

Required Content for Site Plans

Goal: To codify permit application contents to improve expectations by our citizens as well as to reduce staff time spent trying to secure proper applications or interpreting applications that do not meet the requirements to secure permits from Building & Housing.

Proposed Language:

Section 327.02(e)(1)

The following information shall be included on site plans for all permit applications:

- (a) *Scale.* Number and graphic scales, north arrow, and date of preparation. Scale used shall be such as the City Planning Commission Director may require.
- (b) *Boundaries.* Boundaries of the development and of each phase thereof.
- (c) *Dimensions.* Lot lines and dimensions and areas of lots.
- (d) *Easements.* Easements and encroachments on the subject property and easements on abutting property in favor of the subject property.
- (e) *Project Data.* Data indicating for each development phase:
 - (1) The number of dwelling units broken down by number of bedrooms;
 - (2) The gross floor area, as defined herein, by use type;
 - (3) The number of lots;
 - (4) The gross and net site area, as defined herein; and
 - (5) The land area devoted to streets, off- street parking, off-street loading, recreation space, and each housing and land use type.
- (f) *Drainage.* Existing and proposed drainage patterns and appurtenances for collecting storm water.
- (g) *Landscaping.*
 - (1) *Existing:* Existing wooded areas and isolated trees four (4) inches or more in diameter at one (1) foot above natural grade at the base of the tree.
 - (2) *Proposed:*
 - A. Location, quantity, diameter, installation height, maturity height, caliper at one (1) foot above proposed grade, botanic name, and common name, of all proposed living and non-living landscaping materials and existing materials to be preserved;
 - B. Types and boundaries of proposed ground cover and identification of grass areas to be sodded, plugged or sprigged, and seeded;
 - C. Location and contours at one (1) foot intervals of all proposed berming

D. Dimensions and descriptions, renderings, elevations, or photographs indicating the external appearance, including materials and colors, of all sides of proposed fences, walls, ornamental lighting, and screening treatments; and

E. Measures to be taken to protect new and preserved existing trees during construction.

(h) *Structures*. Location, type, shape, dimensions, gross and net floor areas as defined herein, orientation, height in feet, finished grade elevations at all entrances and corners, and number of stories of all existing and proposed structures, including buildings, sign structures, fences, walls, retaining walls, screening, street furniture, bridges, culverts, exterior lighting fixtures, and entrance features. Also, roof lines and roof overhangs in relation to all lot lines and easements.

(i) *Parking*. Location, type, shape, dimensions, surface type, area in square feet, and capacity in number of vehicles of off-street parking and loading spaces and areas, including aisles, curbing, wheel stops, islands, guard rails, driveways, and curb cuts. Number and locations of spaces open to the public, restricted to tenants or customers, and reserved spaces. Number and locations of spaces that are free, available for hourly or daily rental, or leased long-term.

(j) *Open Uses*. Location, dimensions, area in square feet, and surface type for open storage, refuse disposal and service areas.

(k) *Topography*. Map showing existing contours at two (2) foot intervals and proposed grading and contours. Description of amounts and methods of any excavation, dredging or filling proposed, including use of blasting and pile driving and of potential for ground movement and settlement during excavation and impact on adjacent buildings and utility lines.

(l) *Boundaries*. Current school district and municipal boundary lines on or adjacent to site.

(m) *Circulation*. Existing and proposed number, location, alignment, dimensions, design, and construction standards of all public and private thoroughfares, sidewalks, pedestrian and bicycle paths, fire lanes, railroad rights-of-way, curb cuts, and driveways. Existing and proposed streets, intersections, and curb cuts adjacent to the site.

Information for all curb cuts shall include:

(1) Anticipated users (i.e., employees, patrons, delivery trucks, or other uses);
(2) Curb cut width, number of lanes, radii of curb returns or angles of flares, dimensions of medians or islands, if any, and all other geometrics; and

(3) Distance to property lines, to other curb cuts, existing or proposed, on the subject or adjacent lots, and to street intersections.

(n) *Common Areas*. The number, location, acreage, dimensions, proposed ownership, and provisions for maintenance of any proposed recreational and non-recreational public or common open spaces.

(o) *Water Areas.* Dimensions and locations of existing and proposed natural or artificial bodies of water, flood plains, marsh areas, drainage ditches, wet or dry stormwater detention or retention areas, and any proposed modifications to existing water courses or water bodies, including impact on ground water levels.

(p) *Subsurface Data.* If deemed necessary by the Director, data on subsurface soil, rock, and groundwater conditions.

(q) *Utilities.* Size, purpose, and location of existing and proposed public and private utilities, utility easements, and drainage facilities and proposed connections thereto on or within one hundred (100) feet of the property. Locations of existing and proposed hydrants, catch basins, manholes, and valves.

(r) *Other Information.* Any other information required by applicable Code regulations, or that is deemed necessary by the Director to determine conformance to the regulations of this chapter and all other applicable Code regulations.

Required Rear Yards

Goal: Reduce the number of projects that require variances from BZA, to align the code with the goals stated in the Connecting Cleveland 2020 Plan, The Cleveland Climate Action Plan, and enterprise Green Communities Criteria, and to produce better outcomes in neighborhoods by-right.

Proposed Intent: Provide a table of requirements, like the current table for Interior Side Yards, that is clear to understand and for applicants to meet.

Proposed Language:

Section 357.08 Required Rear Yards

a. *Where Required.*

1. Buildings of Residential Occupancy and Institutional H Occupancy Classification. Rear yards conforming to the provisions of this section shall be provided and maintained at the rear of all buildings or parts of buildings of Residential Occupancy or Institutional H Occupancy Classification irrespective of the use district in which they are located.
2. Main buildings in Residence Districts. Rear yards conforming to the provisions of this section shall be provided and maintained at the rear of all main buildings in Residence Districts, irrespective of the occupancy classification of the building.

b. *Depth of Required Rear Yards.*

1. ~~Residence Districts. In a Residence District the depth of a rear yard shall be not less than fifteen percent (15%) of the depth of the lot but in no case less than twenty (20) feet; provided that in a Limited One-Family District, One-Family District or Two-Family District, such depth shall be not less than the height of the main building, and in a Multi-Family District such depth shall be not less than one-half (1/2) the height of the main building.~~
2. ~~Use districts other than Residence Districts. In a use district other than a Residence District the depth of a required rear yard in connection with a building of Residential Occupancy or Institutional H Occupancy Classification shall be not less than~~

fifteen percent (15%) of the depth of the lot but in no case less than twenty (20) feet or less than one-half (1/2) the height of the main building.

3. Irregularly Shaped Lots. In the case of an irregular, triangular or segment-shaped lot, the required depth of a required rear yard shall be interpreted to mean the average depth, provided that no required rear yard on any lot in a Residence District or in connection with buildings of Residential Occupancy or Institutional H Occupancy Classification shall be less than ten (10) feet in depth at any point.

4. Rear Yards Abutting Alleys. Where the rear yard abuts and is parallel to an alley, one-half (1/2) the width of such alley may be assumed to be a portion of such rear yard.

1. *All districts.*

Where applicable		Min. distance to property line	Min. distance between main buildings on adjoining lots
Limited One Family		Height of Main Building	Limited One Family District: 20' Other Residence Districts: 10'
One Family		Height of Main Building	20'
Two Family		7'	10'
Multi-Family	One- or Two-Family Building	7'	10'
	Multi-Family Building	10'	10'
All other Districts	Abutting a Residence District	7'	10'
	Abutting all other Districts	0'	10'

Commentary: The above are only proposed. However, staff is currently working with the Department of Building & Housing as it relates to such change or considering whether to only reduce rear yards for Multi-Family Residential Building Units only if said building is sprinkled. Built form coupled with Life-safety is of utmost importance when considering changing setback requirements.

Additionally, accessory dwelling units are currently regulated in our One & Two Family Districts as main dwelling units which requires a variance generally for use and as it relates to rear yard setbacks. Such reduction or removal of rear yard setback requirements would encourage more ADU's as it relates to infill, missing middle housing or promoting gentle density. Other options in the future include, regulating ADU's on their own as a more robust set of regulations is probably necessary.

Amusement/Indoor Recreation Uses in Local Retail Districts

Goal: Reduce variance requests, create predictability in neighborhood development, and permit a limited amount of entertainment uses in local retail districts which will reactivate vacant shop fronts to be more vibrant as we expand our uses.

Proposed Intent: Permit Amusement/Indoor Recreation uses by-right in local retail districts, up to a certain size/intensity. Add Amusement/Indoor Recreation definition to permitted uses section and limit based on size of establishment.

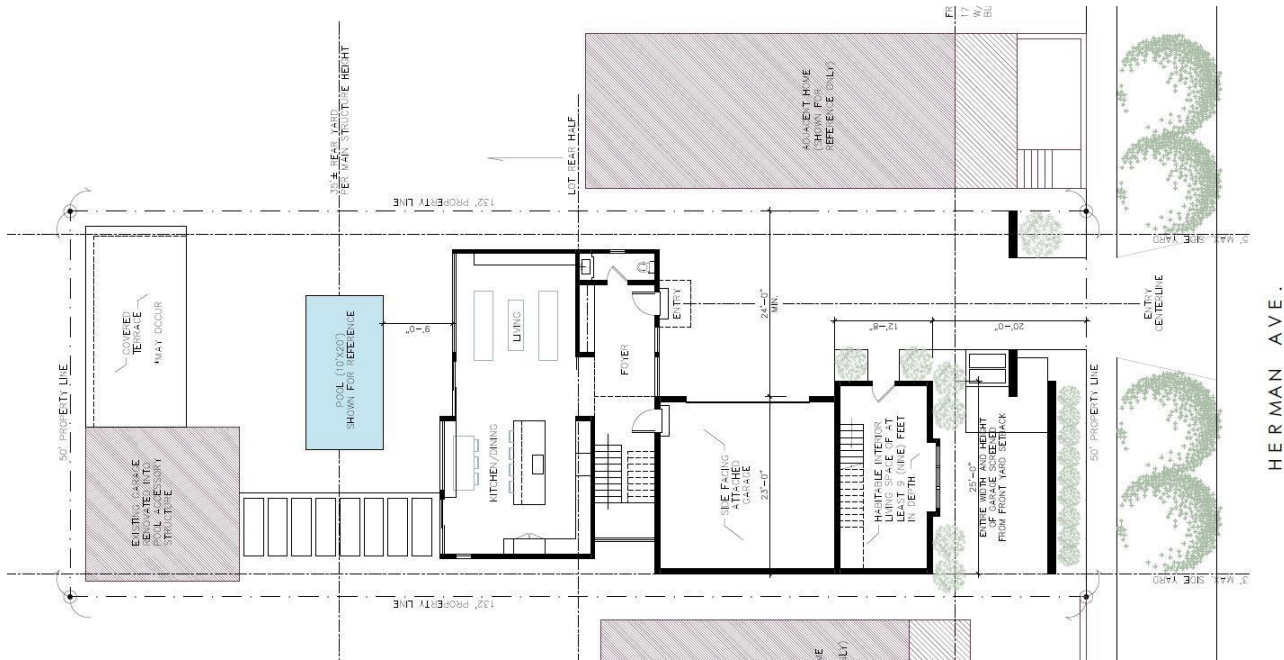
Proposed Language:

Amusement and Indoor Recreation: pool and billiards, theater, skating rink or other social, sport or recreational center operated as a business such as: boutique fitness center, health and wellness center, Reiki, physical therapy, health coaching, yoga, meeting spaces, performing arts space, classroom space, tattoos and piercing, competitive gaming for youth and adults, sip & paint classes, escape rooms, martial arts, bocce ball, indoor corn hole, axe throwing, or other indoor recreation and inflatable playgrounds, or jumping house facility, provided that the place or building in which any such amusement or recreation use is operated is sufficiently sound-insulated to confine the noise to the premises and that the space in which any such amusement or recreation use is no larger than two thousand (2,000) square feet in size. Amusement and recreation uses that meet these criteria are not subject to the spacing and separation requirements of Section 347.12, and the minimum number of parking spaces otherwise required by the Zoning Code shall be reduced by sixty-six percent (66%).

Garage Code – small update

1. Eliminate [337.23 \(a\)\(6\)\(A\)\(2\)](#) which states Attached Garages. Permitted provided they are located in the rear half of the lot, or provided that they have their entire width and height screened from a required or actual Front Yard Setback Building Line by an Active Use of at least 9 (nine) feet in depth.

This rule has not played out well in any instance I can think of so far.



Fence Regulations – update side yards of corner lots

1. Amend [Section 358.04\(a\)](#) Fences in Residential Districts which states: *Height and Opacity*. Fences in actual front yards and in actual side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open, ~~except that, in an actual side street yard, a fence that is set back at least four (4) feet from the side street property line may be a maximum of six (6) feet in height and may be open or solid.~~ Fences in actual rear yards and in actual interior side yards shall not exceed six (6) feet in height and may be solid or open. No fence shall be higher than its distance from a residence building on an adjoining lot or from the permitted placement of a future residence on such lot, if such fence will be generally parallel to and adjacent to the closest wall of the residence.
2. Add Section 358.04(e) which should state: *Height and Opacity*. Fences in actual side street yards shall not exceed four (4) feet in height and may be open or solid.
 - a. Fences five (5) feet in height may be on the property line provided the top one (1) foot of the fence is at least fifty percent (50%) open.
 - b. Fences six (6) feet in height must be set back two (2) feet from the side street property line and the top two (2) feet of the fence must be at least fifty percent (50%) open.
 - c. Fences in actual side street yards may not exceed six (6) feet in height.

BZA Front Yard Setback Relief -- 357.06 (f) Exceptions to Front Yard Setbacks

1. Amend [Section 329.04\(c\)\(1\)](#) - *Encroachment Beyond Required Setback Building Line*
 - a. Add: The Zoning Administrator may grant administrative relief of the encroachment beyond the required setback building line at a maximum of twenty percent (20%) of the determined setback distance, if the distance required is more than ten (10) feet from the property line.
 - i. If the required setback distance is five feet or less, the Board [of Zoning Appeals](#) may grant a variance of up to 5 additional feet.