



CITY OF CLEVELAND
Mayor Frank G. Jackson

City Planning Commission
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Cleveland, Ohio 44114-1071
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Ord. No. 364-16.

By Council Members Brancatelli and Kelley (by departmental request).

An emergency ordinance to repeal Section 348.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1536-14, passed January 26, 2015, relating to the Urban Form Overlay District; and to supplement the codified ordinances by enacting new Sections 348.01 through 348.05, relating to Urban Form Overlay Districts and Urban Core Overlay Districts.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Section 348.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1536-14, passed January 26, 2015, is repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 348.01 through 348.05 to read as follows:

CHAPTER 348 FORM DISTRICTS

Section 348.01 Definitions

As used in this chapter, the following terms shall be defined as stated below:

- (a) "Active uses" are those uses that generate customer or visitor traffic such as retail, restaurants, personal services, offices, residential uses, and building lobbies. Uses that are not considered active uses include but are not limited to, non-habitable spaces, hallways, storage, mechanical, utility spaces, trash rooms or areas, loading docks, parking, or similar.
- (b) "Balcony" means an exterior space or platform that projects from the wall of a building and includes a railing or balustrade.
- (c) "Block" means the aggregate of private lots, pedestrian passages, and alleys circumscribed by street right of ways (ROWs).
- (d) "Block length" means the distance between the intersection of two street ROWs, measured at the street line.
- (e) "Frontage build-out" means the portion of the principal and secondary street frontage containing a building.
- (f) "Human-scaled materials" are defined as 12" maximum width in either the vertical or the horizontal dimension. The other dimension is unlimited. Examples include brick, stone, wood, fiber-cement lap siding, terra cotta, or similar materials.
- (g) "Liner building" means a building that is placed between a street line and off-street parking in order to screen

- (h) "Open sales lot" means open land that is used or occupied for the purpose of buying, selling, or storing prior to sale passenger cars, trucks, motor scooters, motorcycles, boats, trailers, recreational vehicles, manufactured homes, cemetery monuments, nursery plants or supplies, or other merchandise.
- (i) "Plaza" means an open space available to the public for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement. Plazas are often located at the intersection of important streets. Plazas generally range from 1/8 acre to 2 acres in size.
- (j) "Secondary street frontage" means that on corner lots, all street lines that are not the principal frontage are considered secondary street frontages; also known as the side street frontage.
- (k) "Square" is an open space available to the public for unstructured recreation and civic purposes. A square shall be spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares are generally located at the intersection of important streets. Squares may range from 1 acre to 5 acres in size.
- (l) "Stoop" means an entrance wherein the façade of the main building is aligned close to the urban frontage line with the first-story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.
- (m) "Streetscreen" means a freestanding wall built along the street line, in the front or sideyard setback, or coplanar with the main building facade. Where permissible, it may mask a parking lot from the ROW, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.
- (n) "Street line" means the lot line dividing the lot from a street, under Chapter 325 of this Code.
- (o) "Urban frontage line" means that side or sides of a public street frontage that is specifically designated on the Zoning Map.
- (p) "Urban street space" means that portion of a building or property located at or closest to the level of the public sidewalk and within forty (40) feet of an urban frontage line.

Section 348.02

Frontage Features

One of the following features shall be required on principal street frontages:

- Porch
- Terrace or lightwell
- Forecourt
- Stoop; 12 sq. ft. min.
- Shopfront
- Gallery; 8 ft. min. depth
- Arcade; 8 ft. min. depth

Required Frontage Features

a. **Common Yard:** A planted Frontage wherein the building façade is set back substantially from the right of way line. The front yard created may remain unfenced and be visually continuous with adjacent yards. This frontage is found where deep front yards are consistent with the surrounding context. The deep front yard setback can provide a buffer from higher speed thoroughfares.

b. **Porch & Fence:** A planted Frontage wherein the building façade is set back from the front yard line, with an attached porch as a permitted yard encroachment. A fence at the right of way line maintains the spatial definition of the street and provides delineation between public and private space.

c. **Terrace or Lightwell:** A Frontage wherein the building façade is set back from the right of way line, with an elevated terrace or a sunken lightwell. This frontage feature buffers residential uses from urban sidewalks. Synonym: Dooryard.

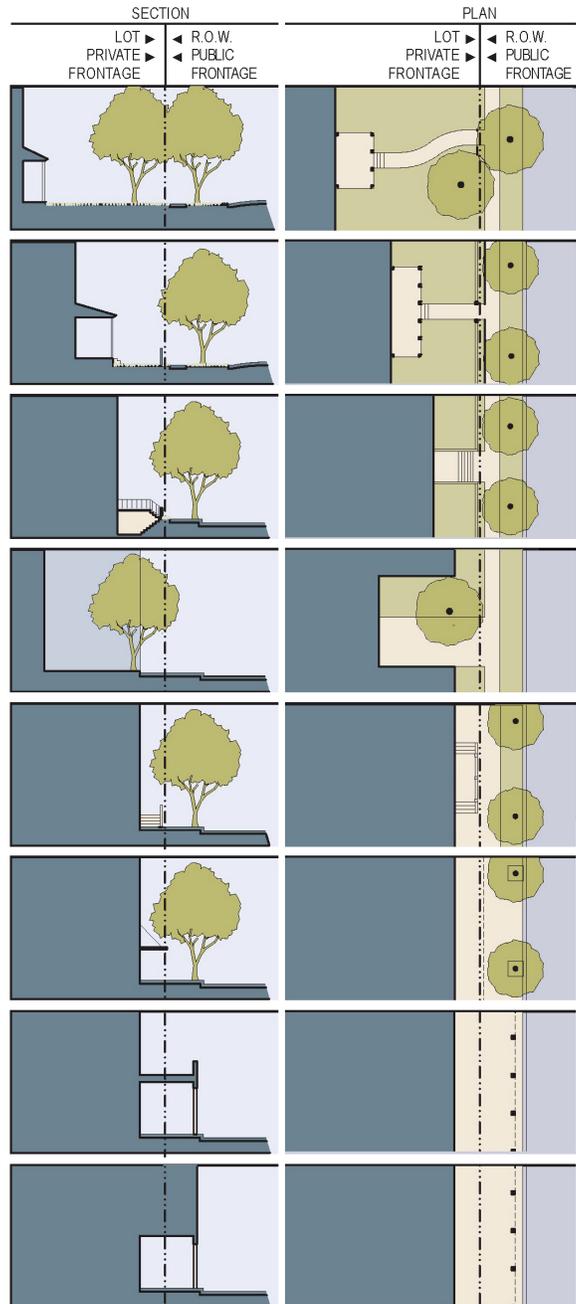
d. **Forecourt:** A Frontage wherein a portion of the building façade is set back from the right of way line, and the rest of the facade is set close to or at the right of way line. This frontage feature is often used in apartment buildings. This frontage feature is usually used in conjunction with other frontage features.

e. **Stoop:** A Frontage wherein the building façade is close to the right of way line. An exterior stair and landing provide access to the main building entrance. The First Story is elevated from the sidewalk level sufficiently to ensure privacy for First Story windows. This frontage feature is recommended for First Story residential uses. The Stoop is a permitted yard encroachment.

f. **Shopfront:** A Frontage wherein the building façade is close to the right of way line, and the building entrance is at sidewalk grade. This frontage is typical of Retail uses. This frontage feature has substantial glazing at the sidewalk level. This frontage may have an awning. Where permitted, the awning may encroach over the sidewalk.

g. **Gallery:** A Frontage wherein the façade is close to or at the right of way line, with an attached roof or lightweight colonnade overlapping the sidewalk. This frontage is typical of Retail uses. Where encroachment of the Gallery over the public right of way is permitted, the Gallery shall extend to within 2 feet of the curb.

h. **Arcade:** A Frontage wherein the façade at sidewalk level is close to or at the right of way line, with a colonnade supporting habitable space above the sidewalk. This frontage is typical of Retail uses. Where encroachment of the Arcade over the public right of way is permitted, the Arcade shall extend to within 2 feet of the curb.



Section 348.03 Applicability

In a district created under this chapter, the regulations of the underlying zoning district shall govern except where in conflict with the regulations of the applicable district created under this chapter, in which case the regulations of the applicable district created under this chapter shall govern.

Section 348.04 Urban Form Overlay (UF) District

(a) Purpose. The Urban Form Overlay (UF) District is established to foster a high level of walkability and design quality for Cleveland’s urban streets. The UF will do this by requiring pedestrian-oriented building features, preserving and enhancing the architectural character of new and existing buildings and protecting public safety by minimizing conflicts between vehicles and pedestrians.

(b) Mapping. Areas designated as UF Districts are planned to be densely developed areas characterized by a preponderance of buildings set relatively close to the street with parking located behind the main building. In every UF District, any street frontage to be considered an "Urban Frontage Line," as defined in this section, shall be marked on the Zoning Map, with either one or both sides of a street designated as such.

(c) Use Regulations. All uses permitted in the underlying zoning district shall be permitted in the UF District, except that the following uses shall be regulated as follows:

- (1) Open sales lots are prohibited;
- (2) Gas station pump islands are prohibited within the urban street space;
- (3) Any business served by a drive-thru shall have all points of customer interaction located outside of the urban street space; and
- (4) A parking lot as a main use is prohibited.

(d) New Construction and Additions

(1) Setbacks		
A. Front yard depth; principal street frontage	Single-family, two-family, townhouse:	All other building types:
	0 ft. min., 10 ft. max.	0ft. min., 8 ft. max.
B. Front yard depth; secondary street frontage	Single-family, two-family, townhouse:	All other building types:
	0 ft. min., 6 ft. max.	0 ft. min., 6 ft. max.
C. Interior side yard depth	0 ft. min.	
D. Rear yard depth	3 ft. min.	

(2) Building Configuration	
A. Frontage build-out; principal street frontage	80% min. of principal street frontage; 20% of this requirement may be met with a streetscreen Streetscreens shall be masonry and min. 3.5' in height
B. Frontage build-out, secondary street frontage	100% min. of the urban street space
C. Active use; first story principal and secondary street frontage	Required on 60% of frontage buildout
D. Floor area ratio	No max

E. Entrances	Single-family, two-family, townhouse:	Multi-family residential:	All other building types:
	Each first-story unit fronting a principal or secondary street shall provide a main pedestrian entrance to that principal or secondary street frontage;	Required: At least one main pedestrian entrance from a principal or secondary street frontage:	Required: Each use fronting a principal or secondary street frontage shall provide a main pedestrian entrance to that frontage. Such entrance shall be recessed to prevent doors swinging over the ROW, including patio space in the ROW, under Section 3109.03.
F. Height of finished first floor above grade	First-story residential: 18 in. min., 5.5 ft. max, building lobby may be at 0 ft.		First-story non-residential: 0 ft. min.

(3) Building Design Features

A. First-story glazing, non-residential; principal and secondary street	75% min. of the frontage buildout between 3' and 8' above grade (excluding streetscreens) shall be transparent windows and doors	
B. First-story glazing, residential: principal and secondary street	45% min. of the frontage buildout between 3' and 8' above grade shall be transparent windows & doors	
C. Architectural articulation required: Balconies, bays, awnings, sunshades, planter boxes, or similar	Single-family, two-family, townhouse:	All other building types:
	Required on 50% min. of all units facing both the principal and secondary street frontage; balconies, if used, shall be 1 ft. min. depth; balcony railing transparency: 30% min.	Not required.
D. Materials; principal and secondary street frontage	First-story: Glass in any dimension is permitted. All other materials shall be human-scaled, except materials used on building bases (up to 3 ft. above grade) may be larger in size. Above first-story: Materials in any dimension are permitted.	
	Prohibited: plain and split-face concrete masonry units, synthetic stucco, vinyl siding	

A. Required parking	Existing Buildings and Additions:	New Construction:
	<u>Min: 25% of total required by 349.04, Max: 120% of total required by 349.04</u>	<u>Min: 65% of total required by 349.04, Max: 120% of total required by 349.04</u>

	<p><u>Garage or structured parking shall have no maximum number of spaces.</u></p> <p><u>Sub-market rate housing in an existing building or new construction shall have a Min. 25% of total required by 349.04, Max: 120% of total required by 349.04 construction shall have a Min. 25% of total required by 349.04, Max: 120% of total required by 349.04</u></p>
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<p>B. Parking access, drives and garage access</p> <p>Where a secondary street frontage or alley abuts the property, no access is permitted on a principal street frontage</p>	<p>Single-family, Two-family:</p> <p>10 ft. max. width/lot</p>	<p>Townhouse:</p> <p>Two-way traffic: 18 ft. width max.</p> <p>One-way traffic: 10 ft. width max.; 20 ft. max. aggregate width per frontage</p>	<p>All other building types:</p> <p>20 ft. max. aggregate width per frontage;</p> <p>10 ft. max. opening height for parking entrances; 14 ft. max. opening height for service access</p>
	<p>Prohibited: Garage doors facing a principal or secondary street frontage unless located behind the rear wall of the main building</p> <p>Garage doors perpendicular to secondary street frontage:</p> <p>Permitted; 3.5 ft. tall masonry streetscreen required</p>		

Alley: Unlimited

C. Surface parking; location	Primary street frontage: Behind the rear wall of the main building ¹
D. Parking lot aisle width	22 ft. max.
E. Parking and drive aisles between a front building wall and the public ROW	Prohibited
F. Valet zones	Shall not reduce existing sidewalk width, or shall maintain 8' min. through pedestrian sidewalk zone.

1 Where no alley or side street abuts the property, off-street parking between the main building actual front setback and the rear wall of the main building shall be permitted, however limited to one, single loaded row of parking spaces adjacent to the main building. A masonry streetscreen min 3.5 ft. min. in height shall be required between the permitted parking and the public ROW.

(5) Transition Strips and Screening	
A. <u>Secondary</u> street frontage	3 ft. min. deep landscape strip and streetscreen required Streetscreens shall be masonry and a min. 3.5' in height
B. Interior Side	Not required
C. Rear abutting a less intensive use	6 ft. high screen element, 100% opacity
D. Screening of structured parking and enclosed parking	Liner building along principal and secondary street frontages required. Height of Liner Building shall be equal to or greater than the height of the parking structure. Frontage build-out of liner building shall be equal to or greater than the width of the structured or enclosed parking it screens, less permitted access openings. Liner building shall meet all the requirements of any Overlay District in which it is located.

(e) For purposes of this section, "principal street frontage" means the side or sides of a public street frontage that is specifically designated on the Zoning Map or where there is only one street frontage, it is the street line.

(f) Variances

(1) An applicant seeking a variance shall submit a site plan, color elevations, and other drawings as requested or necessary to compare and contrast a code compliant building with the proposed non-compliant building. Such exhibits shall demonstrate, based upon a preponderance of competent, probative evidence as evaluated under the guidelines set forth in division (f)(2) below, that the standard for granting a variance has been met.

(2) To ensure the development of a safe and cohesive district, the Board of Zoning Appeals shall have limited authority to grant variances from the following specific provisions of the UF District requirements.

A. The Board of Zoning Appeals shall have no authority to grant a variance to eliminate the requirement for the first-story of a liner building. Where the Board of Zoning Appeals grants a variance to eliminate the requirement for a liner building above the first-story, all building facades above the first-story shall have architectural treatments that screen the view of parking from the ROW by the use of walls, glazing, decorative screens, durable plantings, or similar materials. Exposed structural spandrels are prohibited.

B. Parking Requirements. The Board may grant a variance above the maximum amount of parking spaces permitted by this section, where the applicant has either shown a good faith effort to first utilize district parking, on-street parking and /or secure shared-use agreements with adjacent property owners or has agreed to make its parking lot available for shared parking with neighboring businesses.

Section 348.05 Urban Core Overlay

(a) Purpose. The Urban Core Overlay (UC) District is established to foster the development of dense, vibrant, mixed-use neighborhoods that encourage a quality pedestrian experience. The UC achieves this goal for urban cores by setting forth requirements for consistent street walls, pedestrian-oriented building features, minimizing conflicts between vehicles and pedestrians, and screening of off-street parking and service areas.

(b) Mapping. The UC District may be overlaid on any zoning district where authorized by ordinance of Council. Areas designated as UC Districts are planned to be developed in accordance with the purpose set forth herein.

(c) Use Regulations. All uses permitted in the underlying zoning district shall be permitted in the UC District, except that the following uses as regulated below:

(1) Open sales lots are prohibited;

(2) Any establishment served by a drive-through lane providing access to windows or other facilities at which food or merchandise can be ordered or picked up, or business can be transacted by a person in a motor vehicle is prohibited when accessed from a principal or secondary street frontage.

(d) New Construction and Additions

(1) Block Length		
A. Block length	500 ft. max.; No development shall cause a net increase in existing block length.	
B. Block perimeter	1400 ft. max.	
C. Mid-block pedestrian connection or public alley	Block lengths over 400 ft.	
(2) Setbacks		
A. Front yard depth; principal street frontage	Single-family, two-family, townhouse:	All other building types above the ground floor:
	0 ft. min., 10 ft. max.	80% of frontage build-out: 0 ft. to 3 ft. max., or equivalent ground plane area 20% of frontage build-out: 12 ft. max., or equivalent ground plane area
B. Front yard depth; secondary street frontage	Single-family, two-family, townhouse:	All other building types above the ground floor:
	0 ft. min., 6 ft. max.	80% of frontage build-out: 0 ft. to 3 ft. max., or equivalent ground plane area 20% of frontage build-out: 12 ft. max., or equivalent ground plane area
C. Interior side yard depth	0 ft. min.	
D. Rear yard depth	0 ft. min.	
(3) Building Configuration		
A. Frontage build-out, principal and secondary street frontage	90% min.; the frontage build-out requirement may be met with a streetscreen, plaza, or square for up to 10% of the street frontage. Streetscreens shall be 3.5' in height min. Streetscreens screening non-active uses shall be 6' in height min. and shall have 50% opacity min.	
B. Active use; first-story	Required on 70% of each of the principal and secondary street frontages	

C. Building height	Minimum building height at actual setback shall be 1/2 the width of the street ROW on which the building fronts. (ex. where a building fronts a 60' right of way ROW, minimum building height shall be 30') <i>Maximum height shall be as regulated by the underlying Height District.</i>		
D. Floor area ratio	No max.		
E. Entrances	Single-family, two-family, townhouse:	Multi-family residential:	All other building types:
	Each first-story unit fronting a principal or secondary street shall provide a main pedestrian entrance to that principal or secondary street frontage;	Required: At least one main pedestrian entrance from a principal or secondary street frontage.	Required: Each use fronting a principal or secondary street frontage shall provide a main pedestrian entrance to that frontage. Such entrance shall be recessed to prevent doors swinging over the ROW, including patio space in the ROW, under Section 3109.03.
F. Height of finished first floor above grade	First-story residential: 18 in. min., 5.5 ft. max, subject to increase of up to 3 ft. to accommodate slope across site. building lobby may be at 0 ft.		First-story non-residential: 0 ft. min.
G. First-story height; non-residential, principal and secondary street frontages	11 ft. min. finished floor to finished ceiling		

(4) Building Design Features	
A. First-story glazing, non-residential	60% min. of each of the principal and secondary street frontages between 3' and 8' above grade shall be transparent windows & doors
B. First-story glazing, residential	30% min. of each of the principal and secondary street frontages between 3' and 8' above grade shall be transparent windows & doors
C. First-story articulation; frontage build-out	One vertical break required at intervals not to exceed 60 ft. (ex. piers, columns, and/or 3" min. change in façade plane)

D. Architectural articulation required: Balconies, bays, awnings, sunshades, planter boxes, or similar	Single-family, two-family, townhouse:	All other building types:
	Required on 50% min. of all units facing each of the principal and secondary street frontages; Balconies, if used, shall be 1 ft. min. depth, and railings shall have minimum 30% transparency.	Not required.
E. Materials; principal and secondary street frontage	Single-family, two-family, townhouse:	All other building types:
	Glass in any dimension is permitted. All other materials shall be human- scaled, except materials used on building bases (up to 4 ft. above grade) may be larger in size. Prohibited: plain and split-face concrete masonry units, synthetic stucco, vinyl siding	Prohibited: plain and split-face concrete masonry units, synthetic stucco, vinyl siding

(5) Parking, Loading & Garages

A. Required parking	None
B. Screening of surface parking, structured parking, and enclosed parking	Liner building or façade along principal and secondary street frontages that does not appear as a parking structure required. Height of liner building or façade shall be equal to or greater than the height of the parking structure, and no less than required by division (f)(3)C. building height. Frontage build-out of liner building or façade shall be equal to or greater than the width of the surface parking, structured parking, or enclosed parking it screens, less permitted access openings. Liner building shall meet all the requirements of any Overlay District in which it is located.

<p>C. Parking access, drives, garages, and service access</p> <p>Where a secondary street frontage or alley abuts the property, no access is permitted on a principal street frontage</p>	<p>Single-family, two-family:</p>	<p>Townhouse:</p>	<p>All other building types:</p>	
	<p>10 ft. max. width/lot</p>	<p>Two-way traffic: 18 ft. width max. One-way traffic: 10 ft. width max.; 20 ft. max. aggregate width per frontage</p>	<p>Max. single opening width: 24 ft. Max. opening height for service access: 14 ft. Max. opening height for parking entrance: 10 ft.</p> <p>Aggregate width of openings per development phase shall not exceed the number of street frontages of the development phase multiplied by 24 ft.</p>	
	<p>Prohibited: Garage doors facing a principal street frontage</p>		<p>Alley: Unlimited</p>	
	<p>D. Valet Zones</p>			<p>Shall not reduce existing sidewalk width, or shall maintain 8' min. through pedestrian sidewalk zone.</p>

(e) For purposes of this section, “principal street frontage” means the street line where the principal building entrance and address are located.

(f) The Commission may approve an application under this section with design and dimensional elements that are in accordance with the following standards when the site plans, color elevations, or other drawings demonstrate the proposed building configuration, design, or garage better meet the purpose of the Urban Core Overlay:

- A. Frontage build-out should not be less than 60% on each of the principal and secondary street frontages;
- B. Active use on the first-story should not be less than 50% on each of the principal and secondary street frontages;
- C. First-story non-residential glazing should not be less than 50% on each of the principal and secondary street frontages;
- D. Garage doors facing a principal or secondary street frontage for single-family, two-family and townhouse units should be no wider than 10 feet.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 2, 2016. Effective May 4, 2016.