shall have side yard setbacks as follows:
1. Driveway Side Yard. The yard on the driveway side of the main structure shall be no less than ten (10) feet.
2. Side Yard Opposite Driveway. For the side yard which does not contain the driveway, the required minimum setback shall be no less than five (5) feet.

C. Non-Residential Side Yard. Side yards for non-residential uses shall observe the same setbacks as set forth above except where adjacent to a residence use, in which case the minimum setback shall be thirty (30) feet.

D. Rear Yard. Rear yards shall be no less than twenty-five (25) feet.

1223.08 RESIDENTIAL BUILDING WIDTH.
A. On lots fifty (50) feet wide or less, the width of the principal building shall be no less than fifty five percent (55%) nor more than seventy percent (70%) of the lot width.

B. On lots larger than fifty (50) feet wide, the width of the principal building shall be no less than fifty-five percent (55%) nor more than seventy percent (70%) of the lot width.

C. No principal building shall be required a width exceeding sixty (60) feet.

1223.09 MAXIMUM HEIGHT.
A. Residential Uses. The maximum height of a principal structure in the TF Two-Family Residential District shall not exceed thirty-five (35) feet.

B. Non-Residential Uses. The maximum height of a principal structure in the TF Two-Family Residential District shall not exceed thirty-five (35) feet. However, the maximum height may be increased by one foot for each additional foot of setback beyond that given in 1228.07.A to a maximum height of forty (40) feet, which height may also permit up to three (3) stories.

C. Accessory Uses and Structures. The maximum height of Accessory Uses and Structures shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1223.10 MAXIMUM LOT COVERAGE.

A. All Structures. The surface coverage of all enclosed buildings and structures shall not exceed fifty percent (50%) of the lot area.

B. Accessory Uses and Structures. The maximum lot coverage by Accessory Uses and Structures shall be regulated pursuant to Section 1262.01.E, Coverage by Accessory Structures.

C. Paved Areas.

1. The amount of paved areas designed for parking and driveways in each required yard shall not exceed the following limitations:
Front: Twenty-five percent (25%)
Side: Eighty percent (80%)
Rear: Forty-five percent (45%)

2. One outdoor parking space will be permitted in the rear yard, if properly screened per the approval of the Zoning Administrator.

1223.11 LOCATION OF ACCESSORY USES AND STRUCTURES IN REQUIRED YARDS.

The location of Accessory Uses and Structures in required yards shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1223.12 ALLOWABLE ENCROACHMENTS AND DISTANCE.

Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments.

1223.13 SITE PLAN REVIEW.

No building permit may be issued without first adhering to the site plan review standards set forth in Section 1213.06, Site Plan Review.

CHAPTER 1224
MF Multiple-Family Residential District

1224.01 Purpose.
1224.02 Permitted uses.
1224.03 Conditional uses.
1224.04 Accessory uses and structures.
1224.05 Minimum area requirements.
1224.06 Minimum lot width.
1224.07 Minimum yard requirements.
1224.08 Minimum landscaped area and usable open space.
1224.09 Maximum height.
1224.10 Maximum lot coverage.
1224.11 Location of accessory uses and structures in required yards.
1224.12 Allowable encroachments and distance.
1224.13 Site plan review.

CROSS REFERENCES

Sign regulations in residential districts - see P. & Z. 1250.07
Off-street parking in residential districts - see P. & Z. Table 1251.02
Landscape buffering and screening regulations - see P. & Z. 1253.09
Temporary uses - see P. & Z. Ch. 1261
Accessory uses and structures - see P. & Z. Ch. 1262

1224.01 PURPOSE.

The purpose of this district is to provide for a multiple-family residential environment of moderate density.

1224.02 PERMITTED USES.

The following are permitted uses in the MF Multiple-Family Residential District, pursuant to any additional standards set forth herein.

A. Apartment buildings.
B. Dwelling units, multiple-family of three (3) or more.
C. Dwelling units, single-family attached.
D. Dwelling units, single-family detached.
E. Dwelling units, two-family and duplex.
F. Parks and playgrounds, public.
G. Residential care homes for four (4) to eight (8) unrelated individuals, provided that no residential care home be located closer than five hundred (500) lineal feet, exclusive of streets and alleys, to an existing residential care home on the same or intersecting streets.
H. Schools, primary and secondary, public.

1224.03 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to help provide and protect a multiple-family residential environment of moderate density, the following may be permitted only as Conditional Uses in the MF Multiple-Family Residential District:

A. Child Day Care Homes, Type B, pursuant to Section 1263.09.

B. Day care centers and schools operated as part of a Place of Worship, pursuant to Section 1263.08.

C. Home Occupations, pursuant to Section 1263.13.

D. Municipal service uses, pursuant to Section 1263.12.

E. Places of Worship, pursuant to Section 1263.19.

F. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.

G. Residential care homes for nine (9) to twelve (12) unrelated individuals, located a minimum of five-hundred (500) lineal feet, exclusive of streets and alleys, from any other residential care facility located on the same or intersecting streets.

H. Schools, primary and secondary, private, pursuant to Section 1263.21.

I. Utilities (including substations, transmission facilities and related facilities).

J. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.

(Ord. 18-25. Enacted 4-23-18.)

1224.04 ACCESSORY USES AND STRUCTURES.

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the MF Multiple-Family Residential District:

1. Antennae, master radio and television and other telecommunications equipment, pursuant to Section 1262.02.

2. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.

3. Fences and Walls, pursuant to Section 1262.05.

4. Garages, Multiple-Family Residential, in rear yard only, pursuant to Section 1262.06.

5. Garages, Single- and Two-Family Residential, in rear yard only, pursuant to Section 1262.07.

6. Greenhouses, private non-commercial, in rear yard only, pursuant to Section 1262.10.

7. Heating, ventilating and air conditioning equipment, motorized, only if totally enclosed or located on the roof, pursuant to Section 1262.08.
8. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
9. Loading, off-street, in rear yard only, pursuant to Chapter 1252, Off-Street Loading Regulations.
10. Maintenance, Storage, Utility and Waste Disposal Facilities, pursuant to Section 1253.09 Landscape Buffers and Screening.
11. Office, for on site management only.
12. Ornamental Structures, in rear yard only, pursuant to Section 1262.10.
13. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
14. Parking Structures, pursuant to Section 1262.12.
15. Recreational structures, in rear yard only except for basketball hoops (see Table 1260.04, Allowable Encroachments), pursuant to Section 1262.13.
16. Recreation facilities, indoor, private.
17. Signage, pursuant to Chapter 1250, Sign Regulations.
18. Storage of recreational vehicles or trailers, pursuant to Section 1262.15.
19. Swimming Pools and Hot Tubs, private non-commercial, below-grade or children's, in rear yard only, pursuant to Section 1262.17.

1224.05 MINIMUM AREA REQUIREMENTS.

A. Minimum Lot Area. The minimum lot area in the MF District shall be fifteen thousand (15,000) square feet.

B. Minimum Area Per Dwelling Unit. Each dwelling unit in a Multiple-Family development shall have a minimum lot area and a minimum floor area as set forth below:

	Gross Lot Area Square Feet	**Livable Floor Area per Dwelling Unit Square Feet**
One Bedroom Unit	1,350	700
Two Bedroom Unit	1,500	850
Each Additional Bedroom	200	200

C. Reduction in Minimum Lot Area. The minimum lot area required above may be reduced by up to ten percent (10%) if all required off-street parking spaces are enclosed or if at least seventy-five percent (75%) of required off-street parking spaces are located underground.

1224.06 MINIMUM LOT WIDTH.

The minimum lot width in the MF District shall be seventy-five (75) feet.

1224.07 MINIMUM YARD REQUIREMENT.

A. Front Yard. Each principal building shall have a front yard no less than the building setback line for its lot shown on the zoning map.

B. Side Yards for Single and Two Family Development. Required side yards for single- and two-family development in a MF District shall be provided pursuant to the TF District.

C. Side Yard for Multiple-Family Development . Multiple-family developments shall have a required side yard on each side of no less than one half (1/2) the height of the principal building except as follows:

1. **Corner Lots.** The exterior side yard shall be setback from the public right-of-way no less than the building setback line for its lot as shown on the zoning map.
2. **Transitions Between Uses.** Where the development borders on a Single-Family or Two-Family District or use, an additional landscaped buffer strip of no less than five (5) feet shall be provided which will adequately screen the development from view.

D. Rear Yard.

1. **General Requirements.** Each principal building shall have a required rear yard no less than twenty-five (25) feet or one-half (1/2) the height of the principal building.
2. **Transitions Between Uses.** Where the development borders on a Single-Family or Two-Family District or use, an additional landscaped buffer strip of no less than five (5) feet shall be provided which will adequately screen the development from view.

1224.08 MINIMUM LANDSCAPED AREA AND USABLE OPEN SPACE.

A. Multiple-family developments shall contain grassed yards and landscaped areas totaling no less than twenty percent (20%) of the entire site. This required amount of landscaping may include required yards, lawns, patios, rooftop gardens and parking garage roofs which are covered and maintained with earth and grass or other suitable landscaping features.

B. As part of the minimum landscaped area, multiple-family developments shall contain no less than seventy-five (75) square feet of outdoor recreation or usable open space for each dwelling unit.

1224.09 MAXIMUM HEIGHT.

A. Principal Buildings. The maximum height of a principal structure in the MF Multiple-Family Residential District shall not exceed thirty-six (36) feet above the finished grade.

B. Rooftop Mechanical Equipment. Rooftop mechanical housing and equipment may extend up to ten (10) feet above the maximum height limit and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

C. Accessory Uses and Structures. The maximum height of Accessory Uses and Structures shall be regulated Pursuant to Chapter 1262, Accessory Uses and Structures.

1224.10 MAXIMUM LOT COVERAGE.

A. All Structures. The surface coverage of all enclosed buildings and structures shall not exceed forty percent (40%) of the lot area.

B. Accessory Uses and Structures. The maximum lot coverage of Accessory Uses and Structures shall be regulated pursuant to Section 1262.01.E, Coverage by Accessory Structures.

1224.11 LOCATION OF ACCESSORY USES AND STRUCTURES IN REQUIRED YARDS.

Pursuant to Chapter 1262, Accessory Uses and Structures.

1224.12 ALLOWABLE ENCROACHMENTS AND DISTANCE.

Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments.

1224.13 SITE PLAN REVIEW.

No building permit may be issued without first adhering to the site plan review standards set forth in Section 1213.06, Site Plan Review. Additionally, the following requirements shall be observed:

A. Buildings, site development and uses shall be designed and arranged so as to provide a unified building complex.

B. All utilities serving the buildings and site, including electric, telephone and all supporting equipment thereto, including meters, transformers, etc., shall be placed underground or within the principal building.

C. All landscaping, sidewalks, pedestrian plazas, parking areas, and building exteriors shall be maintained free of any unsafe, unsightly or blighting condition which diminishes the appearance, character, safety or value of the City or surrounding area.

D. Parking garages and areas shall be designed and constructed so as to provide safe, efficient and visually appealing parking facilities, in accordance with Chapter 1251, Off-Street Parking Regulations, and Chapter 1253, Landscape and Screening Regulations.

E. The location, relation and separation of uses and buildings shall be designed and constructed so as to provide compatible utilization and functioning of all uses. The principal building shall be separated from other uses according to the following schedule:

1. Garages (if not attached) = Ten (10) feet unless attached.
2. Accessory buildings = Ten (10) feet unless attached.
3. Other principal buildings = one-half (1/2) the height of the main building, or ten (10) feet, whichever is less.

F. Outdoor waste disposal facilities shall be screened and buffered pursuant to Section 1253.09, Landscape Buffers and Screening.

CHAPTER 1225
A Apartment District

1225.01 Purpose.
1225.02 Permitted uses.
1225.03 Conditional uses.
1225.04 Accessory uses and structures.
1225.05 Minimum area requirements.
1225.06 Minimum lot width.
1225.07 Minimum yard requirements.
1225.08 Minimum landscaped area and usable open space.
1225.09 Maximum height.
1225.10 Maximum lot coverage.
1225.11 Location of accessory uses and structures in required yards.
1225.12 Allowable encroachments and distance.
1225.13 Site plan review.

CROSS REFERENCES

Sign regulations in residential districts - see P. & Z. 1250.07
Off-street parking in residential districts - see P. & Z. Table 1251.02
Landscape buffering and screening regulations - see P. & Z. 1253.09
Temporary uses - see P. & Z. Ch. 1261
Accessory uses and structures - see P. & Z. Ch. 1262

1225.01 PURPOSE.

The purpose of this district is to promote quality high density apartment development which will provide efficient use of land and infrastructure while it continues the spacious residential character of the City and to provide for the location of such development in areas compatible with adjacent uses.

1225.02 PERMITTED USES.

The following are permitted uses in the A Apartment District, pursuant to any additional standards set forth herein.

A. Apartment Buildings.
B. Dwelling units, multiple-family of three (3) or more.
C. Dwelling units, single-family attached.
D. Dwelling units, single-family detached.
E. Dwelling units, two-family and duplex.
F. Parks and playgrounds, public.
G. Residential care homes for four (4) to eight (8) unrelated individuals, provided that no residential care home be located closer than five hundred (500) lineal feet, exclusive of streets and alleys, to an existing residential care home on the same or intersecting streets.
H. Schools, primary and secondary, public.

1225.03 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to help provide and protect a quality high density residential environment, the following may be permitted only as Conditional Uses in the A Apartment District:

A. Assisted Living Facilities, pursuant to Section 1263.05.

B. Child Day Care Homes, Type B, pursuant to Section 1263.09.

C. Day care centers, bookstores, gift shops and schools operated as part of a Place of Worship, pursuant to Section 1263.08.

D. Home Occupations, pursuant to Section 1263.13.

E. Municipal service uses, pursuant to Section 1263.12.

F. Places of Worship, pursuant to Section 1263.19.

G. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review, and Chapter 1242, Planned Unit Development Overlay District.

H. Residential care homes for nine (9) to twelve (12) unrelated individuals, located a minimum of five-hundred (500) lineal feet, exclusive of streets and alleys, from any other residential care facility located on the same or intersecting streets.

I. Schools, primary and secondary, private, pursuant to Section 1263.21.

J. Utilities (including substations, transmission facilities and related facilities).

K. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.

(Ord. 18-25. Enacted 4-23-18.)

1225.04 ACCESSORY USES AND STRUCTURES.

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the A Apartment District:

1. Antennae, master radio and television and other telecommunications equipment, pursuant to Section 1262.02.

2. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.

3. Fences and Walls, pursuant to Section 1262.05.

4. Garages, Multiple-Family Residential, in rear yard only, pursuant to Section 1262.06.

5. Garages, Single- and Two-Family Residential, in rear yard only, pursuant to Section 1262.07.

6. Greenhouses, private non-commercial, in rear yard only, pursuant to Section 1262.10.

7. Heating, ventilating and air conditioning equipment, motorized, only if totally enclosed or located on the roof, pursuant to Section 1262.08.

8. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
9. Loading, off-street, in rear yard only, pursuant to Chapter 1252, Off-Street Loading Regulations.
10. Maintenance, Storage, Utility, and Waste Disposal Facilities, only if totally enclosed, pursuant to Section 1253.09 Landscape Buffers and Screening.
11. Office, for on-site management only.
12. Ornamental Structures, in rear yard only, pursuant to Section 1262.10
13. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
14. Parking Structures, pursuant to Section 1262.12.
15. Recreational structures, in rear yard only except for basketball hoops (see Table 1260.04, Allowable Encroachments), pursuant to Section 1262.13.
16. Recreation facilities, indoor, private.
17. Rental office for use on property where the building is located.
18. Signage, pursuant to Chapter 1250, Sign Regulations.
19. Storage of recreational vehicles or trailers, pursuant to Section 1262.15.
20. Swimming Pools and Hot Tubs, private non-commercial, below-grade or children's, in rear yard only, pursuant to Section 1262.17.

1225.05 MINIMUM AREA REQUIREMENTS.

A. Minimum Lot Area. The minimum lot area in the A Apartment District shall be twenty-two thousand (22,000) square feet.

B. Minimum Area Per Dwelling Unit. Each dwelling unit in a multiple-family development shall have a minimum lot area and a minimum floor area as set forth below:

	Gross Lot Area	**Livable Floor Area per Dwelling Unit**
	Square Feet	**Square Feet**
One Bedroom Unit	800	700
Two Bedroom Unit	900	850
Each Additional Bedroom	100	200

C. Reduction in Minimum Lot Area. The minimum lot area required above may be reduced by up to ten percent (10%) if all required off-street parking spaces are enclosed within the main structure and/or located entirely underground.

1225.06 MINIMUM LOT WIDTH.

The minimum lot width in the A Apartment District shall be one hundred (100) feet.

1225.07 MINIMUM YARD REQUIREMENTS.

A. Front Yard. Each principal building shall have a front yard no less than the building setback line for its lot shown on the zoning map. However, no front yard setback shall be less than one-half (½) the height of the principal building.

B. Side Yard. Each side yard shall have a required setback of no less than one-half (1/2) the height of the principal building except as follows:

1. **Corner Lots.** The exterior side yard shall be setback from the public right-of-way no less than the building setback line for its lot as shown on the zoning map. However, no front yard setback shall be less than one-half (1/2) the height of the principal building.
2. **Transitions Between Uses.** Where the development borders on a Single-Family or Two-Family District or use, an additional landscaped buffer strip of no less than five (5) feet shall be provided which will adequately screen the development from view.

C. Rear Yard.

1. **General Requirements.** Each principal building shall have a required rear yard no less than one-half (1/2) the height of the principal building.
2. **Transitions Between Uses.** Where the development borders on a Single-Family or Two-Family District or use, an additional landscaped buffer strip of no less than five (5) feet shall be provided which will adequately screen the development from view.

1225.08 MINIMUM LANDSCAPED AREA AND USABLE OPEN SPACE.

A. Apartment developments shall contain grassed yards and landscaped areas totaling no less than forty percent (40%) of the entire site. This required amount of landscaping may include required yards, lawns, patios, rooftop gardens and parking garage roofs which are covered and maintained with earth and grass or other suitable landscaping features.

B. As part of the minimum landscaped area, apartment developments shall contain a minimum of seventy-five (75) square feet of outdoor recreation or usable open space per dwelling unit.

1225.09 MAXIMUM HEIGHT.

A. Principal Buildings. The maximum height of a principal structure in the A Apartment District shall not exceed seventy (70) feet above the finished grade.

B. Rooftop Mechanical Equipment. Rooftop mechanical housing and equipment may extend up to ten (10) feet above the maximum height limit and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

C. Accessory Uses and Structures. The maximum height of Accessory Uses and Structures shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1225.10 MAXIMUM LOT COVERAGE.

A. All Structures. The surface coverage of all enclosed buildings and structures shall not exceed fifty percent (50%) of the entire site.

B. Accessory Uses and Structures. The maximum lot coverage of Accessory Uses and Structures shall be regulated pursuant to Section 1262.01.E, Coverage by Accessory Structures.

1225.11 LOCATION OF ACCESSORY USES AND STRUCTURES IN REQUIRED YARDS.

The location of Accessory Uses and Structures in required yards shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1225.12 ALLOWABLE ENCROACHMENTS AND DISTANCE.

Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments.

1225.13 SITE PLAN REVIEW.

No building permit may be issued without first adhering to the site plan review standards set forth in Section 1213.06, Site Plan Review. Additionally, the following requirements shall be observed:

A. Buildings, site development and uses shall be designed and arranged so as to provide a unified building complex.

B. All utilities serving the buildings and site, including electric, telephone and all supporting equipment thereto, including meters, etc., shall be placed underground or within the principal building.

C. All landscaping, sidewalks, pedestrian plazas, parking areas, and building exteriors shall be maintained free of any unsafe, unsightly or blighting condition which diminishes the appearance, character, safety or value of the City or surrounding area.

D. Parking garages and areas shall be designed and constructed so as to provide safe, efficient and visually appealing parking facilities, in accordance with Chapter 1251, Off-Street Parking Regulations, and Chapter 1253, Landscaping and Screening Regulations.

E. The location, relation and separation of uses and buildings shall be designed and constructed so as to provide compatible utilization and functioning of all uses. The principal building shall be separated from other uses according to the following schedule:

1. Garages = Ten (10) feet unless attached.

2. Accessory buildings = Ten (10) feet unless attached.

3. Other principal buildings = one-half (.5) the height of the main building or ten (10) feet, whichever is less.

F. Maintenance, utility, and waste disposal facilities must be located entirely within a principal building or parking structure.

G. All dwellings located in the A Apartment District should be located within one quarter (1/4) mile of mass transit facilities.

TITLE THREE - Commercial District Regulations

Chap. 1230. O Office District.
Chap. 1231. C1 Limited Commercial District.
Chap. 1232. C2 General Commercial District.
Chap. 1233. C3 Business Commercial District.
Chap. 1234. CM Commercial Mixed Use District.

CHAPTER 1230
O Office District

1230.01 Purpose.
1230.02 Location of district.
1230.03 Permitted uses.
1230.04 Conditional uses.
1230.05 Accessory uses and structures.
1230.06 Minimum lot area.
1230.07 Minimum lot width.
1230.08 Minimum yard requirements.
1230.09 Minimum landscaped area.
1230.10 Maximum height.
1230.11 Maximum lot coverage.
1230.12 Location of accessory uses and structures in required yards.
1230.13 Allowable encroachments and distance.
1230.14 Site plan review.

CROSS REFERENCES

Sign regulations in commercial districts - see P. & Z. 1250.07
Off-street parking in commercial districts - see P. & Z. Table 1251.02
Landscape buffering and screening regulations - see P. & Z. 1253.09
Temporary uses - see P. & Z. Ch. 1261
Accessory uses and structures - see P. & Z. Ch. 1262
Permitted outdoor business activities - see P. & Z. 1260.02

1230.01 PURPOSE.

The purpose of this district is to provide an environment for office and ancillary uses and facilities. This district should be located along major streets and function as a buffer between commercial and residential districts, where property size or other circumstances preclude commercial development adjacent to residential districts.

1230.02 LOCATION OF DISTRICT.

An O Office District should be located as a buffer between uses of substantially different character or intensity.

1230.03 PERMITTED USES

The following are permitted uses in the O Office District, pursuant to any additional standards set forth herein.

A. Medical offices and clinics for the treatment and aid of humans.
B. Offices.
C. Parks and playgrounds, public.

1230.04 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General Standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses or elsewhere as referenced herein.

In order to provide an appropriate environment for office and ancillary uses and facilities, the following may be permitted only as Conditional Uses in the O Office District:

A. Assembly Halls.
B. Colleges.
C. Drive through facilities, pursuant to section 1263.10.
D. Libraries.
E. Mid-rise office development, pursuant to Section 1263.16.
F. Museums.
G. Places of Worship
H. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
I. Restaurants, sit-down.
J. Utilities (including substations, transmission facilities and related facilities).
(Ord. 18-25. Enacted 4-23-18.)

1230.05 ACCESSORY USES AND STRUCTURES.

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the O Office District:

1. Antennae, master radio, television and other telecommunications equipment, pursuant to Section 1262.02.
2. Day Care Centers, Child, pursuant to Section 1263.09.
3. Fences and Walls, pursuant to Section 1262.05.
4. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.

5. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
6. Loading, off-street, in rear yard only, pursuant to Chapter 1252, Off-Street Loading Regulations.
7. Maintenance, Storage, Utility and Waste Disposal Facilities, only if totally enclosed. Utility lines shall be entirely enclosed or buried for all new construction.
8. Ornamental Structures, in rear or side yard only, pursuant to Section 1262.10.
9. Outdoor Dining, accessory to a sit-down restaurant, located behind the building setback line, pursuant to Section 1262.11.
10. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
11. Parking Structures, pursuant to Section 1262.12.
12. Recreational facilities, indoor, private.
13. Recreational structures, accessory to a Child Day Care Center, in rear yard only, pursuant to Section 1262.13.
14. Retail establishments including but not limited to bakeries, candy shops, clothing and shoe stores, camera and film processing shops, florists, jewelry stores, drug stores and gift shops.
15. Service establishments including but not limited to laundry and dry cleaning facilities, beauty salons and barber shops, travel agencies, shoe repair shops, banks and other financial institutions.
16. Signage, pursuant to Chapter 1250, Sign Regulations.

1230.06 MINIMUM LOT AREA.
The minimum lot area in the O Office District shall be fifteen thousand (15,000) square feet.

1230.07 MINIMUM LOT WIDTH.
A. Standard Requirement. The minimum lot width shall be one hundred (100) feet.

B. Mid-Rise Office Requirements. Standards for Mid-Rise Office developments are located in Section 1263.16, Mid-Rise Office Development.

1230.08 MINIMUM YARD REQUIREMENTS.
A. Front Yard. Each principal building shall have a front yard setback from the public right-of-way not less in depth than the setback line for its lot as shown on the zoning map. However, no front yard setback shall be less than one-half (1/2) the height of the principal building.

B. Side Yards.
1. General Requirements. Each side yard shall be no less than one-half (1/2) the height of the principal building. Mid-Rise Office standards are located in Section 1263.16, Mid-Rise Office Development.

2. **Corner Lots.** On a corner lot, the exterior side yard shall be no less than the greater of the following:
   a. The required setback as shown on the zoning map
   b. One-half (1/2) the height of the principal building
   c. The standards for conditional use Mid-Rise Office developments as located in Section 1263.16, Mid-Rise Office Development.
3. **Transitions With Residential Districts.** Side yards abutting any residential district shall be no less than forty (40) feet. In addition to this increased setback, a landscaped buffer of at least five (5) feet shall also be provided.

C. Rear Yard. Each office development shall maintain a rear yard setback as follows:

1. **General Requirements.** The rear yard shall be no less than ten (10) feet.
2. **Transitions with Residential Districts.** Rear yards abutting any residential district shall be no less than forty (40) feet and shall include an appropriate landscape buffer. For rear lot lines which abut a SF or TF district, such buffer shall be a minimum of twenty (20) feet in width.

1230.09 MINIMUM LANDSCAPED AREA.

Grassy yards and landscaped areas shall total no less than twenty percent (20%) of the lot area. This required amount of landscaping may include required yards, lawns, patios, rooftop gardens and parking garage roofs which are covered and maintained with earth and grass or other suitable landscaping features.

1230.10 MAXIMUM HEIGHT.

A. Principal Buildings. The maximum height of a principal structure in the O Office District shall not exceed thirty-five (35) feet above finished grade.

B. Mid-rise Office Conditional Use. Standards for conditional use Mid-Rise Office Development are located in Section 1263.16, Mid-Rise Office Development.

C. Relationship to Lot Width. No building shall be higher than twice the width of the lot on which the building is located.

D. Rooftop Mechanical Equipment. Rooftop mechanical housing and equipment may extend up to ten (10) feet above the maximum height limit and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

E. Accessory Uses and Structures.

1. **General Requirements.** Pursuant to Chapter 1262, Accessory Uses and Structures.
2. **Mid-rise Office Conditional Use.** Standards for conditional use Mid-Rise Office development are located in Section 1263.16, Mid-Rise Office Development.

1230.11 MAXIMUM LOT COVERAGE.

The surface coverage of all above grade structures on a lot shall be no greater than sixty percent (60%) of the lot area.

1230.12 LOCATION OF ACCESSORY USES AND STRUCTURES IN REQUIRED YARDS.

The location of Accessory Uses and Structures in required yards shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1230.13 ALLOWABLE ENCROACHMENTS AND DISTANCE.

Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments.

1230.14 SITE PLAN REVIEW.

No building permit may be issued without first adhering to the site plan review standards set forth in Section 1213.06, Site Plan Review. Additionally, the following requirements shall be observed:

A. The location, relation and separation of uses and buildings shall be designed and constructed so as to provide compatible utilization and functioning of all uses.

B. The principal buildings shall be separated from other site uses according to the following schedule:

1. Accessory Buildings = Ten (10) feet unless attached.

2. Other principal buildings = Twenty (20) feet unless attached.

C. Maintenance, utility, and waste disposal facilities must be located entirely within a principal building or parking structure.

CHAPTER 1231
C1 Limited Commercial District

1231.01 Purpose.
1231.02 Permitted uses.
1231.03 Conditional uses.
1231.04 Accessory uses and structures.
1231.05 Minimum lot area.
1231.06 Minimum area per dwelling unit.
1231.07 Minimum lot width.
1231.08 Minimum yard requirements.
1231.09 Minimum landscaped area.
1231.10 Maximum height.
1231.11 Maximum lot coverage.
1231.12 Location of accessory uses and structures in required yards.
1231.13 Allowable encroachments and distance.
1231.14 Site plan review.

CROSS REFERENCES

Sign regulations in commercial districts - see P. & Z. 1250.07
Off-street parking in commercial districts - see P. & Z. Table 1251.02
Landscape buffering and screening regulations - see P. & Z. 1253.09
Temporary uses - see P. & Z. Ch. 1261
Accessory uses and structures - see P. & Z. Ch. 1262
Permitted outdoor business activities - see P. & Z. 1260.02

1231.01 PURPOSE.

The purpose of this district is to accommodate small scale retail and service activities serving the convenience commercial needs of the surrounding neighborhoods while protecting the immediate neighborhood from adverse effects. This district shall also apply to those locations, such as rapid transit stops, which are particularly suited to limited retail development.

1231.02 PERMITTED USES.

The following are permitted uses in the C1 Limited Commercial District, pursuant to any additional standards set forth herein.

A. Art galleries and artists' studios.
B. Bakeries, retail or wholesale.
C. Offices.
D. Parks and playgrounds, public.
E. Retail establishments including but not limited to bakeries, candy shops, clothing and shoe stores, camera and film processing shops, florists, jewelry stores, drug stores and gift shops.

F. Service establishments including but not limited to laundry and dry cleaning facilities, beauty salons and barber shops, travel agencies, shoe repair shops, banks and other financial institutions.

1231.03 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to accommodate small scale retail and service activities serving the convenience commercial needs of the surrounding neighborhoods while protecting the immediate neighborhood from adverse effects, the following may be permitted only as Conditional Uses in the C1 Limited Commercial District:

A. Day Care Centers, Adult, pursuant to Section 1263.08.
B. Day care centers, Child, pursuant to Section 1263.09.
C. Drive-through Facilities, pursuant to Section 1263.10.
D. Dwelling units located above the first floor, pursuant to Section 1263.11.
E. Entertainment, live, accessory to a sit-down restaurant.
F. Government offices.
G. Libraries.
H. Museums.
I. Planned Unit Developments pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
J. Restaurants, sit-down.
K. Utilities (including substations, transmission facilities and related facilities).
L. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.
(Ord. 18-25. Enacted 4-23-18.)

1231.04 ACCESSORY USES AND STRUCTURES.

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the C1 Limited Commercial District:

1. Amusement devices, as defined by the Business Regulation Code, limited to two (2).
2. Antennae, master radio, television and other telecommunications equipment, pursuant to Section 1262.02.
3. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.
4. Fences and Walls, pursuant to Section 1262.05.

5. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.
6. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
7. Loading, off-street, pursuant to Chapter 1252, Off-Street Loading Regulations.
8. Maintenance, Storage, Utility and Waste Disposal Facilities, only if totally enclosed. Utility lines shall be entirely enclosed or buried for all new construction.
9. Ornamental Structures, in rear or side yard only, pursuant to Section 1262.10.
10. Outdoor Dining, accessory to a sit-down restaurant, located behind the building setback line, pursuant to Section 1262.11.
11. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
12. Recreational structures, accessory to a Child Day Care Center, in rear yard only, pursuant to Section 1262.13.
13. Signage, pursuant to Chapter 1250, Sign Regulations.

1231.05 MINIMUM LOT AREA.
None.

1231.06 MINIMUM AREA PER DWELLING UNIT.
Dwelling unit size shall be as per Section 1225.05, A Apartment District, Minimum Area Per Dwelling Unit.

1231.07 MINIMUM LOT WIDTH.
The minimum lot width in the C1 Limited Commercial District shall be forty (40) feet.

1231.08 MINIMUM YARD REQUIREMENTS.
A. Front Yard. Each principal building shall have a front yard setback from the public right-of-way not less in depth than the setback line for its lot as shown on the zoning map.

B. Side Yards.
1. General Requirements. Each side yard shall be no less than one-fourth (1/4) the height of the principal building.
2. Corner Lots. On a corner lot, the exterior side yard shall be no less than the required setback as shown on the zoning map.
3. Transitions With Residential Districts. Side yards abutting any residential district shall be no less than twenty (20) feet. In addition to this increased setback, a landscaped buffer of at least ten (10) feet shall also be provided and shall include a solid brick wall of at least six (6) feet in height, pursuant to Section 1253.09.B, Buffers for Commercial Uses.

C. Rear Yard.

1. General Requirements. The rear yard shall be no less than forty (40) feet.

2. Transitions with Residential Districts. Rear yards abutting any residential district shall be no less than forty (40) feet and shall include an appropriate landscape buffer. For rear lot lines which abut a SF or TF district, such buffer shall be a minimum of ten (10) feet in width and shall include a solid brick wall of at least six (6) feet in height, pursuant to Section 1253.09.B, Buffers for Commercial Uses.

1231.09 MINIMUM LANDSCAPED AREA.

Grassy yards and landscaped areas shall total no less than twenty percent (20%) of the lot area. This required amount of landscaping may include required yards, lawns, patios, rooftop gardens and parking garage roofs which are covered and maintained with earth and grass or other suitable landscaping features.

1231.10 MAXIMUM HEIGHT.

A. Building Height. The maximum height of a principal structure in the C1 Limited Commercial District shall not exceed thirty-five (35) feet.

B. Rooftop Mechanical Equipment. Rooftop mechanical housing and equipment may extend up to ten (10) feet above the maximum height limit and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

C. Accessory Uses and Structures. The maximum height of Accessory Uses and Structures shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1231.11 MAXIMUM LOT COVERAGE.

The surface coverage of all above grade structures on a lot shall be no greater than forty percent (40%) of the lot area.

1231.12 LOCATION OF ACCESSORY USES AND STRUCTURES IN REQUIRED YARDS.

The location of Accessory Uses and Structures in required yards shall be pursuant to Chapter 1262, Accessory Uses and Structures.

1231.13 ALLOWABLE ENCROACHMENTS AND DISTANCE.

Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments.

1231.14 SITE PLAN REVIEW.

No building permit may be issued without first adhering to the site plan review standards set forth in Section 1213.06, Site Plan Review. Additionally, the following requirements shall be observed:

A. The location, relation and separation of uses and buildings shall be designed and constructed so as to provide compatible utilization and functioning of all uses.

B. The principal buildings shall be separated from other site uses according to the following schedule:

1. Accessory Buildings = Ten (10) feet unless attached.

2. Other principal buildings = Ten (10) feet unless attached.

C. Maintenance, utility, and waste disposal facilities must be located entirely within a principal building or parking structure.

CHAPTER 1232
C2 General Commercial District

1232.01 Purpose.
1232.02 Permitted uses.
1232.03 Conditional uses.
1232.04 Accessory uses and structures.
1232.05 Minimum lot area.
1232.06 Minimum area per dwelling unit.
1232.07 Minimum lot width.
1232.08 Minimum yard requirements.
1232.09 Minimum landscaped area.
1232.10 Maximum height.
1232.11 Maximum lot coverage.
1232.12 Location of accessory uses and structures in required yards.
1232.13 Allowable encroachments and distance.
1232.14 Site plan review.

CROSS REFERENCES

Sign regulations in commercial districts - see P. & Z. 1250.07
Off-street parking in commercial districts - see P. & Z. Table 1251.02
Landscape buffering and screening regulations - see P. & Z. 1253.09
Temporary uses - see P. & Z. Ch. 1261
Accessory uses and structures - see P. & Z. Ch. 1262
Permitted outdoor business activities - see P. & Z. 1260.02

1232.01 PURPOSE.

The purpose of this district to maintain and promote a mix of commercial uses which provide goods and services for the City as a whole and for the convenience of residents of the surrounding neighborhood. This district also accommodates limited multiple-family housing when combined with commercial uses on the ground floor. The development standards and range of allowable uses in this district are designed to maintain a pedestrian oriented environment.

1232.02 PERMITTED USES.

The following are permitted uses in the C2 General Commercial District, pursuant to any additional standards set forth herein.

A. Art galleries and artists' studios.
B. Bakeries, retail or wholesale.
C. Dry cleaners with plants.
D. Government offices.
E. Job printing and newspaper printing not to exceed ten thousand (10,000) square feet..

F. Medical offices and clinics for the treatment and aid of humans.
G. Offices.
H. Parks and playgrounds, public.
I. Restaurants, carry-out.
J. Restaurants, sit-down.
K. Retail establishments including but not limited to bakeries, candy shops, clothing and shoe stores, camera and film processing shops, florists, jewelry stores, drug stores and gift shops.
L. Service establishments including but not limited to laundry and dry cleaning facilities, beauty salons and barber shops, travel agencies, shoe repair shops, and banks and other financial institutions.

1232.03 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to promote a mix of commercial uses which provide goods and services for the City as a whole and for the convenience of residents of the surrounding neighborhood, the following may be permitted only as Conditional Uses in the C2 General Commercial District:

A. Amusement devices, as defined by the Business Regulation Code, in excess of two (2), pursuant to Section 1263.01.
B. Animal Hospitals and Veterinarians' Offices, pursuant to Section 1263.02.
C. Assisted Living Facilities, pursuant to Section 1263.04.
D. Automotive fuel stations, with or without convenience retail, pursuant to Section 1263.05.
E. Automotive rental and leasing, pursuant to Section 1263.05.
F. Automotive sales, including repair and storage of automobiles, pursuant to Section 1263.05.
G. Automotive service and repair shops, pursuant to Section 1263.05.
H. Band Shells and Amphitheaters, pursuant to Section 1263.06.
I. Car washes, pursuant to Section 1263.05.
J. Convalescent, Nursing or Rest Homes, pursuant to Section 1263.04.
K. Day Care Centers, Adult, pursuant to Section 1263.07.
L. Day Care Centers, Child, pursuant to Section 1263.08.
M. Drive-through Facilities, pursuant to Section 1263.10.
N. Dwelling units located above the first floor, pursuant to Section 1263.11.
O. Fire and police stations, pursuant to Section 1263.12.
P. Garden centers, including outdoor sales pursuant to Section 1253.09, Landscape Buffers and Screening.
Q. Hotels and motels.
R. Job printing and newspaper printing exceeding ten thousand (10,000) square feet.
S. Libraries.

T. Municipal service uses, pursuant to Section 1263.12.
U. Museums.
V. Planned Unit Developments pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
W. Recreation facilities, indoor, public or private.
X. Schools, Specialized Instructional, pursuant to Section 1263.22.
Y. Theaters, pursuant to Section 1263.06.
Z. Utilities (including substations, transmission facilities and related facilities).
AA. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.
(Ord. 18-25. Enacted 4-23-18.)

1232.04 ACCESSORY USES AND STRUCTURES.

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the C2 General Commercial District:

1. Amusement devices, as defined by the Business Regulation Code, limited to two (2).
2. Antennae, master radio, television and other telecommunications equipment, pursuant to Section 1262.02.
3. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.
4. Entertainment, live, accessory to a sit-down restaurant.
5. Fences and Walls, pursuant to Section 1262.05.
6. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.
7. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
8. Loading, off-street, pursuant to Chapter 1252, Off-Street Loading Regulations.
9. Maintenance, Storage, Utility and Waste Disposal Facilities, only if totally enclosed. Utility lines shall be entirely enclosed or buried for all new construction.
10. Ornamental Structures, in rear or side yard only, pursuant to Section 1262.10.
11. Outdoor Dining, accessory to a sit-down restaurant, located behind the building setback line, pursuant to Section 1262.11.
12. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
13. Parking Structures, pursuant to Section 1262.12.
14. Recreational Structures, accessory to a Child Day Care Center, in rear yard only, pursuant to Section 1262.13.
15. Signage, pursuant to Chapter 1250, Sign Regulations.
16. Storage of privately owned commercial trucks, accessory to the primary use, pursuant to Section 1262.15.

1232.05 MINIMUM LOT AREA.

A. General Requirements. The minimum lot area in the C2 General Commercial District shall be seven thousand five hundred (7,500) square feet.

B. Automotive Uses.

1. **Automobile Dealerships.** Automobile dealerships in the C2 District shall be located on lots no smaller than eighty-five thousand (85,000) square feet.
2. **Automotive Fuel Stations with Convenience Retail or Food Sales.** Automotive Fuel Stations with Convenience Retail or Food Sales in the C2 District shall be located on lots no smaller than thirty thousand (30,000) square feet.
3. **Automotive Fuel Stations without Convenience Retail or Food Sales.** Automotive Fuel Stations without Convenience Retail or Food Sales in the C2 District shall be located on lots no smaller than fifteen thousand (15,000) square feet.

1232.06 MINIMUM AREA PER DWELLING UNIT.

Minimum area per dwelling unit shall be regulated pursuant to Section 1225.05.B, Minimum Area Per Dwelling Unit.

1232.07 MINIMUM LOT WIDTH.

The minimum lot width in the C2 General Commercial District shall be forty (40) feet.

1232.08 MINIMUM YARD REQUIREMENTS.

A. Front Yard. Each principal building shall have a front yard setback from the public right-of-way no less in depth than the setback line for its lot as shown on the zoning map. However, no front yard setback shall be less than one-half (1/2) of the height of the principal building. Any lot in the C2 District shall have, at its setback line as described above, either the principal building or an architectural element, pursuant to Section 1232.14.B, Architectural Element at Setback Line.

B. Side Yards.

1. **General Requirements.** Each side yard shall be no less than one-third (1/3) the height of the principal building however, no side yard shall be less than five (5) feet, except as otherwise provided below.
2. **Corner Lots.** On a corner lot, the exterior side yard shall be no less than the required setback as shown on the zoning map.
3. **Transitions With Residential Districts.** Side yards abutting any residential district shall be no less than twenty (20) feet. In addition to this increased setback, a landscaped buffer of at least ten (10) feet shall also be provided and shall include a solid brick wall of at least six (6) feet in height, pursuant to Section 1253.09.B, Buffers for Commercial Uses.
4. **Side Yard Exceptions.** Where side yards abut the side yards of other commercially zoned lots, the Board of Zoning Appeals may waive the requirement for a minimum side yard setback.

C. Rear Yard.

1. General Requirements. The rear yard shall be no less than twenty (20) feet.

2. Transitions with Residential Districts. Rear yards abutting any residential district shall be no less than forty (40) feet. In addition to this increased setback, a landscaped buffer of at least twenty (20) feet shall also be provided and shall include a solid brick wall of at least six (6) feet in height, pursuant to Section 1253.09.B, Buffers for Commercial Uses.

1232.09 MINIMUM LANDSCAPED AREA.

The minimum amount of landscaped area shall be no less than twenty percent (20%) of lot area.

1232.10 MAXIMUM HEIGHT.

A. Building Height. The maximum height of a principal structure in the C2 General Commercial district shall not exceed forty (40) feet above finished grade.

B. Rooftop Mechanical Equipment. Rooftop mechanical housing and equipment may extend up to ten (10) feet above the maximum height limit and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

C. Accessory Uses and Structures. The maximum height of Accessory Uses and Structures shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1232.11 MAXIMUM LOT COVERAGE.

None.

1232.12 LOCATION OF ACCESSORY USES AND STRUCTURES IN REQUIRED YARDS.

The location of Accessory Uses and Structures in required yards shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1232.13 ALLOWABLE ENCROACHMENTS AND DISTANCE.

Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments.

1232.14 SITE PLAN REVIEW.

No building permit may be issued without first adhering to the site plan review standards set forth in Section 1213.06, Site Plan Review. Additionally, the following requirements shall be observed:

A. Building Separation. The location, relation and separation of uses and buildings shall be designed and constructed so as to provide compatible utilization and functioning of all uses. The principal building shall be separated from other uses according to the following schedule:

1. Accessory Buildings = Ten (10) feet unless attached.

2. Other Principal Buildings = Twenty (20) feet unless attached.

B. **Architectural Element at Setback Line.** When an architectural element is located at the minimum setback line in lieu of the principal building, as permitted in Section 1232.08.A, such element shall be reflective of the building's facade materials and details. Architectural elements shall be a minimum of three (3) feet in height.

C. **Maintenance, utility, and waste disposal facilities.** These facilities must be located entirely within a principal building or parking structure, or totally enclosed in a six (6) foot brick wall with a solid gate in the rear yard.

CHAPTER 1233
C3 Business Commercial District

1233.01 Purpose.
1233.02 Permitted uses.
1233.03 Conditional uses.
1233.04 Accessory uses and structures.
1233.05 Minimum lot area.
1233.06 Minimum lot width.
1233.07 Minimum yard requirements.
1233.08 Minimum landscaped area.
1233.09 Maximum height.
1233.10 Maximum lot coverage.
1233.11 Location of accessory uses and structures in required yards.
1233.12 Allowable encroachments and distance.
1233.13 Site plan review.

CROSS REFERENCES

Sign regulations in commercial districts - see P. & Z. 1250.07
Off-street parking in commercial districts - see P. & Z. Table 1251.02
Landscape buffering and screening regulations - see P. & Z. 1253.09
Temporary uses - see P. & Z. Ch. 1261
Accessory uses and structures - see P. & Z. Ch. 1262
Permitted outdoor business activities - see P. & Z. 1260.02

1233.01 PURPOSE.

The purpose of this district is to provide an environment for a range of business enterprises such as small scale research, distributing and technical uses that do not produce environmental impacts or nuisances or otherwise create nuisances which could impact nearby residential development.

1233.02 PERMITTED USES.

The following are permitted uses in the C3 Business Commercial District, pursuant to any
additional standards set forth herein.

A. Art galleries and artists' studios.
B. Bakeries, retail or wholesale.
C. Dry cleaners with plants.
D. Fire and police stations.
E. Government offices.
F. Job printing and newspaper printing.
G. Medical offices and clinics for the treatment and aid of humans.

H. Municipal service uses.
I. Offices.
J. Parks and playgrounds, public.
K. Retail establishments including but not limited to bakeries, candy shops, clothing and shoe stores, camera and film processing shops, florists, jewelry stores, drug stores and gift shops.
L. Service establishments including but not limited to laundry and dry cleaning facilities, beauty salons and barber shops, travel agencies, shoe repair shops, and banks and other financial institutions.

1233.03 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to control the potential negative impacts of business enterprises on the community, the following may be permitted as Conditional Uses in the C3 Business Commercial District:

A. Amusement devices, as defined by the Business Regulation Code, in excess of two (2), pursuant to Section 1263.01.
B. Animal Hospitals and Veterinarians' Offices, pursuant to Section 1263.02.
C. Assembly of finished goods, pursuant to Section 1263.03.
D. Automotive fuel stations, with or without convenience retail, pursuant to Section 1263.05.
E. Automotive rental and leasing, pursuant to Section 1263.05.
F. Automotive sales, including repair and storage of automobiles, pursuant to Section 1263.05.
G. Automotive service and repair shops, pursuant to Section 1263.05.
H. Car washes, pursuant to Section 1263.05.
I. Day Care Centers, Adult, pursuant to Section 1263.07.
J. Day Care Centers, Child, pursuant to Section 1263.08.
K. Drive-through Facilities, pursuant to Section 1263.10.
L. Dry cleaning plants.
M. Dwelling Units.
N. Garden centers, including outdoor sales, pursuant to Section 1253.09, Landscape Buffers and Screening.
O. Hospitals and outpatient care facilities; for the treatment and aid of humans, pursuant to Section 1263.14.
P. Laboratories, pursuant to Section 1263.15.
Q. Libraries.
R. Museums.
S. Outdoor Storage, accessory to a permitted use, in rear yard; only, pursuant to Section 1253.09.B, Buffers for Commercial Uses, and Section 1263.17, Outdoor Storage.
T. Packaging of finished goods, pursuant to Section 1263.03.

U. Planned Unit Developments pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
V. Recreational facilities, indoor, public or private.
W. Research Facilities, pursuant to Section 1263.15.
X. Schools, Primary and Secondary, Private, pursuant to Section 1263.20.
Y. Schools Specialized Instructional, pursuant to Section 1263.21.
Z. Self Storage Facilities, pursuant to Section 1263.22.
AA. Theaters, pursuant to Section 1263.06.
BB. Utilities (including substations, transmission facilities and related facilities).
CC. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2.
(Ord. 18-25. Enacted 4-23-18.)

1233.04 ACCESSORY USES AND STRUCTURES.

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the C3 Business Commercial District:

1. Amusement devices, as defined by the Business Regulation Code, limited to two (2).
2. Antennae, master radio, television and other telecommunications equipment, pursuant to Section 1262.02.
3. Fences and Walls, pursuant to Section 1262.05.
4. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.
5. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
6. Loading, off-street, in rear yard only, pursuant to Chapter 1252, Off-Street Loading Regulations.
7. Maintenance, Storage, Utility and Waste Disposal Facilities, only if totally enclosed. Utility lines shall be entirely enclosed or buried for all new construction.
8. Ornamental Structures, in rear or side yard only, pursuant to Section 1262.10.
9. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
10. Parking Structures, pursuant to Section 1262.12.
11. Recreational Structures, accessory to a Child Day Care Center, in rear yard only.
12. Signage, pursuant to Chapter 1250, Sign Regulation
13. Truck storage and storage of vehicles, pursuant to Section 1253.09, Landscape Buffers and Screening, and Section 1262.15, Storage of Vehicles.
14. Warehousing.
15. Wholesale use.

1233.05 MINIMUM LOT AREA.

A. General Requirements.

1. For lots created prior to the effective date of this Zoning Ordinance, the minimum lot area shall be six thousand (6,000) square feet.

2. For lots created after the effective date of this Zoning Ordinance, the minimum lot area shall be twelve thousand (12,000) square feet.

B. Automotive Uses.

1. Automobile Dealerships. Automobile dealerships in the C3 District shall be located on lots no smaller than eighty-five thousand (85,000) square feet.

2. Automotive Fuel Stations with Convenience Retail or Food Sales. Automotive Fuel Stations with Convenience Retail or Food Sales in the C3 District shall be located on lots no smaller than thirty thousand (30,000) square feet.

3. Automotive Fuel Stations without Convenience Retail or Food Sales. Automotive Fuel Stations without Convenience Retail or Food Sales in the C3 District shall be located on lots no smaller than fifteen thousand (15,000) square feet.

1233.06 MINIMUM LOT WIDTH.

A. For lots created prior to the effective date of this Zoning Ordinance, the minimum lot width shall be forty (40) feet.

B. For lots created after the effective date of this Zoning Ordinance, the minimum lot width shall be eighty (80) feet.

1233.07 MINIMUM YARD REQUIREMENTS.

A. Front Yard. Each principal building shall have a front yard setback from the public right-of-way no less in depth than the setback line for its lot as shown on the zoning map. However, no front yard setback shall be less than one-half (1/2) of the height; of the principal building. Any lot in the C3 Business Commercial District shall have, at its setback line as described above, either the principal building or an architectural element, pursuant to Section 1233.13.B, Architectural Element at Setback Line.

B. Side Yards.

1. General Requirements. Each side yard shall be no less than one-third (1/3) the height of the principal building however, no side yard shall be less than five (5) feet, except as otherwise provided below.

2. Corner Lots. On a corner lot, the exterior side yard shall be no less than the required setback as shown on the zoning map.

3. Transitions With Residential Districts. Side yards abutting any residential district shall be no less than twenty (20) feet. In addition to this increased setback, a landscaped buffer of at least ten (10) feet shall also be provided and shall include a solid brick wall of at least six (6) feet in height, pursuant to Section 1253.09.B, Buffers for Commercial Uses.

4. Side Yard Exceptions. Where side yards abut the side yards of other commercially zoned lots, the Board of Zoning Appeals may waive the requirement for a minimum side yard setback.

C. Rear Yard.

1. General Requirements. The rear yard shall be no less than twenty (20) feet.

2. Transitions with Residential Districts. Rear yards abutting any residential district shall be no less than forty (40) feet. In addition to this increased setback, a landscape buffer of at least twenty (20) feet shall also be provided and shall include a solid brick wall of at least six (6) feet in height, pursuant to Section 1253.09.B, Buffers for Commercial Uses.

1233.08 MINIMUM LANDSCAPED AREA.

The minimum amount of landscaped area shall be no less than twenty percent (20%) of the lot area.

1233.09 MAXIMUM HEIGHT.

A. Building Height. The maximum building height in the C3 Business Commercial District shall be thirty-five (35) feet or two and one-half (2 1/2) stories, whichever is less.

B. Rooftop Mechanical Equipment. Rooftop mechanical housing and equipment may extend up to ten (10) feet above the maximum height limit and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

C. Accessory Uses and Structures. The maximum height of Accessory Uses and Structures shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1233.10 MAXIMUM LOT COVERAGE.

The surface coverage of all above grade structures on a lot shall be no greater than fifty percent (50%) of the lot area.

1233.11 LOCATION OF ACCESSORY USES AND STRUCTURES IN REQUIRED YARDS.

The location of Accessory Uses and Structures in required yards shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1233.12 ALLOWABLE ENCROACHMENTS AND DISTANCE.

Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments.

1233.13 SITE PLAN REVIEW.

No building permit may be issued without first adhering to the site plan review standards set forth in Section 1213.06, Site Plan Review. Additionally, the following requirements shall be observed:

A. Building Separation. The location, relation and separation of uses and buildings shall be designed and constructed so as to provide compatible utilization and functioning of all uses. The principal building shall be separated from other uses according to the following schedule:

1. Accessory Buildings = Ten (10) feet unless attached.

2. Other Principal Buildings = Twenty (20) feet unless attached.

B. **Architectural Element at Setback Line.** When an architectural element is located at the minimum setback line in lieu of the principal building, as permitted in Section 1233.07.A, such element shall be reflective of the building's façade materials and details. Architectural elements shall be a minimum of three (3) feet in height.

C. **Off-Street Parking Buffers.** All parking lots located within the front yard setback shall be buffered from view by roadside traffic pursuant to Section 1253.08, Parking Lot Landscaping.

CHAPTER 1234
CM Commercial Mixed Use District

1234.01 Purpose.
1234.02 Permitted uses.
1234.03 Conditional uses.
1234.04 Accessory uses and structures.
1234.05 Use requirements for large parcel development.
1234.06 Lot and density regulations.
1234.07 Yard requirements.
1234.08 Height requirements.
1234.09 Parking requirements.
1234.10 Design standards and principles.
1234.11 Allowable encroachments and distance.
1234.12 Site plan review.

CROSS REFERENCES

Sign regulations in commercial districts - see P. & Z. 1250.07
Off-street parking in commercial districts - see P. & Z. Table 1251.02
Landscape buffering and screening regulations - see P. & Z. 1253.09
Temporary uses - see P. & Z. Ch. 1261
Accessory uses and structures - see P. & Z. Ch. 1262
Permitted outdoor business activities - see P. & Z. 1260.02

1234.01 PURPOSE.

The purpose of this district is to encourage a compact mix of retail, service, office, housing and public activities to coexist in a manner that reflects human scale and emphasizes pedestrian orientation, taking advantage of the convenience provided by multi-modal transportation options and the vitality that mixed uses can bring to a community. CM Commercial Mixed Use Districts ("CM Districts") can serve both local and regional commercial needs, while reflecting the scale and character of Shaker Heights in a manner which protects adjacent areas from any adverse effects.

The regulations for this district are intended to create areas of concentrated development around key transit stops in order to:

A. Create dense, walkable, mixed-use centers wherein daily goods and services and employment opportunities are located within walking distances of residents.

B. Improve the pedestrian environment through building orientation, attractive building facades, and pedestrian amenities.

C. Expand residential and lifestyle options with increased mobility choices.

D. Enhance the overall quality of life of Shaker Heights' residents, businesses and visitors by creating great places.

E. Take advantage of the benefits of transit, including the value that transit services add to adjacent and surrounding real estate, and increase the physical and cultural prominence of transit in the community.

F. Encourage development of an economically vibrant, liveable community.

G. Ensure that new development or redevelopment occurs in a unified manner consistent with transit-oriented development (TOD) plan(s) adopted by the City.

(Ord. 13-16. Passed 5-28-13.)

1234.02 PERMITTED USES.

The following are permitted uses in the CM District, pursuant to any additional standards set forth herein.

A. Art galleries and artist studios, provided that when located on the first floor, the area devoted to public display and retail sales of products is not less than 50% of the area of the first floor devoted to such use.

B. Business services, including but not limited to copying, desktop publishing, photographic services, and other similar uses.

C. Dwelling units located above the first floor

D. Government office buildings, libraries, museums.

E. Offices, including professional offices, medical offices and clinics for the treatment and aid of humans.

F. Public space.

G. Restaurants, including sit-down and carry-out establishments.

H. Retail sales, including but not limited to food and beverage stores, clothing and shoe stores, camera and film processing shops, florists, jewelry stores, drug stores, furniture and home furnishings, books, periodicals, music, office supplies, hardware, video stores, sporting goods and hobbies, gift shops, and other similar uses.

I. Personal service establishments, including but not limited to laundry and dry cleaning facilities, beauty salons and barber shops, travel agencies, shoe repair shops, banks and other financial institutions.

(Ord. 13-16. Passed 5-28-13.)

1234.03 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05 H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

All conditional uses shall meet the design standards and principles in Section 1234.10 as well as additional standards set forth herein.

In order to control the mixture and locations of uses in this district, the following may be permitted only as Conditional Uses in the CM District:

A. Amusement devices, as defined by the Business Regulation Code, in excess of two, pursuant to Section 1263.01.

B. Animal hospitals and veterinarian's offices, pursuant to Section 1263.02.

C. Assembly of finished goods and packaging of finished goods, pursuant to Section 1263.03.

D. Assisted living facilities, pursuant to Section 1263.04.

E. Band shells and amphitheaters, pursuant to Section 1263.06.

F. Convalescent, nursing or rest homes, pursuant to Section 1263.04.

G. Day care centers, adult, pursuant to Section 1263.07.
H. Day care centers, child, pursuant to Section 1263.08.
I. Drive-through facilities, pursuant to Section 1263.10.
J. Dwelling, multiple family, provided that the area devoted to first floor residential uses does not exceed 40% of the total first floor area of the buildings in the district.
K. Fire and police stations, pursuant to Section 1263.12.
L. Home occupations, pursuant to Section 1263.13.
M. Hospitals and outpatient care facilities for the treatment and aid of humans, pursuant to Section 1263.14.
N. Hotels and motels.
O. Laboratories and research facilities pursuant to Section 1263.15.
P. Limited production/processing, pursuant to Section 1263.15.
Q. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
R. Recreational facilities, indoor, public or private.
S. Schools, primary and secondary pursuant to Section 1263.21.
T. Schools, specialized instructional, pursuant to Section 1263.22.
U. Theaters and Assembly Halls, pursuant to Section 1263.06.
V. Utilities (including substations, transmission facilities and related facilities).
W. Wine bars and brew pubs.
X. Work/live units, pursuant to Section 1263.23.
Y. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05 D.2.
(Ord. 18-25. Enacted 4-23-18.)

1234.04 ACCESSORY USES AND STRUCTURES.

All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures. The following are permitted Accessory Uses and Structures in the CM District, pursuant to any additional standards set forth herein.

A. Amusement devices, as defined by the Business Regulation Code, limited to two (2).
B. Antennae, master radio, television and other telecommunications equipment, pursuant to Section 1262.02.
C. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.
D. Entertainment, live, accessory to a permitted or conditionally permitted use.
E. Fences and Walls, pursuant to Section 1262.05.
F. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.
G. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
H. Loading, off-street, in rear yard only, pursuant to Chapter 1252, Off-Street Loading Regulations.
I. Maintenance, storage, utility and waste disposal facilities, only when totally enclosed.
J. Ornamental structures, in rear or side yard only, pursuant to Section 1262.10.

K. Outdoor dining, accessory to a sit-down restaurant, pursuant to Section 1262.11.
L. Parking, off-street, and driveways.
M. Parking structures, pursuant to Section 1262.12.
N. Recreational structures, accessory to a child day care center, in rear yard only, pursuant to Section 1262.13.
O. Signage, pursuant to Chapter 1250, Sign Regulations.
(Ord. 13-16. Passed 5-28-13.)

1234.05 USE REQUIREMENTS FOR LARGE PARCEL DEVELOPMENT.

A. Development proposals that involve at least 1.5 acres or 60,000 square feet of floor area, whichever is less, shall:

1. Include a mix of retail, office, residential or civic uses, so that no one use category exceeds 90% of the total floor area of the proposal.
2. A minimum of 50% of the linear first floor building frontage along primary streets shall be designed for retail, restaurant, and/or service uses, with a floor to ceiling height of at least 10 feet.
3. A minimum of 60% of the street-facing building façade between 2 feet and 8 feet in height shall comprise clear windows that permit views into the interior of the building and/or product display areas.
4. These requirements may be waived for conditional uses based on their location within the CM District.

B. All parking structures shall be primarily lined with other permitted uses along the primary street frontage. (Ord. 13-16. Passed 5-28-13.)

1234.06 LOT AND DENSITY REGULATIONS.

A. Minimum Lot Area. The minimum lot area shall be eight thousand five hundred (8,500) square feet.

B. Minimum Lot Width. The minimum lot width shall be fifty (50) feet.

C. Minimum Area Per Dwelling Unit. The minimum area per dwelling unit shall be regulated pursuant to Section 1225.05, A Apartment District, minimum area per dwelling unit.
(Ord. 13-16. Passed 5-28-13.)

1234.07 YARD REQUIREMENTS.

A. Front Yard.

1. Minimum: Five (5) Feet.
2. Maximum: Ten (10) Feet.

B. Side Yards.

1. General Requirements

a. Minimum: None, provided that abutting walls are constructed of fire proof masonry material in accordance with the ordinances of the City.
b. Maximum: One third (1/3) the height of the principal building.

2. Corner lots: On a corner lot, the exterior side yard shall be as set forth in Section 1234.07 A, Front Yard, above.

3. Transitions with Single-Family and Two-Family Residential Districts: Side yards abutting any single-family or two-family residential district shall be no less than twenty (20) feet. In addition to this increased setback, a landscaped buffer of at least ten (10) feet shall also be provided and shall include a solid brick wall of at least six (6) feet in height, pursuant to Section 1253.09 B, Buffers for Commercial Uses.

C. Rear Yard.

1. General Requirements: The rear yard shall be no less than twenty (20) feet.

2. Transitions with Single-Family and Two-Family Residential Districts: Rear yards abutting any single-family or two-family residential district shall be no less than forty (40) feet. In addition to this increased setback, a landscape buffer of at least twenty (20) feet shall also be provided and shall include a solid brick wall of at least six (6) feet in height, pursuant to Section 1253.09 B, Buffers for Commercial Uses.
(Ord. 13-16. Passed 5-28-13.)

1234.08 HEIGHT REQUIREMENTS.

A. General Requirements.

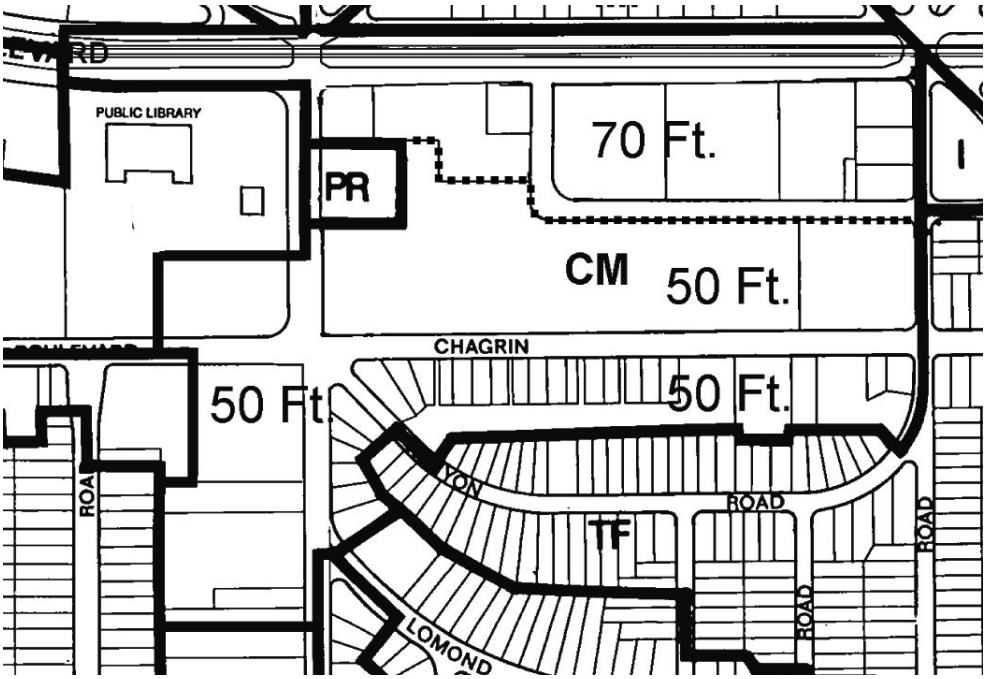
1. Minimum: Two (2) stories.

2. Maximum: The maximum height of a principal structure shall be pursuant to Figures 1234.08-A and 1234.08-B below. Site-specific height restrictions may be established as part of the overall site plan to promote design compatibility with the surrounding area and to minimize negative visual impacts, particularly on adjacent or nearby residential areas.

B. Measuring Minimum Building Height: The minimum height of a principal structure shall be measured at the street frontage portion of the building. The remainder of the building may step down to one (1) story.

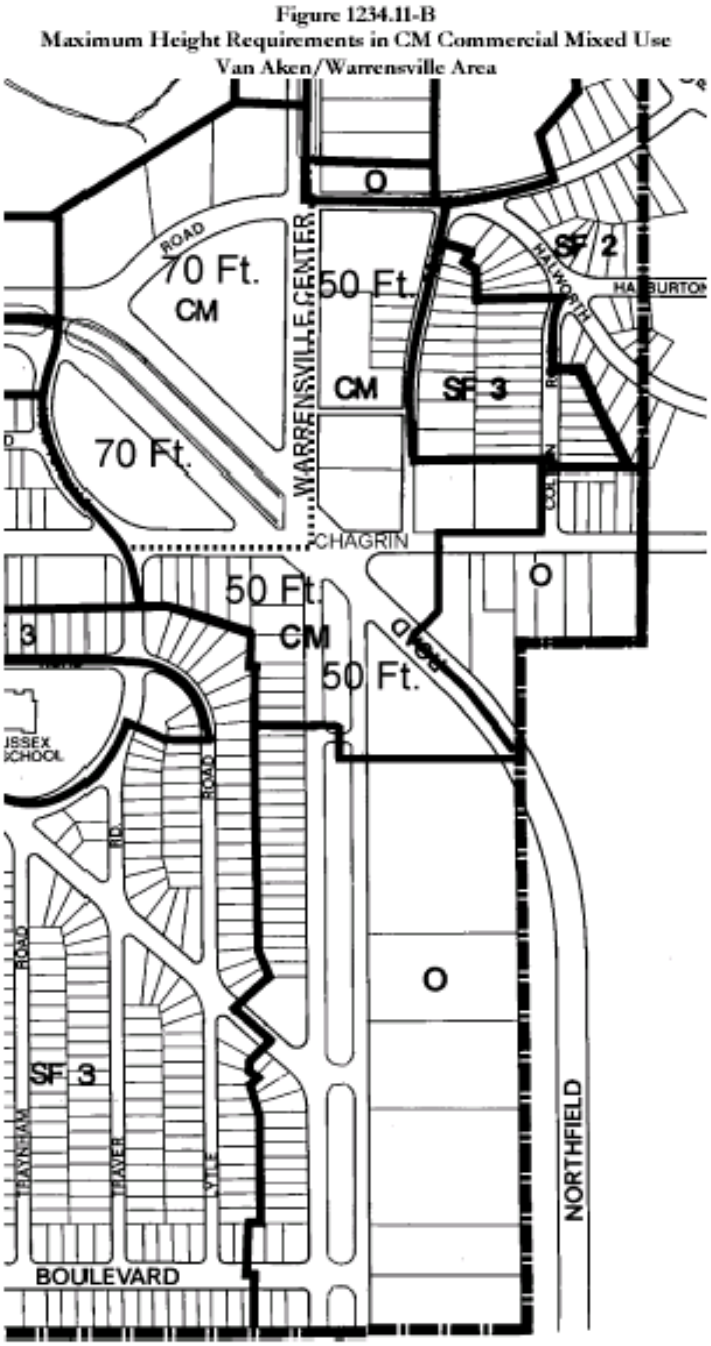
C. Rooftop Mechanical Equipment: Rooftop mechanical housing and equipment may extend up to ten (10) feet above the maximum height limit and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

Figure 1234.08-A
Maximum Height Requirements



Chagrin/Lee Area CM Commercial Mixed Use District

Figure 1234.08-B
Maximum Height Requirements
Van Aken/Warrensville Area CM Commercial Mixed Use District



(Ord. 13-16. Passed 5-28-13.)

1234.09 PARKING REQUIREMENTS.

A. General Requirements. Off-street parking and associated driveways shall conform to the parking requirements set forth in Chapter 1251, except as modified herein. Where there is a conflict between a provision in this section and a provision in Chapter 1251, the requirements of this Chapter shall prevail.

B. Modified Parking Standards:

1. Required parking may be reduced to 60% of the minimum required in Chapter 1251 when the City Planning Commission determines that, based on credible evidence provided by the applicant, certain factors such as, but not limited to, availability of transit, mix of land uses and shared parking options are likely to result in lower off-street parking demand than indicated by the requirements in Chapter 1251.

2. The maximum amount of parking provided shall not exceed 100% of the standards contained in Chapter 1251. The maximum provision shall not apply to park-and-ride facilities or other parking provided as part of a transit facility.

C. Location of Off-Street Parking Spaces. Off-street surface parking shall not be located between the façade of a building and the primary street. Parking shall be located to the side or rear of a building, and no more than 50% of the lot frontage along the primary street shall be devoted to parking or drives.

D. Compact Parking Spaces. Compact spaces are permitted subject to the following:

1. A maximum of ten percent (10%) of the spaces in any parking facility may be designated and labeled as compact car spaces.

2. Compact car parking spaces shall be designated with a sign.

E. Bicycle Parking. Bicycle parking facilities shall be provided according to Section 1251.13. Bicycle parking facilities shall be located so as to not interfere with pedestrian movement. (Ord. 13-16. Passed 5-28-13.)

1234.10 DESIGN STANDARDS AND PRINCIPLES.

All new development or redevelopment projects in the CM District shall be subject to the following design standards and principles.

A. Consistency with Transit Oriented Development (TOD) Plans. Where a TOD plan has been adopted by the City, the arrangement of land uses, public open spaces and streets should be consistent with the intent of that plan.

B. Building and Site Design.

1. Buildings and sites are encouraged to accommodate a mixture of uses permitted in this district. A mixture of uses is encouraged not just within the overall district, but on individual parcels and within individual buildings. High activity uses such as retail are encouraged on the first floor, with uses such as offices and residential encouraged on second floors.

2. Buildings shall be designed to respect the street context, to form street walls where appropriate, and to respect or create view corridors.

3. Buildings and sites shall be designed to emphasize pedestrian scale, human scale architecture, and landscaping, while avoiding large expanses of paved areas, large featureless buildings, and monotonous or franchise-style architecture. (See Figure 1234.10.)

4. All sides of a building open to view by the public shall display a similar level of architectural quality, and shall be subdivided and proportioned using features such as windows, entrances, arcades, awnings, or other such features.

5. Wherever feasible, buildings shall be designed to provide massing configurations with a variety of different wall planes. Plain, monolithic structures with long monotonous walls and roof plane surfaces are prohibited.

6. Each building facade shall incorporate design elements for each 20 horizontal feet, such as changes in color or texture; projections, recesses, and reveals; arcades or pergolas providing pedestrian interest; or equivalent elements that subdivides the wall into human scale proportions.

7. First floor facades facing streets or pedestrian ways should incorporate large amounts (at least 60% of the facade) of clear windows that permit views into the interior of the building and/or product display areas.

8. Building facades shall have highly visible customer service entrances that feature canopies, overhangs, arcades, distinctive roof forms, arches, display windows, or landscaped features. Primary entrances should face, and be visible from the street on which they are located and shall be directly accessible and visible from the sidewalk.

9. Buildings shall have well defined rooflines with attention to architectural detail. Consideration should be given to the prevailing pattern of roofs in the area surrounding and within the district.

10. Sloping roofs, where used, shall have one or more of the following architectural features: gables, hips, horizontal or vertical breaks, or other similar techniques that are integrated into the building architecture.

11. Buildings shall be designed and arranged to define the public and private space with open views and surveillance for public areas and privacy for private areas.

C. Building Materials.

1. Building materials shall be limited to brick, masonry, stucco, wood, fiber cement siding, wood shingle, wood siding, cultured stone, or other similar materials.

2. Prohibited materials include vinyl siding, dryvit-type products on the lowest 8 feet of any structure, split faced block, aluminum or vinyl siding, and other similar materials.

D. Vehicular Circulation and Access.

1. Circulation systems shall be designed to efficiently facilitate traffic flow, yet designed to discourage speeds and volumes that impede pedestrian activity and safety.

2. Street designs are encouraged to incorporate traffic calming devices and techniques.

3. Common or shared access points are encouraged.

4. To the maximum extent feasible, common or shared service and delivery access shall be provided between adjacent parcels or buildings, and provided to the rear of buildings.

5. Safe and adequate sight distance shall be provided at all intersections, as provided in Section 1260.05.

6. Transit stops should be incorporated into site plans, where feasible.

7. Traffic impact studies, when required by the Zoning Administrator, shall be provided as part of the site plan review process.

E. Pedestrian Access and Circulation.

1. A coordinated pedestrian system shall be provided throughout the development, including connections between uses on the site, and between the site and adjacent properties and rights-of-way. Pedestrian connections shall be provided to properties across streets wherever feasible.

2. The site shall be connected to adjacent properties and pedestrian facilities to the maximum extent feasible.

3. Continuous sidewalks or other pedestrian facilities shall be provided between the primary entrances to buildings, all parking areas that serve the buildings, pedestrian facilities on adjacent properties that extend to the boundaries shared with the development, any public sidewalk along perimeter streets, or other community amenities or gathering spaces.

4. Pedestrian-scale lighting fixtures shall be provided along all sidewalks and walkways to provide ample lighting during nighttime hours.

5. Decorative sidewalk materials, such as brick pavers, shall be provided at key intersections or streets.

6. Street furniture or other amenities are encouraged, such as plazas, benches, and decorative pedestrian light fixtures.

7. Open and public space should be provided as a mixture of green space landscaping and hardscape pedestrian areas:

a. Development proposals that involve a minimum of 1.5 acres or 60,000 square feet of floor area, whichever is less, should provide a minimum of 5% of the project site as public open space.

b. Residential buildings should provide 10% of the site area as open space.

F. Parking Lot Design and Layout.

1. The visual impact of off-street parking lots shall be minimized through the use of interior landscaped islands, and through dividing parking spaces into groupings.

2. The edges of parking lots shall be screened through landscaping or other methods such as decorative fences in accordance with Section 1253.08.

3. Semi-pervious paving materials, such as permeable pavers, porous asphalt or porous concrete, are encouraged so as to permit natural percolation of water. Such materials shall be installed and maintained in accordance with industry and manufacturer standards and the following:

a. The manufacturer's specifications are applicable to the subject property's particular soil type and slope (gradient) so that vehicles are supported without rutting and water percolation is achieved.

b. Semi-pervious parking areas must allow storm water to percolate into the ground at a rate sufficient to accommodate the five-year, 24-hour storm event.

c. For non-residential uses, if only a portion of the parking area is designated for semi-pervious materials, the area designated for semipervious parking shall be located at the perimeter of the parking lot, and if possible, remote or furthest removed from the principal building.

4. Parking structures shall be designed to be compatible with the adjacent buildings and district architecture and shall provide clearly marked pedestrian connections to the sidewalk.

G. Landscaping and Screening.

1. A landscaping plan shall be submitted for the entire site. The standards contained in Chapter 1253 are considered to be minimum standards for this district, with additional landscaping provided where needed to mitigate off-site visual impacts or to improve the internal landscaping on the site.

2. Landscaping shall be used to define public entrances using signature landscaping elements.

3. A year round visual screen shall be provided between the site and any adjacent single family uses, except where planned pedestrian connections are provided.

4. Entryways shall be planted with ornamental plant materials such as ornamental trees, flowering shrubs, and perennials, and ground covers.

5. Landscaping should be designed and constructed to promote on-site water management and infiltration through the use of native plants and porous landscape detention, swales, and filter strips.

H. Streetscape Improvements.

1. A Streetscape Plan shall be submitted for the entire site. The Streetscape Plan shall address the relationship between vehicular and pedestrian traffic, pedestrian facilities, street and sidewalk lighting, landscaping, street furniture, trash receptacles, and transit stops.

2. The design of streets, pedestrian ways, landscaping, lighting, and street furniture shall be coordinated and integrated throughout the site.

3. Vehicular streets and driveways shall be designed to be compatible with pedestrian ways to encourage a pedestrian friendly environment. The width of streets shall be sensitive to pedestrian scale, and shall be minimized to avoid overwhelming the pedestrian scale.

4. Site furnishings such as benches, seating, trash receptacles, bike racks, lighting fixtures, and tree grates shall be provided as part of the Streetscape Plan.

I. Service Area and Mechanical Screening.

1. The location of service areas and mechanical equipment shall be considered as part of the overall site design.

2. Services areas and mechanical equipment shall be screened from public view.

J. Signage. Fully dimensioned drawings, illustrations and details shall be submitted showing the type, location (including the placement of monument signs on the site plan and the placement of signs on buildings), size and materials of all signage, including letter style and type, face (color, material and thickness), returns, type of lighting, and brightness.

1. A master sign plan shall be prepared for coordinated developments and blocks of stores pursuant to Section 1250.09 Local Sign District Regulations to ensure cohesive overall signage for the area.

2. All signs should be of high quality design that provides strong visual interest with three dimensional design.

3. Wall signs:

a. Adequate wall space must be provided in a location that will allow the sign to function properly while also appear as if it "belongs" with the building.

b. Signs shall be comprised of individual letters. Cabinet and box signs are not permitted, however, painted signs made of wood, metal or similar material are permitted.

c. Indirect lighting is preferred.

4. Monument signs:

a. Monument signs should be placed in logical locations near the project's entrance.

b. Monument signs should be designed to relate to and complement the architectural design of the building(s) and other elements of development on the site, including sharing common design elements and building materials.

c. Monument signs with one sign face shall be finished on the "back" side and oriented parallel to the street.

d. Sign bases and cabinets shall be constructed of brick, stone, or metal.

e. Sign faces made of plastic and similar materials are not permitted.

f. Dark colored cabinets are preferred, white backgrounds are discouraged.

g. Adequate landscaping of a type and scale complementary to the overall landscape plan must be provided to integrate the sign into the site and provide a unified design.

5. Sign elements should create an overall cohesive design, reflect simplicity, avoid visual clutter and ensure legibility by adhering to the following guidelines:

a. Be consolidated into a minimum number of elements, whether words, symbols, or graphics.

b. Bright colors should be avoided or very limited in size and used as accents rather than predominant design elements.

c. White backgrounds are discouraged.

d. Signs should have a matte finish, and not have a glossy or reflective finish.

6. Only high quality, durable materials shall be used; Conventional plastic faced box, cabinet, or monument signs and formed plastic or injection molded plastic signs shall not be permitted.

7. Preferred materials and graphic elements include:

a. Mixed media signs incorporating multi-dimensional forms and combinations of colors, shapes, materials, and lighting;

b. Application of innovative technologies;

c. Dimensional letter forms with seamless edge treatments;

d. Reverse channel halo lettering;

e. Cut or fabricated steel, painted and finished;

f. Etched metal or glass, sandblasted glass;

g. Polished metal;

h. Screens, lattice, or mesh;

i. Glazed ceramic tile work forming patterns and/or fields;

j. Etched or carved stone;

k. Fiber optics; and

l. Silhouette illumination.

8. Lighting, if used to illuminate the sign, must be completely shielded from streets and pathways.

a. Light-reflecting backgrounds shall not be used but light-reflecting lettering or halo lighting may be used.

b. When lighting a wall sign the type of light fixture selected should complement the architectural style of the structure and the façade light fixtures and not be added solely to illuminate the sign.

c. Only sign letters and other items of information may be illuminated; illumination of sign backgrounds shall not be permitted.

K. Lighting.

1. A lighting plan shall be prepared, including a photometric illustration.

2. Lighting shall be designed to avoid spillover onto adjacent properties through the use of cutoff shields or other similar features.

L. Sustainability Guidelines. To the maximum extent practicable, new buildings are encouraged to incorporate one or more of the following features:

1. Low-Impact Development (LID) stormwater management features; designed for on-site stormwater mitigation through low impact development techniques as approved by the City Planning Commission.

2. Porous paving blocks and pervious paving materials are encouraged as material for parking lots and/or sidewalks.

3. Energy-efficient materials, including recycled materials that meet the requirements of this Code.

(Ord. 18-25. Enacted 4-23-18.)

1234.11 ALLOWABLE ENCROACHMENTS AND DISTANCE.

Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments. (Ord. 13-16. Passed 5-28-13.)

1234.12 SITE PLAN REVIEW.

No building permit may be issued without first adhering to the site plan review process set forth in Section 1213.06, Site Plan Review. Where there is a conflict between a provision in this Chapter and a provision in Section 1213.06, the requirements of this Chapter shall prevail. (Ord. 13-16. Passed 5-28-13.)

TITLE FOUR - Special District Regulations

Chap. 1240. I Institutional District.
Chap. 1241. PR Park and Recreation District.
Chap. 1242. Planned Unit Development (PUD) Overlay District.
Chap. 1243. Wireless Telecommunication Facility Regulations.
Chap. 1244. Small Lot Infill Development (SLID) Overlay District.

CHAPTER 1240
I Institutional District

1240.01 Purpose.
1240.02 Reuse of buildings.
1240.03 Permitted uses.
1240.04 Conditional uses.
1240.05 Accessory uses and structures.
1240.06 Minimum area per dwelling unit.
1240.07 Minimum lot width.
1240.08 Minimum yards.
1240.09 Minimum landscaped area.
1240.10 Maximum height.
1240.11 Maximum lot coverage.
1240.12 Location of accessory uses and structures in required yards.
1240.13 Allowable encroachments and distance.
1240.14 Site plan review.

CROSS REFERENCES
Sign regulations - see P. & Z. 1250.07
Off-street parking - see P. & Z. Table 1251.02
Landscape buffering and screening - see P. & Z. 1253.09

1240.01 PURPOSE.

The I Institutional District establishes locations where existing institutional uses and structures are permitted to be used or adaptively re-used provided that their current character is maintained. This requires avoiding demolition and preserving both the buildings and their grounds. Any changes to an institutional use or structure shall require special review as described within this chapter and shall reflect the historic character of the use or structure. Such changes also shall not negatively affect the overall character of the neighborhood.

1240.02 REUSE OF BUILDINGS.

The reuse of buildings is encouraged through the classification of uses which are divided into those permitted only in existing buildings and those permitted in existing or new buildings. Demolitions, modifications, and alterations of existing buildings in preparation for their reuse or the use of their site shall require review by the City Planning Commission pursuant to 1213.01, Public Hearing Procedures. Standards for such review shall include such factors as the hours of operation and parking needs of the proposed use as well as the architectural character and open space provided.

1240.03 PERMITTED USES.

The following uses are permitted in either new or existing buildings. Demolitions, modifications, and alterations of existing buildings in preparation for their reuse or the reuse of their site shall require review by the City Planning Commission pursuant to Section 1240.02, Reuse of Buildings. Any use other than those listed below which proposes new structures or demolition of existing structures shall not be considered a permitted use.

A. Libraries.
B. Museums.
C. Parks and playgrounds, public.
D. Places of Worship.
E. Publicly owned forest preserves, botanical gardens, arboreta, conservatories, recreational areas, and other open spaces.
F Schools, primary and secondary, private.
G. Schools, primary and secondary, public.

1240.04 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that require a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

A. In order to promote preservation and reuse, the following may be permitted only as Conditional Uses in existing buildings in the I Institutional District. Modifications and alterations of existing buildings in preparation for their reuse shall require review by the City Planning Commission pursuant to Section 1240.02, Reuse of Buildings.
  1. Assembly Halls.
  2. Assisted Living Facilities, pursuant to Section 1263.04.
  3. Colleges and universities.
  4. Convalescent, Nursing or Rest Homes, pursuant to Section 1263.04.
  5. Day Care Centers, Adult, pursuant to Section 1263.07.
  6. Day Care Centers, Child, pursuant to Section 1263.08.
  7. Day care centers and schools operated as a part of a Place of Worship, pursuant to Section 1263.09.
  8. Dwelling units, multiple-family of three (3) or more.
  9. Government buildings, and administrative offices.
  10. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.

11. Offices.
12. Shelters, emergency.
13. Similar uses approved by the City Planning Commission and the City Council, pursuant to Section 1213.05.D.2.
14. Theatres.

B. Recognizing that some uses may not fit into the existing structures or may require additions, alterations or new construction but may be compatible with the surrounding neighborhood, the following uses may be permitted as a conditional use. These uses require stringent review by the City Planning Commission and City Council. Only after thorough review will building adaptations or new construction be considered.

1. Band Shells and Amphitheaters, pursuant to Section 1263.06.
2. Fire and police stations, pursuant to Section 1263.12.
3. Recreational facilities, indoor or outdoor, public or private.
4. Similar uses approved by the City Planning Commission and the City Council, pursuant to Section 1213.05.D.2.
(Ord. 18-25. Passed 4-23-18.)

1240.05 ACCESSORY USES AND STRUCTURES.

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the I Institutional District:

1. Antennae, master radio, television and other telecommunications equipment, pursuant to Section 1262.02.
2. Fences and Walls, pursuant to Section 1262.05.
3. Greenhouses, private non-commercial, pursuant to Section 1262.10.
4. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.
5. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
6. Loading, off-street, pursuant to Chapter 1252, Off-Street Loading Regulations.
7. Maintenance, Storage, Utility and Waste Disposal Facilities, if enclosed or screened pursuant to Section 1253.09.B, Buffers for Commercial Uses. Utility lines shall be entirely enclosed or buried for all new construction.
8. Ornamental Structures, in rear or side yard only, pursuant to Section 1262.10.
9. Parking, off-street, pursuant to Chapter 1251, Off-Street Parking Regulations.
10. Parking Structures, pursuant to Section 1262.12.
11. Recreational Structures, pursuant to Section 1262.13.
12. Signage, pursuant to Chapter 1250, Sign Regulations.
13. Swimming Pools and Hot Tubs, private non-commercial, pursuant to Section 1262.17.

1240.06 MINIMUM AREA PER DWELLING UNIT.

Minimum area per dwelling unit shall be pursuant to Section 1225.05.B, A Apartment District, Minimum Area Per Dwelling Unit.

1240.07 MINIMUM LOT WIDTH.

The minimum lot width requirement in the I Institutional District shall be one hundred and twenty (120) feet.

1240.08 MINIMUM YARDS.

A front landscaped yard of no less than twenty-five (25) feet or the yard shown on the Building Setback Map, whichever is greater, shall be provided. Additionally, a perimeter landscaped yard, a width of no less than twenty-five (25) feet, shall be provided along the side and rear perimeters for all uses located in the I Institutional District.

The perimeter landscaped yard requirements apply only to structures erected after the effective date of this Code provided, however, no structure existing on such effective date shall be expanded in violation of this regulation.

1240.09 MINIMUM LANDSCAPED AREA.

The minimum landscaped area for the I Institutional District shall be no less then forty percent (40%) of the lot area.

1240.10 MAXIMUM HEIGHT.

A. Building Height.

1. The maximum height of a principal structure in the I Institutional District shall not exceed three (3) stories or forty-five (45) feet, except for steeples or tower elements which may extend to a total height of seventy (70) feet above grade.

2. The general requirement above applies only to structures erected after the effective date of this Code provided, however, no structure existing on such effective date shall be expanded in violation of this regulation.

3. New or modified structures which exceed the general requirement above may be permitted pursuant to a Conditional Use Permit if such height is no higher than that of the adjacent development.

B. Rooftop Mechanical Equipment. Rooftop mechanical housing and equipment may extend up to ten (10) feet above the maximum height limit and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

C. Accessory Uses and Structures. The maximum height of Accessory Uses and Structures shall be pursuant to Chapter 1262, Accessory Uses and Structures.

1240.11 MAXIMUM LOT COVERAGE.

The surface coverage of all above grade structures on a lot shall be no greater than thirty-five percent (35%) of the lot area.

1240.12 LOCATION OF ACCESSORY USES AND STRUCTURES IN REQUIRED YARDS.

The location of Accessory Uses and Structures in required yards shall be pursuant to Chapter 1262, Accessory Uses and Structures.

1240.13 ALLOWABLE ENCROACHMENTS AND DISTANCE.

Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments.

1240.14 SITE PLAN REVIEW.

No building permit may be issued without first adhering to the site plan review standards set forth in Section 1213.06, Site Plan Review. Additionally, the following requirements shall be observed:

A. **Building Separation.** The principal buildings shall be separated from other site uses according to the following schedule:

1. Accessory Buildings = Ten (10) feet unless attached.

2. Other principal buildings = Twenty (20) feet unless attached.

B. **Off-Street Parking Buffers.** All parking lots pursuant to Section 1253.08, Parking Lot Landscaping.

C. **Site Design.** The location, relation and separation of uses and buildings shall be designed and constructed so as to provide compatible utilization and functioning of all uses.

D. **New Construction Over 2,500 Square Feet.** All building additions or new buildings over 2,500 square feet in gross floor area shall require Site Plan Review by the City Planning Commission per Section 1213.06, Site Plan Review.

CHAPTER 1241
PR Park and Recreation District

1241.01 Purpose.
1241.02 Permitted uses.
1241.03 Conditional uses.
1241.04 Accessory uses and structures.
1241.05 Minimum lot area.
1241.06 Minimum lot width.
1241.07 Yard requirements.
1241.08 Maximum height.
1241.09 Maximum lot coverage.
1241.10 Location of accessory uses and structures in required yards.
1241.11 Allowable encroachments and distance.

CROSS REFERENCES
Sign regulations - see P. & Z. 1250.07
Off-street parking - see P. & Z. Table 1251.02
Landscape buffering and screening - see P. & Z. 1253.09

1241.01 PURPOSE.

The purpose of this district is to preserve and control the location of park land within the City and to protect residential properties by providing appropriate and compatible park land areas for aesthetic, environmental and recreational benefits to the community.

1241.02 PERMITTED USES.

The following are permitted uses in the PR Park and Recreation District, pursuant to any additional standards set forth herein.

A. Parks and playgrounds, public.

1241.03 CONDITIONAL USES.

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Use Permits. General standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

In order to preserve and control the location of park land within the City and to protect residential properties by providing appropriate and compatible park land areas for aesthetic, environmental and recreational benefits, the following may be permitted only as Conditional Uses in the PR Park and Recreation District:

A. Athletic fields as a primary use.
B. Band Shells and Amphitheaters, pursuant to Section 1263.06.
C. Day Care Centers, Child, pursuant to Section 1263.08.
D. Fire and police stations, pursuant to Section 1263.12
E. Golf courses, public or private.
F. Government offices.
G. Information centers.
H. Libraries.
I. Museums.
J. Offices.
K. Planned Unit Developments pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
L. Publicly owned forest preserves, botanical gardens, arboreta, conservatories, recreational areas, and other open spaces.
M. Recreational facilities, indoor or outdoor, public or private.
N. Utilities (including substations, transmission facilities and related facilities).
O. Similar uses approved by the City Planning Commission and City Council pursuant to Section 1213.05.D.2
(Ord. 18-25. Enacted 4-23-18.)

1241.04 ACCESSORY USES AND STRUCTURES.

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the PR Park and Recreation District:

1. Antennae, single, roof-mounted or in rear yard only, pursuant to Section 1262.02.
2. Fences and Walls, pursuant to Section 1262.05.
3. Greenhouses, non-commercial, in rear yard only, pursuant to Section 1262.10.
4. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08. Air conditioning units are acceptable accessory structures only if totally enclosed or located on the roof.
5. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
6. Loading, off-street, in rear yard only, pursuant to Chapter 1252, Off-Street Loading Regulations.
7. Maintenance, Storage, Utility and Waste Disposal Facilities, only if totally enclosed.
8. Ornamental Structures, in rear or side yard only, pursuant to Section 1262.10.
9. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
10. Recreational structures, pursuant to Section 1262.13.
11. Signage, pursuant to Chapter 1250, Sign Regulations.

1241.05 MINIMUM LOT AREA.
The minimum lot area requirement for the PR Park and Recreation District shall be seven thousand five hundred (7,500) square feet.

1241.06 MINIMUM LOT WIDTH.
The minimum lot width requirement for the PR Park and Recreation District shall be forty (40) feet.

1241.07 YARD REQUIREMENTS.
The following minimum yards shall be provided in the PR Park and Recreation District:

A. Front and Corner Side Yards. A front and corner side yard shall be provided pursuant to the Zoning map. Where the map is silent, a yard no less than seventy five (75) feet in depth shall be provided.

B. All Other Yards. A landscaped buffer of no less than twenty-five (25) feet when abutting a residential district and no less than ten (10) feet when abutting any other district shall be provided.

1241.08 MAXIMUM HEIGHT.

A. Principal Structures. The maximum height of a principal structure in the PR Park and Recreation District shall not exceed thirty-five (35) feet.

B. Accessory Uses and Structures. The maximum height of Accessory Uses and Structures shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1241.09 MAXIMUM LOT COVERAGE.
The surface coverage of all above grade structures on a lot shall be no greater than fifteen percent (15%) of the lot area.

1241.10 LOCATION OF ACCESSORY USES AND STRUCTURES IN REQUIRED YARDS.
The location of Accessory Uses and Structures in required yards shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

1241.11 ALLOWABLE ENCROACHMENTS AND DISTANCE.
Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments.

CHAPTER 1242
Planned Unit Development (PUD) Overlay District

1242.01 Purpose.
1242.02 Designation of PUD Overlay District.
1242.03 Project area.
1242.04 Uses.
1242.05 Maximum density for residential PUDs.
1242.06 Lot requirements.
1242.07 Perimeter yard requirements.
1242.08 Designation of permanent open space.
1242.09 Other development standards.
1242.10 Standards for review of PUD applications.

CROSS REFERENCES

Sign regulations - see P. & Z. 1250.07
Off-street parking - see P. & Z. Table 1251.02
Landscape buffering and screening - see P. & Z. 1253.09
Planned unit development review - see P. & Z. 1213.09

1242.01 PURPOSE.

The purpose of the Planned Unit Development (PUD) Overlay District is to encourage and accommodate, in a unified project, creative and imaginative infill developments that utilize innovations in land development that are in the best interests of and consistent with the City's development and planning policies and which would not otherwise be permitted in the conventional residential or commercial districts pursuant to this Zoning Ordinance. The regulations for PUDs are intended to achieve the following objectives:

A. To encourage creative approaches to the use of land and related physical facilities that result in better urban design, higher quality construction and the provision of aesthetic amenities.

B. To promote the efficient use of land, so as to promote economies in the provision of utilities, streets, schools, public grounds and buildings, and other facilities.

C. To permit flexibility of design that will create desirable public and private common open spaces while maximizing the development potential of individual sites.

D. To enhance the appearance of neighborhoods by conserving areas of natural beauty and natural green spaces.

E. To provide substantial buffers and transitions between areas of different land use and development densities.

(Ord. 13-16. Passed 5-28-13.)

1242.02 DESIGNATION OF PUD OVERLAY DISTRICT.

An Overlay District is a mapped zone that establishes a development option with a set of design requirements that are in addition to those of the conventional "base" residential or commercial zoning district, so that any parcel of land lying in a PUD Overlay District shall also lie in one or more conventional residential or commercial district. The PUD Overlay District gives property owners the choice of developing according to the conventional "base" district regulations or the PUD regulations.

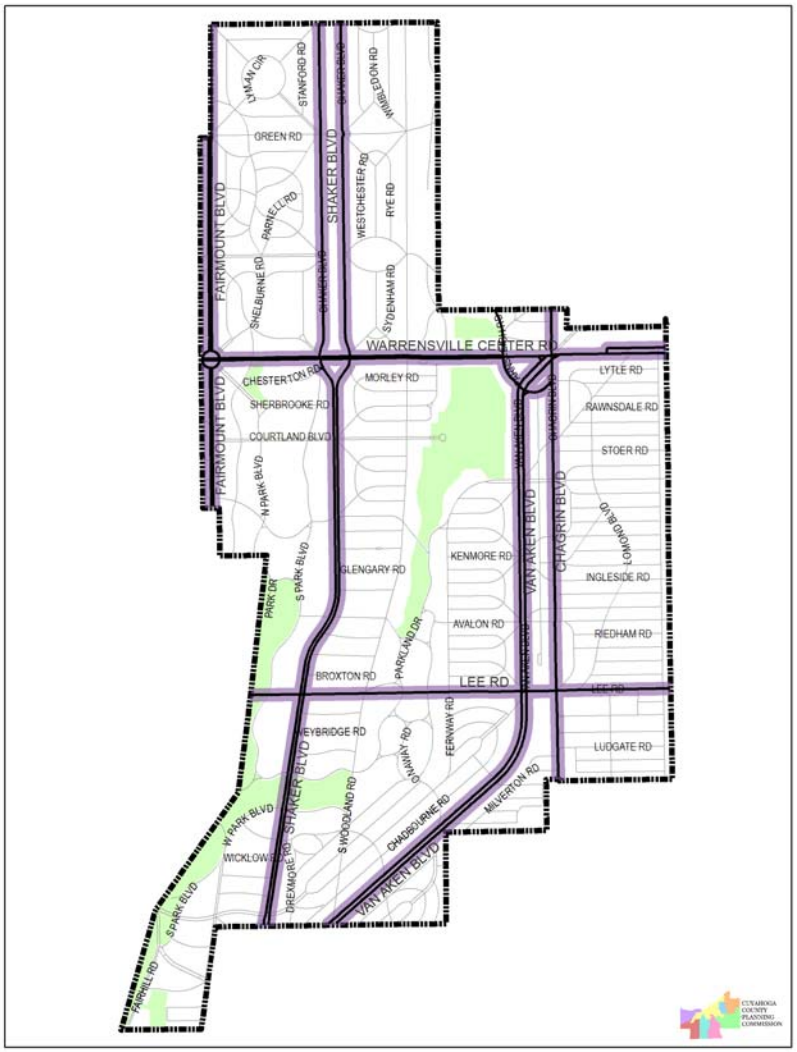
A. Location Of District.

1. The location of the PUD Overlay District is limited to land fronting the following major streets.

a. Chagrin Boulevard.
b. Lee Road.
c. Van Aken Boulevard.
d. Warrensville Center Road.
e. Green Road.
f. Shaker Boulevard.
g. Fairmount Boulevard.
h. Farnsleigh Road from Warrensville Center Road to Chagrin Boulevard.

2. These major streets are highlighted in Figure 1242.02, Allowable Locations for PD Overlay District.

Figure 1242.02. Allowable Locations for PUD Overlay Districts



B. PUD as a Conditional Use.

1. PUDs designed according to this Chapter shall be permitted as a conditional use. The availability of the PUD option imposes no obligation on a property owner to select the PUD form of development. The decision to approve a PUD application shall be at the sole discretion of the City.

2. Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05 H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses, or elsewhere as referenced herein.

C. Relationship to Base Districts.

1. In the PUD Overlay District, the use and dimensional specifications of the base zoning district are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

2. The base zoning district shall be used as a guide for development, with any adjustment relative to use, density and building layout reviewed and approved through the PUD review process set forth in Section 1213.09.

3. In the event a proposed PUD is located in more than one base zone, the use limitations of the most intense base zone shall be used as the guide for the entire project.

D. Limitations on Flexibility of PUDs. The City Planning Commission shall only approve PUDs that are consistent with the objectives set forth in Section 1242.01. Therefore, the City Planning Commission may require as a condition of approval any reasonable condition, limitation or design factor which will promote proper development of a PUD.

(Ord. 18-25. Enacted 4-23-18.)

1242.03 PROJECT AREA.

A. The minimum project area for a PUD shall be one contiguous acre with a minimum of 200 feet of frontage on a street listed in Section 1242.02 A., unless specifically permitted otherwise.

B. When the proposed PUD is located adjacent to an existing multi-family, commercial or special district, the City Planning Commission may approve a PUD on less than one contiguous acre when the City Planning Commission determines that:

1. Land ownership cannot be readily consolidated to reach the one acre minimum project size; or

2. The project will not result in isolated development; or

3. The project will not have any unreasonable or adverse impacts on adjacent areas.

C. The proposed project area shall be in one ownership, or if there are two (2) or more owners, the application shall be filed jointly by all owners of the properties included in the proposed PUD boundaries. (Ord. 13-16. Passed 5-28-13.)

1242.04 USES.

A. Principal Uses Permitted in a PUD. In keeping with the desire for flexibility in this district, the following may be permitted as -principal uses in the PUD Overlay District:

1. Uses listed as permitted in the base zoning district. In the case of a lot located in more than one base zoning district, the use limitations of the most intense base zoning district shall prevail.

2. Dwelling units, single-family residence attached.

3. Mixed-use development where the base zoning permits non-residential uses.

4. Uses listed as conditional in the base zoning district. In the case of a lot located in more than one base zoning district, the use limitations of the most intense base zoning district shall prevail.

5. Additional uses may be authorized as part of a PUD, provided that the City Planning Commission finds:

a. That the additional uses are necessary or desirable and are appropriate with respect to the primary purpose and character of the PUD.

b. That the additional uses will not create a detrimental influence on the neighborhoods surrounding the PUD, or upon the internal character of any part of or all of the PUD itself.

B. Accessory Uses and Structures. Uses listed as accessory in the base zoning district shall also be permitted in a proposed PUD. In the case of a proposed PUD located in more than one base zoning district, the accessory use limitations of the most intense base zoning district shall prevail. (Ord. 13-16. Passed 5-28-13.)

1242.05 MAXIMUM DENSITY FOR RESIDENTIAL PUDS.

A. The gross residential density of a PUD shall not be greater than that set forth below:

Base Zoning District	**Maximum Density**
SF 1 Single-Family Residential	5 units per acre
SF 2 Single-Family Residential	7 units per acre
SF 3 Single-Family Residential	10 units per acre
TF Two-Family Residential	14 units per acre
All other base districts	As specified in the base district regulations

B. The City Planning Commission may establish a lower maximum density for the proposed development when it finds that the PUD, at the density permitted in subsection 1242.05 A. will adversely impact the character of the immediate residential area when considering any one or more of the following:

1. The unusual size and shape of the PUD parcel.

2. The topography and other natural limitations of the PUD such as streams, ravines, etc.

3. The reduced buildable area within the PUD because of items number 1. and 2. above.

4. The proximity of adjacent buildings and/or structures.
5. The actual lot sizes of the immediate residential area.

C. The City Planning Commission may permit greater density for a PUD under the following specific situations:
1. The PUD is located adjacent to an existing multi-family district, commercial district or special district; and
2. The Planning Commission determines that the increase in density:
a. Is warranted to assure the economically feasible development of the project, for economical development or redevelopment, when non-residential development is contrary to the City's planning policies; and
b. Will have no material adverse impact on the adjacent properties compared to other reasonable uses that might be contemplated for the property. (Ord. 13-16. Passed 5-28-13.)

1242.06 LOT REQUIREMENTS.
A. Dwelling units are not required to be on individual, subdivided lots.

B. There is no minimum lot size or lot width requirement for lots on subdivided lots. (Ord. 13-16. Passed 5-28-13.)

1242.07 PERIMETER YARD REQUIREMENTS.
A. A landscaped buffer shall be provided along the perimeter of the PUD, pursuant to Section 1253.09, Landscape Buffers and Screening, if either of the following applies as determined by the Zoning Administrator:
1. Topography, installed screening or other barriers do not provide adequate privacy for the PUD and for existing uses adjacent to the development.
2. Nonresidential uses or structures in the PUD abut a residential district.

B. The width of the buffer shall be at least ten (10) feet, unless the Planning Commission finds that a lesser distance, combined with landscaping and/or other screening mechanisms are sufficient to ensure adequate privacy.
(Ord. 13-16. Passed 5-28-13.)

1242.08 DESIGNATION OF PERMANENT OPEN SPACE.
A. A PUD shall provide a minimum of 10% of the area of the PUD as permanent public or private landscaped open space or other common open space.

B. In the case of mixed uses, permanent open space shall be allocated to the property in proportion to the uses assigned to the PUD and shall be located in relation to those uses.
(Ord. 13-16. Passed 5-28-13.)

1242.09 OTHER DEVELOPMENT STANDARDS.
The development standards of the base zoning district that are not specifically addressed in this Chapter shall be used as a guide for determining the appropriate building layout, building height and other development requirements of the PUD. In approving a PUD layout, the City Planning Commission shall find that the proposed site plan is no less beneficial to the tenants or occupants of such development, as well as the neighboring property, than would be obtained under the yard requirements of this Zoning Ordinance for buildings developed on separate zoning lots.
(Ord. 13-16. Passed 5-28-13.)

1242.10 STANDARDS FOR REVIEW OF PUD APPLICATIONS.

A. Conditional Use Permit Standards. No PUD shall be approved pursuant to Section 1213.09, Planned Development Review, unless the applicant shall establish that the proposed development is based on the criteria for conditional uses in Section 1213.05 H. and the following standards specific to PUDs.

B. Additional Standards Specific to PUDs

1. **Conformity with City Policies and Ordinances**. The proposed development shall not injure the use, value and enjoyment of the surrounding property in accordance with the policies of the City shall be consistent in all respects with the purpose and intent of this Zoning Ordinance and shall advance the general welfare of its immediate vicinity and of the City as a whole.
2. **Timely Progression of the Development.** The order in which stages of development will likely proceed, and the time estimated to complete the development and its various stages, should be based on a reasonable schedule in which improvements may be substantially completed.
3. **Site Design.** The location, configuration, construction, manner and time of operation of off-street parking and loading areas, service areas, circulation systems, entrances, exits, open space, amenities, lighting, or other potentially detrimental influences shall be designed to avoid: (a) adverse effects on residential uses within or adjoining the development, (b) traffic congestion, and (c) hazards to vehicular or pedestrian traffic.
4. **Utilities.** The proposed development shall provide, if possible, for underground installation of utilities (including electricity and telephone) within both public ways and private extensions thereof. Provisions also shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities.
5. **Maintenance of Common Space.** The proposed development shall include provisions for the maintenance of common space, including all improvements thereto, as are reasonably necessary to ensure their continuity, maintenance, and operation in accordance with pre-determined standards and to ensure that remedial measures will be available to the City of Shaker Heights if such common space or other improvements are not maintained in a condition consistent with the best interests of the PUD, its immediate vicinity, or the City as a whole.

(Ord. 18-25. Enacted 4-23-18.)

CHAPTER 1243
Wireless Telecommunication Facilities Regulations and Wireless Telecommunication Facilities Overlay District (WTFO)

1243.01 Purpose.
1243.02 Definitions.
1243.03 Applicability.
1243.04 Designation of Wireless Telecommunication Facilities Overlay District (WTFO).
1243.05 Use regulations.
1243.06 Submittal requirements.
1243.07 Minimum standards for construction erection, maintenance and removal.
1243.08 Costs.
1243.09 Exemption of certain City property.
1243.10 Variances.

CROSS REFERENCES
Small cellular wireless facilities in the right of way - see ADM. Ch. 163

1243.01 PURPOSE.

These regulations are established to provide for the construction and use of Wireless Telecommunication Facilities in the City. The regulations allow Wireless Telecommunication Facilities as a conditional use, or permitted accessory use depending upon the specific land areas of the City in which, and circumstances under which, they are proposed to be located. The purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996 (Public Law 104-104, codified at 47 U.S.C. §§ 151 et seq.), the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the interests of the City in regulating Wireless Telecommunication Facilities for the following reasons:

A. To protect property values and provide for orderly development within the City;

B. To insure that adequate telecommunication services are available within the City;

C. To protect the visual character for residents and wireless users of the City, including, but not limited to, its unique residential character, unobstructed open spaces, attractive commercial/office areas, and trees and other vegetation;

D. To maintain the historic character of the City, as recognized by its inclusion on the National Registry of Historic Places, from the potential for visual blight caused by Towers and related facilities,

E. To protect residential properties, parks, open spaces and the nonintensive, mainly low-rise commercial zoning districts which are characteristic of the City from the potential adverse effects of Towers and related Facilities;

F. To promote Co-location of Wireless Telecommunications Facilities in order to minimize the potential adverse effects of additional single-provider Towers in the City;

G. To provide for and protect the health, safety and general welfare of the residents and visitors of the City; and

H. To maintain, where possible, the integrity of the existing zoning regulations contained in the Zoning Ordinance.

The regulations identify acceptable land areas for the location of Wireless Telecommunication Facilities as a conditional use in an overlay zoning district ("Wireless Telecommunication Facilities Overlay District" or "WTFO District"), or as a permitted accessory use when colocating for erection of Antennas only, which determination is dependent upon the location and characteristics of such land areas and the structures involved.

Where applicable, the regulations governing the Wireless Telecommunications Facilities Overlay District shall control and supersede wherever they are inconsistent with other provisions of the Zoning Ordinance. If no inconsistency exists between the provisions of this WTFO District and the provisions of the underlying zoning district, the underlying zoning district regulations and
other provisions of this Zoning Ordinance shall remain in full force and effect and shall regulate all land use and development.

1243.02 DEFINITIONS.

As used in this section:

A. **"Co-location"** means the use of a Wireless Telecommunication Facility by more than one wireless telecommunication provider.

B. **"Lattice"** means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.

C. **"Monopole"** means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

D. **"Personal Wireless Services"** means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law at 47 U.S.C. §332(c)(7).

E. **"Technically Suitable"** means the location of a Wireless Telecommunication Antenna(e) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the Antenna(e) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss or lack of communication capability within developed areas of the City.

F. **"Telecommunication(s)"** means the technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term "Personal Wireless Services."

G. **"Wireless Telecommunication Antenna"** or **"Antenna"** means the physical device through which electromagnetic, wireless telecommunication signals authorized by the FCC are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

H. **"Wireless Telecommunication Equipment Shelter"** or **"Equipment Shelter"** means the structure or cabinet in which the electronic receiving and relay equipment for a Wireless Telecommunications Facility is housed.

I. **"Wireless Telecommunication Facility"** or **"Facility"** means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of Personal Wireless Services. This can include the antenna, tower or support structure, equipment and equipment building and any other materials used at the site.

J. **"Wireless Telecommunication Tower"** or **"Tower"** means any structure, other than a building, that elevates the Wireless Telecommunication Antenna and may include accessory transmission and receiving equipment.

1243.03 APPLICABILITY.

No person shall construct, erect, maintain, extend or remove a Wireless Telecommunication Facility in the City unless it is in compliance with the purposes and provisions of this Chapter.

1243.04 DESIGNATION OF WIRELESS TELECOMMUNICATION FACILITIES OVERLAY DISTRICT, (WTFO).

A. **Relationship to Base Districts.** The Wireless Telecommunication Facilities Overlay District (WTFO) is an overlay zone which may be applied in the manner described in this Chapter, to existing zoning districts in the locations listed in Section 1243.04 (B), Location of District, and illustrated on the zoning map.

B. **Location of District.** The WTFO is limited to land within the following existing districts, as illustrated on the zoning map:

1. C2- General Commercial
2. C3- Business Commercial
3. O-Office
4. I-Institutional

1243.05 USE REGULATIONS.

A. **Conditionally permitted use.**

1. **Antenna(e).** The erection or construction of a Wireless Telecommunication Antenna(e) on an existing Wireless Telecommunication Tower may be permitted as an accessory use as a Co-location on such a Tower provided that all electronic and relay equipment for the Wireless Telecommunication Antenna shall be housed within the existing Equipment Shelter or as such Shelter may be expanded. Such use may be approved by the City Planning Commission upon submission of an application to the Zoning Administrator which meets all applicable regulations of this Chapter related to the placement of the Wireless Telecommunication Equipment and related Facilities associated with such Antenna(e), as well as the regulations in Section 1213.05.

2. **Towers.** A Wireless Telecommunication Tower may be permitted as a conditional use only in the areas indicated as a WTFO District on the Zoning Map in the following Districts: C2 - General Commercial; C3 - Business Commercial; O - Office, and I - Institutions. Such use may be approved by the City Planning Commission upon submission of an application to the Zoning Administrator, provided the applicant demonstrates compliance with each of the following Co-location requirements in this Section, as well as the standards set forth in Sections 1243.05 and 1213.05 of the Zoning Ordinance:

3. **Co-location.**

a. There is no Technically Suitable space for the applicant's Antenna(e) and related Facilities reasonably available on an existing Tower, building or structure within the geographic area to be served. With the application, the applicant shall list the location of every Tower, building or structure within five (5) miles of the proposed site that could support the proposed Antenna(e) or area where it would be Technically Suitable to locate so as to allow it to serve its intended function. The applicant must demonstrate that a Technically Suitable location is not reasonably available or cannot reasonably be modified on an existing Tower, building or structure. If another existing Tower, building or structure is Technically Suitable, the applicant must demonstrate that it has requested to Co-locate on the existing Tower, building or structure and the Co-location request was rejected by the owner of the Tower, building or structure. In all circumstances, owners of existing Towers shall promptly respond in writing to requests for Co-location, but in no event shall they respond more than thirty (30) days from the date of receipt of a written request for Co-location. If another Tower, building or structure is Technically Suitable, the applicant must further show that it has offered to allow the owner of that other Tower, building or structure to Co-locate an Antenna(e) on another Tower, building or structure which is owned or controlled by the applicant, if any, on reasonably reciprocal terms and the offer was not accepted.

b. All applicants for construction or erection of Wireless Telecommunication Towers shall be required to construct on a base Tower structure and structure foundation that is designed to be buildable up to, but not including one hundred and seventy (170) feet above grade. Such structure shall be designed to have sufficient structural loading capacity to accommodate at least three (3) Antenna platforms or Antenna arrays of equal loading capacity for three (3) separate providers of service to be located on the structure when constructed to the maximum allowable height. The Wireless Telecommunication Facility shall also be designed to show that the applicant has enough space on its site plan for an Equipment Shelter large enough to accommodate at least three (3) separate users of the Facility. If an Equipment Shelter is initially constructed to accommodate only one (1) user, space shall be reserved on site for Equipment Shelter expansions to accommodate up to at least three (3) separate users. Agreement to the provisions of this subsection must be included in the applicant's lease with the landowner, if different from the owner/user of the Tower. Written documentation must be presented to the Zoning Administrator evidencing that the landowner of the property on which the Tower is to be located has agreed to the terms of this subsection. As an additional condition of issuing a conditional use permit, the owner/user shall respond in writing to any inquiries regarding Co-location of another user of the Facility within thirty (30) days after receipt of a written inquiry. Copies of all written requests to Collocate and all written responses shall be sent to the Zoning Administrator.

B. Permitted Accessory Use. The installation of a Wireless Telecommunication Antenna(e) where the construction or erection of a Tower is not proposed by the applicant, shall be permitted as an accessory use on existing buildings or structures in any of the following zoning districts in the City: Office, Commercial, Institutional, Apartment and Multiple-Family. In addition, all Wireless Telecommunication Facilities shall not be located greater than ten (10) feet above the roofline of an existing building or structure to which it is attached. All electronic and relay equipment for the Wireless Telecommunication Antenna shall be housed within the existing building or structure, if possible. Any Equipment Shelter shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building or as may otherwise be required by Sections 1225.09B, 1230.10D, 1231.10B, 1232.10B, 1233.09B, 1234.10C and 1240.11B, as applicable. To the extent the remaining standards of this Chapter are applicable to the situation involving the installation of a Wireless Telecommunication Antenna(e) on an existing building or structure, such standards shall govern the installation.

1243.06 SUBMITTAL REQUIREMENTS.

Applicants for conditionally permitted Wireless Telecommunication Facilities shall submit the following information:

A. **Survey of Existing Conditions.** A survey for the entire property shall be prepared by a surveyor licensed to practice in the State of Ohio. This survey shall indicate all observable physical features on the site and on property abutting the site, ownership of the property and of all property abutting the site, underground and overhead utilities, easements, deed restrictions, property line bearings and distances. Topography at two foot intervals shall be shown for the entire property or within at least a 150 foot radius of the tower, whichever is less. Spot elevations may be used when contour intervals are impractical.

B. **Legal Description.** Legal description of the parent tract and leased parcel if applicable.

C. **Site Development Proposal.** A scaled site plan and specifications clearly indicating the location of all new and existing underground and overhead facilities. This shall include, but not be limited to, the proposed tower, antenna and associated buildings, uses and structures on the same and adjacent properties, underground and overhead utilities, and exterior lighting. Adjacent roadways, proposed means of access, parking and other information deemed necessary by the Zoning Administrator for a review of the application shall also be shown.

D. **Setback Dimensions.** Setback dimensions shall show the distance between each property line and the closest point on the perimeter of the tower structure.

E. **Grading and Landscaping Plan.** A proposed site grading and landscape plan showing specific landscape materials, sizes and species proposed. Land contours shall be shown at two foot intervals and the surface drainage concept shall be indicated for the entire property, or within at least a 150 foot radius of the tower, whichever is less. Spot elevations may be substituted where contour elevations are impractical.

F. **Antenna and Towers.** Plans, elevation drawings and material specifications for all proposed antenna towers and antennae.

G. **Buildings.** Building plans, elevation drawings and material specifications for all proposed buildings, structures, fences, walls and gates.

H. **Fences.** Shall include a plan and elevations drawn to scale together with a material specification for all security enclosures.

I. **Certification of Compliance.** A written certification from a registered professional engineer of compliance with all applicable federal, state, county or local laws including all provisions with this Chapter. Additionally, prior to final inspection by the Building Department documented certification shall be submitted to the FCC, with a copy to the City certifying that the wireless communication facility complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER).

J. **Co-Location Statement.** A notarized statement by a registered professional engineer, hired by the applicant, that verifies that construction of the tower will accommodate co-location of additional antennas for future use and also states the ultimate height needed for the co-location capacity required.

K. **Lease Agreement.** A copy of the proposed antenna tower site lease agreement including all easements and access rights.

L. Inventory.

1. List of Applicant Locations: Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City or within one mile of the border thereof, including specific information about the location, height, and design of each tower.

2. Specification of Backhaul Providers: Identification of the entities providing the backhaul network for the tower(s) or antenna(s) described in the application and other cellular sites owned or operated by the applicant in the City.

M. Justification. A description of the suitability of the use of existing towers, other structures or technology not requiring the use of the proposed new tower.

1. Existing facilities not available. A demonstration that a technically suitable location is not reasonably available on an existing tower, building or structure.

2. Co-location rejected. If another tower is technically suitable the applicant must show that the applicant has requested to co-locate and that the request was rejected by the owner of the tower, building or structure.

N. Master Plan of Provider. A description of the feasible locations of future towers or antennas within the City based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower or antenna is erected.

O. Radio Frequency (RF) Engineer Testimony. Testimony shall be made by a radio frequency engineer at all required public hearings and he/she shall attest to the engineering need for the tower height requested.

1243.07 MINIMUM STANDARDS FOR CONSTRUCTION ERECTION, MAINTENANCE AND REMOVAL.

EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, ALL WIRELESS TELECOMMUNICATION FACILITIES SHALL COMPLY WITH THE FOLLOWING STANDARDS:

A. Spacing. There shall be a separation of a minimum of one-quarter (1/4) mile between Wireless Telecommunication Towers, including a separation of at least one-quarter (1/4) mile from any such Tower located outside the City's corporate limits.

B. **Height.** All free-standing Wireless Telecommunication Towers, including Antennae and all appurtenances, shall be designed at the minimum functional height and shall generally not exceed the maximum height for buildings in the zoning district where the Tower is located by more than ten (10) feet. This maximum height standard may be modified upon a finding by the Planning & Zoning Commission that additional height is necessary to provide service to the geographical service area of the applicant, but any height modification allowed shall be less than one hundred and seventy (170) feet above grade. The height of any Equipment Shelter shall not exceed fifteen (15) feet from the approved grade. The maximum height of any Wireless Telecommunication Antenna or Equipment Shelter, installed on an existing building or structure pursuant to Section 1243.04B hereof, shall be no greater in height than ten (10) feet above the roof-line of the existing building or structure to which it is attached.

C. **Setbacks.** All Wireless Telecommunication Towers shall be set back from any rear or side property lines abutting a residentially-zoned or used lot a distance of at least fifty (50) feet, and a distance of at least twenty (20) feet from any rear or side property lines abutting any commercially or institutionally-zoned lot. Otherwise, all Wireless Telecommunication Facilities, other than Towers, shall comply with the required setbacks in the zoning district in which they are located. In no event shall a Wireless Telecommunication Tower or Facility be located in front of the principal building on the lot, if any, or in front of the front yard setback line as shown on the zoning map when no principal building is present on the lot.

D. **Design.**

1. All Wireless Telecommunication Towers shall be of a Monopole design, as opposed to a Lattice design. No guy wired Towers shall be permitted. All wires and conduit servicing Antennas shall be located inside the Tower.

2. All Wireless Telecommunication Facilities shall be subject to review by the Architectural Board of Review (ABR) for the purpose of enhancing the compatibility of the Facilities with their surroundings. The color of a Wireless Telecommunication Tower and/or Antennas shall be as determined by the ABR for the purpose of minimizing its visibility, unless otherwise required by the FCC or the Federal Aviation Administration (FAA).

3. The Wireless Telecommunication Antennas shall be of a panel design and mounted flush to the Tower, building or structure which elevates the Antennas, unless the applicant can demonstrate that it is not feasible from an engineering standpoint to use such Antennas or to mount them in such a fashion.

E. **Landscaping.** A landscape buffer area of not less than fifteen (15) feet in depth shall be placed between the Wireless Telecommunication Facilities and the public rights-of-way and any adjacent properties from which there is a direct view of the Facilities, other than the Tower itself. Where the Facility abuts a residentially-zoned or used lot, a landscape buffer area of not less than twenty (20) feet in depth shall be placed between the Facility and the residential lot. The landscape buffer area shall have a tight screen fence of hardy evergreen shrubbery not less than six (6) feet in height. In addition, a minimum of one (1) shade tree, three inches (3") in trunk width when planted, shall be planted a minimum of every fifty (50) feet within the landscape buffer area to screen the Facilities from the public rights-of-way and adjacent properties. The landscaping shall be continuously maintained and promptly restored, if necessary.

F. **Engineering Report.** A report shall be prepared and submitted by a qualified and licensed professional engineers and shall provide proof of compliance with all applicable federal, state, county, and City regulations. The report shall include a detailed description of the Wireless Telecommunication Tower, Antenna (e), Equipment Shelter, and appurtenances, and shall certify that radio frequency emissions are in compliance with the regulations of the FCC.

G. **Prospective Plans.** All applicants for construction or erection of Wireless Telecommunication Towers shall be required to submit a five (5) year written plan for use of the proposed telecommunications facility, including plans for additional development of the site and signal coverage within the geographic area.

H. **Maintenance.**

1. The applicant shall submit a plan documenting how the Wireless Telecommunication Facility will be maintained on the site in an ongoing manner that meets industry standards.

2. On each biennial anniversary of the issuance of the building permit for a Wireless Telecommunication Facility, or not more than ninety (90) days prior thereto, the owner/user shall submit to the City a report prepared by a licensed professional engineer(s) which shall verify continued compliance of the Facility with all governmental requirements including, but not limited to, the structural integrity and stability of any Towers or Antennas, electrical safety standards, and auxiliary power source safety standards.

I. **Lighting Prohibited.** Except as required by law, a Wireless Telecommunication Antenna or Tower shall not be illuminated and lighting fixtures or signs shall not be attached to the Antenna or Tower. If lighting is required by FAA regulations, the most visually nonobtrusive "state-of-the-art" lighting available shall be used, unless otherwise required by the FAA.

J. **Security.**

1. Climbing rungs or other apparatus designed to assist a person to climb a Wireless Telecommunication Tower shall be located on the Tower no lower than twenty (20) feet above grade.

2. Other security measures for the Facility shall be determined by the Planning Commission as is appropriate under the circumstances of the particular application.

K. **Advertising Prohibited.** No advertising sign(s) or devices shall be permitted anywhere on a Wireless Telecommunication Facility site.

L. **Outdoor Storage.** There shall be no outdoor storage of equipment or other items on the Wireless Telecommunication Facility site except during the Facility construction period and to supply temporary emergency power to the Facility only during a power outage.

M. **Access to Facility.** The access driveway to the Wireless Telecommunication Facility shall, whenever feasible, be provided along with circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the Facility shall be a minimum of twelve (12) feet in width with a minimum overhead clearance of eleven (11) feet and shall be setback a minimum of twenty (20) feet from the nearest side or rear lot line. This driveway shall meet the load limitations for fire equipment. There shall be a maximum of one (1) offstreet parking space on the Facility site.

N. **Accessory Equipment Shelter.** Only one (1) Equipment Shelter accessory to a Wireless Telecommunication Tower or Antenna, or the configuration of more than one (1) Equipment Shelter constructed to appear that there is only one (1) Equipment Shelter, shall be permitted on a lot. The size of an Equipment Shelter shall depend on the total number of separate entities having Antennas located at the Facility. The maximum total size of an Equipment Shelter for one (1) entity having Antennas at a Facility shall be two hundred fifty (250) square feet. The maximum cumulative size of Equipment Shelter(s) for two (2) entities having Antennas at a Facility shall be five hundred (500) square feet. The maximum cumulative total size of all Equipment Shelters for more than two (2) entities having Antennas at a Facility shall be seven hundred fifty (750) square feet. The maximum height of an Equipment Shelter shall not exceed fifteen (15) feet above the approved grade at the site for an Equipment Shelter with a pitched roof and a maximum height of ten (10) feet above the approved grade at the site for an Equipment Shelter with a flat roof. The roof and facade of the Equipment Shelter shall be compatible as to architectural design and materials with the principal building on the lot, if any, and shall be subject to review by the Architectural Board of Review pursuant to Chapter 1309 of the Building Code. Where it is technically feasible and reasonably practical, an existing building or structure on a lot shall be used to shelter the equipment associated with a Wireless Telecommunication Facility.

Any Equipment Shelter located on the roof of an existing building shall comply with Section 1243.04B of this Chapter.

O. **Undergrounding of Utilities.** All utility lines from the utility source to the Wireless Telecommunication Facility shall be underground.

P. **Time Limit for Commencement and Completion.** After issuance of a building permit to construct a Wireless Telecommunication Facility, the applicant shall commence and complete construction as required by Section 1303.08 of the Building Code.

Q. Abandonment and Removal of Facilities.

1. The applicant for the Wireless Telecommunication Facility shall be required as a condition of issuance of a building permit to post a cash or surety bond acceptable to the Director of Law of not less than one hundred dollars ($100.00) per vertical foot from grade of the Wireless Telecommunication Facility. If an access drive which is separate from an existing access drive on the property is required to be constructed for a Wireless Telecommunication Facility, the owner/operator of the Facility shall also be required as a condition of issuance of a building permit to post a cash or surety bond acceptable to the Director of Law of not less than thirty dollars ($30.00) per linear foot of access drive. The bond(s) shall insure that an abandoned, obsolete or destroyed Wireless Telecommunication Facility and/or access drive shall be removed within one hundred eighty (180) days of cessation of use or abandonment. Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond, as principal, to insure that the bond will be in place during the period of time that the successor-in-interest or assignee occupies the Facility.

2. The owner/user of the Wireless Telecommunication Facility shall, on no less than an annual basis from the date of issuance of the building permit, file a declaration with the Zoning Administrator as to the continuing operation of each of its Facilities within the City.

3. If at any time the use of the Wireless Telecommunication Facility is discontinued for one hundred eighty (180) consecutive days, the Facility shall be deemed abandoned. The Zoning Administrator shall notify the owner/user in writing and advise that the Facility must be reactivated within ninety (90) days or it must be dismantled and removed from the site and the site restored to a landscaped condition within that same ninety (90) day period, all at the cost of the owner/user. The owner/user shall have the right to appeal the Zoning Administrator's decision to require removal of an abandoned Facility to the Board of Zoning Appeals pursuant to Section 1213.02 of the Zoning Ordinance.

1243.08 COSTS.

The applicant for a Wireless Telecommunication Tower and/or Antenna Facility shall be responsible for all expenses incurred by the City for any technical and/or engineering services deemed necessary by the Zoning Administrator, the Commissioner of Buildings, the City Planning Commission, the Board of Zoning Appeals, or the Architectural Board of Review to perform any reviews required by the Codified Ordinances which are not covered by the fees set forth in this Section.

1243.09 EXEMPTION OF CERTAIN CITY PROPERTY.

Regardless of the provisions of this Chapter, a Wireless Telecommunication Facility used for city services may be permitted on any property owned or controlled by the City and shall be constructed, erected, maintained, extended and removed under such conditions, standards and regulations as required by the City Council.

1243.10 VARIANCES.

The Board of Zoning Appeals may grant variances to provisions of this Chapter as applied to any Wireless Telecommunication Facility application pending before the Board of Zoning Appeals. The Board of Zoning Appeals shall make a determination on a proposed variance to any provisions of this Chapter based on Chapter 1213.04 Variances and on the following criteria:

1. The Wireless Telecommunication Facility as proposed will be in keeping with the land use policies established by the City Council.

2. The Facility as proposed will be in harmony with the general and specific purposes for which the Zoning Ordinance and this Chapter were enacted and for which the regulations of the district in question were established.

3. The Facility as proposed will not create any public nuisance.

4. The Facility as proposed will not have a substantial or undue adverse impact upon adjacent property, the character or historic integrity of the neighborhood or area, or the public peace, health, safety and general welfare.

5. The Facility as proposed will be constructed, arranged and operated so as not to excessively interfere with the use and development of neighboring property in accordance with the applicable district regulations.

6. The Facility as proposed will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection.

7. The Facility as proposed will not result in unnecessary destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

8. The Facility as proposed complies with all other standards imposed on it by this Chapter.

CHAPTER 1244
Small Lot Infill Development (SLID) Overlay District

1244.01 Purpose.
1244.02 Designation of SLID Overlay District.
1244.03 Definitions.
1244.04 Eligibility.
1244.05 Uses.
1244.06 Density and lot requirements.
1244.07 Setbacks from SLID site boundary.
1244.08 Yard requirements within the SLID site.
1244.09 Lot coverage.
1244.10 Parking and access requirements.
1244.11 Design requirements.
1244.12 Other development standards.
1244.13 Review of SLID applications.

1244.01 PURPOSE .

The purpose of the Small Lot Infill Development (SLID) Overlay District is to foster creative infill housing in a way that ensures neighborhood compatibility, maintains harmony and character of existing residential areas, and ensures residential infill development occurs in an orderly and desirable manner. Additionally, the regulations are intended to:

A. Promote neighborhood preservation and enhancement through redevelopment of vacant properties.

B. Applies to the planned development and construction of new single family detached and attached units at a similar density to the underlying district and to allow for the subdivision of land to accommodate such units on small lots.

C. Spark innovative design in new housing construction.

D. Allow flexibility in housing type through reduced lot size, setbacks, street frontage, lot coverage, and vehicle access requirements to facilitate infill development.

E. Provide development and design standards and guidelines to promote compatibility between existing and new development and enhance the marketability of the entire block.

F. Establish a review process for small lot infill development as a planned development that considers the subdivision of land into small lots simultaneously with the design of the proposed housing on such lots to ensure neighborhood compatibility of the Small Lot Infill Development.

G. Encourage transit oriented development.

(Ord. 18-25. Enacted 4-23-18.)

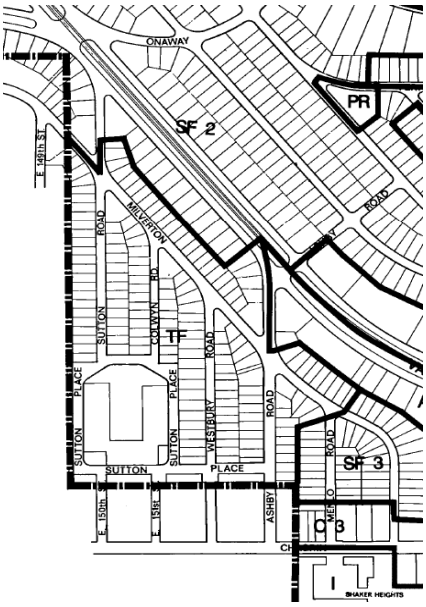
1244.02 DESIGNATION OF SLID OVERLAY DISTRICT.

An Overlay District is a mapped zone that establishes a development option with a set of design requirements that are in addition to and in some cases an exception to those of the conventional "base" residential zoning district, so that any parcel of land lying in a SLID Overlay District shall also lie in one or more conventional residential district. The SLID Overlay District gives property owners the choice of developing according to the conventional "base" district regulations or the SLID regulations.

A. Location of SLID Overlay District. The City Planning Commission and City Council may, through the zoning amendment procedures in Section 1213.07, approve a SLID Overlay District for a residential neighborhood where infill housing is to be encouraged. Areas where a SLID Overlay District has been established are described below:

1. The location of the South Moreland SLID Overlay District is limited to the TF District designated on Figure 1244.02.A.1.

2. The location of the North Moreland SLID Overlay District is limited to the TF District designated on Figure 1244.02.A.2.



B. SLID as a Conditional Use. Once a SLID Overlay District is established, Small Lot Infill Development (SLID) shall be regulated as a conditional use.

1. The availability of the SLID option imposes no obligation on a property owner to select the SLID form of development. The decision to approve a SLID application shall be at the sole discretion of the City Planning Commission and City Council.

2. Approval of a SLID is granted pursuant to the requirements of Section 1213.05, Conditional Uses. General standards for conditional use permits are found in Section 1213.05 H, Standards for Conditional Use Permits.

C. Relationship to Base Districts.

1. In the SLID Overlay District, the use and dimensional specifications of the base zoning district are herein replaced by an approval process in which an approved infill development plan becomes the basis for continuing land use controls.

2. The base zoning district shall be used as a guide for development, with any adjustment relative to use, density and building layout reviewed and approved through application of standards and design guidelines set forth in this Chapter and the review process for planned developments set forth in Section 1213.09.

D. Relationship to Other Development Standards.

1. All of the provisions of the Shaker Heights Zoning Code that are applicable to the underlying district shall apply to SLID projects except as specifically modified in this Chapter.

2. To the extent that these regulations conflict with design standards in the Subdivision Regulations, these regulations shall apply.

E. **Limitations on Flexibility of SLID.** The City Planning Commission shall only approve a SLID that is consistent with the objectives set forth in Section 1244.01. Therefore, the City Planning Commission may require as a condition of approval any reasonable condition, limitation or design factor that will promote proper development of a SLID.

F. A map of approved Small Lot Infill Developments shall be prepared and maintained by the Shaker Heights Planning Department.

(Ord. 18-25. Enacted 4-23-18.)

1244.03 DEFINITIONS.

As used in this Chapter:

A. "Development influence area" means the parcels within 150 linear feet of the boundary of the SLID site along the same side of an existing public street.

B. "Dwelling, Courtyard Unit" means a rear unit with its entrance oriented toward a shared courtyard on a SLID site with four or more units.

C. "Dwelling, Front Unit" means a dwelling unit located at the front of the Small Lot Infill Development site oriented toward the existing public street.

D. "Dwelling, Rear Unit" means a dwelling unit located behind the front unit and either with a narrow frontage on the existing public street (as in a flag lot) or without direct frontage on the existing public street.

E. "Lot, Flag" means a parcel of land shaped like a flag, with a narrow strip providing access to a public street and the bulk of the property containing no street frontage.

F. "Lot, Small" means a new parcel created as part of a small lot subdivision in accordance with this Chapter.

G. "Lot, Small with no street frontage" means a parcel of land that does not share a lot line with a public street right-of-way.

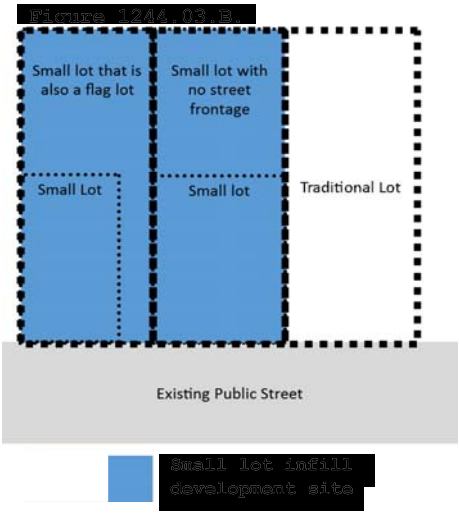
H. "Small lot infill development (SLID) site" means the entire area included in the lot consolidation and replat infill development project. Also referred to as "SLID site" or "infill development site."

I. "Small lot subdivision" means a lot consolidation and replat of one or more eligible traditional lots into two or more small lots that comply with the requirements of this Chapter.

J. "Street Frontage" means the portion of a lot that abuts a public or private street.

K. "Traditional lot" means a parcel of record that was recorded in the office of the Cuyahoga County Fiscal Office prior to January 1, 2018.

Figure 1244.03.B.



(Ord. 18-25. Enacted 4-23-18.)

1244.04 ELIGIBILITY.

A. A vacant parcel or a combination of vacant parcels may be redeveloped as a Small Lot Infill Development if the proposed SLID site is comprised of:

1. At least one traditional lot, and

2. An area of one acre or less.

B. The proposed SLID site shall be in one ownership, or if there are two (2) or more owners, the application shall be filed jointly by all owners of the properties included in the proposed SLID boundaries.

C. Once a traditional lot has been replatted as a part of a SLID, it shall no longer be considered a traditional lot for the purposes of these regulations.
(Ord. 18-25. Enacted 4-23-18.)

1244.05 USES.

A. Residential uses listed as permitted in the base zoning district. In the case of a proposed SLID site located in more than one base zoning district, the use limitations and density of the most intense base zoning district shall prevail.

B. Accessory Uses and Structures.

1. Accessory uses and structures permitted in the base zoning district.

2. Accessory buildings to accommodate congregate / shared / common facilities such as but not limited to dining, laundry, recreation and storage, which shall be in addition to and not in replacement of such facilities in each dwelling unit.

3. Shared driveways.

4. Garages, attached or detached to one or more dwelling units, pursuant to Section 1262.07, except as otherwise permitted in this Chapter.

C. Additional dwelling types may be authorized as part of a SLID, provided that the City Planning Commission finds:

1. That the additional dwelling types are desirable and appropriate with respect to the primary purpose and character of the SLID.

2. That the additional dwelling types will not create a detrimental influence on the neighborhood, or upon the internal character of any part of or all of the SLID itself. (Ord. 18-25. Enacted 4-23-18.)

1244.06 DENSITY AND LOT REQUIREMENTS.

A. A maximum of two dwelling units shall be permitted for each traditional lot comprising the proposed SLID site when overlaying a TF Two Family District.

B. There is no minimum lot size or minimum lot width for fee-simple lots in a SLID, provided the SLID site as a whole complies with the maximum lot coverage limits and each unit complies with the minimum setbacks set forth in this Chapter.

C. There is no minimum street frontage required for fee-simple lots. Flag lots and lots with no street frontage may be approved in compliance with the requirements of this Chapter, including requirements for access to each unit.

D. Fee-simple lots do not need to be of uniform size and may be irregularly shaped in order to provide private parking and outdoor space within the fee-simple lot.
(Ord. 18-25. Enacted 4-23-18.)

1244.07 SETBACKS FROM SLID SITE BOUNDARY.

A. Setback from Public Street. The neighborhood context shall provide direction for establishing the setback of front unit(s) from the existing public street as follows.

1. The required setback of the front unit(s) in a small lot development shall be the same as the setback of the majority of the existing houses in the development influence area.

2. If the setback of the existing houses in the development influence area varies by more than 10 feet, the front yard setback shall be within 5 feet of the average setback.

3. The front setback of an existing house shall be measured from the street right-of-way to the front wall of the house, or the City Planning Commission may consider the front of the porch when the porch extends more than 50% across the width of the house and is covered by a roof.

B. Setback from Side and Rear Lot Lines of SLID Site. All dwelling units shall be located a minimum of three feet from the side and rear lot lines of the SLID.

C. Garages and other permitted accessory buildings shall be located behind the front unit(s), a minimum of 3 feet from the side and rear lot lines of the SLID site, or may be located at or closer to the property line of the SLID if the wall is fireproofed.
(Ord. 18-25. Enacted 4-23-18.)

1244.08 YARD REQUIREMENTS WITHIN THE SLID SITE.

A. Dwelling units, garages and other permitted accessory buildings shall comply with the setback requirements in 1244.07.B measured from the interior SLID lot lines, or be attached with a common wall along the interior SLID property line.

B. Allowable encroachments into the yards that are permitted in the underlying district as listed in table 1260.04, Allowable Encroachments are permitted.

C. Required Private Open Space. Each dwelling unit shall be provided a minimum of 150 square feet of clearly defined, at grade, private open space with direct access from the interior of the dwelling. (Ord. 18-25. Enacted 4-23-18.)

1244.09 LOT COVERAGE.

The surface coverage of all enclosed buildings and structures on the SLID site shall, taken together, occupy no more than 60% percent of the total SLID site area.
(Ord. 18-25. Enacted 4-23-18.)

1244.10 PARKING AND ACCESS REQUIREMENTS.

A. Off-street parking shall be located behind the front unit(s).

B. Off-street parking spaces shall be provided as required below:

1. Each dwelling unit shall be provided a minimum of one and a maximum of two enclosed parking spaces per unit.

2. An enclosed parking space may be provided, either attached to the dwelling or detached.

C. A detached garage shall be located no closer than 10 feet to a dwelling unit.

D. Each garage structure shall be limited to no more than 4 spaces and a maximum floor area of 800 square feet.

E. Access to all dwelling units and parking areas shall be provided by a driveway with a minimum width of 8 feet and sufficient space in front of the parking spaces to maneuver.

F. Any access that is shared by two or more dwellings shall be governed by a permanent access easement recorded on the subdivision plat, or owned in common by an owners association.

G. Address signs for all units are required on the unit.
(Ord. 18-25. Enacted 4-23-18.)

1244.11 DESIGN REQUIREMENTS.

Constructing infill housing offers a unique set of design challenges not only on the parcel level, but also on the neighborhood level and within the public realm. Therefore, it is important to consider the design elements of each small lot home and how it will enhance the overall neighborhood character and vitality of the larger public realm. This Section articulates design requirements to ensure infill development permitted by this Chapter is compatible with the surrounding neighborhood.

A. The City's adopted Design Guidelines for Multi-Family and Attached Single-Family Infill Housing shall be considered in the design and layout of SLID projects, supplemented with the additional design principles in this section.

B. **Public Realm.** Each infill project, however small, must contribute to a vital and coherent public realm. To do so, each project should focus on the relationship between the proposed small lot subdivision and the public environment, with emphasis on: building orientation toward the existing public street, articulation of facades and entry ways, landscaping, lighting, building fenestration, pedestrian circulation, type and location of driveways and garages.

C. **Building size and massing.** Infill development should be compatible with other units within the Development Influence Area in regards to size, bulk, scale, mass, and rhythm. Dwellings shall either be similar in size and height, or if larger, be articulated and subdivided proportionally to the mass and scale of other residential buildings in the development influence area. The City Planning Commission may limit the height of dwellings based on prevailing height of existing dwellings in the Development Influence Area.

D. **Orientation and Entrances.**

1. **Front Unit Orientation.** Each front unit shall be oriented toward the existing street, and should have the primary entrance and main windows facing the street with direct access to the public sidewalk.

2. **Rear and Courtyard Units.** For units that are not adjacent to the public street, pedestrian circulation shall be provided in the form of private walkways or clearly delineated paths of travel from the public sidewalk to their entryway.

E. **Screening, Privacy, and Landscape Design.**

1. **Screening along SLID site boundaries.** To protect existing and future dwellings in the areas of the SLID site, side and rear yards of the lots in the new subdivision shall be separated and screened along common lot lines of the adjacent residential area with a solid wooden fence six (6) feet in height or with dense evergreen shrubs.

2. Interior spaces as well as doors and windows should be configured to provide privacy between dwelling units and adjacent property.

3. Shrubs and tree planting are encouraged to define private space and increase privacy between infill houses.

4. Adequate space to accommodate recycling and trash receptacles should be provided and appropriately screened.

5. All screening and fence material shall be attractive, durable and contribute to the quality of the residential landscape design.

6. All fences shall be erected so that the finished side faces the neighboring property.

F. Lighting.

1. Exterior lighting should enhance the overall design and increase safety.

2. All light fixtures should complement the architecture and landscape design.

(Ord. 18-25. Enacted 4-23-18.)

1244.12 OTHER DEVELOPMENT STANDARDS.

The development standards of the base zoning district that are not specifically addressed in this Chapter shall be used as a guide for determining the appropriate building layout, building height and other development requirements of the SLID.
(Ord. 18-25. Enacted 4-23-18.)

1244.13 REVIEW OF SLID APPLICATIONS.

A. Applications for a proposed SLID shall include a site plan, preliminary plat and other items required for planned developments pursuant to Section 1213.09.

B. Conditional Use Permit Standards. No SLID shall be approved unless the applicant shall establish that the proposed development is based on the criteria in this chapter, the criteria for conditional uses in Section 1213.05 H. and the following standards specific to SLID.

C. Additional Standards Specific to SLID.

1. Conformity with City Policies and Ordinances. The proposed development shall not injure the use, value and enjoyment of the surrounding property in accordance with the policies of the City, shall be consistent in all respects with the purpose and intent of this Zoning Ordinance, and shall advance the general welfare of its immediate vicinity and of the City as a whole.

2. Site Design. The location, configuration, construction, manner and time of operation of off-street parking and loading areas, service areas, circulation systems, entrances, exits, open space, amenities, lighting, or other potentially detrimental influences shall be designed to avoid: (a) adverse effects on residential uses within or adjoining the development, (b) traffic congestion, and (c) hazards to vehicular or pedestrian traffic.

3. Utilities. The proposed development shall provide for underground installation of service connections and lines (including electricity and telephone). Provisions also shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities.

Maintenance of Shared and Common Space. The proposed development shall include provisions for the maintenance of shared and/or common space, including all improvements thereto, as are reasonably necessary to ensure their continuity, maintenance, and operation in accordance with pre-determined standards and to ensure that remedial measures will be available to the City of Shaker Heights if such shared or common space or other improvements are not maintained in a condition consistent with the best interests of the SLID, its immediate vicinity, or the City as a whole. (Ord. 18-25. Enacted 4-23-18.)

TITLE FIVE - Signs, Off-Street Parking, Off-Street Loading, and Landscaping

Chap. 1250. Sign Regulations.
Chap. 1251. Off-Street Parking Regulations.
Chap. 1252. Off-Street Loading Regulations.
Chap. 1253. Landscaping and Screening Regulations.

CHAPTER 1250
Sign Regulations

1250.01 Purpose and scope.
1250.02 How signs are regulated.
1250.03 Prohibited and exempt signage.
1250.04 Temporary signs.
1250.05 Signs requiring permits.
1250.06 General sign regulations.
1250.07 Sign regulations by district.
1250.08 Regulations by sign type.
1250.09 Local sign district regulations.
1250.10 Special conditions for automotive fuel stations.
1250.11 Mural or pictorial signs.
1250.12 Non-conforming and unsafe signs and nuisances.

CROSS REFERENCES
Sign definitions - see P. & Z. 1211.02
Building permit fees - see BLDG. 1305.01
Lighted signs near residences - see BUS. REG. 509.03

1250.01 PURPOSE AND SCOPE.

The following sign regulations are established in order to achieve the following purposes:

A. To preserve the non-commercial character of residential neighborhoods, and to provide reasonable yet appropriate conditions for identifying businesses and services rendered in commercial districts by controlling the size, type and design of signs in relation to the type and size of establishment.

B. To reduce traffic hazards by restricting signs and lights which exceed the viewers' capacity to receive information or which increase the probability of accidents created by distracting attention or obstructing vision.

C. To preserve order and cleanliness, maintain open spaces and avoid the appearance of clutter, protect property values, and prevent nuisances and invitations to vandalism.

D. To protect the public peace, health, safety, welfare, convenience and comfort.

1250.02 HOW SIGNS ARE REGULATED.

Signs shall be constructed and maintained in accordance with the provisions set forth in this Chapter. Signs are regulated by different means, including those enumerated in this section. Each means of regulation has an impact on the design of a sign and the regulations are applied collectively to each sign installation.

A. Other City Codes.

1. All signs shall be constructed, erected and maintained in accordance with the Shaker Heights Building Code.

2. The provisions of this Chapter shall not amend, nor in any way interfere with, other codes, rules or regulations governing traffic signs within the City.

B. Regulations Found Within This Chapter.

1. Classification of Signs. Four classes of signs are regulated by the City: Prohibited, Exempt, Temporary, and those requiring permits. Regulations for each of these are included within this Chapter.

2. Sign Function and Type Regulated by District. Regulations specific to a particular district are included in Section 1250.07, Sign Regulations by District. The zoning districts regulate what sign type may be used in that district. Further limitations to height or sign area may be placed upon signs as part of a particular district's regulations.

3. Design Characteristics Regulated by Sign Type. Sign Types are regulated in Section 1250. 08, Regulations by Sign Type. Standard requirements for height and sign area are included for each sign type. These regulations may be further altered within districts for specific applications of a particular sign type.

4. Primary and Secondary Signs. Window, projecting and canopy signs, where permitted, may be installed either as primary or secondary signs subject to all the other applicable regulations for such signs. Regulation of the sign and limitations upon other signage are dependent upon whether the sign owner has chosen to install the sign as primary or secondary. Such restrictions are established in Section 1250.08, Regulations by Sign Type.

5. Additional Factors. Certain signs are regulated on the basis of additional factors which are set forth in applicable sections of this Chapter.

1250.03 PROHIBITED AND EXEMPT SIGNAGE.

A. Prohibited Signs. The following signs are prohibited in all districts:

1. Signs painted directly on an exterior wall, fascia, parapet, or chimney of a building or on a fence, except for murals or works of art pursuant to Section 1250.11, Mural or Pictorial Signs, and subject to review by the Architectural Board of Review.

2. Signs which move, or give the appearance of movement. This category includes pennants, banners (except those specifically allowed by Section 1250.04.B.5), streamers, and all other signs which flutter, undulate, swing, rotate, oscillate or otherwise move by natural or artificial means.

3. Signs containing flashing or running lights giving the illusion of movement, including time and temperature devices.

4. Roof signs.
5. Off premises signs.
6. Signs which imitate traffic signs. Signs which use the words *"stop", "look", "danger", "go slow", "caution",* or *"warning"*, are deemed to be within this category except where such words are part of the name of the business. This category (6) does not include signs which are accessory to parking lots.
7. Portable or wheeled signs.
8. Signs placed on parked vehicles or trailers where the apparent purpose is to advertise a product or to direct people to a business or activity located on the same or nearby property.
9. Motor vehicles whose sole apparent purpose is to advertise business. Motor vehicles engaged in the cartage of goods or the transport of passengers are exempt from this restriction.
10. Signs which contain matter which is untruthful or misleading.
11. Inflatable images such as balloons, beer cans, etc.
12. Pole signs.
13. Signs displayed for pay or other compensation.
(Ord. 04-132. Enacted 11-22-04.)

B. Exempt Signs. The following signs are hereby designated as "exempt signs" and, as such, are subject only to the regulations contained in this Section 1250.03 B.

1. Signs used for safety purposes relative to the repair or maintenance of streets, sidewalks, or utilities in a public right-of-way, provided such signs shall not exceed two (2) square feet in area, unless a greater area is mandated by state law or regulation.
2. Nameplates not to exceed one (1) square foot in area, placed not less than ten (10) feet from any lot line, and pursuant to Section 1315.03 of the Shaker Heights Building Code.
3. Address numbers not to exceed two (2) square feet in area, placed a minimum of ten (10) feet from any lot line, and pursuant to Chapter 1315 of the Shaker Heights Building Code.
4. Paper notices placed on information kiosks maintained by governments.
5. Signs and public notices erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as authorized by law, statute or ordinance.
6. Public information signs identifying telephones, rest rooms and similar facilities, not to exceed two (2) square feet. Advertising matter is not permitted on such signs. This category (6) does not include parking or driveway signs.
7. "No Parking", "Will be Towed", Private Parking", parking control signs, and fire lane signs, intended to prohibit or impose conditions upon parking pursuant to the Shaker Heights Traffic Code or State Law not to exceed four (4) square feet.

8. Governmental flags. Such flags shall not exceed two (2) in number and twenty-four (24) square feet in area. Additionally, the height of such flags shall not exceed fifteen (15) feet in residential districts and thirty (30) feet in non-residential districts.

9. Memorial plaques and cornerstones not to exceed two (2) square feet in area designed, intended, or used to preserve the memory of a person, place, or event, including landmark plaques and historical plaques which must be constructed of bronze or other incombustible materials and be permanently affixed to the building or premises thereto.

10. Matter appearing on gasoline pumps, newspaper vending boxes and automatic teller machines and other vending machines as purchased or installed.

11. Matter appearing on or adjacent to entry doors including *"Push"*, *"Pull"*, *"Open"* or *"Closed"* signs, not exceeding one and one half (1 ½) square feet in area per establishment or one per entrance.

12. Matter appearing on display windows or doors to retail or service establishments denoting hours of operation, credit cards accepted, and similar information, not exceeding a cumulative total of one (1) square foot in area per establishment.

13. emporary holiday and festival decorations, with the condition that they do not act as advertisements.

1250.04 TEMPORARY SIGNS.

A temporary sign is a sign which is intended to be displayed for a limited time only. Such signs include real estate availability signs, construction signs, special events signs, holiday decorations, signs and banners announcing grand opening events, and other temporary signs as described herein. Temporary Signs may be permitted in Residential Districts subject only to the provisions contained in Section 1250.04.A, below. Temporary Signs may be permitted in Non-Residential Districts subject only to the provisions contained in Section 1250.04.B, below.

A. Residential Districts. Temporary signs in Residential Districts may be installed as window signs or lawn signs, pursuant to the following:

1. Window Signs. Temporary signs installed as window signs shall be no greater than six (6) square feet in area. The combined total surface area of all temporary window signs shall be no greater than twelve (12) square feet.

2. Lawn Signs.

a. Size. Temporary signs installed as lawn signs shall be no greater than six (6) square feet in area and no greater than four (4) feet in height. The combined total surface area of all temporary lawn signs shall be no greater than twelve (12) square feet.

b. Location. Temporary lawn signs shall be located a minimum of twenty (20) feet from the nearest edge of the sidewalk and shall not be placed within the side-yard setback.

c. **Height and Location Exceptions.** If, due to the topography, existing foliage, or other similar condition existing as to a particular property, conformance with the size and height regulations set forth herein would impair the visibility of a temporary lawn sign as observed from the street, then the Zoning Administrator may grant exceptions to the size and location regulations above pursuant to the following:

1. The height and area requirements above may be increased by a factor no greater than fifty percent (50%).

2. The lawn sign may be placed within twenty (20) feet of the sidewalk, or within the side-yard setback.

In determining whether to grant an exception, the sole standard to be used by the Zoning Administrator is the visibility of the sign and no sign shall exceed that height, area or distance which is reasonably necessary to render the sign visible when observed from the street.

3. All temporary signs in residential districts shall be displayed no more than forty-five (45) days after placement, after which time they must either be removed or replaced.

B. Commercial Districts.

1. **Availability Signs.** Availability signs such as *"For sale," "Vacancy,"* or *"For rent"* may be permitted to announce the sale, rental, or lease of the lot where the sign is displayed or to announce the sale, rental or lease of one or more structures or a portion thereof, located on the lot. Such signs may indicate the owner, realty agent, telephone numbers, or *"open house"* information. Such signs:

a. Shall not exceed twelve (12) square feet in area.

b. Shall be located upon or within any building or portion of building occupied or to be occupied by any single business enterprise.

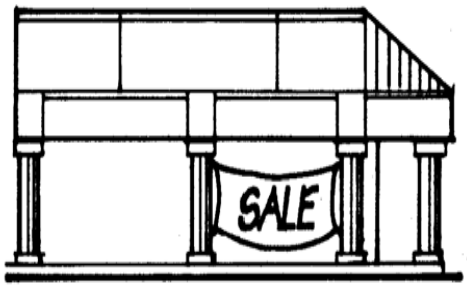
c. Shall only advertise the rental, lease, or sale of such building or portion thereof.

d. Shall also meet or exceed the front yard setback established within the zoning district, regardless of whether a building is present on the lot.

2. **Construction Signs.** Construction signs on non-residential property may not exceed thirty-two (32) square feet in area or eight (8) feet in height. Such signs may identify the owner's name, the architect, the contractors, the financing arrangements, and the purpose for which the project is intended. No products or services may be advertised on construction signs. One (1) construction sign may be placed on each part of the lot or on each face of the building that borders a public street. A minimum setback of ten (10) feet from the property line or the building setback line, whichever is less, is required for any construction sign. A construction sign shall not be erected before construction starts, and it shall be removed within fourteen (14) days after the use commences or construction is completed, whichever occurs first.

3. **Event Signs.** Event signs may not exceed a maximum size of six (6) square feet in area, or covering all portions of an existing permitted sign, whichever is greater, and must be located on the premises of the event, excluding any residential use, announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization.

Figure 1250.04.B.3 Banner Sign



Banner

4. **Holiday Decorations.** Holiday decorations displayed in connection with civic, patriotic or religious holidays.
5. **Grand Opening Signs.** Grand opening signs or banners announce the opening of a business on the premises located in a non-residential zoning district. Such a sign may be displayed for not more than thirty (30) days from the date on which the activity commences, and shall not exceed the requirements applicable for an identification wall sign at the location. Grand opening signs may be installed on the premises only to identify a newly established business which has changed ownership or has newly located on the premises.
6. **Temporary Window Signs.**
   a. **Area of Temporary Signs.** Except as otherwise provided above, one (1) or more temporary window signs may be displayed on each window of the premises, but the total area of all window signs in any one (1) window shall not exceed ten percent (10%) of the area of that window.
   b. **Area of all Temporary and Permanent Signs.** The combined area of all temporary and permanent window signs in any one (1) window shall not exceed twenty percent (20%) of the area of that window.
   c. **Time Limit.** Temporary window signs in Commercial Districts shall be displayed no more than thirty (30) days after placement, after which time they must either be removed or replaced.

1250.05 SIGNS REQUIRING PERMITS.

Except as otherwise regulated by 1250.03, Prohibited and Exempt Signs, permits are required for the erection of all permanent signs, including identification signs, directory signs, and auxiliary entry signs as permitted by Section 1250.07, Sign Regulations by District. Permits shall be applied for pursuant to all the requirements of this section.

A. Sign Permits Required.

1. From and after the effective date of this Zoning Ordinance, no person may erect, alter or relocate any of the signs listed in Section 1250.07, Sign Regulations by District, except for Temporary Signs, without first obtaining a permit from the Building Commissioner, approval from the Zoning Administrator, and paying the required fee.

2. Routine maintenance or changing parts of a sign shall not be considered an alteration of a sign, provided that the maintenance or change of parts does not alter the type of installation, surface area, height, or otherwise make the sign non-conforming.

3. Signs not listed in Section 1250.03.B, Exempt Signs, Section 1250.04, Temporary Signs, or Section 1250.07, Sign Regulations by District, shall be considered prohibited.

B. Electrical Permit Required. In addition to complying with the provisions of this Zoning Ordinance, all signs in which electrical wiring and connections are to be used shall be regulated pursuant to the Shaker Heights Building Code. No illuminated sign may be approved by the Zoning Administrator under this Zoning Ordinance unless and until a permit has been issued by the Building Commissioner and approved by the Zoning Administrator under the procedures provided in the Building Code.

C. Permit Applications. Applications for sign permits shall be made upon forms provided by the Building Commissioner.

D. Issuance of Permits.

1. The applicant shall submit the sign application to the Architectural Board of Review for its review and recommendations pursuant to the procedures and requirements set forth by Chapter 1309 of the Shaker Heights Municipal Code.

2. Upon submission of the application to the Architectural Board of Review, the Zoning Administrator shall review the application and determine if the proposed sign is in full compliance with the conditions of this Zoning Ordinance. If the proposed sign requires a variance or conditional use permit, the Zoning Administrator shall notify the applicant. The applicant shall apply for the necessary approval, and the Zoning Administrator shall process the application according to the requirements established in Chapter 1213, Permit and Administrative Review Procedures, of this Zoning Ordinance.

3. The Building Commissioner, upon receiving notice of the Architectural Board of Review 's approval, shall review applications for sign permits for completeness. The Building Commissioner shall request any such information considered necessary for the complete and adequate review of a sign permit application.

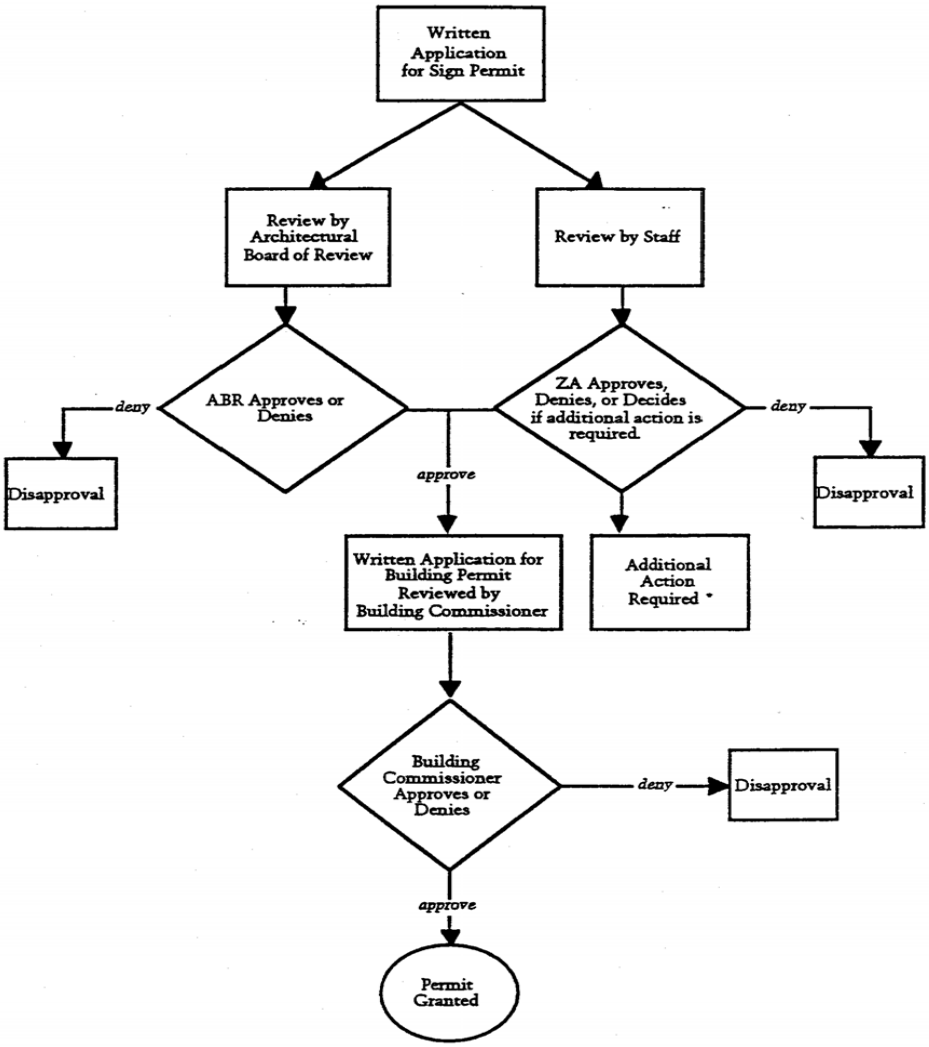
4. If the proposed sign is in compliance with all the requirements of this Zoning Ordinance and all other applicable ordinances of the City, and has received the signatures of approval from both the Architectural Board of Review and the Zoning Administrator, and upon receipt of the appropriate permit fee, the Building Commissioner shall issue a permit for the proposed sign.

E. **Validity of Permit.** If the work authorized under a sign permit has not been completed within one (1) year after the date of issuance, the permit shall become null and void.

F. **Permit Fee.** A fee shall be paid with each application for a sign permit in accord with the current established fee schedule maintained by the Building Commissioner. If an electrical permit is required, an additional fee shall be paid for the cost of the electrical permit according to the established fee schedule maintained by the Building Commissioner.

G. **Revocation.** All rights and privileges acquired under the provisions of this Zoning Ordinance are mere licenses, revocable at any time by the authority which granted the permit. If the sign permit was granted pursuant to a Conditional Use Permit, then the City Council, on recommendation from the City Planning Commission, may revoke such permit for just cause. If the sign permit was granted pursuant to a Variance, then the Board of Zoning Appeals may revoke such permit for just cause. If just cause for revocation is shown for any other sign permit, the sign permit may be revoked by the Building Commissioner.

Figure 1250.01 Sign Permit Procedure.



*If a Conditional Use Permit is needed, the applicant shall submit an application for such permit to the City Planning Commission. No further action on the sign permit shall be taken until such Conditional Use Permit is approved by the City Planning Commission and City Council. If a Zoning Variance is needed, the applicant shall submit an application for such variance to the Board of Zoning Appeals No further action on the sign permit shall be taken until such variance is approved by the Board of Zoning Appeals.

H. Failure to Obtain Permit. Any person who erects, alters or moves a permanent sign after the effective date of this Zoning Ordinance without obtaining a permit as required by Section 1250.05.A, Sign Permits Required, shall be subject to a penalty and or remedy as provided by Section 1214.05, Penalties and Remedies For Violations.

1250.06 GENERAL SIGN REGULATIONS.

A. Limitations on Location of Signs. All permanent and temporary signs requiring a permit shall be located on the premises they are intended to serve. Such signs shall be located pursuant to the following:

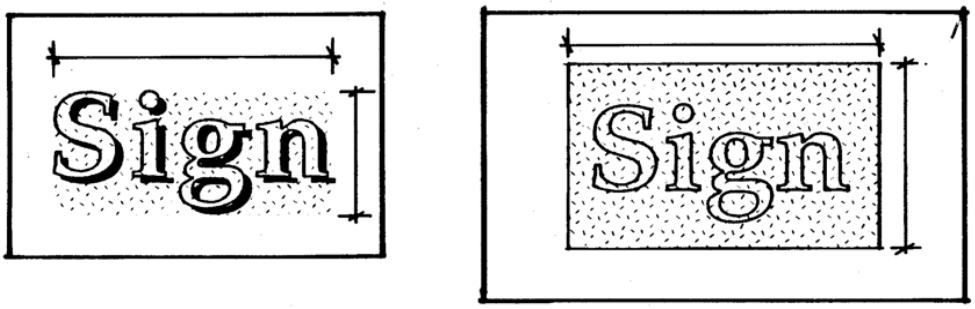
1. No sign shall be located within or shall obstruct the public right-of-way.

2. No sign shall be erected or placed so as to prevent free ingress and egress from any door, window, or fire escape, nor shall such sign be attached to any standpipe or fire escape.

3. No sign shall be erected or placed so as to cover or extend across the architectural elements of the building upon which it is located. Such elements include building cornices, sills, windows, doors, portals, projections or recesses greater than six (6) inches in depth; or piers, pilasters, columns, arches, and fascia. Signs may be placed within the confines of such elements subject to review and approval by the Architectural Board of Review.

B. Calculating Sign Area. Sign area is defined as the area within any perimeter enclosing the limits of lettering, emblems, or other figures on a sign, together with any material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed. Structural members bearing no sign copy shall not be included in its surface area. In the case of a multifaced sign all sides shall be included in the calculation of surface area.

Figure 1250.06.B Calculating Sign Area



C. Changeable Copy. Changeable copy may be installed pursuant to all the provisions and restrictions set forth below.

1. **As Part of a Directory Sign.** A directory sign may contain changeable copy, if located within the signable area of the building wall and within six (6) feet of the building entrance door. Letters within the sign shall be no more than four (4) inches in height.
2. **As Part of a Multiple-Family Identification Sign.** A multiple-family building identification sign may contain changeable copy which is limited to the listing or current rental availability. Such changeable copy shall not exceed three (3) lines of information. Letters within the sign shall be no more than four (4) inches in height.
3. **As Part of a Place of Worship Identification Sign.** Changeable copy may be permitted as part of a place of worship identification sign whether installed as a monument or wall sign. Letters within the sign shall be no more than four (4) inches in height.
4. **As Part of an Automotive Fuel Station Price Sign.** Changeable copy may be permitted as part of an Automotive Fuel Station identification sign for the purpose of listing fuel prices. Letters within the sign shall be no more than six (6) inches in height.

D. Illumination of Signs.

1. **External Illumination of Signs.**
   - **a.** Illuminated signs shall be limited to the following:
     1. Interior luminous tubes.
     2. Enclosed floodlighting using white or daylight gooseneck-type lamps.
     3. Backlighting of items of information.

     The remaining surface of the sign shall be opaque, and shall not emit light.
   - **b.** Whenever external illumination is used for a sign, the source of light shall be located, shielded and directed in such a manner that the light does not shine or cause glare onto any surrounding public street or private residence, pursuant to Section 1260.06, Environmental Performance Standards.
   - **c.** Any receptacle or device used to provide external illumination for a wall sign shall not protrude more than twelve (12) inches from the face of the sign.
2. **Brightness Limitations**
   - **a.** In no case shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed seventy-five (75) foot candles when measured with a standard light meter perpendicular to the face of the sign at a distance equal to the narrowest dimension of the sign.
   - **b.** The lighting intensity of all signs is further subject to the provisions regarding glare as set forth in Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.

3. **Hours of Illumination.** No sign shall be illuminated between the hours of 2:30 a.m. and 5:00 a.m., unless and to the extent that the activity displaying the sign is open for business during those hours. The Zoning Administrator is authorized to grant an exemption from the provisions of this section to any activity in which illumination of signs during the hours otherwise proscribed is necessary or desirable for the security and safety of the activity or for property in the custody of the activity.
4. **Backlit Canopies and Awnings.** Backlit canopies or awnings are prohibited.
5. **Voltage Plate.** All signs in which electrical wiring and connections are to be used shall have affixed thereon a plate showing the voltage of the electrical apparatus used in connection with the sign. This voltage plate shall face away from public view and right-of-way.

E. General Construction and Maintenance Requirements.

1. **Construction.** All lawn signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of net surface area and to receive dead loads as required in the Shaker Heights Building Code.
2. **Fireproof Construction.** All permanent signs shall be constructed of non-combustible material.
3. **Sharp Projections Restricted.** All signs, canopies and awnings which are constructed on, over, or within five (5) feet of a public thoroughfare shall have no nails, tacks, or wires or other hazardous projections protruding therefrom.
4. **Use of Glass.** Any glass forming a part of any sign shall be safety glass. If any single piece or pane of glass exceeds three (3) square feet, such piece or pane shall be wired glass.
5. **Maintenance.** All signs, canopies and awnings shall be kept and maintained in a safe, clean and orderly condition and appearance, and shall be repainted or otherwise maintained periodically by the owner to prevent corrosion or deterioration caused by weather, age or any other conditions, and to keep the same in a safe, clean, neat and orderly condition and appearance.

1250.07 SIGN REGULATIONS BY DISTRICT.

A. Sign Regulations in Single- and Two-Family Districts.

1. **Purpose.** Permitted signs in Single- and Two-Family Residential Districts are intended to provide legible information regarding the location of residences and institutions located within the district, their availability for purchase or lease, to inform the public as to the ownership and access limitations of property, and to describe the activities of institutions and places of worship.
2. **Applicability to Zoning Districts.** The following regulations pertain to signs located in the SF1, SF2, SF3 and TF Zoning Districts.
3. **Primary Signs.** Primary signs shall be permitted in Single- and Two-Family Residential Districts pursuant to the following:
   a. **Permitted.** The following primary signs are permitted by right, pursuant to this chapter.

(1) Permanent signs serving residential uses, installed as a window or lawn sign.

(a) Permanent signs serving residential uses, when installed as a window signs, shall be no greater than one (1) square foot in area.

(b) Permanent signs serving residential uses, when installed as a lawn sign, shall be no greater than one (1) square foot in area and no greater than three (3) feet in height.

Such signs shall be located a minimum of fifty (50) feet from the nearest edge of the sidewalk, unless the front yard measured from the building to the edge of the sidewalk is less than fifty (50) feet in which case such signs shall be located within five (5) feet of the front of the building, and such signs shall be positioned within three (3) feet in front of shrubbery of at least equal height as the sign.

No more than two (2) permanent lawn signs are permitted on a property.

(2) Directory signs, used to identify places of worship and schools, and installed as a wall sign. Such signs shall not exceed twenty-four (24) square feet. Directory signs may incorporate changeable copy.

(3) Identification signs used to identify places of worship and schools only, installed as a monument sign, not to exceed twenty-four (24) square feet, and pursuant to 1250.08.B, Regulations Affecting Monument Signs. Such identification signs serving places of worship may incorporate changeable copy.

4. **Temporary Signs.** Temporary Signs shall be permitted pursuant to Section 1250.04.A, Residential Districts.

5. **Signs Approved as Part of a Planned Development.** Signs which vary from the regulations of this Chapter may be approved as part of a Planned Unit Development or a Small Lot Infill Development.

B. **Sign Regulations In Multiple-Family Residential Districts.**

1. **Purpose.** Permitted signs in Multiple-Family Residential Districts are intended to provide legible information regarding the location of residences and institutions located within the district, their availability for purchase or lease, to inform the public as to the ownership and access limitations of property, and to describe the activities of institutions and places of worship.

2. **Applicability to Zoning Districts.** The following regulations pertain to signs located in the MF and A zoning districts.

3. **Primary Signs.** Primary signs shall be permitted in Multiple-Family Residential Districts pursuant to the following:

a. **Permitted.** The following primary signs are permitted by right, pursuant to this chapter.

(1) Permanent signs serving residential uses, installed as a window or lawn sign.

(a) Permanent signs serving residential uses, when installed as a window signs, shall be no greater than one (1) square foot in area.

(b) Permanent signs serving residential uses, when installed as a lawn sign, shall be no greater than one (1) square foot in area and no greater than three (3) feet in height. Such signs shall be located beyond fifty (50) feet from the nearest edge of the sidewalk, unless the front measured from the building to the edge of the sidewalk is less than fifty (50) feet in which case such signs shall be located within five (5) feet of the front of the building, and such signs shall be positioned within three (3) feet in front of shrubbery of at least equal height as the sign. No more than two (2) permanent lawn signs are permitted on a property.

(2) Identification signs on buildings serving multiple-family or institutional purposes. Identification signs serving places of worship may incorporate changeable copy.

(a) Wall Signs, not to exceed twelve (12) square feet in area, pursuant to 1250.08 A. Regulations Affecting Wall Signs.

(b) Canopy or awning signs pursuant to 1250.08 D, Regulations Affecting Canopy and Awning Signs.

(c) Monument sign, not to exceed four (4) feet in height or twenty four (24) square feet, and pursuant to 1250.08 B, Regulations Affecting Monument Signs.

(3) Directory signs, used to identify places of worship and schools.

(a) Wall sign. Such signs shall not exceed twenty four (24) square feet. Directory signs may incorporate changeable copy.

(b) Directory signs used to identify places of worship and schools, installed as a monument sign, not to exceed four (4) feet in height or twenty four (24) square feet, and pursuant to 1250.08 B, Regulations Affecting Monument Signs. Such signs may incorporate changeable copy.

4. **Parking Control Signs.** Parking Control Signs shall be permitted pursuant to the following:

a. Only one (1) parking control sign is permitted per entry or exit drive serving a parking lot.

b. Such signs shall not exceed a surface area of four (4) square feet and a height of five and one half (5 ½) feet. One sign is required for each ADA parking spot.

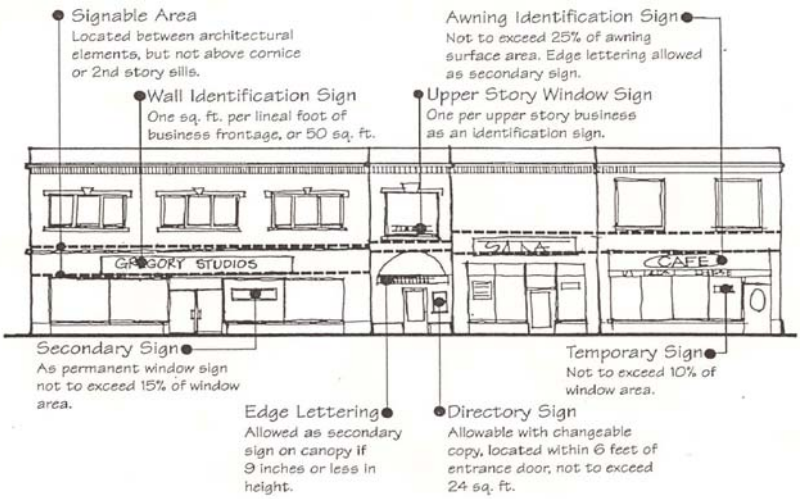
c. Such signs shall not contain a business name or logo.

5. **Temporary Signs.** Temporary Signs shall be permitted pursuant to Section 1250.04.A, Residential Districts.
6. **Signs Approved as Part of a Planned Unit Development.** Signs which vary from the regulations of this Chapter may be approved as part of a Planned Unit Development.

C. Sign Regulations In Commercial and Office Districts.

1. **Purpose.** Permitted signs in Commercial Districts are intended to provide legible information regarding the location of businesses, institutions and residences located within the district, their availability for purchase or lease, to inform the public as to the ownership and access limitations of property, and to describe the activities of businesses and institutions.
2. **Applicability to Zoning Districts.** The following regulations pertain to signs located in the C1, C2, C3, CM, and O Zoning Districts.
3. **Primary Signs.** Every business establishment shall be permitted one (1) of the following primary sign types for each public right-of-way upon which the property fronts:
   - **a. Permitted.** The following primary signs are permitted by right, pursuant to this chapter.
     - **(1)** Identification signs, installed as a wall, window, canopy, awning, or monument sign.
       - **(a)** Wall signs are pursuant to 1250.08.A, Regulations Affecting Wall Signs.
       - **(b)** Window signs are pursuant to 1250.08.C, Regulations Affecting Window Signs.
       - **(c)** Canopy or awning signs are pursuant to 1250.08.D, Regulations Affecting Canopy and Awning Signs.
       - **(d)** Monument signs pursuant to 1250.08 D Regulations Affecting monument signs.
     - **(2)** Directory signs may be used as primary signs to identify upper story business and institutional uses. Such signs shall be installed as a wall sign, not to exceed twenty-four (24) square feet, and located within six (6) feet of the doorway serving such uses. Such signs may incorporate changeable copy.
4. **Secondary Signs.** Every business establishment shall be permitted one (1) of the following as a Secondary Sign for each public right-of-way upon which the property fronts:
   - **a. Permitted**
     - (1) Window signs, not to exceed six (6) square feet in area or fifteen percent (15%) of the window area, whichever is smaller, and pursuant to 1250.08.C, Regulations Affecting Window Signs.
     - (2) Canopy or awning signs pursuant to Section 1250.08.D Regulations Affecting Canopy and Awning Signs.
   - **b. Conditional.** Projecting sign, pursuant to the granting of a Conditional Use Permit Section 1250.09, Local Sign District Regulations, and Section 1250.08.D, Regulations Affecting Canopy and Awning Signs.

5. **Auxiliary Entry Signs.** Every business establishment shall be permitted one (1) auxiliary entry sign, installed as a wall sign, no wider than the width of the customer entrance, and not to exceed two (2) feet in height.



6. **Parking Control Signs.** Parking Control Signs shall be permitted pursuant to the following:
   - **a.** Only one (1) parking control sign is permitted per entry or exit drive serving a parking lot.
   - **b**. Such signs shall not exceed a surface area of four (4) square feet and a height of five and one half (5 ½) feet. One sign is required for each ADA parking spot.
   - **c**. Such signs shall not contain a business name or logo.
7. **Temporary Signs.** Temporary signs shall be permitted, pursuant to Section 1250.04, Temporary Signs, except for Banners, which shall require a conditional use permit pursuant to Section 1213.05, Conditional Uses.
8. **Signs Approved as Part of a Planned Unit Development.** Signs which vary from the regulations of this Chapter may be approved as part of a Planned Unit Development

D. Sign Regulations In Institutional and Park and Recreation Districts.

1. **Purpose**. Permitted signs in Institutional and Park and Recreation Districts are intended to provide legible information regarding the location of institutions and public facilities located within the district, their availability for purchase or lease, to inform the public as to the ownership and access limitations of property, and to describe the activities thereon.
2. **Applicability to Zoning Districts.** The following regulations pertain to signs located in the I and PR Zoning Districts.
3. **Primary Signs.** Every business establishment shall be permitted one (1) of the following as a primary sign for each public right-of-way upon which the property fronts:

a. **Permitted.** The following primary signs are permitted by right, pursuant to this Chapter.

(1) Identification signs, installed as a wall sign, not to exceed twelve (12) square feet, and pursuant to 1250.08.A, Regulations Affecting Wall Signs.

(2) Directory signs, installed as a wall sign, not to exceed twenty-four (24) square feet, and located within six (6) feet of the doorway serving such uses. Such signs may incorporate changeable copy.

(3) Monument sings pursuant to 1250.08 D Regulations Affecting monument signs.

4. **Parking Control Signs.** Parking Control Signs shall be permitted pursuant to the following:

a. Only one (1) parking control sign is permitted per entry or exit drive serving a parking lot.

b. Such signs shall not exceed a surface area of four (4) square feet and a height of five and one half (5 ½) feet. One sign is required for each ADA parking spot.

c. Such signs shall not contain a business name or logo.

5. **Temporary Signs.** Temporary signs shall be permitted, pursuant to Section 1250.04, Temporary Signs.

6. **Signs Approved as Part of a Planned Unit Development.** Signs which vary from the regulations of this Chapter may be approved as part of a Planned Unit Development

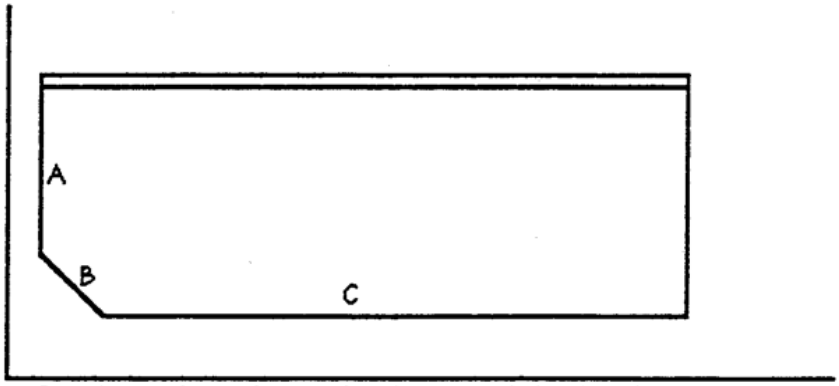
(Ord. 18-25. Enacted 4-23-18.)

1250.08 REGULATIONS BY SIGN TYPE.

A. Regulations Affecting Wall Signs.

1. **Purpose.** The purpose of a wall sign is for identification.

2. **Size.** The maximum area of wall signs along the frontage of a single business enterprise shall be equal to one (1) square foot of signage for each one (1) lineal foot of building frontage, but shall not exceed fifty (50) square feet nor any greater limitation established in this Chapter. Corner lots may be permitted up to two (2) signs, if each is facing a major street. Each frontage shall be permitted one (1) square foot of signage for each one (1) lineal foot of building frontage, up to a maximum of fifty (50) square feet.
3. **Location.** Permitted wall signs shall be located and designed subject to the following criteria:
   a. **Location on Building Facade.** A wall sign cannot be located above the cornice line or second floor window line of a building, whichever is lower.
   b. **Street Frontage Orientation.** All wall signs shall be oriented to face the street by being mounted on the building facade generally parallel or perpendicular to the street. Where a property is located on a corner lot, signs may be provided on both streets.
   c. **Dual Street Frontage Orientation.** When a building on a corner lot has a facade which is oriented to the corner, a wall sign may be placed on two (2) of the three (3) façades as illustrated below.



One sign each may be permitted on two of the three building facades.

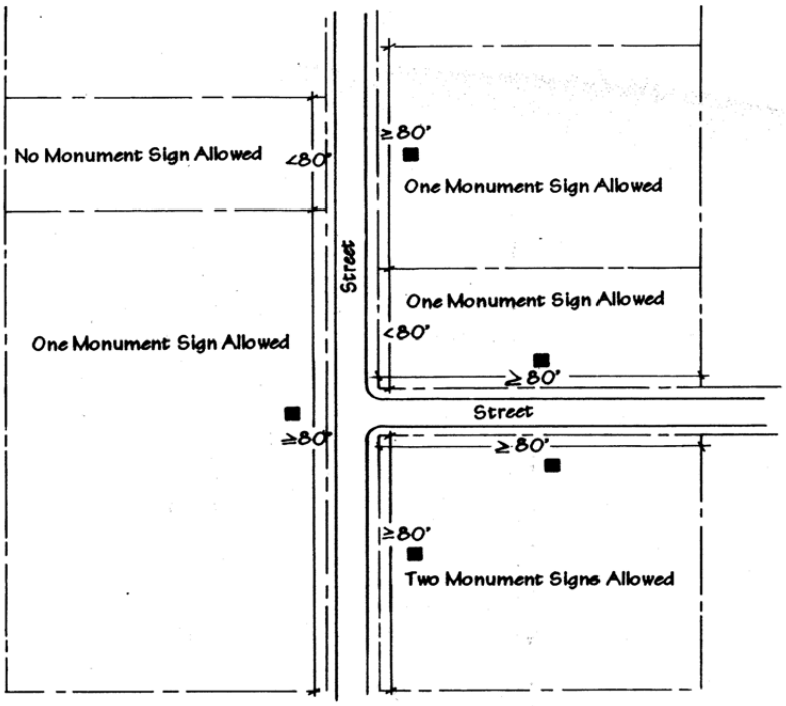
!) inches from the wall on

B. **Regulations Affecting Monument Signs.**
1. **Purpose.** The purpose of a monument sign is identification from a sign on the ground.

Figure 1250.07.B.1 Monument Sign

2. **Frontage Requirement.** No activity may display a monument sign oriented to any street or highway unless the activity has not less than eighty (80) feet of frontage at grade along such street or highway.

Figure 1250.08.B.2 Frontage Requirement for Monument Signs



3. ignable areas, located on op
e shall not exceed twenty-fo

4. **Height.** Monument signs shall not exceed five (5) feet in height. Such height includes one (1) foot to be used for the base of the sign.
5. **Location.**
   a. Monument signs shall be located no closer than five (5) feet from the front property line no closer than ten (10) feet to the principal structure and no closer than ten (10) feet to the driveway.
   b. The monument sign shall be located outside the visibility triangle established in Section 1260.05, View Obstructions, of this Zoning Ordinance.
   c. In determining the appropriate location of a monument sign along the property frontage, a minimum separation of eighty (80) feet from other monument signs shall be maintained.
6. **Landscaping.** The base of monument signs shall be located in and softened with mostly evergreen landscaping in an amount to be determined by the Zoning Administrator.
7. **Special Conditions Affecting Places of Worship.** Monument signs for places of worship may incorporate changeable copy. The monument sign must be set back at least twenty-five (25) feet from the adjoining side lot line and front property line or right-of-way.

C. **Regulations Affecting Window Signs.**
1. **Window Signs as a Primary Sign.**
   a. **Upper Story Businesses.** Businesses whose only windows are above the first story of a building may display one (1) permanent window sign in one (1) window. The lettering of such sign shall not exceed four (4) inches in height .
   b. **Ground Floor Businesses.** A ground-floor business may display, as its primary sign, one (1) permanent window sign per business, either with or without a separate entry door. Such signs shall be limited in area to one (1) square foot for each lineal foot of building frontage, not to exceed fifty (50) square feet or any greater limitation of this Chapter.
2. **Window Signs as a Secondary Sign.** Ground floor businesses may also display a window sign as a secondary signs. The placement and design of window signs shall, in addition to all other requirements of this Chapter, be subject to the following:
   a. **Location of Permanent Window Signs.** A permanent window sign must be located on the window and be contained totally within a single window. A sign will also be considered as a window sign if it is located within six (6) feet inside the window.
   b. **Total Area of Permanent Window Signs.** Permanent window signs cannot exceed fifteen percent (15%) of the area of the window through which the sign may be seen or six (6) square feet, whichever is less.

c. **Total Area of Temporary Window Signs.** A person may display one (1) or more temporary window signs on each window of the premises, but the total area of all window signs in any one (1) window shall not exceed ten percent (10%) of the area of that window. Such temporary window signs shall be displayed for no longer than thirty (30) days, pursuant to Section 1250.04.B.6, Temporary Window Signs.

d. **Total Area of All Window Signs.** The combined total area of Temporary and Permanent Window Signs shall not exceed twenty percent (20%) of the area of the window through which such signs may be seen.

e. **Computation of Coverage.** Window panels separated only by mullions shall be considered as one (1) continuous windowpane in the computation of window surface area.

f. **Transparency of Sign.** Permanent window signs shall be "see-through" with a transparent background.

g. **Window Displays.** Window displays shall be limited to forty percent (40%) of the window area. No window display located within six (6) feet of the window may be maintained which has the effect of circumventing the intent of this Section 1250.08.C.2, Window Signs as a Secondary Sign. If material purporting to be a window display has such effect, it shall be deemed to be a temporary window sign and not a window display.

D. **Regulations Affecting Canopy and Awning Signs.**

1. **Relationship to Wall Signs.** Canopies and awnings may constitute an activity's primary sign unless an activity displays an identification sign installed as a wall or window sign. However, any activity located in a commercial district may display edge lettering on a canopy or awning as a secondary sign in accordance with the provisions of this section.

2. **Coverage Limitations.**

a. If canopies and awnings are used to display a primary identification sign, the area of such sign may not exceed twenty-five percent (25%) of the surface of the canopy or awning or six (6) square feet, whichever is less.

b. If canopies and awnings are used as a secondary sign, lettering may be placed on the edge of a canopy or awning hanging perpendicular to the street if the lettering is nine (9) inches or less in height.

3. **Location Requirements.**

a. No portion of a canopy or awning shall be less than eight and one-half (8 1/2) feet above the level of the sidewalk or other public thoroughfare over which it projects.

b. No portion of a canopy or awning may extend more than five (5) feet from the building facade.

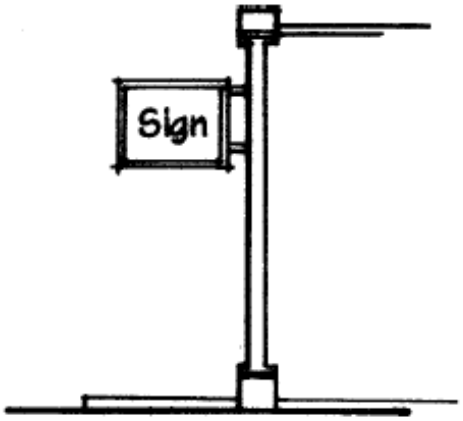
c. No portion of a canopy or awning may be located within the public right-of-way.

4. **Additional Review Required.** The location, design, and installation of canopies and awnings is subject to the approval of the Architectural Board of Review and the Building Commissioner.

E. **Regulations Affecting Projecting Signs.**

1. **Limited to Use in Local Sign District Regulation.** A projecting sign may only be authorized as part of an approved local sign district plan, subject to the procedures and requirements of Section 1250.09, Local Sign District Regulations. A projecting sign may be used only as a secondary sign. Any other use of a projecting sign is prohibited.

Figure 1250.08.E.1 Projecting Sign



Projecting

2. **Cannot Project Above Cornice.** No element of an approved projecting sign, including any support structure or cables, shall extend above the cornice line of the building to which it is attached.
3. **Location and Spacing of Projecting Signs.** The location of a projecting sign and its spacing in relation to any other sign shall be established by the City Planning Commission as part of a Local Sign District plan, and approved as special regulation by the Architectural Board of Review.
4. **Maximum Projection of Projecting Signs.** Projecting signs shall extend no more than three (3) feet from the facade of the building except as otherwise regulated by the Local Sign District.
5. **Maximum Area of Projecting Signs.** The maximum area of projecting signs shall be no more than six (6) square feet except as otherwise regulated by the Local Sign District.

1250.09 LOCAL SIGN DISTRICT REGULATIONS.

A. Submission of Local District Regulations to the City Planning Commission. A mixed-use planned development, shopping center or any association of merchants or building owners doing business within a specific area within the City, may establish a set of integrated, project specific regulations for such mixed-use planned development, shopping center or office area. Persons or entities desiring to obtain approval of Local Sign District regulations pursuant to this Section shall submit the regulations to the Department of Planning and Development, together with any additional material requested by the Department.

1. The regulations for the Local Sign District should set forth standards that address permitted sign types, sizes heights, and placement on the site and buildings.

2. A successful set of regulations will integrate all sign types on site in a unified system of materials, colors, shapes, and sizes that are compatible with the architecture and other site elements.

B. Procedure for Approval. The Zoning Administrator shall review the regulations, and applications shall be made to the City Planning Commission for a conditional use permit approval.

C. Conditions for Approval. No local sign regulations will be approved by the City Planning Commission unless the regulations are binding upon all persons or entities in the mixed use planned development, shopping center or office park or the specific area within the City to which the regulations are intended to apply.
(Ord. 18-25. Enacted 4-23-18.)

1250.10 SPECIAL CONDITIONS FOR AUTOMOTIVE FUEL STATIONS.

A. Additional Regulation Necessary. Automotive Fuel Stations are hereby declared to be an activity which requires certain additional regulations regarding signs.

B. Information on Gasoline Pumps. Matter appearing on gasoline pumps as purchased or installed shall not be considered as signs for purposes of this Zoning Ordinance.

C. Price and Service Information at Pump Areas. In addition to all other signs permitted by this Zoning Ordinance, an Automotive Fuel Station may display one (1) sign, not larger than four (4) square feet, above each pump island stating whether the area is a "self service" or "full service" area and the current price per gallon of the gasoline sold at the station. No element of the cost to the customer of the gasoline shall be omitted from statement of the price per gallon.

D. Display of Certain Additional Signs. Automotive Fuel Stations may display the following additional signs without the information contained thereon being treated as items of information: signs showing an affiliation with a motor club signs indicating the acceptance of designated credit cards matters appearing on outdoor vending machines as purchased or installed and price information displayed on monument signs pursuant to Section 1250.06.C Changeable Copy.

1250.11 MURAL OR PICTORIAL SIGNS.

A. Mural or pictorial signs shall not depict any scene or picture containing advertising or commercial aspects.

B. Mural or pictorial signs shall be in proportion with the total area of the structure. Such signs shall complement the building and street where displayed in terms of scale, color, and pattern. No mural or pictorial sign shall be intended, used, or have the effect of shocking the visual coherence of the streetscape.

1250.12 NON-CONFORMING AND UNSAFE SIGNS AND NUISANCES.

A. Non-Conforming Signs Erected With a Permit Are Deemed Conforming. All signs which were installed with a permit prior to the effective date of this Zoning Ordinance shall be deemed conforming with the requirements of this Zoning Ordinance until they become nuisances or unsafe signs as described in subsections E and F below.

B. Special Regulations Regarding Pole Signs. Pole signs in existence on the effective date of this Zoning Ordinance may continue to be displayed for a period of ten (10) years from the effective date of this Zoning Ordinance, or until the sign is damaged or destroyed in excess of twenty percent (20%) of its replacement value.

C. Removal of Signs Erected Without a Permit. Any sign erected without a permit shall be removed within forty-eight (48) hours of receipt of a notice of violation from the Zoning Administrator. If such sign is not removed within such forty-eight (48) hour period, the Zoning Administrator is authorized to cause the sign to be removed. Any expense incident thereto shall be paid by the owner, agent or person having the beneficial use of the building, structure or premises on which the sign is found.

D. Maintenance of Signs Deemed Conforming. Normal maintenance of signs subject to this section, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the non-conforming features of the sign, is permitted. However, no structural alterations, enlargement or extensions shall be made in a sign subject to this Section unless the alteration will result in eliminating the nonconforming features of the sign. If a sign subject to this Section is damaged or destroyed by any means to an extent equal to or exceeding sixty percent (60%) of its replacement value at that time, the sign may not be rebuilt or used thereafter unless it conforms to all of the provisions of this Zoning Ordinance.

E. Signs Deemed Nuisances. Any sign, retractable canopy or awning, whether existing on or erected after the effective date of this Zoning Ordinance, which advertises a business no longer being conducted or a product no longer being sold in or from the premises to which the sign relates, is hereby declared to be a public nuisance and such sign shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or premises upon which such sign is found. Removal shall be effected within thirty (30) days after written notice from the Zoning Administrator. If such a sign is not removed after such thirty (30) day period, the Zoning Administrator is authorized to cause the sign to be removed forthwith. Any expense incident thereto shall be paid by the owner, agent or person having the beneficial use of the building, structure or premises on which such sign is found.

F. Unsafe Signs. If the Zoning Administrator or Building Commissioner finds that any sign, retractable canopy or awning is unsafe or insecure, or is a menace to the public, he or she shall give written notice to the person displaying such sign. Correction of the condition which causes the Zoning Administrator to give such notice shall be effected within ten (10) days after receipt of the notice. If such condition is not corrected after such ten (10) day period, the Zoning Administrator is authorized to cause the sign to be removed forthwith at the expense of the person displaying the sign. Notwithstanding the foregoing provisions, the Zoning Administrator is authorized to cause any sign, retractable canopy or awning to be removed summarily and without notice whenever he or she finds that such a sign, canopy or awning is an immediate peril to persons or property.

CHAPTER 1251
Off-Street Parking Regulations

1251.01 Purpose and scope.
1251.02 Required number of off-street parking spaces.
1251.03 Credit for on-street parking.
1251.04 Exemption for provisions of required off-street parking spaces.
1251.05 Calculation of parking space requirements for mixed-use development.
1251.06 Mixed use and shared parking.
1251.07 Mobility impaired accessible spaces.
1251.08 Location of parking spaces.
1251.09 Use of required off-street parking spaces.
1251.10 Size of required parking spaces and aisles.
1251.11 Driveways and access.
1251.12 Design and maintenance.
1251.13 Bicycle parking facilities.
1251.14 Parking lot landscaping and buffering requirements.

CROSS REFERENCES

Off-street parking defined - see P. & Z. 1211.02
Off-street parking facilities - see Ohio R.C. 717.05

1251.01 PURPOSE AND SCOPE.

In order to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to ensure the proper and uniform development of off-street parking areas throughout the City, off-street parking and loading spaces and driveways for every use shall be provided in accordance with the standards established in this Zoning Ordinance.

1251.02 REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

A. Except as provided elsewhere in this Zoning Ordinance, each principal and accessory use of land shall be provided with the number of off-street parking spaces indicated for that use in Table 1251.02, Schedule of Off-Street Parking Requirements. When the intensity of use of any structure or lot is increased through a change in use or the addition of dwelling units, gross floor area, seating capacity, or other units of measurement used in Table 1251.02, Schedule of Off-Street Parking Requirements, additional parking facilities shall be provided as required for
the entire use as increased.

B. Minimum requirements shall be computed per dwelling unit or on the gross square footage of the building or buildings excepting space used exclusively for mechanical equipment necessary for lighting, heating or air conditioning the building.

C. When any calculation results in a fraction of a parking space, any fraction shall be rounded to the nearest whole number.

D. In the event this Zoning Ordinance does not specify the number of parking spaces for a specific use, the Zoning Administrator shall determine the number of spaces required. In making this determination, the Zoning Administrator shall consider the following criteria:

1. The number of off-street parking spaces required for a use listed in Table 1251.02, Schedule of Off-Street Parking Requirements, that is the most similar to the proposed use in terms of the parked vehicles that are anticipated to be generated.

2. The square footage to be occupied by the proposed use.

3. The number of employees and patrons that are anticipated for the proposed use.

1251.03 CREDIT FOR ON-STREET PARKING.

Some or all of the requirements for off-street parking spaces may be met by the provision of onstreet spaces. Such credit shall be calculated by subtracting the number of marked on-street parking spaces abutting the curb of the lot on which the building or use is located. Marked spaces which extend beyond the side property lines of the lot shall not be used in calculating the credit.

1251.04 EXEMPTION FOR PROVISIONS OF REQUIRED OFF-STREET PARKING SPACES.

A. In commercial districts or office districts all business uses in structures erected prior to the date of this Zoning Ordinance shall be exempt from the requirements of Table 1251.02, Schedule of Off-Street Parking Requirements. Notwithstanding the above, no existing off-street parking spaces shall be eliminated from any property in these districts unless the same number of
spaces is provided in accordance with all requirements of this Chapter.

Table 1251.02. Schedule of Off-Street Parking Requirements

RESIDENTIAL USES	OFF-STREET PARKING SPACES REQUIRED
Hotel/Motel	One (1) space per guest room plus one (1) space per employee on peak shift.
Multiple-Family Dwellings and Apartments	One and one-half (1 1/2) spaces per unit, enclosed, and one-half (1/2) space per unit, unenclosed.
Senior Citizen Apartments	One-half (1/2) of the number required for regular Multiple-Family Dwellings or Apartments.
Single-Family Attached and Detached Dwellings	Two (2) spaces per unit, enclosed.
Two-Family Dwellings	Two (2) spaces per unit, of which one and one-half (1 1/2) spaces per unit are enclosed and one-half (½) space per unit is unenclosed.

OFFICE & INSTITUTIONAL USES	**OFF-STREET PARKING SPACES REQUIRED**
Assisted Living Facilities	One (1) space per two (2) beds.
Banks/Financial/Government offices	One (1) space per two hundred fifty (250) square feet of gross floor area.
Convalescent, Nursing or Rest Homes	One (1) space per two (2) beds.
Hospitals	One (1) space per each bed.
Libraries	One (1) space per three hundred (300) square feet of gross floor area.
Offices, Business and Professional Services	One (1) space per three hundred (300) square feet of gross floor area.
Places of worship	One (1) space per four (4) seats in main sanctuary or auditorium plus one (1) space per each three hundred (300) square feet of classrooms and other meeting areas.
Schools, Specialized Instructional	One (1) space per fifty (50) square feet of classroom area.

COMMERCIAL/RETAIL SERVICE USES	**OFF-STREET PARKING SPACES REQUIRED**
Assembly and Packaging facilities	One (1) space per five hundred (500) square feet of gross floor area.
Automotive Fuel Stations	One and one-half (1 1/2) spaces per fuel nozzle and one (1) space per two hundred fifty (250) square feet of retail sales area.
Automobile Sales	One (1) space per three hundred (300) square feet of indoor display area plus one (1) space per service bay.
Automobile Repair Facilities	One (1) space per two hundred and fifty (250) square feet of gross floor area.
Car Washes	Four (4) spaces per bay or stall plus one (1) space per employee plus ten (10) stacking spaces.
Drive-through Facilities	One (1) space per one hundred (100) square feet of gross floor area plus five (5) stacking spaces for the first drive-through window and two (2) stacking spaces for each additional drive-through window.
Dry Cleaners and Other Personal Services	One (1) space per two hundred fifty (250) square feet of gross floor area.

Funeral Homes/Mortuaries	One (1) space per four (4) seats in parlor plus one (1) space per two (2) employees plus one (1) space per vehicle used in connection with the enterprise.
Furniture/Appliances Stores	One (1) space per five hundred (500) square feet of gross floor area.
Groceries (Food store)	One (1) space per three hundred (300) square feet of gross floor area.
Lab or Research Facility	One (1) space per five hundred (500) feet of gross floor area.
Medical/Dental Clinics	One (1) space per three hundred (300) square feet of gross floor area.
Restaurants, sit-down	One (1) space per one hundred (100) square feet of gross floor area.
Restaurants, carry-out	One (1) space per eighty (80) square feet of gross floor area.
Retail or Service Establishments	One (1) space per two hundred (200) square feet of gross floor area.
Shopping Centers, Regional	One (1) space per two hundred fifty (250) square feet (more than 100,000 square feet) gross floor area.
EDUCATIONAL USES	**OFF-STREET PARKING SPACES REQUIRED**
Day Care Centers or Homes	One (1) space per two hundred (200) square feet of gross floor area.
Primary Schools (K-8th grades)	One (1) space per employee plus one (1) visitor's space per each seventy-five (75) students.
Secondary Schools (High school)	One (1) space per employee plus one (1) space per eight (8) students.
Colleges/Universities	One (1) space per two (2) employees plus one (1) space per four (4) students based on maximum capacity.
CULTURAL/ENTERTAINMENT USES	**OFF-STREET PARKING SPACES REQUIRED**
Amusement Establishments	One (1) space per one hundred (100) square feet of gross floor area.
Bowling Alleys	Five (5) spaces per lane.

Clubs/Lodges	One (1) space per two hundred fifty (250) square feet of gross floor area.
Golf Courses	Five (5) spaces per hole plus one (1) space per two (2) employees.
Museums/Art Galleries & Artist's Studios	One (1) space per eight hundred (800) square feet of gross floor area.
Recreation facilities	One (1) space per two hundred (200) square feet of gross floor area.
Swimming Pools or Natatorium	One (1) space per one thousand (1,000) square feet of gross floor area.
Tennis Clubs	Four (4) spaces per court.
Theaters and Assembly Halls	One (1) space per four (4) seats.
TRANSPORTATION/ COMMUNICATION	**OFF-STREET PARKING SPACES REQUIRED**
Utilities	One (1) space per employee.
Bus/Rail Facility	One (1) space per four hundred (400) square feet of gross floor area.

B. When the application of off-street parking regulations results in a requirement of three (3) or fewer spaces on a single zoning lot in a business district, such off-street parking spaces need not be provided. This exemption shall not apply to dwelling units.

1251.05 CALCULATION OF PARKING SPACE REQUIREMENTS FOR MIXED-USE DEVELOPMENT.

In computing required parking spaces, the total number of required spaces shall be based upon the summation of the parking requirements for all the uses on the zoning lot.

1251.06 MIXED USE AND SHARED PARKING.

A. Collective off-street parking facilities for separate uses, except for those in the SF and TF Districts, may be provided if the total number of spaces so provided is not less than the sum of the separate requirements of each such use, and all regulations governing proximity of off-street parking spaces to the use served are adhered to. No parking space or portion thereof shall serve as a required space for more than one (1) use unless approved by the Board of Zoning Appeals.

B. When two (2) or more uses jointly provide off-street parking as provided above, the Board of Zoning Appeals may authorize a reduction in the total number of required off -street parking spaces, provided their respective hours of operation do not overlap in the manner described in the Schedule of Off-Street Parking Requirements. Reduction of off-street parking shall be subject to the following conditions:

1. A parking plan shall be submitted for approval by the Board of Zoning Appeals which shall show the layout of proposed parking.

2. The property owners involved in the joint use of off-street parking facilities shall submit a legal agreement approved by the Law Director of the City guaranteeing that the off-street parking spaces shall be maintained so long as the use requiring off-street parking is in existence or unless the required parking is provided elsewhere in accordance with the provisions of this Chapter. Such instrument shall be filed with the Zoning Administrator.

1251.07 MOBILITY IMPAIRED ACCESSIBLE SPACES.

The City of Shaker Heights encourages all development within the City which serves the public to provide adequate facilities for accessibility to people with mobility impairments as defined by this Zoning Ordinance and the Americans with Disabilities Act (ADA) of 1990. In accordance with this goal and pursuant to the ADA, accessible parking shall be provided by any building or use initiated after the effective date of this Zoning Ordinance according to the following minimum requirements and any further requirements hereafter adopted by federal, state, or local law. If there are any discrepancies between the provisions of this Zoning Ordinance or any other state or local ordinance and the ADA, then the provisions of the ADA shall apply.

A. **Required Spaces.** Required mobility impaired accessible and van accessible parking spaces shall be provided in the amount set forth by Tables 1251.07.A, Accessible Parking Space Requirements, and 1251.07.B, Van Accessible Parking Space Requirements. In addition to these requirements, accessible patient parking at outpatient facilities must equal no less than ten percent (10%) of the required parking, and facilities which specialize in treatment or services for persons with mobility impairments must provide accessible parking equaling no less than twenty percent (20%) of the required parking for patient use.

B. **Reductions In Accessible Space Requirements Are Prohibited.** The required number of mobility impaired accessible parking spaces shall be calculated prior to any applied reduction in parking requirements otherwise approved by the City or provided pursuant to this Zoning Ordinance.

Table 1251.07.A. Accessible Parking Space Requirements

Total Off-Street Parking Spaces Provided	Required Minimum Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total number
over 1000	20 plus 1 for each 50 spaces over 1000 spaces

Table 1251.07.B. Van Accessible Parking Space Requirements

Accessible Spaces Required	Van Accessible Spaces Required
1 to 8	1
9 to 16	2
17 to 24	3
25 to 32	4
33 and over	1 van accessible space for every 8 accessible spaces

C. Location Of Accessible Spaces. Each accessible or van accessible parking space shall be located along an accessible route to the building entrance. The minimum width of said accessible route shall be no less than three (3) feet.

D. Access Aisles. All parking lots shall provide access aisles for the mobility impaired within one hundred (100) feet of the entrance to the use served by the parking lot. Such access aisles shall be no less than five (5) feet in width when adjacent to one (1) accessible parking space and no less than eight (8) feet in width when adjacent to van accessible parking spaces. Access aisles may not be obstructed by any curb ramp or wheel stops.

E. Size of Accessible Spaces. Accessible parking spaces shall be a size no less than that required per Section 1251.10, Size of Required Parking Spaces and Aisles. Small car spaces shall not be designated for mobility impaired persons.

F. Maximum Slope. Accessible parking spaces and access aisles shall not exceed a slope of 1:50, and the ramp from the access aisle to the sidewalk or other transition to the principal use shall not exceed a slope of 1:12.

G. Vertical Clearance. Clearance for passenger loading areas and all parking levels which contains weather protected access to the principal use shall maintain an adequate height to permit access to vans used for accessible transit and paratransit. The vertical clearance for accessible parking spaces shall be no less than eight feet two inches (8 ft, 2 in), and the vertical clearance for passenger loading zones shall be no less than nine feet six inches (9 ft, 6 in).

H. Passenger Loading Zones. Passenger loading zones shall provide an access aisle a minimum of twenty (20) feet in length, adjacent and parallel to the vehicle pull up space. If there are curbs between the access aisle and the vehicle pull up space, then a curb ramp shall be provided.

I. Signage And Marking. All accessible spaces shall be designated by the international access symbol. Van accessible spaces will be labeled by both the international access symbol and an additional sign indicating that the space is accessible for vans. Signs shall be placed high enough not to be obscured by parked vehicles. The mobility-impaired symbol shall also be painted on the ground to the rear of the parking space.

1251.08 LOCATION OF PARKING SPACES.

A. No off-street parking is permitted in front of the building setback line.

B. To limit parking in front of single-family and two-family dwellings, parking shall be permitted behind the building setback line. No more than three (3) vehicles may be parked on driveways within front or corner side yards for more than eight (8) continuous hours. In addition, no right-of-way area adjacent to the lot may be used for parking.

C. One (1) outdoor parking space will be permitted in the rear yard of Single- and Two-Family uses of property screened as determined by the Zoning Administrator.

D. Except as provided for below, all required parking spaces shall be located on the same zoning lot as the principal use. In non-residential districts off-site parking may be used to satisfy the parking requirements if such off-site parking facility conforms to the following:

1. Such facility is within three hundred (300) feet walking distance of said structure or use.

2. Such facility is located in a zoning district where such facilities are allowed as a permitted use or conditional use.

3. Such facility is on a lot owned or leased by the same party as the lot on which the structure or use to be served is located.

1251.09 USE OF REQUIRED OFF-STREET PARKING SPACES.

A. Off-street parking spaces required in this Code shall be designed, maintained and used for the exclusive use of the tenants, occupants and customers of the buildings or uses on the site.

B. Off-street parking spaces shall not be offered for use by non-tenants or non-customers of the use, except for the number of spaces which are in excess of the requirement for the use, and where such off-site parking would be permissible in the zone district in which the use is located.

1251.10 SIZE OF REQUIRED PARKING SPACES AND AISLES.

A. The minimum size of off-street parking spaces shall conform to the requirements established on Table 1251.10, Off-Street Parking Dimensions.

B. Any aisle providing access to required parking spaces shall be at least the width designated in Table 1251.10, Off-Street Parking Dimensions, based on the angle of parking provided and whether the aisle serves one (1) or two (2) rows of parking spaces.

C. Enclosed parking spaces shall have a vertical clearance of at least seven (7) feet.

1251.11 DRIVEWAYS AND ACCESS.

A. General. The location, width and number of driveways serving off-street parking, off-street loading, distance from intersections, and garages shall be planned so as to minimize interference with the use of adjacent properties and the public rights-of-way. All curb cuts on a public street for driveway entrances shall have the approval of the Zoning Administrator or the Council Safety Committee.

B. Width.

1. Entrance driveways for Single- and Two-Family residential uses shall be a maximum of twelve (12) feet and a minimum of eight (8) feet in width.

2. Driveways for all uses except for those in the SF and TF Districts shall be limited to the following unless recommended otherwise by the City Planning Commission or the Council Safety Committee:

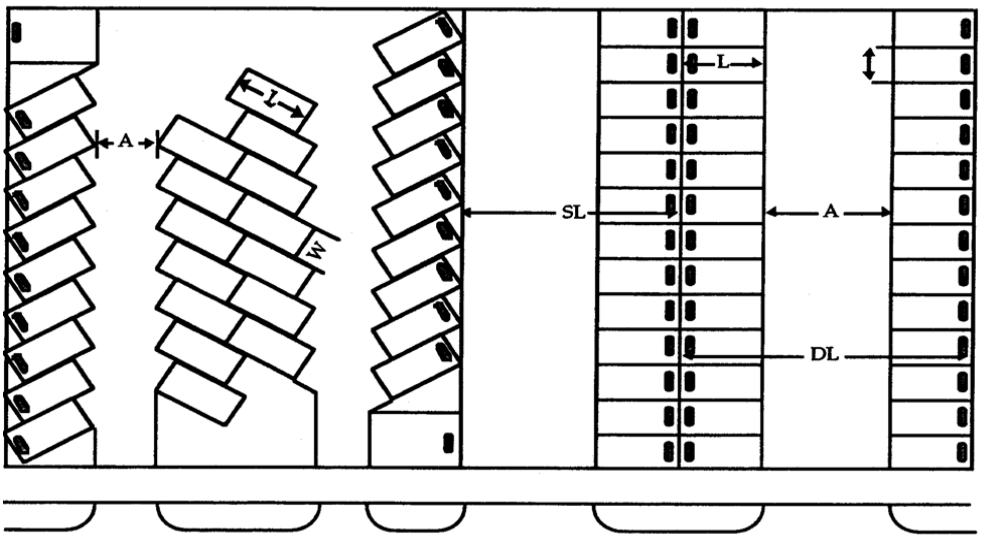
a. One-way driveways shall be limited to one (1) lane measuring twelve (12) feet at the sidewalk line.

b. Two-way driveways shall be limited to two (2) lanes, measuring a total of twenty-four (24) feet at the sidewalk line.

c. A controlled three (3) lane drive consisting of one (1) left turn exit, one (1) right turn exit, and one (1) entrance lane may be developed if required for safe traffic movement and if the entrance lane and exit lanes are divided by a landscaped curb island no less than five (5) feet in width.

C. Angle of Intersection. Except in SF or TF districts, the angle of intersection between the driveway and the street shall be between sixty (60) and ninety (90) degrees. The radii of the edge of the driveway apron shall be at least twenty-five (25) feet so that a car entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or the curb lane of the street.

Table 1251.10. Off-Street Parking Dimensions (in feet)



Parking Angle	Parking Space Width (W)	Parking Space Length (L)	Aisle Width (A)	Single Loaded Module Width (SL)	Double Loaded Module Width (DL)
0 º	9.0	21.0	18.0/22.0*	26.5/30.5*	29.0/39.0*
45º	9.0	18.0	18.0	31.25	48.5
60º	9.0	18.0	18.0	32.25	51.25
90º	9.0	18.0	22.0*	40.0*	58.0*

* Two-Way Traffic Authorized

Note: Required parking for stall angles other than those contained in the above table may be interpolated from the table.

D. Driveway Parking Prohibited Except in Residential Districts. Except in residential districts, parking in driveways connecting the public right-of-way with a parking area or garage shall not be permitted on or adjacent to the driveway. However, no parking shall be allowed in front of the front building setback line in any district.

E. Design of Circular Driveways. Circular drives may be installed where a lot is at least one hundred (100) feet in width. The driveway lane shall be a maximum of twelve (12) feet in width. The drive shall be landscaped with evergreen plantings pursuant to the approval of the Zoning Administrator.

F. Review of Landscape Plan. Landscape plans pursuant to Chapter 1253, Landscape and Screening Requirements, shall be submitted for site plan review and shall be approved upon the finding that landscaping plans are adequate to properly screen off-street parking areas from neighboring properties so as to reduce nuisances from lights and noise.

G. Emergency Access. Emergency fire lanes shall be provided as required by the Chief of the Fire Department. Where such are required, no less than three (3) sides of all buildings shall be accessible by all fire equipment of the City. Such fire lanes shall be designed with sufficient bearing capacity to withstand the weight of all city fire equipment and shall be designed to allow continuous forward movement of vehicles.

H. Landscape Parking Prohibited. Parking is prohibited on landscaped areas and any area not constructed of a paved, dustless surface.

I. Through Driveways Prohibited. Single and Two-family residential driveways cannot cut across property lines to create a through driveway except for duplex and single-family attached properties.

1251.12 DESIGN AND MAINTENANCE.

A. Non-residential off-street parking facilities may be open to the sky or enclosed in a building.

B. A required off-street parking space shall open directly upon an aisle or driveway. All off-street parking facilities shall be provided with appropriate means of vehicular access to a public street.

C. All open, off-street parking areas, including driveways for residential dwellings, shall be improved with a paved dustless surface, in accordance with the standards established in the Building Code of the City. Gravel is specifically prohibited as a parking or driveway surface.

D. All open, off-street parking areas, excluding single and two-family dwellings, containing more than four (4) parking spaces shall be striped and shall include wheelstops of portland cement concrete curbing not less than six (6) inches in height, and shall be placed two (2) feet into the required length of the space. Wheelstops may be replaced by a curb constructed within the parking aisles. A six (6) inch curb and sidewalk shall be placed at the perimeters of the parking lot rather than the concrete wheelstops.

E. Required off-street parking facilities shall be solely for the parking of automobiles of patrons, occupants or employees. When bus transportation is provided for patrons, occupants or employees of a specific establishment, or when the use is a public assembly use such as in an auditorium or place of worship, additional open or enclosed off-street parking spaces for each bus to be parked on the premises shall be provided.

F. Cars awaiting repair in Automotive Fuel Stations may be stored on-site no longer than thirty (30) days.

G. No motor vehicle repair work, other than emergency repairs, shall be permitted in unenclosed off-street parking areas.

H. Landscaped areas provided in a parking area shall be provided pursuant to Section 1253.08.C, Interior Parking Lot Landscaping.

I. Parking areas and access driveways shall be so graded and drained as to dispose of all surface water and drainage into proper storm sewer outlets and so that such water and drainage does not flow across a public sidewalk or onto adjacent properties.

J. All parking lots shall be illuminated as needed to accommodate public safety in relation to the use being served. Such lighting shall be composed of ornamental light posts, wired internally and underground.

K. Illumination of an off-street parking area shall be arranged so as not to reflect direct rays of light into adjacent residential districts and streets. In no case shall such lighting cause more than one (1) footcandle of light to fall on adjacent properties as measured horizontally at the lot line. Shields shall be used where necessary to prevent exposure of adjacent properties. Lighting shall conform with Section 1260.06, Environmental Performance Standards.

L. Any wall, fence or landscaping provided shall be adequately protected from damage by vehicles using the parking lot and shall be properly maintained and kept in good repair at all times.

1251.13 BICYCLE PARKING FACILITIES.

New public, hospital, university or college buildings, and shopping centers shall provide bicycle parking facilities. The number and size of such facilities shall be established through site plan review but shall be no less than one (1) bicycle space for every twenty (20) automobile spaces.

1251.14 PARKING LOT LANDSCAPING AND BUFFERING REQUIREMENTS.

Off-street parking areas shall be separated from the street and from abutting properties and landscaped in accordance with the requirements of Chapter 1253, Landscaping and Screening and Requirements.

CHAPTER 1252
Off-Street Loading Regulations

1252.01 General requirements.

1252.02 Number and type of off-street loading berths required.

CROSS REFERENCES
Off-street loading defined - see P. & Z. 1211.02

1252.01 GENERAL REQUIREMENTS.

A. Location and Screening. All required off-street loading berths shall be located on the same zoning lot as the use served. All motor vehicle off-street loading berths in a residential district or the "O" Office district shall be screened by building walls, or by a uniformly finished solid non-combustible fence, wall, or door, or densely planted mature shrubbery or any combination thereof, not less than six (6) feet in height. Loading berths in other districts which abut property in the above mentioned districts or are separated from such district by a public right-of-way, shall likewise be screened from view from such abutting property. In all districts, no loading berths shall be located in a required front, corner side or side yard. Loading berths located in a required rear yard may be open to the sky.

B. Size. This Zoning Ordinance provides for two (2) sizes of loading berths, short berths and long berths. The number of loading berths required, whether short or long berths, is identified in Table 1252.02, Schedule of Off-Street Loading Requirements. The vertical clearance of all berths shall be not less than fifteen (15) feet. The size of short and long loading berths shall
conform to the following:

1. **Short Berths.** The size of berths, maneuvering aprons, and access aisles shall be as follows:
   - **a. Berth Size.** Short berths shall have a minimum width of twelve (12) feet and a minimum length of thirty-five (35) feet.
   - **b. Maneuvering Apron.** A maneuvering apron of forty-five (45) feet shall be provided.
   - **c. Access Aisles.** A width of at least eighteen (18) feet shall be provided for one-way aisles and twenty-four (24) feet for two-way aisles.
2. **Long Berths.** The size of berths, maneuvering aprons, and access aisles shall be as follows:
   - **a. Berth Size.** Long berths shall have a minimum width of twelve (12) feet and a minimum length of fifty (50) feet.
   - **b. Maneuvering Apron.** A maneuvering apron of sixty (60) feet shall be provided.
   - **c. Access Aisles.** A width of at least eighteen (18) feet shall be provided for one-way aisles and twenty-four (24) feet for two-way aisles.

C. Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, and which will not restrict the access of surrounding uses, and shall be subject to approval by the Zoning Administrator.

D. Surfacing. All open off-street loading berths shall be paved with asphalt, concrete or other dustless allweather material capable of bearing a live load of two hundred (200) pounds per square foot. Gravel is not permitted as a surfacing material.

E. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted accessory to off-street loading facilities provided in any district, except that emergency repair service necessary to start vehicles shall be permitted in all districts.

F. Utilization. Space allocated to any off-street loading use shall not, while so allocated, be used to satisfy the space requirement for any off-street parking facilities or portions thereof.

G. Central Loading. Central loading facilities may be substituted for loading berths on individual zoning lots provided the following conditions are fulfilled:

1. Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at-grade.

2. No zoning lot served shall be more than five hundred (500) feet removed from the central loading area.

3. Total area of off-street loading berths provided shall meet the minimum requirements herein specified, based on the sum requirements of the several types of uses served.

H. Minimum Facilities. Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided by the owner with adequate receiving facilities, accessible by motor vehicle off any service drive, street or open space on the same zoning lot.

1252.02 NUMBER AND TYPE OF OFF-STREET LOADING BERTHS REQUIRED.

The number and type of off-street loading berths required shall conform to the requirements set forth on Table 1252.02, Schedule of Off-Street Loading Requirements, below.

Table 1252.02. Schedule of Off-Street Loading Requirements

Use	Gross Floor Area (square feet)	No. of Berths & Size*
RESIDENTIAL USES		
Hotel, Motel, Assisted Living or Nursing Home	12,000 - 120,000	One Short
Multiple-Family	40,000 - 120,000	One Short
each additional	200,000	One Short

OFFICE AND INSTITUTIONAL USES		
Banks,	12,000 - 120,000	One Short
Government Buildings,	each additional 120,000	
	up to 500,000	One Short
Offices,	each additional 500,000	One Long
Business Services,		
Hospitals		
COMMERCIAL USES		
Personal Services	Under 12,000	One Short
	12,000 - 25,000	Two Short
Restaurants	Under 25,000	One Short
	25,000 - 40,000	Two Long
	40,001 - 120,000	Three Long
	each additional 200,000	One Long
Retail Sales	5,000 - 15,000	One Short
	15,001 - 40,000	Two Long
	40,001 - 100,000	Three Long
	each additional 50,000	One Long
Assembly and Packaging Facility	5,000 - 12,000	One Short
	12,001 - 30,000	One Long
	30,001 - 120,000	Two Long
	each additional 120,000	One Long
Lab or Research Facilities	30,000 - 120,000	Two Long
	each additional 120,000	One Long
EDUCATIONAL/CULTURAL/ENTERTAINMENT USES		
Primary or	12,000 - 120,000	One Short
Secondary school,	each additional 120,000	One Short
College or		
University,		
Theater or Assembly Hall,		
Amusement Establishment		
TRANSPORTATION/COMMUNICATION USES**		
Bus/Rail facility	12,000 - 30,000	One Short
Utilities	30,001 - 120,000	One Long, One Short

* Berth (Loading Dock) Dimensions:
Short = 12 ft. wide x 35 ft. deep
Long = 12 ft. wide x 50 ft. deep.
** Gross Floor Areas refer to all buildings or structures on premises.

CHAPTER 1253
Landscaping and Screening Regulations

1253.01 Purpose.
1253.02 Enforcement of landscape requirements.
1253.03 When landscaping and screening are required.
1253.04 Landscape plan.
1253.05 Selection, installation, and maintenance of plant materials.
1253.06 Design criteria.
1253.07 Right-of-way landscaping.
1253.08 Parking lot landscaping and screening.
1253.09 Landscape buffers and screening.

CROSS REFERENCES
Landscaping and screening definitions - see P. & Z. 1211.02

1253.01 PURPOSE.

The landscaping and screening requirements specified in this Chapter are intended to foster aesthetically pleasing development which will protect and preserve the appearance, character, health, safety, and welfare of the community. Specifically, these regulations are intended to increase the compatibility of adjacent uses, and, in doing so, minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use.

The Tree Preservation regulations are intended to preserve the existing density of trees in the City in order to maintain their positive environmental effects, and their contributions to the street canopies and balance of nature and development that is characteristic of Shaker Heights. The requirements are particularly intended to ensure that developers design and locate projects such that they minimize the removal of existing trees whenever possible and provide for the replacement of any trees that must be removed.

1253.02 ENFORCEMENT OF LANDSCAPE REQUIREMENTS.

Wherever the submission and approval of a Landscape Plan is required by this Zoning Ordinance, no final occupancy permit shall be issued without City approval of the Landscape Plan. Failure to implement and maintain the approved Landscape Plan shall be cause for revocation of the occupancy permit.

1253.03 WHEN LANDSCAPING AND SCREENING ARE REQUIRED.

A. All land areas which are not developed or otherwise improved shall be appropriately landscaped or shall be left in their natural state.

B. Any portion of a property specified herein shall be landscaped according to these provisions.

1253.04 LANDSCAPE PLAN.

A. Landscape Plan Required. A Landscape Plan is required for all exterior construction including pools, and ornamental structures, but excepting other accessory uses unless otherwise required. Such Landscape Plan shall be drawn in conformance with the requirements specified in this Section. Landscape Plans must be approved by the Zoning Administrator prior to the issuance of a building permit unless the development is being reviewed by the City Planning Commission or Board of Zoning Appeals in which case the Landscape Plan shall be subject to that body's review and approval.

A Landscape Plan must include a Tree Preservation Plan for all new construction or landscape improvements that propose to remove any existing trees from the property. The property owner is required to replace or relocate any trees larger than three (3) inches DBH that are removed for new construction on the site. Additionally, any trees that are accidentally damaged during construction must be replaced according to the same regulations. The owner is encouraged, but not required, to replace any hazard trees that are dead, diseased, dying, or have a dangerous structural defect.

B. Content of Landscape Plan. All Landscape Plans submitted for approval shall contain or have attached thereto the following information:

1. The location and dimensions of all existing and proposed landscaping, structures, parking lots and drives, roadways and rights-of-way, sidewalks, bicycle paths, lawn signs, storage areas, refuse disposal areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and other recreational facilities, storage structures and other freestanding structural features as determined necessary by the Zoning Administrator.

2. The location, quantity, size at planting and at maturity, and name, both botanical and common names, of all proposed planting materials, including ground cover.

3. Existing and proposed grading of the site, only if the grading will be altered. This should include proposed berming, indicating contours at one (1) foot intervals.

4. Elevations and materials of all fences proposed for location on the site.

5. Elevations, cross-sections and other details as determined necessary by the Zoning Administrator.

6. A Tree Preservation Plan, which must include:

a. A list of the locations, botanical name, dimension at breast height (DBH), and vertical height of all existing trees on the property, and the intent to preserve, relocate, or replace each tree.

b. When it is not feasible to preserve or relocate an existing tree, the locations, species, and dimensions of each tree to be removed and the replacement trees must be specified. For each removed tree, one replacement tree must be planted in its place within one (1) month or during the next planting season, either in the same location or a new location on the property. In the event that it is determined by the Zoning Administrator that it is not practical to locate the replacement tree on the property, the Zoning Administrator has the authority to modify or waive the requirement, or to require that the replacement tree must be planted on approved public lands or other approved private property. The cost for removal, relocation, and replacement of all trees shall be borne by the property owner.

(1) A removed tree must be replaced with a replacement tree that is of the same species, or of a similar species with comparable potential for shade or screening properties and other characteristics. The Zoning Administrator may authorize an alternate replacement species when an exact species is not available in the required size.

(2) Replacement trees must meet the size requirements set forth in Table 1253.04.

Removed Tree (DBH)	**Replacement Tree (caliper)**
Two (2) to six (6) inches	Two (2) inches
Greater than six (6) inches	Four (4) inches

(Ord. 04-132. Enacted 11-22-04.)

1253.05 SELECTION, INSTALLATION, AND MAINTENANCE OF PLANT' MATERIALS.

A. Selection. Planting materials used in conformance with the provisions of this Section shall be of good quality, of a species normally grown in northeastern Ohio, and capable of withstanding the extremes of individual site microclimates. See Section 1253.04.B.7.b.1. Size and density of plant material, both at the time of planting and at maturity, are additional criteria which must be considered when selecting plant materials.

B. Installation.

1. All landscaping materials shall be installed in accordance with the current planting procedures established by the International Society of Arboriculture in "Principles and Practices of Planting Trees and Shrubs".

2. No private fence or wall shall be erected or planted within public right-of-way. No fence, wall or hedge shall interfere with, obstruct the view of, or create a safety hazard to any motor vehicle. All improvements made by residents shall be made on that resident's own property, shall be maintained by the resident, and the City shall have the right to require the removal of any fence or hedge on a public right-of-way at no cost to the City.

C. Maintenance.

1. Responsibility. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials and barriers, including refuse disposal areas, as may be required by the provisions of this Section.

2. Landscaping Materials.

a. All landscaping materials shall be maintained in good condition so as to present a healthy, neat and orderly appearance, and plant material not in this condition shall be replaced when necessary in a timely manner and shall be kept free of refuse and debris.

3. Fences and Walls. Fences, walls, and other barriers shall be maintained in good, structurally sound repair, and in neat, clean and attractive condition.

4. Hedges. All hedges shall be planted and maintained so that the hedge will not overhang or interfere with the use of a public right-of-way such as a sidewalk or street.

1253.06 DESIGN CRITERIA.

Landscape Plans described above shall be prepared based on the following design criteria. The evaluation and approval of Landscape Plans shall also be based on these design criteria.

A. Scale and Nature of Landscaping Material. The scale and nature of landscaping materials should be appropriate to the size of the structures. Large scaled buildings, for example, should generally be complemented by larger scaled plants.

B. Selection of Plant Material. Plant material should be selected for its form, texture, color, and concern for its ultimate growth.

C. Evergreens and Screening. Evergreens and fences should be incorporated into the landscape treatment of a site, particularly in those areas screening parking lots, storage or other similar features from dedicated public rights-of-way or property zoned for residential use.

D. Shade Trees. Required shade trees planted on private property shall have a minimum trunk size of two (2) inches in diameter upon installation, as measured six (6) inches above the established ground level.

E. Softening of Walls and Fences. Plant material should be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect.

F. Foundation Planting. Foundation planting is required on all elevations of the main house for new residential construction projects. Such landscaping is intended to screen the building's foundation. The majority of selected plants must be mostly at least two (2) feet tall, and of an amount and type that are subject to approval by the Zoning Administrator as part of the Landscape Plan.

F. Planting Beds. Planting beds should be mulched with bark chips, feather rocks, mulch, or similar materials.

G. Detention/Retention Basins and Ponds. Detention/retention basins and ponds shall be landscaped. Such landscaping should include shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials.

H. Irrigation. A permanent means of irrigating plant material shall be provided. A hose bib shall be provided within one hundred (100) feet of all landscape areas. Installation of an automatic underground sprinkling system is recommended but not required.

I. Energy Conservation. The following criteria is not required however, the City encourages such consideration.

1. Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.

2. Evergreens and other plant materials should be concentrated on the north side of buildings to dissipate the effect of winter winds.

J. Preservation of Existing Plant Material and Trees. Existing plant material and trees should, wherever practical as determined by the Zoning Administrator, be incorporated into the landscape treatment of a site.

K. Berming. Earthen berms and existing topography should be, whenever determined practical by the Zoning Administrator, incorporated into the landscape treatment of a site, particularly when combined with plant material to facilitate screening.

1253.07 RIGHT-OF-WAY LANDSCAPING.

A. Purpose. The purpose of regulations for right-of-way landscaping is to provide guidance to those property owners who wish to improve their tree lawn with landscaping.

B. Applicability. Where a parcel abuts a dedicated public right-of-way, landscaping may be provided, but only in accordance with the provisions of this Section.

C. Ground Cover. The unpaved portion of a public right-of-way shall be fine graded and sodded or seeded with grass.

D. Parkway Trees.

1. Quantity. Parkway trees may be provided an average of not more than forty (40) feet apart in the right-of-way adjacent to the parcel.

2. Spacing. Such trees may be clustered or spaced linearly in the right-of-way as determined appropriate by the Director of Public Works.

3. Size. Parkway trees shall have a minimum trunk size of three and one-half (3-1/2) inches in diameter, as measured six (6) inches above the established ground level, pursuant to Shaker Heights ordinance 93-154 and the Director of Public Works' rules.

4. Species. Parkway trees shall be limited to the following species. However, a variety of compatible species from this list should be included in the planting plan for a specific site or development:

a. Linden.

b. Maple (excluding Silver Maple and other softwood species).

c. Hackberry.

d. Ginkgo.

e. Oak.
f. Ash.
g. Thornless Honeylocust (cultivars).
h. Callery (Bradford) or Flowering Pear.
i. Sweet Gum.
j. Amelanchier.
k. Golden Rain.
l. Elm (disease resistant hybrid).
m. Other species of trees as determined appropriate by the Director of Public Works.

5. **Other Landscape Material.** No plant material or barriers, except as specified herein, may be located in a dedicated public right-of-way.

1253.08 PARKING LOT LANDSCAPING AND SCREENING.

A. **Applicability.** All parking lots designed for fifteen (15) or more parking spaces shall devote no less than twenty percent (20%) of their surface area to landscaping. Smaller parking lots shall provide landscaping as deemed appropriate by the Zoning Administrator. Parking Lot landscaping may include both perimeter and interior parking lot landscaping as described herein.

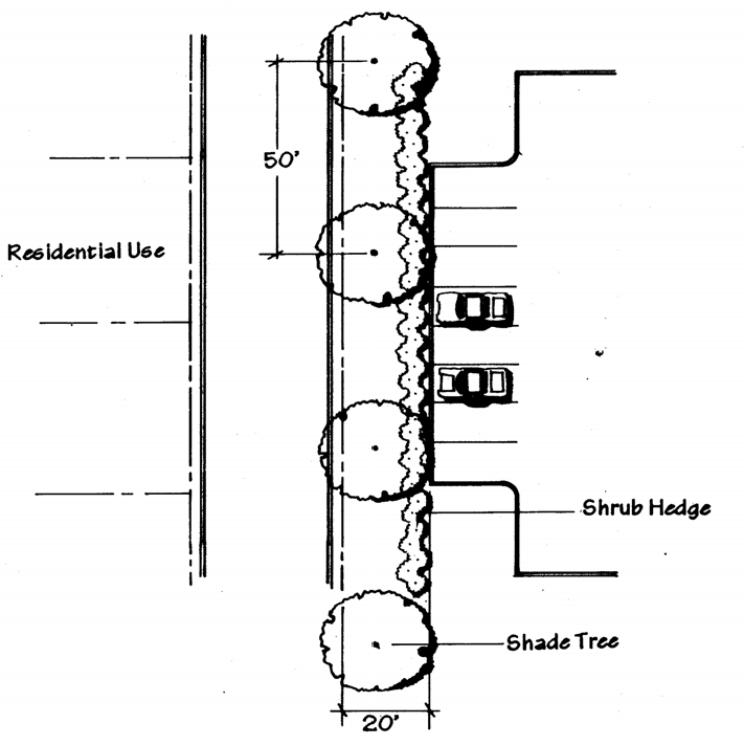
B. **Perimeter Parking Lot Landscaping.** Where a parking lot is located within twenty (20) feet of a lot line, perimeter landscaping shall be required along the corresponding edge of the parking lot in conformance with Table 1253.08, Perimeter Parking Lot Landscaping Requirements, and the following:

1. The minimum landscape strip shall be measured from the back of curb and shall not include any parking space overhang area.
2. Landscaping for front and corner side yards shall consist of evergreen or dense deciduous shrubs. Landscaping in rear and interior side yards shall consist of dense evergreen landscaping.
3. In determining the number of trees required, the figure shall be rounded to the nearest whole number.
4. All landscaping described herein shall conform to Section 1260.05, View Obstructions.
5. The minimum height of shrubs may be reduced if berming is provided so that the combined height of shrubs and berming is not less than the minimum required height.
6. Plantings in rear and interior side yards shall be concentrated into shrub masses, typically containing seven (7) to nine (9) shrubs per shrub mass.
7. Additional plantings may be provided, subject to the approval of the Zoning Administrator.

Table 1253.08. Perimeter Parking Lot Landscaping Requirements

	Requirements Along Front and Corner Side Yards		**Requirements Along Rear and Interior Side Yards**	
	Across From Residential	**Across From Non-Residential**	**Adjacent To Residential**	**Adjacent To Non-Residential**
Minimum Landscape Strip	Twenty (20) feet	Five (5) feet	Twenty (20) feet	Five (5) feet
Percent of Screening Covering Frontage	100%	100%	100%	50%
Minimum Height of Shrubs	100% at three (3) feet	50% at three (3) feet, 50% at two (2) feet	100% at six (6) feet	100% at five (5) feet
Ornamental or Shade Trees	One (1) tree per fifty (50) feet of frontage	One (1) tree per fifty (50) feet of frontage	Not required	Not required
Ground Cover	Except where occupied by planting beds, perimeter parking lot landscaping areas shall be sodded, seeded, or planted with a suitable ground cover, as determined by the Zoning Administrator.			

Figure 1253.08A.1. Perimeter Parking Lot Landscaping Across from a Residential Use



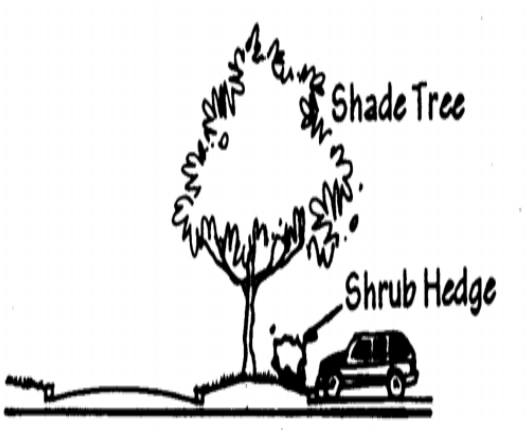


Figure 1253.08A.2. Perimeter Parking Lot Landscaping Adjacent to a Residential Use

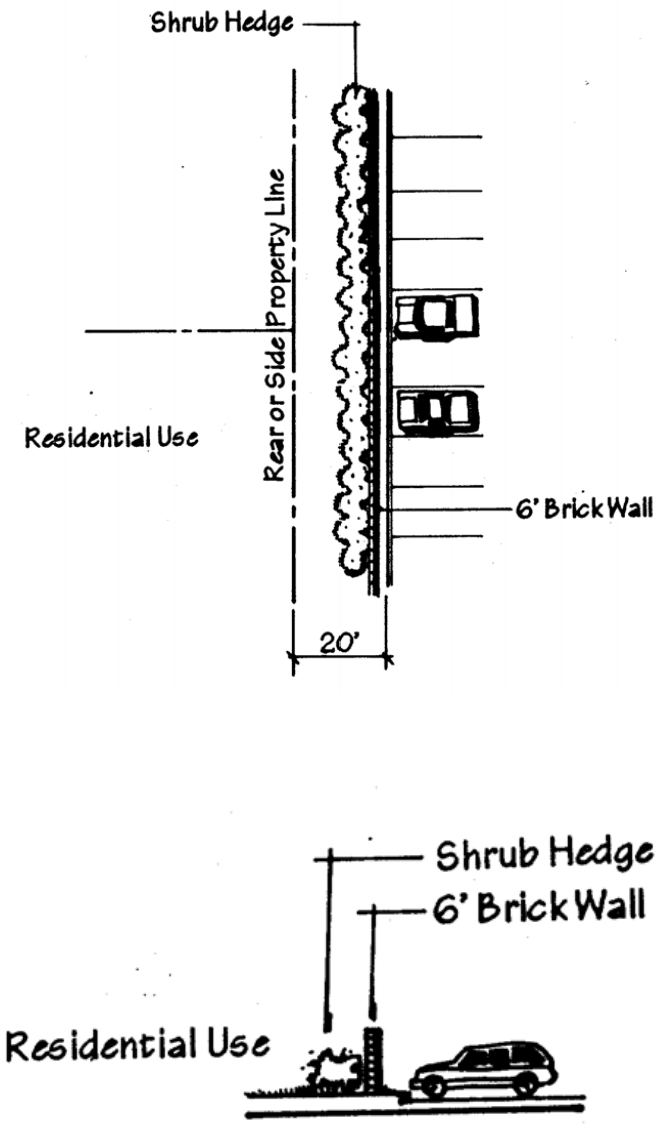
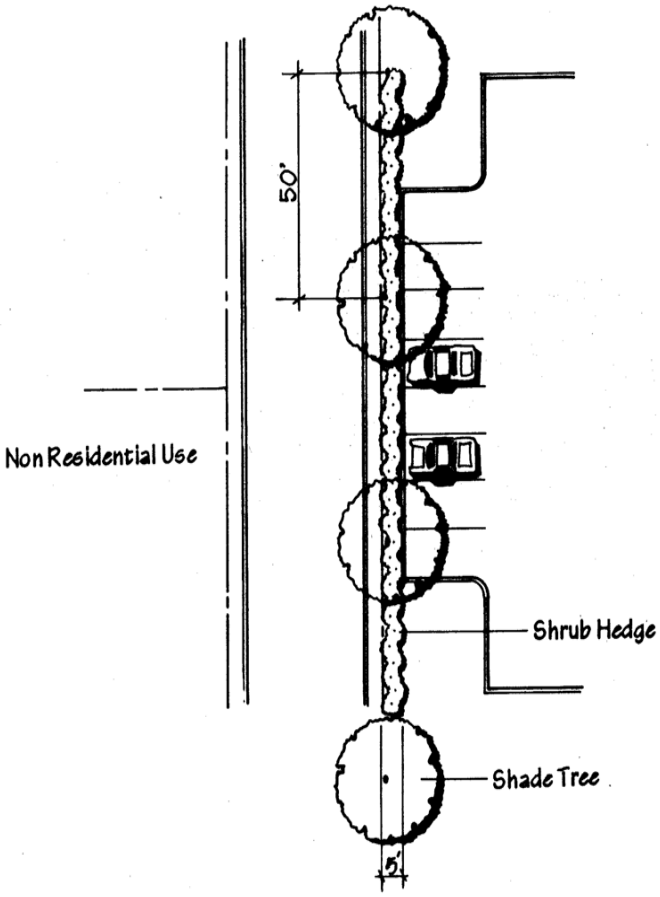


Figure 1253.08A.3. Perimeter Parking Lot Landscaping Across from a Non-Residential Use



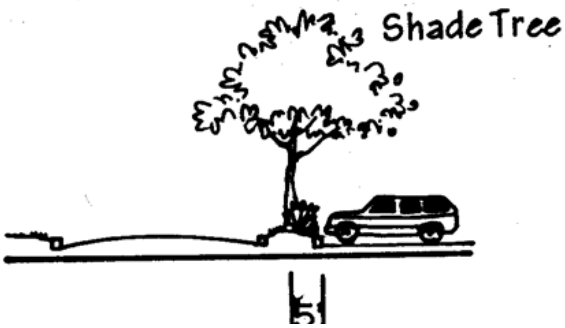
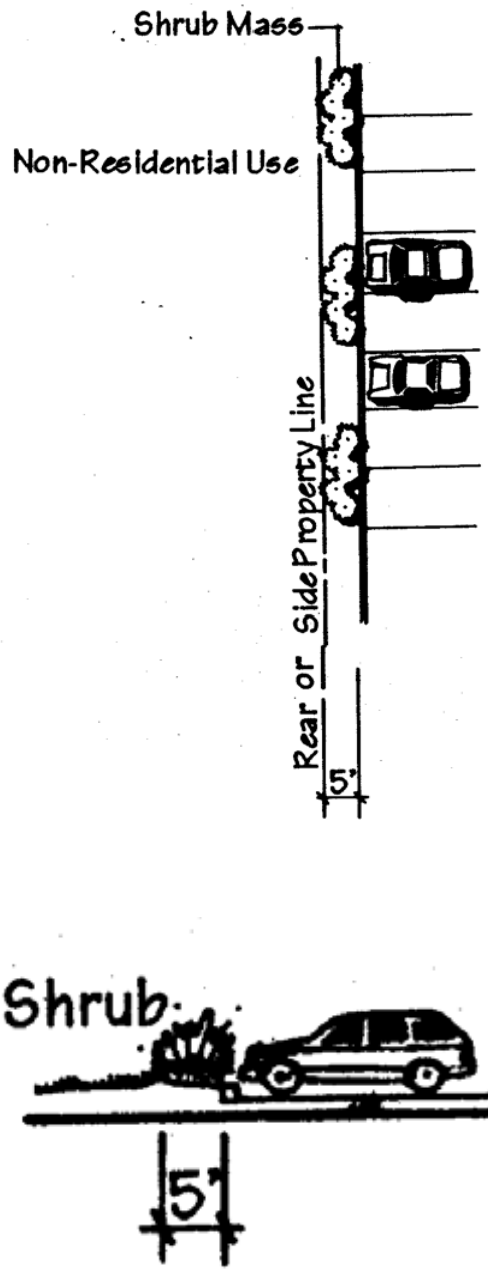


Figure 1253.08A.4. Perimeter Parking Lot Landscaping Adjacent to a Non-Residential Use



C. Interior Parking Lot Landscaping. Interior Parking Lot Landscaping may be provided in addition to Perimeter Parking Lot Landscaping towards meeting the twenty percent (20%) landscaped area requirement. Such areas may be grouped or configured in any combination which meets the width, area, and materials requirements herein.

1. Interior parking lot landscaping areas (planting islands) shall be included within the parking lot in groupings. The area of landscape groupings shall be an average of no less than one hundred twenty (120) square feet per every ten (10) parking spaces.

2. Such planting islands shall be curbed and shall be a minimum of seven (7) feet in width, as measured from back of curb to back of curb.

3. Landscape Material. The plant material used to improve the landscape areas defined above shall conform to the following:

a. Type. The primary plant materials used in parking lots shall be shade tree species in conformance with Section 1253.06, Design Criteria. Ornamental trees, shrubbery, hedges, and other plant materials may be used to supplement the shade tree plantings, but shall not be the sole contribution to such landscaping.

b. Quantity. One (1) shade tree shall be provided for every one hundred twenty (120) square feet of landscaping area.

c. Ground Cover. A minimum of fifty percent (50%) of every interior parking lot landscaping area shall be improved with approved ground cover, as determined appropriate by the Zoning Administrator.

1253.09 LANDSCAPE BUFFERS AND SCREENING.

A. Applicability. Landscape buffers shall be required in the following situations as described in Table 1253.09, Summary Table of Landscape Buffers and Screening Requirements. Where more than one of the following situations applies, or where both landscape buffer or screening and parking lot landscaping are required, the more restrictive shall apply.

1. Transition Yards. Landscape buffers shall be provided in the transition yards where multiple-family and nonresidential rear and side yards abut yards of lesser intensity as described below.

a. MF Multiple-Family and A Apartment Residential Districts Where a yard in a multiple-family development in the MF or A District abuts a Single-Family or Two-Family District or use, a landscape buffer a minimum of five (5) feet in width shall be provided. Such buffer shall adequately screen the development from view, as determined by the zoning Administrator.

b. O Office District

(1) Side Yards. Where a side yard in the O District abuts any residential district, such yard shall have a minimum setback of forty (40) feet. In addition, a landscape buffer a minimum of five (5) feet in width shall be provided. Such buffer shall be subject to the approval of the Zoning Administrator.

(2) Rear Yards. Where a rear yard in the O District abuts any residential district, such yard shall have a minimum setback of forty (40) feet. In addition, a landscape buffer shall be provided which shall be subject to the approval of the Zoning Administrator . If such yard abuts a single-family or two-family district, the landscape buffer shall be a minimum of twenty (20) feet in width.

c. C1 Limited Commercial District

(1) Side Yards. Where a side yard in the C1 District abuts any residential district, such yard shall have a minimum setback of twenty (20) feet. In addition, a landscape buffer a minimum of ten (10) feet in width shall be provided. Such buffer shall be subject to the requirements of 1253.09.B, Buffers for Commercial Uses.

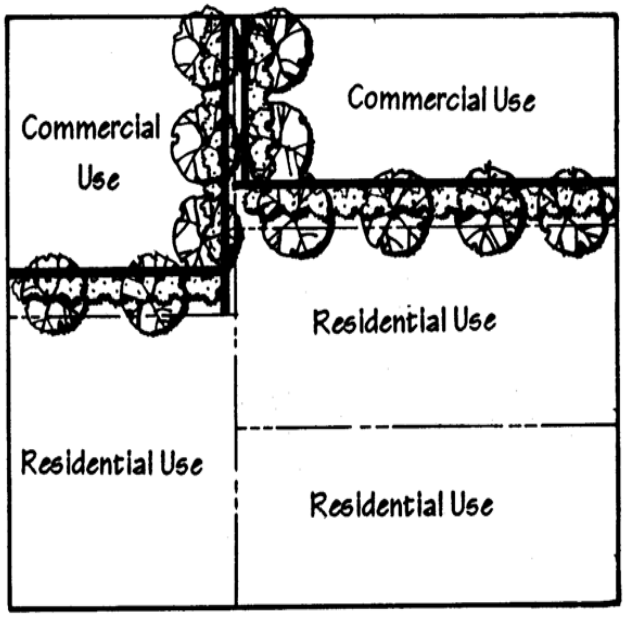
(2) Rear Yards. Where a rear yard in the C1 District abuts any residential district, such yard shall have a minimum setback of forty (40) feet. In addition, a landscape buffer, a minimum of ten (10) feet in width, shall be provided and such buffer shall be subject to the requirements of 1253.09.B, Buffers for Commercial Uses.

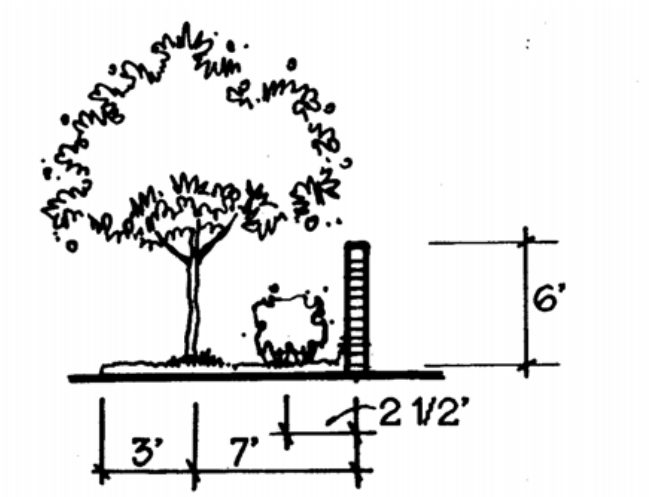
d. C2 General Commercial, C3 Business Commercial, and CM Commercial Mixed Use Districts

(1) Side Yards. Where a side yard in the C2, C3, or CM Districts abuts any residential district, such yard shall have a minimum setback of twenty (20) feet. In addition, a landscape buffer a minimum of ten (10) feet in width shall be provided. Such buffer shall be subject to the requirements of 1253.09.B, Buffers for Commercial Uses.

(2) Rear Yards. Where a rear yard in the C2, C3, or CM Districts abuts any residential district, such yard shall have a minimum setback of forty (40) feet. In addition, a landscape buffer a minimum of twenty (20) feet in width shall be provided. Such buffer shall be subject to the requirements of 1253.09.B, Buffers for Commercial Uses.

Figure 1253.09.A Buffers





e. **I Institutional District.** All side and rear yards in the I District shall have a minimum twenty-five (25) foot landscape yard. Landscape yards are yards devoted exclusively to landscaping except however, that driveways and sidewalks needed to serve the use and buildings on the lot may be located within a required landscape yard. No specific improvements are required within landscape yards, except that all landscape areas not planted with trees and shrubs shall be maintained in turf or other approved groundcover.

f. **PR Park and Recreation District.** All side and rear yards in the PR District abutting residential districts shall have a minimum twenty-five (25) foot landscape yard. All side and rear yards in the PR District abutting non-residential districts shall have a minimum ten (10) foot landscape yard. Landscape yards are yards devoted exclusively to landscaping except however, that driveways and sidewalks needed to serve the use and buildings on the lot may be located within a required landscape yard. No specific improvements are required within landscape yards, except that all landscape areas not planted with trees and shrubs shall be maintained in turf or other approved groundcover.

2. **Commercial Uses—Rear Yards.** Landscape buffers shall be provided in the rear yard of all commercial uses, regardless of district, subject to the requirements of 1253.09.B, Buffers for Commercial Uses.

3. **Commercial Uses Abutting Residential Uses—Rear and Side Yards.** Where a rear or side yard of any commercial use, regardless of district, abuts any residential use, a landscape buffer shall be provided along such yard. Such buffer shall be subject to the requirements of 1253.09.B, Buffers for Commercial Uses.

4. Screening of Outdoor Storage and Waste Disposal Facilities.

a. General Requirement. Except as otherwise provided below, permitted outdoor storage and waste disposal facilities shall be located in the rear yard only and shall require screening when adjacent to a residential lot or visible from a public street. Such uses shall be completely surrounded by a solid brick wall, with a solid gate, that is a minimum of six (6) feet in height.

b. Exemptions to Outdoor Storage Facilities Requiring Screening. Except as otherwise provided in this Zoning Ordinance, all storage shall be located within enclosed structures. However, firewood, compost piles and the temporary storage of materials for construction on the premises may be located outdoors and shall not require screening. All other outdoor storage which is specifically permitted by this Zoning Ordinance shall be screened pursuant to the requirements of this Section.

c. Additional Screening. Additional landscape buffering around outdoor storage or waste disposal facility may be required by the City Planning Commission in the case of a conditional use.

5. Screening of Outdoor Sales Lots.

a. Outdoor sales lots associated with garden centers and temporary uses shall be subject to screening requirements as deemed appropriate by the Zoning Administrator.

b. Outdoor sales lots for automobile dealerships shall be subject to the requirements of Section 1253.08, Parking Lot Landscaping, and Section 1253.09.B, Buffers for Commercial Uses, as applicable.

B. Buffers for Commercial Uses. Landscape buffers and screening shall be provided as directed by Section 1253.09.B, Buffers for Commercial Uses Where indicated by that section, the required landscape buffer for commercial uses consist of the following:

1. A solid brick wall not more than six (6) feet nor less than four (4) feet in height shall be located along the inside edge of the required landscape area. This fence shall be installed pursuant to Section 1262.05, Fences and Walls.

2. A continuous evergreen or dense deciduous shrub hedge extending the entire length of the landscape area shall be planted two and one-half (2.5) feet from the fence described in subsection (2) above. This shrub hedge shall be installed at not less than four (4) feet in height.

3. Shade trees not less than three (3) inches in caliper shall be planted not less than fifty (50) feet on center along a line located seven (7) feet from the fence described in subsection (2) above.

4. All surface area not planted with shrubs or trees shall be maintained as a grass lawn or planted in groundcover.

5. Buffers shall be maintained in good repair and in neat, attractive condition.

Table 1253.09. Landscape Buffer and Screening Regulations

Situation Requiring Buffer or Screening	Minimum Setback	Minimum Depth of Landscape Buffer	Landscape Requirements		Fence or Wall
			Shrubs	**Shade Trees**	
1. Transition Yards					
a. MF, A Districts					
Side and Rear Yard of Multiple-Family Uses Abutting Single- and Two-Family Districts or Uses.	As described in District Regulations.	Five (5) feet.	An appropriate buffer as determined by the Zoning Administrator.		Not required.
b. O District					
Side Yard abutting residential district.	Forty (40) feet.	Five (5) feet.	An appropriate buffer as determined by the Zoning Administrator.		Not required.
Rear Yard abutting a Multiple-Family or Apartment District	Forty (40) feet.	An appropriate depth as determined by the Zoning Administrator.	An appropriate buffer as determined by the Zoning Administrator.		Not required.
Rear Yard abutting Single- or Two-Family District	Forty (40) feet.	Twenty (20) feet.	An appropriate buffer as determined by the Zoning Administrator.		Not required.

(Ord. 04-132. Enacted 11-22-04.)

Table 1253.09. Landscape Buffer and Screening Regulations (Continued)

Situation Requiring Buffering or Screening	Minimum Setback	Minimum Depth of Landscape Buffer	Landscape Requirements		Fence or Wall
			Shrubs	Shade Trees	
1. Transition Yards (Continued)					
c. C1 District					
Side Yard abutting any residential district	Twenty (20) feet.	Ten (10) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of three (3) inches in trunk width, planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.
Rear Yard abutting any residential district	Forty (40) feet.	Ten (10) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of three (3) inches in trunk width, planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.
Side Yard abutting any residential district.	Twenty (20) feet.	Ten (10) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of three (3) inches in trunk width, planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.
Rear Yard abutting any residential district	Forty (40) feet.	An appropriate depth as determined by the Zoning Administrator.	An appropriate buffer as determined by the Zoning Administrator.		
Situation Requiring Buffering or Screening	**Minimum Setback**	**Minimum Depth of Landscape Buffer**	**Landscape Requirements**		**Fence or Wall**
			Shrubs	**Shade Trees**	

1. Transition Yards (Continued)					
Rear yard abutting single- or two-family residential districts.	Forty (40) feet.	Ten (10) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of three (3) inches in trunk width, planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.
d. C2, C3, CM Districts					
Side Yard abutting any residential district	Twenty (20) feet.	Ten (10) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of three (3) inches in trunk width, planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.
Rear Yard abutting any residential district	Forty (40) feet.	Twenty (20) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of three (3) inches in trunk width, planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.
e. I District					
Side or Rear Yard	Twenty-five (25) feet.		An appropriate buffer as determined by the Zoning Administrator.		Not required.

Table 1253.09. Landscape Buffer and Screening Regulations (Continued)

Situation Requiring Buffering or Screening	Minimum Setback	Minimum Depth of Landscape Buffer	Landscape Requirements		Fence or Wall
			Shrubs	Shade Trees	
f. RP District					
Side or Rear Yard	Twenty-five (25) feet abutting residential districts, ten (10) feet abutting other districts.		An appropriate buffer as determined by the Zoning Administrator.		Not Required.
2. Rear Yard of All Commercial Uses					
	As described in District Regulations.	Ten (10) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of three (3) inches in trunk width, planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.
3. Side Yards of Commercial Abutting Residential					
	As described in District Regulations.	Ten (10) feet.	Masses of 7-9 plants measuring a minimum of two and one-half (2.5) feet in depth.	A minimum of one (1) shade tree, a minimum of three (3) inches in trunk width, planted a minimum of every fifty (50) feet.	A solid brick wall of at least six (6) feet in height shall be provided.
4. Outdoor Storage/Waste Disposal Facilities					
	n/a	n/a	n/a	n/a	A solid brick wall of at least six (6) feet in height shall be provided.

Table 1253.09. Landscape Buffer and Screening Regulations (Continued)

Situation Requiring Buffering or Screening	Minimum Setback	Minimum Depth of Landscape Buffer	Landscape Requirements		Fence or Wall
			Shrubs	Shade Trees	
5. Outdoor Sales Lots					
Auto Dealers	As described in District Regulations.	Subject to the requirements of Section 1253.09B., as applicable, and to the requirements of Section 1253.08, Parking Lot Landscaping.			
Garden Centers, Temporary Uses, and other Permitted Outdoor Sales	As described in District Regulations.	Subject to the requirements of Section 1253.09B., as applicable, and to the requirements of Section 1253.08, Parking Lot Landscaping.			

TITLE SIX - Development Standards

Chap. 1260. General Regulations.
Chap. 1261. Temporary Uses.
Chap. 1262. Accessory Uses.
Chap. 1263. Conditional Uses.

CHAPTER 1260
General Regulations

1260.01 Use of land and buildings.
1260.02 Permitted outdoor business activities.
1260.03 Bulk.
1260.04 Allowable encroachments.
1260.05 View obstructions.
1260.06 Environmental performance standards.

CROSS REFERENCES
Erosion and sediment control - see BLDG. Ch. 1329
Flood damage prevention - see BLDG. Ch. 1331

1260.01 USE OF LAND AND BUILDINGS.

In each zoning district, the following restrictions shall control the use of land and buildings:

A. Unless otherwise provided in this Zoning Ordinance, uses not specifically listed in a zoning district are not permitted in that zoning district.

B. Unless otherwise provided in this Zoning Ordinance, all business activity, service, storage, merchandise display, and where permitted, repair and processing, shall be conducted wholly within an enclosed building. Permitted off-street parking lots, off-street loading facilities and open sales lots, including auto sales lots and plant nurseries, need not be enclosed, but shall be screened pursuant to Chapter 1253, Landscaping and Screening Regulations.

C. No more than one principal building shall be located on any zoning lot in a Single-or Two-Family Residential District.

D. Unless otherwise provided in this Zoning Ordinance, all lots shall front on a public street.

1260.02 PERMITTED OUTDOOR BUSINESS ACTIVITIES.

A. Section 1260.01.B above notwithstanding, the following uses need not be enclosed if located in a commercial district:

1. The loading and unloading of vehicles necessary for the transaction of business.

2. The maintenance of parking areas for use by employees and customers.

3. The display and sale of goods sold on the premises, provided the display is located behind the building setback line and within fifteen (15) feet of the principal building, and does not occupy or interfere with the use of required off-street parking spaces and aisles pursuant to Section 1263.17, Outdoor Storage.

4. Outdoor seating for restaurants, pursuant to Section 1262.11, Outdoor Dining.

5. Pump islands at automotive fuel stations.

6. Garden centers, pursuant to the screening requirements of Section 1253.09, Landscape Buffers and Screening.

7. Car dealers, pursuant to the screening requirements of Section 1253.09, Landscape Buffers and Screening, and Section 1263.05, Automotive Related Uses.

B. Any of the above Outdoor Business Activities may be subject to additional development standards.

1260.03 BULK.

No structure or lot shall be developed, used, or occupied unless it meets the lot area, lot width, yards, building height and maximum lot coverage requirements established in the applicable district regulations, unless otherwise provided in this Zoning Ordinance.

1260.04 ALLOWABLE ENCROACHMENTS.

Section 1260.03 above notwithstanding, some structures may be permitted to encroach upon required yards or lot coverage requirements, as provided by Table 1260.04, Allowable Encroachments. The following encroachments are permitted in all districts, except as otherwise noted herein.

Table 1260.04. Allowable Encroachments

Type of Structure or Use Encroachment	Front and Corner Side Yards	Side Yard	Rear Yard
Air-conditioners which are window units	18”	18”	18”
Antennae, Single	X	See Section 1262.02.	
Arbors and trellises, no more than eight (8) feet in height and attached to a fence or gate	X	P	P
Awnings and canopies	5’	2.5’	10’
Balconies	5’	5’	5’
Basketball standards	X	P, no closer than 10’ to the property line	P, no closer than 10’ to the property line

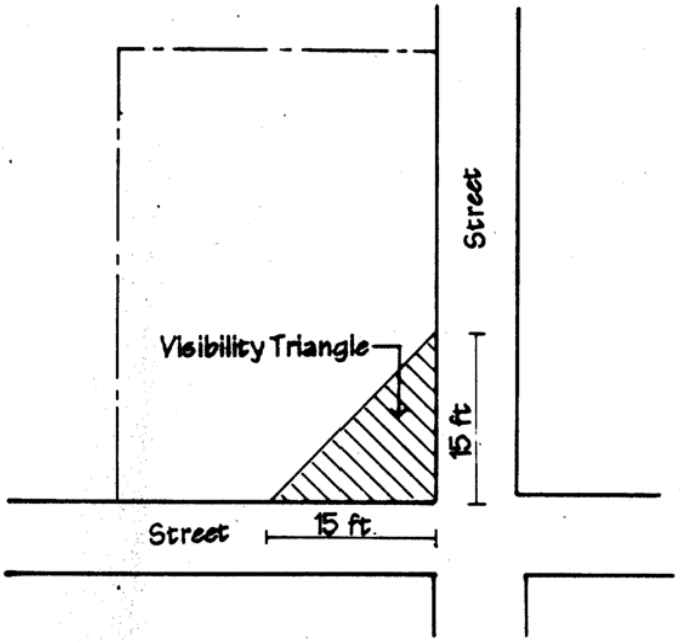
Table 1260.04. Allowable Encroachments (Continued)

Type of Structure or Use Encroachment	Front and Corner Side Yards	Side Yard	Rear Yard
Bays, bay windows, or porticoes which are one story high and occupy no more than thirty-five percent (35%) of the front building face.	3’	3’	3’
Belt Courses, window sills and other ornamental features	6”	6”	6”
Breezeways and open porches	10’	2’ in SF districts, 5’ in other districts	10’
Central air-conditioning systems, heating, ventilating, pool and filtering equipment		See Section 1262.08	
Clothes line and poles	X	X	P
Cornices	18”	18”	18”
Chimneys which shall not occupy more than thirty-five percent (35%) of the front building face	3’	3’	3’
Decks, open, and patios, one (1) feet high or more	10’	2’ in SF districts, 5’ in other districts	10’
Eaves	3’	3’	3’
Entrance canopies and similar overhanging roofs, for apartment or commercial uses, covering no more than one (1) square foot of lot area per each two (2) feet of lot frontage	P	P	P
Fallout shelters (completely underground)	X	X	P
Fences or walls		See Section 1262.05	
Fire escapes	X	3’	4’
Flagpoles	No more than fifteen (15) feet in height and no closer to a property line than twenty (20) feet in Residential districts and 30’ in Commercial districts.		
Garages	See Section 1262.06 and 1262.07		
Recreational structures, except basketball standards [see above)	X	X	P
Signs		See Chapter 1250.	
Steps or ramps four (4) feet or less above grade for access to a permitted building or for access to a zoning lot from a street	P	P	P
Terraces which are open and not over three (3) feet above the average level of the adjoining grade (does not include permanently roofed-over terrace or porch)	10’	2’ in SF districts, 5’ in other districts	10’
Retaining walls no higher than three (3) feet	P	P	P

Notes: P is permitted subject to setback and height limitations
X is prohibited
x' indicates the number of feet a structure or use may project into the yard
x" indicates the number of inches a structure or use may project into the yard

1260.05 VIEW OBSTRUCTIONS.

No person shall plant, construct or maintain upon any land or premises within the City, any hedge, wall, fence, or other structure or object which will interfere with, obstruct the view of or create a safety hazard for any motor vehicle being driven on a public street, whether such obstruction is on private or public property. At a minimum, a fifteen (15) foot "visibility triangle" will be provided at each intersection as measured from the curb line and as illustrated below.



1260.06
ENVIRONMENTAL PERFORMANCE STANDARDS.

A. General Requirement. All uses shall comply with the performance standards established in this Section unless any federal, state, county or city law, ordinance or regulation establishes a more restrictive standard, in which event the more restrictive standard shall apply.

B. Nuisance. No use shall be operated or maintained which creates an environmental detriment or public nuisance, including but not limited to visual clutter created by excessive signage, lighting, or outdoor storage noise or odors as defined herein or other noise and odors such as those created by pets or garbage.

C. Noise. Any activity or operation of any use producing noise (other than ordinary vehicular noise) shall be as regulated by the noise standards in Chapter 755 of the City of Shaker Heights Municipal Code.

D. Lighting. All on-site lighting of buildings, lawns, and parking areas shall be designed so as not to shine or cause glare onto any adjacent property or building, or to cause glare onto any public street or vehicle thereon.

E. Glare And Heat. Principal and accessory uses producing glare or heat shall be conducted so that no glare or heat from the activities or operations shall be detectable at any point off the zoning lot on which the use is located. Flickering or intense sources of light shall be controlled or shielded so as not to cause a nuisance across lot lines.

F. Vibration. No earthborne vibration from any operations of any use shall be detectable at any point off the zoning lot on which the use is located.

G. Dust And Air Pollution. Dust and other types of air pollution borne by the wind from sources such as storage areas and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, screening, sheltering, paving, oiling, fencing, wetting, collecting or other acceptable means.

H. Fluid Discharge Of Radioactive And Hazardous Waste. The discharge of fluid and the disposal of radioactive and hazardous waste materials shall be in compliance with applicable state and federal laws and regulations governing such materials or waste and with the Shaker Heights Health Code. No operation which produces radioactive or hazardous waste material shall commence without prior notice to the Chief Administrative Officer, the Zoning Administrator, the Fire Chief, the Chief of Police and the Building Commissioner. Notice shall be given at least three (3) weeks before the operation is commenced.

Radioactive and hazardous material shall be transported, stored and used only in conformance with all applicable federal, state, and local laws.

I. Electromagnetic Interference. Electromagnetic interference from any operations of any use in any district shall not adversely affect the operation of any equipment located off the zoning lot on which such interference originates.

J. Odors. The release of materials intrinsically odorous or capable of being odorous, either by bacterial decomposition or chemical reaction, which renders it perceptible from beyond the zoning lot, shall be prohibited.

K. Toxic Substances. The storage, handling or transport of toxic substances shall comply with State of Ohio rules and regulations, as applicable relative to the prevention of water pollution.

L. Water Pollution. All uses shall comply with the State of Ohio rules and regulations, as applicable regarding the prevention of water pollution.

M. Fire And Explosion Hazards. Materials that present potential fire and explosive hazards shall be transported, stored and used only in conformance with applicable federal, state and local laws.

N. Outdoor Storage. All outdoor storage for fuel, raw materials and products shall be enclosed by a solid fence, wall or plant materials adequate to conceal such facilities from adjacent properties and public right-of-way, pursuant to Section 1253.09, Landscape Buffers and Screening.

O. Drainage. No use shall adversely affect the natural drainage pattern on its own or any other lot.

CHAPTER 1261
Temporary Uses

1261.01 Types of temporary uses.
1261.02 Time limit.
1261.03 Temporary uses on private residential property.
1261.04 Certificate of occupancy required for human occupancy.
1261.05 Location of temporary uses on the lot.
1261.06 Temporary uses subject to administrative approval.
1261.07 Temporary uses subject to discretionary approval (approval by the City Planning Commission and City Council).

CROSS REFERENCES
Temporary use defined - see P. & Z. 1211.02

1261.01 TYPES OF TEMPORARY USES.

Temporary uses are intended to occasionally permit some activities which would not normally be permitted if they are of minimum scope and intensity as regulated herein. Temporary uses fall into two (2) categories, administrative e and discretionary. Administrative temporary uses require a permit from the Zoning Administrator subject to the requirements and restrictions herein.

Discretionary temporary uses require a Conditional Use Permit and shall also be subject to the requirements and restrictions herein. Any temporary signs associated with temporary uses are subject to the provisions of Chapter 1250, Sign Regulations.

1261.02 TIME LIMIT.

A. Administrative Temporary Uses. Administrative Temporary Uses or structures shall continue for a period of time no longer than one (1) year and may be further limited by the Zoning Administrator.

B. Discretionary Temporary Uses. Discretionary temporary uses shall be limited in time at the discretion of the City Planning Commission and the City Council.

C. Recurring and Extended Temporary Uses. Recurring temporary uses and structures, where the same temporary use or structure is established on the property on an annual basis or other regular period basis, shall be reviewed and authorized as a conditional use pursuant to Section 1213.05, Conditional Uses, of this Zoning Ordinance.

1261.03 TEMPORARY USES ON PRIVATE RESIDENTIAL PROPERTY.

Restrictions on temporary uses shall not apply to any use which is conducted entirely on private residential property, excluding estate sales but including garage sales, operated by the person, company, or organization owning the property, provided that the duration of the temporary use does not exceed three (3) days and is repeated not more than four (4) times a year.

1261.04 CERTIFICATE OF OCCUPANCY REQUIRED FOR HUMAN OCCUPANCY.

Section 1261.02, Time Limit, notwithstanding, any tent, trailer, or structure pursuant to this Zoning Ordinance and intended or used for human occupancy shall require review by the Building Department.

1261.05 LOCATION OF TEMPORARY USES ON THE LOT.

All temporary uses shall be conducted behind the building setback line except as otherwise
permitted by the City Council.

1261.06 TEMPORARY USES SUBJECT TO ADMINISTRATIVE APPROVAL.

The following temporary uses and structures are permitted in any zoning district if they meet the requirements of this Zoning Ordinance as determined by the Zoning Administrator:

A. Christmas Tree Sales Lots, provided that:

1. The use is located on a lot that fronts a collector or arterial street.

2. The use is located on a vacant lot or parking area.

3. The trees are located at least fifty (50) feet from any structure on another lot.

4. Trees remaining on hand after December 25 shall be removed from the premises no later than December 31 of the same year.

5. Outdoor lights shall require an electrical permit from the Shaker Heights Building Department.

6. No signs shall be erected accessory to the Christmas tree sale.

B. Construction trailers, equipment storage sheds and portable lavatories provided that:

1. The trailer, shed or portable lavatory is incidental to construction.

2. The trailer, shed or portable lavatory is located on the same lot as the construction or on an abutting lot.

3. The trailer, shed or portable lavatory shall remain on the property no longer than the time of construction.

4. The trailer, shed or portable lavatory will be located no closer than twenty (20) feet from any public street or any other property located in a residential district.

5. Any sign located on the trailer shall be considered the Construction Sign permitted pursuant to 1261.06.F below.

6. All such trailers, sheds or portable lavatories shall comply with all applicable codes.

C. Tents, provided that:

1. The applicant shall show proof of a tent permit acquired from the Shaker Heights Fire Department and a Certificate of Insurance.

2. All tents shall be erected pursuant to the requirements of Article 19 of the BOCA Fire Prevention Code and Section 624 of the Shaker Heights Building Code.

3. All tents shall be constructed of fire-retardant material and erected securely. Guy wires, stakes, or other supports shall be clearly marked and secured.

4. Tents shall be erected in the rear yard only.

5. Tents shall require a setback of at least ten (10) feet from side and rear property lines.

6. Lighting or other electrical equipment shall require an electrical permit from the Shaker Heights Building Department.

7. Tents shall be erected for no longer than ten (10) days, except as otherwise provided by the Zoning Administrator.

D. Art, Craft and Book Sales and similar uses as determined by the Zoning Administrator.

E. Sidewalk Sales.

F. Construction Signs pursuant to Chapter 1250, Sign Regulations.

G. Construction fences, provided that:

1. The construction fence shall extend no closer to the street right-of-way than twenty (20) feet in front of building setback line, nor encroach on the street right-of-way.

2. The construction fence shall be of a dark, neutral color.

3. The construction fence shall be a maximum of six (6) feet tall.

H. Dumpsters, provided that:

1. Temporary construction dumpsters shall be located in the rear yard during active construction only.

2. The Zoning Administrator can approve another location if placement in the rear yard is not practical.

1261.07 TEMPORARY USES SUBJECT TO DISCRETIONARY APPROVAL (APPROVAL BY THE CITY PLANNING COMMISSION AND CITY COUNCIL).

The following temporary uses, and any other temporary uses not specified in Section 1261.06, Temporary Uses Subject to Administrative Approval above, are permitted only upon approval by the City Planning Commission and City Council pursuant to a conditional use permit and based upon the standards set forth below:

A. Carnivals, provided that:

1. Trailers and other equipment do not block driveways or other points of emergency vehicular access to any property.

2. Trailers and other equipment do not block a public street, alley, or sidewalk.

3. The operation will be located entirely within the private or public property designated for the event.

4. Carnivals operated by the City of Shaker Heights are exempt from these requirements.

B. Vendors' Carts and Stalls, provided that:

1. The cart or stall is accessory to a use in a commercial district.

2. The cart or stall will be located between the principal building and a public right-of-way.

3. The cart or stall will not block a driveway or other point of emergency vehicular access to any property.

4. The cart or stall will not block a public sidewalk.

5. The cart or stall shall operate no more than three (3) days in a row and no more than two (2) times per year.

C. Produce and Farmer's Markets.

D. Sidewalk cafes, but only when accessory to restaurants which operate entirely within enclosed buildings, and where the outdoor seating is located on public right-of-way, pursuant to Section 1263.18, Outdoor Dining.

E. Garage Sales occurring more than three (3) times per year, provided that:

1. All activity or display related to the sale shall be conducted behind the building setback line.

2. No signage shall be placed advertising the sale.

F. Prefabricated trailers used for offices, schools or similar uses. Use of a trailer for retail purposes is specifically prohibited.

G. Similar uses as determined by the Zoning Administrator.

CHAPTER 1262
Accessory Uses and Structures

1262.01 General regulations.
1262.02 Antennae.
1262.03 Child day care homes, Type A and B.
1262.04 Dog pens and dog runs.
1262.05 Fences and walls.
1262.06 Garages, multiple-family and apartment.
1262.07 Garages, single- and two-family residential.
1262.08 Heating, ventilating and air conditioning and other motorized equipment.
1262.09 Home occupations.
1262.10 Ornamental structures and greenhouses.
1262.11 Outdoor dining.
1262.12 Parking structures.
1262.13 Recreational structures.
1262.14 Roomers.
1262.15 Storage of vehicles.
1262.16 Storage structures.
1262.17 Swimming pools and hot tubs (outdoor).
1262.18 Telephones, public.

CROSS REFERENCES
Accessory use defined - see P. & Z. 1211.02
Residential occupancy standards - see HOUS. Ch. 1411

All accessory uses and accessory structures shall conform to the applicable requirements of this Zoning Ordinance. The provisions of this Chapter contain general regulations for Accessory Uses and Structures and additional regulations for particular Accessory Uses and Structures.

1262.01 GENERAL REGULATIONS.

A. Relationship to Main Structure. Except as otherwise provided in this Chapter, no accessory use or structure shall be approved, established, or constructed before the principal use or structure is approved, established, or constructed.

B. Proximity To Main Structure. Except as otherwise provided in this Zoning Ordinance, detached accessory uses or structures shall be located no closer than ten (10) feet from the nearest wall of a principal structure.

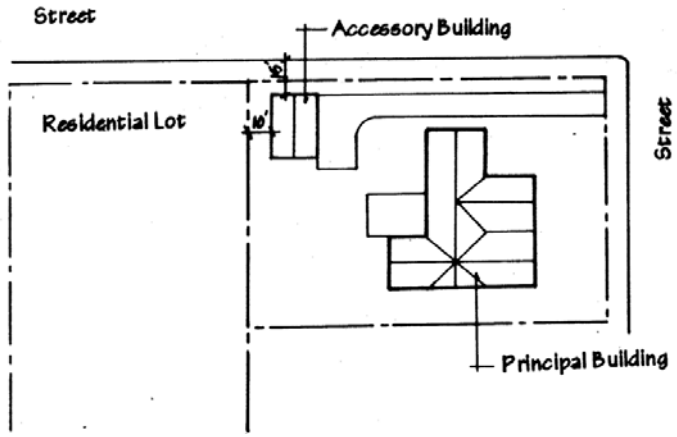
C. Setbacks for Accessory Structures. Special setback requirements may be found for the following uses in the following sections:

Fences and walls	=	1262.05 Fences and Walls.
Garages	=	1262.07, Single- and Two-Family Residential Garages 1262.06 Multiple-Family and Apartment Residential Garages; 1262.12, Parking Structures.
Recreational structures	=	1262.13, Recreational Structures.
Storage structures	=	1262.16, Storage Structures.
Swimming pools	=	1262.17, Swimming Pools and Hot Tubs.

Except where specifically authorized elsewhere in this Zoning Ordinance, the setbacks for
Accessory Uses and Structures shall conform to the following:

1. **Accessory Structures Permitted in Rear Yard Only.** No accessory structure, except as otherwise provided by Table 1260.04, Allowable Encroachments or other provisions of this Zoning Ordinance, shall be located in required front, corner side, or interior side yards.
2. **General Requirement for Rear and Side Yard Setbacks.**
   a. SF1 District = Five (5) feet.
   b. Other Districts = Three (3) feet.
3. **Additional Rear Yard Setback when Adjacent to Residential Side Yard.** When the rear lot line is adjacent to the side lot line of an adjacent residential lot, no accessory building shall be located closer than ten (10) feet to the rear lot line.
4. **Additional Side Yard Setback when Adjacent to Street Right-of-Way.** When the side lot line is adjacent to a public right-of-way, no accessory structure shall be located closer than fifteen (15) feet to the street line on the side of the lot, nor closer than any setback building line which applies to that particular street.

Figure 1262.01.C Additional Side Yard Setback When Adjacent to Street Right-of Way; Additional Rear Yard; Setback When Adjacent to Residential Side Yard



D. Height Limitation. Special height requirements may be found for the following uses in the following sections:

Antennae	=	1262.02, Antennae.
Fences and walls	=	1262.05 Fences and Walls.
Garages	=	1262.07, Single- and Two-Family Residential Garages; 1262.06 Multiple-Family and Apartment Residential Garages; 1262.12, Parking Structures.
Ornamental Structures	=	1262.10, Ornamental Structures.
Recreational structures	=	1262.13, Recreational Structures.

Except where specifically authorized elsewhere in this Zoning Ordinance, the height of Accessory Uses and Structures shall conform to the following:

1. Residential Districts and C1 District. Ten (10) feet.

2. Other Districts. The height of accessory buildings or structures shall not exceed the height of the primary use nor twenty (20) feet, whichever is less. Accessory structures such as chimneys, flagpoles, fire towers and utility service poles which are located on top of buildings may extend ten (10) feet above the principal building, and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

E. Coverage by Accessory Structures. Special area requirements may be found for the following uses in the following sections:

Swimming pools	=	1262.17, Swimming Pools and Hot Tubs.

Except where specifically authorized elsewhere in this Zoning Ordinance, Accessory Uses and Structures shall comprise not more than the following percentage of the area of the yard in which they are located:

1. SF1 and SF2 Districts = Thirty percent (30%).

2. SF3 and TF District = Forty percent (40%).

F. Occupancy Limitation. No accessory building shall contain living quarters.

1262.02 ANTENNAE.

The following regulations apply to all antennae, except for Wireless Telecommunication Facilities as defined in Chapter 1243 of this code.

A. Purpose and Intent. This Section is intended to comply with federal law, policies and guidelines. This Section is also intended to comply with federal policies and guidelines in that it does not differentiate among types of antennae. This Section is also intended to comply with the policies and guidelines and of state and federal laws including the Federal Telecommunications Act of 1996 in that it does not intend to impair the installation, maintenance, or use of antennae. However, this section is intended to preserve the city's right to reasonably restrict placement of antennae in order to preserve historic districts, including without limitations the consideration of aesthetic issues other than historic considerations such as the relative height of structures and trees, views, preservation of residential areas, property value.

This Section is also intended to comply with state and federal law to the degree permitted and intended to comply with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, which recommends against:

"Introducing new construction onto the building site that is visually incompatible in terms of size, scale, design, materials, color and texture or which destroys historic relationships on the site." According to Federal Regulation 36 CFR 800.5 (a) (1), the installation of an antenna is considered to alter, either directly or indirectly, any of the characteristics of a historic property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feelings, or association, diminishing the integrity of the property's historic features.

B. **Health and Safety Objectives.** The City Council intends to protect the public health and safety of the citizens of the City of Shaker Heights from potential hazards associated with the installation and maintenance of antennae within the City. The restrictions and standards herein are intended to assure that all antennae installations are adequately constructed and located so as to minimize potential detrimental effects associated with such installations.

C. **Aesthetic Objectives.** In addition to public health and safety concerns, the City Council intends to satisfy the following aesthetic objectives:

1. Preserving the historic character of the City of Shaker Heights as evidenced by the designation of three fourths of the City as an historical district that is recognized by the National Register of Historic Places, which designation has been based in large part upon the architectural and other aesthetic qualities of both residential and commercial districts within the City.

2. Preserving the planned community concept of the Van Sweringens, which was based upon quality housing within a residential zone, commercial areas which are convenient for shopping and other commercial uses, and public transportation with access to the industrial and commercial areas of downtown Cleveland.

3. Preserving the distinctive nature of the homes in the residential areas of the City of Shaker Heights, including many century homes and neighborhoods which have been designed and preserved for the purpose of the well-being of the communities within the City.

4. Preserving the image of the City as a community which is concerned about its fine stands of trees and other vegetation, which is evidenced by the tree trimming and preservation programs which have been provided by the City to its residents.

D. **General Requirements.**

1. Antennae shall be permitted as follows subject to the other requirements herein, including the requirements for structures located in a historic district:

a. One (1) private non-commercial antenna, including satellite receiving dishes of one meter or less and antennae designed to receive television broadcast signals, shall be permitted for each dwelling unit in SF and TF Districts.

b. One private non-commercial antenna serving a specific structure type, whether reception or transmission, is permitted per multiple-family building.

c. Two private non-commercial antenna serving a specific structure type, whether reception or transmission, is permitted per commercial use, whether freestanding or part of a multi-use building.

d. Antennae for the purpose of receiving RF signals and for amateur or "ham radio" transmitting are permitted in all districts.

2. **Other Antennae Require Conditional Use Permit.** Any antenna which does not fit into the above antennae types shall require a Conditional Use Permit.

E. **Size and Location Restrictions.** All antennae shall be mounted on anchored to the principle structure unless there is no practical placement location as determined by the Zoning Administrator.

1. Satellite dishes less than 1 meter in diameter and television broadcast antennae are exempt from a permit but have locational regulations:

a. Mounted to a principle structure: each antenna shall be located on that portion of a hip, gable, or gambrel roof which does not face a public street and shall be mounted behind the highest roof peak on the main structure. On flat roofs an antenna shall be located in a way so as to minimize its visibility from other properties. If affixed to the structure of buildings within the historic district, antennae and dishes must be installed to avoid damage, such that if the antenna is removed, it shall not have permanently altered the structure. When affixed to a masonry structure, antennae must be attached to the mortar joints, not to the face of the stone or brick.

b. Free-standing mounted in the ground: the maximum length or diameter of any antenna, exclusive of structural supports, shall not exceed ten (10) feet.

2. Antennae Anchored to Principal Structure. All antennae shall be mounted on anchored to the principle structure unless there is no practical placement location as determined by the Zoning Administrator.

The following regulations shall apply to all antennae which are affixed to the main structure except as provided above on any parcel, including but not limited to roof mounted antennae and towers which are mounted in the ground and affixed to the main structure for support. Antennae mounted on or affixed to detached garages and other accessory structures are not permitted in the City of Shaker Heights.

a. **Dimension.** The maximum length or diameter of any antenna, exclusive of structural supports, shall not exceed ten (10) feet.

b. **Mounting.** Each antenna shall be located on that portion of a hip, gable, or gambrel roof which does not face a public street and shall be mounted behind the highest roof peak on the main structure. On flat roofs an antenna shall be located in a way so as to minimize its visibility from other properties. If affixed to the structure of buildings within the historic district, antennae and dishes must be installed to avoid damage, such that if the antenna is removed, it shall not have permanently altered the structure. When affixed to a masonry structure, antennae must be attached to the mortar joints, not to the face of the stone or brick.

c. No antennae including structural supports shall exceed forty (40) feet in height above average grade, or ten (10) feet above a roof line, whichever is taller.

3. **Free Standing Antennae.** Free-standing antennae must be determined as a suitable alternative to being mounted or anchored to the principle structure by the Zoning Administrator. The Zoning Administrator must consider other practical locations mounted or anchored to the principle structure before considering a free-standing location.

The following regulations shall apply to all free standing antennae, which are those antennae mounted in the ground, with or without guy wires.

a. Freestanding antennae shall be constructed only in the rear yard between the side yard setbacks and no closer than ten (10) feet to any property line.

b. Free standing antennae which are transmitting and receiving antennae shall not be higher than ten (10) feet above the roof line of the main structure.

c. Free standing antennae which are receiving only, exclusive of supportive structure, shall not exceed a height of ten (10) feet, nor ten (10) square feet.

F. **Aesthetic and Screening Requirements.**

1. All free standing antennae shall be substantially screened by evergreen trees or shrubbery of at least the height of the unit, such screening may be open on one (1) side to facilitate reception.

2. The applicant shall demonstrate that the proposed location is such that during all seasons, no part of any ground mounted antennae structure will be visible to the neighbors and the general public from a point that is between the ground level and six (6) feet above ground level on surrounding property. This provision is satisfied by the installation of evergreen plantings, which shall screen the antennae at the time of installation.

3. Antennae shall be of a color compatible with the surrounding landscape and structures, provided such antennae above the roof line may be of the natural color of the antennae structure.

4. All installations shall exhibit architectural quality, coloration to blend with surroundings, and structural integrity. Experimental or temporary installations, inferior materials, and questionable stability are not permitted. In every case, the entire installation including evergreen plantings, shall be compatible with the character of the surrounding area of the City and shall have no adverse impact on the property, the neighborhood, or general public.

G. **Structural Safety Requirements.** The following structural safety requirements shall be applied to all antenna installations. The Building Department shall review antenna applications as required by the Building Code for conformance to these requirements.

1. If guy wires are used, they shall be sufficiently visible to prevent accident or injury to any person.

2. Every antennae shall be constructed in accordance with the Building Code of the City of Shaker Heights, as amended, including the electrical provisions thereof and shall also comply with specifications of the manufacturer.

H. Permit Required Application Requirements. All antennae, except for satellite receiving dishes of one meter or less and antennae designed to receive television broadcast and signals, shall be considered accessory structures and may only be installed upon obtaining a building permit from the Building Department, if necessary, and a code compliance check from the Zoning Administrator.

For all antennae other than a satellite receiving dish of one meter or less and antenna designed to receive television broadcast signals; the applicant must provide:

1. A plot plan showing proposed location and dish projection at extremes of the satellite band to be viewed.

2. Landscape plan showing existing and proposed vegetation for completely screening the installation from the neighboring and street view pursuant to, and as required by 1262.02.F., Aesthetic and Screening Requirements, and Chapter 1253, Landscaping and Screening Regulations, of this Zoning Ordinance.

3. A description of the use and purpose of the antenna, including whether it is receiveonly, transmitting-only, or both.

I. Impairment of Reception, Line of Sight and Technical Problems.

1. The above regulations are not intended to impair the reception of an acceptable quality signal for satellite viewing dishes of one meter or less and an alternative location or landscape plan shall be permitted when it is shown that they would result in such impairment.

2. The Zoning Administrator may consider alternate locations for an antenna which does not comply with this Zoning Ordinance, provided that the applicant has proven that such antenna will be entirely inoperable otherwise for any useful purpose, for reasons of "line of sight" or other technical reasons, or for reasons set forth in federal law or regulations.

1262.03 CHILD DAY CARE HOMES, TYPE A AND B.

A. Definition—Number of Children. Child day care homes are defined by the number of children for which they care.

1. Child Day Care Home, Type A. A permanent residence in which child day care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child day care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this Zoning Ordinance, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted.

2. **Child Day Care Home, Type B.** A permanent residence in which child day care or child day care homes are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at one time. In counting children for the purposes of this Zoning Ordinance, any children under six (6) years of age who are related to the provider and who are on the premises of the type B home shall be counted.

B. Location and Distance. Any Child Day Care Home shall be located in the primary residence of its operator. Child Day Care Homes shall be located no closer than five hundred (500) feet to any existing Child Day Care Facility upon the same street or nearest intersecting street. Neither shall any Child Day Care Home be located upon property contiguous with a property upon which another Child Day Care Facility is located.

C. Hours of Operation. Child Day Care Homes shall not be operated between the hours of eight thirty p.m. and six thirty a.m. (8:30 p.m.–6:30 a.m.).

D. Compliance. The provider shall be responsible for compliance with all applicable City ordinances and state and federal statutes and regulations.

E. Inspection. Each Child Day Care Home shall be subject to inspection by the Housing Director, Director of Health, and the Chief of Fire Prevention or their designees for conformance with applicable standards set forth in the City Health, Fire and Housing Codes. Inspections shall be conducted annually by the Health Department, Housing Inspection Department and Fire Prevention Department.

F. Licensing. Every Child Day Care Home shall file, and maintain current with the Zoning Administrator, proof of prior licensing (if any), certification or other approval of every public agency charged with its regulation.

G. Activity Area. If a Child Day Care Home shall provide and maintain an outdoor play area, such play area shall be fully enclosed by a fence, wall, or hedge of at least three (3) feet in height.

H. Evidence of No Contractual Restrictions. If the Child Day Care Provider is a lessee, a copy of the lease or other satisfactory documentation shall be provided as evidence that no contractual restrictions apply.

1262.04 DOG PENS AND DOG RUNS.

A. Dog Pens or Dog Runs shall conform to the general setback and height restrictions governing all Accessory Structures.

B. Except as otherwise provided by 1262.04.A above, fencing used to construct Dog Pens and Dog Runs shall comply with the requirements of Section 1262.05, Fences and Walls.

C. Fencing used to construct Dog Pens and Dog Runs shall be constructed in the prevalent style as the majority of any other fencing on the same property.

1262.05 FENCES AND WALLS.

A. Permit Required. No person shall erect or substantially alter a fence or wall in the City of Shaker Heights without having first obtained a building permit from the Building Department.

B. Fence Exemptions.

1. Fences and walls legally in existence at the time of adoption of this Zoning Ordinance which are not in violation of Sections 1262.05.C.3, and 1262.05.C.9, below, which do not present a safety hazard to pedestrian or vehicular traffic, and which do not prevent accessibility by emergency vehicles, may continue to be maintained and to exist, but may not be replaced if fifty percent (50%) or more of the fence or wall is either destroyed or removed and if the replacement would continue the existence of a violation of these regulations.

2. Fences required as a part of athletic facilities such as but not limited to softball diamonds or tennis courts may be permitted at heights in conformance with established recreation standards.

C. General Restrictions and Prohibitions.

1. No private fence or wall shall be erected within the public right-of-way, and the City shall have the right to require the removal of any fence on a public right-of-way at no cost to the City. All improvements made by residents shall be made on that resident's own property, and shall be maintained by the resident.

2. Snow fences shall not be placed in front yards except as specifically permitted by the City. Such fences shall be constructed of winter neutral colors such as brown or green. Snow fences shall only be permitted during the period beginning November 1 and ending March 30.

3. No fence or wall shall be maintained or erected if it is constructed with any material which is likely to inflict bodily harm should a person or animal come in contact with the fence or wall. Materials covered by this prohibition include sharp or ragged metal spikes or spears.

4. No wall which interrupts, impedes or otherwise alters the natural flow of water shall be erected in any residential district.

5. No barbed wire or barbed wire fences shall be erected in the City.

6. Chain link fences shall be permitted provided that, if visible from the street, they are 100% screened by evergreen vegetation and are constructed of a dark, neutral-colored, nonreflective material, as approved by the Zoning Administrator.

7. All fences and walls shall be erected in conformity with the wind and stress resistance requirements of the ordinances of the City of Shaker Heights.

8. All fences shall be erected so that their finished side faces out, and the unfinished side faces the property of the person who has caused said fence to be erected.

9. All fences, walls, hedges, and landscaped screening shall be maintained in good, structurally sound repair, and in neat, clean and attractive condition.

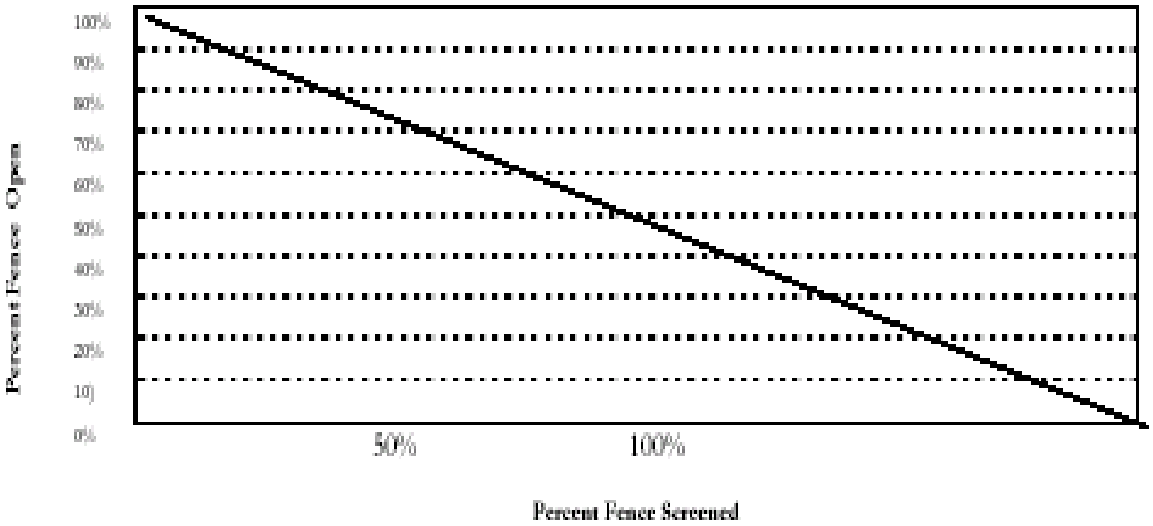
10. With respect to fences, the rear yard shall include the side yard up to the rear building line of the principal building.

11. Construction fence. See Section 1261.06 Temporary Uses.

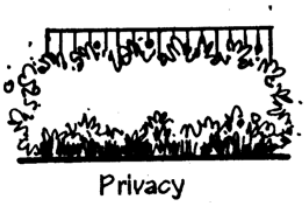
12. All fences other than chain link fences, when located in the front yard or when visible from the street, shall be visually softened with landscaped screening as follows:

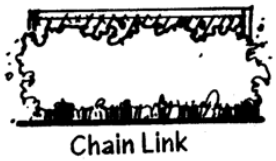
a. The amount of landscaped screening shall be proportional to the amount of solid fencing, as described in Figure 1262.05.C, Required Landscape Screening for Fences, below.

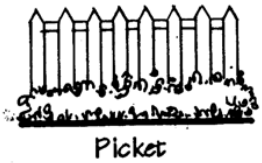
Figure 1262.05.C Required Landscape Screening for Fences

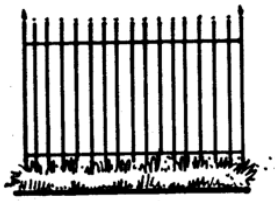


b. The amount of screening shall apply to the fullness of the landscaping material at its maturity, which shall occur a maximum of five (5) years from the time of planting.









or. Masonry walls land

D. Height and Setback Restrictions.

1. Fences shall meet the height and setback requirements of Table 1262.05.D
2. The height of fences shall be measured from the finished grade of the ground on which it is mounted, except when mounted on an earthen mound as used for buffering, in which case the height of the berm shall be included in the height of the fence.

Table 1262.05.D. Summary of Fence Regulations

		SF1	SF2	SF3	TF	MF	A	O	C1	C2	C3	CM	I	PR
Maximum Fence Height	Front	Three (3) feet.			Four (4) feet.						Six (6) feet.		Four (4) feet.	Three (3) feet.
	Corner side	Six (6) feet												
	Interior Side	Six (6) feet						Eight (8) feet					Six (6) feet	
	Rear	Six (6) feet						Eight (8) feet						
Minimum Fence Setback	Front	2/3 setback						Setback line					2/3 setback	
	Corner side	Setback of the adjacent reverse corner lot.												
	Interior Side	Property line, provided both applicant and neighbor have ten (10) foot side yard						Property line					Property line, provided both applicant and neighbor have ten (10) foot side yard	
	Rear	Property line												

E. Special Restrictions by Location of Fence.

1. Interior Side Yards. The following shall apply to fences located in the interior side yard of all residential districts and the I Institutional District:

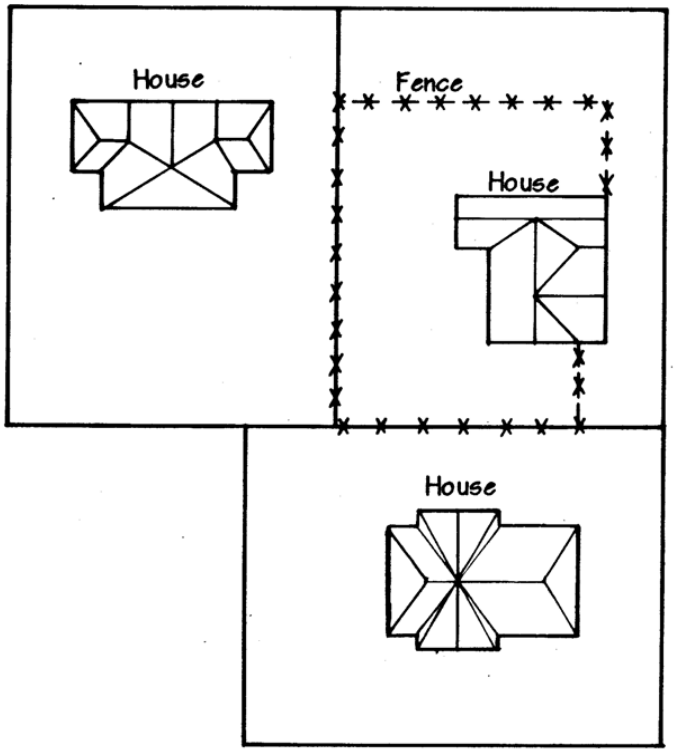
a. Fences shall only be permitted in interior side yards provided that the principal buildings on both the applicant's lot and the adjacent lot maintain a side yard setback of at least ten (10) feet.

b. Fences in interior side yards shall not extend in front of the principal building setback line.

c. Fences in interior side yards may be built up to the principal building setback line for the purpose of providing a return, but only if screened pursuant to Section 1262.05.C.7 above.

2. **Corner Side Yards.** Fences located in corner side yards shall not extend in front of the setback line of the principal building on the adjacent lot.

Figure 1262.05.E Fences in Corner Side Yards



3. **Rear Yards.**

a. Fences in rear yards which exceed the height of side yard fences shall extend no further than the rear of the principal building.

b. Fences located in the rear yard of any lot in any residential districts or the I Institutional District may be increased to eight (8) feet in height if such yard abuts the MF Multiple-Family Residential District, the A Apartment District, or any Commercial district.

1262.06 GARAGES, MULTIPLE-FAMILY AND APARTMENT.

A. Garages for multiple-family and apartment dwellings shall be constructed below grade, underneath the side and rear yards, and no closer than three (3) feet to the property line. The roof of such facilities shall not exceed three (3) feet above average grade and shall be completely covered over with earth and landscaped.

B. If the multiple-family or apartment garage is detached from the main dwelling, the garage shall be constructed no closer than twenty (20) feet from the main dwelling.

C. Multiple-family and apartment garages shall meet the height and size requirements of Table 1262.06, below.

D. Multiple-family and apartment garages may be located up to the lot line, but only within the rear yard setback, provided the wall of such garage is constructed of fire proof material in accordance with the ordinances of the City of Shaker Heights.

Table 1262.06. Summary of Regulations for Multiple-Family Garages

		MF	**A**
Minimum number of car spaces		Pursuant to Chapter 1251, Off-Street Parking Regulations.	
Maximum number of car spaces		None	
Maximum Garage Height		Twenty-five (25) ft.	
Minimum Garage Setback	Side	Three (3) ft., or property line if wall is fireproofed.	
	Rear	Three (3) ft., or property line if wall is fireproofed	
Maximum square footage		None	

1262.07 GARAGES, SINGLE- AND TWO-FAMILY RESIDENTIAL.

Garages in Single- and Two-Family Residential zones shall properly relate to the public streets by direct vehicular access while maintaining a design and appearance clearly subordinate to the principal building on the lot. Such design shall promote safety, aesthetic quality and vehicular and pedestrian convenience and shall minimize vehicular and pedestrian conflicts, congestion and any deteriorating effects on property values. Additionally, the following standards shall be observed:

A. Only one (1) garage structure shall be provided on any lot used for a Single- or Two-Family dwelling.

B. Such garage shall be attached to the principal building where a majority of the garages on the same block are also attached, and such garage shall be detached from the principal building where a majority of the garages on the same block are also detached. A variance from this restriction may be granted when the Board of Zoning Appeals determines that a garage of a different type will not adversely affect the use, enjoyment and valuation of properties.

C. Doors on all garages shall not face the street except on corner lots or except where a majority of the garage doors on a given block face the street.

Table 1262.07. Summary of Regulations for Single- and Two-Family Garages

		SF1	SF2	SF3	TF
Minimum number of garage spaces		2	2	2	3
Maximum number of garage spaces		4	3	2	4
Maximum Garage Height		Setback 10 Feet = Maximum Height 20 feet Setback 5 Feet = Maximum Height 17 feet Setback 3 Feet = Maximum Height 15 feet			
Minimum Garage Setback	Front	n/a - permitted in rear yard only			
	Corner Side	n/a - permitted in rear yard only			
	Side	5 ft. for SF 1 or 3 ft. or property line if fire-proofed per building code and under 15 feet tall in other districts.			
	Rear	5 ft. for SF 1 or 3 ft. or property line if fire-proofed per building code and under 15 feet tall in other districts.			
Maximum square footage		800 sq. ft.	700 sq. ft.	600 sq. ft.	800 sq. ft.

D. Garages shall meet the height and size requirements of Table 1262.07, Summary of Requirement for Single- and Two-Family Garages, except that where such size would exceed maximum permissible yard coverage, the required garage size shall be limited to that size which results in the maximum permissible lot coverage.

E. Garages may be located up to the lot line, but only within the rear and side yard setback, provided the wall of such garage is constructed of fireproof material in accordance with the ordinances of the City of Shaker Heights. Fireproofed garages may be located up to the property line only if fifteen (15) feet tall or less.

1262.08 HEATING, VENTILATION AND AIR CONDITIONING AND OTHER MOTORIZED EQUIPMENT.

A. In the MF, A, Commercial, and Office Districts, such equipment shall be located either indoors or on the roof of the principal building, and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

B. In front or corner side yards, such equipment shall be located within five (5) feet of the structure or use it serves and screened by evergreen foundation plantings which measure, at maturity, at least as high as the unit itself.

C. In an interior side yard, such equipment shall be located within five (5) feet of the structure or use it serves. Such equipment shall only be permitted in interior side yards measuring a minimum of twenty-five (25) feet, and shall only be located in that part of the yard that exceeds
the minimum side yard requirement. Such equipment shall be screened by a solid fence and/or evergreen vegetation that measures, at its maturity, at least as high as the equipment itself.

D. In the rear yard, such equipment shall be located within ten (10) feet of the structure or use it serves unless otherwise restricted by another ordinance and shall not be located within the side yard setback. Such equipment shall be screened from the side by a solid fence and/or evergreen vegetation which measures, at its maturity, at least as high as the equipment itself.

E. Any heating, ventilation, air conditioning equipment, and other motorized equipment (other than an individual window unit) and any swimming pool pumping and filtering equipment shall be screened to its full height from the view of the street and abutting properties by a solid fence and/or evergreen vegetation, and such screening shall be approved by the Zoning Administrator.

1262.09 HOME OCCUPATIONS.

Home Occupations are regulated in order to ensure that their effects are not inappropriate to their location in residential districts.

A. The entrepreneur of every Home Occupation shall reside in the dwelling unit in which the business operates.

B. Only one (1) employee in connection with the Home Occupation who is not an actual resident of the dwelling unit may be on the site at any one (1) time.

C. All Home Occupation use activity conducted at the site of the Home Occupation shall be conducted entirely within a completely enclosed dwelling unit. Use of garage (detached or attached) or other building or structure accessory to the principal building on the zoning lot for any Home Occupation is expressly prohibited.

D. The Home Occupation shall not interfere with the delivery of utilities or other services to the area.

E. The total interior floor area used for the Home Occupation shall not exceed twenty percent (20%) of the total interior floor area of the dwelling or six hundred (600) square feet, whichever is less.

F. The activity should not generate any noise, vibrations, smoke, dust, odors, heat, glare, or interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit in a residential zoning district.

G. No toxic, explosive, flammable, radioactive, or otherwise hazardous materials, nor any excessive waste materials whatsoever, shall be used, sold, or stored on the site. However, such materials common to ordinary household use are permitted, provided the quantity of such materials does not exceed that found in ordinary household use.

H. There shall be no advertising, signs, display, or other indications of a Home Occupation in the yard, on the exterior of the dwelling unit or visible from the exterior of the dwelling unit.

I. There shall be no alteration of the residential appearance of the premises, including no separate or exclusive business entrance(s) or placement of any sign.

J. No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.

K. No more than one vehicle shall be used in connection with a Home Occupation. The Home Occupation vehicle must be of a type ordinarily used for conventional private passenger transportation, i.e., passenger automobile, or vans and pickup trucks not exceeding Class 3 on the Federal Highway Administration's Vehicle Classification System, as defined under Truck, Chapter 1211, Definitions and Rules of Word Usage. Further, the Home Occupation vehicle shall not require more than a passenger class driver's license or be a vehicle designed for carrying more than twelve (12) persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight, or cargo. Vehicles used accessory to a Home Occupation must be stored in the garage with the door drawn.

L. Deliveries from commercial suppliers shall not be made by any vehicle that exceeds Class 5 in the Federal Highway Administration classification system, as defined in Chapter 1211, Definitions and Rules of Word Usage. Deliveries shall not restrict traffic circulation and must occur between 9:00 a.m. and 5:00 p.m. Monday through Friday. Deliveries shall not occur so frequently as to interfere with the quiet peace of a residential neighborhood.

M. No more than ten (10) cars shall be permitted to visit the home occupation during the daily permitted period. No more than two (2) cars may visit at one (1) time.

N. No visitors accessory to the Home Occupation (clients, patrons, pupils, sales persons, etc.) shall be permitted between the hours of 9:00 p.m. and 6:00 a.m.

O. The following are prohibited as home occupations:

1. Large-scale manufacturing.
2. Large-scale assembly.
3. Warehousing.
4. Distribution as a sole activity.
5. Direct sales or servicing of products.
6. Direct sales and/or rentals of products stored on display shelves or racks.
7. Automotive repair and/or automotive sales lot.

P. Occasional sales of artwork, dresses, and similar uses, as determined by the zoning administrator, shall be regulated pursuant to Chapter 1261, Temporary Uses.

Q. More than one (1) Home Occupation may be permitted within an individual dwelling unit, provided all other standards and criteria applicable to Home Occupations are complied with. Such criteria shall be applied cumulatively to both uses as opposed to singularly to each use. (For example, all Home Occupations within the same dwelling unit may cumulatively use no more than twenty percent (20%) or six-hundred (600) square feet of the dwelling unit.)

1262.10 ORNAMENTAL STRUCTURES AND GREENHOUSES.

Ornamental Structures such as gazebos or greenhouses shall be located in the rear yard only and no closer than ten (10) feet to a property line. Such ten (10) foot setback shall consist of landscaping pursuant to Chapter 1253, Landscaping and Screening Regulations, and to be approved by the Zoning Administrator. Accessory Ornamental Structures shall not be located within the required twenty-five (25) foot landscape yard of the I Institutional District or PR Park and Recreation District. The maximum height of any Ornamental Structure shall be fifteen (15) feet.

1262.11 OUTDOOR DINING.

Outdoor Dining may be granted an accessory use only in the O, C1, C2 and CM Districts.

A. **Location.** Outdoor Dining shall only be permitted as an accessory use to an indoor restaurant. Outdoor seating shall not obstruct a public right-of-way or sidewalk nor any entrance or exit to the restaurant.

B. **Number of Seats.** The number of seats permitted outdoor shall be no greater than thirty percent (30%) of the number of seats inside the restaurant.

C. **Additional Standards.**

1. Outdoor seating areas shall be limited to seating only, and shall not include table bussing facilities, cooking facilities, or trash facilities.

2. In the side or rear yard, the Zoning Administrator may specifically permit outdoor cooking facilities subject to all the requirements of the City Health Code.

3. Outdoor heaters may be permitted pursuant to the city Health and Fire Codes of Shaker Heights.

1262.12 PARKING STRUCTURES.

A. Above grade multi-level parking structures shall be designed to reflect the architectural character and quality of the principal building and shall require approval of the Architectural Board of Review.

B. Parking Structures shall meet the height and setback requirements of Table 1262.11, Summary of Regulations for Parking Structures, below.

C. Parking Structures may be located up to the lot line, only within the rear yard setback, provided the wall of such garage is constructed of fire proof material in accordance with the ordinances of the City of Shaker Heights.

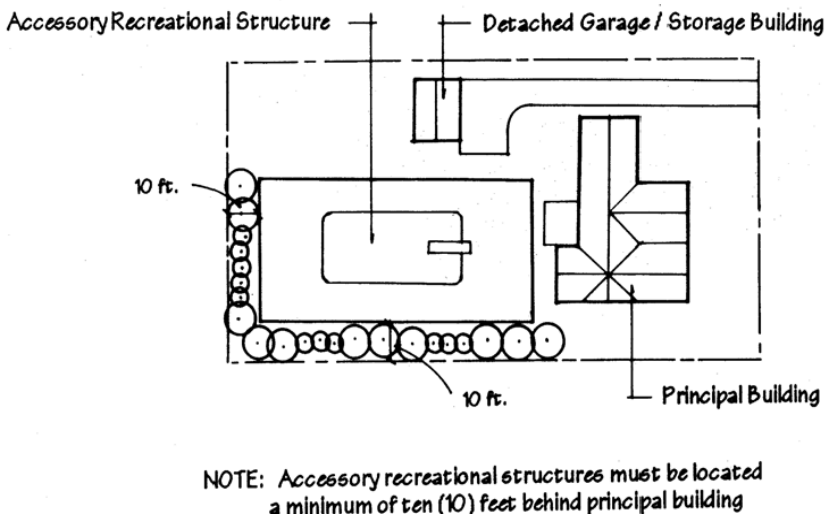
Table 1262.12. Summary of Regulations for Parking Structures

		MF	A	O	C2	C3	CM
Minimum number of structure spaces		Pursuant to Chapter 1251, Off-Street Parking Regulations.					
Maximum number of structure spaces		None					
Maximum Structure Height		25 ft.	25 ft.	Flat roof 15 ft. peaked roof 25 ft.	None		
Minimum Structure Setback	Side	3 ft., or property line if wall is fireproofed					
	Rear	3 ft., or property line if wall is fireproofed.					
Maximum square footage		None					

1262.13 RECREATIONAL STRUCTURES.

Recreational Structures such as children's play equipment, tennis courts and other recreational facilities requiring special fencing or playing courts shall be located no closer than ten (10) feet to a property line, or twenty-five (25) feet for playground equipment accessory to a school or located in the I Institutional District or PR Park and Recreation District. Such setback shall consist of landscaping pursuant to Chapter 1253, Landscaping and Screening Regulations, and to be approved by the Zoning Administrator. Such uses shall have a maximum height of fifteen (15) feet.

Figure 1262.13 Recreation Structures



1262.14 ROOMERS.

Rental to Roomers is permitted within a Single-Family or Two-Family dwelling, subject to the standards herein and provided that such room is an integral part of the dwelling unit in which it is located and contains no separate facilities which could be used for cooking or food preparation which includes microwaves, stoves, refrigerators and kitchen sinks as some examples. Single-Family units may be permitted to rent to one (1) Roomer. Two-Family dwellings may be permitted to rent to one (1) Roomer per unit. Separate third-floor living accommodations within Two-Family dwellings are prohibited.

1262.15 STORAGE OF VEHICLES.

A. General Requirements.

1. All vehicles in the City of Shaker Heights must be stored within an enclosed building except in those districts specifically permitting accessory storage of vehicles. Where accessory storage of vehicles is allowed, it shall be provided pursuant to the following:

a. Residential Districts. Storage of recreational vehicles or trailers is a permitted accessory use in all residential districts. Such vehicles may be stored only behind the front setback line and landscaped.

b. C2, C3, and CM Commercial Districts. Storage of privately owned commercial trucks is a permitted accessory use in the C2 C3, and CM Districts.

2. Vehicles other than passenger vehicles shall be adequately screened as determined by the Zoning Administrator after reviewing a screening plan submitted by the property owner or resident and subject to all the limitations and requirements of this section.

3. No stored or parked vehicle shall be occupied or used for human habitation.

B. General Prohibition in Residential Districts. The parking and storage of any vehicle, other than passenger cars and including any vehicle carried on a trailer, shall not be allowed in any residential district for longer than two (2) days except:

1. On a non-recurring basis.

2. Within an enclosed building which meets the requirements of all applicable ordinances.

3. Outdoors, as restricted in this section.

4. For delivery vehicles engaged in loading or unloading.

5. For vehicles parked in connection with current work being done on the premises.

6. A recreational vehicle may be temporarily parked or stored in a side yard driveway or front yard driveway of a residence for no more than two (2) days and then only for the express purpose of loading, unloading or housekeeping tasks related to embarking or returning from a trip.

C. Other Restrictions in Residential Districts.

1. No vehicle which is in a state of externally visible disrepair or partial construction shall be stored or parked outdoors in a residential zone, but shall be stored or parked only within an enclosed building meeting the requirements of all applicable regulations.

2. All such motor vehicles in public view on the premises shall be in operating condition and in compliance with all motor vehicle safety, equipment, and registration licensing laws displaying proper tags and validation stickers.

3. No more than one (1) of the following may be stored or parked outdoors on any lot in a residential zone: a recreation vehicle a boat (including its trailer if the boat is mounted thereon) or two (2) snowmobiles, motorcycles, or all-terrain vehicles (ATVs) if both are mounted on one (1) trailer. In no case shall more than one (1) such trailer be allowed. All stored recreational vehicles must be screened pursuant to review by the Zoning Administrator.

D. Restrictions in Commercial Districts. Outdoor Storage of Vehicles, as permitted in the C2 or C3 Districts, shall be regulated pursuant to Chapter 1251, Off-Street Parking Regulations Section 1253.08, Parking Lot Landscaping and Chapter 1253, Landscape Buffers and Screening.

E. Restrictions Based on Vehicle Size. No vehicle in excess Class 5 of the Federal Highway Administration classifications system, as defined by Chapter 1211, Definitions and Rules of Word Usage, shall be stored or parked within the City except for temporary parking by customers or vendors in a commercial district.

F. Waivers by the Zoning Administrator. The Zoning Administrator may grant a temporary waiver of these parking restrictions for a reasonable period of time.

1262.16 STORAGE STRUCTURES.

Accessory Storage Structures shall have a minimum side and rear yard setback to rear and side property lines of five (5) feet in the SF1 District, and three (3) feet to rear and side property lines in all other districts. However, such uses may be located up to the lot line, only within the rear yard setback, provided the wall of the storage structure is constructed of fire proof masonry material in accordance with the ordinances of the City of Shaker Heights. Such uses shall have a maximum height of ten (10) feet.

1262.17 SWIMMING POOLS AND HOT TUBS (OUTDOOR).

A. Types of Pools and Hot Tubs Permitted.

1. Only below grade or children's swimming pools shall be permitted in the City of Shaker Heights. Children's swimming pools are defined as those which are a maximum of two (2) feet in depth and ten (10) feet in diameter.

2. Hot tubs are also permitted in the City of Shaker Heights, either below or above grade, provided that they do not exceed eight (8) feet in exterior diameter and seven (7) feet in interior diameter or four (4) feet in depth or height as measured from finished grade. Hot tubs that exceed these size requirements shall be considered swimming pools.

B. Conformity with Other Regulations and Permits. Swimming Pools and Hot Tubs shall be regulated subject to the Health Codes of the City of Shaker Heights, Ohio and any applicable state requirements. Mechanical equipment shall require a permit from the Building Department, if applicable.

C. Regulations.

1. Below Grade Pools. Swimming Pools shall be surrounded by a deck measuring at least four (4) feet in width. The entire pool and deck area shall be enclosed by a fence or wall of at least four (4) feet in height with a self-latching gate.

2. Hot Tubs. Hot Tubs shall either be secured with a locked cover or shall be entirely enclosed by a fence or wall of at least four (4) feet in height with a self-latching gate.

D. Landscaped Setback Required. Accessory Swimming Pools and Hot Tubs and their mechanical equipment shall be located no closer than ten (10) feet to a property line. The ten (10) foot setback shall consist of landscaping pursuant to Chapter 1253, Landscaping and Screening Regulations, and to be approved by the Zoning Administrator. No Swimming Pool or Hot Tub or its mechanical equipment shall be located within the twenty-five (25) foot landscaped yard of any lot in the I Institutional or PR Park and Recreation Districts.

1262.18 TELEPHONES, PUBLIC.

A. Public Telephones shall be attached to the principal structure on the lot on which they are located. Public Telephones which are not attached to the principal structure may be permitted by the Zoning Administrator provided that such phone does not interfere with parking spaces or pedestrian or vehicular circulation.

B. No part of the phone or the structure to which it is attached shall be illuminated.

C. Public Telephones may have one (1) identification sign of no greater than one (1) square foot in area.

D. Phones shall not be located in a required setback.

CHAPTER 1263
Conditional Uses

1263.01 Amusement devices in excess of two.
1263.02 Animal hospitals and veterinarian's offices.
1263.03 Assembly of finished goods packaging of finished goods.
1263.04 Assisted living facilities convalescent, nursing or rest homes.
1263.05 Automotive related uses.
1263.06 Band shells and amphitheaters theaters and assembly halls.
1263.07 Day care centers, adult.
1263.08 Day care centers, child.
1263.09 Child day care homes, Type A and B.
1263.10 Drive-through facilities.
1263.11 Dwelling units located above the first floor.
1263.12 Fire and police stations municipal service uses, and utilities.
1263.13 Home occupations.
1263.14 Hospitals.
1263.15 Laboratories and research facilities.
1263.16 Mid-rise office development.
1263.17 Outdoor storage.
1263.18 Parking structures.
1263.19 Places of worship.
1263.20 Schools, primary and secondary, private.
1263.21 Schools, specialized instructional.
1263.22 Self storage facility.
1263.23 Work/live units.
1263.24 Small lot infill developments.

CROSS REFERENCES
Conditional use defined - see P. & Z. 1211.02
Conditional use procedures - see P. & Z. 1213.05

Conditional Uses are those uses which, because of their unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. Such uses may be permitted upon the granting of a conditional use permit pursuant to Section 1213.05, Conditional Uses. However, in no case shall a Conditional Use Permit be granted for any use which does not meet the applicable criteria listed for it below.

1263.01 AMUSEMENT DEVICES IN EXCESS OF TWO.

Amusement devices in excess of two (2) may be granted a Conditional Use Permit only in the C2, CM, and C3 Districts.

A. Proof of Permit. The applicant shall show proof of an Amusement Device Permit obtained from the Shaker Heights Chief of Police pursuant to 505.02 of the Shaker Heights Business Regulation Code.

B. **Accessory Use.** If the amusement devices in excess of two (2) are an accessory use, the Commission, when reviewing the conditional use application, shall consider if the amusement devices in excess of two (2) detract from or interfere with the normal and customary operation of the primary use.

C. **Location and Layout.** Amusement devices in excess of two (2) shall be located with respect to the following:

1. Amusement devices shall be located on a business premises in such a manner so as not to impair ingress to or egress from the premises, and so as not to interfere with the necessary or customary circulation of customers and employees.

2. The devices shall be located in a manner that will discourage excessive congregation of persons around the devices.

3. The devices shall be located in conformity with the floor plan approved in accordance with the Amusement Device Permit.

4. Amusement devices shall be located where they are visible to the permit holder or his or her authorized representative. Otherwise, separate full-time supervision of amusement devices shall be provided with the capability to isolate the amusement devices from public access when such supervision is not provided.

D. **Expiration of Conditional Use Permit.** Conditional Use Permits issued pursuant to this Section shall expire if the Amusement Devise Permit is not renewed pursuant to Section 505.04 (d) of the Shaker Heights Business Regulations Code, or if such permit is revoked by the Chief of Police pursuant to Section 505.07(b) of the Business Regulation Code.

1263.02 ANIMAL HOSPITALS AND VETERINARIAN'S OFFICES.

Animal Hospitals and Veterinarian's Offices may be granted a Conditional Use Permit only in the C2, C3, and CM Districts.

A. Such uses shall not create a nuisance in terms of their smell, noise, or any other reason shall comply with the applicable Codes of the City of Shaker Heights and shall be further regulated pursuant to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.

B. Such uses shall be located a minimum of one hundred (100) lineal feet from any residential use.

C. Outdoor storage accessory to the use shall be regulated pursuant to Section 1263.16 of this Chapter and to Section 1253.09, Landscape Buffers and Screening.

1263.03 ASSEMBLY OF FINISHED GOODS PACKAGING OF FINISHED GOODS.

Assembly of finished goods and Packaging of finished goods may be granted a Conditional Use Permit only in the C3 and CM Districts.

A. The location, configuration, and manner of operating of off-street parking and loading areas, service areas, circulation systems, entrances, exits, lighting, or other similar areas shall be designed to avoid adverse effects on: 1) residential uses adjoining the development, 2) traffic congestion, and 3) hazard to vehicular or pedestrian traffic.

B. Deliveries shall not take place between eleven (11) p.m. and five (5) a.m. and may be further restricted by the City Planning Commission based on their location and other relevant factors.

C. Such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening. In addition, those uses adjacent to a residential district shall be buffered by a brick wall of at least six (6) feet in height.
(Ord. 13-16. Passed 5-28-13.)

1263.04 ASSISTED LIVING FACILITIES CONVALESCENT, NURSING OR REST HOMES.

Assisted living facilities may be granted a Conditional Use Permit in the A, C2, CM, and I Districts. Convalescent, nursing, or rest homes may be granted a Conditional Use Permit in the C2 and CM Districts.

A. Location.

1. When assessing the appropriate location for these facilities, consideration should be given to the neighborhood's safety, traffic, and noise level.

2. The site shall be limited in slope to five percent (5%).

B. Accessibility and Safety.

1. The site and structure shall meet the requirements of the Americans with Disabilities Act (ADA) and any applicable state code requirements.

2. Exterior site plans shall include adequate lighting, sidewalks, and drop-off zones and shall provide for the separation of vehicular and pedestrian traffic.

C. Open Space and Recreation. Such facilities shall provide adequate open space on site.

D. Design. Such facilities should be designed in proportion to their surrounding neighborhood and community.

E. Deliveries. Deliveries shall not take place between eleven (11) p.m. and five (5) a.m. and may be further restricted by the City Planning Commission based on their location and other relevant factors.

1263.05 AUTOMOTIVE RELATED USES.

Automotive Related Uses may be granted a Conditional Use Permit only in the C2 and C3 Districts.

A. Uses Included. Automotive related uses shall include but not be limited to: auto sales, auto rental and leasing, auto repair shops, automotive fuel stations, car washes, auto upholstery shops, auto part and tire sales, camper installation businesses, van conversion businesses and the like.

B. General Requirements for All Automotive Uses.

1. The proposed use shall not intrude into a concentration of retail uses and shall not impede pedestrian circulation between retail uses.

2. The proposed use shall not create unreasonable obstructions to traffic circulation around or near the site.

3. No curb cuts shall be permitted within forty (40) feet of any public roadway intersection.

4. All utilities shall be entirely enclosed or buried and shall require an electrical permit from the Building Department.

5. Automotive related uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening. In addition, automotive uses adjacent to a residential district shall be buffered by a brick wall of at least six (6) feet in height.

6. Outdoor storage accessory to the use shall be regulated pursuant to Section 1263.17, Outdoor Storage, of this Chapter and to Section 1253.09, Landscape Buffers and Screening, except for the display and sale of goods sold on the premises of automotive fuel stations which shall be regulated pursuant to Section 1260.02, Permitted Outdoor Business Activities.

C. Automotive Fuel Sales (with or without Convenience Retail or Food Sales).

1. Convenience retail and/or food sales may be a permitted accessory use to fuel sales, provided that the retail and/or food service uses accessory to an automotive fuel station shall be provided with parking pursuant to Chapter 1251, Off-Street Parking Regulations.

2. Automotive fuel stations shall be located on lots no smaller than fifteen thousand (15,000) square feet, except that automotive fuel stations with convenience retail or food sales shall be located on lots no smaller than thirty thousand (30,000) square feet.

3. At any Automotive Fuel Station, gasoline pump islands shall be erected no closer than twelve (12) feet to any property line or building, and driveways or islands on the premises shall be designed to serve vehicles standing entirely on said premises.

4. No vehicles may be stored at the site for purposes of sale, unless the use is also a vehicle sales lot or for the use as parts for vehicles under repair.

5. No inoperable vehicle shall be permanently stored on the site for a period of greater than thirty (30) days.

6. Outdoor storage accessory to the use shall be regulated pursuant to Section 1263.17, Outdoor Storage, of this Chapter and to Section 1253.09, Landscape Buffers and Screening, except for the display and sale of goods sold on the premises which shall be regulated pursuant to Section 1260.02, Permitted Outdoor Business Activities.

D. Automotive Service and Repair Shops.

1. No vehicles may be stored at the site for purposes of sale, unless the use is also a vehicle sales lot or for the use as parts for vehicles under repair and

2. No vehicle shall be stored on the site for a period of greater than thirty (30) days.

3. The temporary storage of vehicles shall be regulated pursuant to Section 1262.15, Storage of vehicles, and Section 1253.09, Landscape Buffers and Screening.

E. Automobile Dealerships. Automobile dealerships shall be located on lots no smaller than eighty-five thousand (85,000) square feet.

(Ord. 04-132. Enacted 11-22-04.)

1263.06 BAND SHELLS AND AMPHITHEATERS THEATERS AND ASSEMBLY HALLS.

Band Shells and Amphitheaters may be granted a Conditional Use Permit only in the C2, CM, I, and PR Districts. Theaters and Assembly Halls may be granted a Conditional Use Permit only in the C2, C3, CM, and I Districts.

A. The location, configuration, and manner of operating of off-street parking and loading areas, service areas, circulation systems, entrances, exits, lighting, sound systems or other similar areas shall be designed to avoid adverse effects on: 1) residential uses adjoining the development, 2) traffic congestion, and 3) hazard to vehicular or pedestrian traffic.

B. Adequate off-street parking shall be maintained for the use.

C. Bandshells and Amphitheaters which are primarily outdoors shall make provisions for adequate maintenance in the off-season.

D. Noise generated by the use shall not create a nuisance as determined by the ordinances of the City of Shaker Heights.

E. Such uses shall be located a minimum of five hundred (500) lineal feet from any single-family or two-family residential use.

(Ord. 13-16. Passed 5-28-13.)

1263.07 DAY CARE CENTERS, ADULT.

Adult Day Care Centers may be granted a Conditional Use Permit only in the C1, C2, C3, CM, and I Districts.

A. Such uses shall meet all applicable federal, state, or local requirements, such as but not limited to, licensing, health, and safety regulations.

B. Exterior site plans shall include adequate lighting, sidewalks, and drop-off zones and shall provide for the separation of vehicular and pedestrian traffic.

1263.08 DAY CARE CENTERS, CHILD.

Child Day Care Centers may be granted a Conditional Use Permit only in the C1, C2, C3, CM, I, and PR districts. They are a permitted accessory use in the O Office District. They are a permitted accessory use in the I Institutional District if primarily serving that institution or business. Child Day Care Centers are also permitted as an accessory use to Places of Worship in the A Apartment Residential District.

A. Child Day Care Centers shall meet all applicable federal, state, or local requirements such as, but not limited to, licensing, health, and safety regulations.

B. If the Child Day Care Center provides an outdoor play area, such play area shall be fully enclosed by a fence, wall, or hedge of at least three (3) feet in height.

C. Exterior site plans shall include adequate lighting, sidewalks, and drop-off zones and shall provide for the separation of vehicular and pedestrian traffic.

1263.09 CHILD DAY CARE HOMES, TYPE A AND B.

Child Day Care Homes, Type A may be granted a Conditional Use Permit only in the SF1, SF2, and SF3 Districts. Child Day Care Homes, Type B may be granted a Conditional Use Permit only in the MF and A Districts. They are a permitted accessory use in the SF1, SF2, SF3, and TF
Districts. All Child Day Care Homes shall be operated pursuant to Section 1262.03, Child Day Care Homes Type A and B.

1263.10 DRIVE-THROUGH FACILITIES.

Drive-Through Facilities may be granted a Conditional Use Permit only in the O, C1, C2, C3, and CM Districts. Such facilities may typically be associated with the following: fast-food restaurants, dry cleaners, banks and other financial institutions, and freestanding automatic teller machines.

A. **Location.** Drive-through facilities shall not be located in front of the principal building.

B. **Hours of Operation.** Attended drive-through facilities shall not be operated between eleven (11) p.m. and five (5) a.m. and may be further restricted by the City Planning Commission based on the location, type of use with which they are associated, and other relevant factors.

C. **Lot Coverage.** A drive-through structure shall not cover more than ten percent (10%) of the lot.

D. **Site Design and Layout.**

1. A drive-through structure shall not be provided additional curb cuts except as recommended through site plan review.

2. Maneuvering space shall be provided in the rear or side yard.

3. Design of maneuvering and stacking aisles for the drive-through shall not interfere with circulation or visibility for traffic either on or off site.

4. The radius of drive through lanes shall be a minimum of forty-five (45) feet.

5. A minimum of five (5) stacking spaces shall be provided within the drive through lane.

E. **Landscaping.** Drive-through facilities shall be buffered with landscaping pursuant to Chapter 1253.09, Landscape Buffers and Screening. Where abutting residential districts, such buffer shall include a solid brick wall of at least six (6) feet in height.

F. **Additional Standards.**

1. Signs associated with a drive-through facility shall be regulated pursuant to Chapter 1250, Sign Regulations.

2. All utilities associated with a drive through facility shall be entirely enclosed or buried and shall require an electrical permit from the Building Department, where applicable.

1263.11 DWELLING UNITS LOCATED ABOVE THE FIRST FLOOR.

Dwelling Units Above the First Floor may be granted a Conditional Use Permit only in the C1, C2, and C3 Districts.

A. Such uses should be designed in proportion to their surrounding neighborhood and community.

B. All dwelling units shall meet the applicable City codes for issues such as, but not limited to, fire and safety.

C. The minimum square feet per dwelling unit shall be provided pursuant to the standards of the A Apartment District, Section 1225.05.B, Minimum Area Per Dwelling Unit.

D. The site and structure shall meet the requirements of the Americans with Disabilities Act (ADA).

(Ord. 13-16. Passed 5-28-13.)

1263.12 FIRE AND POLICE STATIONS MUNICIPAL SERVICE USES, AND UTILITIES.

Both Fire and police stations and Municipal Service Uses may be granted a Conditional Use Permit only in the C2, CM and I Districts. Fire stations also may be granted a conditional use permit in the PR District. Both Fire and police stations and Municipal Service Uses are permitted uses in the C3 District. Utilities may be granted a Conditional Use Permit in all districts, except for the I District, where only minor support items are allowed as an accessory use.

A. Such uses shall not create a nuisance in terms of their smell, noise, or any other reason, shall comply with the applicable Codes of the City of Shaker Heights, and shall be further regulated pursuant to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.

B. Such uses shall be located a minimum of five hundred (500) lineal feet from any residential use.

C. Such uses shall be setback a minimum of twenty-five (25) feet from all lot lines.

D. Vehicular storage associated with such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening. Where abutting residential districts, such buffer shall include a solid brick wall of at least six (6) feet in height.

1263.13 HOME OCCUPATIONS.

Home occupations may be granted a Conditional Use Permit in the MF, A, and CM Districts. They are a permitted accessory use in the SF1, SF2, SF3 and TF Districts. All Home Occupations shall be operated pursuant to Section 1262.09, Home Occupation, except as may be specifically authorized by the City Planning Commission.
(Ord. 13-16. Passed 5-28-13.)

1263.14 HOSPITALS.

Hospitals may be granted a Conditional Use Permit only in the C3 and CM Districts.

A. **Site Distance.** Hospitals shall be located a minimum of five hundred (500) lineal feet from any residential use.

B. **Site Design.**

1. The location, configuration, and manner of operating of off-street parking and loading areas, service areas, circulation systems, entrances, exits, lighting, or similar areas shall be designed to avoid adverse effects on: 1) residential uses adjoining the development, 2) traffic congestion, and 3) hazard to vehicular or pedestrian traffic.

2. Exterior site plans shall include adequate lighting, sidewalks, and drop-off zones and shall provide for the separation of vehicular and pedestrian traffic.

C. **Conformity with Other Regulations.** Hospitals shall meet all applicable federal, state, or local requirements, such as but not limited to, licensing, health, and safety regulations.

D. **No Nuisance.** Such uses shall not create a nuisance in terms of their smell, noise, or any other reason, shall comply with the applicable Codes of the City of Shaker Heights, and shall be further regulated pursuant to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.

E. Landscaping and Buffering.

1. Such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening. Where abutting residential districts, such buffer shall include a solid brick wall of at least six (6) feet in height.

2. Parking lots shall be landscaped pursuant to Section 1253.08, Parking Lot Landscaping.

1263.15 LABORATORIES AND RESEARCH FACILITIES

Laboratories and Research Facilities and Limited Production/Processing Facilities may be granted a Conditional Use Permit only in the C3 and CM Districts.

A. Such uses shall not create a nuisance in terms of their smell, noise, or any other reason, shall comply with the applicable Codes of the City of Shaker Heights and shall be further regulated pursuant to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.

B. Such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening. Where abutting residential districts, such buffer shall include a solid brick wall of at least six (6) feet in height.

C. Parking lots shall be landscaped pursuant to Section 1253.08, Parking Lot Landscaping. (Ord. 13-16. Passed 5-28-13.)

1263.16 MID-RISE OFFICE DEVELOPMENT.

Mid-Rise Office Development may be granted a Conditional Use Permit only in the O Office District.

A. Accessory Uses and Structures. The following uses are permitted as accessory uses only for Mid-Rise Office Development. Such accessory uses shall occupy no more than a combined total of twenty (20) percent of the total floor area of the building and shall have no exterior entrance or identification.

1. Assembly halls.

2. Barber and beauty shops.

3. Newsstands.

4. Pharmacies.

5. Recreation facilities.

6. Restaurants and cafeterias.

B. Minimum Lot Width. The minimum lot width shall be one hundred twenty (120) feet or twice the height of the building, whichever is greater.

C. Minimum Yard Requirements.

1. Side Yards. Each side yard shall be one-third (1/3) the height of the principal building or eighteen (18) feet, whichever is greater.

2. Corner Side Yards. Each corner side yard shall be no less than one-third (1/3) the height of the principal building of a Mid-Rise Office Conditional Use or the setback line shown on the City of Shaker Heights Zoning Map, whichever is greater.

D. Maximum Height.

1. Principal Buildings. When a Conditional Use for Mid-rise Office Development is approved, building height shall be limited to one hundred twenty (120) feet or such lesser height as established by the City Council.

2. Rooftop Mechanical Equipment. Rooftop mechanical equipment may extend above the roofline only where a Mid-Rise Office Conditional Use is granted. In such cases, the mechanical equipment shall extend no more than ten (10) feet above the maximum height limit. In all cases, rooftop mechanical equipment shall be designed, constructed or enclosed in such a way as to be integrated with the principal building or completely concealed.

3. Maximum Parking Structure Height. Forty (40) feet or such lesser height as established by the City Council.

1263.17 OUTDOOR STORAGE.

Outdoor Storage may be granted a Conditional Use Permit only in the C3 District.

A. Outdoor Storage areas shall be buffered pursuant to Section 1253.09, Landscape Buffers and Screening.

B. Such areas shall be located behind the building setback line and within ten (10) feet of the principal building, and shall not occupy or interfere with the use of required parking spaces and aisles. Their exact location shall be approved as a part of the Conditional Use Permit.

C. Such areas shall be set back from any lot line a minimum of ten (10) feet.

D. Such areas shall be limited in area to one hundred (100) square feet.

E. No signs shall be permitted in conjunction with the outdoor storage.

1263.18 PARKING STRUCTURES.

Parking Structures may be granted a Conditional Use Permit only in the O District. They are a permitted accessory use in the CM District. All Parking Structures shall be provided pursuant to Section 1262.12, Parking Structures.

1263.19 PLACES OF WORSHIP.

Places of Worship may be granted a Conditional Use Permit only in the SF1, SF2, SF3, TF, MF, and A Districts. They are a permitted use in the I District.

A. General Requirements. The following conditions shall apply to churches and other Places of Worship designed and intended primarily for religious worship:

1. A master plan for long-range development shall be submitted.

2. Any proposed addition or new construction shall conform to the development standards required for principal uses within the district.

B. Conditional Uses. Day care centers and schools, operated not by the Place of Worship but a lessor of the space which the Place of Worship owns, pursuant to Section 1263.09. Child Day Care Centers.

C. Accessory Uses and Structures.

1. Day care centers and schools operated by the place of worship, pursuant to Section 1263.09, Child Day Care Centers.

2. Community recreational and meeting facilities.

3. Bookstores and giftshops operated by the Place of Worship.

D. Hours of Operation.

1. Outdoor group activities other than those related to worship shall not be allowed after ten (10) p.m.

2. The facility may not be used as a regular overnight domicile or shelter for the homeless. This provision does not limit the church from being used for overnight retreats or events for church members and guests.

3. No lighted outdoor recreation facilities shall be allowed.

E. Minimum Lot Area. The minimum lot area for Places of Worship shall be one (1) acre.

F. Minimum Lot Width. The minimum lot width requirement for Places of Worship shall be one hundred and twenty (120) feet.

G. Minimum Yards.

1. Front Yards. The minimum front yard for Places of Worship shall be regulated by the setback building line established by the zoning map.

2. Side and Rear Yards. Side and rear landscaped yards of no less than twenty-five (25) feet shall be provided. Where abutting residential districts, such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening, as applicable.

H. Parking. Off-street parking for Places of Worship shall be located either in the side or rear yard behind the required building setback line, and shall be landscaped pursuant to Chapter 1253, Landscape and Screening Requirements.

1263.20 SCHOOLS, PRIMARY AND SECONDARY, PRIVATE.

A. General Requirements. The following conditions shall apply to Private Primary or Secondary Schools:

1. A master plan for long-range development shall be submitted.

2. Any proposed addition or new construction shall conform to the development standards required for principal uses within the district.

B. Accessory Uses and Structures.

1. Recreational structures.

2. Community recreational and meeting facilities.

3. Day care centers operated by the school, pursuant to Section 1263.09, Child Day Care Centers.

C. Hours of Operation.

1. Outdoor group activities shall not be allowed after ten (10) p.m.

2. The facility may not be used as a regular overnight domicile or shelter. This provision does not limit the school from being used for overnight retreats or events for school members and guests.

3. No lighted outdoor recreation facilities shall be allowed.

D. **Minimum Lot Area.** The minimum lot area for Private Schools shall be one (1) acre.

E. **Minimum Lot Width.** The minimum lot width requirement for Private Schools shall be one hundred and twenty (120) feet.

F. **Minimum Yards.**

1. Front Yards. The minimum front yard for Private Schools shall be regulated by the setback building line established by the zoning map.

2. **Side and Rear Yards.** Side and rear landscaped yards of no less than twenty-five (25) feet shall be provided. Where abutting residential districts**,** such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening , as applicable.

G. **Parking.** Off-street parking for Private Schools shall be located either in the side or rear yard behind the required building setback line, and shall be landscaped pursuant to Chapter 1253, Landscape and Screening Requirements.
(Ord. 03-67. Enacted 6-9-03; Ord. 13-45. Enacted 7-8-13.)

1263.21 SCHOOLS, SPECIALIZED INSTRUCTIONAL.

Specialized Instructional Schools include but are not limited to places for the teaching of art, music, and dance lessons technical or vocational schools, and facilities which hold lessons for athletic pursuits such as swimming or riding.

A. **Hours of Operation.**

1. Outdoor group activities shall not be allowed after ten (10) p.m.

2. The facility may not be used as a regular overnight domicile or shelter. This provision does not limit the school from being used for overnight retreats or events for school members and guests.

3. No lighted outdoor recreation facilities shall be allowed.

B. **Schools with Outdoor Facilities.** Schools with outdoor facilities shall conform to the following:

1. **Minimum Lot Area.** The minimum lot area for Specialized Instructional Schools shall be one (1) acre.

2. **Minimum Lot Width.** The minimum lot width requirement for Specialized Instructional Schools shall be one hundred and twenty (120) feet.

3. **Minimum Yards.**

a. **Front Yards.** The minimum front yard for Specialized Instructional Schools shall be regulated by the setback building line established by the zoning map.

b. **Side and Rear Yards.** Side and Rear landscaped yards of no less than twenty-five (25) feet shall be provided.

1263.22 SELF STORAGE FACILITY.

Self Storage Facilities may be granted a Conditional Use Permit only in the C3 District when found to be in compliance with the following:

A. The minimum area of a zoning lot shall be three (3) acres and the minimum lot width at the right-of-way line of the principal street shall be a minimum of 170 feet.

B. The total maximum surface coverage of all above grade structures on a lot shall not exceed sixty-five (65) percent of the lot area.

C. No door openings shall face any residential zoning district unless screened by an additional building or a masonry wall.

D. In lieu of the required minimum six (6) ft. high masonry wall required by Section 1233.07B.3., buildings that are equal to or less than twelve (12) feet in height may be placed no closer than ten (10) feet from a residential district property line, and may be placed on a property line adjacent to a non-residential zoning district, provided that:

1. The wall facing the adjacent property line is a solid wall made of a material approved by the Planning Commission and Architectural Board of Review, as applicable;

2. No equipment of any kind is placed on the roof;

3. The roof and therefore related drainage slopes away from the adjacent property line;

4. New landscaping is placed on the outside of the wall as approved by the Planning Commission.

E. The following uses are prohibited and shall be included in leases for all self-storage units:

1. The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials.

2. The use of property for such activities as the sale, repair, fabrication, or servicing of goods, motor vehicles, appliances, equipment, or materials stored in or brought to the self-storage units.

3. No one shall be permitted to reside in storage areas or inside storage units.

F. The Fire Department shall be provided with 24-hour access to the grounds. A knox box shall be provided for its use.

G. The maximum size of individual storage compartments shall be 600 square feet.

H. Outside storage is strictly prohibited, and all storage shall be within a completely enclosed building.

I. The parking requirement for Self Storage Facilities shall be equal to no more than 1 parking space per 15,000 square feet of gross floor area of self-storage, and shall otherwise be in compliance with all other design standards for parking spaces as required in the Code, including standards for any retail space included in the use.

J. Accessory uses of Self Storage Facilities may include the following in addition to the accessory uses in Section 1233.04: (1) sell merchandise ancillary to their business (such as moving supplies, locks, etc.), (2) to rent or lease moving trucks and (3) establish satellite United States Postal Services or other consumer mail shipping/receiving services (UPS, Fed-Ex, etc.) within such facilities.

K. A demonstrated means of security and management shall be provided.

L. No nuisance shall be created in terms of their smell, noise, or any other reason, and shall comply with the applicable Codes of the City of Shaker Heights, and shall be further regulated pursuant to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.

(Ord. 13-45. Enacted 7-8-13.)

1263.23 WORK/LIVE UNITS.

The following conditions shall apply to work/live units in a commercial building when approved as a conditional use.

A. The exterior appearance of the commercial structure shall be compatible with adjacent nonresidential uses.

B. Work/live units located on the first floor of a commercial building are subject to the development standards for first floor establishments as provided in this Zoning Ordinance.

C. When a work/live unit is located on the first floor of a commercial building, a minimum of 80% of the linear first floor façade of the work/live unit shall be occupied by the nonresidential use.

D. For new construction, where work/live units are permitted on the first floor, the first floor space shall have a minimum floor to floor height of 10 feet.

E. Parking for work/live units of less than 2,000 square feet may be approved at one space per unit. (Ord. 13-16. Passed 5-28-13.)

1263.24 SMALL LOT INFILL DEVELOPMENTS.

A Small Lot Infill Development may be granted a Conditional Use Permit in a TF Two-Family District where a Small Lot Infill Development Overlay District has been established, pursuant to Chapter 1244, Small Lot Infill Development Overlay District, and Section 1213.09, Planned Development Review.

(Ord. 18-25. Enacted 4-23-18.)

City of Shaker Heights, Ohio

Zoning Ordinance
Use Matrix

(P) Permitted
(C) Conditional
(A) Accessory

Uses	SF-1	SF-2	SF-3	TF	MF	A	O	C1	C2	C3	CM		I		PR
											First Floor	Above	Existing	New Buildings	
Amusement devices, in excess of two									C	C	C	C			
Amusement devices, limited to two								A	A	A	A	A			
Animal hospitals and veterinarian's offices									C	C	C	C			
Antennae, master radio, TV and other telecommunications equipment					A	A	A	A	A	A	A	A			
Antennae, single, in rear yard only	A	A	A	A	A	A		A	A		A	A	A	A	A
Antennae towers as a primary use															
Apartment buildings					P	P									
Art galleries and artists' studios								P	P	P	P				
Assembly of finished goods										C					
Assisted living facilities						C			C		C	C	C		
Athletic fields as a primary use															C
Automotive fuel stations									C	C					
Automotive rental and leasing									C	C					
Automotive sales, including repair and storage of automobiles									C	C					
Automotive service and repair shops									C	C					
Bakeries, retail or wholesale								P	P	P					
Band shells and amphitheaters									C		C	C		C	C
Car washes									C	C					
Child Day care homes, Type A	C	C	C												
Child Day care homes, Type B	A	A	A	A	C	C									
Clothes lines, in rear yard only	A	A	A	A											
Colleges and universities							C						C		
Convalescent, Nursing or Rest Homes									C		C	C	C		
Day care centers, adult								C	C	C	C	C	C		
Day care centers, child							A	C	C	C	C	C	C		C
Day care centers and schools, operated as part of Place of Worship	A	A	A	A											
Distribution facilities															
Dog pens and dog runs, in rear yard only	A	A	A	A											
Drive-through facilities							C	C	C	C	C				
Dry cleaners with plants									P	P					
Dry cleaning plants										C					
Dwelling units, multi-family of 3 or more					P	P				C	C	P	C		
Dwelling Units, single-family attached				P	P	P				C	C	P			
Dwelling Units, single-family detached	P	P	P	P	P	P				C	C	P			
Dwelling Units, two-family and duplex				P	P	P				C	C	P			
Dwelling units located above the first floor								C	C	C		P			
Entertainment, live, accessory to a sit-down restaurant								C	A		A	A			
Fences and walls	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Fire and police stations									C	P	C	C		C	C
Garages, multi-family residential, in rear yard only					A	A									

Uses	SF-1	SF-2	SF-3	TF	MF	A	O	C1	C2	C3	CM		I		PR
											First Floor	Above	Existing	New Buildings	
Garages, single and two-family residential, in rear yard only	A	A	A	A	A	A									
Garden centers, including outdoor sales									A	C					
Golf courses, public or private															C
Government offices								C	P	P	P	P	C		C
Greenhouses, private, non-commercial, in rear yard only	A	A	A	A	A	A							A	A	A
Heating, ventilating and air conditioning equipment, motorized	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Home occupations	A	A	A	A	C	C									
Hospitals and outpatient care facilities										C	C	C			
Hotels and motels									C		C	C			
Information centers															C
Job printing and newspaper printing									C	P					
Laboratories										C					
Landscape features except for fences and walls	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Libraries								C	C	C	C	C	P	P	C
Loading,, off-street, in rear yard only					A	A	A	A	A	A	A	A	A	A	A
Maintenance, storage, utility and waste disposal facilities					A	A	A	A	A	A	A	A	A	A	A
Medical offices and clinics for the treatment and aid of humans							P		P	P	C	P			
Mid-rise office development							C								
Municipal service uses	C	C	C	C	C	C		C	P						
Museums							C	C	C	C	C	C	P		C
Offices							P	P	P	P	C	P	C		C
Ornamental structures, in rear yard only in Residential districts, in rear or side yard only of Commercial districts	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Outdoor dining, accessory to a sit-down restaurant, located behind the building setback line								A	A		A	A			
Outdoor storage, accessory to a permitted use, in rear yard only										C					
Packaging of finished goods										C					
Parking, off-street and Driveways	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Parking structures					A	A	A	A	A	A	A	A	A	A	
Parks and playgrounds, public	P	P	P	P	P	P	P	P	P	P			P	P	P
Places of worship	C	C	C	C	C	C	C							C	
Planned unit developments	C	C	C	C	C	C	C	C	C	C	C	C			C
Publicly owned parks, playgrounds, forest preserves, botanical gardens, arboreta, conservatories, recreational areas, and other open spaces											P		P	P	C
Recreation facilities, indoor, private					A	A	A		C	C	C	C		C	C
Recreation facilities, indoor, public									C	C	C	C		C	C
Recreation facilities, outdoor, public or private													C	C	C

(P) Permitted
(C) Conditional
(A) Accessory

Uses	SF-1	SF-2	SF-3	TF	MF	A	O	C1	C2	C3	CM		I		PR
											First Floor	Above	Existing	New Buildings	
Recreational structures, in rear yard only except for basketball hoops (see Table 1260, Table of Encroachments)	A	A	A	A	A	A		A					A	A	A
Recreational structures, accessory to a child Day Care Center, in rear yard only							A	A	A	A	A	A			
Residential care homes for 4 to 8 unrelated individuals	P	P	P	P	P	P									
Residential care homes for 9 to 12 unrelated individuals					C	C									
Restaurants, carry-out									P		P	P			
Restaurants, site down							C	C	P		P	P			
Retail establishments including but not limited to bakeries, candy shops, clothing and shoe stores, camera and film processing shops, florists, jewelry stores, drug stores and gift shops							A	P	P	P	P	P			
Roomers	A	A	A	A											
Schools, primary and secondary, private	C	C	C	C	C	C				C			P	P	
Schools, primary and secondary, public	P	P	P	P	P	P							P	P	
Schools, specialized instructional									C	C	C	C			
Service establishments including but not limited to laundry and dry cleaning facilities, beauty salons, travel agencies, banks and other financial institutions and shoe repair							A	P	P	P	P	P			
Signage, pursuant to Chapter 1251, Sign Regulations	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Similar uses approved by the City Planning Commission and the City Council	C	C	C	C	C	C		C	C	C	C	C	C	C	C
Shelters, emergency													C		
Storage of recreational vehicles or trailers	A	A	A	A	A	A									
Storage of privately owned commercial trucks									A	A					
Storage structures, in rear yard only	A	A	A	A											
Swimming pools, private non-commercial, below-grade or children's, in rear yard only	A	A	A	A	A	A							A	A	
Theaters and assembly halls									C	C	C	C	C		
Utilities (including substations, transmission facilities and related facilities)	C	C	C	C	C	C	C	C	C	C	C	C			C
Warehousing										A					
Wholesale Use										A					