

## **Zoning Code: What is it?**

Zoning is a police power afforded to the state (local municipality) to regulate the use and form of private land and improvements on land.

## **What is it for?**

“In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements adopted for the promotion of public health, safety, morals and general welfare.” § 327.01 Cleveland City Ordinances

Zoning Code is a legal document, which means it can be difficult for the average person to read and understand. The City is working on changing this by transitioning to a Form Based Code.

# It quickly gets complicated...

## § 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.

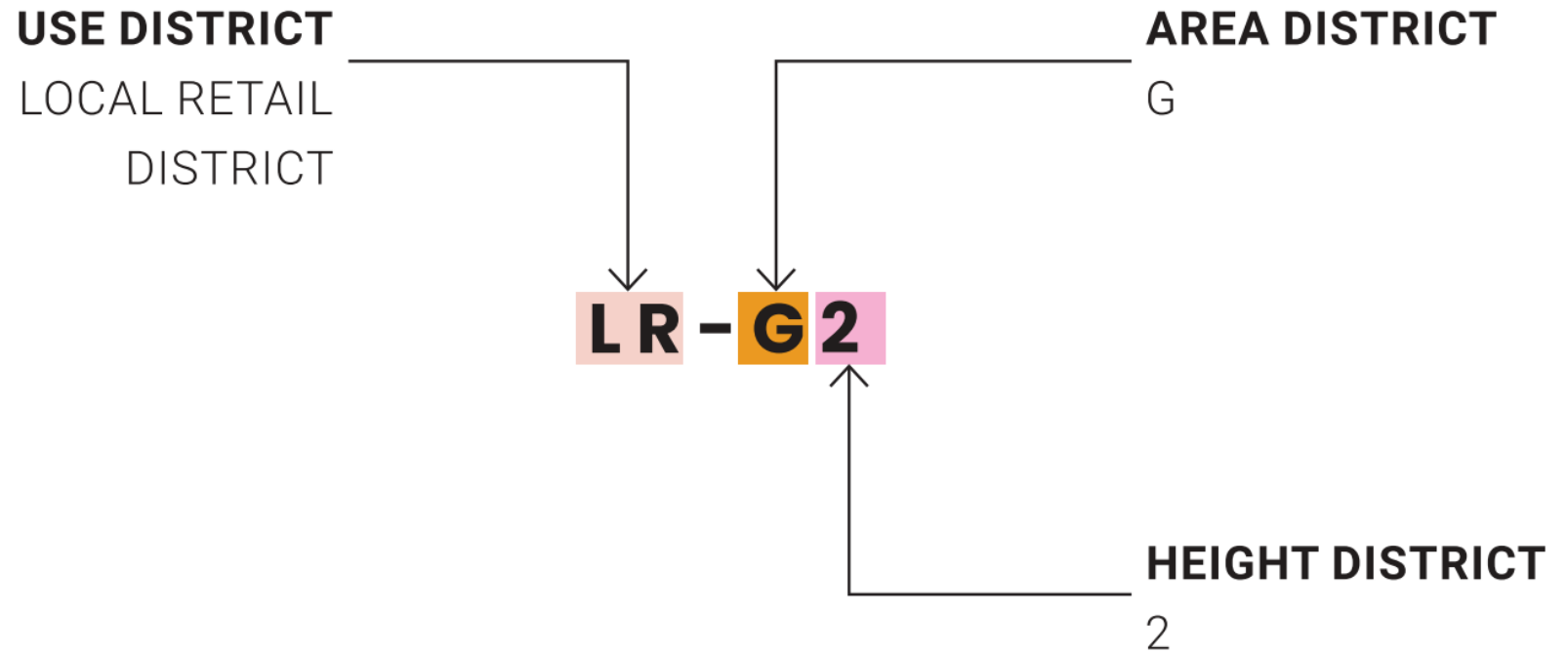
(3) *Irregularly Shaped Lots.* In the case of an irregular, triangular or segment-shaped lot, the required depth of a required rear yard shall be interpreted to mean the average depth, provided that no required rear yard on any lot in a Residence District or in connection with buildings of Residential 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.

## Let's start with the basics:

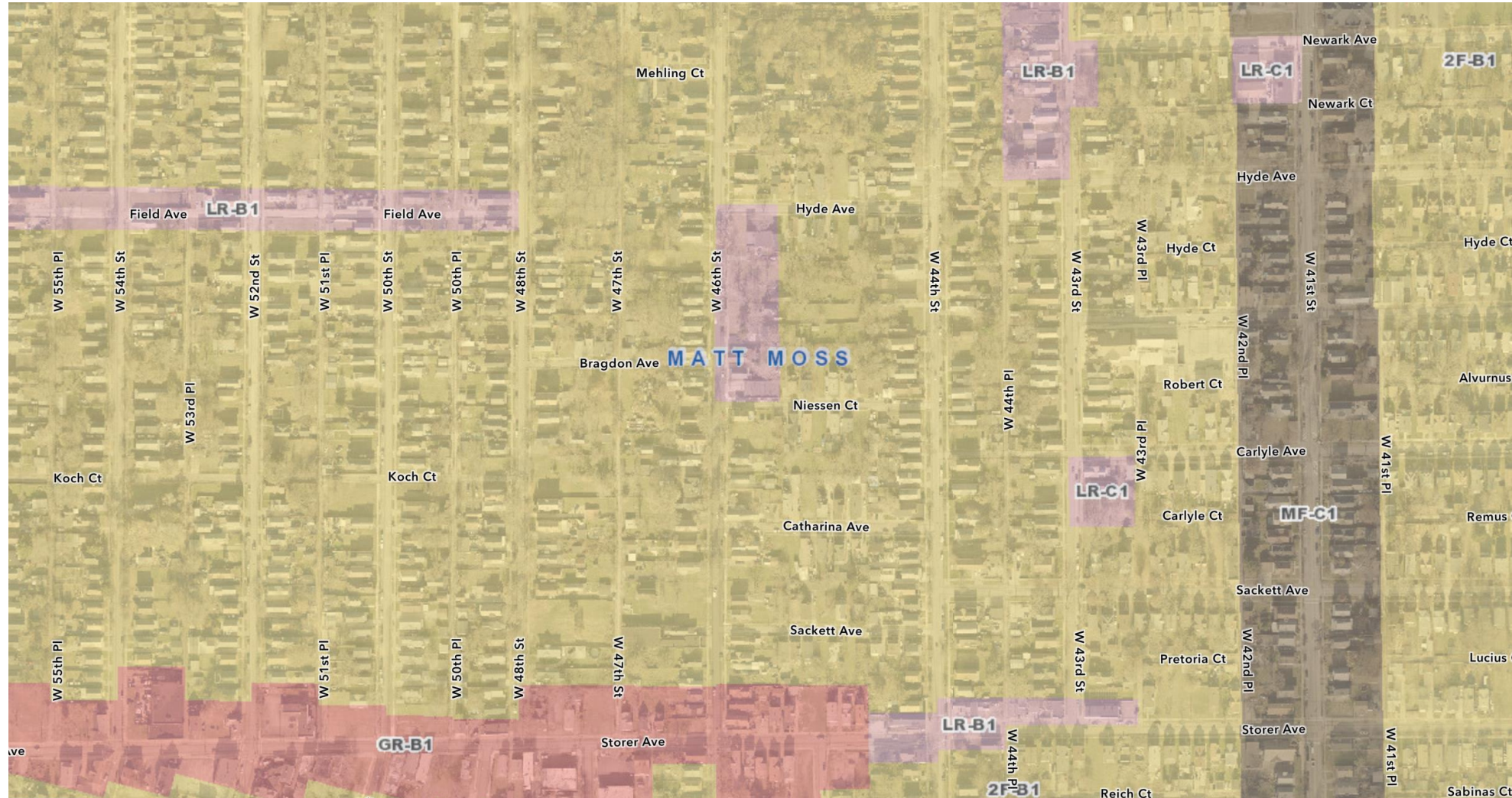
There are 3 main categories for our current code:

1. Use
2. Area
3. Height

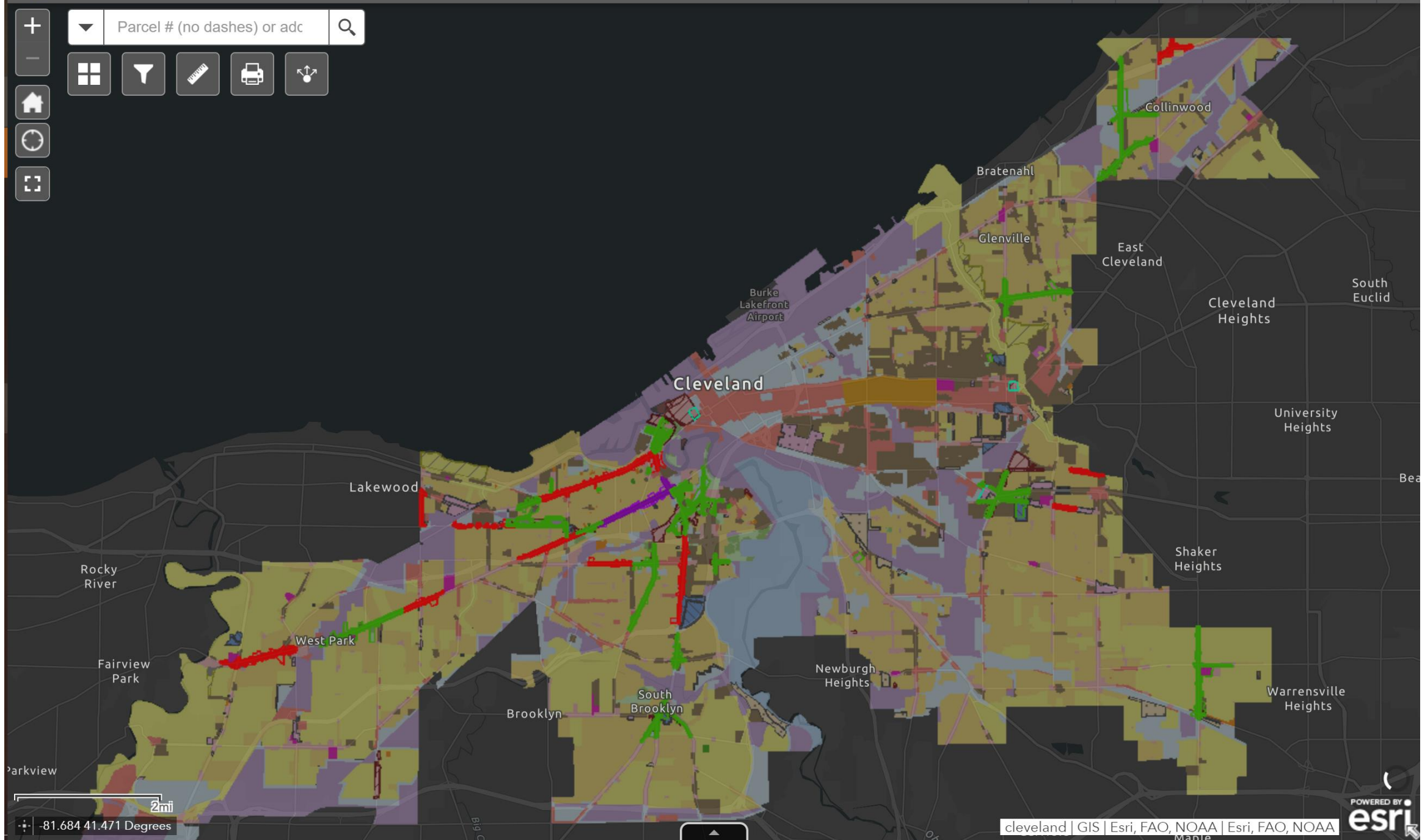


## Let's start with the basics:

We provide much of this information off the bat in the form of a Zoning Map:





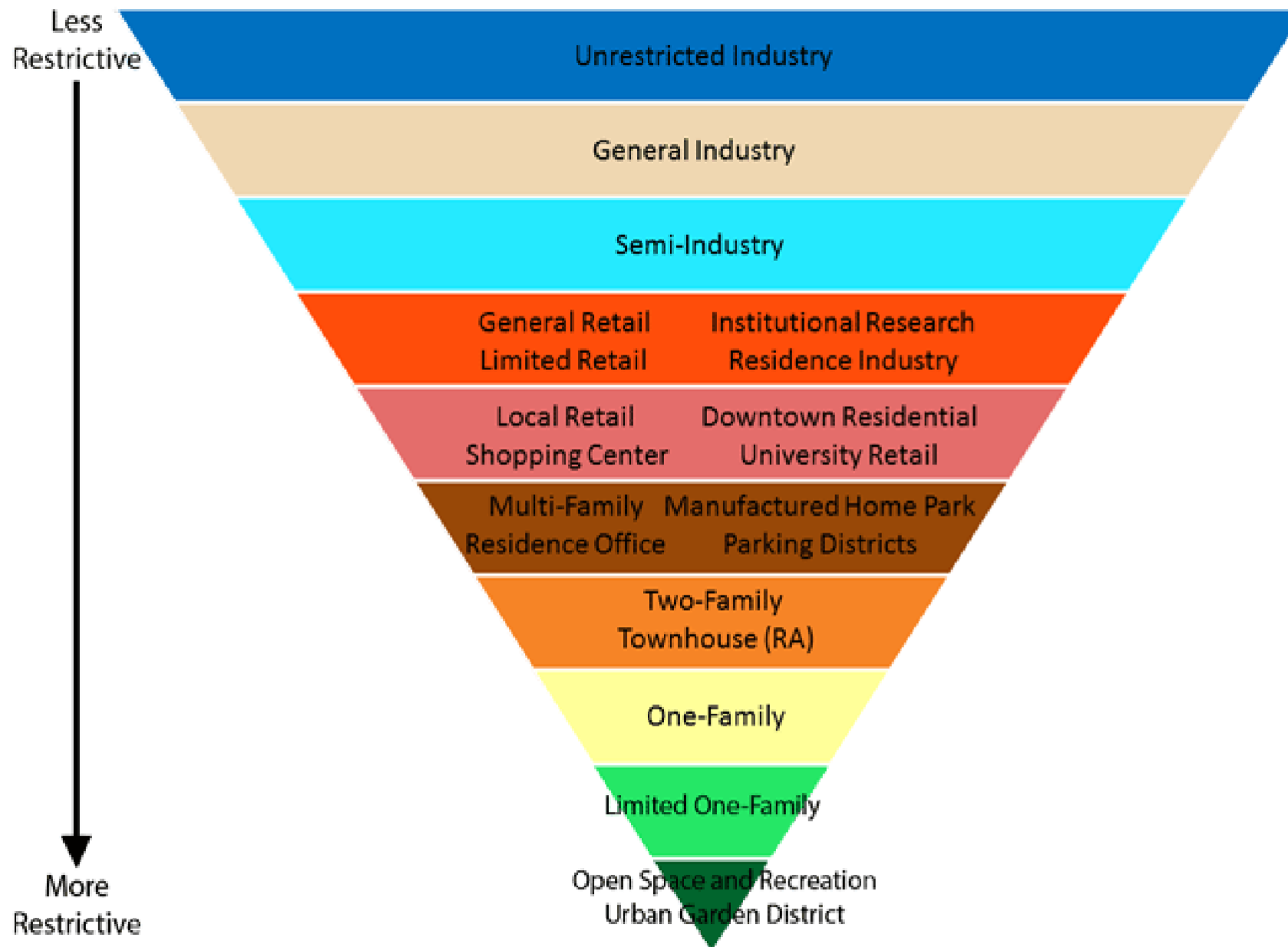


## Use Districts

Land uses are broken down into 3 main categories: **Residential, Commercial, Industrial**. There are also some specific categories like open space, live-work, etc.

Each main category is further broken down based on “intensity”

- In residential districts, this goes by density from single-family up to multi-family
- In commercial districts this usually goes from local retail, walkable uses up through large shopping centers/department stores
- In industrial districts this usually goes from light industry to heavy/unrestricted industry



## Use Districts

For the most part, more restrictive uses are permitted in less restrictive districts

- You can build a single-family house in a multi-family district, or a local retail district
- Exceptions include industrial districts – these prohibit residential uses
  - (there are exceptions to nearly everything)

Uses & districts interact with each other, and this can generate variance requests

- Semi-Industry permits residential, except on parcels within 200 feet of a General or Unrestricted Industry boundary line
- Tattoo/Piercing & Adult Entertainment
  - Prohibited near residential districts, schools, and daycares



## Area Districts

Area districts regulate the maximum gross floor area and lot dimensions for residential uses. They only apply to residential uses.

- **Min/Max Gross Floor Area** (aka floor area ratio, FAR)
- **Minimum Street Frontage**
- **Minimum Lot Width**
- **Minimum Lot Area**

Different rules apply in different use districts

Area District	Maximum Gross Floor Area	Minimum Lot Width**		Minimum Street Frontage*** (feet)	Minimum Lot Area				Minimum Floor Area per Primary Residential Building (square feet)
		(feet)			(square feet)				
	Any Dwelling and Any Main Building in Residence District	One Family Dwelling	Two Family Dwelling	One Family and Two Family Dwelling	One Family Dwelling	Two Family Dwelling	Row House: per Dwelling Unit	Class A Multiple District per Dwelling Unit	
AA	1/2 lot area	60	—	50	7200	—	—	—	1400
A	1/2 lot area	50	—	30	4800	—	—	—	1250
B	1/2 lot area	40	50	25	4800	6000	2400	2400	950
C*	1/2 lot area	40	50	25	4800	6000	2400	—	950
D*	lot area	40	50	25	4800	6000	2100	—	950
E*	1-1/2 lot area	40	50	25	4800	6000	2100	—	950
F*	2 lot area	40	50	25	4800	6000	2100	—	950
G*	3 lot area	40	50	25	4800	6000	2100	—	950
H*	4 lot area	40	50	25	4800	6000	2100	—	950
J*	5 lot area	40	50	25	4800	6000	2100	—	950
K*	6 lot area	40	50	25	4800	6000	2100	—	950

\* Shall not apply to alterations made to an existing building in a Residence district nor to an existing residence building in another use district, which building exceeds the maximum gross floor area limitation, provided the gross floor area of such existing building is not increased.

\*\* Measured at “building line”.

\*\*\* Lot width measured at front street line.

## **Height Districts (the simplest)**

Height districts regulate the maximum building height (easy!)

**1 (35 feet) through 9 (900 feet)**

## **And now, everything else...**

There are dozens of other things the code regulates.

### **Yards and Courts**

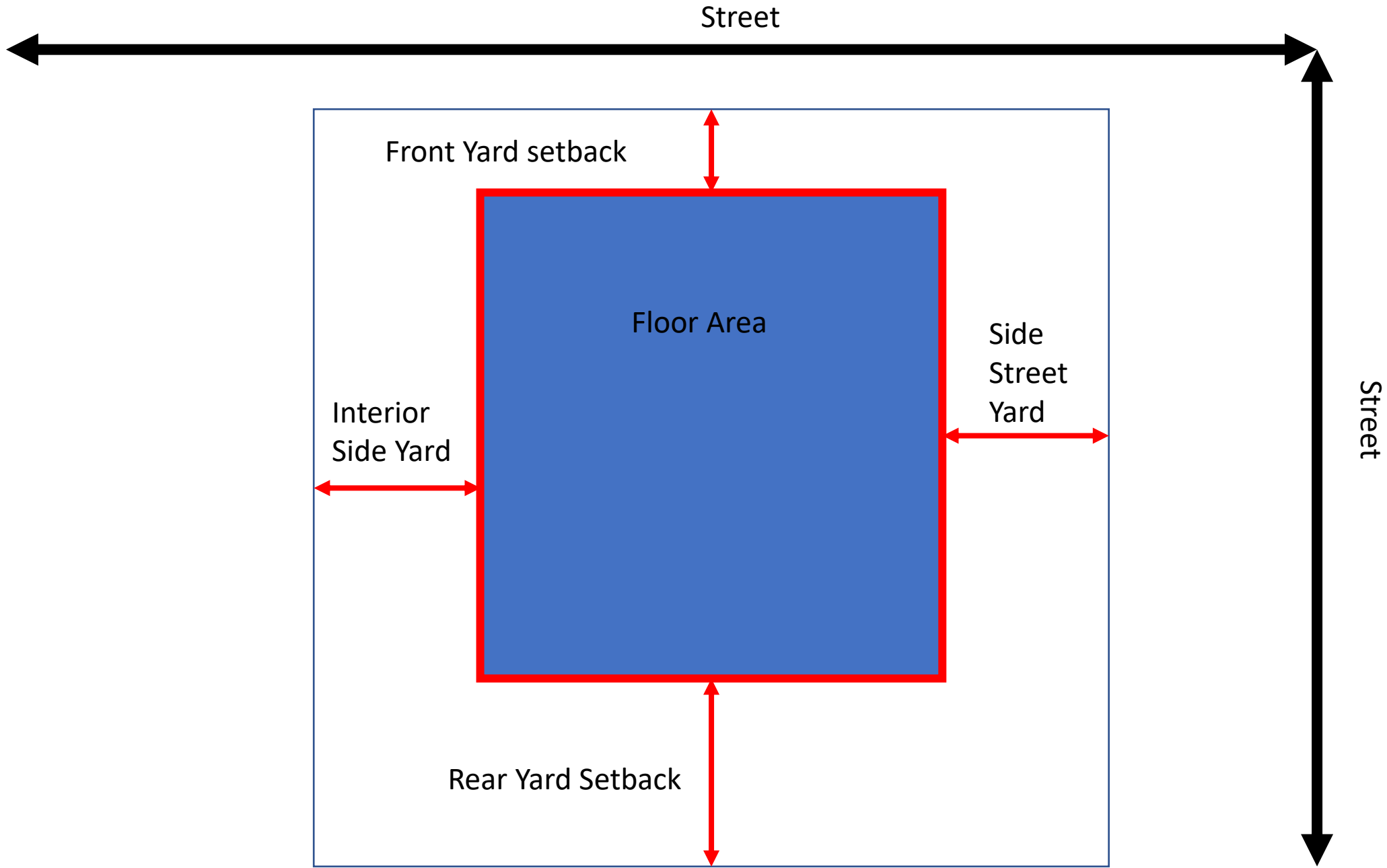
Front, Rear, Side street and Interior Side Yard rules are commonly appealed.

These rules set minimums for such areas, and sometimes applicants can't or don't want to adhere to them.

### **Parking**

**Fences, Driveway placement, landscaping, etc**

**Appeals from decisions of the City Planning Commission**





**Variances: BZA is given specific direction on how to decide if an appeal should be granted.**

Variances may be granted “in harmony with the general purpose and intent of this Zoning Code so that public health, safety, morals and general welfare may be safeguarded and substantial justice done.”

**Then they are limited:**

1. Practical Difficulty or Unnecessary Hardship
2. Deprive owner of substantial property rights
3. Not be contrary to purpose and intent of the zoning code

## Variances

Appellant must present data substantiating the previous 3 conditions

Board must make a finding on each condition **in each specific case** (this is important)

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## **Variances**

Variance from Use Regulations.

1. To secure appropriate development
2. Only one district next lower in order of restrictiveness (i.e. multi-family use in a two-family).

## **Variances**

Variance from Area, Yard and Court Regulations.

1. Greatest flexibility here
2. “as may be necessary to secure an appropriate improvement of an existing lot of record”
3. For existing buildings too (i.e. if an apartment building gets rezoned to two-family)

## **BZA is not omnipotent!**

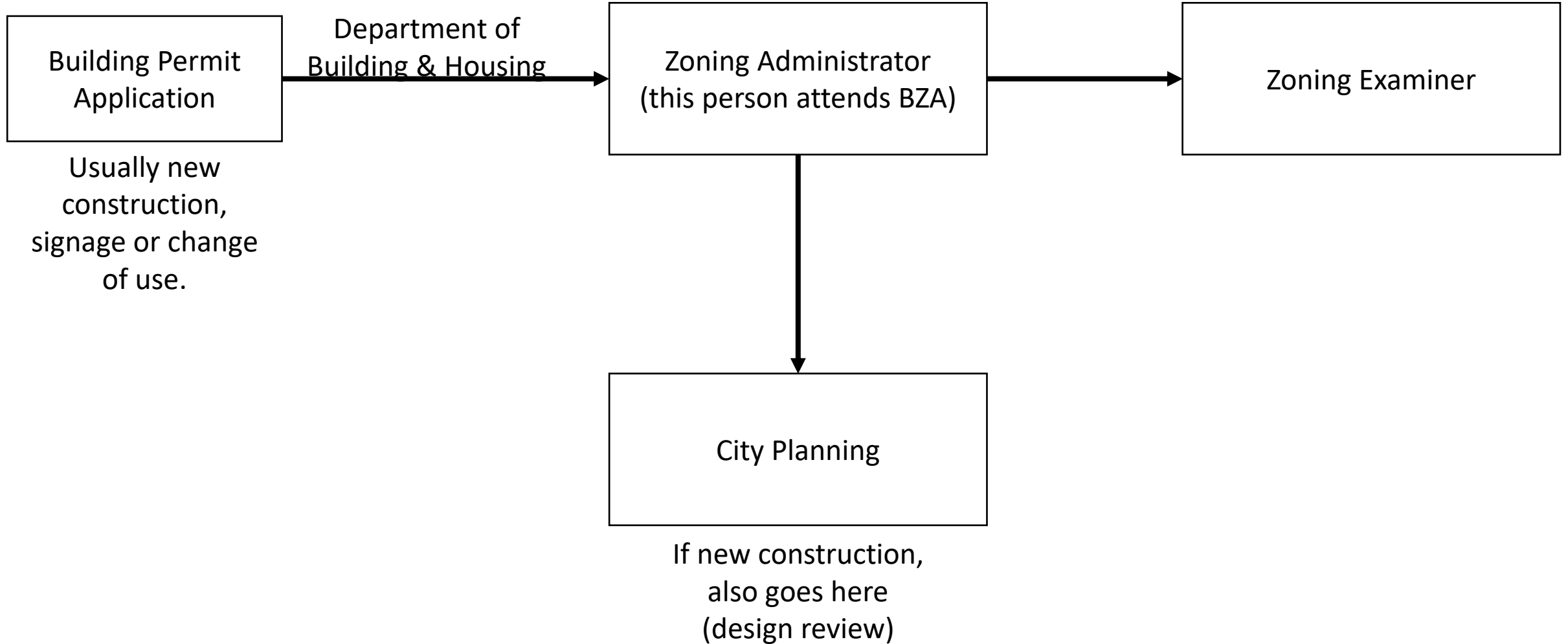
### Parking

1. Granting will not have a “serious adverse effect upon traffic conditions”
2. “or upon the neighborhood”

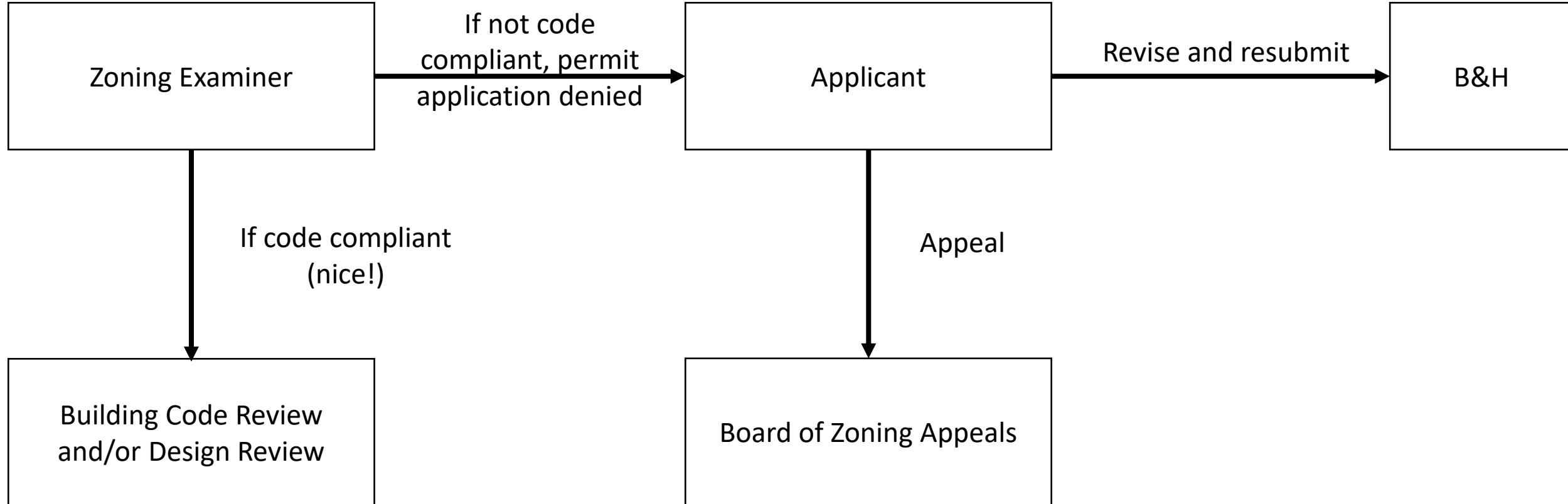
### Front yard setbacks



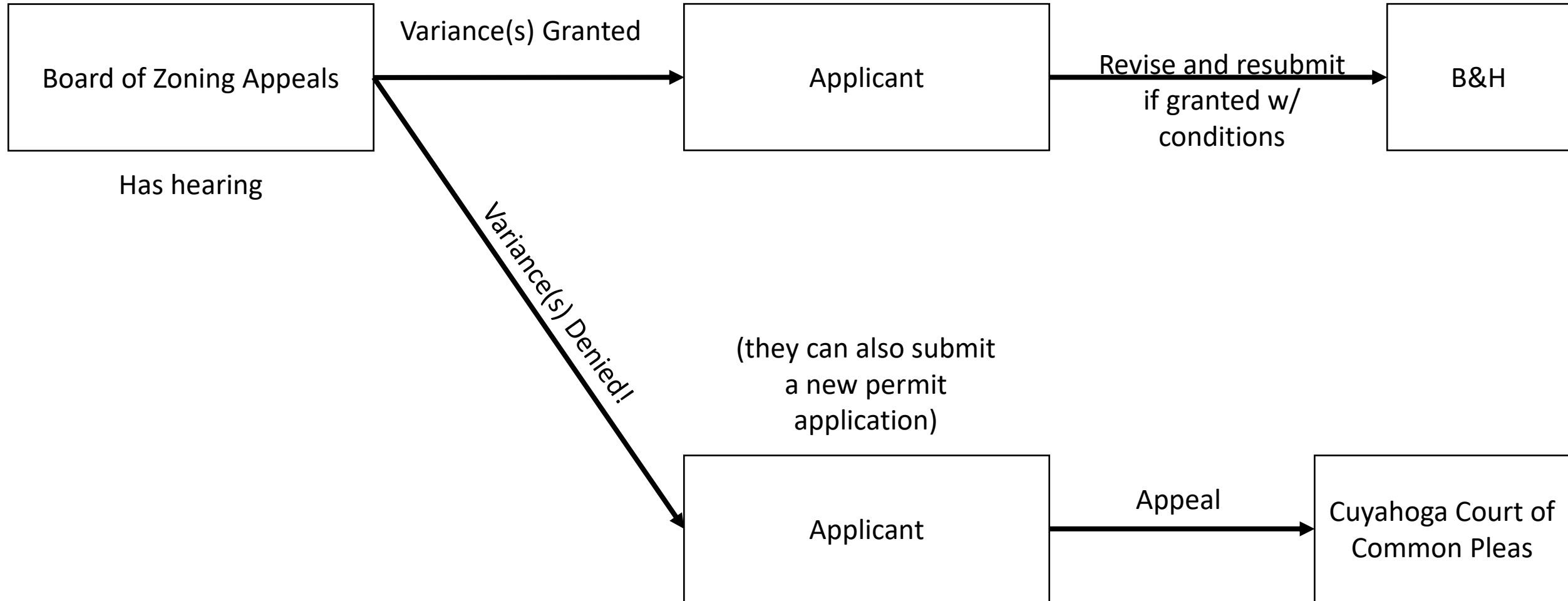
## How a Zoning Appeal is Born



## How a Zoning Appeal is Born



## How a Zoning Appeal is Born



# Questions?

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## How can you participate?

### Three ways (usually):

- **Participate in person (virtually for now)**
  - Share comments directly with the committees, Planning Commission, or Landmarks Commission. These meetings are public and allow for comment/questions/participation.
- **Share comments with a local CDC/Block Club**
  - Some communities organize in block clubs and are assisted by a local CDC to review plans and share feedback. Sometimes applicants/developers present to these groups directly, parallel to the city's process.
- **Write to your council representative**
  - Design Review agendas for Planning & Landmarks Commission are shared with Council so they are aware of projects up for review.



## How can you participate?

- You can email [cityplanning@clevelandohio.gov](mailto:cityplanning@clevelandohio.gov) to get access to remote meetings during the ongoing civil emergency.
- You can contact the planner assigned to a specific planning district. That information is [available on the City's GIS](#).